

UTAH REAL ESTATE COMMISSION

Heber M. Wells Building
Room 210
9:00 a.m.
May 20, 2014
Telephonic Meeting

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
Renda Christensen, Board Secretary
Jodie Carter, Licensing Staff
Jill Kelsch, Licensing Staff
Van Kagie, Investigator
John Bickmore, 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

Tammy Lund	Peter Christensen
Dan Naylor	Susan Aguilar
Kevin Swenson	

The meeting on May 20, 2014 of the Real Estate Commission began at 9:00 a.m. with Chair Ashton conducting. He thanked everyone for adjusting their schedules to hold the meeting one day earlier than regularly scheduled. Vice Chair Booth said the purpose was for the Commissioners who are attending the UAR Fund Raising Rally Ride tomorrow.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes –A motion was made to approve the minutes from the April 16, 2014 meeting. Vote: Chair Ashton, yes; Vice Chair Booth, yes; Commissioner Hancock, yes; Commissioner Chapman, yes; Commissioner Little, yes. The motion passes.

DIVISION REPORTS

Director's Report – Jonathan Stewart

Director Stewart reported the Division's statute changes approved by this year became effective on May 13, 2014.

Director Stewart brought up the topic of many of the state-approved forms being out of date. The Division will try to work on at least one of these forms per year to update them. The Division will start with the Uniform Real Estate Contract, and submit the Commission and industry members to review the draft. The change will need the Attorney General's office to approve any changes and updates. Director Stewart will submit a current list of the state-approved forms for the Commission to review.

Enforcement Report – Jeffery Nielsen

Mr. Nielsen reported in April the Division received 28 new cases; opened 12 cases; no cases were submitted to the Attorney General's office; closed 1 case; leaving the balance of cases at 259.

Stipulations for Review:

Linda Wight
Benjamin Beesley
Stormy Bullock

Each of the respondents had the opportunity to address the Commission but have chosen not to appear.

Licensing and Education Report – Mark Fagergren

Mr. Fagergren reported the Division Caravan is finished.

Mr. Fagergren said next month there will be a two-day session with Pearson Vue to review the questions on the state portion of the exam. One day will be set aside for the review of the Mortgage exam.

Last month an attendee asked Mr. Fagergren why the number of Principal Brokers was so much higher than the number of real estate companies on the statistics. The reason is for the Dual Brokers who are added into the number for Principal Brokers.

Stipulation for Review:

Michal Koncar

Mr. Koncar had the opportunity to address the Commission and has chosen not to appear.

Commissioner Chapman asked about a comment she had heard from the Caravan regarding the statute of limitations on time the Division has to take action on a complaint. Director Stewart explained the statute is in two parts. The first part of the statute now says the Division now has ten years from the date of conduct to take

action against the licenses. The second part of the statute says it is four years from the date the Division receives the complaint.

COMMISSION AND INDUSTRY ISSUES

Updates on Rules – Justin Barney

Mr. Barney said there are no rule amendments to review at this time.

Stipulations for Review:

Todd Coleman

Angela Bradford

Both individuals were given the opportunity to address the Commission but have chosen not to appear.

Mr. Barney said an applicant who is currently on probation for a crime that contains an element of violence, Criminal Trespass. The application will be discussed in Executive Session.

Commissioner Hancock referenced a letter that has been sent by the National Association of Exclusive Buyers Agents. The letter expresses concern that their organization promotes the practice of buyer's agents representing only buyers and never sellers. However, Utah has a form called the Exclusive Buyer Broker Agreement which raises concerns and questions on the part of the public. The Division did not receive a copy of the letter, so Chair Ashton will forward the letter to all the Commissioners and the Division. The item will be placed on the agenda for next month for discussion.

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 Chapman, yes; Commissioner Little, yes. The motion carries. An Executive Session was held from 9:33 a.m. to 9:47 a.m.

OPEN TO PUBLIC

Results of Stipulations

The Commission with concurrence of the Division:

Linda Wight – Approved

Benjamin Beesley - Approved

Stormy Bullock – Approved

Michal Koncar – Approved

Angela Bradford – Approved

Todd Coleman – Approved

The renewal application for Kelly Froerer will be notified by mail.

A motion was made to adjourn the meeting. Vote: Chair Ashton, yes; Vice Chair Booth, yes; Commissioner Hancock, yes; Commissioner Chapman, yes; Commissioner Little, yes. The meeting adjourned at 10:06 a.m.