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 Fagar gren, 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
Susan Aguilar
Peter Stevens
Paxton Guyman
Shane Norris
Steve Theobald
Dan Naylor
Mike Bybee
Peter Christensen
Cressie Larson
Paola Martinsen

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
class, 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.