

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
March 3, 2022
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	Jill Simbro, Education Director via Zoom
John Lundquist, Assistant Attorney General	Danielle Bartkiw, Licensing Specialist
Renee Paulsen, PLB Investigator	Anthony Pawnell, Temporary Staff
Ashley Thompson, Background Manager	

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

Gabe Walsh, Iowa Association of Realtors	Holly Brink, EXP Realty, LLC via Zoom
Kris Brend, Iowa Association of Realtors via Zoom	Affinity Property Management, LLC via Zoom
Amanda Nagel, Iowa Association of Realtors via Zoom	

Call to Order

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

Motion by DeMott to approve the agenda.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes

Motion by Clingman to approve the February 03, 2022 IREC Meeting open and closed session minutes.

Seconded by Reed.

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

Motion passed.

Commissioner Reports

None.

Staff Reports

Lundquist had nothing to report.

SchraderBachar was not present in the meeting.

Evans asked Commissioners to sign and return their per diems and travel reports. Evans then reviewed the future meeting schedule with the Commissioners.

2022 Proposed Legislation

Evans presented Senate File 2324 to the Commission; an act relating to defining real estate teams and how real estate teams will be allowed to advertise as it pertains to displaying the name of their affiliated brokerage.

Walsh explained the problem is a lot of licensees are operating and marketing as "teams". Walsh stated the real estate business model is shifting in this direction and the license law should reflect the reality of what's taking place out in the marketplace. Furthermore, the bill will ensure the name of the brokerage stays connected to the name of the team and prevent the public from being misled or misinformed. Lundquist reported if the bill is passed, it will go into effect on December 31, 2022. This will allow time for the administrative code to be updated and licensees to become educated about the upcoming change.

Public Comment

Walsh reviewed the Iowa Association of Realtors' Ethics Complaint and Mediation process with the Commissioners.

Brink inquired about the tradename application protocol and Evans responded.

Closed Session

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 DeMott.

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

Motion passed unanimously.

The Commission entered into closed session at 9:26 a.m. and arose from there at 10:58 a.m.

Open Session

Motion by DeMott to return to open session.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Reed 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 21-279 as discussed in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman 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. 22-024 and IREC Case No. 22-033 as discussed in closed session.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Reed to find probable cause for IREC Case No. 22-019 as discussed in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to close the following cases: 21-273, 21-308, 21-315, 21-321, 21-323, 21-330, 21-331, 21-333, 21-346, 21-347, 21-352, and 22-005 as discussed in closed session.

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.

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. 21-299 and the allegations of the unlicensed practice of real estate.

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

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Future Meetings

Investigation Committee Meetings

Wednesday, April 13

No May Meeting

Wednesday, June 1

No July Meeting

Wednesday, August 3

Regularly Scheduled Meetings

Thursday, April 14

No May Meeting

Thursday, June 2

No July Meeting

Thursday, August 4

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 11:25 a.m.

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

March 31, 2022
Date

Dennis M. E. Stolck For IREC
By, Dennis Stolck, Chair

Iowa Real Estate Commission
 Staff Report – As of 03/01/22
 March 3, 2022 IREC Meeting

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>
Active	7,312	2,886	
Inactive	1,271	300	
Suspended	15	17	
TOTAL	8,598	3,203	11,801

	<u>Firms</u>	<u>Broker Sole Proprietors</u>	<u>TOTAL BROKERAGES</u>
Active	1,185	345	1,530

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Broker	45	449	294	309	296	296
Salesperson	334	3,490	2,885	2,463	2,040	2,091

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	216

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2022)</u>
Exam	172	18	
Rule 5.3	15	9	
Reciprocity	-	2	
TOTAL	187	29	216

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2022</u>
Minimum	10	Total Processed 277
Maximum	19	
Average (YTD 2022)	15	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	54
E & O	58
Trust Account	28

PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:

<u>Year</u>	<u>E&O</u>	<u>Continuing Education</u>
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%
2022	32.76%	0.00%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	37

Commission Action:

Closed	17
Closed with Informal Cautionary Letter	7
Closed and Granted License	2
Signed Informal Settlement Agreements	1
Signed Applicant Consent Agreements	1
Signed Cease and Desist by Consent Agreement	-
Statement of Charges Filed	-
License Denials	-
Formal Hearings	-
Total	28

IREC Staff Action:

Closed	6
License Suspension	-
Other	-
Total	<u>6</u>

Complaint Cases Closed YTD	34
Average Amount Of Time (Open To Close)	99 Days

Disciplinary Action Totals:

Civil Penalties Assessed	\$ 2,500
Continuing Education Hours Assessed	-
CPA Audits Assessed	-
Trust Account Reexaminations Assessed	-
Probations Assessed	1
Suspensions Assessed	1
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)	178
Provider Approvals (New/Renewed)	4
Instructor Approvals (New/Renewed)	27
Pre/Post Course Approvals	11
Examination Authorization	2

IREC APPLICATIONS PROCESSED (2022):

