

## **REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building  
Second Floor - Room 210  
9:00 a.m.  
December 15, 2004

### **MINUTES**

#### STAFF MEMBERS PRESENT:

Dexter Bell, Division Director  
Mark Fagergren, Licensing and Education Director  
Shelley Wismer, Assistant Attorney General  
Blaine Ferguson, Assistant Attorney General  
Ron Kunzler, Assistant Attorney General  
Dee Johnson, Investigator  
Jim Bolton, Investigator  
Dave Mecham, Investigator  
Brad Pyne, Investigator  
Renda Christensen, Board Secretary  
Jennifer Eatchel, Education Secretary  
Amy Corak, Education Secretary

#### COMMISSION MEMBERS PRESENT:

Gage Froerer, Chair  
Dorothy Burnham, Vice Chair  
Maralee Jensen, Commission member  
Bonnie Peretti, Commission member  
H. Blaine Walker, Commission member

#### GUESTS

Kevin Swensen  
Jennifer Streker  
Jim Taggart

The December 15, 2004, meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Froerer conducting.

### **PLANNING AND ADMINISTRATIVE MATTERS**

#### Approval of Minutes

The minutes from the November 17, 2004 meeting were reviewed and found that there was a correction needed on page 2, fifth paragraph. The title for Klare Bachman should be Executive Director of the Division. The minutes were approved with this correction.

### **DIVISION REPORTS**

INVESTIGATIONS REPORT – Dee Johnson

Mr. Johnson is giving the Enforcement Report for Mr. Jon Brown, who is on vacation. Mr. Johnson said in the month of November there were 32 written complaints logged, 15 new cases opened for investigation, 30 files closed during the month, leaving a total of 207 total files that are open investigations.

#### DIRECTOR'S REPORT – Dexter Bell

Director Bell introduced new staff members to the Commission. There are two new investigators, Brad Pyne and Dave Mecham, and a new Real Estate Education Secretary, Amy Corak.

Director Bell said he sent e-mails in a Round Robin to neighboring states regarding hearings and how they are handled. He had approximately 15 responses that were similar, stating the hearings are delegated to the Division on non-real estate matters, and are approximately 15 minutes in length. Idaho was the exception to the survey, and they are similar to Utah.

It was discussed there should be a statute change to allow having the Division to review the documents and give their recommendation to the Commission. If the applicant does not agree, they will have the ability to appeal the decision to the Commission.

After much discussion, it was agreed there needs to be tougher requirements so the industry can be cleaned up. The Commission suggested rules should be written to say, for example, they must have a clean record for a longer period of time, not on probation, having all fines paid, etc.

Director Bell handed out a list of amendments for the 2005 General Session of the Legislature. One of the topics listed was that of using an alternate commissioner. It would be a back-up for any commissioner that couldn't make it, or when they would need to recuse themselves, or where there would not be a quorum. The Commission did not favor adding an alternate commissioner.

Blaine Ferguson, Assistant Attorney General, gave the Commission some guidelines and training on post-revocation hearings.

Director Bell would like to schedule a training session for Commissioners next month to review the handbook that was distributed by the Division.

There was some discussion as to sharing commissions as an licensed real estate agent with anyone, except with a PC or an LLC. It was discussed about expanding the statute to include an S Corp.

#### EDUCATION/LICENSING REPORT – Mark Fagergren

Mr. Fagergren told the Commission online renewals have been in use for Mortgage renewals for a month. There have been a few problems, but it generally seems to be going well. Online renewals for Real Estate will be sent out this month so January

renewals for agents and associate brokers can renew online. Branch Brokers and Principal Brokers may not renew online because of the information they must provide regarding trust accounts.

Mr. Fagergren brought up the topic of the 2005 Core Course. He handed out a copy of Dave Johnson's 3-hour tape on the new REPC and the outline of the material that students receive. The Division approves this tape as quality material and would like to have the Commissioners review the tape and give their opinions to the Division. The new Core Course needs to be in place in July, so a decision needs to be made immediately to allow for production of a new Core Course before then.

Mr. Walker brought up making some changes in education topics. Mr. Fagergren said that currently there are 400 courses now available. Chair Froerer said during the upcoming public comment session in February discussion might be limited to pre-licensing and brokers. Director Bell suggested that the topic of pre-licensing education about customer service should be brought up for discussion, to prevent future complaints to the Division. It was decided to allow 1 ½ hours for the public input session.

#### LICENSING HEARINGS

- 10:55 Joell Kidman – Post Revocation Hearing  
Will Rodgers, Attorney
- 11:50 Gary Stewart – Application for License  
Did not show for hearing
- 12:00 Ronald H. Hansen – Post Revocation Hearing

A motion to go into Executive Session was passed, and was held from 12:55 p.m. to 1:10 p.m. This was a working lunch.

- 1:00 Frank Kilby – Application for License  
Allowed to reschedule

#### Review of Lesser Criminal Convictions

Renee R. Roman  
Eric Engh  
Neil Glauser  
Karl R. Hartley  
Misty Johnson  
Kenneth Jones  
Lemuel L. Lucia  
Dallas Miller  
Bryce Mitchell  
Piedad Ordonez  
Vaughn J. Parry  
Johnette Wallop

Cassidy Watkins

A second Executive Session was held from 1:25 p.m. to 1:40 p.m.

1:45            Michael Merrill – Application for License  
                  Bruce Tucker, Branch Broker

A third Executive Session was held from 2:50 p.m. to 3:50 p.m.

#### RESULTS OF EXECUTIVE SESSION

Informal Hearings:

Joell Kidman – Revocation was reversed.

Gary Stewart – Application was denied.

Ronald H. Hansen – Revocation was reversed.

Frank Kilby – Allowed to reschedule.

Michael Merrill – Approved for license.

Applicants with Lesser Criminal Connections:

Renee R. Roman – Schedule for hearing

Eric Engh - Approved

Neil Glauser - Approved

Karl R. Hartley – Approved

Misty Johnson - Approved

Kenneth Jones - Approved

Lemuel L. Lucia – Approved

Dallas Miller - Approved

Bryce Mitchell - Approved

Piedad Ordonez - Approved

Vaughn J. Parry - Approved

Johnette Wallop – Schedule for hearing

Cassidy Watkins - Approved

Results of the Stipulation:

Jaman W. Davies – Accepted

A motion was made and accepted to adjourn the meeting at 4:00 p.m.