

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
December 2, 2021
9:00 a.m.

Commissioners present for all or part of the meeting

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

Commissioners not present for the meeting

Helen Kimes

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 via Zoom

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

Edie Daniels, Petersen Court Reporters	Kathleen O’Neill, Department of Inspections and Appeals
Pamela Rogers, Lande Real Estate, LLC	Patrick Dillon, Dillon Law P.C.

Call to Order

Stolk called the meeting to order at 9:07 a.m.
Quorum was established.
Introductions were made.

Motion by Clingman 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 November 4, 2021 IREC Meeting open and closed session minutes.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports

None

Staff Reports

Lundquist reports the Iowa State Legislature is scheduled to convene on January 10, 2022.

SchraderBachar reports renewals are underway for the PLB's two largest boards: engineering and real estate. SchraderBachar reports there have been some technical issues that she, along with Evans and Paulsen are working on correcting.

Evans asked Commissioners to sign and return their per diems and reports roughly 1400 licensees have renewed successfully since the renewal period opened on November 16, 2021.

Public Comment

None.

Item #7 was moved on the Agenda to after Public Comment.

Closed Session (1)

Motion by Clingman to go into closed session pursuant to Iowa Code §§ 21.5(1)(a) and § 272C.15(5) to review the petitioners' submission of their criminal records to make an eligibility determination re: IREC Eligibility Determination 21-04 (IREC Case No. 21-311).

Seconded by Reed.

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

Motion passed unanimously.

The Commission entered into closed session at 9:12 a.m. and arose from there at 9:19 a.m.

Open Session (1)

Motion by Clingman to return to open session.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to draft a favorable eligibility determination for IREC Eligibility Determination 21-04 (IREC Case No. 21-311), as discussed in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Formal Hearing

A hearing was held before the Commission in Case No. 21-189. 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 9:32 a.m. and concluded at 10:13 a.m.

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

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

Closed Session (2)

Motion by Reed to go into closed session pursuant to Iowa Code Section 21.5(1)(f) to deliberate IREC Case No. 21-189.

Seconded by Carminhato.

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

Motion passed unanimously.

The Commission entered into closed session at 10:14 a.m. and arose from there at 10:42 a.m.

Open Session (2)

Motion by DeMott to return to open session.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Lundquist and Paulsen rejoined the meeting at 10:42 a.m.

Motion by Clingman to request that Administrative Law Judge O'Neill prepare a written decision for IREC Case No. 21-189 in accordance with the findings and deliberations made in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

O'Neill and Daniels left the meeting at 10:43 a.m.

The Commission took at break at 10:43 and reconvened at 10:53.

Closed Session (3)

Motion by Clingman 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; Reed, aye; and Stolk, aye.

Motion passed unanimously.

The Commission entered into closed session at 10:54 a.m. and arose from there at 12:15 p.m.

Open Session (3)

Motion by DeMott to return to open session.

Seconded by Clingman.

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 Clingman (Chair), Stolk (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreements/Consent Agreements for the following cases: 18-095 and 20-042 as discussed in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott 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: 21-183, 21-219, 21-231, and 21-280 as discussed in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to find probable cause for the following cases: 20-286, 20-296, 21-171, 21-178, 21-179, 21-190, 21-223, 21-225, 21-226, 21-254, 21-256, 21-263, 21-272, and 21-304 as discussed in closed session.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to close the following cases: 19-063, 21-195, 21-210, 21-211, 21-221, 21-224, 21-228, 21-229, 21-284, and 21-295 as discussed in closed session.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to close IREC Case No. 21-194 as discussed in closed session.

Seconded by Reed.

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

Motion passed unanimously.

Motion by DeMott to rescind the probable cause finding and close IREC Case No. 18-089 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. 21-243 and the allegations of the unlicensed practice of real estate.

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

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-257 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. 21-258 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. 21-305 and the allegations of the unlicensed practice of real estate.

Motion by Clingman to close.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Future Meetings

Investigation Committee Meetings

Wednesday, February 3

Wednesday, March 2

Wednesday, April 13

Regularly Scheduled Meetings

Thursday, February 4

Thursday, March 3

Thursday, April 14

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 12:23 p.m.

