

IOWA REAL ESTATE COMMISSION
MINUTES

200 East Grand Avenue, Suite 350, Des Moines | Bureau Conference Room & Zoom
Thursday, April 6, 2023 at 9:00 a.m.

Commissioners present for all or part of the meeting:

Jim Clingman, Chair
Jan DeMott
Helen Kimes
Wendy Carminhato

Dakotah Reed
John Sweeney
Tanner Westberg

Commissioners not present for the meeting:

None

Staff present for all or part of the meeting:

Lori SchraderBachar, Bureau Chief via Zoom
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:

Alicia Porter, Cedar Rapids ReMax Concepts
Steve SchraderBachar, public
Greta Hall, IAR
Gavin Blair, IAR, NoCoast MLS
Les Sulgrove, IAR, NoCoast MLS

Call to Order

Clingman called the meeting to order at 9:00 a.m.
Quorum was established.
Introductions were made.

Approval of Minutes

Motion by Kimes to approve the March 3, 2023 IREC Meeting open and closed session minutes.

Seconded by Reed.

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

Carminhato Recused.

Motion passed.

Commissioner Reports

Sweeney lead a discussion on criminal background checks. Applicants have been requesting the results of their criminal background checks. Paulsen stated that the Department of Inspections and Appeals has advised the IREC to update its current background process. Background checks cannot be shared with anyone, including the board without proper training. SchaderBacher stated that background checks will be processed in paper to prevent possible breaches through the google drive. The board will no longer have access to the full background reports, but a supportive document with the relevant information will be provided.

Staff Reports

Lundquist briefly summarized the progress of Executive Order 10. The attorney general office is working on a uniform approach to write new rules. He predicts five to six months of planning is still ahead.

Hall entered the meeting at 9:05 a.m.

6946C

SchraderBachar continued to update the commission on EO 10. PLB Staff has been attending DIAL Town Halls. No substantial updates to report at this time. The framework to rewrite the rules is still in progress. PLB has roughly 100 chapters of rules to rewrite.

Paulsen asked the commissioners to sign their per diems and travel reports. Carminhato and Clingman were reappointed to the commission for their 3rd term. Alicia Porter has been appointed as a broker member out of Marion, Iowa. The salesperson position on the commission is still vacant. There will be a meeting sometime between April 12 and April 26 via Zoom in order for the Commission to vote on ARC 6946C .

IAR discussion on NoCoast MLS

Blair and Sulgrove lead a discussion on the establishment of NoCoast MLS. NoCoast MLS is a state-wide MLS. Currently, the IAR manages five associations and their MLSs. Iowa has 12 MLSs, which compared to other states is a large number. NoCoast is designed to create access for every listing to every member, to create a more professional view of real estate to the public, and to drive down costs. The IAR is working on the rules for MLSs and to create standardized compliance. The IAR is working on a public facing website for NoCoast MLS. NoCoast is its own LLC and will not be sold off to another company. There will not be any ads on the website, and it is not for profit. The website will be for information only and will only state to the listing brokerage. It is not designed to create leads. Realtors are advised to follow the rules of ethics and to not sell out of their expertise. IAR will publish violations, complaints and findings, whether they are found guilty or not. Copywrite rules will be standardized and mandated by the MLS rules. Their main goals are accessibility and transparency. All board of directors meeting are open to the public. Boards are welcome to join as exploratory members. Board meetings motions are held by a full vote to attract more members by allowing them to make changes.

Blair left the meeting at 9:32 a.m.

Sulgrove left the meeting at 9:32 a.m.

Steve SchraderBacher left the meeting at 9:33 a.m.

Hall left the meeting at 9:33 a.m.

Establish Rules Committee

The commission appointed members of the commission and the public to the rules committee:

Matt Blake

Jan DeMott

Jim Clingman

Tana Corbet

SchaderBacher stated the Governor's office will be providing a Red Line.

Recognition of outgoing Commission members

The commission thanked and celebrated the years of service DeMott and Kimes provided the commission.

Public Comment

None

Porter left the meeting at 9:53 a.m.

Closed Session

Motion by DeMott to enter into closed session pursuant to Iowa Code § 21.5(1)(a)& (d) & (f), 272.C.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 Carminhato.

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 9:54 a.m. and arose from there at 10:59 a.m.

Open Session

Motion by Westberg to return to open session.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Reed 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 in the following cases: 22-335, 23-007, 23-039, 23-055, 23-056, 23-058, 23-062, 23-066, 23-067, 23-069, and 23-070 as discussed in closed session.

Seconded by Westberg.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to 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 Agreement in the following cases: 17-138, 20-100, 20-165, 20-168, 20-180, 20-217, 21-256, 22-265, 22-292, 22-293, 23-002, and 23-042 as discussed in closed session.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to find probable cause for IREC No. 23-009 and 22-025 as discussed in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Westberg to find probable cause in case IREC No. 23-065.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Reed to close the following cases: 22-282, 22-284, 22-285, 22-309, 22-311, 22-317, 22-322, 22-342, 23-012, and 23-049 as discussed in close session.

Second by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to grant license in case IREC No. 23-077.

Second by Westberg.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes 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 No. 23-078.

Second by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Westberg to rescind the probable cause finding and close IREC Case No. 16-022 as discussed in closed session.

Second by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 22-324 and the allegations of the unlicensed practice of real estate.

Motion by Reed to close.

Seconded by Westberg.

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

Motion passed.

Discussion was held re: IREC Case No. 22-334 and the allegations of the unlicensed practice of real estate.

Motion by Carminhato to close.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Reed 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.

Seconded by Westberg.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Future Meetings

Investigation Committee Meetings

Wednesday, May 3
Wednesday, May 31
No July meeting
Wednesday, August 2
Wednesday, September 6
Wednesday, October 4
Wednesday, November 1
Wednesday, December 6

Commission Meetings

Thursday, May 4
Thursday, June 1
No July meeting
Thursday, August 3
Thursday, September 7
Thursday, October 5
Thursday, November 2
Thursday, December 7

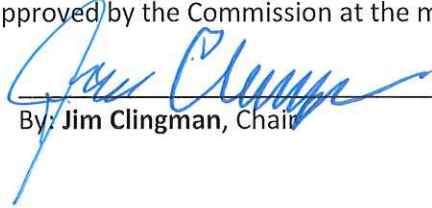
Meeting Adjourned

With all agenda items covered, the meeting adjourned at 11:16 a.m.

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

5-4-23

Date


By: **Jim Clingman**, Chair