

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building
Second Floor - Room 210
8:00 a.m.
October 12, 2005

MINUTES

STAFF MEMBERS PRESENT:

Derek Miller, Division Director
Mark Fagergren, Education/Licensing Director
Jon Brown, Enforcement Director
Dave Mecham, Investigator
Blaine Ferguson, Assistant Attorney General
Judi Jensen, Assistant Attorney General
Renda Christensen, Board Secretary
Amy Corak, Real Estate Education Secretary

COMMISSION MEMBERS PRESENT:

Dorothy Burnham, Chair
Maralee Jensen, Vice Chair
Bonnie Peretti, Commissioner
H. Blaine Walker, Commissioner

The October 12, 2005, meeting of the Utah Real Estate Commission began at 8:25 a.m. with Chair Burnham conducting.

LICENSING HEARINGS

8:30 Tyler Heyman – Application for License

9:00 Jason L. Johnson – Application for License
John Johnson, Father

9:45 Darlene Sallee-Carter – Application for License

10:00 Annie Lois Johnson – Application for License
Requested to reschedule.

OTHER BUSINESS

Director Miller said the workload scheduled for this month, and possibly next month, is heavy and he is trying to solve the problem for the long term. In the last meeting there was discussion on delegating authority. The statute allows for the Commission to delegate authority to the Division to review certain classes or categories. The recommendations of the following categories should be reviewed by the Division: 1) Felonies and Class A Misdemeanors prior to 10 years, 2) Class B and Class C Misdemeanors prior to 5 years. The recommendation is also to have the Division

review the applicants who are still on probation/parole, and reviewing the list of "lesser criminal convictions" that does not involve moral turpitude. The list that will be submitted for the next meeting will highlight names of those the Division would recommend for hearings.

Director Miller said both the Mortgage Commission and Appraiser Board vary the length of hearings, some only being scheduled for 15 minutes, instead of the normal 30 minute hearings. To help the hearings move along quickly, he mentioned the other commissions identify one member to ask the questions, and the Division also follows this same procedure.

Chair Burnham said she is concerned about a licensee re-offending during their renewal term, and the Division not being able to catch the problem. She would like to see what other states do regarding background checks on renewals, and mentioned in some states it is required the licensee pay for their own set of fingerprints and do a background check to submit with their renewals. She said New Mexico requires this to be done every license period, and Director Miller said the Division would check into this option. Mr. Fagergren said it would require a statute change to implement this change.

Director Miller said the Division is going to be posting sanctions on the website, after the licensee has been notified by mail.

Commissioner Walker made a motion to accept the recommendations by the Division to have them review certain classes of criminal cases. The three classes would be:

- 1) Felonies and Class A Misdemeanors over 10 years, Class B and C Misdemeanors over 5 years. The date would be established using the conviction dates.
- 2) If the applicant is still on probation/parole, and
- 3) Lesser crimes not involving moral turpitude.

The motion was seconded and unanimously passed.

Chair Burnham was concerned about placing too much power in the hands of government.

Commissioner Walker recently attended the ARELLO Convention in Toronto, Canada. He said there is a lot of information coming out at these meetings such as education and licensing procedures. He recommends the issue of legislation of the Division's budget be discussed to have the money generated by the Division, stay with the Division, or lower the fees. The money shouldn't be going into the general fund. He would like to see a greater number of staff members attending the ARELLO meetings, so they can be in leadership positions and have influence on the different states.

The issue of reciprocity was brought up by Commissioner Walker. He stated the NAR is looking into this issue and one of problems they are reviewing is the inability to handle issues that might deal with interstate commerce and protecting the public. He mentioned the UAR will be sending a notice to their members on what to watch for in TIC (tenant-in-common) transactions.

Mr. Fagergren handed out a brochure on the upcoming Instructor Development Workshop being held on December 1-2, 2005 at the Marriott Hotel. He encourages the Commissioners attending because this year all three industries (appraisers, real estate, and mortgage) will be invited this year. The Division is estimating approximately 100 people will be attending.

Informal Hearings (Continued)

10:50 Steven Linde – Application for License
This was a teleconference hearing.

11:15 Monty Rashwan – Application for License

11:55 Sandy McClain – Application for License

A motion to go into Executive Session was passed, and was held from 12:25 p.m. to 1:00 p.m. This was a working lunch.

Informal Hearings (Continued)

1:00 Damaeon Byington – Application for License

An Executive Session was held from 1:15 p.m. to 1:30 p.m..

Informal Hearings (Continued)

1:30 Monet Critchley – Application for License
B. J. Jackson, Principal Broker, Action Realty

An Executive Session was held from 1:45 p.m. to 2:00 p.m.

Informal Hearings (Continued)

2:00 Torsten Holmgren – Application for License

2:30 Vaughn Jared Nelson, Jr. – Application for License
Vaughn Nelson, Sr. - Father
Tracy Ryan

3:05 Mark Pepper – Application for License

3:40 Brandon Ploehn – Application for License

4:05 Richard Chad Randall – Application for License

4:45 Jared Seamons – Application for License

Review of the Criminal Convictions List:

William Brown

Brian Clinger
Angela Davis
Jessie DeMille
June J. Fox
Lyf Gildersleeve
Bradley Giles
Ryan Hutchins
Jonathan Jemming
Christopher Johnson
Jennifer Jones
Aimee Kener
Gary Myers
Danielle Nelson
Claudia Nosack
Esfandiar Omidvar
Robert Parslow
Jason Pavone
Eldon Rodriguez
Charles Riggs
Anny Wedge
Lindsey Wight

A motion to go into Executive Session was made and held from 5:30 p.m. to 6:00 p.m.

RESULTS OF EXECUTIVE SESSION

Informal Hearings:

Tyler Heyman – Granted, immediately suspended until proof is submitted he is off of probation.

Jason L. Johnson – Denied

Darlene Sallee – Granted

Annie Lois Johnson – Granted requested to reschedule.

Steven Linde – Granted

Monty Rashwan – Denied

Sandy McClain – Granted

Damaeon Byington – Granted on probation pending broker notification.

Monet Critchley – Granted on probation pending broker notification.

Torsten Holmgren – Granted

Vaughn Jared Nelson – Granted, immediately suspended until proof is submitted he is off probation. License will be on probation with broker notification.

Mark Pepper – Denied

Brandon Ploehn – Granted, immediately suspended until proof is given that he is no longer on probation. License will be on probation pending broker notification.

Richard Chad Randall – Granted on probation pending broker notification.

Jared Seamons – Granted on probation pending broker notification.

Stipulations:

Karen Zimmer Burnz - Approved

Criminal Convictions List:

William Brown - Approved

Brian Clinger - Approved

Angela Davis - Approved

Jessie DeMille – Schedule for Hearing

June J. Fox - Approved

Lyf Gildersleeve - Approved

Bradley Giles – Schedule for Hearing

Ryan Hutchins - Approved

Jonathan Jemming - Approved

Christopher Johnson – Schedule for Hearing

Jennifer Jones – Schedule for Hearing

Aimee Kener - Approved

Gary Myers - Approved

Danielle Nelson - Approved

Claudia Nosack - Approved

Esfandiar Omidvar - Approved

Robert Parslow – Schedule for Hearing

Jason Pavone - Approved

Eldon Rodriguez - Approved

Charles Riggs - Approved

Anny Wedge - Approved

Lindsey Wight - Approved

A motion was made and accepted to adjourn the meeting at 6:10 p.m.