

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

March 20, 2013

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Jeffery Nielsen, Chief Investigator
Ben Jensen, Hearing Officer
Judith Jensen, Assistant Attorney General
Amber Nielsen, Acting Board Secretary
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:

Kevin Swenson	Paul Naylor
Peter Christensen	Mike Ballif
Shane Norris	Jason Heitz
David Wilson	Ian Saukerson

The March 20, 2013 meeting of the Utah Real Estate Commission began at 8:59 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 February 20, 2013 meeting 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 the Division's bill, House Bill 290, passed legislation. Director Stewart noted that changes were made to the Bill regarding who can bring a suit over commissions.

ENFORCEMENT REPORT – Jeffery Nielsen

Mr. Nielsen reported in February the Division received 17 complaints; opened 22 cases; closed 14 cases; has 9 cases with the AG's office; leaving the total number of real estate cases at 232.

Mr. Nielsen has no stipulations to present today.

LICENSING/EDUCATION REPORT - Mark Fagergren

Mr. Fagergren reported there are 165 new licensees and however there are nearly that many who are inactive.

Stipulations for Review:

Fiona Worthen

Ms. Worthen was given the opportunity to appear today and has declined.

HEARING OFFICER REPORT – Ben Jensen

Mr. Jensen presented two applicants for consideration regarding high school education equivalency. The first applicant, Clark Porter, does not hold a high school diploma or G.E.D. but holds two Bachelor's Degrees from Utah State University. The second applicant, Terry G. Thompson, does not hold a high school diploma or G.E.D. but holds an Australian Higher Education Certificate and an Advanced Certificate.

Mr. Jensen presented the application for Angela Martindale. Ms. Martindale is currently on probation for a Class B Misdemeanor. Her probationary status requires two letters from a licensed therapist to be presented before the Commission.

Stipulations for Review:

Dell Williams

Vincent J. Blackmore

COMMISSION AND INDUSTRY ISSUES

Discussion of Proposed Rules – Ben Jensen

Mr. Jensen reported the property management rules have been approved and will be published April 1, 2013 in the Utah State Bulletin. The comment period will close April 30, 2013.

Mr. Jensen presented proposed changes to rules R162-2f-102, R162-2f-204, R162-2f-206a, R162-2f-206b, R162-2f-206c, R162-2f-206d, R162-2f-206e, and R162-2f-401d updating the requirements of Real Estate Education Providers. A motion was made to publish the rule changes for public comment with amendments as

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

A brief recess was held from 10:34 a.m. to 10:41 a.m.

OPEN TO PUBLIC

INFORMAL HEARING:

10:41 a.m. Jason Heitz – Appeal on Order
Respondent’s Witness: David Wilson

11:52 a.m. Ian Saukerson – Appeal on Order

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 1:06 p.m. to 1:23 p.m.

OPEN TO PUBLIC

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

Fiona Worthen - Approved
Dell Williams - Approved
Vincent J. Blackmore - Approved

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 1:24 p.m.