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

February 3, 2022
Date

/// M. E. For IREC
By: Dennis Stolk, Chair

Iowa Real Estate Commission
Staff Report – As of 12/01/21
December 2, 2021 IREC Meeting

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>
Active	7,508	2,982	
Inactive	1,513	336	
Suspended	15	17	
TOTAL	9,036	3,335	12,371

	<u>Firms</u>	<u>Broker Sole Proprietors</u>	<u>TOTAL BROKERAGES</u>
Active	1,187	360	1,547

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Broker	339	294	309	296	296	298
Salesperson	2,974	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	1,180

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2021)</u>
Exam	927	101	
Rule 5.3	108	28	
Reciprocity	5	11	
TOTAL	1,040	140	1,180

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2021</u>
Minimum	3	Total Processed 1,427
Maximum	56	
Average (YTD 2021)	13	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	273
E & O	439
Trust Account	252

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%	1.49%

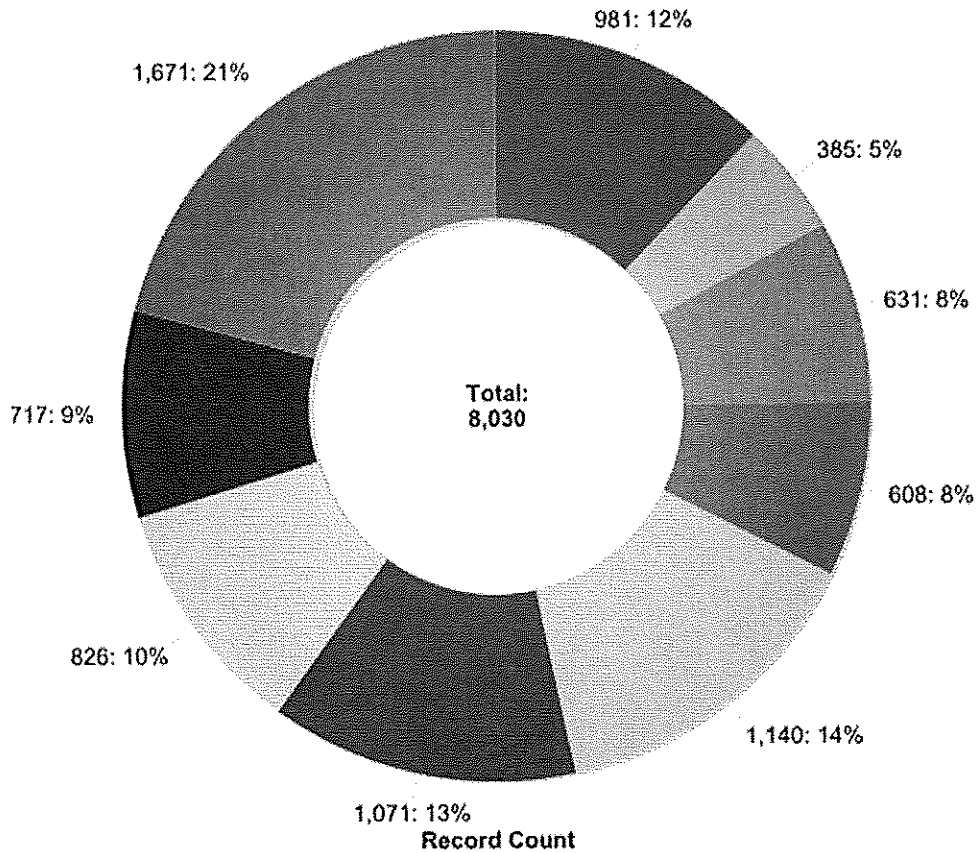
INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	341
<u>Commission Action:</u>	
Closed	61
Closed with Informal Cautionary Letter	24
Closed and Granted License	12
Signed Informal Settlement Agreements	133
Signed Applicant Consent Agreements	21
Signed Cease and Desist by Consent Agreement	4
Statement of Charges Filed	2
License Denials	2
Formal Hearings	1
Total	260
<u>IREC Staff Action:</u>	
Closed	65
License Suspension	2
Other	
Total	<u>67</u>
Complaint Cases Closed YTD	327
Average Amount Of Time (Open To Close)	167 Days
<u>Disciplinary Action Totals:</u>	
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:

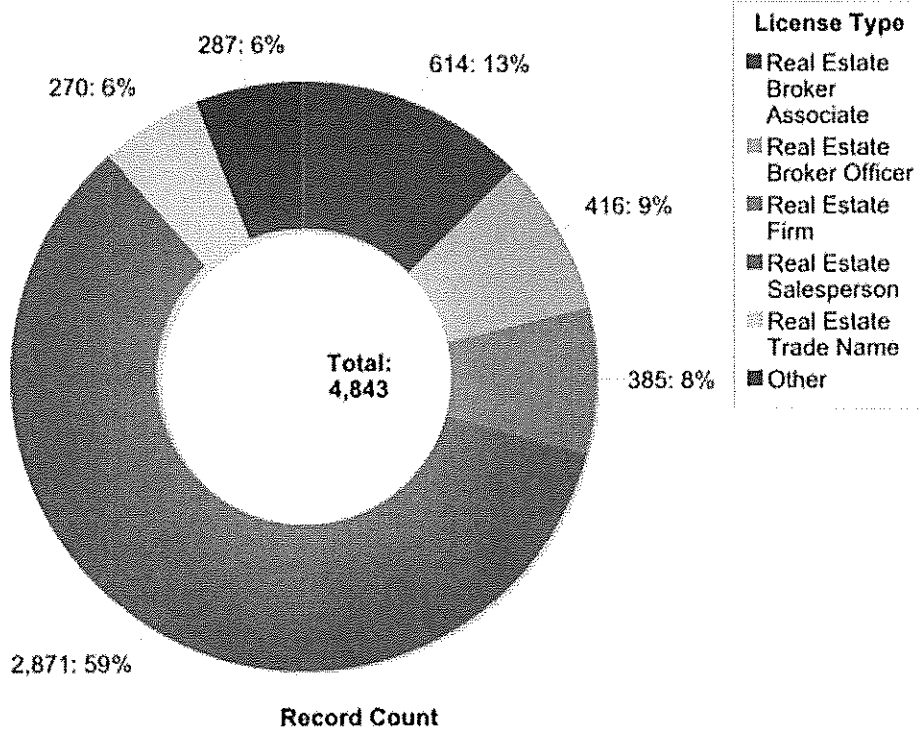
	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	713
Provider Approvals (New/Renewed)	24
Instructor Approvals (New/Renewed)	119
Pre/Post Course Approvals	25
Examination Authorization	48

IREC APPLICATIONS PROCESSED (2021):

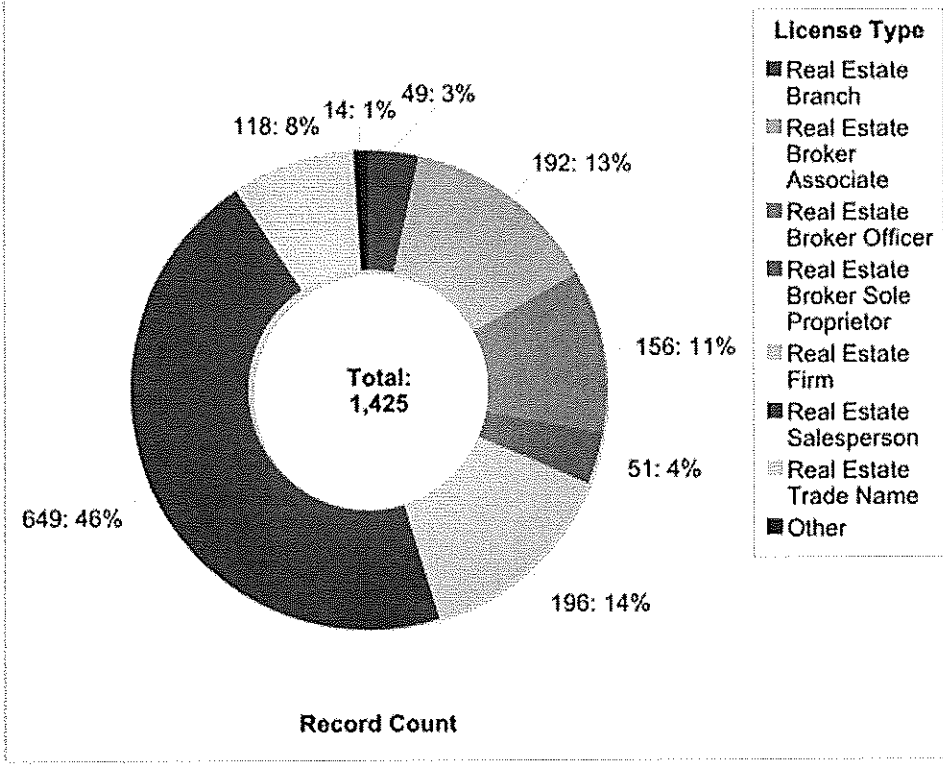


- Type**
- General - Request for Background Check Packet
 - General - Request for License Verification (License History)
 - RE - Background Packet Request
 - RE Commission - Change Status to Inactive
 - RE Commission - Renewal
 - RE Commission - Salesperson/Broker
 - RE Commission - Transfer
 - RE Commission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

IREC LICENSES WITH 12/31/21 EXPIRATION DATE:



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



IREC LICENSES LEFT TO WITH 12/31/21 EXPIRATION DATE:

