

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
November 4, 2021
9:00 a.m.

Commissioners present for all or part of the meeting

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

Kris Brend, Iowa Association of Realtors	Arthur Cox, UNI Director of Real Estate Education
Jaqueline Church	

Call to Order

Clingman called the meeting to order at 9:03 a.m.
Quorum was established.
Introductions were made.

Motion by Kimes to approve the agenda.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes

Motion by DeMott to approve the October 8, 2021 IREC Meeting open and closed session minutes.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports

None.

Staff Reports

Lundquist had nothing to report.

SchraderBachar had nothing to report.

Evans asked Commissioners to sign and return their per diems and reported that there are 4,843 licenses with an expiration date of 12/31/21 up for renewal.

Communications

After discussion, **Motion by DeMott to approve waiver 21-03 with the condition that said waiver shall expire August 20, 2023 in the absence of the submission of a broker application from waiver petitioner Jaqueline Church.** Jaqueline Church, petitioner, addressed the Commission asking to waive 193E Iowa Administrative Code § 3.1(6) and the required 24-month active salesperson experience under a sponsoring broker to obtain an Iowa real estate broker's license. Church introduced herself to the Commission and gave a summary of her 9 years of experience with real estate under her father, a real estate broker and her 17-year professional history practicing law. Church currently holds an active Iowa real estate salesperson license.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Church left the meeting at 9:15 a.m.

After discussion, **Motion by Reed to grant waiver 21-04.** Logan Shine, the petitioner, who is a licensed attorney in Iowa since 2018, asked the Commission for a waiver of 193E Iowa Administrative Code §§ 4.1(9) & 16.2(1) and the requirement that a newly licensed salesperson complete the required sixty (60) classroom or computer-based hours of real estate principles and practices. In support of his waiver, the petitioner provided proof of his diploma from Drake University. The Commission does require that at the time of the application for licensure, the Petitioner demonstrate that he meets all other licensing requirements, including payment of the applicable licensing fee. If the petitioner has not obtained a passing score report for the real estate salesperson examination or before May 31, 2022, this waiver shall expire and will be deemed withdrawn.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Public Comment

None.

Close Session (1)

Motion by Kimes to go into closed session pursuant to Iowa Code §§ 21.5(1)(a) & (d) & (f), to discuss the decision to be rendered in a contested case.

Seconded by Reed.

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 9:21 a.m. and arose from there at 9:26 a.m.

Open Session (1)

Motion by Reed to return to open session.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to accept the Findings of Fact, Conclusions of Law, Decision and Order in IREC Case No. 21-274 and to authorize Clingman (Chair), Stolk (Vice Chair), or Evans (Executive Officer) to sign the Decision and Order.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Closed Session (2)

Motion by Stolk 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 DeMott.

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 9:29 a.m. and arose from there at 11:48 a.m.

Open Session (2)

Motion by Kimes to return to open session.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to accept the signed settlements and/or consent agreements for the cases discussed in closed session and to authorize Clingman (Chair), Stolk (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreements/Consent Agreements for the following cases: 20-161, 20-162, 20-270, 20-300, 20-301, 21-006, 21-012, 21-091, 21-122, 21-139, 21-141, 21-164, 21-165, 21-174, and 21-197 as discussed in closed session.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to find probable cause and to authorize Clingman (Chair), Stolk (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for the following cases: 21-087, 21-172, 21-198, 21-204, 21-205, 21-241, 21-251, and 21-253 as discussed in closed session.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Reed to grant licensure for the following cases: 21-275, 21-287, and 21-290.

Seconded by Carminhato.

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 IREC Case No. 21-303 as discussed in closed session.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to find probable cause for the following cases: 21-079, 21-133, 21-162, 21-173, 21-203, 21-240, 21-260, 21-296, 21-306, and 21-312 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 IREC Case No. 21-167 as discussed in closed session.

Seconded by DeMott.

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

Motion passed.

Motion by DeMott to close the following cases: 19-020, 19-126, 21-180, 21-214, 21-232, and 21-252 as discussed in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to close IREC Case No. 21-142 as discussed in closed session.

Seconded by DeMott.

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

Motion passed unanimously.

Motion by Kimes to close IREC Case No. 21-146 as discussed in closed session.

Seconded by DeMott.

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

Motion passed unanimously.

Motion by Reed to rescind the probable cause finding and close IREC Case No. 17-053 as discussed in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-090 and the allegations of the unlicensed practice of real estate.

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

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-143 and the allegations of the unlicensed practice of real estate.

Motion by DeMott to close.

Seconded by Reed.

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

Discussion was held re: IREC Case No. 21-145 and the allegations of the unlicensed practice of real estate. No action taken as this complaint file will be tabled to a future meeting.

Discussion was held re: IREC Case No. 21-233 and the allegations of the unlicensed practice of real estate.

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

Seconded by Carminhato.

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

Discussion was held re: IREC Case No. 21-234 and the allegations of the unlicensed practice of real estate.

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

Seconded by Carminhato.

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

Discussion was held re: IREC Case No. 21-235 and the allegations of the unlicensed practice of real estate.

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

Seconded by Carminhato.

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

Discussion was held re: IREC Case No. 21-236 and the allegations of the unlicensed practice of real estate.

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

Seconded by Carminhato.

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

Discussion was held re: IREC Case No. 21-237 and the allegations of the unlicensed practice of real estate.

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

Seconded by Carminhato.

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

Discussion was held re: IREC Case No. 21-238 and the allegations of the unlicensed practice of real estate.

