

Iowa Real Estate Commission  
200 East Grand, Suite 350  
Des Moines, IA 50309  
MINUTES  
June 3 2021  
9:00 a.m.

The meeting was conducted via Zoom because of the public health recommendations to minimize public gatherings. Public access to this meeting was made available through Zoom.

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

Dennis Stolk, Chair	Jan DeMott
Jim Clingman, Vice-Chair	Helen Kimes
Wendy Carminhato	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, Licensing Specialist
Renee Paulsen, PLB Investigator	Lori SchraderBachar, PLB Site Manager
Ashley Thompson, Background Manager	MaryClaire Hipp, PLB Temp Employee
Jill Simbro, Education Director	

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

Amanda Nagle, Iowa Association of Realtors	Arthur Cox, UNI Director of Real Estate Education
Kristen Brend, Iowa Association of Realtors	

**Call to Order**

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

**Motion by Clingman 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 May 6, 2021 IREC Meeting open and closed session minutes and to authorize Executive Officer Evans to sign the minutes on behalf of the Commission.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Commissioner Reports**

Stolk asked Commissioners how the markets are in their areas. All of the Commissioners agree that the current market is very competitive and recognize the impact and potential confusion this has on buyers.

### **Staff Reports**

Lundquist nothing to report. He will be absent during today's meeting beginning at 10:00 a.m. for a few minutes.

SchraderBachar reviewed the return to work plan with Commissioners. SchraderBachar reports renewal season is currently underway for multiple boards within PLB; consequently, staff is busier than normal. SchraderBachar confirmed that she contacted the Governor's Office regarding the open board and commission seats within PLB. The Governor's Office confirmed that they are aware of the open seat for a public member and are currently working on filling that seat. PLB staff will return to 100% in person in the office beginning July 6<sup>th</sup>, 2021. In-person board and commission meetings and out-of-state travel were allowed beginning June 1<sup>st</sup>. SchraderBachar invites members to return to in-person board and commission meetings beginning in September and that the Zoom platform will still be made available for both members and the public.

Evans asked Commissioners to sign and return their per diems. Due to some hearings that require scheduling, Evans informed Commissioners it may be a busy Fall. Evans announced Paulsen gained a Certified Real Estate Investigator Designation: CREI through ARELLO. Evans congratulated Paulsen and complimented her for her organization and for taking initiative to gain that certification.

### **ARELLO**

**Motion by DeMott for the Commission to approve sending Evans, Lundquist, Commissioner Clingman, and Commissioner Stolk to the 2021 ARELLO Annual Conference.**

Seconded by Reed.

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

**Motion by Kimes for the Commission to approve sending Goddard and Paulsen to the 2021 Investigator Workshop.**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None  
Motion passed unanimously.

### **Accommodations for National Criminal History Check, Renewals, and Continuing Education Due to COVID-19**

Evans shared with the Commission the draft document and updated revisions in response to the Governor's extension of the Emergency Proclamation, through June 26, 2021. The May 27, 2021 Proclamation of Disaster Emergency is silent on the background check suspension/relief; as a result, all applicants for an initial real estate broker or salesperson license shall be subject to a national criminal history check through the federal bureau of investigation. Approximately 50-60 licensees that were granted suspension of the required background check now have 30 days to return their fingerprint card and waiver forms.

**Motion by Kimes to approve the updated "Frequently Asked Questions about IREC licensing during the COVID-19 Pandemic and Emergency Proclamations in Iowa" document for distribution.**

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None  
Motion passed unanimously.

**Public Comment**

Nagle reports the IAR Summer meetings will be held June 16-18 in Cedar Falls. Nagle reports there has been a large flux of ethics complaints this year that may be due to the market or the new IAR Statewide Professional Standards Program.

**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 Kimes.

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

Motion passed unanimously.

The Commission entered into closed session at 9:26 a.m. and arose from there at 11:26 a.m.

