

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building
Room 210
9:00 a.m.
March 18, 2015

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
Elizabeth Harris, Assistant Attorney General
Renda Christensen, Board Secretary
Van Kagie, Investigator
Kurtis Hughes, Investigator
Mark Schaerrer, Investigator
Kadee Wright, Investigator
John Bickmore, Investigator

COMMISSION MEMBERS PRESENT:

Russell K. Booth, Chair
Lerron Little, Vice Chair
William O. Perry, Commissioner
Lori Chapman, Commissioner

GUESTS:

Tammy Lund	Dan Naylor
Susan Aguilar	Mike Bybee
Peter Stevens	Peter Christensen
Paxton Guyman	Cressie Larson
Shane Norris	Paola Martinsen
Steve Theobald	

Commissioner Musselman has been excused from the meeting this month.

The March 18, 2015 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Booth conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes - A motion was made and seconded and approve the minutes from the January 18, 2015 meeting. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes. The motion carries.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported the legislative session has ended and the Division's bill has passed with no opposition. Three other bills that would have affected the Division, but didn't pass, were HB40 and HB109 both administrative expungement bills, and HB96 regarding TICS.

ENFORCEMENT REPORT - Jeffery Nielsen

Mr. Nielsen reported that the enforcement secretary, Allyn Stutsman, returned to work this week. The statistics should be completed for the missing months of January and February by the next meeting.

Stipulation for Review

Justin Traver
Charlie Reynolds
Paola Martinson

Mr. Traver and Mr. Reynolds were given the opportunity to appear before the Commission today and have chosen not to.

Ms. Martinsen appeared with her counsel to answer any questions that may be asked.

Discussion: Short Sale Fraud - Steve Theobald and Mike Bybee

Mr. Theobald and Mr. Bybee presented the issue of short sale listings on the MLS. After discussing this topic, the Commission has decided to not take any action at this time. The recommendation was for Mr. Theobald to take this issue to the UAR/NAR or file a complaint with the Division of Real Estate.

A brief recess was held from 9:39 a.m. to 9:55 a.m.

OPEN TO PUBLIC

Ms. Jensen said she just met with Mr. Magelsen, and received an email request from the counsel for Mr. Magelsen. They have requested a continuance on Mr. Magelsen's hearing to advise counsel of this case. A motion was made and seconded to postpone this hearing. The vote was unanimous: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes.

INFORMAL HEARINGS:

10:00 Benjamin Magelsen – Application for License

The scheduled hearing today at 10:00 a.m. has been postponed.

EDUCATION AND LICENSING REPORT - Mark Fagergren

Mr. Fagergren reported the numbers show 116 new sales agents in February, and 21 inactive licensees have changed their status to active. There is a resurgence of new licenses being received.

The Division's Caravan will begin in April. There are a number of sites that have been maxed out for capacity.

The Division lost their Real Estate Education Coordinator, Mykah Travis, on Friday. The position will be posted to replace Ms. Travis.

Mr. Fagergren has no stipulations to present this month.

COMMISSION AND INDUSTRY ISSUES

Discussion of Proposed Rules – Justin Barney

Mr. Barney reported the proposed rule amendment that was approved by the Commission for filing, but it was too late to make the filing deadline. The public comment period will begin April 1 through May 1, 2015. In the Division's newsletter there is a section on rule updates. This proposed rule will be in that section to let people know that it is open for comments.

Mr. Barney presented a Stipulation to the Commission for review.

Stipulation for Review

Christopher Brent Harper

Mr. Harper was given the opportunity to appear before the Commission today and has chosen not to.

Chair Booth brought up HB296 that has been recently passed. He would like to have this rule posted on the agenda for next month for discussion, and to see if there is anything in the bill that the Division will need to change.

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 Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes. The motion carries. An Executive Session was held from 10:12 a.m. to 10:53 a.m.

OPEN TO PUBLIC

INFORMAL HEARINGS:

11:00 Vickey Easthope – Application for License
 Margaret Olsen, Attorney

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 Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes. The motion carries. An Executive Session was held from 12:12 p.m. to 1:07 p.m.

OPEN TO PUBLIC

1:07 Blanca Gohary - 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 Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes. The motion carries. An Executive Session was held from 2:13 p.m. to 2:30 p.m.

OPEN TO PUBLIC

Results of Executive Session

Results of Stipulations:

Justin Traver - Denied with the concurrence of the Director

Charlie Reynolds - Approved with the concurrence of the Director

Paola Martinsen - Approved with the concurrence of the Director

Christopher Brent Harper - Approved with the concurrence of the Director

Vickey Easthope - Ms. Easthope will be notified by mail as to the outcome of her hearing.

Blanca Gohary - Ms. Gohary will be notified by mail as to the outcome of her hearing.

A motion was made and seconded to adjourn the meeting. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes. The motion passes. The meeting adjourned at 2:13 p.m.