

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
February 03, 2022
9:00 a.m.

Due to current pandemic conditions, this meeting was conducted via Zoom.

Commissioners present for all or part of the meeting

Dennis Stolk, Chair	Dakotah Reed
Jim Clingman, Vice Chair	Helen Kimes
Wendy Carminhato	

Commissioners not present for the meeting

Jan DeMott

Staff present for all or part of the meeting

Jeff Evans, Executive Officer	Colleen Goddard, Trust Account Auditor via Zoom
John Lundquist, Assistant Attorney General	Danielle Bartkiw, Licensing Specialist
Renee Paulsen, PLB Investigator	Lori SchraderBachar, Bureau Chief
Ashley Thompson, Background Manager	Jill Simbro, Education Director

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

Amanda Werling	Munr Kazmir
Kris Brend, IAR, joined at 9:15 a.m.	Anna Maroules

Call to Order

Stolk called the meeting to order at 9:04 a.m.
Quorum was established.
Introductions were made.

Motion by Clingman to approve the agenda.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes

Motion by Kimes to approve the December 02, 2021 IREC Meeting open and closed session minutes.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports

Clingman reported on the ARELLO Leadership Symposium; which he reports was based on communication styles. Clingman described the presentations to the Commission and was overall very pleased with the experience and felt it was worthwhile.

Staff Reports

Lundquist had nothing to report.

SchraderBachar had nothing to report.

Evans asked Commissioners to sign, date and return their per diems and reports. Evans reported on 2021 renewals and late renewals; of which 3,944 licenses were renewed and 859 licenses lapsed. Since January 1, 2022, Staff has processed 115 new salesperson and broker license applications.

ARRELLO

Motion by Kimes to approve sending Evans, Lundquist, Commissioner Stolk, and Commissioner Clingman to the 2022 ARELLO Mid-Year Meeting.

Seconded by Carminhato.

Vote: Aye: Clingman, Carminhato, Kimes, Reed Nay: None Abstaining: Stolk
Motion passed.

Communications

After discussion, **Motion by Clingman to deny waiver 21-05.** Munr Kazmir, 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. It was the Commission's determination that the petitioner failed to demonstrate that he has experience substantially equal to that which a licensed real estate salesperson would ordinarily receive during a period of twenty-four months

Seconded by Reed.

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

Kazmir and Maroules left the meeting at 9:45 a.m.

After discussion, **Motion by Kimes to deny waiver 22-01.** Amanda Werling, petitioner, addressed the Commission, asking to waive 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. It was the Commission's determination that the petitioner failed to demonstrate that the Commission should exercise its discretion to grant a waiver from administrative code.

Seconded by Clingman.

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

Werling left the meeting at 10:03 a.m.

Public Comment

Brend reported on confusion amongst applicants and/or inconsistencies with PSI's rules on the use of personal calculators and paper during testing.

Closed 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 Clingman.

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

Motion passed unanimously.

The Commission entered into closed session at 10:09 a.m. and arose from there at 10:12 a.m.

Open Session (1)

Motion by Reed to return to open session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to accept the Findings of Fact, Conclusions of Law, Decision and Order in IREC Case No. 21-189 and to authorize Stolk (Chair), Clingman (Vice Chair), or Evans (Executive Officer) to sign the Decision and Order.

Seconded by Carminhato.

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

Motion passed.

Meeting broke from 10:14 a.m. and reconvened at 10:22 a.m.

Closed Session (2)

Motion by Kimes 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 Reed.

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

Motion passed unanimously.

The Commission entered into closed session at 10:25 a.m. and arose from there at 11:35 a.m.

Open Session (2)

Motion by Reed to return to open session.

Seconded by Clingman.

