

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
February 4, 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	Twee Duong
Dennis Stolk, Vice Chair	Jan DeMott
Helen Kimes	Jim Clingman
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	Jill Simbro, Education Director
Ashley Thompson, Background Manager	Lori SchraderBachar, PLB Site Manager
MaryClaire Hipp, PLB Temp Employee	

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

Kristen Brend, Iowa Association of Realtors	Lauren McMillon, The CE Shop, Inc.
Gabe Walsh, Iowa Association of Realtors	Arthur Cox, UNI Director of Real Estate Education
Sheila Dickson	Kristen Davis

Call to Order

Duggan called the meeting to order at 9:01 a.m.
Quorum was established.
Introductions were made.

Motion by to Kimes to approve the agenda.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes

Motion by Clingman to approve the December 3, 2020 IREC Meeting open and closed session minutes and to authorize Executive Officer Evans to sign the minutes on behalf of the Commission.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to approve the December 16, 2020 IREC Meeting open and closed session minutes and to authorize Executive Officer Evans to sign the minutes on behalf of the Commission.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None
Motion passed unanimously.

Commissioner Reports

Duggan inquired on the delay some licensees experienced receiving their 2021 E&O certificates. Evans has been in contact with Rice Insurance Services Company, LLC (RISC) representatives and reports delays are due to overload of renewals with reduced staff due to the COVID-19 pandemic. Clingman requested an item to add to the agenda of a future board meeting, regarding *For Sale by Owner* rules.

Open Iowa Real Estate Commission Seats

Evans asked Commissioners for referrals to fill the seats of Duggan and Duong, whose respective terms end on April 30, 2021. Evans has been working with Nagle from the Iowa Association of Realtors (IAR) on these appointments.

Staff Reports

Lundquist reports legislation session is active and mentioned SSB 1046 and how it will affect licensing boards.

SchraderBachar announced that the rules pertaining to bureau changes are in the rule making process and asking for public comment. There will be a public meeting held virtually at 10:00 a.m. on February 18, 2021.

Evans asked Commissioners to sign and return their per diems. Evans reports staff is very busy and licensed over 130 new licensees in January.

Accommodations for National Criminal History Check, Renewals, and Continuing Education 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 February 6, 2021. Evans and Lundquist summarized the effects on licensure from the extension of the State Public Health Emergency Declaration.

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 Clingman.

Vote: Aye: All Nay: None Abstaining: None
Motion passed unanimously.

After discussion, **Motion by Stolk to grant waiver 21-01:** The petitioner is requesting a waiver of 193E—4.1(543B) and the requirements that a salesperson applicant must provide evidence of successful completion of the following courses: 12 hours of Developing Professionalism and Ethical Practices, 12 hours of Buying Practices and 12 hours of Listing Practices and the requirement of the applicant to complete all the required prelicense education during the 12 months prior to the date of application. The petitioner also requests a waiver of 193E Iowa Administrative Code § 4.3 and the requirement that a salesperson applicant must submit their exam score report not later than the last working day of the sixth calendar month following the qualifying real estate examination. The petitioner met all the licensing requirements to apply for a license on 3/9/2020 when she paid for the background check and

her fingerprints were sent to the DCI. The petitioner had personal hardships that began at the initial start of the COVID-19 Pandemic and were exacerbated due to the COVID-19 related closures. The petitioner has agreed to complete the criminal background check and submit application with a sponsoring broker within 30 days.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Waiver 21-02 was withdrawn.

Iowa Code Section 272C.15(2)

The Commission reviewed the Criminal Code list prepared for HF 2627, which is a list of criminal convictions that could disqualify someone from licensure. Specifically, the addition of #17 on the list for Crimes of Dishonesty, Insurance Fraud as outlined in Iowa Code Chapter 507E.

Motion by Kimes to amend the list of the specific convictions that may disqualify an applicant from receiving a license as required by Iowa Code § 272.15(2).

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Public Comment

Walsh reports that the IAR has officially moved 15 Boards of Realtors in Iowa (about 6200 members) under the jurisdiction of the IAR for all ethics complaints filed pursuant to the realtor code of ethics. Ethics complaints submitted through the IAR must be filed within 120 days from the close of the transaction or the unethical conduct.

