

Iowa Real Estate Commission
200 East Grand, Suite 350
Des Moines, IA 50309
MINUTES
September 3, 2015

Commissioners present for all or part of the meeting:

| | |
|--------------------------|-----------------|
| Terry Duggan, Chair | Michael Telford |
| Dennis Stolk, Vice Chair | John Goede |
| Jan DeMott | Helen Kimes |
| Carol Haines | |

Commissioners absent:

None

Staff present for all or part of the meeting:

| | |
|--|--|
| Jeff Evans, Executive Officer | Colleen Goddard, Trust Account Auditor |
| John Lundquist, Assistant Attorney General | Renee Paulsen, Licensing Specialist |
| Sandy Malek, Investigator | Lori SchraderBachar, Site Manager |
| Jill Simbro, Education Director | |

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

Paul McLaughlin, IAR

Call to Order:

Duggan called the meeting to order at 9:05 a.m.
Quorum was established.

Motion by Telford to approve the agenda.

Seconded by Haines.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Haines to approve the open session and the closed session August 6, 2015 minutes.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Commissioner Reports:

None

Staff Reports:

SchraderBachar announced Tracy Lindgren as the new Licensing Specialist for the IREC, Iowa Architectural Examining Board, Iowa Landscape Architectural Examining Board and Iowa Real Estate Appraiser Examining Board effective September 11, 2015.

Evans reminded the Commissioners to properly complete, along with sign and date their per diem forms and travel vouchers for their time and travel expenses while attending the meeting. Evans provided the

Commissioners the IREC Staff Report for the month of August 2015. Evans mentioned that the next Professional Licensing Bureau newsletter will be going out at some point in September 2015. The newsletter will include information about the upcoming renewal for those whose licenses expire on December 31, 2015. Evans also reported that he attended the 2015 Instructor Workshop at IAR on August 25th on behalf of the IREC Education Director.

Public Comment:

Paul McLaughlin announced that the Iowa Association of Realtor's 2015 Annual Convention will be held at Prairie Meadows Hotel and Conference Center from September 22nd – 25th.

Closed Session:

Motion by Telford to enter into closed session pursuant to Iowa Code §§ 21.5(1)(a), 21.5(1)(d) and 272C.6(4) to review pending licensee discipline cases and investigations, including any cases ready for final resolution through closure or consent order.

Seconded by Kimes.

VOTE: Roll call: DeMott, aye; Duggan, aye; Goede, aye; Haines, aye; Kimes, aye; Stolk, aye; and Telford, aye.

Motion passed unanimously.

The Commission entered into closed session at 9:15 a.m. and arose there from at 10:38 a.m.

Open Session:

Motion by Kimes to return to open session.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to accept the signed settlement and/or consent agreements and to authorize Duggan (Chair), Stolk (Vice Chair) or Evans (Executive Officer) to sign the accepted settlement agreements and/or consent agreements for the following cases: 15-108, 15-117, 15-178 and 15-201.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to accept the signed settlement and/or consent agreement and to authorize Duggan (Chair), Stolk (Vice Chair) or Evans (Executive Officer) to sign the accepted settlement agreement and/or consent agreement for IREC Case No. 15-177.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: DeMott

Motion passed.

Motion by Haines to find probable cause and to authorize Duggan (Chair), Stolk (Vice Chair) or Evans (Executive Officer) to sign the accepted signed settlement agreement for the following cases: 15-172, 15-175, 15-197 and 15-198.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to enter into a Consent Agreement with the applicants, and to authorize Evans (Executive Officer) to sign on behalf of the Commission, and then grant licensure for the following cases: 15-232 and 15-244.

Seconded by Haines.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Goede to grant real estate licensure for the following cases: 15-214, 15-227 and 15-231.

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to find probable cause for the following cases: 14-211, 15-190, 15-191, 15-209, 15-212, 15-224, 15-225, 15-226 and 15-245.

Seconded by Haines.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Stolk to find probable cause for IREC Case No. 15-203.

Seconded by Haines.

VOTE: Aye: All Nay: None Abstaining: Goede

Motion passed.

Motion by Stolk to close the following cases: 14-009, 14-210, 15-102, 15-150, 15-179, 15-185, 15-219, 15-136, 15-137 and 15-235.

Seconded by Kimes.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Kimes to rescind the probable cause finding and close IREC Case No. 15-109.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Goede to have Commission staff draft a letter for the individual seeking a prelicense determination as discussed in closed session.

Seconded by Telford.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Motion by Telford for AAG Lundquist to respond to the information request for IREC Case No. 15-095 and IREC Case No. 15-141 in accordance to the discussion that took place in closed session.

Seconded by Goede.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

After discussing IREC Case No. 14-172, **Motion by Telford to rescind the "Notice of Intent" and close the file.**

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

After discussing IREC Case No. 14-180, **Motion by Telford to close the file.**

Seconded by Stolk.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Discussion was held re: IREC Case No. 14-209 and the allegations of the unlicensed practice of real estate. It was determined that the file will be tabled to a future meeting.

