

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

February 20, 2013

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Jeffery Nielsen, Chief Investigator
Ben Jensen, Hearing Officer
Jennie Jonsson, Administrative Law Judge
Judith Jensen, Assistant Attorney General
Amber Nielsen, Acting Board Secretary
Van Kagie, Investigator
Kurtis Hughes, Investigator
Tiffeni Wall, Division Staff
Jill Childs, Division Staff
Kathy Archuleta, 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:

Joann Hancock	Paul Naylor
Monica Fredette	DL Rutherford
Jim Dunn	Mike Ballif
Tammy Lund	Sara Saylor
Kevin Swenson	Shane Norris
Peter Christensen	Ian Saukerson
Jason Heitz	

The February 20, 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

A motion was made to approve the minutes from the January 16, 2013 as written. 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 reported on the progress of the Division's bill, House Bill 290. Changes to the Division's bill that occurred during the legislative process were discussed.

Director Stewart discussed the proposed changes to the Disclosure Questions on Division Licensure Applications.

Director Stewart announced the amendments to rules have been pulled back from public comment and will be presented to the Commission later in the meeting with new changes.

ENFORCEMENT REPORT – Jeffery Nielsen

Mr. Nielsen reported in January the Division received 37 complaints; opened 2 cases; closed 30 cases; has 9 cases with the AG's office; leaving the total number of real estate cases at 224.

Stipulations for Review:

Gregg A. McDermott
Jo Ann Hancock
Monica A Fredette

Each of these respondents was given the opportunity to appear today, Ms. Hancock and Ms. Fredette have both appeared.

HEARING OFFICER REPORT – Ben Jensen

Mr. Jensen notified the Commission of a Division Order on Application for Sandy Barren.

LICENSING/EDUCATION REPORT - Mark Fagergren

Mr. Fagergren reported over the past eleven months there have been 50 agents who have left the industry and 620 agents who have gone inactive.

Mr. Fagergren mentioned that many new applicants are saying they have a pending closing or a showing. Mr. Fagergren wants to remind members of the industry that potential licensees cannot do any work until they receive the hard copy license in the mail.

Mr. Fagergren reported there will be some changes to the education rules coming over the next several months.

Stipulations for Review:

Martha West

Danny Lee Rutherford

Joanna Bourkland

Samuel Wayne Rex, Jr.

William G. Rutherford

Brenda Kreide

Clarence Hubert Huggins

Each of these respondents was given the opportunity to appear today, and each has declined.

COMMISSION AND INDUSTRY ISSUES

Discussion of Proposed Rules – Jennie Jonsson

Ms. Jonsson reported on proposed changes to rule R162-2f-202b and R162-2f-401a regarding property management brokers and rule R162-2f-401a to mirror the statute. A motion was made to publish the rules for public comment as amended. Vote: Chair Houston, yes; Vice Chair Ashton, yes; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes. Motion passes.

New Hearing Officer Ben Jensen was introduced to the Commission.

CLOSED TO PUBLIC

A motion was made to briefly recess and then 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. An Executive Session was held from 10:08 a.m. to 10:33 a.m.

OPEN TO PUBLIC

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

Gregg A. McDermott - Approved
Jo Ann Hancock - Approved
Monica A Fredette - Approved
Martha West - Approved
Danny Lee Rutherford - Approved
Joanna Bourkland - Approved
Samuel Wayne Rex, Jr. - Approved
William G. Rutherford - Approved
Brenda Kreide - Approved
Clarence Hubert Huggins - Approved

OPEN TO PUBLIC

INFORMAL HEARING:

10:30 Russell Cannon – Application for License

Respondent's Witnesses:
Michael Coombs, Attorney
Lisa Cannon
Leanne Parry
Thomas Wright

Public:
Jason Heitz

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 Houston, yes; Vice Chair Ashton, yes; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Booth, yes. An Executive Session was held from 12:06 p.m. to 12:29 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 12:29 p.m.