

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
April 1, 2021
9:00 a.m.

The meeting was conducted via Zoom because of the public health recommendations to minimize public gatherings. Public access to this meeting was made available through Zoom.

Commissioners present for all or part of the meeting

| | |
|--------------------------|-------------|
| Terry Duggan, Chair | Jan DeMott |
| Dennis Stolk, Vice Chair | Twee Duong |
| Jim Clingman | Helen Kimes |

Commissioners not present for the meeting

Wendy Carminhato

Staff present for all or part of the meeting

| | |
|--|--|
| Jeff Evans, Executive Officer | Colleen Goddard, Trust Account Auditor |
| John Lundquist, Assistant Attorney General | Danielle Bartkiw, Licensing Specialist |
| Renee Paulsen, PLB Investigator | Lori SchraderBachar, PLB Site Manager |
| Ashley Thompson, Background Manager | MaryClaire Hipp, PLB Temp Employee |
| Jill Simbro, Education Director | |

Members of Public in attendance for all or part of the open session of the meeting

| | |
|--|---|
| Kimberly Goudy, The CE Shop, Inc. | Arthur Cox, UNI Director of Real Estate Education |
| Alon Schwartz, PSI Services | Linda Rice, Rice Insurance Services Co, LLC |
| Amanda Nagle, Iowa Association of Realtors | Cindy Rice, Rice Insurance Services Co, LLC |

Call to Order

Duggan called the meeting to order at 9:08 a.m.
Quorum was established.
Introductions were made.

Motion by to DeMott to approve the agenda.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes

Motion by Clingman to approve the March 4, 2021 IREC Meeting open and closed session minutes and to authorize Executive Officer Evans to sign the minutes on behalf of the Commission.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports

Duggan thanked PSI and RISC for their years of service working with him and the entire Commission.

Staff Reports

Lundquist had nothing to report.

SchraderBachar thanked Duggan and Duong for their service on the Commission.

Evans asked Commissioners to sign and return their per diems. Evans announced as soon as the Commission is able to meet in person, members Duggan and Duong will be recognized for their years of service on the Commission. Evans then briefly reviewed the updated PLB "Returning to the Workplace" plan.

Accommodations Due to COVID-19

Evans shared with the Commission the draft document and updated revisions in response to the Governor's extension of the Emergency Proclamation, through April 4, 2021.

Motion by Stolk to approve the updated "Frequently Asked Questions about IREC licensing during the COVID-19 Pandemic and Emergency Proclamations in Iowa" document for distribution.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Administrative Rules re: 193E Iowa Administrative Code Chapters 1, 2, 4, and 16

Evans and Lundquist reviewed the rule clean-up and technical changes made to above referenced chapters in 193E Iowa Administrative Code after the legislation passed July 1st, 2020.

Motion by Kimes to have staff "Notice of Intended Action" for the changes made to 193E Chapters 1, 3, 4, and 16.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Public Comment

None.

Linda and Cindy Rice left the meeting at 9:21 a.m.

SchraderBachar left the meeting at 9:23 a.m.

Closed Session

Motion by Stolk to go into closed session pursuant to Iowa Code §§ 21.5(1)(a) & (d) & (f) and 543B.15(9) to review pending licensee discipline cases and investigations, including any cases ready for final resolution through closure or consent order.

Seconded by DeMott.

Roll Call: Clingman, aye; DeMott, aye; Duggan, aye; Duong, aye; Kimes, aye; and Stolk, aye.

Motion passed unanimously.

The Commission entered into closed session at 9:25 a.m. and arose from there at 10:42 a.m.

Open Session

Motion by DeMott to return to open session.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to accept the signed settlements and/or consent agreements for the cases discussed in closed session and to authorize Evans (Executive Officer) to sign the accepted, signed Settlement Agreements/Consent Agreements for the following cases: 19-222, 20-057, 20-113, 20-117, 20-166, 20-167, and 20-289 as discussed in closed session.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to find probable cause and to authorize Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for IREC Case No. 20-330 and IREC Case No. 21-046 as discussed in closed session.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to enter into a Consent Agreement with the Applicant, with Executive Officer Evans signing on behalf of the Commission and then grant licensure when all other licensing requirements have been met for the following cases: 21-050, 21-051, and 21-068 as discussed in closed session.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to find probable cause for the following cases: 21-008, 21-029, and 21-041 as discussed in closed session.

Seconded by Kimes

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to close the following cases: 19-089, 20-242, 20-244, 20-251, 20-312, 20-322, 20-326, 21-002, and 21-003 as discussed in closed session.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Future Meetings

Investigation Committee Meetings

Wednesday, May 5
Wednesday, June 2
Wednesday, August 4
Wednesday, September 1

Regularly Scheduled Meetings

Thursday, May 6
Thursday, June 3
Thursday, August 5
Thursday, September 2

Linda and Cindy Rice rejoined the meeting at 10:50 a.m.

Commission members and staff thanked Duong for her year of service on the Commission. Commission members, public members, and staff thanked Duggan for his nine years of service on the Commission.

Duong and Duggan both thanked Commissioners, staff, and everyone else that they came across during their time with the Commission. Duggan said that he enjoyed his years of service and would miss his time on the Commission.

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 11:08 a.m.

These minutes accurately reflect the minutes approved by the Commission at the meeting on:

May 6, 2021
Date

 M. L. FOR IAEC
By: DENNIS L. STOLK, Chair

**Iowa Real Estate Commission
 Staff Report – As of 04/01/21
 April 1, 2021 IREC Meeting**

LICENSING TOTALS:

| | <u>Salespersons</u> | <u>Brokers</u> | <u>TOTAL IND. LICENSES</u> | <u>Firms</u> |
|--------------|---------------------|----------------|----------------------------|--------------|
| Active | 7,220 | 2,922 | | |
| Inactive | 1,273 | 308 | | |
| Suspended | 13 | 17 | | |
| TOTAL | 8,506 | 3,247 | 11,753 | 1,148 |

EXAMINATIONS ADMINISTERED BY PSI:

| | <u>2021</u> | <u>2020</u> | <u>2019</u> | <u>2018</u> | <u>2017</u> | <u>2016</u> |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Broker | 133 | 294 | 309 | 296 | 296 | 298 |
| Salesperson | 906 | 2,885 | 2,463 | 2,040 | 2,091 | 1,796 |

BROKERS & SALESPERSONS PROCESSED APPLICATIONS:

| | <u>Year To Date</u> |
|------|---------------------|
| 2012 | 625 |
| 2013 | 835 |
| 2014 | 845 |
| 2015 | 972 |
| 2016 | 1,031 |
| 2017 | 978 |
| 2018 | 1,035 |
| 2019 | 1,057 |
| 2020 | 1,119 |
| 2021 | 491 |

| | <u>Salespersons</u> | <u>Brokers</u> | <u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2021)</u> |
|--------------|---------------------|----------------|--|
| Exam | 394 | 35 | |
| Rule 5.3 | 46 | 10 | |
| Reciprocity | 3 | 3 | |
| TOTAL | 443 | 48 | 491 |

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

| | | |
|-------------------------------|----|---------------------|
| Turnaround Time (Days) | | <u>2021</u> |
| Minimum | 3 | Total Processed 543 |
| Maximum | 56 | |
| Average (YTD 2021) | 12 | |

AUDITS:

| | <u>Year To Date Totals</u> |
|----------------------|----------------------------|
| Continuing Education | 84 |
| E & O | 137 |
| Trust Account | 81 |

PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:

| <u>Year</u> | <u>E&O</u> | <u>Continuing Education</u> |
|-------------|----------------|-----------------------------|
| 2016 | 23.44% | 4.7% |
| 2017 | 17.87% | 2.9% |
| 2018 | 4.16% | 0.59% |
| 2019 | 1.22% | 3.37% |
| 2020 | 20.13% | 1.87% |
| 2021 | 21.17% | 1.19% |

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

| | | <u>Year To Date Totals</u> |
|--|----|----------------------------|
| Complaint Cases Opened YTD | | 83 |
| <u>Commission Action:</u> | | |
| Closed | 24 | |
| Closed with Informal Cautionary Letter | 10 | |
| Closed and Granted License | 5 | |
| Signed Informal Settlement Agreements | 33 | |
| Signed Applicant Consent Agreements | 9 | |
| Signed Cease and Desist by Consent Agreement | - | |
| Statement of Charges Filed | - | |
| License Denials | - | |
| Formal Hearings | - | |
| Total | 81 | |
| <u>IREC Staff Action:</u> | | |
| Closed | 15 | |
| License Suspension | - | |
| Other | 1 | |
| Total | 16 | |
| Complaint Cases Closed YTD | | 97 |
| Average Amount Of Time (Open To Close) | | 146 Days |