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 Stolk (Chair), Clingman (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement/Consent Agreement for Case No. 21-312 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 and to authorize Stolk (Chair), Clingman (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for Case No. 21-156 as discussed in closed session.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to grant licensure for IREC Case No. 21-345 and IREC Case No. 22-013.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Reed 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. 22-003 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: 21-094, 21-095, 21-096, 21-170, 21-283, 21-291, 21-294, and 22-006 as discussed in closed session.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to close the following cases: 21-249, 21-262, 21-269, 21-276, 21-278, 21-292, 21-300, 21-301, 21-302, 21-309, 21-318, 21-320, 21-322, 21-328, 21-332, 21-337, 21-338, 21-343, 21-344, and 22-012 as discussed in closed session.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-286 and the allegations of the unlicensed practice of real estate.

Motion by Kimes to close.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-298 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. 21-299 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. 21-324 and the allegations of the unlicensed practice of real estate.

Motion by Kimes to close.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-340 and the allegations of the unlicensed practice of real estate.

Motion by Kimes to close.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-341 and the allegations of the unlicensed practice of real estate.

Motion by Kimes to close.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Future Meetings

Investigation Committee Meetings

Wednesday, March 2
Wednesday, April 13
No May Meeting

Regularly Scheduled Meetings

Thursday, March 3
Thursday, April 14
No May Meeting

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 11:57 a.m.

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

03/03/22
Date

Dennis Stolk
By: Dennis Stolk, Chair

**Iowa Real Estate Commission
 Staff Report – Year-End 2021
 February 3, 2022 IREC Meeting**

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>
Active	7,203	2,851	
Inactive	1,222	288	
Suspended	15	17	
TOTAL	8,440	3,156	11,596

	<u>Firms</u>	<u>Broker Sole Proprietors</u>	<u>TOTAL BROKERAGES</u>
Active	1,169	339	1,508

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Broker	449	294	309	296	296	298
Salesperson	3,490	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	1,231

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2021)</u>
Exam	955	111	
Rule 5.3	117	30	
Reciprocity	5	13	
TOTAL	1,077	154	1,231

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2021</u>
Minimum	3	Total Processed 1,530
Maximum	56	
Average (YTD 2021)	13	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	271
E & O	439
Trust Account	262

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	23.92%	1.48%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	355
<u>Commission Action:</u>	
Closed	70
Closed with Informal Cautionary Letter	28
Closed and Granted License	12
Signed Informal Settlement Agreements	139
Signed Applicant Consent Agreements	21
Signed Cease and Desist by Consent Agreement	5
Statement of Charges Filed	2
License Denials	2
Formal Hearings	1
Total	280
<u>IREC Staff Action:</u>	
Closed	68
License Suspension	2
Other	-
Total	<u>70</u>
Complaint Cases Closed YTD	350
Average Amount Of Time (Open To Close)	175 Days

