

## **REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building

Room 210

9:00 a.m.

July 18, 2012

### **MINUTES**

#### DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director  
Mark Fagergren, Education and Licensing Director  
Jeffery Nielsen, Chief Investigator  
Xanna DeGooyer, Assistant Attorney General  
Jennie Jonsson, Hearing Officer  
Michael Palumbo, Hearing Officer  
Carlos Alamilla, Investigator  
Amber Nielsen, Acting Board Secretary  
Tiffeni Wall, Real Estate Education Coordinator  
Jill Childs, Division Staff

#### COMMISSION MEMBERS PRESENT:

Stefanie Tugaw-Madsen, Chair  
H. Blaine Walker, Commissioner  
Kay Ashton, Commissioner

#### GUESTS:

Paul Naylor	Peter Christensen
Shane Norris	Mike Ballif
Vern Meyer	Karin Swenson
Tammy Lund	Sara Sayler

The July 18, 2012 telephonic meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Tugaw-Madsen conducting.

Vice Chair Houston and Commissioner Hancock were excused from the meeting this month.

### **PLANNING AND ADMINISTRATIVE MATTERS**

#### Approval of Minutes

Chair Tugaw-Madsen noted a correction from Mr. Jonsson to correctly read Ms. Jonsson. With this correction, a motion was made to approve the minutes from June 20, 2012 meeting as written. Vote: Chair Tugaw-Madsen, yes; Commissioner Walker, yes; Commissioner Ashton, yes. The motion carries.

### **DIVISION REPORTS**

#### DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart announced Ms. Jonsson will be leaving the Division to work as Administrative Law Judge with the Department of Commerce. Director Stewart introduced Michael Palumbo as the newly-hired Hearing Officer who will be taking over Ms. Jonsson's position with the Division.

Director Stewart presented an article from The Enterprise, Home Sales Rise in Salt Lake Area, Prices Rise Statewide, Inventory Decreases."

Director Stewart presented a Media Alert released July 13, 2012 by the Department of Commerce, "Consumer Protection warns of fake rental scheme targeting real estate ads."

#### ENFORCEMENT REPORT – Jeffery Nielsen

Mr. Nielsen reported in June the Division received 34 complaints; opened 28 cases; closed 42 cases; leaving 220 total real estate cases.

#### Stipulations for Review

Gary Thomson

Gary Jones

Each of the respondents was offered the opportunity to appear today, but each has declined. Investigator Alamilla was present to answer any questions from the Commission.

#### LICENSING/EDUCATION REPORT - Mark Fagergren

Mr. Fagergren reported that the number of real estate licensees has increased since last month.

#### Stipulations for Review

Ann-Marie M. Baker

Camie Lee Wallgren-Ramirez

Jonathan P. Slager

Darren P. Bideaux

Each of the respondents was offered the opportunity to appear today, but each has declined.

Mr. Fagergren presented the Pearson VUE Exam Performance Summary for Real Estate Pre-licensing tests.

Mr. Fagergren announced the Pearson VUE Exam Review will be August 20, 2012 and August 27, 2012.

Mr. Fagergren announced the Division's Instructor Development Workshop will be held October 29-30, 2012 in Park City. The keynote speaker will be Len Elder.

COMMISSION AND INDUSTRY ISSUES

Discussion of Proposed Rules – Jennie Jonsson

Ms. Jonsson reported that various rule amendments have been filed and are now open for public comment, which will close August 14, 2012.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Tugaw-Madsen, yes; Commissioner Ashton, yes; Commissioner Walker, yes. The motion passes. An Executive Session was held from 10:15 a.m. to 10:30 a.m.

**OPEN TO PUBLIC**

INFORMAL HEARINGS

10:30 Matthew Lennon – Appeal of Order  
Mr. Lennon was not present. The Division made an attempt to contact Mr. Lennon at 11:05 a.m. by phone, and there was no answer.  
Gary M. Huntsman, Principal Broker

**CLOSED TO PUBLIC**

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Chair Tugaw-Madsen, yes; Commissioner Ashton, yes; Commissioner Walker, yes. An Executive Session was held from 11:20 a.m. to 11:26 a.m.

Deliberation on Hearing  
Review of Stipulations

**OPEN TO PUBLIC**

Results of Stipulations

Gary Thomson – Approved  
Gary Jones – Approved  
Ann-Marie M. Baker – Approved  
Camie Lee Wallgren-Ramirez – Approved  
Jonathan P. Slager – Approved  
Darren P. Bideaux – Approved

Results of Hearing

Matthew Lennon – The Commission with concurrence of the Director will enter Mr. Lennon as being in default.

INFORMAL HEARING

12:45 Ernest Moffat  
Christine Dominique, witness  
Marvin Everett, Investigator

A motion was made to recess for five minutes. Vote: Chair Tugaw-Madsen, yes; Commissioner Ashton, yes; Commissioner Walker, yes. The motion passes.

A recess was held from 1:34 p.m. to 1:38 p.m.

**CLOSED TO PUBLIC**

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Tugaw-Madsen, yes; Commissioner Ashton, yes; Commissioner Walker, yes. The motion passes. An Executive Session was held from 2:55 p.m. to 3:41 p.m.

Deliberation of Hearing

**OPEN TO PUBLIC**

A motion was made to adjourn the meeting. Vote: Chair Tugaw-Madsen, yes; Commissioner Ashton, yes; Commissioner Walker, yes. The meeting adjourned at 3:42 p.m.