

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

August 20, 2014

Telephone Meeting

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Jeffery Nielsen, Chief Investigator
Justin Barney, Hearing Officer
Elizabeth Harris, Assistant Attorney General
Renda Christensen, Board Secretary
Mykah Travis, Real Estate Education Coordinator
Van Kagie, Investigator
John Bickmore, Investigator

COMMISSION MEMBERS PRESENT:

Kay R. Ashton, Chair
Russell Booth, Vice Chair
Lori Chapman, Commissioner
Lerron Little, Commissioner
Calvin Musselman, Commissioner

GUESTS:

Shane Norris
Tammy Lund
Susan Aguilar
Dan Naylor
Kevin Swenson

The August 20, 2014 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Ashton conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes

A motion was made and seconded to approve the minutes from the July 16, 2014 meeting. Vote: Chair Ashton, yes; Commissioner Little, yes; Vice Chair Booth, yes; Commissioner Chapman, yes; Commissioner Musselman, yes. The motion passes.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart said the Division has not had a chance to set up the Forms Committee because he has been traveling. The Committee should be set up by

next month.

Director Stewart said the Division sent in award submissions to ARELLO for communications and education. He was notified by the Association of Real Estate License Law Officials ("ARELLO") that the Education Certification Committee has selected the Utah Division of Real Estate for an education award in the post-licensing and CE course. Director Stewart said this award was given to the Division for our annual Caravan. He and Mr. Fagergren will be attending the ARELLO Conference in Philadelphia on September 17, 2014, and will receive the award at that time. Director Stewart said this award is because of current Division members who work hard at making sure Caravan is a successful event, but also it goes back 30 years that this event has going on. The Commission congratulated the Division.

Director Stewart said the Division has submitted their Annual Report for the last fiscal year. He shared some of the statistics with the Commission and public in attendance.

ENFORCEMENT REPORT - Jeffery Nielsen

Mr. Nielsen reported in July the Division received 24 complaints; opened 12 cases; referred 8 cases to the Attorney General's office; closed 9 cases; leaving a total of 269 open cases.

Stipulations for Review

Gregory Ross
Jeff D. Tomlinson
Jeffrey R. Wells
Craig North

Each individual was given the opportunity to address the Commission but have chosen not to appear.

EDUCATION AND LICENSING REPORT - Mark Fagergren

Mr. Fagergren said the statistics for July show an increase in 85 licensees from the prior month.

Mr. Fagergren wanted to remind the Commission and those in attendance from the public of the Instructor Development Workshop that will be held on October 22 and 23, 2014. The speaker this year will be Carol Murray, and will be held at the Park City Marriott Hotel. He reminded everyone that pre-license instructors must attend the workshop every two years, but mentioned that there are many who attend every year.

Mr. Fagergren said he is excited about the Division winning the ARELLO Education Award. It is a significant honor for our state to be recognized best educational CE course across the country for the last year.

There are no stipulations for review this month.

COMMISSION AND INDUSTRY ISSUES

Discussion of Proposed Rules – Justin Barney

Mr. Barney said there is one stipulation to review this month.

Stipulation for Review

Janice Wunning

Ms. Wunning was given the opportunity to address the Commission but has chosen not to appear.

Mr. Barney said last month there was a discussion over a new Core course on Water Law. Mr. Barney said this could be added to rule 162-2f-206b(5)(c) by adding a 12th section. The Commissioners agreed the course should be a Core course, and Mr. Barney asked the Commission if they would like to have all the continuing education classes on water issues be classified as Core courses.

The Commission and the Division had a detailed discussion on this topic. Mr. Barney will add the Water Law course as a Core course. Mr. Fagergren and his staff will review the other water courses to see if they be changed as well. Mr. Barney will bring the draft rule back for next month's meeting.

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 Ashton, yes; Vice Chair Booth, yes; Commissioner Little, yes; Commissioner Musselman, yes; Commissioner Chapman, yes. An Executive Session was held at 9:50 a.m. to 19:07 a.m.

OPEN TO PUBLIC

Results of Stipulations

Each of the following Stipulations was approved by the Commission with concurrence by the Director:

Gregory Ross

Jeff D. Tomlinson

Jeffrey R. Wells

Craig North

Janice Wunning

A motion was made to adjourn the meeting. Vote: Chair Ashton, yes; Vice Chair Booth, yes; Commissioner Little, yes; Commissioner Musselman, yes; Commissioner Chapman, yes. The meeting adjourned at 10:09 a.m.