

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
April 14, 2022
9:00 a.m.

Commissioners present for all or part of the meeting

Dennis Stolk, Chair	Dakotah Reed
Jim Clingman, Vice Chair	Helen Kimes via Zoom
Wendy Carminhato	Jan DeMott

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 via Zoom
Renee Paulsen, PLB Investigator	Lori SchraderBachar, Bureau Chief
Ashley Thompson, Background Manager	Jill Simbro, Education Director
Anthony Pawnell, Temporary Staff	

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

Kris Brend, IAR	Terry Duggan
Dennis Murray, AHIMSA LLC & DPM Chapter 3 LLC	

Call to Order

Stolk called the meeting to order at 9:05 a.m.
Quorum was established.
Introductions were made.

Motion by Clingman to approve the agenda.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Approval of Minutes

Motion by DeMott to approve the March 31, 2022 IREC Meeting open and closed session minutes.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports

Kimes reports on her attendance at the IAR meeting in Kearney, led by Gabe Walsh discussing team registration and licensing.

Staff Reports

Lundquist reports on the 2022 ARELLO Year Meeting.

SchraderBachar had nothing to report.

Evans asked Commissioners to sign, date and return their per diems and travel reports. Evans announced that PSI Administrators report more exams were scheduled in March 2022 than ever before. As such, background and license applications are higher in volume and keeping staff very busy.

ARRELLO

Evans reports on the 2022 Mid-Year Meeting, which was held April 6-8, 2022 in Savannah, GA. He reports the meeting had a record number of attendees. Evans summarized topics covered; including technology/crypto currency used in real estate sales and brokering virtual property. Stolk reports on the round table discussions as very productive; uniting people from all around the country to discuss current events, concerns, and solutions.

2022 Proposed Legislation

Senate File 2324 passed the Senate in February and passed the House in late March with an amendment.

Public Comment

Public member Dennis Murray presented challenges of remote turnkey rental property investments; stating the critical success factor is the local property management company. Murray wants large scale regional/ national property management firms to enter the Quad Cities market. Murray compared the smaller Quad Cities market to other metro markets he along with other large scale regional/national property management firms invest in together. Areas of larger scale mentioned include: Memphis, Kansas City, and Portland. Murray reports his companies' best returns are where the property management firms have scale. Murry closed by suggesting Iowa Law require every licensed property management firm update a registry (annually) of owners the firm is contracted with to help mitigate risks of compliance violations.

Murray Left meeting at 9:43 a.m.

Recognition of retiring PLB employee, Jill Simbro

Simbro served the Iowa PLB from 2006 through May 2022. Commission members and staff thanked Simbro for her years of service in the PLB. Simbro thanked everyone's comments.

Presentation to outgoing Commission member Dennis Stolk

Commission members and staff thanked Stolk for his nine years of service on the Commission. Stolk thanked everyone's comments.

Closed Session (1)

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

Seconded by Reed.

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

Motion passed unanimously.

The Commission entered into closed session at 10:07 a.m. and arose from there at 10:13 a.m.

Open Session (1)

Motion by Clingman to return to open session.

Seconded by Carminhato.

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

RE: IREC Case No. 22-098. No action taken as this file will be tabled to a future meeting.

Meeting broke from 10:16 a.m. and reconvened at 10:20 a.m.

Closed Session (2)

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 DeMott.

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

Motion passed unanimously.

The Commission entered into closed session at 10:20 a.m. and arose from there at 12:32 a.m.

Open Session (2)

Motion by DeMott to return to open session.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Meeting broke from 12:32 p.m. and reconvened at 12:35 p.m.

Motion by DeMott to accept the signed settlements and/or consent agreements for the cases discussed in closed session and to authorize Stolk (Chair), Clingman (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement/Consent Agreement for the following cases: 20-053, 20-328, 21-093, 21-095, 21-173, 21-225, 21-226, and 21-254 as discussed in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to find probable cause and to authorize Stolk (Chair), Clingman (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Settlement Agreement for the following cases: 21-148, 21-327, 21-329, 21-339, 22-002, and 22-053 as discussed in closed session.

Seconded by Kimes.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Clingman to grant licensure for IREC Case No. 22-068, 22-078 and 22-103.

Seconded by DeMott.

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 IREC Case No. 22-037 and 22-077 as discussed in closed session.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to find probable cause for the following cases: 19-212, 21-220, 21-281, 22-015, 22-017, 22-020, 22-022, and 22-082 discussed in closed session.

Seconded by Carminhato.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by DeMott to find probable cause for IREC Case No. 18-153 as discussed in closed session.

Seconded by Carminhato.

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

Motion passed unanimously.

Motion by Kimes to close the following cases: 21-317, 21-342, 21-349, 22-018, 22-021, 22-027, 22-054, and 22-074 as discussed in closed session.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to close IREC Case No. 21-310 as discussed in closed session.

Seconded by Clingman.

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

Motion passed unanimously.

Motion by Reed to rescind the probable cause finding and close IREC Case No. 17-018 as discussed in closed session.

Seconded by DeMott.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 20-225 and the allegations of the unlicensed practice of real estate.

Motion by Clingman 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. 20-232 and the allegations of the unlicensed practice of real estate.

Motion by Clingman 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. 21-298 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 Stolk (Chair), Clingman (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Consent Agreement.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-299 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 Stolk (Chair), Clingman (Vice Chair), or Evans (Executive Officer) to sign the accepted, signed Consent Agreement.

Seconded by Clingman.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 21-353 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. 22-001 and the allegations of the unlicensed practice of real estate.

Motion by Kimes to close.

Seconded by Reed.

Vote: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Future Meetings

Investigation Committee Meetings

No May Meeting
Wednesday, June 1
No July Meeting
Wednesday, August 3

Regularly Scheduled Meetings

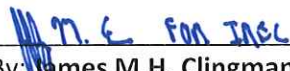
No May Meeting
Thursday, June 2
No July Meeting
Thursday, August 4

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 12:49 p.m.

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

June 2, 2022
Date


By: James M.H. Clingman, Chair

**Iowa Real Estate Commission
 Staff Report – As of 04/01/22
 April 14, 2022 IREC Meeting**

LICENSING TOTALS:

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL IND. LICENSES</u>
Active	7,396	2,906	
Inactive	1,312	303	
Suspended	15	18	
TOTAL	8,723	3,227	11,950

	<u>Firms</u>	<u>Broker Sole Proprietors</u>	<u>TOTAL BROKERAGES</u>
Active	1,204	344	1,548

EXAMINATIONS ADMINISTERED BY PSI:

	<u>2022</u>	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Broker	101	449	294	309	296	296
Salesperson	1,024	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	380

	<u>Salespersons</u>	<u>Brokers</u>	<u>TOTAL SALESPERSON & BROKER LICENSES ISSUED (YTD 2022)</u>
Exam	293	33	
Rule 5.3	32	12	
Reciprocity	5	5	
TOTAL	330	50	380

TOTAL FINGERPRINTS SUBMITTED TO FBI & DCI

<u>Turnaround Time (Days)</u>		<u>2022</u>
Minimum	7	Total Processed 513
Maximum	19	
Average (YTD 2022)	14	

AUDITS:

	<u>Year To Date Totals</u>
Continuing Education	94
E & O	132
Trust Account	41

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	34.85%	0.00%

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

	<u>Year To Date Totals</u>
Complaint Cases Opened YTD	107
<u>Commission Action:</u>	
Closed	28
Closed with Informal Cautionary Letter	9
Closed and Granted License	2
Signed Informal Settlement Agreements	2
Signed Applicant Consent Agreements	2
Signed Cease and Desist by Consent Agreement	-
Statement of Charges Filed	-
License Denials	-
Formal Hearings	1
Total	44
<u>IREC Staff Action:</u>	
Closed	10
License Suspension	-
Other	-
Total	<u>10</u>
Complaint Cases Closed YTD	54
Average Amount Of Time (Open To Close)	99 Days
<u>Disciplinary Action Totals:</u>	
Civil Penalties Assessed	\$ 30,500
Continuing Education Hours Assessed	12
CPA Audits Assessed	-
Trust Account Reexaminations Assessed	-
Probations Assessed	2
Suspensions Assessed	2
Revocations/Voluntary Surrenders	1
Cease and Desist Injunction	2
License Denial	-
Statement of Charges Filed (Outstanding)	-

REAL ESTATE EDUCATION REPORT:

	<u>Year To Date Totals</u>
Course Approvals (New/Renewed)	263
Provider Approvals (New/Renewed)	7
Instructor Approvals (New/Renewed)	32
Pre/Post Course Approvals	21
Examination Authorization	2

IREC APPLICATIONS PROCESSED (2022):

