

IOWA REAL ESTATE COMMISSION

MINUTES

200 East Grand Avenue, Suite 350, Des Moines | Bureau Conference Room & Zoom

Thursday, February 2, 2023 at 9:00 a.m.

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

Jim Clingman, Chair  
Wendy Carminhato  
Jan DeMott  
Helen Kimes

Dakotah Reed  
John Sweeney  
Tanner Westberg

**Staff present for all or part of the meeting:**

Lori SchraderBachar, Bureau Chief  
John Lundquist, Assistant Attorney General  
Renee Paulsen, Executive Officer  
Collen Goddard, Trust Account Auditor

Ashley Thompson, PLB Investigator  
Danielle Bartkiw, Background Manager  
Kris Conway, Licensing Specialist

**Members of the Public:**

Adam Doughan via Zoom

**Call to Order**

Clingman called the meeting to order at 9:01 a.m.  
Quorum was established.  
Introductions were made.

Kris gave an introduction as the new licensing specialist. Kris grew up in the Big Creek State Park area and currently lives in Urbandale. She graduated from Iowa with a Political Science major. She just recently got engaged and enjoys travel to Northeast Iowa, where she plans on getting married. She has two dogs. She is enjoying her new role here with PLB and thanks everyone for the opportunity.

**Approval of Minutes**

**Motion by Kimes to approve the December 1, 2022 IREC Meeting open and closed session minutes.**

Seconded by Reed.

Vote: Aye: Kimes, Carminhato, Clingman, Sweeney, Reed, DeMott, Westberg Nay: None Abstaining: None.

Motion passed unanimously.

**Commissioner Reports**

None

**Staff Reports**

Lundquist had nothing to report.

SchraderBachar went into a discussion about an upcoming realignment of state agencies. PLB will be breaking away from the Department of Commerce, Division of Banking and will move to a new Department of Inspections, Appeals, and Licensing (DIAL) under a proposed bill, which will go into effect on July 1, 2023. PLB will be moving if the legislation passes. No date or location has been given for the move. Day-to-day operations from the board's point of view will be minimal. SchraderBachar reviewed the Governor's Executive Order 10, which is a moratorium on rule writing and a red tape review.

Lundquist added to the conversation that the Governor's office communicated they do not anticipate any layoffs or reduction in services. Ultimately, the DIA will oversee many licensing agencies through this streamline process with the intent to become more responsive to the public and be organized in a more rational and productive manner.

Paulsen asked Commissioners to sign, date, and return their per diems and travel reports. Paulsen reviewed the Staff Report with Commissioners and shared the final numbers for the 2022 Renewal Season; 3997 total licensees renewed, 915 lapsed. Paulsen and Commissioners discussed data that will be on future Staff Reports.

**ARELLO**

After discussion, **Motion by Reed for the Commission to approve sending Lundquist, Clingman, and/or Paulsen to the 2023 Mid-Year Meeting, April 26-28, 2023, which will be held in Boston, MA.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Rules**

After discussion, **Motion by Kimes to approve the NOIA for Iowa Administrative Code 193 as presented.**

Seconded by Westberg.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion Executive Order 10 took place during Staff Reports.

The Commission discussed agenda item 8 prior to 7 for the convenience of the petitioner.

**Communications**

After discussion, **Motion by DeMott to approve waiver 23-01. Adam Doughan, petitioner, addressed the Commission, requesting a waiver of 193E Iowa Administrative Code § 3.3 and the requirement that an applicant by examination must submit their exam score report not later than the last working day of the sixth calendar month following the qualifying real estate examination. The petitioner completed the 60 hours of required broker prelicense education and passed both portions of the broker exam. However, shortly after passing the exams, his mother was diagnosed with brain cancer and he was tasked with being her primary care giver. Due to the hardship, the petitioner was unable to apply for licensure prior to these documents expiring. If the petitioner has not applied for the real estate broker license on or before the 2<sup>nd</sup> of August, 2023, this waiver shall expire and will be deemed withdrawn.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Goughan Left meeting at 9:28 a.m.

**Discipline Discussion**

Civil Penalty - Discussion & Consensus

After a discussion over current civil penalties, the Commission agreed no changes will be made at this time. This topic could be reviewed again at a future date.

After discussion, **Motion by Sweeney to allow staff to close E&O cases as needed.**

Seconded by Kimes.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Public Comment**

None.

Meeting broke from 10:08 a.m. and reconvened at 10:14 a.m.

**Closed Session (1)**

**Motion by DeMott to go into closed session pursuant to Iowa Code § 21.5(1)(a) & § 272C.15(5) to review the petitioner's submission of their criminal records and make an eligibility determination.**

Seconded by Westberg

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

Motion passed unanimously.

The Commission entered into closed session at 10:15 a.m. and arose from there at 10:22 a.m.

**Open Session (1)**

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

Seconded by DeMott

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Reed to draft a favorable eligibility determination for IREC Eligibility Determination IREC Case No. 23-022, as discussed in closed session.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: Kimes                      Abstaining: None

Motion passed unanimously.

**Closed Session (2)**

**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 DeMott.

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

Motion passed unanimously.

