

Iowa Real Estate Commission  
200 East Grand, Suite 350  
Des Moines, IA 50309  
MINUTES  
September 2, 2021  
9:00 a.m.

**Commissioners present for all or part of the meeting**

Dennis Stolk, Chair	Jan DeMott
Jim Clingman, Vice-Chair	Helen Kimes
Wendy Carminhato, via Zoom	Dakotah Reed

**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 via Zoom
Renee Paulsen, PLB Investigator	Lori SchraderBachar, PLB Site Manager
Ashley Thompson, Background Manager	Jill Simbro, Education Director via Zoom

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

Mike Telford, Terry Duggan, and Twee Duong

**Call to Order**

Stolk called the meeting to order at 9:05 a.m.  
Quorum was established.  
Introductions were made.

**Motion by 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 August 12, 2021 IREC Meeting open and closed session minutes.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Commissioner Reports**

None.

**Staff Reports**

Lundquist reviewed the two training documents posted for Commissioners on the Google shared drive: "Commissioners Dos and Don'ts" and "Legal Overview for Licensing Board Members".

SchraderBachar had nothing to report.

Evans asked Commissioners to sign and return their per diems. Evans reviewed the Staff Report with Commissioners and after a request was made by Stolk, explained the total brokerages data is now made up of the total number of Broker Sole Proprietors and the total number of Firms.

**Public Comment**

None.

**Presentation to former Commissioners**

Evans presented plaques to Mike Telford, Twee Duong, and Terry Duggan.

The Commission to a short break at 9:29 a.m. and reconvened at 9:49 a.m.

**Closed Session**

**Motion by Reed to go into closed session pursuant to Iowa Code §§ 21.5(1)(a) & (d) & (f), 272C.15(5) 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 Kimes.

Roll Call: Carminhato, aye; Clingman, aye; DeMott, aye; Kimes, aye; Reed, aye; and Stolk, aye.

Motion passed unanimously.

The Commission entered into closed session at 9:50 a.m. and arose from there at 11:34 a.m.

**Open Session**

**Motion by Clingman to return to open session.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Reed to accept the signed settlements and/or consent agreements for the cases discussed in closed session and to authorize Stolk (Chair), Clingman (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreements/Consent Agreements for the following cases: 19-047, 20-138, 21-072, and 21-075 as discussed in closed session.**

Seconded by Kimes.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by DeMott to find probable cause and to authorize Stolk (Chair), Clingman (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for the following cases: 21-058, 21-085, 21-166, 21-175, 21-181, 21-182, 21-187, 21-200, 21-201, 21-202, 21-215, and 21-216 as discussed in closed session.**

Seconded by Kimes.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Clingman to grant licensure for IREC Case No. 21-267.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes 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 Case No. 21-207 as discussed in closed session.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to issue a "Notice of Intent to Deny License" for IREC Case No. 21-040.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Clingman to find probable cause for the following cases: 19-200, 20-071, 20-172, 20-267, 20-282, 20-283, 20-284, 20-295, 20-334, 20-335, 21-012, 21-023, 21-053, 21-077, 21-134, 21-168, 21-196, 21-227, 21-259, and 21-266 as discussed in closed session.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Clingman to close the following cases: 21-019, 21-022, 21-081, 21-117, 21-130, 21-132, 21-136, 21-138, 21-188, 21-218, and 21-268 as discussed in closed session.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to rescind the probable cause finding and close IREC Case No. 20-173 as discussed in closed session.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-029 and the allegations of the unlicensed practice of real estate.

**Motion by Kimes to issue a "Notice of Intent to Impose Civil Penalty."**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-056 and the allegations of the unlicensed practice of real estate.

**Motion by DeMott to accept the signed Cease and Desist Order by Consent Agreement and to authorize Stolk (Chair), Clingman (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Future Meetings**

**Investigation Committee Meetings**

Wednesday, November 3  
Wednesday, December 1  
Wednesday, February 3

**Regularly Scheduled Meetings**

Thursday, November 4  
Thursday, December 2  
Thursday, February 4

**Meeting Adjourned**

With all agenda items covered, the meeting adjourned at 11:45 a.m.

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

10/8/2021  
Date

Dennis L. Stolk  
By: DENNIS L. STOLK, Chair

**Iowa Real Estate Commission  
 Staff Report – As of 09/01/21  
 September 2, 2021 IREC Meeting**

**LICENSING TOTALS:**

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>
Active	7,453	2,964	
Inactive	1,384	327	
Suspended	13	17	
<b>TOTAL</b>	<b>8,850</b>	<b>3,308</b>	<b>12,158</b>

	<u>Firms</u>	<u>Broker Sole Proprietors</u>	<u>TOTAL BROKERAGES</u>
Active	1,167	362	1,529

**EXAMINATIONS ADMINISTERED BY PSI:**

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Broker	258	294	309	296	296	298
Salesperson	2,080	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	946

