

**REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building  
Room 210  
9:00 a.m.  
April 17, 2013

**MINUTES**

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director  
Mark Fagergren, Education and Licensing Director  
Ben Jensen, Hearing Officer  
Judith Jensen, Assistant Attorney General  
Amber Nielsen, Acting Board Secretary  
Tiffeni Wall, Division Staff  
Van Kagie, Division Staff

COMMISSION MEMBERS PRESENT:

H. Thayne Houston, Chair  
Kay R. Ashton, Vice Chair  
Gary R. Hancock, Commissioner  
Lerron E. Little, Commissioner  
Russell K. Booth, Commissioner

GUESTS:

Tammy Lund	Kevin Swenson
Shane Norris	Sara Saylor
Peter Christensen	Darrell Catmull

The April 17, 2013 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Houston conducting. Chair Houston noted the absence of Board Secretary Renda Christensen.

**PLANNING AND ADMINISTRATIVE MATTERS**

Approval of Minutes

Following some discussion on the licensing numbers from last month, a motion was made to approve the minutes from the March 20, 2013 meeting as amended.

Vote: Chair Houston, yes; Vice Chair Ashton, yes; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes. The motion has passed.

## **DIVISION REPORTS**

### **DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart announced that Tiffeni Wall will be leaving the Division. She will be the new administrative assistant to Derek Miller, the Governor's chief of staff. The Division will be looking for a new education coordinator.

Director Stewart announced today is the Utah Shakedown and we will be having an evacuation drill. Director Stewart outlined the evacuation plan.

Director Stewart reported that Monday afternoon the Division filed criminal charges against Karl Robert Hartley, Sonia Zisumbo, John Hammans, Marilyn Lira, Robin Moran, and Melissa Thurgood. The charges are conspiracy to commit communications fraud, communications fraud, and a pattern of unlawful activity.

### **ENFORCEMENT REPORT – Jonathan Stewart**

Director Stewart noted Enforcement Director Jeffrey Nielsen's absence.

Director Stewart reported in March the Division received 31 complaints; opened 28 cases; closed 6 cases; has 9 cases with the AG's office; leaving the total number of real estate cases at 254.

There are no stipulations to present today.

### **LICENSING/EDUCATION REPORT - Mark Fagergren**

Mr. Fagergren clarified that in the month of February there were 212 new agent licensees and there were 124 less inactive individuals. Mr. Fagergren reported in the month of March there has been a growth of 69 individuals and 4 inactives.

Mr. Fagergren mentioned that Tiffeni Wall has done a great job and will be greatly missed when she leaves the Division.

Mr. Fagergren announced that Division Caravan will be kicking off April 30, 2013 in Park City. Mr. Fagergren mentioned Cedar City, Tooele, Vernal and Ogden will be visited this year. Those cities have not been visited in the recent years.

### **Hearing Officer Report – Ben Jensen**

Mr. Jensen reiterated the procedures for the evacuation.

#### Stipulations for Review:

Mark Hodson

## **COMMISSION AND INDUSTRY ISSUES**

### **Discussion of Proposed Rules – Ben Jensen**

Mr. Jensen reported on Senate Bill 77, which will become effective May 14, 2013. This bill updates requirements for Public Meetings. The bill requires that draft minutes of public meetings will need to be available to the public, approved minutes of public meetings will need to be posted to the Public Notice Website (PNW), public materials disseminated in public meetings need to be available to the public, and recordings of public meetings need to be uploaded to the PNW.

A motion was made to briefly recess. Vote: Chair Houston, yes; Vice Chair Ashton, yes; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes. The motion has passed. A brief recess was held from 9:30 a.m. to 9:35 a.m.

Mr. Jensen presented grammatical and non-substantive proposed changes to rules R R162-2f-102, R162-2f-206a, and R162-2f-206b. The proposed changes had previously been approved by the Commission and will be published for public comment.

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 Houston, yes; Vice Chair Ashton, yes; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes. The motion has passed.

### **CLOSED TO PUBLIC**

An Executive Session was held from 9:41 a.m. to 10:01 a.m.

### **OPEN TO PUBLIC**

The following Stipulations were approved by the Commission with the concurrence of the Director:

Mark Hodson

A motion was made to recess until the scheduled hearing. Vote: Chair Houston, yes; Vice Chair Ashton, yes; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes. The motion has passed. A recess was held from 10:02 a.m. to 10:42 a.m.; during which, the building was evacuated.

INFORMAL HEARING:

10:42 a.m. Lynn A. Christensen  
Terry Spencer, Attorney for Respondent

12:05 p.m. Tigh Gunderson  
Mr. Gunderson appeared by phone.

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 Houston, yes; Vice Chair Ashton, yes; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes.

**CLOSED TO PUBLIC**

An Executive Session was held from 12:37 p.m. to 2:12 p.m.

**OPEN TO PUBLIC**

INFORMAL HEARING:

2:12 p.m. Joshua Sayes

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 Houston, yes; Vice Chair Ashton, yes; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes.

**CLOSED TO PUBLIC**

An Executive Session was held from 2:53 p.m. to 3:07 p.m.

**OPEN TO PUBLIC**

A motion was made to adjourn the meeting. Vote: Chair Houston, yes; Vice Chair Ashton, yes; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes. The meeting adjourned at 3:07 p.m.