The Commission entered into closed session at 10:26 a.m. and arose from there at 12:28 p.m.

**Open Session (2)**

**Motion by Reed 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 Paulsen (Executive Officer) to sign the accepted, signed Settlement Agreement/Consent Agreement for the following cases: 20-045, 21-029, 21-041, 21-094, 21-096, 21-110, 21-179, 21-196, 22-185, 22-190, 22-196, 22-242, 22-234, and 22-251 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 and accept signed settlements and/or consent agreements for the cases discussed in closed session and to authorize Clingman (Chair), Reed (Vice Chair) or Paulsen (Executive Officer) to sign the accepted, signed Settlement Agreements/Consent Agreements for the following cases: 21-217, 22-091, 22-158, 22-182, 22-205, 22-209, 22-213, 22-233, 22-256, 22-266, 22-278, 22-281, 22-286, 22-294, 22-298, 22-310, 22-314, 22-316, 22-319, and 22-321 as discussed in closed session.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Carminhato to find probable cause for the following cases: 22-325, 22-337, 23-002, 23-004, and 23-017 as discussed in closed session.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Carminhato to find probable cause for IREC Case No. 22-257 and 22-259 as discussed in closed session.**

Seconded by DeMott.

Vote: Aye: Carminhato, DeMott, Kimes, Clingman, Westberg, Sweeney      Nay: None      Abstaining: Reed

Motion passed.

**Motion by Kimes to close the following cases: 22-216, 22-217, 22-219, 22-222, 22-240, 22-255, 22-283, 22-288, 22-289, 22-301 as discussed in close session.**

Second by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to close the following cases: 22-260.**

Second by DeMott.

Vote: Aye: Carminhato, DeMott, Kimes, Clingman, Westberg, Sweeney      Nay: None      Abstaining: Reed

Motion passed.

**Motion by Kimes to close IREC Case No. 22-279.**

Second by DeMott.

Vote: Aye: Carminhato, DeMott, Kimes, Clingman, Westberg, Reed      Nay: None      Abstaining: Sweeney

Motion passed.

**Motion by Reed to close IREC Case No. 22-258 and 23-020.**

Second by Westberg.

Vote: Aye: Carminhato, Kimes, Sweeney, Westberg, Reed      Nay: DeMott, Clingman      Abstaining: None

Motion passed.

**Motion by DeMott to grant license in case IREC No. 23-005.**

Second by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Westberg to find probable cause, suspend the license for one-year, followed by a two-year probation period in IREC Case No. 23-001.**

Second by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Reed to enter into a Consent Agreement with the Applicant, with Executive Officer Paulsen signing on behalf of the Commission, and then grant licensure when all other licensing requirements have been met for IREC Case No. 23-027 as discussed in closed session.**

Seconded by Westberg.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to accept the signed Cease and Desist Order by Consent Agreement and to authorize Clingman (Chair), Reed (Vice Chair), or Paulsen (Executive Officer) to sign the accepted, signed Settlement Agreement in case IREC No. 22-079**

Seconded by Reed

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 22-241 and the allegations of the unlicensed practice of real estate.

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

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 12-299 and the allegations of the unlicensed practice of real estate.

**Motion by DeMott to close.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 14-157 and the allegations of the unlicensed practice of real estate.

**Motion by Carminhato to close.**

Seconded by Westberg.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 14-171 and the allegations of the unlicensed practice of real estate.

**Motion by DeMott to close.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 14-181 and the allegations of the unlicensed practice of real estate.

**Motion by Reed to close.**

Seconded by Kimes.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 22-270 and the allegations of the unlicensed practice of real estate. No action taken as this complaint file will be tabled to a future meeting.

Discussion was held re: IREC Case No. 22-273 and the allegations of the unlicensed practice of real estate. No action taken as this complaint file will be tabled to a future meeting.

Discussion was held re: IREC Case No. 22-292 and the allegations of the unlicensed practice of real estate. No action taken as this complaint file will be tabled to a future meeting.

Discussion was held re: IREC Case No. 22-293 and the allegations of the unlicensed practice of real estate. No action taken as this complaint file will be tabled to a future meeting.

DeMott left at 12:46 p.m. and returned at 12:48 p.m.  
Westberg left at 12:54 p.m. and returned at 12:56 p.m.

**Future Meetings**

**Investigation Committee Meetings**

Wednesday, March 1  
Wednesday, April 5  
Wednesday, May 3  
Wednesday, May 31  
No July meeting  
Wednesday, August 2

**Regularly Scheduled Meetings**

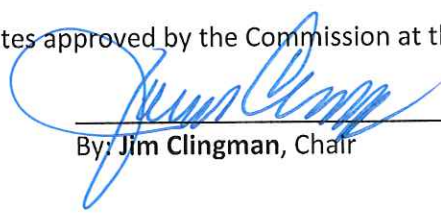
Thursday, March 2  
Thursday, April 6  
Thursday, May 4  
Thursday, June 1  
No July meeting  
Thursday, August 3

**Meeting Adjourned**

With all agenda items covered, the meeting adjourned at 12:59 p.m.

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

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
By: Jim Clingman, Chair