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON &amp; BROKER LICENSES ISSUED (YTD 2021)</u>
Exam	747	80	
Rule 5.3	86	22	
Reciprocity	5	6	
<b>TOTAL</b>	<b>838</b>	<b>108</b>	<b>946</b>

**TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI**

<u>Turnaround Time (Days)</u>		<u>2021</u>
Minimum	3	Total Processed 1,103
Maximum	56	
Average (YTD 2021)	12	

**AUDITS:**

	<u>Year To Date Totals</u>
Continuing Education	215
E & O	353
Trust Account	210

**PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:**

<u>Year</u>	<u>E&amp;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	27.20%	1.86%

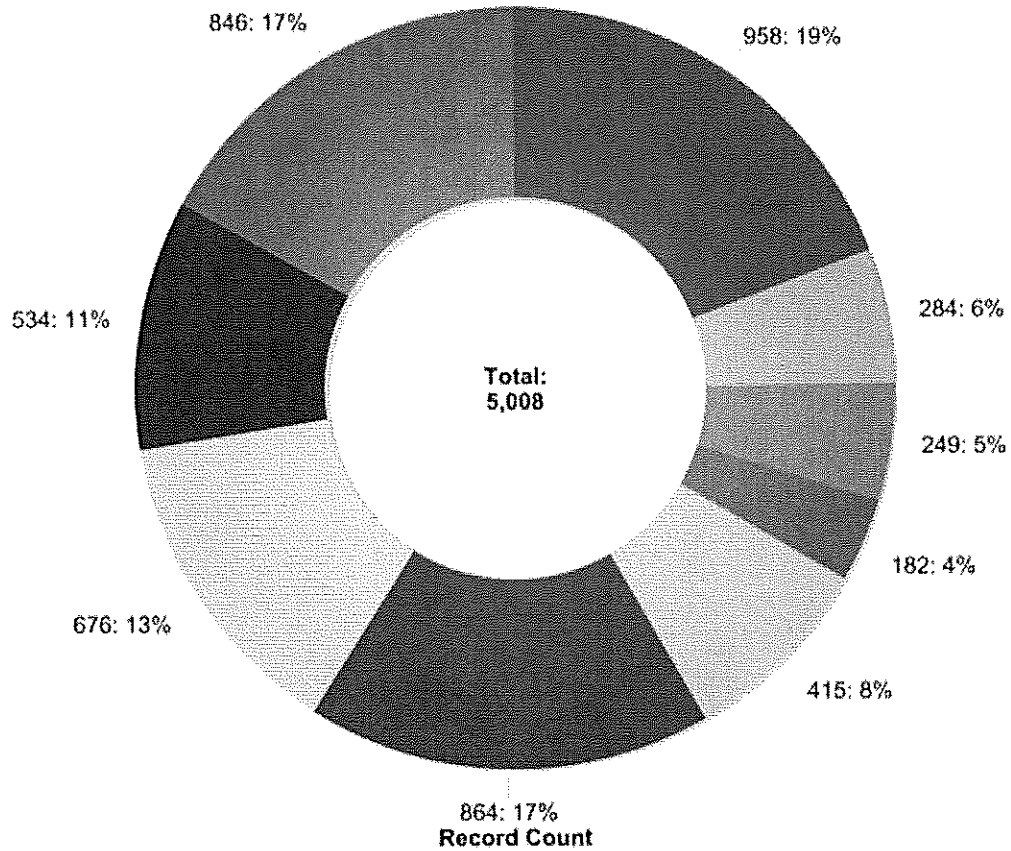
**INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:**

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	269
<b><u>Commission Action:</u></b>	
Closed	45
Closed with Informal Cautionary Letter	17
Closed and Granted License	8
Signed Informal Settlement Agreements	94
Signed Applicant Consent Agreements	19
Signed Cease and Desist by Consent Agreement	2
Statement of Charges Filed	1
License Denials	1
Formal Hearings	-
Total	187
<b><u>IREC Staff Action:</u></b>	
Closed	49
License Suspension	1
Other	
Total	<u>50</u>
Complaint Cases Closed YTD	237
Average Amount Of Time (Open To Close)	158 Days
<b><u>Disciplinary Action Totals:</u></b>	
Civil Penalties Assessed	\$ 110,250
Continuing Education Hours Assessed	24
CPA Audits Assessed	1
Trust Account Reexaminations Assessed	-
Probations Assessed	5
Suspensions Assessed	1
Revocations/Voluntary Surrenders	1
Cease and Desist Injunction	3
License Denial	1
Statement of Charges Filed (Outstanding)	1

**REAL ESTATE EDUCATION REPORT:**

	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	530
Provider Approvals (New/Renewed)	17
Instructor Approvals (New/Renewed)	90
Pre/Post Course Approvals	18
Examination Authorization	19

**IREC APPLICATIONS PROCESSED (2021):**



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