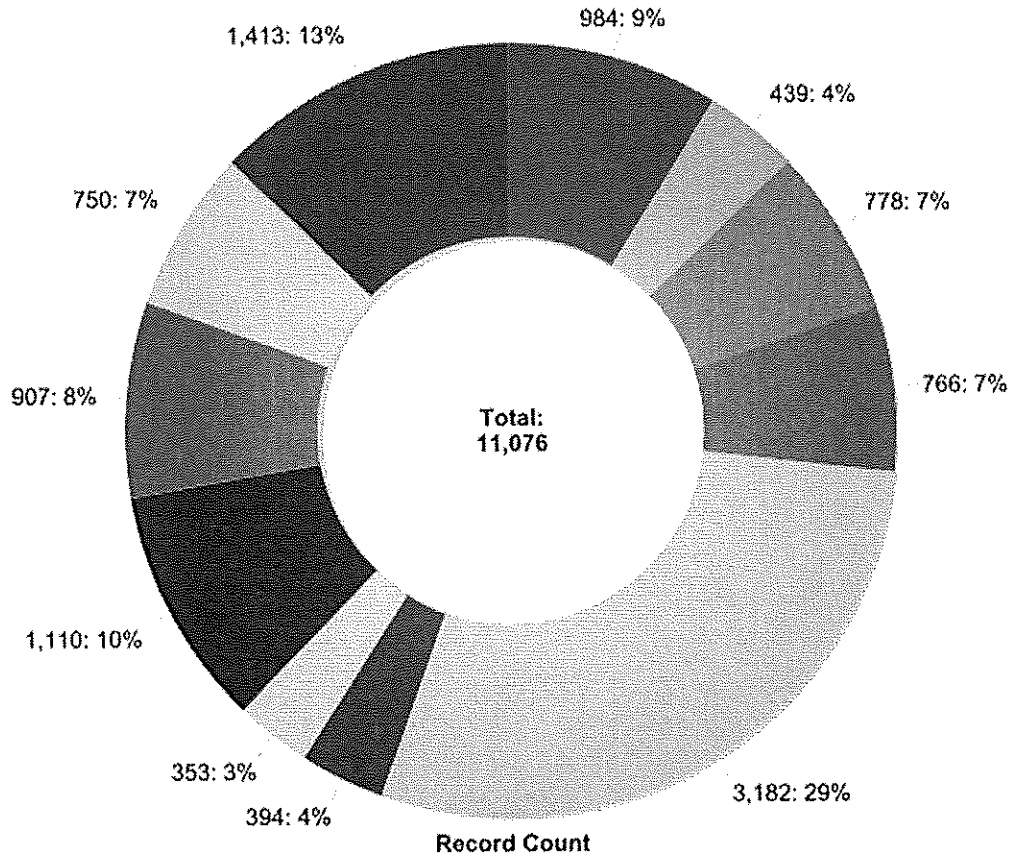
Disciplinary Action Totals:

Civil Penalties Assessed	\$ 134,000
Continuing Education Hours Assessed	54
CPA Audits Assessed	1
Trust Account Reexaminations Assessed	-
Probations Assessed	7
Suspensions Assessed	2
Revocations/Voluntary Surrenders	2
Cease and Desist Injunction	5
License Denial	2
Statement of Charges Filed (Outstanding)	2

REAL ESTATE EDUCATION REPORT:

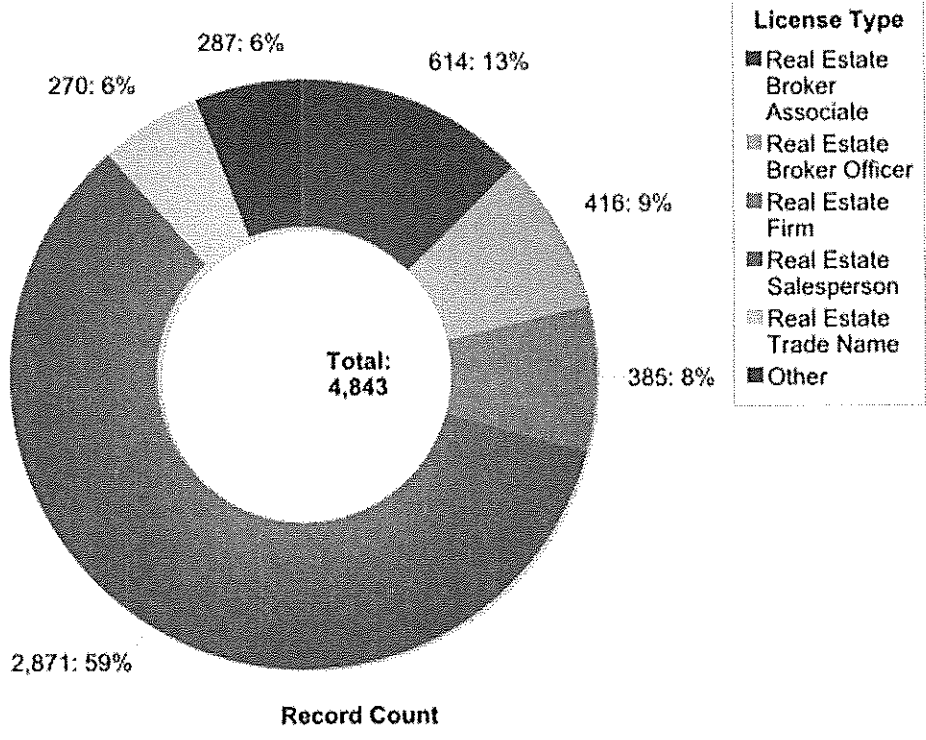
	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	761
Provider Approvals (New/Renewed)	26
Instructor Approvals (New/Renewed)	121
Pre/Post Course Approvals	36
Examination Authorization	66

