

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

July 17, 2013

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Director of Licensing/Education
Jeffery Nielsen, Chief Investigator
Jennie Jonsson, Administrative Law Judge
Xanna Hardman, Assistant Attorney General
Renda Christensen, Board Secretary
Van Kagie, Investigator
Jill Childs, Division Staff
Kathy Archuleta, Division Staff

COMMISSION MEMBERS PRESENT:

Kay R. Ashton, Vice Chair
Gary R. Hancock, Commissioner
Lerron E. Little, Commissioner
Russell K. Booth, Commissioner
Lori Chapman, Commissioner

GUESTS:

Tammy Lund	Marque Roybal
Peter Christenson	Jasminka Silasdzic
Kevin Swenson	Troy Steed
Shane Norris	Doug Olson
Karlie Belnap	Spring Bensen

The July 17, 2013 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Vice Chair Ashton conducting.

PLANNING AND ADMINISTRATIVE MATTERS

The Oath of Office was administered to Lori Chapman to be a Commissioner by Administrative Law Judge Jennie Jonsson.

Elections for new officers were held. Nominations were held for the office of Chair. Vice Chair Ashton was elected on a unanimous vote to be the new Chair for the 2013-2014 year.

Nominations were held for the office of Vice Chair. Commissioner Russell Booth

was elected on a unanimous vote to be the new Vice Chair for the 2013-2014 year.

Approval of Minutes

In reviewing the draft minutes from the June 19, 2013 one correction was noted. Chair Houston was absent so Vice Chair Ashton conducted the meeting. With that correction a motion was made for approval of the minutes. Vote: Vice Chair Ashton, yes; Commissioner Booth, yes; Commissioner Little, yes; Commissioner Hancock, yes. The motion passed.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart said the Division would like to acknowledge H. Thayne Houston's service to the Commission and the real estate industry. Mr. Houston's four-year term as Commissioner has expired.

The new Commissioner who will replace Mr. Houston will be Lori Chapman. The Division and Commission want to thank Ms. Chapman for accepting the position as Commissioner.

As previously reported, Ben Jensen has left the Division to accept a position with the Attorney General's office. The Division has hired a new Hearing Officer, Justin Barney. Mr. Barney is in the process of moving from Georgia, and will start with the Division on August 1, 2013.

ENFORCEMENT REPORT - Jeffery Nielsen

Mr. Nielsen reported that Ms. Stutsman has given him the statistics for the months of April and May. The following are statistics for the past three months:

In the month of April the Division received 38 cases; opened no cases; referred 8 cases to the AG's office; closed 15 cases; leaving the total number of cases at 237.

In the month of May the Division received 50 cases; opened 3 cases; referred 8 cases to the AG's office; closed 19 cases; leaving the total number of cases at 221.

In the month of June the Division received 43 cases; opened 5 cases; referred no cases to the AG's office; closed one case; leaving the total number of cases at 225.

Mr. Nielsen reported the Division has posted a position for another real estate investigator. The position closes on Sunday, July 21, 2013.

LICENSING/EDUCATION REPORT - Mark Fagergren

Mr. Fagergren reported that the statistics for licensing have dropped by 220 active licensees, and 148 inactive licensees. The licensing staff reported to Mr. Fagergren that there are quite a few new applications being received.

The Division newsletter for the second quarter has gone out. Mr. Fagergren

reminded everyone to keep their e-mail addresses current in the RELMS system, because this is where the system will pull the information to send out the newsletters and any other announcements from the Division.

The Division has hired a new person for the job of Real Estate Education Coordinator. Mykah Travis started with the Division on Monday, July 15, 2013. She has previously worked for the Salt Lake Board of Realtors. We are very pleased to have her on our staff.

Tentative dates have been set for the next Instructor Development Workshop. The last Monday and Tuesday in October (October 28, 29, 2013) have been scheduled, and we should know by tomorrow if these are firm dates.

Mr. Fagergren presented an application to the Commission that has answered "No" to the question of having a high school diploma or GED. The applicant was present to explain the situation to the Commission. The Commission will review the documents in Executive Session.

COMMISSION AND INDUSTRY ISSUES

Discussion of Proposed Rules – Jennie Jonsson

Ms. Jonsson reported the proposed rule on education previously out for public comment has been made effective on June 21, 2013. The Division's website has been updated to include this rule.

Commissioner Hancock brought up for discussion the article written by Van Kagie in the Division's newsletter. The article was about a new trend that has come to the attention of the Division, the practice of using a buyer's repair list. There was discussion from the Division, Commission, and those in attendance regarding this issue. The results were to have full disclosure, in writing, for a paper trail at closing.

Ms. Jonsson asked the Commission to review a previous order that had been written for clarification purposes. The Commission will discuss this order in their Executive Session.

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 Hancock, yes; Commissioner Little, yes; Commissioner Chapman, yes. An Executive Session was held from 9:45 a.m. to 10:00 a.m.

OPEN TO PUBLIC

INFORMAL HEARINGS:

10:00 Troy Steed - Application for License
Latricia Steed, Wife
Douglas Olson, Principal Broker, Media One

11:00 Kelli L. Williams - Application for License

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 Hancock, yes; Commissioner Little, yes; Commissioner Chapman, yes. An Executive Session was held from 11:53 a.m. to 1:00 p.m.

1:00 Karlie Belanp - Application for License
Spring Bensen

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; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Chapman, yes. An Executive Session was held from 1:35 p.m. to 1:54 p.m.

Results of Executive Session

The Commission approved the application that did not have documentation regarding high school/GED diploma.

The Commission reviewed the order for clarification and placed the licensee on probation for the term of the license.

A motion was made to adjourn the meeting. Vote: Chair Ashton, yes; Vice Chair Booth, yes; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Chapman, yes. The meeting was adjourned at 1:55 p.m.