

Iowa Real Estate Commission  
200 East Grand, Suite 350  
Des Moines, IA 50309  
MINUTES  
October 8, 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              | Lori SchraderBachar, Bureau Chief      |
| John Lundquist, Assistant Attorney General | Danielle Bartkiw, Licensing Specialist |
| Renee Paulsen, PLB Investigator, via Zoom  |  |

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

|  |   |
|--|---|
| Kris Brend, IAR                        | Kathleen O'Neill, Department of Inspections and Appeals |
| Edie Daniels, Petersen Court Reporters |   |

**Call to Order**

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

**Motion by Reed to approve the agenda.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Approval of Minutes**

**Motion by DeMott to approve the September 2, 2021 IREC Meeting open and closed session minutes.**

Seconded by Kimes.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Commissioner Reports**

None

**Staff Reports**

Lundquist nothing to report.

SchraderBachar announced PLB refreshed its website and invited Commissioners to visit it online when they had an opportunity. SchraderBachar informed Commissioners she would be sitting in on the hearing today.

Evans asked Commissioners to sign and return their per diems. Evans said Paulsen will be joining the meeting today via Zoom for the hearing. Evans reports renewals are right around the corner with about 4,800 licenses with an expiration date of 12/31/21 up for renewal.

### **ARELLO**

Evans and Clingman reported on their attendance at the ARELLO 2021 Annual Conference in Orlando, Florida. Clingman and Evans both submitted full reports of the conference and it was made available to Commissioners via the Google Drive. Clingman announced he and Evans tentatively volunteered to for Iowa to host the ARELLO District 2 & 3 Conference in Des Moines in July of 2024. Evans announced that Clingman will be on the ARELLO District 3 Board of Directors beginning January 1, 2022.

### **Public Comment**

Brend reports The IAR Annual Convention in Council Bluffs is coming up, October 12<sup>th</sup> through October 15<sup>th</sup>, 2021.

The Commission took a break from 9:12 a.m. and reconvened at 9:30 a.m.  
Paulsen joined the meeting via Zoom at 9:30 a.m.

### **Formal Hearing**

A hearing was held before the Commission in Case No. 21-274. Administrative Law Judge Kathleen O'Neill assisted the Commission in conducting the hearing and a certified court reporter recorded the proceedings with the Respondent not present. The hearing was closed to the public, pursuant to Iowa Code section 272C.15(5). Hearing commenced at 9:30 a.m. and concluded at 10:10 a.m.

Paulsen left the meeting at 10:02 a.m.  
Lundquist left the meeting at 10:10 a.m.

### **Closed Session**

**Motion by DeMott to enter into closed session pursuant to Iowa Code 21.5(1)(f) to deliberate IREC Case No. 21-274.**

Seconded by Carminhato.

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

Motion passed unanimously.

The Commission entered into closed session at 10:10 a.m. and arose from there at 10:45 a.m.

### **Open Session**

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

Seconded by Kimes.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Lundquist rejoined the meeting at 10:50 a.m.

**Motion by DeMott to request that Administrative Law Judge O'Neill prepare a written decision for IREC Case No. 21-274 in accordance with the findings and deliberations made in closed session.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

O'Neill left the meeting at 10:47 a.m.

**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 10:56 a.m.

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

11-4-21

Date

  
By: DENNIS L. STOLK, Chair

**Iowa Real Estate Commission  
 Staff Report – As of 10/01/21  
 October 8, 2021 IREC Meeting**

**LICENSING TOTALS:**

|              | <u>Salespersons</u> | <u>Brokers</u> | <u>TOTAL IND. LICENSES</u> |
|--------------|---------------------|----------------|----------------------------|
| Active       | 7,506               | 2,975          |                            |
| Inactive     | 1,408               | 327            |                            |
| Suspended    | 15                  | 17             |                            |
| <b>TOTAL</b> | <b>8,929</b>        | <b>3,319</b>   | <b>12,248</b>              |

|        | <u>Firms</u> | <u>Broker Sole Proprietors</u> | <u>TOTAL BROKERAGES</u> |
|--------|--------------|--------------------------------|-------------------------|
| Active | 1,173        | 363                            | 1,536                   |

**EXAMINATIONS ADMINISTERED BY PSI:**

|             | <u>2021</u> | <u>2020</u> | <u>2019</u> | <u>2018</u> | <u>2017</u> | <u>2016</u> |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Broker      | 275         | 294         | 309         | 296         | 296         | 298         |
| Salesperson | 2,388       | 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 | 1,042               |

|              | <u>Salespersons</u> | <u>Brokers</u> | <u>TOTAL SALESPERSON &amp; BROKER LICENSES ISSUED (YTD 2021)</u> |
|--------------|---------------------|----------------|--|
| Exam         | 821                 | 89             |  |
| Rule 5.3     | 95                  | 23             |  |
| Reciprocity  | 5                   | 9              |  |
| <b>TOTAL</b> | <b>921</b>          | <b>121</b>     | <b>1,042</b>   |

**TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI**

| <u>Turnaround Time (Days)</u> |    | <u>2021</u>           |
|-------------------------------|----|-----------------------|
| Minimum                       | 3  | Total Processed 1,227 |
| Maximum                       | 56 |                       |
| Average (YTD 2021)            | 12 |                       |

**AUDITS:**

|                      | <u>Year To Date Totals</u> |
|----------------------|----------------------------|
| Continuing Education | 240                        |
| E & O                | 373                        |
| Trust Account        | 238                        |

**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        | 26.54%         | 1.67%                       |

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

|  | <u>Year To Date Totals</u> |
|--|----------------------------|
| Complaint Cases Opened YTD                   | 295                        |
| <b><u>Commission Action:</u></b>             |                            |
| Closed                                       | 56                         |
| Closed with Informal Cautionary Letter       | 19                         |
| Closed and Granted License                   | 9                          |
| Signed Informal Settlement Agreements        | 110                        |
| Signed Applicant Consent Agreements          | 20                         |
| Signed Cease and Desist by Consent Agreement | 3                          |
| Statement of Charges Filed                   | 2                          |
| License Denials                              | 2                          |
| Formal Hearings                              | -                          |
| Total  | 221                        |
| <b><u>IREC Staff Action:</u></b>             |                            |
| Closed                                       | 57                         |
| License Suspension                           | 2                          |
| Other  |                            |
| Total  | <u>59</u>                  |
| Complaint Cases Closed YTD                   | 280                        |
| Average Amount Of Time (Open To Close)       | 161 Days                   |

**Disciplinary Action Totals:**

|  |            |
|--|------------|
| Civil Penalties Assessed                 | \$ 114,750 |
| Continuing Education Hours Assessed      | 24         |
| CPA Audits Assessed                      | 1          |
| Trust Account Reexaminations Assessed    | -          |
| Probations Assessed                      | 6          |
| Suspensions Assessed                     | 2          |
| Revocations/Voluntary Surrenders         | 1          |
| Cease and Desist Injunction              | 3          |
| License Denial                           | 2          |
| Statement of Charges Filed (Outstanding) | 2          |

**REAL ESTATE EDUCATION REPORT:**

|                                    | <u>Year To Date Totals</u> |
|------------------------------------|----------------------------|
| Course Approvals (New/Renewed)     | 570                        |
| Provider Approvals (New/Renewed)   | 18                         |
| Instructor Approvals (New/Renewed) | 102                        |
| Pre/Post Course Approvals          | 19                         |
| Examination Authorization          | 25                         |

**IREC APPLICATIONS PROCESSED (2021):**