IREC APPLICATIONS PROCESSED (2021):

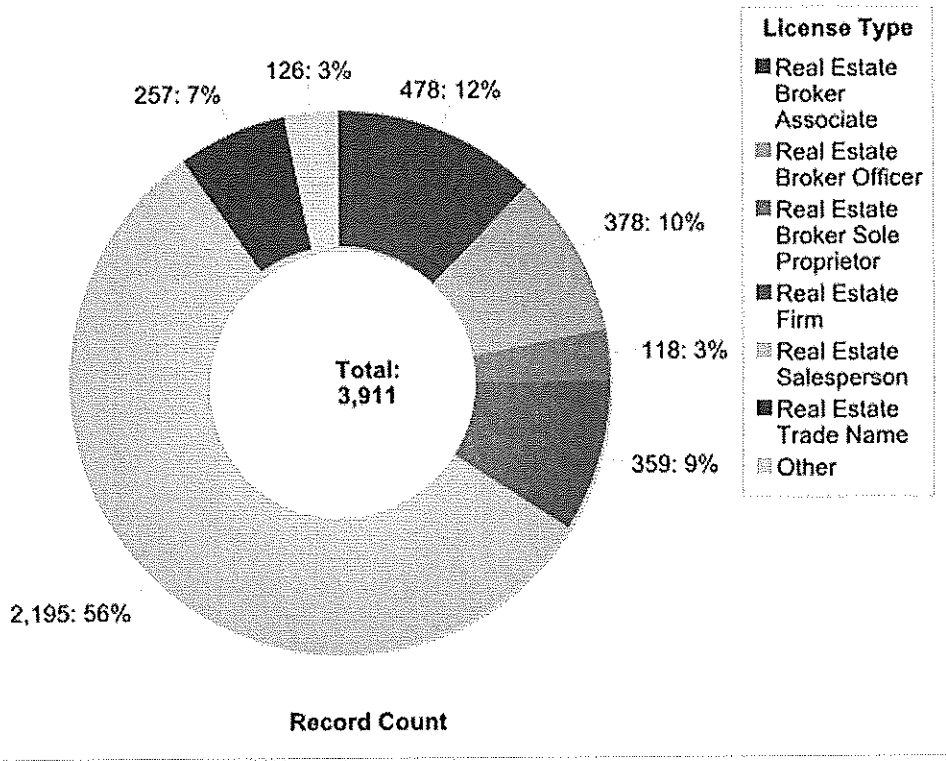


- Type**
- General - Request for Background Check Packet
 - General - Request for License Verification (License History)
 - RE - Background Packet Request
 - RE Commission - Change Status to Inactive
 - RE Commission - Renewal
 - RE Commission - Renewal Branch Trade Addl BO
 - RE Commission - Renewal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

