

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

January 20, 2016

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
Amber Nielsen, Board Secretary
Jennica Gruver, Real Estate Education Coordinator
Mark Schaerrer, Investigator
Van Kagie, Investigator
Kadee Wright, Investigator
John Bickmore, Investigator
Jill Kelsch, Division Staff
Sarah Nicholson, Division Staff

COMMISSION MEMBERS PRESENT:

Russell K. Booth, Chair
Lori Chapman, Commissioner
William O. Perry, IV, Commissioner
Calvin R. Musselman, Commissioner

GUESTS:

Tammy Lund	Susie Aguilar
Dan Naylor	Shane Norris
Brian Swan	Will Cooper
Kevin Swenson	Liz Miller

Vice Chair Lerron Little is excused from today's meeting.

The January 20, 2016 meeting of the Utah Real Estate Commission began at 9:02 a.m. with Chair Booth conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes as written from the December 16, 2015 meeting of the Commission. Vote: Chair Booth, yes; Commissioner Chapman, yes; Commissioner Musselman, yes. The motion was approved.

Chair Booth opened the floor to public comment. Tammy Lund spoke in opposition to the branch school proposed rule. Ms. Lund expressed her belief the current rules allow for a good business relationship between a broker and school; and she expressed her belief that allowing for branches could degrade the quality of education students would receive. Chair Booth asked that we postpone any decisions on this rule for a later time; and he asked the Division to present a proposal taking this information into account.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported the Legislative Session begins Monday. Director Stewart noted several bills which could affect the Commission and/or Licensees. The Division Bill has not yet been numbered. Senate Bill 30 is "Commission Concurrence Amendments" which makes all Divisions and Commissions have concurrence on all decisions. House Bill 19 is "Expungement Amendments" which would require an administrative action to be expunged if a criminal action which dealt with the same offense was later expunged. House Bill 118 is "Public Access Administrative Action Amendments" which would make administrative actions that are in compliance non-public after a specific period of time.

Director Stewart reported the Division has finalized a version of the TIC Rule. Director Stewart will forward a copy of that to the Commission shortly.

Commissioner Musselman asked what the status was on the Charitable Inducement Bill. Director Stewart reported the Division was working on the language and moving forward with trying to get that presented. Commissioner Musselman would like to add the option to give that to a Public School.

ENFORCEMENT REPORT – Jeffery Nielsen

Mr. Nielsen reported in the month of December the Division received 19 complaints; opened 38 cases; closed 17 cases; leaving 282 open cases. There are 62 cases assigned to the AG's office.

Stipulation for Review

Max G. Jolley

Erich S. Kirchhoefer

Nantawan Mortensen

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported the Broker Notification emails were sent this month for the first time. The Division has had great feedback with this system.

Mr. Fagergren reported the Division is now able to assist licensees with forgotten usernames and passwords in RELMS.

Mr. Fagergren discussed the disconnect between the TRID requirements and the rules regarding broker's requiring settlement statements. Mr. Fagergren asked the Commission if they would like to change the rule. The Commission will leave the rule as it is for the time being.

COMMISSION AND INDUSTRY ISSUES – Justin Barney

Mr. Barney reported the Broker Experience rule is now in effect. Mr. Barney also reported the gifts and inducements rule change proposal is in the public comment period. The portion of that rule regarding charitable contributions is not included.

A brief recess was held from 9:54 a.m. to 10:02 a.m.

INFORMAL HEARING

10:02 a.m. Elizabeth Estelle Miller, Real Estate Sales Agent Applicant

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; Commissioner Chapman, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 11:24 a.m. to 11:43 a.m.

OPEN TO PUBLIC

Results of Executive Session

Results of Stipulations

Max G. Jolley – Approved

Erich S. Kirchhoefer – Approved

Nantawan Mortensen – Approved

Elizabeth Estelle Miller will be notified of the Commission’s decision.

A motion was made and seconded to adjourn the meeting. Chair Booth, yes; Commissioner Chapman, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved. The meeting adjourned at 11:45 a.m.