

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
October 6, 2022
9:00 a.m.

Commissioners present for all or part of the meeting

| | |
|--------------|------------------|
| Jim Clingman | Helen Kimes |
| John Sweeney | Wendy Carminhato |
| Jan DeMott | 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, joined 9:10 a.m. | Danielle Bartkiw, Background Manager |
| Ashley Thompson, PLB Investigator | Renee Paulsen, Education Director |

Call to Order

Clingman called the meeting to order at 9:03 a.m.
Quorum was established.
Introductions were made.

Motion by Reed to approve the agenda.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes

Motion by DeMott to approve the September 8, 2022 IREC Meeting open and closed session minutes.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed.

Commissioner Reports

None.

Staff Reports

Paulsen summarized her quarterly report submitted to SchraderBachar; reporting since she began her position as Education Director in June, she has completed between 50 – 60 CE audits and found 12 non-compliant. Next quarter she will begin auditing course instructors and courses. Paulsen will be attending the UNI Real Estate Education Advisory Counsel Fall Board Meeting via Zoom.

Lundquist was not present for this portion of the meeting.

SchraderBachar was not present for the meeting.

Evans asked Commissioners to sign, date, and return their per diems and travel reports. Evans reports he will be meeting with the IAR Board of Directors later today. Evans complimented staff for their hard work and explained that there is still an opening for the licensing specialist position. Interviews for this position were held last week; however, no candidate accepted the position.

Kimes presented a personal profile to the commission and staff. She was born and raised in Des Moines and attended East High School. Helen is married to Gary Kimes; a retired district court judge. Together they have 5 children; 3 daughters and 2 sons. Four of them live in this area, the other lives on the West Coast. Gary and Helen have 9 grandchildren. Kimes and her husband moved to Osceola in 1973, where she started her real estate career and they still live there today. Kimes began selling real estate in 1974 and obtained her broker license in 1977. Kimes has served on the Iowa Association of Realtors Trust Board as Associate Vice President. Kimes is very active in her local community, specifically in economic development; where her true passion lies. Kimes served on the Development Corporation in Clark County and located a casino and credits the tenacity of her and her fellow Osceola residents for accomplishing this feat. Kimes still has an active real estate agency in Osceola. Kimes has served on the IREC for 9 years and her term ends in April, 2023. Kimes has found her time serving on the IREC very rewarding and enjoys the members and staff.

Communications

After discussion, **Motion by Reed to grant waiver 22-02.** Mitchell A. Plimmer, the petitioner, who is a licensed attorney, asked the Commission for a waiver of 193E Iowa Administrative Code §§ 4.1(9) & 16.2(1) and the requirement that a newly licensed salesperson complete the required sixty (60) classroom or computer-based hours of real estate principles and practices. In support of his waiver, the petitioner provided proof of his diploma and proof of completing the (3) 12-hr pre-license classes. The Commission does require that at the time of the application for licensure, the Petitioner demonstrate that he meets all other licensing requirements, including payment of the applicable licensing fee. If the petitioner has not obtained a passing score report for the real estate salesperson examination or before April 30, 2023, this waiver shall expire and will be deemed withdrawn.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Public Comment

None.

Staff took a break at 9:19 a.m. and reconvened at 9:23 a.m.

Closed Session

Motion by Kimes 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 Reed.

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

Motion passed unanimously.

The Commission entered into closed session at 9:25 a.m. and arose from there at 10:38 a.m.

Open Session

Motion by Reed to return to open session.

Seconded by Kimes.

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 Clingman (Chair), Reed (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement/Consent Agreement for the following cases: 21-062 and 21-296 as discussed in closed session.

Seconded by Sweeney.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott 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: 22-096, 22-181, 22-184, 22-193, 22-203, 22-223, 22-224, 22-225, 22-228, 22-243, and 22-245 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 for the following cases: 22-234, 22-242, 22-251, 22-265, and 22-268, as discussed in closed session.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Reed to close the following cases: 22-163, 22-168, 22-176, 22-199, 22-200, 22-214, 22-221, 22-235, 22-237, 22-244, and 22-271 as discussed in closed session.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Future Meetings

Investigation Committee Meetings

No November Meeting
Wednesday, November 30

Regularly Scheduled Meetings

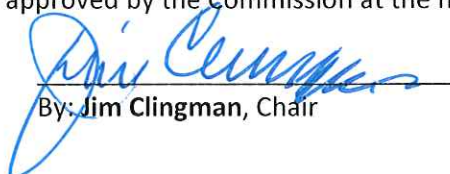
No November Meeting
Thursday, December 1

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 10:41 a.m.

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

12-1-22
Date


By: Jim Clingman, Chair

**Iowa Real Estate Commission
 Staff Report – As of 10/01/22
 October 6, 2022 IREC Meeting**

LICENSING TOTALS:

| | <u>Salespersons</u> | <u>Brokers</u> | <u>TOTAL IND. LICENSES</u> |
|-----------|---------------------|----------------|----------------------------|
| Active | 7,684 | 2,938 | |
| Inactive | 1,458 | 328 | |
| Suspended | 16 | 17 | |
| TOTAL | 9,158 | 3,283 | 12,441 |

| | <u>Firms</u> | <u>Broker Sole Proprietors</u> | <u>TOTAL BROKERAGES</u> |
|--------|--------------|--------------------------------|-------------------------|
| Active | 1,227 | 339 | 1,566 |

EXAMINATIONS ADMINISTERED BY PSI:

| | <u>2022</u> | <u>2021</u> | <u>2020</u> | <u>2019</u> | <u>2018</u> | <u>2017</u> |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Broker | 279 | 449 | 294 | 309 | 296 | 296 |
| Salesperson | 2,505 | 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 | 906 |

| | <u>Salespersons</u> | <u>Brokers</u> | <u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2022)</u> |
|-------------|---------------------|----------------|--|
| Exam | 704 | 65 | |
| Rule 5.3 | 88 | 32 | |
| Reciprocity | 9 | 8 | |
| TOTAL | 801 | 105 | 906 |

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

| <u>Turnaround Time (Days)</u> | | <u>2022</u> |
|-------------------------------|----|-----------------------|
| Minimum | 7 | Total Processed 1,134 |
| Maximum | 72 | |
| Average (YTD 2022) | 16 | |

AUDITS:

| | <u>Year To Date Totals</u> |
|----------------------|----------------------------|
| Continuing Education | 313 |
| E & O | 403 |
| Trust Account | 118 |

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 | 21.09% | 3.83% |

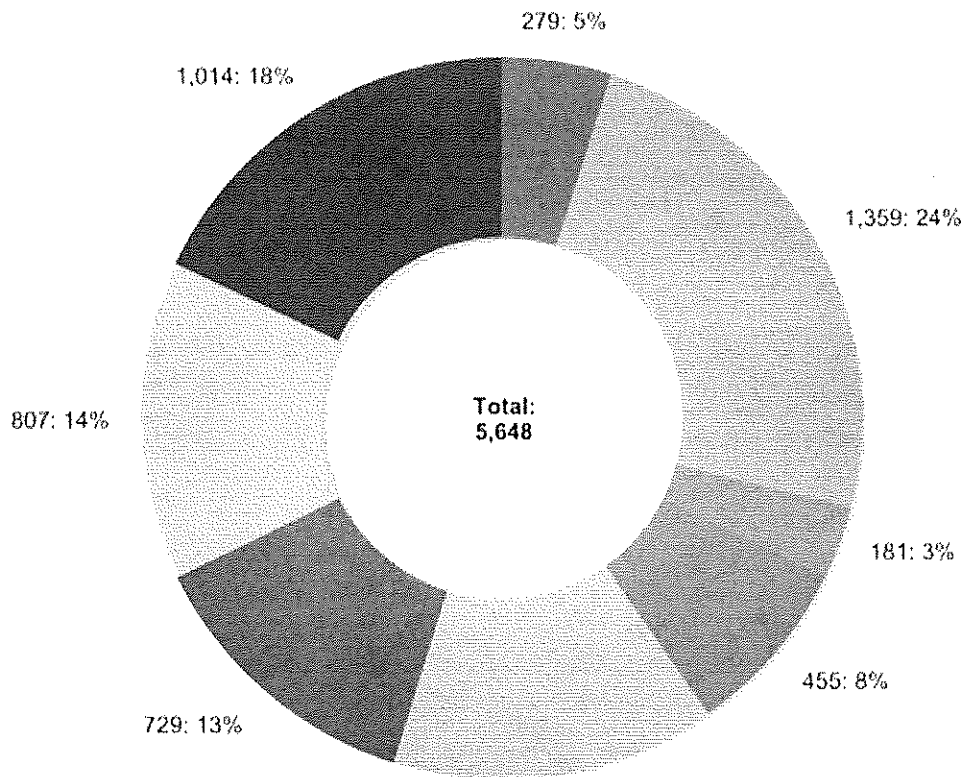
INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

| | <u>Year To Date Totals</u> |
|--|----------------------------|
| Complaint Cases Opened YTD | 273 |
| <u>Commission Action:</u> | |
| Closed | 69 |
| Closed with Informal Cautionary Letter | 22 |
| Closed and Granted License | 6 |
| Signed Informal Settlement Agreements | 81 |
| Signed Applicant Consent Agreements | 11 |
| Signed Cease and Desist by Consent Agreement | 11 |
| Statement of Charges Filed | 4 |
| License Denials | - |
| Formal Hearings | 2 |
| Total | 206 |
| <u>IREC Staff Action:</u> | |
| Closed | 33 |
| License Suspension | - |
| Other | - |
| Total | <u>33</u> |
| Complaint Cases Closed YTD | 239 |
| Average Amount Of Time (Open To Close) | 162 Days |
| <u>Disciplinary Action Totals:</u> | |
| Civil Penalties Assessed | \$ 116,250 |
| 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 | 11 |
| License Denial | - |
| Statement of Charges Filed (Outstanding) | 5 |

REAL ESTATE EDUCATION REPORT:

| | <u>Year To Date Totals</u> |
|------------------------------------|----------------------------|
| Course Approvals (New/Renewed) | 792 |
| Provider Approvals (New/Renewed) | 18 |
| Instructor Approvals (New/Renewed) | 79 |
| Pre/Post Course Approvals | 66 |
| Examination Authorization | 27 |

IREC APPLICATIONS PROCESSED (2022):



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