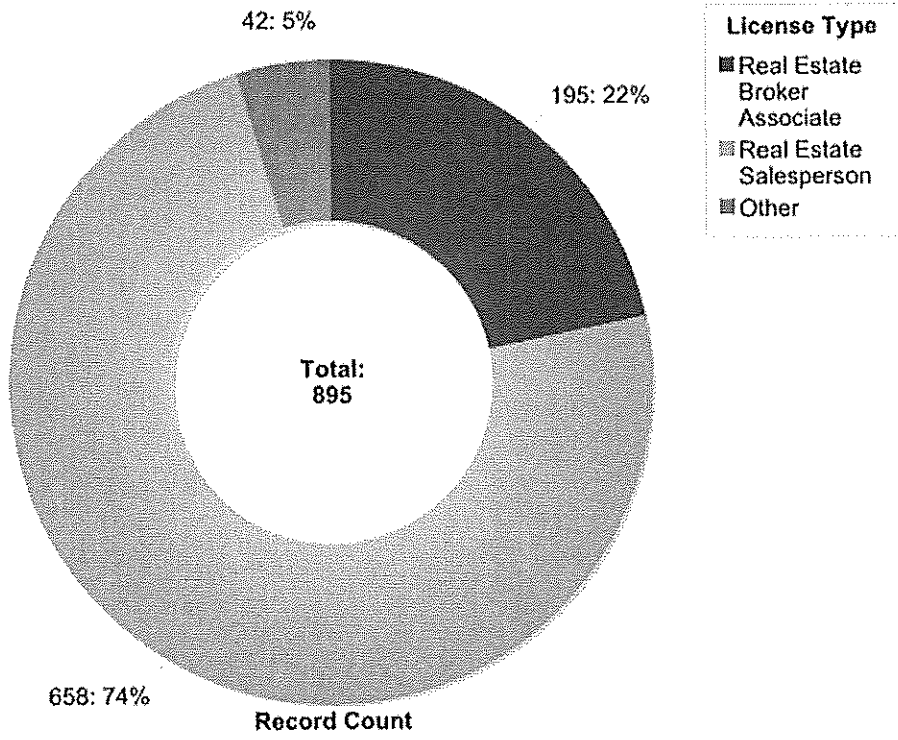
IREC LICENSES WITH 12/31/21 EXPIRATION DATE:



IREC LICENSES RENEWED WITH 12/31/21 EXPIRATION DATE:



IREC LICENSES LAPSED ON 01/01/22 WITH 12/31/21 EXPIRATION DATE:



Iowa Real Estate Commission Staff Report – As of 02/01/22 February 3, 2022 IREC Meeting

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>
Active	7,253	2,869	
Inactive	1,254	294	
Suspended	15	17	
TOTAL	8,522	3,180	11,702

	<u>Firms</u>	<u>Broker Sole Proprietors</u>	<u>TOTAL BROKERAGES</u>
Active	1,175	343	1,518

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Broker	449	294	309	296	296	298
Salesperson	3,490	2,885	2,463	2,040	2,091	1,796

BROKERS & SALESPERSONS PROCESSED APPLICATIONS:

	<u>Year To Date</u>
2013	835
2014	845
2015	972
2016	1,031
2017	978
2018	1,035
2019	1,057
2020	1,119
2021	1,231
2022	115

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2022)</u>
Exam	98	8	
Rule 5.3	7	2	
Reciprocity	-	-	
TOTAL	105	10	115

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2022</u>
Minimum	10	Total Processed 53
Maximum	19	
Average (YTD 2022)	15	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	-
E & O	2
Trust Account	11

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	23.92%	1.48%

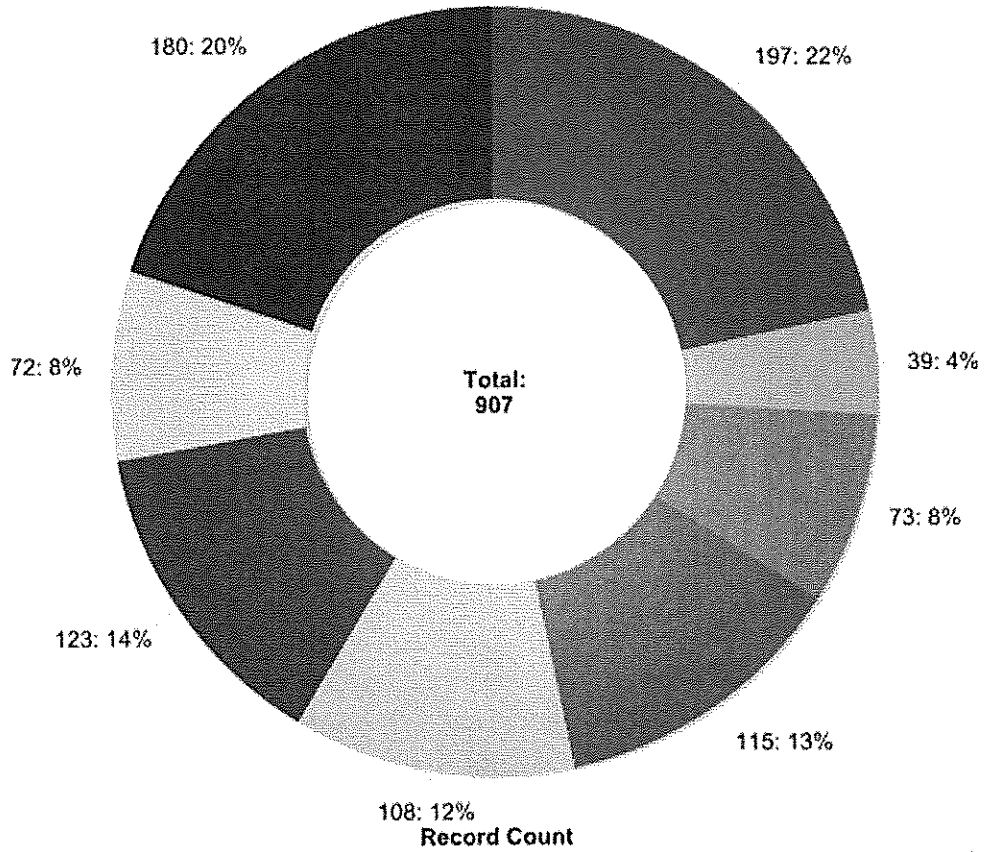
INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	15
<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	3
License Suspension	-
Other	-
Total	<u>3</u>
Complaint Cases Closed YTD	3
Average Amount Of Time (Open To Close)	25 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)	57
Provider Approvals (New/Renewed)	2
Instructor Approvals (New/Renewed)	17
Pre/Post Course Approvals	1
Examination Authorization	1

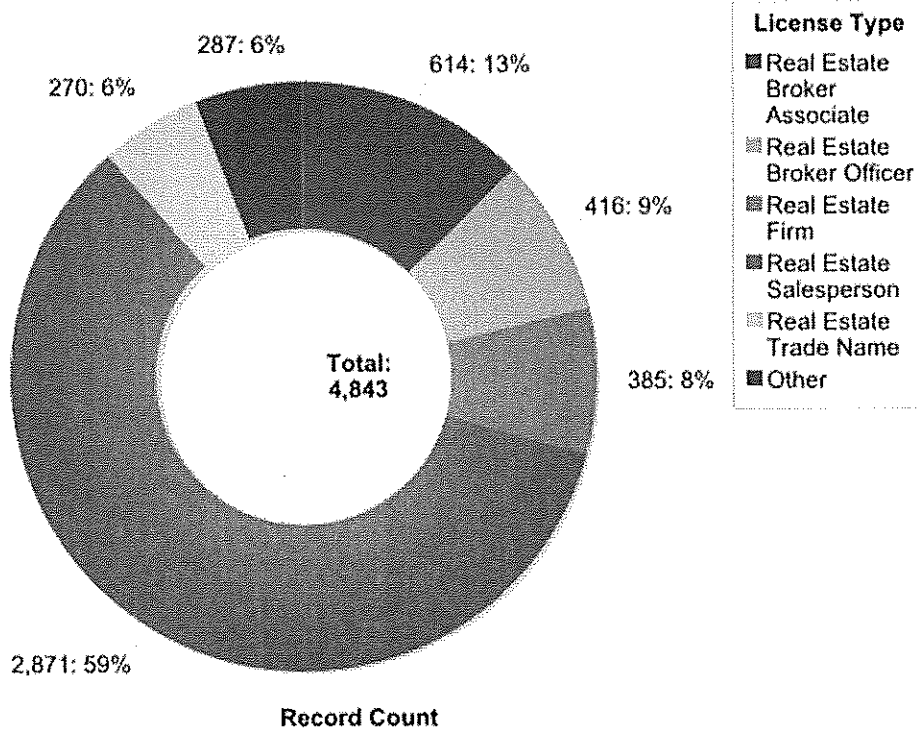
IREC APPLICATIONS PROCESSED (2022):