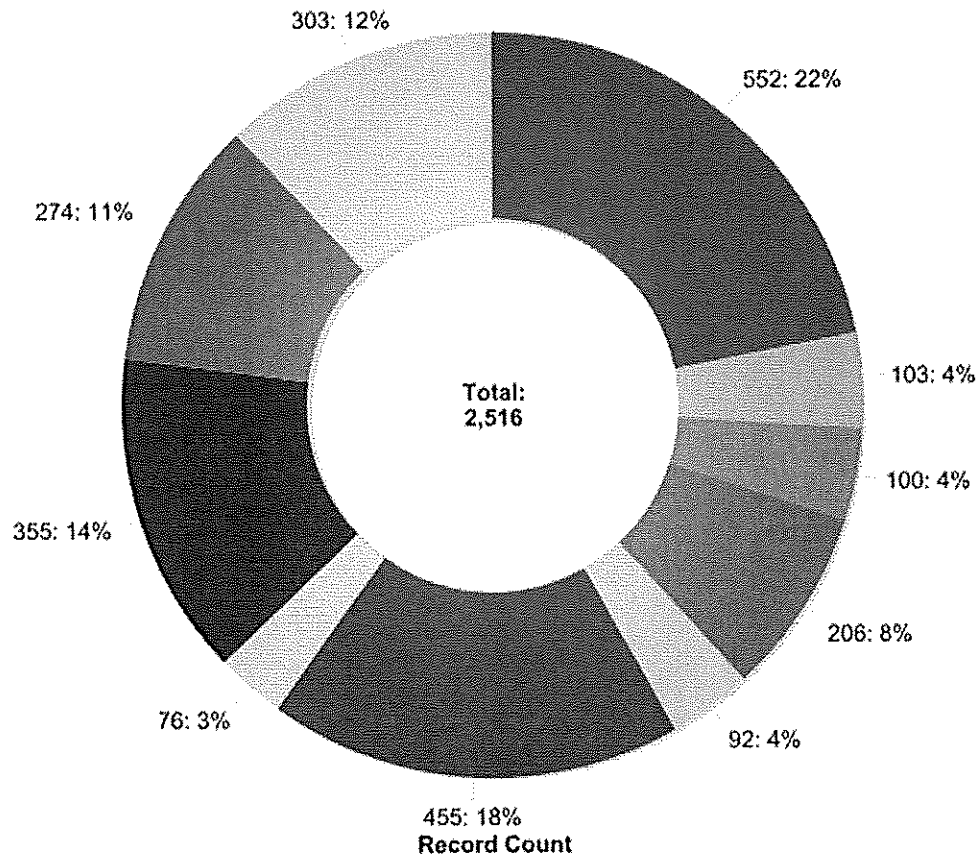
Disciplinary Action Totals:

| | |
|--|-----------|
| Civil Penalties Assessed | \$ 47,750 |
| Continuing Education Hours Assessed | 12 |
| CPA Audits Assessed | 1 |
| Trust Account Reexaminations Assessed | - |
| Probations Assessed | 1 |
| Suspensions Assessed | 1 |
| Revocations/Voluntary Surrenders | 1 |
| Cease and Desist Injunction | - |
| License Denial | - |
| Statement of Charges Filed (Outstanding) | - |

REAL ESTATE EDUCATION REPORT:

| | <u>Year To Date Totals</u> |
|------------------------------------|----------------------------|
| Course Approvals (New/Renewed) | 271 |
| Provider Approvals (New/Renewed) | 8 |
| Instructor Approvals (New/Renewed) | 31 |
| Pre/Post Course Approvals | 9 |
| Examination Authorization | 10 |

IREC APPLICATIONS PROCESSED (2021):



Type

- General - Request for Background Check Packet
- General - Request for License Verification (License History)
- RE Commission - Change Status to Active
- RE Commission - Change Status to Inactive
- RE Commission - Renewal
- RE Commission - Salesperson/Broker
- RE Commission - Tradename
- RE Commission - Transfer
- RE Commission - Authorized Course Application
- Other