

Iowa Real Estate Commission  
200 East Grand, Suite 350  
Des Moines, IA 50309  
MINUTES  
September 8, 2022  
9:00 a.m.

**Commissioners present for all or part of the meeting**

Jim Clingman	Helen Kimes
John Sweeney	Wendy Carminhato
Jan DeMott	

**Commissioners not present for the meeting**

Dakotah Reed

**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, Background Manager
Renee Paulsen, Education Director	Lori SchraderBachar, Bureau Chief
Ashley Thompson, PLB Investigator	

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

Amanda Nagle, Iowa Association of Realtors	Matt Blake, IAR legal counsel for IAR
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**Call to Order**

Clingman called the meeting to order at 9:02 a.m.  
Quorum was established.  
Introductions were made.

**Motion by DeMott to approve the agenda.**

Seconded by Kimes.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Approval of Minutes**

**Motion by Kimes to approve the August 4, 2022 IREC Meeting open and closed session minutes.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed.

**Commissioner Reports**

Clingman announced that during each commission meeting, one board member and one staff member will present an introduction so that members and staff have the opportunity to know one another better.

DeMott presented a personal profile to the commission and staff. She grew up in Bedford, Iowa with a very loving family with five siblings. DeMott's mother was a Kindergarten teacher and her father worked at a Phillips 66 dealership. Her parents stressed two values; never lie and have compassion for others; DeMott and her siblings carried forward to this day onto their own families. DeMott shared she had the best upbringing; that her parents never argued and that she had everything she needed. Yet, she confided that her family grew up poor. Her mother was in college and working as a teacher at the same time. DeMott grew up with very similar traits to that of her mother. DeMott graduated with a Home Economics degree and a Physical Education degree and did so in less than three years. DeMott married and raised 6 children; 3 boys and 3 girls and said, "I had so much fun raising them." DeMott has 14 grandchildren. DeMott was granted her real estate license in 1981, serves on the Hospice Advisory Board for SW Iowa, and is on the Church Elder Board. DeMott is a past Iowa president of the American Legion Auxiliary, has served for 23 years as a trustee of South West Community College, and taught at IAR for 23 years. DeMott described her husband who passed away five years ago; to whom she was married to for 52 years. DeMott shared that her husband's legacy is his children and that his every day mantra was, "every day is a holiday." DeMott's hobbies include long arm quilting, reading, gardening and hunting. She is a 3-time champion in squirrel hunting and was runner up to Miss Iowa back in the 60's.

Thompson presented a personal profile to the commission and staff. She was born raised on the south side of Des Moines and graduated from Lincoln High School. After high school, she attended veterinary school and became a vet technician and worked at a veterinary hospital for 14 years. Thompson lives in Adel with her husband and 3 children and they keep her very busy. Thompson shared that her 13-yr old daughter plays soccer, does cheer leading, and cross country; her 14-yr old step daughter is a freshman on the varsity softball team and also plays volleyball; and her 11-yr old step son plays soccer, basketball, and baseball. Thompson spends her evenings juggling the children to and from sports meets and games, packing lunches, etc. Thompson shared that she tries to live in the moment as much as possible and cherish the time she has with her children before they are grown. Thompson loves her four pets, is passionate about music, and though she loves going to concerts, she actually prefers to be home. Thompson enjoys gardening and working on house or "DIY" projects. Thompson hopes to be an intern within the master gardener program in the future. She has worked for PLB for five years; beginning as the licensing specialist, then moving into the Background Manager position and was just recently promoted as the PLB Investigator.

### **Staff Reports**

Lundquist had nothing to report but thanked the Commission for authorizing him to attend the 2022 Annual Conference, held August 29 – September 2, 2022 in Nashville, TN.

SchraderBachar had nothing to report.

Paulsen had nothing to report.

Evans asked Commissioners to sign, date, and return their per diems and travel reports. Evans announced Bartkiw was promoted to Background Manager and reported on attending the ARELLO Conference in Nashville, Tennessee.

### **ARELLO**

Evans, Clingman, and Lundquist reported on the ARELLO Annual Conference Meeting in Nashville, Tennessee.

**Public Comment**

Nagle announced the IAR Convention is October 4<sup>th</sup> – 6<sup>th</sup>, 2022 at the Downtown Marriott in Des Moines.

Lundquist, Paulsen, Goddard, Thompson, and SchraderBachar left the meeting at 9:27 a.m.

**Closed Session (1)**

**Motion by DeMott to go into closed session in accordance with Iowa Code §§ 21.5(1)(a) & (d) & (f) to discuss the decision to be rendered in a contested case.**

Seconded by Carminhato.

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

Motion passed unanimously.

The Commission entered into closed session at 9:28 a.m. and arose from there at 9:32 a.m.

**Open Session (1)**

**Motion by Kimes to return to open session.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Lundquist, Paulsen, Goddard, Thompson, and SchraderBachar returned to the meeting at 9:32 a.m.

**Motion by Kimes to accept the Findings of Fact, Conclusions of Law, Decision and Order in IREC Case No. 22-100 (Eligibility Determination 22-02) and to authorize Clingman (Chair), Reed (Vice Chair), or Evans (Executive Officer) to sign the Decision and Order.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Closed Session (2)**

**Motion by DeMott to go into closed session in accordance with Iowa Code §§ 21.5(1)(a) & 272C .15(5) to review the petitioners' submissions of their criminal records and make an eligibility determination.**

Seconded by Sweeney.

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

Motion passed unanimously.

The Commission entered into closed session at 9:34 a.m. and arose from there at 9:52 a.m.

**Open Session (2)**

**Motion by DeMott to return to open session.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes for staff to draft an unfavorable eligibility determination for IREC Eligibility Determination 22-03 (IREC Case No. 22-164), as discussed in closed session.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by DeMott to draft a favorable eligibility determination for IREC Eligibility Determination 22-04 (IREC Case No. 22-252), as discussed in closed session.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

### Closed Session (3)

**Motion by Carminhato 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; Kimes, aye; and Sweeney, aye.

Motion passed unanimously.

The Commission entered into closed session at 9:55 a.m. and arose from there at 11:00 a.m.

### Open Session (3)

**Motion by Kimes to return to open session.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by DeMott to accept the signed settlements and/or consent agreements for the cases discussed in closed session and to authorize Clingman (Chair), Reed (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement/Consent Agreement for the following cases: 21-304, 22-122, 22-133, and 22-159 as discussed in closed session.**

Seconded by Kimes.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Carminhato to find probable cause and to authorize Clingman (Chair), Reed (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for the following cases: 22-048, 22-117, 22-177, 22-183, 22-189, and 22-208 as discussed in closed session.**

Seconded by Sweeney.

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 IREC Case No. 22-230 as discussed in closed session.**

Seconded by Kimes.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to find probable cause for the following cases: 22-057, 22-139, 22-140, 22-179, and 22-239, as discussed in closed session.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Carminhato to close the following cases: 21-271, 21-334, 22-032, 22-049, 22-128, and 22-207 as discussed in closed session.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to rescind the probable cause finding and close IREC Case No. 19-217 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. 22-131 and the allegations of the unlicensed practice of real estate.

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

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 22-132 and the allegations of the unlicensed practice of real estate.

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

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

### **Future Meetings**

#### **Investigation Committee Meetings**

Wednesday, October 5

No November Meeting

Wednesday, November 30

#### **Regularly Scheduled Meetings**

Thursday, October 6

No November Meeting

Thursday, December 1

**Meeting Adjourned**

With all agenda items covered, the meeting adjourned at 11:06 a.m.

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

October 6, 2022  
Date

  
By: Jim Clingman, Chair

**Iowa Real Estate Commission  
 Staff Report – As of 09/01/22  
 September 8, 2022 IREC Meeting**

**LICENSING TOTALS:**

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>
Active	7,648	2,938	
Inactive	1,423	318	
Suspended	16	17	
TOTAL	9,087	3,273	12,360

	<u>Firms</u>	<u>Broker Sole Proprietors</u>	<u>TOTAL BROKERAGES</u>
Active	1,225	338	1,563

**EXAMINATIONS ADMINISTERED BY PSI:**

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Broker	232	449	294	309	296	296
Salesperson	2,237	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	823

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON &amp; BROKER LICENSES ISSUED (YTD 2022)</u>
Exam	638	62	
Rule 5.3	82	26	
Reciprocity	8	7	
TOTAL	728	95	823

**TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI**

<u>Turnaround Time (Days)</u>		<u>2022</u>
Minimum	7	Total Processed 1,062
Maximum	72	
Average (YTD 2022)	16	

**AUDITS:**

	<u>Year To Date Totals</u>
Continuing Education	261
E & O	395
Trust Account	106

**PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:**

<u>Year</u>	<u>E&amp;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	21.27%	3.07%

**INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:**

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	252
<b><u>Commission Action:</u></b>	
Closed	63
Closed with Informal Cautionary Letter	22
Closed and Granted License	6
Signed Informal Settlement Agreements	71
Signed Applicant Consent Agreements	10
Signed Cease and Desist by Consent Agreement	9
Statement of Charges Filed	5
License Denials	-
Formal Hearings	2
Total	188
<b><u>IREC Staff Action:</u></b>	
Closed	33
License Suspension	-
Other	-
Total	<u>33</u>
Complaint Cases Closed YTD	221
Average Amount Of Time (Open To Close)	164 Days

**Disciplinary Action Totals:**

Civil Penalties Assessed	\$ 97,250
Continuing Education Hours Assessed	36
CPA Audits Assessed	-
Trust Account Reexaminations Assessed	-
Probations Assessed	2
Suspensions Assessed	5
Revocations/Voluntary Surrenders	3
Cease and Desist Injunction	9
License Denial	-
Statement of Charges Filed (Outstanding)	6



**REAL ESTATE EDUCATION REPORT:**

	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	732
Provider Approvals (New/Renewed)	17
Instructor Approvals (New/Renewed)	71
Pre/Post Course Approvals	52
Examination Authorization	14

**IREC APPLICATIONS PROCESSED (2022):**