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

Seconded by Carminhato.

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

Discussion was held re: IREC Case No. 21-239 and the allegations of the unlicensed practice of real estate.

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

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-243 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 Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-261 and the allegations of the unlicensed practice of real estate.

Motion by Stolk to close.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-289 and the allegations of the unlicensed practice of real estate. No action taken as this complaint file will be tabled to a future meeting.

Future Meetings

Investigation Committee Meetings

Wednesday, December 1
Wednesday, February 3
Wednesday, March 2

Regularly Scheduled Meetings

Thursday, December 2
Thursday, February 4
Thursday, March 3

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 12:05 p.m.

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

12/2/21
Date

Dennis L. Stolk
By: **Dennis L. Stolk**, Chair

**Iowa Real Estate Commission
Staff Report – As of 11/01/21
November 4, 2021 IREC Meeting**

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>
Active	7,507	2,976	
Inactive	1,459	331	
Suspended	15	17	
TOTAL	8,981	3,324	12,305

	<u>Firms</u>	<u>Broker Sole Proprietors</u>	<u>TOTAL BROKERAGES</u>
Active	1,182	362	1,544

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Broker	307	294	309	296	296	298
Salesperson	2,668	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	1,100

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2021)</u>
Exam	869	90	
Rule 5.3	100	26	
Reciprocity	5	10	
TOTAL	974	126	1,100

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2021</u>
Minimum	3	Total Processed 1,341
Maximum	56	
Average (YTD 2021)	12	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	240
E & O	432
Trust Account	249

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	23.61%	1.67%

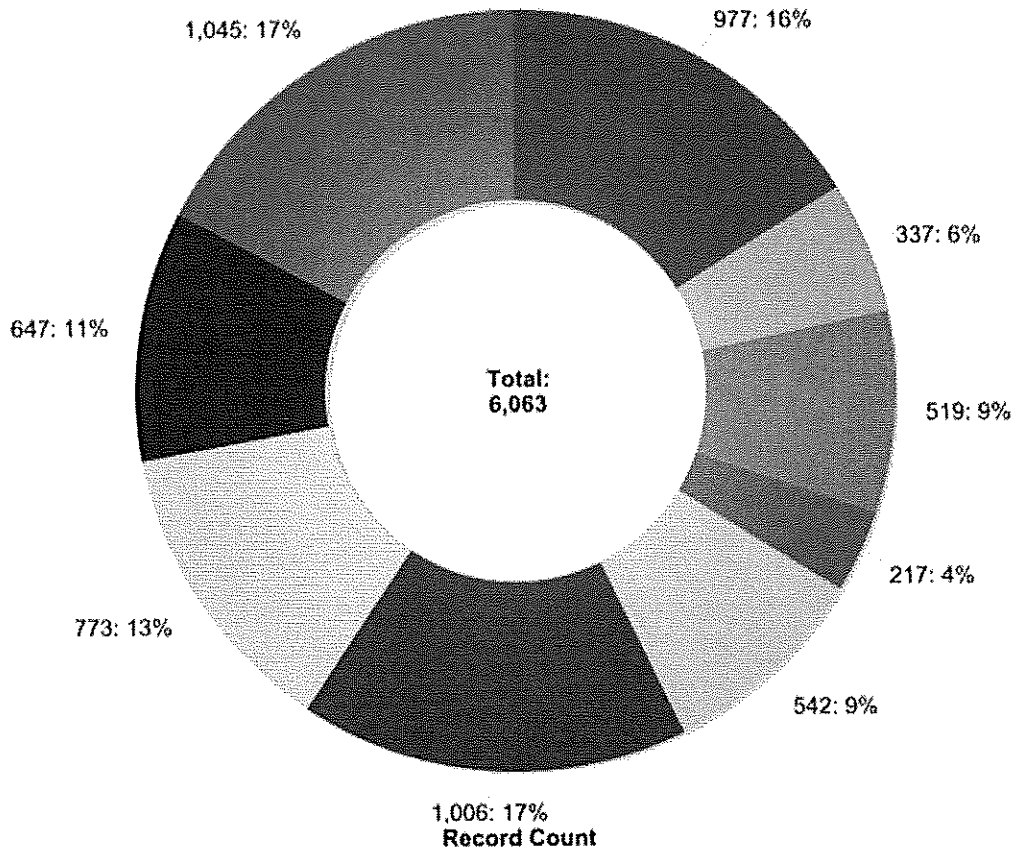
INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	316
<u>Commission Action:</u>	
Closed	55
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	220
<u>IREC Staff Action:</u>	
Closed	62
License Suspension	2
Other	
Total	<u>64</u>
Complaint Cases Closed YTD	284
Average Amount Of Time (Open To Close)	158 Days
<u>Disciplinary Action Totals:</u>	
Civil Penalties Assessed	\$ 127,000
Continuing Education Hours Assessed	54
CPA Audits Assessed	1
Trust Account Reexaminations Assessed	-
Probations Assessed	7
Suspensions Assessed	2
Revocations/Voluntary Surrenders	1
Cease and Desist Injunction	4
License Denial	2
Statement of Charges Filed (Outstanding)	2

REAL ESTATE EDUCATION REPORT:

	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	643
Provider Approvals (New/Renewed)	23
Instructor Approvals (New/Renewed)	111
Pre/Post Course Approvals	22
Examination Authorization	36

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

IREC LICENSES WITH 12/31/21 EXPIRATION DATE:

