

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
March 4, 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

Terry Duggan, Chair	Twee Duong, joined at 9:18 a.m.
Dennis Stolk, Vice Chair	Jan DeMott
Helen Kimes	Jim Clingman
Wendy Carminhato	

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

Kristen Brend, Iowa Association of Realtors	Arthur Cox, UNI Director of Real Estate Education
Gabe Walsh, Iowa Association of Realtors	Amanda Nagle

Call to Order

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

Motion by to Clingman to approve the agenda.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes

Motion by DeMott to approve the February 4, 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 Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports

None.

Staff Reports

Lundquist had nothing to report.

SchraderBachar is waiting to hear from the Governor's Office on board seats.

Evans asked Commissioners to sign and return their per diems. Evans announced Phase 2 of the Return to Work Plan begins March 29th. Phase 4 is tentatively scheduled for June 28th, which will make the Commission meeting in August the first in-person meeting in nearly 1 ½ years. The number of applicants this February were high and very similar to February 2020.

Duggan left the meeting at 9:14 a.m. and rejoined the meeting at 9:16 a.m. due to technical difficulties.

Duong joined the meeting at 9:18 a.m.

ARELLO

Motion by Kimes to approve sending Evans, Lundquist, Commissioner Stolk, and Commissioner Clingman to the 2021 ARELLO Mid-Year Meeting.

Seconded by DeMott.

Vote: Aye: Duggan, Kimes, Carminhato, DeMott, Clingman, Duong. Nay: None Abstaining: Stolk
Motion passed.

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 March 7, 2021. Evans explained this includes allowing all 36 hours of required continuing education to be taken via distance learning for 2021 renewals.

Motion by Stolk 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.

Administrative Rules re: ARC 5400C

SchraderBachar reports these rules are very similar to the rules the Commission voted on in December, 2020. SchraderBachar reports that the code editors made a couple revisions and made a definition for jurisdiction to make the rules clearer. Today a vote is needed to approve the rules to be adopted and filed.

- a. 193 – Chapter 5 re: Waivers and Variances from Rules
- b. 193 – Chapter 14 re: Military Service, Veteran Reciprocity, and Spouses of Active Duty Services Members.
- c. 193 – Chapter 15

Motion by DeMott to have staff "Notice to Adopt" ARC 5400C and the changes made to 193 Chapter 1.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Lundquist notes there are a couple conforming amendments necessary after ARC 5400C takes place within the Iowa Real Estate Commission Rules. He and Evans will be working on these amendments; specifically regarding HF2627.

Public Comment

Brend reports IAR in-class courses will be offered beginning August 1, 2021 but that IAR will continue to offer the live-instruction classes via Zoom because that option has been so popular.

SchraderBachar left the meeting at 9:27 a.m.

Closed Session

Motion by Stolk to go into closed session pursuant to Iowa Code §§ 21.5(1)(a) & (d) & (f) 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; Duggan, aye; Kimes, aye; Duong, aye; and Stolk, aye.

Motion passed unanimously.

The Commission entered into closed session at 9:29 a.m. and arose from there at 10:41 a.m.

Open Session

Motion by Clingman to return to open session.

Seconded by DeMott.

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 Evans (Executive Officer) to sign the accepted, signed Settlement Agreements/Consent Agreements for the following cases: 19-186, 20-212, and 20-246.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to find probable cause and to authorize Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for the following cases 20-144, 20-278, 20-329, 20-331, and 20-336 as discussed in closed session.

Seconded by Duong.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to grant licensure for IREC Case No. 21-024 and 21-043.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk 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. 21-025, 21-038, and 21-039 as discussed in closed session.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to find probable cause for IREC Case No. 20-300 and 20-301 as discussed in closed session.

Seconded by DeMott.

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

Motion passed.

Motion by Clingman to find probable cause for the following cases: 20-292, 20-293, 20-310, and 20-314 as discussed in closed session.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to close Case No. 20-315 as discussed in closed session.

Seconded by Stolk.

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

Motion passed.

Motion by Kimes to close the following cases: 20-114, 20-243, 20-291, 20-294, 20-309, 20-320, and 21-007 as discussed in closed session.

Seconded by Stolk.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 19-176 and the allegations of the unlicensed practice of real estate.

Motion by Clingman to close.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-298 and the allegations of the unlicensed practice of real estate.

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

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Future Meetings

Investigation Committee Meetings

Wednesday, March 31

Wednesday, May 5

Wednesday, June 2

Regularly Scheduled Meetings

Thursday, April 1

Thursday, May 6

Thursday, June 3

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 10:57 a.m.

