

UTAH REAL ESTATE COMMISSION

Heber M. Wells Building

Room 210

9:00 a.m.

Telephonic Meeting

March 19, 2014

MINUTES

DIVISION STAFF PRESENT

Jonathan Stewart, Division Director
Mark Fagergren, Education/Licensing Director
Jeffery Nielsen, Chief Investigator
Justin Barney, Hearing Officer
Elizabeth Harris, Assistant Attorney General
Amber Nielsen, Acting Board Secretary
Mykah Travis, Real Estate Education Coordinator
Kathy Archuleta, Licensing Staff
John Bickmore, Investigator
Kadee Wright, Investigator

COMMISSION MEMBERS PRESENT

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

GUESTS

Shane Norris
Peter Christensen
Kevin Swenson
Cressie Larson

The meeting on March 19, 2014 of the Real Estate Commission began at 9:01 a.m. with Chair Ashton conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – Vice Chair Booth wished to reiterate the information in the minutes that he would like to have more information about potential bills. A motion was made to approve the minutes from the February 19, 2014 meeting. Vote: Chair Ashton, yes; Vice Chair Booth, yes; Commissioner Chapman, yes; Commissioner Little, yes. Commissioner Hancock was absent from the previous meeting and cannot vote. The motion passes.

DIVISION REPORTS

Director's Report – Jonathan Stewart

Director Stewart reported the Division's bill, H.B. 332 passed. The bill should be effective May 12, 2014. There were no issues. The bill went through very smoothly with support from UAR and some appraisers as well who testified on behalf of that bill.

Director Stewart reported the Division's opposition to H.B. 124. This bill was about expungement of administrative actions. The Division felt this bill would not protect the public. The bill was sent back to rules with recommendation to be added to an interim committee.

Director Stewart reported the Division's involvement with H.B. 366 which is another bill that dealt with expungement of administrative actions. This bill pertained to conducted where there was criminal action parallel to the administrative action. The Division felt this bill would not protect the public. The sponsor removed all wording with administrative actions and that bill passed with the corrections.

Enforcement Report – Jeffery Nielsen

Mr. Nielsen reported in the month of January the Division received 33 complaints; opened 6 cases; referred 2 new case to the Attorney General's office; closed 20 cases; leaving the number of real estate cases at 258.

Mr. Nielsen announced a new investigator position has been posted. The position is primarily for mortgage investigations. However, the investigator will also be covering some real estate investigations.

Stipulations for Review:

Tiffany Lancaster

Bryan Burnett

Peter Miller

There is an additional stipulation for Clay Winder which was received this morning. We will address that stipulation later.

All of these individuals were given the opportunity to address the Commission but have chosen not to appear.

Licensing and Education Report – Mark Fagergren

Mr. Fagergren is unsure the reported statistics are accurate. The statistics show a growth of 32 sales agents and a drop of nearly 100 brokers.

Mr. Fagergren reported that Pearson VUE will no longer be printing the Pre-licensing Booklet. The booklet will still be available digitally on their website. This will allow for the information to be updated faster. Since the booklets will no longer be printed waivers for pre-license education will now be issued by the Division digitally via email.

Mr. Fagergren announced the Division, in an effort to reduce the number of incomplete application submission, has prepared a checklist for sales agent applications and broker applications. The checklist is available on our website. The Division is also encouraging the schools and Pearson VUE to provide applicants the checklist. Hopefully, this will prevent delays in applications.

Mr. Fagergren announced that Kathy Archuleta will be leaving the Division after three and a half years of service. Kathy will be working at the Department of Insurance. Kathy was an asset to the Division. The Division would like to thank Kathy for her service. The Commission also wanted to thank Kathy for her hard work.

COMMISSION AND INDUSTRY ISSUES

Updates on Rules – Justin Barney

Mr. Barney reported rule amendment deleting the standard form for the real estate purchase contract for residential construction has become effective just after the last meeting. The UAR has a form in place to cover this change and any contract prepared by an attorney can cover this change.

Stipulations for Review:

Perginia London

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

Enforcement Report – Jeffery Nielsen

Stipulations for Review:

Clay Winder

Mr. Winder was given the opportunity to address the Commission but has chosen not to appear.

Chair Ashton made note that the May meeting was moved to May 20, 2014. The meeting will be held on a Tuesday.

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 Chapman, yes; Commissioner Little, yes. The motion carries.

CLOSED TO PUBLIC

An Executive Session was held from 9:31 a.m. to 9:39 a.m.

CLOSED TO PUBLIC

Results of Stipulations

Tiffany Lancaster – Approved with concurrence of Division

Bryan Burnett – Approved with concurrence of Division

Peter Miller – Approved with concurrence of Division

Perginia London – Approved with concurrence of Division

Clay Winder – Approved with concurrence of Division

Chair Ashtom made a motion to adjourn the meeting. The motion was seconded. The meeting adjourned at 9:40 a.m.