After discussing IREC Case No. 14-240, **Motion by Telford to close the file.**

Seconded by Haines.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed unanimously.

Meeting Schedule:

Future IREC meetings are tentatively scheduled as follows:

Investigation Committee

Wednesday, September 30 (Stolk, Goede)
Wednesday, November 4 (Duggan, Kimes)
Wednesday, December 2 (DeMott, Telford)
Wednesday, February 3
Wednesday, March 2

Commission Meetings

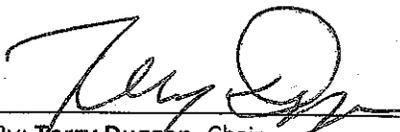
Thursday, October 1
Thursday, November 5
Thursday, December 3
Thursday, February 4
Wednesday, March 3

Meeting Adjourned

With all agenda items covered, the meeting adjourned at 10:50 a.m.

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

10-1-15
Date


By: Terry Duggan, Chair

**Iowa Real Estate Commission
Staff Report (For August 2015)
September 3, 2015 IREC Meeting**

LICENSING TOTALS:

| | <u>Brokers</u> | | | <u>Salespeople</u> | | <u>TOTAL LICENSEES</u> |
|-------------|----------------|---------------|-----------------|--------------------|-----------------|------------------------|
| | <u>Firms</u> | <u>Active</u> | <u>Inactive</u> | <u>Active</u> | <u>Inactive</u> | |
| August 2015 | 1,249 | 3,426 | 433 | 5,781 | 1,296 | 10,936 |
| August 2014 | 1,231 | 3,434 | 453 | 5,515 | 1,291 | 10,693 |

EXAMINATIONS ADMINISTERED BY PSI:

| | <u>July</u> | <u>2015</u> | <u>2014</u> | <u>2013</u> | <u>2012</u> | <u>2011</u> | <u>2010</u> |
|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Broker | 16 | 169 | 315 | 281 | 207 | 245 | 233 |
| Salesperson | 134 | 996 | 1,501 | 1,212 | 952 | 781 | 916 |

BROKERS & SALESPERSONS PROCESSED APPLICATIONS:

| | <u>August</u> | <u>Year To Date</u> |
|------|---------------|---------------------|
| 2007 | | 1,113 |
| 2008 | | 861 |
| 2009 | | 531 |
| 2010 | | 604 |
| 2011 | | 562 |
| 2012 | | 625 |
| 2013 | | 835 |
| 2014 | | 845 |
| 2015 | 95 | 762 |

BACKGROUND CHECKS:

Year to Date average turnaround time is 19 days.

AUDITS:

| | <u>August</u> | <u>Year To Date Totals</u> |
|----------------------|---------------|----------------------------|
| Continuing Education | 50 | 352 |
| E & O | 45 | 476 |
| Trust Account | 25 | 221 |

PERCENTAGE OF NONCOMPLIANCE FOR E&O AND CE AUDITS:

| <u>Year</u> | <u>E&O</u> | <u>Continuing Education</u> |
|-------------|----------------|-----------------------------|
| 2007 | 17% | 5% |
| 2008 | 15% | 4% |
| 2009 | 33% | 6% |
| 2010 | 18% | 5% |
| 2011 | 15% | 5% |
| 2012 | 21% | 5% |
| 2013 | 11% | 3% |
| 2014 | 4.8% | 1.8% |
| 2015 | 18.5% | 2.6% |

INVESTIGATIONS/CONTESTED CASE HEARINGS/DISCIPLINARY ACTION:

| | <u>August</u> | <u>Year To Date Totals</u> |
|--|---------------|----------------------------|
| Complaint Cases Opened | 32 | 244 |
| Final Case Disposition | 33 | 209 |
| Signed Informal Settlement Agreements | 19 | 86 |
| Signed Applicant Consent Agreements | 4 | 18 |
| Signed Cease and Desist by Consent Agreement | - | 2 |
| Formal Hearings | - | 1 |
| License Denials | 1 | 3 |
| Civil Penalties Assessed | - | \$100,500 |
| Continuing Education Hours Assessed | - | 60 |
| CPA Audits Assessed | - | 1 |
| Trust Account Reexaminations Assessed | - | 4 |
| Probations Assessed | - | 1 |
| Suspensions Assessed | - | 2 |
| Revocations/Voluntary Surrenders | - | 2 |
| Statement of Charges Filed (Outstanding) | - | 9 |

REAL ESTATE EDUCATION REPORT:

| | <u>August</u> | <u>Year To Date Totals</u> |
|------------------------|---------------|----------------------------|
| Course Approvals | 76 | 379 |
| Instructor Approvals | 6 | 38 |
| Provider Approvals | 2 | 17 |
| Post Course Approvals | 4 | 26 |
| Prior Course Approvals | 0 | 3 |
| Denied Courses | 6 | 18 |