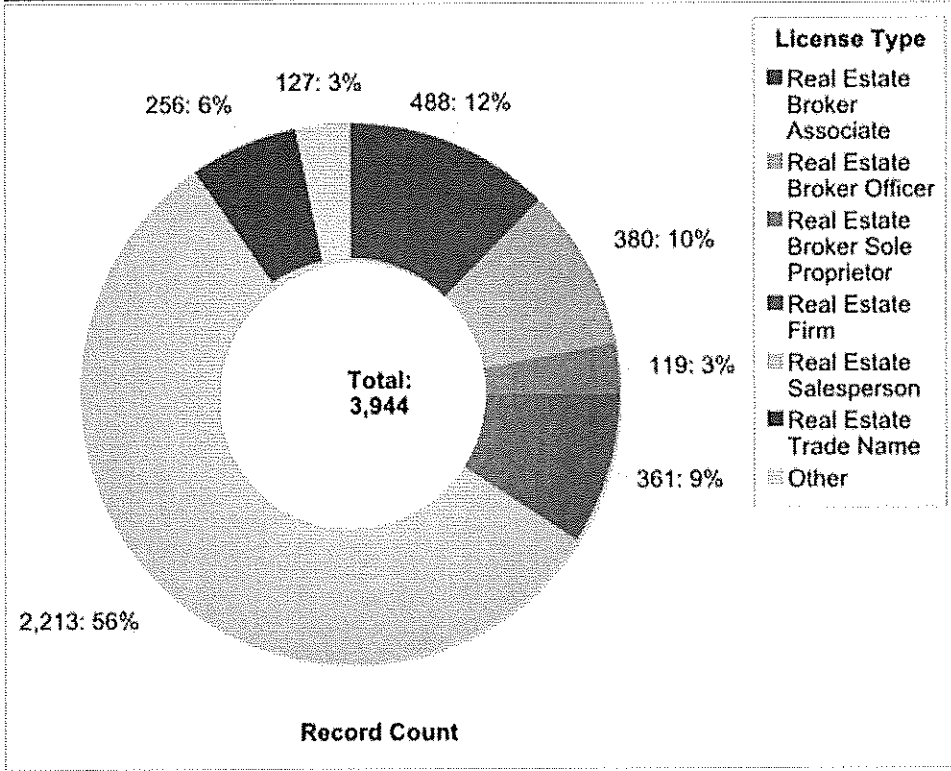
Type

■ RE - Background Packet Request	■ RE Commission - Change Status to Active
■ RE Commission - Change Status to Inactive	■ RE Commission - Renewal
■ RE Commission - Salesperson/Broker	■ RE Commission - Transfer
■ RE Commission - Authorized Course Application	■ Other

IREC LICENSES WITH 12/31/21 EXPIRATION DATE:



IREC LICENSES RENEWED WITH 12/31/21 EXPIRATION DATE:



IREC LICENSES LAPSED ON 01/01/22 WITH 12/31/21 EXPIRATION DATE:

