

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
May 6 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

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

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	Lori SchraderBachar, PLB Site Manager
Ashley Thompson, Background Manager	MaryClaire Hipp, PLB Temp Employee

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

Cindy Rice, Rice Insurance Services Co, LLC	Arthur Cox, UNI Director of Real Estate Education
Amanda Nagle, Iowa Association of Realtors	Alon Schwartz, PSI Services
Kristen Brend, Iowa Association of Realtors	

Call to Order

Stolk called the meeting to order at 9:10 a.m.
Quorum was established.
Introductions were made.

Motion by Clingman to approve the agenda.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Election of Officers

Motion by Clingman to nominate Stolk as Chair of the Commission.

Seconded by DeMott.

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

Motion passed.

Motion by DeMott to nominate Clingman as Vice-Chair of the Commission.

Seconded by Carminhato.

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

Motion passed.

Approval of Minutes

Motion by Kimes to approve the April 1, 2021 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: Carminhato, Stolk, Kimes, DeMott, Clingman Nay: None Abstaining: Reed

Motion passed.

Cindy Rice joined the meeting at 9:16 a.m.

Commissioner Reports

None.

Staff Reports

Lundquist welcomed Reed to the Commission.

SchraderBachar reviewed the return to work plan with Commissioners and announced the PLB rules changes will become effective May 26. SchraderBachar announced she posted two documents for Board Members on the Google Drive: "Board Member Dos and Don'ts" and "Random Thoughts from a Public Protection Administrator." SchraderBachar reminded Commissioners that their mantra is to protect the public at the IREC meetings.

Evans asked Commissioners to sign and return their per diems. Evans will link the new PLB rules to the shared Google Drive. Evans welcomed Reed to the Commission.

Professional Examination Services Contract with PSI Services, LLC

Discussion was held prior to the motion for Contract Renewal July 1, 2021 – June 30, 2022.

Motion by DeMott to renew the current contract with PSI for the time period of July 1, 2021 – June 30, 2022 for the examination fee in the amount of \$95.00.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Schwartz reviewed the services provided by PSI and announced that remote proctoring will be available for Iowa Real Estate applicants beginning July 8th, 2021. Applicants will have the choice to take the exam at a testing center or remotely. There will be a short presentation for IREC staff in late June, 2021 before the launch.

Schwartz left the meeting at 9:46 a.m.

IREC Group Errors and Omissions Insurance Program

AssuredPartners Announces Acquisition of Rice Insurance Services Company, LLC. Cindy Rice Grissom explained the change of ownership and addressed questions from Commissioners. Rice will still be the Program Manager in Iowa.

Rice Grissom left the meeting at 9:58 a.m.

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 May 30, 2021. Lundquist explained that not all portions of the proclamation were extended. The Commission is to give the public a 6 month notice that extensions for the 60-hour pre-licensing salesperson and broker completion certificates ends November 2, 2021. Amendments were made to both #2 and #3 of the FAQ COVID document.

Motion by Clingman 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 Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Public Comment

Nagle announced the upcoming Summer Meetings in Cedar Falls, June 16-18 and the IAR Annual Convention in Council Bluffs, October 12-15, 2021.

SchraderBachar left the meeting at 10:07 a.m.

The Commission took a break at 10:08 a.m. and reconvened at 10:15 a.m.

Closed Session (1)

Motion by Kimes to go into closed session pursuant to Iowa Code §§ 21.5(1)(a) & 272C.15(5) to review the petitioners' submission of their criminal records and make an eligibility determination re: Eligibility Determination 21-01 (IREC Case No. 21-097).

Seconded by DeMott.

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

Motion passed unanimously.

The Commission entered into closed session at 10:17 a.m. and arose from there at 11:16 a.m.

Open Session (1)

Motion by DeMott to return to open session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to table the reinstatement/eligibility determination ruling for Eligibility Determination 21-01 (IREC Case No. 21-097) pending the receipt of additional documents provided by the petitioner.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes for staff to draft a denial of eligibility for Eligibility Determination 21-02 (IREC Case No. 21-116) consistent with the discussion that took place in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None
Motion passed unanimously.
The Commission took a break at 11:18 a.m. and reconvened at 11:25 a.m.

Closed Session (2)

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 Clingman.

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

Motion passed unanimously.

The Commission entered into closed session at 11:26 a.m. and arose from there at 12:36 p.m.

Open Session (2)

Motion by Kimes to return to open session.

Seconded by DeMott.

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 the following cases: 20-046, 20-288, 20-299, 20-306, and 20-311 as discussed in closed session.

Seconded by Reed.

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

Motion by Kimes to find probable cause and to authorize Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for the following cases: 20-260, 20-305, 20-323, 20-333, 21-028, 21-044, 21-045, 21-057, 21-059, 21-060, 21-064, 21-065, 21-073, 21-074, and 21-084 as discussed in closed session.

Seconded by DeMott.

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

Motion by Clingman to grant licensure for IREC Case No. 21-102.

Seconded by Kimes.

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

Motion by DeMott 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: 21-083, 21-104, 21-105, and 21-113 as discussed in closed session.

Seconded by Clingman.

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

Motion by Kimes to find probable cause for the following cases: 20-135, 20-136, 21-072, 21-075, and 21-091 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: 20-188, 20-257, 21-013, 21-018, and 21-042 as discussed in closed session.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to rescind the probable cause finding and close the following cases: 17-081, 20-310, and 20-314.

Seconded by Carminhato.

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 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. 21-090 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 Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Future Meetings

Investigation Committee Meetings

Wednesday, June 2
Wednesday, August 4
Wednesday, September 1

Regularly Scheduled Meetings

Thursday, June 3
Thursday, August 5
Thursday, September 2

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 12:56 p.m.

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

June 3, 2021
Date

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

Iowa Real Estate Commission
 Staff Report – As of 05/01/21
 May 6, 2021 IREC Meeting

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>Firms</u>
Active	7,261	2,925		
Inactive	1,286	310		
Suspended	13	17		
TOTAL	8,560	3,252	11,812	1,148

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Broker	133	294	309	296	296	298
Salesperson	906	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	556

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2021)</u>
Exam	450	39	
Rule 5.3	50	11	
Reciprocity	3	3	
TOTAL	503	53	556

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2021</u>
Minimum	3	Total Processed 605
Maximum	56	
Average (YTD 2021)	12	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	99
E & O	155
Trust Account	90

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	23.87%	2.02%

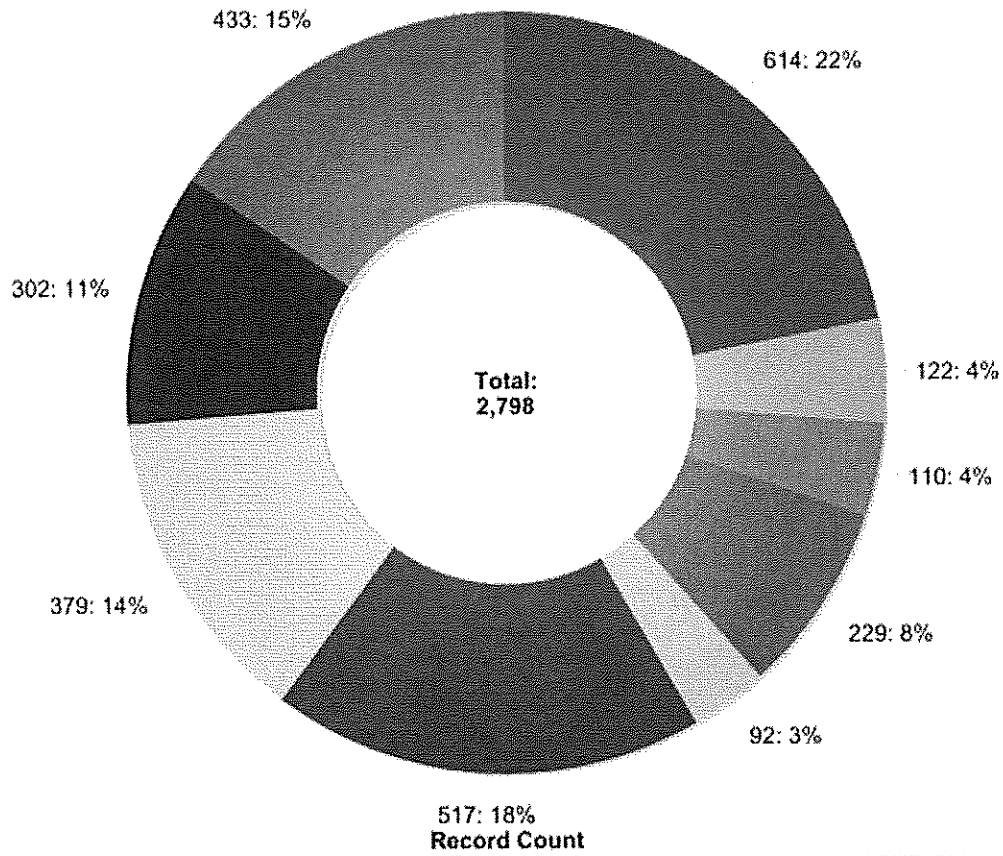
INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

		<u>Year To Date Totals</u>
Complaint Cases Opened YTD		127
<u>Commission Action:</u>		
Closed	24	
Closed with Informal Cautionary Letter	10	
Closed and Granted License	5	
Signed Informal Settlement Agreements	33	
Signed Applicant Consent Agreements	10	
Signed Cease and Desist by Consent Agreement	-	
Statement of Charges Filed	-	
License Denials	-	
Formal Hearings	-	
Total	82	
<u>IREC Staff Action:</u>		
Closed	20	
License Suspension	-	
Other	1	
Total	<u>21</u>	
Complaint Cases Closed YTD		103
Average Amount Of Time (Open To Close)		145 Days
<u>Disciplinary Action Totals:</u>		
Civil Penalties Assessed	\$ 52,750	
Continuing Education Hours Assessed	12	
CPA Audits Assessed	1	
Trust Account Reexaminations Assessed	-	
Probations Assessed	2	
Suspensions Assessed	1	
Revocations/Voluntary Surrenders	1	
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)	298
Provider Approvals (New/Renewed)	8
Instructor Approvals (New/Renewed)	57
Pre/Post Course Approvals	9
Examination Authorization	10

IREC APPLICATIONS PROCESSED (2021):



- Type**
- General - Request for Background Check Packet
 - General - Request for License Verification (License History)
 - 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