

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building
Second Floor - Room 210
8:30 a.m.
November 16, 2005

MINUTES

STAFF MEMBERS PRESENT:

Derek Miller, Division Director
Mark Fagergren, Education/Licensing Director
Jon Brown, Enforcement Director
Dee Johnson, Investigator
Carlos Alamilla, Investigator
Dave Mecham, Investigator
Shelley Wismer, Assistant Attorney General
Renda Christensen, Board Secretary

COMMISSION MEMBERS PRESENT:

Dorothy Burnham, Chair
Maralee Jensen, Vice Chair
Doyle C. "Sam" Sampson, Jr.

GUESTS

Karen Post
Jerome Bennett

The November 16, 2005, meeting of the Utah Real Estate Commission began at 8:36 a.m. with Chair Burnham conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes

The minutes for October 12, 2005 were approved as written.
The minutes for October 19, 2005 were approved as written.

DIVISION REPORTS

INVESTIGATIONS REPORT – Jon Brown

Mr. Brown said in October there were 26 written complaints logged, 9 new cases opened for investigation, 23 cases closed, leaving the number of open cases at 179. The Continuing Education audits show there were 11 new cases opened for investigation, 15 cases closed, leaving the number of open cases at 150.

DIRECTOR'S REPORT – Derek Miller

Director Miller said there will be a change occurring shortly regarding continuing education. The Division website will be updated to require the licensee to enter their CE information on-line. They will be required to enter their name, license number,

date, course information, etc. at the time they renew on-line. The Division will then run random checks to verify this information.

Starting at the first of the year, course providers will be required to enter roster information into the system, and Promissor (the test provider) will then download this information to the licensees file. The licensees will then have the capability of checking their own CE status at any given time, and at the time of their renewal, will know how many credit hours are shown.

Last month the Commission granted the Division the authority to hear certain classes of criminal cases. The hearing officer, Dee Johnson, has reviewed 22 cases that normally would have been presented before the Commission. There was discussion on how the Division could tighten up the application process by using electronic fingerprints, so each time someone renews, the Division can do a background check. Director Miller will be checking other states practices on applying licenses to see if there might be something we can use to help raise the level of those applying for licenses.

The Division is in the process of condensing its forms from the current 3-4 pages sent out at renewals, down to a combined one page document.

Director Miller announced the Division will be changing the way newsletters are being sent out. Instead of having three separate newsletters, the Division will now be compiling all three newsletters into one. There will now only be one newsletter covering mortgage, real estate and appraisers, and it will be sent out quarterly. The first combined issue is scheduled to come out in January.

Director Miller said there will be less Division staff attending the hearings. Mr. Brown and Mr. Fagergren will only be attending the public session of the meetings, and will then return back to their offices. They will return if they are needed for specific hearings.

EDUCATION/LICENSING REPORT – Mark Fagergren

Mr. Fagergren said the CE banking process will be starting at the first of the year. There had been discussion from Promissor regarding charging the course providers to cover the expense of downloading the CE information. After discussing this with the Division, it was decided not to charge for the service, and Promissor has also decided to lower the cost of the exam for the applicants.

Mr. Fagergren reminded the Commission of the upcoming Instructor Development Workshop being held on December 1-2, 2005. Promissor will be giving a presentation on CE banking at the workshop, and will be available for questions.

Mr. Fagergren said the Mortgage Commission and Appraiser Board have both passed rules prohibiting CE from any other profession being used for their renewals. He said real estate doesn't have this rule. The Commission will take this under advisement

before deciding to change any rules.

There was discussion about courses being submitted from the Boards of Realtors. These courses cover topics such as Orientation, MLS, etc. and the Boards are requesting certification by the Division to use these courses as CE. Mr. Fagergren said courses of this type must be about professional development, and he does not think these courses meet this criteria. Director Miller said a good rule of thumb would be to ask if this is something a person didn't do, would they have a disciplinary action taken against them. The Commission agreed with his opinion.

OTHER BUSINESS

Ms. Wismer said there is a pending rule change that is through the public comment period and ready to be made effective. The change made to R162-9-3 would broaden the types of courses that are acceptable for continuing education purposes for real estate agents and brokers. It would also broaden the types of courses that are acceptable for continuing education, and provide a procedure where the Division would make the determination on whether the course is acceptable. If the Division turns down the course, the course provider can then appeal to the Commission. A motion was made and unanimously passed to make the rule effective.

LICENSING HEARINGS

- 9:00 Bradley Giles – Application for License
Request to reschedule.

- 9:36 Jessie DeMille – Application for License

- 10:02 Christopher Johnson – Application for License

- 10:30 Grieg Morrison – Application for License
Request to reschedule.

Review of Criminal Convictions List for Commission Consideration:

Robert Barber

A motion to go into Executive Session was passed, and was held from 11:02 a.m. to 1:00 p.m. This was a working lunch.

- 1:00 Jennifer Jones – Application for License

An Executive Session was held from 1:06 p.m. to 1:09 p.m.

- 1:24 Robert Parslow – Application for License

- 1:52 Kenneth Ford – Application for License
Steve Killpack
Harvey Carson

An Executive Session was held from 2:48 p.m. to 3:10 p.m.

RESULTS OF EXECUTIVE SESSION

Informal Hearings:

Bradley Giles – Allowed to reschedule.

Jessie DeMille – Application was denied.

Christopher Johnson – Application was denied.

Grieg Morrison – Allowed to reschedule.

Jennifer Jones – Application was granted.

Robert Parslow – Application was granted on probation pending broker notification.

Kenneth Ford – Application was denied.

Stipulations:

Anna Ouchakova – Approved

Fletcher D. Roberts – Approved

Lisa Lindsay – Approved

Frank R. Stewart – Approved

Alice Edwards – Approved

Cameron Sevy – Approved

Joseph W. Zahm – Approved

Kristen L. James – Approved

Louis A. Brown – Approved

Roger L. Downward – Approved

Brian K. Brady - Approved

Criminal Convictions List:

Robert Barber – Schedule for hearing

A motion was made and accepted to adjourn the meeting at 3:13 p.m.