

## **REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building  
Second Floor Hearing Room

9:00 a.m.

August 15, 2007

### **MINUTES**

#### STAFF MEMBERS PRESENT:

Derek B. Miller, Division Director  
Dee Johnson, Enforcement Director  
Mark Fagergren, Education/Licensing Director  
Shelley Wismer, Assistant Attorney General  
Renda Christensen, Board Secretary  
Tiffeni Wall, Real Estate Education Coordinator  
Kurtis Hughes, Investigator  
Elizabeth Beazely, Investigator  
Ken Wamsley, Division Staff  
Amber Neilsen, Division Staff  
Jill Childs, Division Staff  
Leann Robison, Division Staff  
Courtney Bellison, Division Staff

#### COMMISSION MEMBERS PRESENT:

H. Blaine Walker, Chair  
Doyle "Sam" Sampson, Jr., Vice Chair  
Bonnie Peretti, Commissioner  
Gary Hancock, Commissioner  
Kay Ashton, Commissioner

#### GUESTS

Jack Marinello	Curtis Bullock
Kevin Swensen	Lance Miller
Linda Leavitt	Michael Welker
Paul Naylor	John Schoppe
Karen Post	Randy Benoit
Tammy Lund	

The August 15, 2007 meeting of the Utah Real Estate Commission began at 9:02 a.m. with Chair Walker conducting.

#### Approval of Minutes

The minutes for July 18, 2007 needed a slight correction on page 3, paragraph 1, to help clarify Chair Walker's comment on split closings. With the correction made, the minutes were approved as amended.

## **DIVISION REPORTS**

### DIRECTOR'S REPORT – Derek B. Miller

Director Miller said the education rules are on track. Mike Welker wrote an article in the "Real Estate Executive" magazine, which was well done.

Director Miller said the newsletter has gone out and that the Division is now fully staffed. There will be more during the reports from Enforcement and Education/Licensing on our new employees.

Director Miller reported the UAR Forms Committee is working on the REPC. Mr. Johnson will be part of that Committee.

Director Miller said the number one priority for the Division is reducing current case loads. Currently there are 120 appraiser cases for one investigator. He would like to see the number down to no more than 20 cases per investigator, and have a 6 month turnaround time. There will probably be one disciplinary hearing before the Commission per month to help close these cases. The Division has been given approval to hire a Special Fraud Investigator for next year.

Ms. Wismer said there is one proposed rule change that has gone through the public comment period and could be made effective, R162-4-1, Records and Copies of Documents. Since many transactions now close electronically with no in-person "closing" or "settlement" taking place, the Commission has decided to delete the requirement in the existing rule that the principal broker or his authorized representative must attend all closings. The rule change was opened for discussion from the public. Director Miller suggested the wording might be changed to: "except as provided below the broker or his authorized representative must attend all closings and is responsible..." The exception provided would be if the settlement is out of state then "the principal broker or his authorized representative is responsible for the accuracy of the settlement documents."

### INVESTIGATIONS REPORT – Dee Johnson

Mr. Johnson introduced the new investigator, Ken Wamsley, who will be handling appraisal cases. Mr. Wamsley is also a Certified General Appraiser.

The Mortgage Task Force is expanding by adding more agencies to the group. There are now representatives from the IRS, INS, DEA, Homeland Security, and more have been added from the FBI.

Statistics for the month of July show the Division received 48 complaints, 18 complaints were screened, 9 cases were opened, and 20 cases were closed. There are 168 total real estate cases.

### EDUCATION/LICENSING REPORT – Mark Fagergren

Mr. Fagergren announced the Division newsletter has gone out. There are a number of

informative articles and reminders of changes coming up.

Mr. Fagergren took a moment to introduce the new members of the licensing staff to the Commission and public: Jill Childs, Courtney Belliston, and Amber Neilsen are in licensing and LeAnn Robinson will be our new Front Counter person. She replaces Ms. Belliston who moved into licensing. He mentioned that Amanda Orme was out on maternity leave and Tiffeni Wall will be trying to cover both Mortgage and Real Estate Education until Ms. Orme returns.

Chair Walker brought up the topic of interstate sales and licensing recognition where individuals apply to obtain broker licenses through reciprocity. They are requesting a waiver for the education, but it does not address the experience issue. If a person has a broker's license in California because they were doing mortgages, and they get a waiver from Utah, it could be that the person has never written a real estate transaction. Director Miller said the Division will review the Reciprocity application to make sure it states that the state the individual is coming from has education that is substantially similar enough that the person should not have to go through the same education process. To get a broker's license the individual must have 3 years experience and a certain number of points. The individual could apply for a sales agent's license through reciprocity, but not a broker's license.

A motion was made help define the reciprocal licensing requirements for a real estate agent or broker. The definition would include the education and experience requirements for both the sales agent and broker. The motion passed unanimously.

#### **LICENSE HEARINGS: CLOSED TO PUBLIC**

10:30 Douglas B. Morgan - Petition  
Van Kagie, Investigator, Division of Real Estate

11:38 Kam Sepulveda – Application for License  
Julie Shaw, Friend

A motion was made to go into an Executive Session from 12:02 p.m. to 1:00 p.m.

1:03 Nathan R. Currier – Application for License  
Maria Currier, Wife  
Esperanza Segal, Step-daughter  
Rose Segal, Step-daughter  
Paul Prince, Patient  
David Cosby, Vocational Rehab Counselor

A motion was made to go into an Executive Session from 2:45 p.m. to 3:18 p.m.

#### **CLOSED TO PUBLIC**

Results of Executive Session

Review of Stipulations

Lynn A. Christensen - Approved

Lynn J. Marsh - Approved

A motion was made and accepted to adjourn the meeting at 3:19 p.m.