**Open Session**

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

Seconded by Reed.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Clingman to accept the signed settlements and/or consent agreements for the cases discussed in closed session and to authorize Evans (Executive Officer) to sign the accepted, signed Settlement Agreements/Consent Agreements for the following cases: 19-085, 19-239, 20-028, 20-164, and 20-171 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 to authorize Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for the following cases: 20-325, 21-052, 21-063, 21-066, 21-088, 21-098, 21-101, 21-111, 21-121, and 21-129 as discussed in closed session.**

Seconded by Clingman.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Kimes to grant licensure for IREC Case No. 21-131.**

Seconded by Reed.

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 Evans signing on behalf of the Commission and then grant licensure when all other licensing requirements have been met for Case No. 21-125 as discussed in closed session.**

Seconded by Reed.

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

Motion passed.

**Motion by Clingman to find probable cause for the following cases: 20-258, 20-328, 21-093, 21-114, 21-122, and 21-139 as discussed in closed session.**

Seconded by DeMott.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Clingman to close the following cases: 21-030, 21-037, 21-047, 21-048, 21-049, 21-067, 21-070, 21-071, 21-076, and 21-115 as discussed in closed session.**

Seconded by Carminhato.

Vote: Aye: All                      Nay: None                      Abstaining: None

Motion passed unanimously.

**Motion by Clingman to close IREC Case No. 20-248 as discussed in closed session.**

Seconded by Carminhato.

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

Motion passed.

**Motion by Clingman to close IREC Case No. 21-027 as discussed in closed session.**

Seconded by Carminhato.

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

Motion passed.

Discussion was held re: IREC Case No. 21-061 and the allegations of the unlicensed practice of real estate. No action taken as this complaint file will be tabled to a future meeting.

**Future Meetings**

**Investigation Committee Meetings**

Wednesday, August 11  
Wednesday, September 1  
Wednesday, November 3  
Wednesday, December 1

**Regularly Scheduled Meetings**

Thursday, August 12  
Thursday, September 2  
Thursday, November 4  
Thursday, December 2

**Meeting Adjourned**

With all agenda items covered, the meeting adjourned at 11:41 a.m.

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

8/12/21  
Date

Dennis L. Stolk  
By: DENNIS L. STOLK, Chair

**Iowa Real Estate Commission  
 Staff Report – As of 06/01/21  
 June 3, 2021 IREC Meeting**

**LICENSING TOTALS:**

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>	<u>Firms</u>
Active	7,312	2,937		
Inactive	1,304	308		
Suspended	13	17		
<b>TOTAL</b>	<b>8,629</b>	<b>3,262</b>	<b>11,891</b>	<b>1,152</b>

**EXAMINATIONS ADMINISTERED BY PSI:**

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>
Broker	170	294	309	296	296	298
Salesperson	1,221	2,885	2,463	2,040	2,091	1,796

**BROKERS & SALESPERSONS PROCESSED APPLICATIONS:**

	<u>Year To Date</u>
2012	625
2013	835
2014	845
2015	972
2016	1,031
2017	978
2018	1,035
2019	1,057
2020	1,119
2021	645

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON &amp; BROKER LICENSES ISSUED (YTD 2021)</u>
Exam	519	47	
Rule 5.3	58	14	
Reciprocity	4	3	
<b>TOTAL</b>	<b>581</b>	<b>64</b>	<b>645</b>

**TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI**

<u>Turnaround Time (Days)</u>		<u>2021</u>
Minimum	3	Total Processed 740
Maximum	56	
Average (YTD 2021)	12	

**AUDITS:**

	<u>Year To Date Totals</u>
Continuing Education	128
E & O	203
Trust Account	130

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

<u>Year</u>	<u>E&amp;O</u>	<u>Continuing Education</u>
2016	23.44%	4.7%
2017	17.87%	2.9%
2018	4.16%	0.59%
2019	1.22%	3.37%
2020	20.13%	1.87%
2021	25.62%	1.56%

