

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

December 17, 2014

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Jennie Jonsson, Administrative Law Judge
Mark Fagergren, Education and Licensing Director
Jeffery Nielsen, Chief Investigator
Justin Barney, Hearing Officer
Judith Jensen, Assistant Attorney General
Elizabeth Harris, Assistant Attorney General
Renda Christensen, Board Secretary
Mykah Travis, Real Estate Education Coordinator
Mark Schaerrer, Investigator
Kadee Wright, Investigator
John Bickmore, Investigator

COMMISSION MEMBERS PRESENT:

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

GUESTS:

Tammy Lund	Peter Christensen
Susan Aguilar	Shane Norris
Dan Naylor	Kevin Swenson
Cressie Larsen	

The December 17, 2014 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Booth conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Oath of Office - The Oath of Office was administered by Administrative Law Judge Jennie Jonsson to William Perry. Mr. Perry introduced himself to the Commission and those in attendance today. He is in-house counsel for Perry Homes Utah, and has been a practicing attorney for 14 years. The Division and Commission welcomed him to the Commission.

Approval of Minutes

A motion was made and seconded to approve the minutes from the November 19, 2014 meeting as written. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes; Commissioner Musselman, yes; Commissioner Ashton, yes. The motion passes.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart thanked Commissioner Ashton for his 8 years of service on the Commission, and presented him with a plaque for his service.

Director Stewart said the Division's bill has been sent to the drafter for feedback on the proposed changes. Additions included the presumption of an independent contractor status for doing BPOs in Section 3, and definition of "owner" in Section 2.

ENFORCEMENT REPORT - Jeffery Nielsen

Mr. Nielsen reported in November the Division received 16 complaints; opened 14 cases; have 45 cases with the Attorney General's office; closed 29 cases; leaving the total number of cases at 241.

Stipulations for Review

Blake R. Capson

Christopher S. Blakenship

William Pipes

Todd Malcolm

All of the respondents were given the opportunity to appear today and have chosen not to appear.

Mr. Nielsen discussed several topics for possible rule changes. The list includes short sales/arms-length transactions; fiduciary duty to present all offers to seller; unprofessional conduct to pay an agent not affiliated with broker; establishing agency; and team advertising. Mr. Nielsen will forward this information to the Commission for review.

EDUCATION AND LICENSING REPORT - Mark Fagergren

Mr. Fagergren reported the statistics show a steady increase for sales agents over the last 11 months. When adding the active and inactive sales agents together, there are now approximately 19,000 licensees. Mr. Fagergren said that in 2007 the Division had approximately 6,000 more licensees than the numbers we now have.

Mr. Fagergren said the Division recently has had two changes in staff. Ms. Carla Westbroek who is the Appraiser Licensing and Education staff retired on Monday after 10 years with the Division. The Division hired Kendelle Christiansen to replace

Ms. Westbroek. The second change was with the Receptionist position, because the receptionist left to work for another state industry. The position was filled with Jill Ellis.

COMMISSION AND INDUSTRY ISSUES

Discussion of Proposed Rules – Justin Barney

Mr. Barney said the Forms Committee met yesterday, and will meet again in January. They will keep the Commission updated on their progress.

The amended rule to make "Water Law Rights Transfer" as a core course is now out for public comment. This will be discussed in the Division newsletter coming out later this month.

Stipulations for Review

Jonthan Fenton Hunt
Terrie Schultz

Both respondents were given the opportunity to appear today and have chosen not to appear.

Chair Booth took a few minutes to thank Commissioner Ashton for his service as a Commissioner for the past 8 years. It was helpful to have a person from the mortgage industry give their perspective on different areas. Commissioner Ashton replied that he was honored to serve all these years.

OPEN TO PUBLIC

INFORMAL HEARING:

10:06 Nikki Jepson - Application for License
Shane Norris, Attorney
Division Witness: Van Kagie, Investigator

12:18 Joseph Henneman - Application for License
Todd Feld
Kim Law
Stacey Staley

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 Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes; Commissioner Musselman, yes; Commissioner Ashton, yes. The motion passes. An Executive Session was held from 12:51 p.m. to 1:35 p.m.

OPEN TO PUBLIC

Results of Stipulations

Blake R. Capson – Approved with the concurrence of the Director

Christopher S. Blakenship – Approved with the concurrence of the Director

William Pipe – Approved with the concurrence of the Director

Jonathan Fenton Hunt – Approved with the concurrence of the Director

Terrie Schultz – Approved with concurrence of the Director

Todd Malcolm – Approved with concurrence of the Director

The results of the hearings for Ms. Jepson and Mr. Henneman will be sent by mail to each of the respondents.

A motion was made and seconded to adjourn the meeting. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes; Commissioner Musselman, yes; Commissioner Ashton, yes. The motion passes. The meeting adjourned at 1:37 p.m.