SchraderBachar left the meeting at 10:12 a.m.

Closed Session

Motion by Clingman 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: Carminhato, aye; Clingman, aye; DeMott, aye; Duggan, aye; Kimes, aye; Duong, aye; and Stolk, aye.

Motion passed unanimously.

The Commission entered into closed session at 10:13 a.m. and arose from there at 12:08 p.m.

Open Session

Motion by Stolk to return to open session.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman 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 IREC Case No. 20-021, 20-081, 20-206, and 20-219.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to find probable cause and to authorize Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for the following cases 20-196, 20-266, 20-268, 20-276, 20-277, 20-285, 20-287, 20-297, 20-316, and 20-321 as discussed in closed session.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to find probable cause and to authorize Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for IREC Case No. 20-307 as discussed in closed session.

Seconded by DeMott.

Vote: Aye: Carminhato, Duggan, DeMott, Kimes, Clingman, Duong Nay: None Abstaining: Stolk

Motion passed.

Motion by Clingman to find probable cause and to authorize Evans (Executive Officer) to sign the accepted, signed Voluntary Surrender of Salesperson License through Consent Order for IREC Case No. 20-338 as discussed in closed session.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Stolk to grant licensure for IREC Case No. 20-252, 21-009, and 21-021.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman 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: 21-001, 21-004, 21-005, and 21-014 as discussed in closed session.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to find probable cause for the following cases: 20-246, 20-289, 20-299, 20-306, 20-311, and 21-006 as discussed in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to close the following cases: 19-128, 19-198, 19-227, 20-152, 20-190, 20-216, 20-218, 20-236, 20-238, 20-239, 20-240, 20-241, 20-245, 20-269, and 20-274 as discussed in closed session.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to close IREC Case No. 20-179 as discussed in closed session.

Seconded by Stolk.

Vote: Aye: Carminhato, Duggan, DeMott, Kimes, Stolk, Duong Nay: None Abstaining: Clingman
Motion passed.

Future Meetings

Investigation Committee Meetings

Wednesday, March 3
Wednesday, March 31
Wednesday, May 5

Regularly Scheduled Meetings

Thursday, March 4
Thursday, April 1
Thursday, May 6

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 12:16 p.m.

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

March 4, 2021
Date

TERRANCE M. DUGGAN
By: TERRANCE M. DUGGAN, Chair

**Iowa Real Estate Commission
Staff Report – Year-End 2020
February 4, 2021 IREC Meeting**

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>Firms</u>
Active	6,874	2,867		
Inactive	1,182	297		
Suspended	14	17		
TOTAL	8,070	3,181	11,251	1,118

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Broker	294	309	296	296	298	324
Salesperson	2,885	2,463	2,040	2,091	1,796	1,638

BROKERS & SALESPERSONS PROCESSED APPLICATIONS:

	<u>Year To Date</u>
2011	562
2012	625
2013	835
2014	845
2015	972
2016	1,031
2017	978
2018	1,035
2019	1,057
2020	1,119

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2020)</u>
Exam	941	55	
Rule 5.3	84	20	
Reciprocity	12	7	
TOTAL	1,037	82	1,119

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2020</u>
Minimum	1	Total Processed 1,354
Maximum	72	
Average (YTD 2020)	6	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	267
E & O	462
Trust Account	393

PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:

<u>Year</u>	<u>E&O</u>	<u>Continuing Education</u>
2015	15.9%	3.2%
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%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	338
<u>Commission Action:</u>	
Closed	97
Closed with Informal Cautionary Letter	25
Closed and Granted License	11
Signed Informal Settlement Agreements	80
Signed Applicant Consent Agreements	13
Signed Cease and Desist by Consent Agreement	11
Statement of Charges Filed	3
License Denials	2
Formal Hearings	2
Total	242
<u>IREC Staff Action:</u>	
Closed	53
License Suspension	1
Other	3
Total	<u>57</u>
Complaint Cases Closed YTD	299
Average Amount Of Time (Open To Close)	252 Days