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

April 1, 2021
Date

M. L. For Inel
By TERRANCE M. DUGGAN, Chair

Iowa Real Estate Commission
 Staff Report – As of 03/01/21
 March 4, 2021 IREC Meeting

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>Firms</u>
Active	7,062	2,901		
Inactive	1,231	302		
Suspended	13	17		
TOTAL	8,306	3,221	11,527	1,134

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Broker	58	294	309	296	296	298
Salesperson	301	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	250

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2021)</u>
Exam	208	15	
Rule 5.3	21	4	
Reciprocity	-	2	
TOTAL	229	21	250

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2021</u>
Minimum	6	Total Processed 273
Maximum	56	
Average (YTD 2021)	13	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	29
E & O	35
Trust Account	34

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	8.57%	3.45%

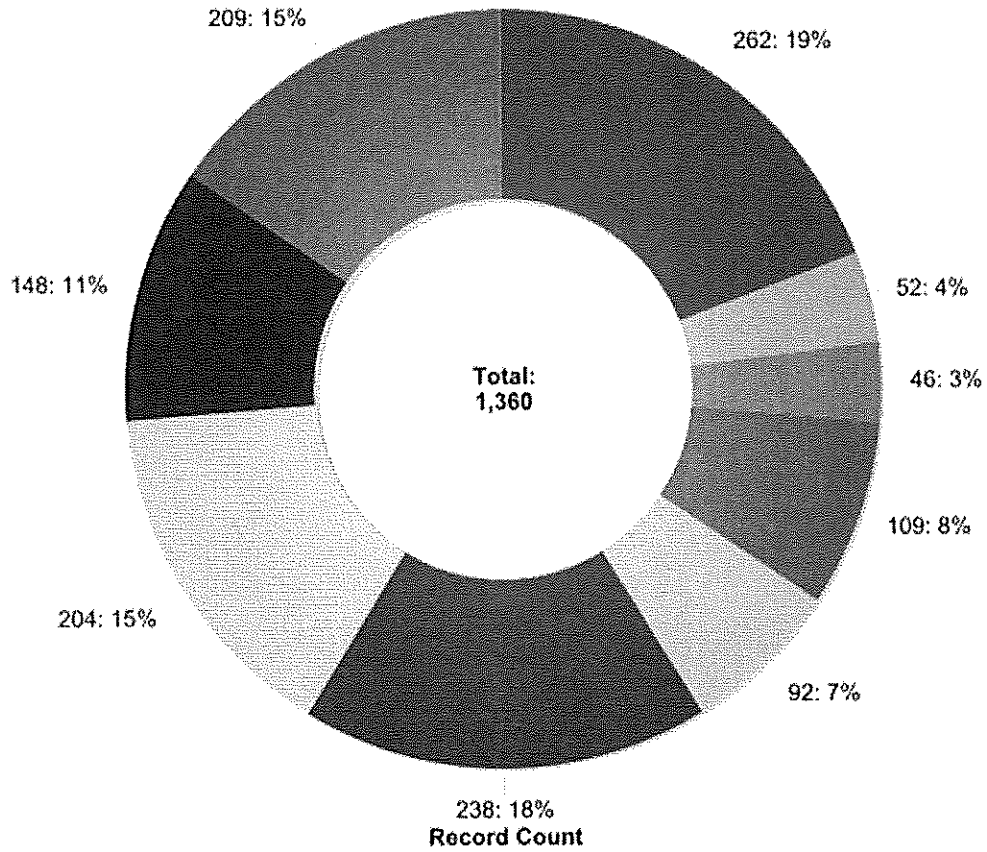
INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

		<u>Year To Date Totals</u>
Complaint Cases Opened YTD		43
<u>Commission Action:</u>		
Closed	10	
Closed with Informal Cautionary Letter	6	
Closed and Granted License	3	
Signed Informal Settlement Agreements	16	
Signed Applicant Consent Agreements	4	
Signed Cease and Desist by Consent Agreement	-	
Statement of Charges Filed	-	
License Denials	-	
Formal Hearings	-	
Total	39	
<u>IREC Staff Action:</u>		
Closed	7	
License Suspension	-	
Other	-	
Total	7	
Complaint Cases Closed YTD		46
Average Amount Of Time (Open To Close)		137 Days
<u>Disciplinary Action Totals:</u>		
Civil Penalties Assessed	\$ 21,500	
Continuing Education Hours Assessed	-	
CPA Audits Assessed	-	
Trust Account Reexaminations Assessed	-	
Probations Assessed	-	
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)	144
Provider Approvals (New/Renewed)	4
Instructor Approvals (New/Renewed)	17
Pre/Post Course Approvals	4
Examination Authorization	8

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