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

		<u>Year To Date Totals</u>
Complaint Cases Opened YTD		154
<b><u>Commission Action:</u></b>		
Closed	30	
Closed with Informal Cautionary Letter	12	
Closed and Granted License	6	
Signed Informal Settlement Agreements	53	
Signed Applicant Consent Agreements	14	
Signed Cease and Desist by Consent Agreement	-	
Statement of Charges Filed	-	
License Denials	-	
Formal Hearings	-	
Total	115	
<b><u>IREC Staff Action:</u></b>		
Closed	30	
License Suspension	-	
Other	1	
Total	31	
Complaint Cases Closed YTD		146
Average Amount Of Time (Open To Close)		157 Days

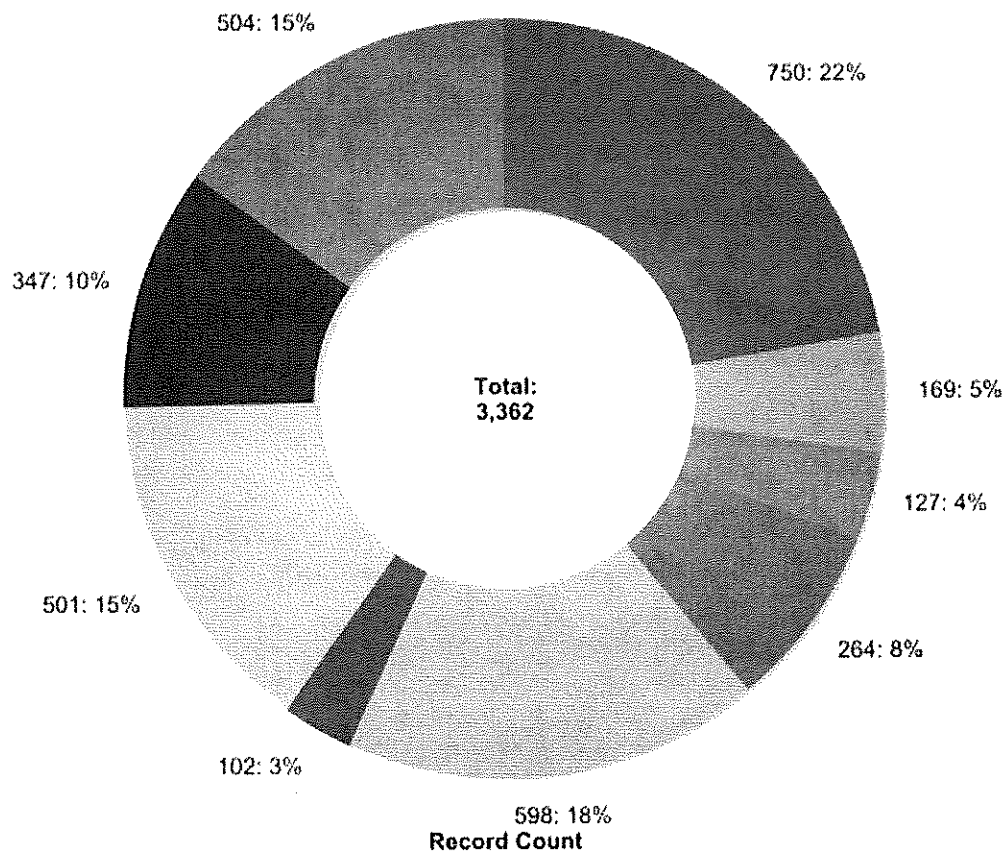
**Disciplinary Action Totals:**

Civil Penalties Assessed	\$ 65,750
Continuing Education Hours Assessed	24
CPA Audits Assessed	1
Trust Account Reexaminations Assessed	-
Probations Assessed	3
Suspensions Assessed	1
Revocations/Voluntary Surrenders	1
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)	343
Provider Approvals (New/Renewed)	10
Instructor Approvals (New/Renewed)	63
Pre/Post Course Approvals	10
Examination Authorization	10

**IREC APPLICATIONS PROCESSED (2021):**



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