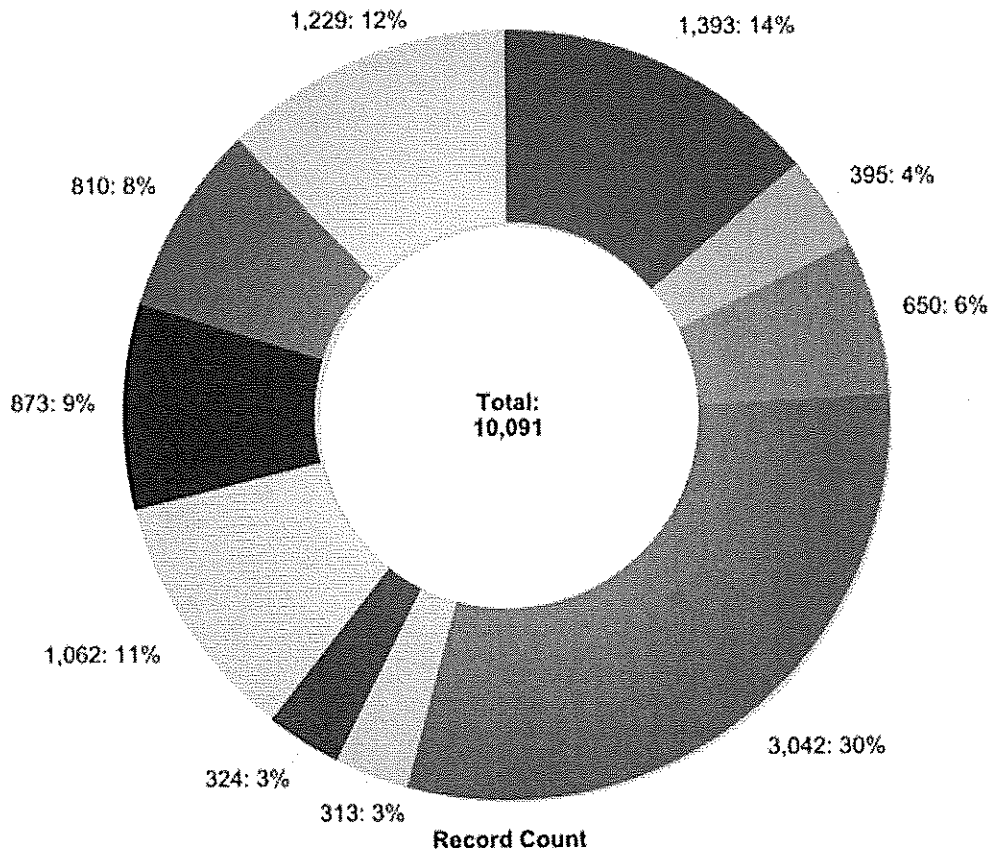
Disciplinary Action Totals:

Civil Penalties Assessed	\$ 107,250
Continuing Education Hours Assessed	58
CPA Audits Assessed	2
Trust Account Reexaminations Assessed	-
Probations Assessed	3
Suspensions Assessed	4
Revocations/Voluntary Surrenders	1
Cease and Desist Injunction	11
License Denial	2
Statement of Charges Filed (Outstanding)	4

REAL ESTATE EDUCATION REPORT:

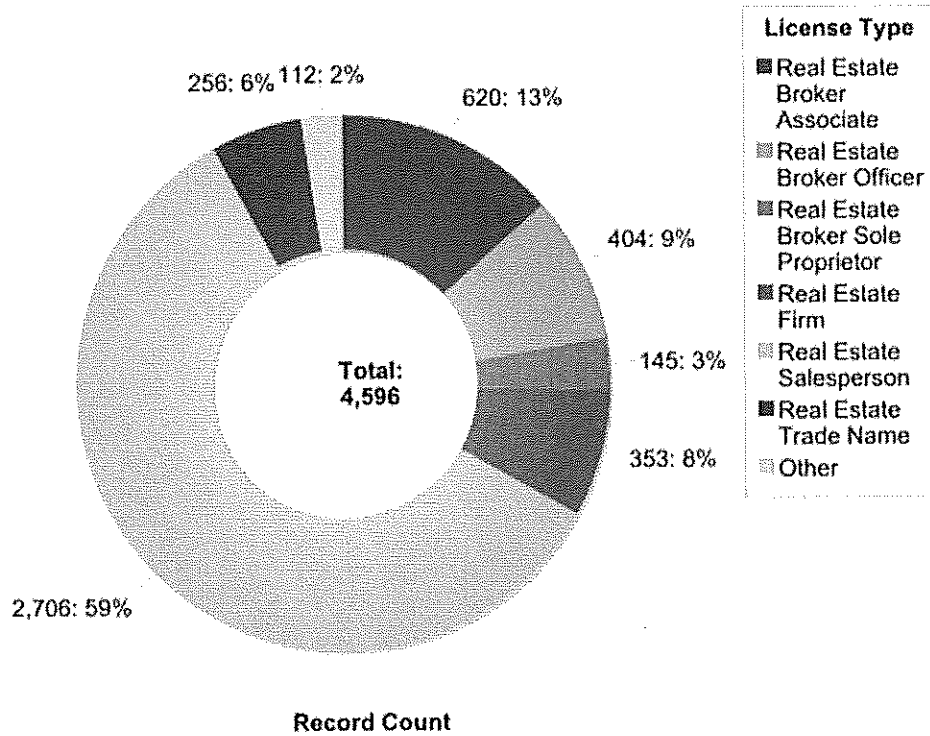
	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	797
Instructor Approvals (New/Renewed)	112
Provider Approvals (New/Renewed)	17
Pre/Post Course Approvals	47
Examination Authorization	44

IREC APPLICATIONS PROCESSED (2020):

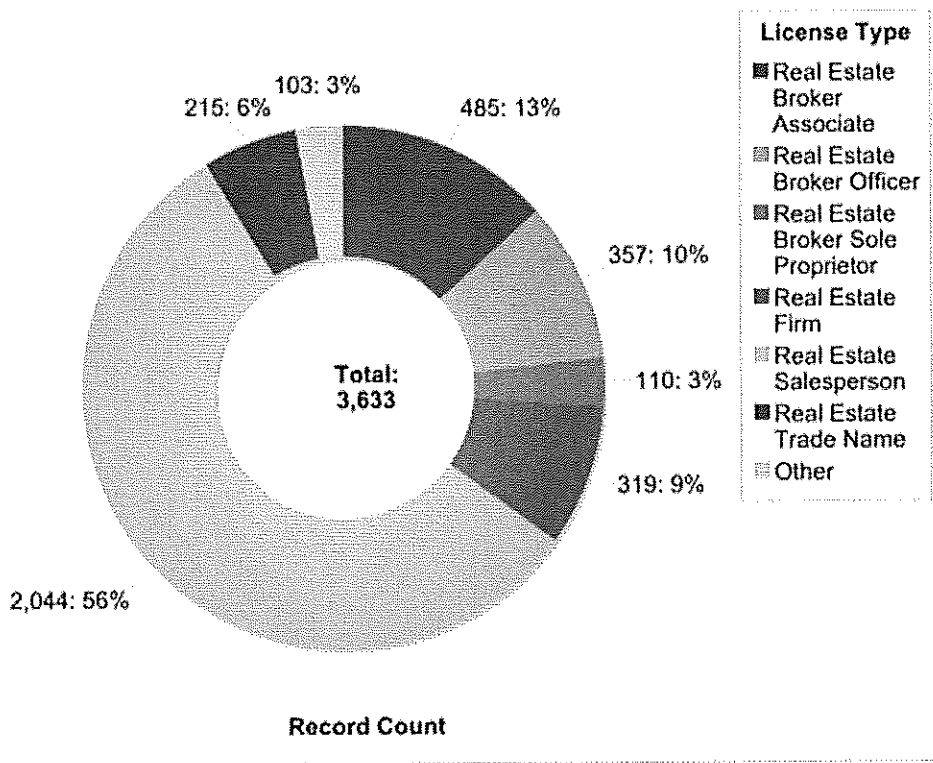


Type
■ General - Request for Background Check Packet
■ General - Request for License Verification (License History)
■ RE Commission - Change Status to Inactive
■ RE Commission - Renewal
■ RE Commission - Renewal Branch Trade Addl BO
■ RE Commission - Renewal Firm
■ RE Commission - Salesperson/Broker
■ RE Commission - Transfer
■ RE Commission - Authorized Course Application
■ Other

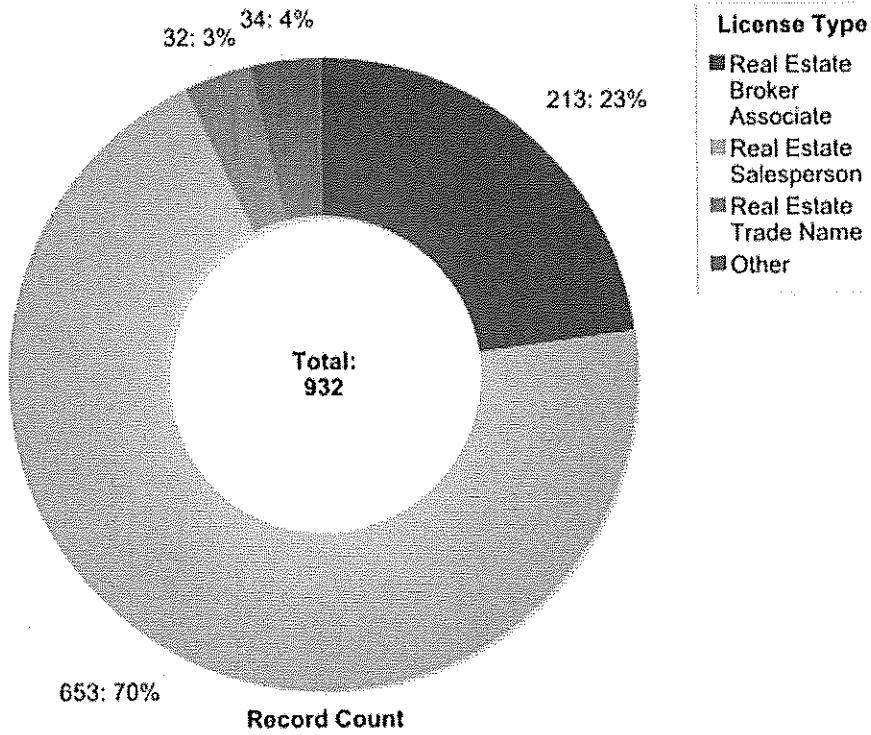
IREC LICENSES WITH 12/31/20 EXPIRATION DATE:



IREC LICENSES RENEWED WITH 12/31/20 EXPIRATION DATE:



IREC LICENSES LAPSED ON 01/01/21 WITH 12/31/20 EXPIRATION DATE:



**Iowa Real Estate Commission
Staff Report – As of 02/01/21
February 4, 2021 IREC Meeting**

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>Firms</u>
Active	6,994	2,886		
Inactive	1,211	304		
Suspended	14	17		
TOTAL	8,219	3,207	11,426	1,126

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Broker	294	309	296	296	298	324
Salesperson	2,885	2,463	2,040	2,091	1,796	1,638

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	141

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2020)</u>
Exam	122	6	
Rule 5.3	11	2	
Reciprocity	-	-	
TOTAL	133	8	141

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2021</u>
Minimum	8	Total Processed 122
Maximum	56	
Average (YTD 2021)	18	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	5
E & O	-
Trust Account	16

PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:

<u>Year</u>	<u>E&O</u>	<u>Continuing Education</u>
2015	15.9%	3.2%
2016	23.44%	4.7%
2017	17.87%	2.9%
2018	4.16%	0.59%
2019	1.22%	3.37%
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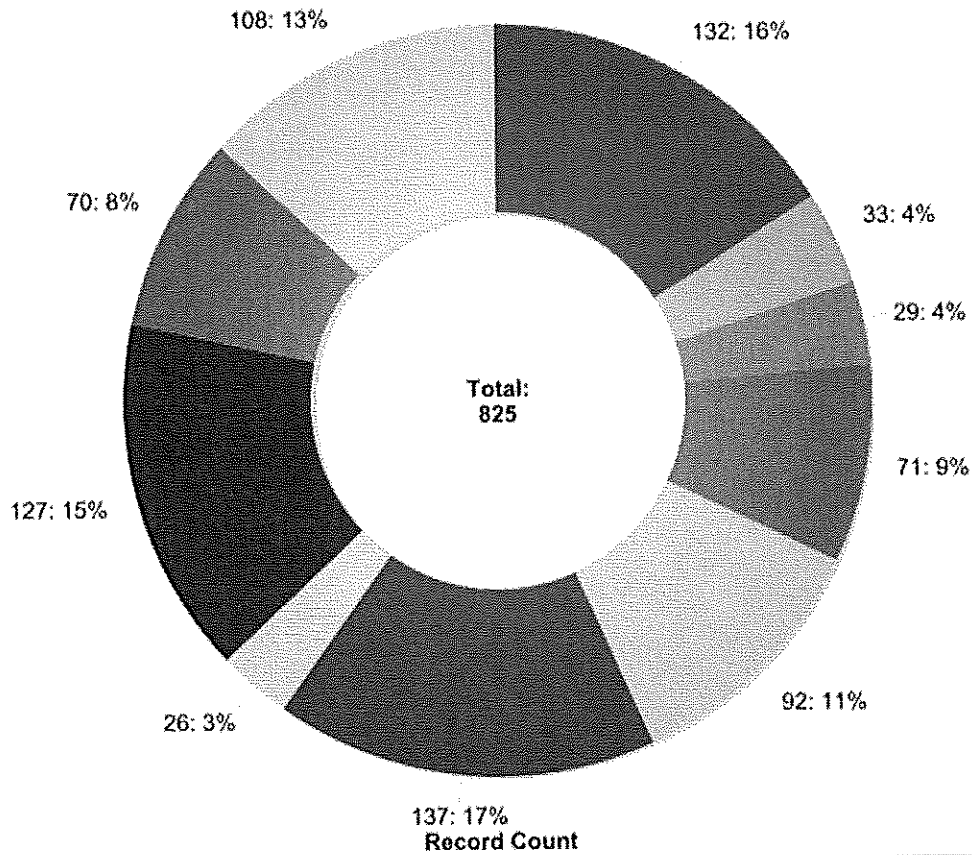
INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	22
<u>Commission Action:</u>	
Closed	-
Closed with Informal Cautionary Letter	-
Closed and Granted License	-
Signed Informal Settlement Agreements	-
Signed Applicant Consent Agreements	-
Signed Cease and Desist by Consent Agreement	-
Statement of Charges Filed	-
License Denials	-
Formal Hearings	-
Total	-
<u>IREC Staff Action:</u>	
Closed	-
License Suspension	-
Other	-
Total	=
Complaint Cases Closed YTD	-
Average Amount Of Time (Open To Close)	X Days
<u>Disciplinary Action Totals:</u>	
Civil Penalties Assessed	\$ -
Continuing Education Hours Assessed	-
CPA Audits Assessed	-
Trust Account Reexaminations Assessed	-
Probations Assessed	-
Suspensions Assessed	-
Revocations/Voluntary Surrenders	-
Cease and Desist Injunction	-
License Denial	-
Statement of Charges Filed (Outstanding)	-

REAL ESTATE EDUCATION REPORT:

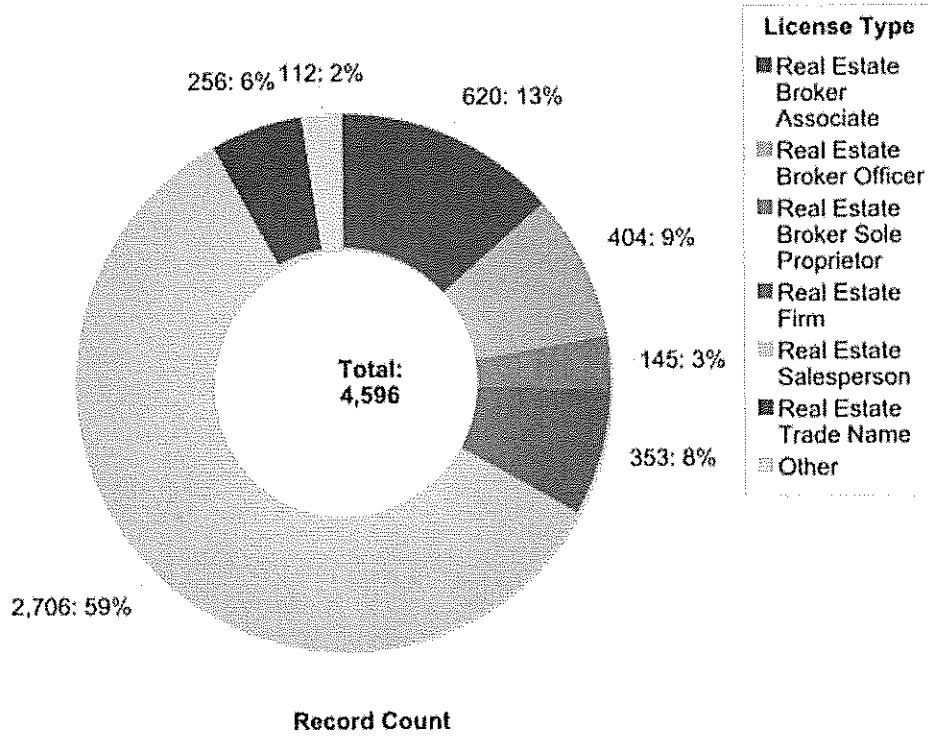
	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	66
Provider Approvals (New/Renewed)	2
Instructor Approvals (New/Renewed)	7
Pre/Post Course Approvals	2
Examination Authorization	6

IREC APPLICATIONS PROCESSED (2021):

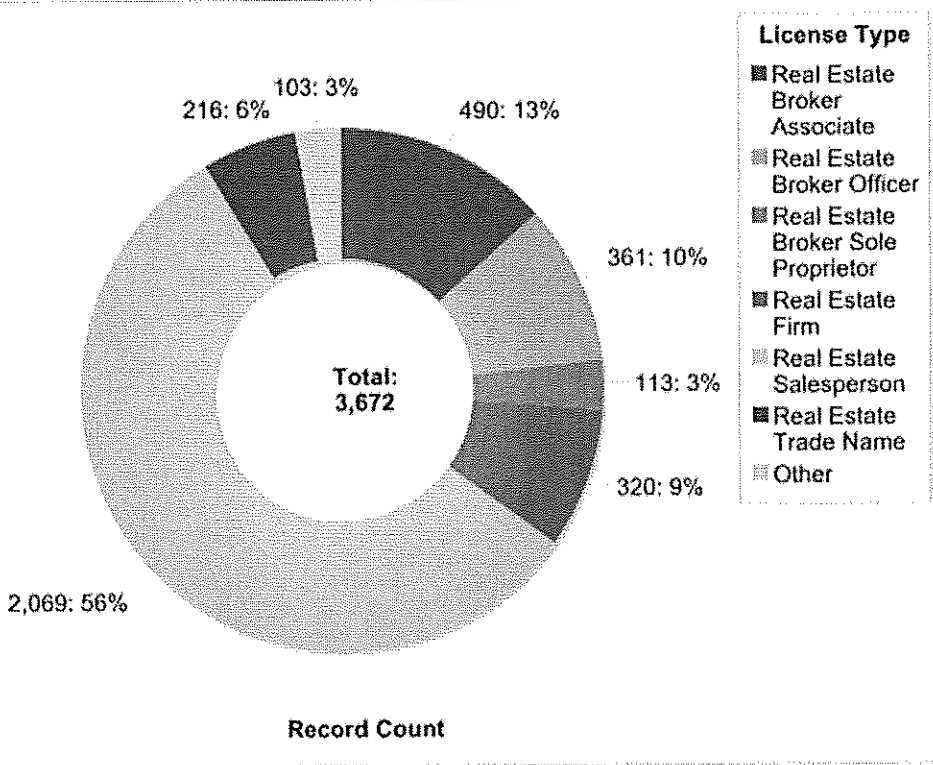


Type
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■ RE Commission - Salesperson/Broker
■ RE Commission - Tradename
■ RE Commission - Transfer
■ RE Commission - Authorized Course Application
■ Other

IREC LICENSES WITH 12/31/20 EXPIRATION DATE:



IREC LICENSES RENEWED WITH 12/31/20 EXPIRATION DATE:



IREC LICENSES LAPSED ON 01/01/21 WITH 12/31/20 EXPIRATION DATE:

