

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

October 16, 2013

TELEPHONE MEETING

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Jeffery Nielsen, Chief Investigator
Justin Barney, Hearing Officer
Judith Jensen, Assistant Attorney General
Renda Christensen, Board Secretary
Mykah Travis, Real Estate Education Coordinator
John Bickmore, Investigator
Kadee Wright, Investigator
Van Kagie, 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:

Peter Stevens	Peter Christensen
Dan Naylor	Shane Norris
Kevin Swenson	

The October 16, 2013 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Ashton conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes

A motion was made to approve the minutes from the September 18, 2013 meeting. Vote: Chair Ashton, yes; Vice Chair Booth, yes; Commissioner Hancock, yes; Commissioner Little, yes. The motion carries.

DIVISION REPORTS

DIRECTOR'S REPORT –Jonathan Stewart

Director Stewart reported about the proposed legislative changes. There are two

changes for real estate, and the common item that the Division is proposing for all three industries is to allow a licensee to voluntarily surrender their license. This is similar to a Division of Occupational and Professional Licensing (“DOPL”) statute, 58-1-306. There are times when a licensee would rather surrender their license than having other sanctions. Currently, or statute does not allow a licensee to surrender their license in lieu of a fine. This would only be in certain circumstances were it is a minor violation, where the licensee and the Division agree that the licensee is okay giving up their license in lieu of something else. Attached on the second page is a copy of the wording from the DOPL statute.

The second proposed change is to no longer require an inactive licensee to take up to 18 hours of continuing education if they renew late. For 30 days after their renewal date, they will be required to pay a late fee and an activation fee, but no continuing education. This removes some regulation and gives an inactive licensee a chance to renew without additional continuing education.

ENFORCEMENT REPORT – Jeffery Nielsen

Mr. Nielsen reported in September the Division received 35 complaints; opened 12 cases; referred no cases to the Attorney General’s office; closed 20 cases; leaving the total number of real estate cases at 283.

Mr. Nielsen announced that Ms. DeGooyer has left the employment of the Attorney General’s office to work in private practice. There will be a number of cases that Ms. DeGooyer had under review that we will be pulling back to be writing stipulations on shortly.

The Division hired two new investigators, John Bickmore and Kadee Wright. In addition to this, we will be posting a job for another investigator. If there is anyone that the Commission is aware of that would like to apply, the job posting will end on October 21, 2013.

Mr. Nielsen brought up the topic of advertising and blind ads. The Commission and Division decided on the first offense to send a warning letter to the licensee and a copy to their broker; a second offense would be fined \$250.00; a third offense would be fined \$500.00; any more repeat offenses will have a hearing before the Commission. When the Division fines a licensee it will be posted in the Division’s newsletter. The Division will bring a proposal next month.

The Division will present the Commission with a finalized version of the discussion and feedback on the advertising/blind ad issue in the meeting next month.

LICENSING/EDUCATION REPORT - Mark Fagergren

Mr. Fagergren said the statistics appear to be slightly improving with the active licensees increasing by 77, and the inactive licensees have decreased by 34.

There are two stipulations to review today. Both individuals were given the

opportunity to address the Commission but have chosen not to appear.

Stipulation for Review

Jonathan Hall

John Finley

Mr. Fagergren said that the licensing staff has lost Jill Childs. Ms. Childs and her family have moved to Texas. The Division has posted the job to fill the position.

Director Stewart and Mr. Fagergren attended the ARELLO conference in Seattle, Washington last month. One of the issues discussed was the "Coming Soon" listings, which happened to similar to the article in the recent Division's newsletter. Some of the other topics discussed were: auction sites and companies; recovery funds; federal flood insurance no longer being subsidized; fair housing and recent settlements.

In the District of Columbia there are 19 different protected classes. Another discussion was on generational trends and the challenges of those born between 1980 and 2000 (ages 13 to 31 years of age). A professor from Washington State gave a report on continuing education, and his findings regarding what the licensee takes and how meaningful CE is to licensees.

Mr. Fagergren reminded those in attendance about the Instructor Development Workshop that is being held on October 28 and 29, 2013. Commissioners Ashton, Booth, and Chapman have registered. There are 118 confirmed registrations presently, and Ms. Travis said the Division is committed to not have more than 120 in attendance.

COMMISSION AND INDUSTRY ISSUES

Discussion of Proposed Rules – Justin Barney

Mr. Barney reported there are no changes to rules for review this month.

There are three stipulations to review today. These individuals were given the opportunity to address the Commission but have chosen not to appear.

Review of Stipulation

Melissa Schelin

Cody Peterson

Christopher Stange

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. The motion has passed. The Executive Session was held from 9:55 a.m. to 10:05 a.m.

OPEN TO THE PUBLIC

RESULTS OF STIPULATIONS

Jonathan Hall - Approved

John Finley - Approved

Melissa Schelin - Approved

Cody Peterson - Approved

Christopher Stange - Approved

OPEN TO PUBLIC

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 10:13 a.m.