

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building
Room 210
9:00 a.m.
April 20, 2016
Telephone Meeting

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Jeffery Nielsen, Chief Investigator
Justin Barney, Hearing Officer
Elizabeth Harris, Assistant Attorney General
Amber Nielsen, Board Secretary
Jennica Gruver, Real Estate Education Coordinator
Van Kagie, Investigator
Mark Schaerrer, Investigator
Kadee Wright, Investigator
Jill Kelsch, Division Staff
Sarah Nicholson, Division Staff

COMMISSION MEMBERS PRESENT:

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

GUESTS:

Shane Norris Dan Naylor
Tammy Lund Kevin Swenson
Brian Swan

The April 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 March 16, 2016 meeting of the Commission. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Musselman, yes. The motion was

approved.

Chair Booth opened the floor to public comment. There was no public comment today.

Commissioner Perry entered the conference call.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reminded the Commission that the Division Bill goes into effect May 10, 2016.

Director Stewart reported on a few items from the ARELLO Boundaries Newsletter. Director Stewart reported Alaska recently changed their experience requirement for Real Estate Brokers from 15 hours to 30 hours; Alaska requires Real Estate Agents to have 40 hours of pre-license education. Illinois removed the restriction that a Real Estate Broker and managing broker can earn no more than 6 hours of CE in one calendar year.

Director Stewart reported Ontario implemented advertising review and complaint processes that are intended to elevate advertising compliance, promote accountability for advertising among Brokers of Record and encourage registrants to settle disputes amongst themselves before submitting a complaint. About 20 percent of the complaints that Ontario receives involve advertising issues. To help registrants comply, Ontario will provide pre-publication reviews of proposed advertisements, on request; and will issue an Advertising Review Report which will clearly indicate any issues that need to be addressed or corrected. The new service is a courtesy review only, not an authorization process, and at no time may any advertisement state, suggest or imply that it has been authorized or approved by the agency. To maintain professional standards in Ontario, they encourage brokers to attempt to resolve advertising issues with their counterpart from the other brokerage before referring any matters to the agency.

ENFORCEMENT REPORT – Jeffery Nielsen

Mr. Nielsen reported in the month of March the Division received 23 complaints; opened 24 cases; closed 7 cases; leaving 301 open cases. There are 61 cases assigned to the AG's office.

Stipulation for Review

Connie K Roller

Mr. Nielsen reported the open Appraiser Investigator position is being converted to another Real Estate Investigator position. There are now two Real Estate Investigator positions with the Division which are currently in the application

process at this time. Mr. Nielsen hopes by the next meeting will have offers out to the new investigators.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren apologized for being late into the meeting.

Mr. Fagergren reported the Pearson Vue Exam Evaluation and update was very successful. There were approximately 100 new questions which were written. The process was exhaustive and extensive. The test has been reinvigorated there are RECPs and Settlement Documents and 30 questions that apply to those practical examples. The questions will be added to the test around June sometime. Mr. Fagergren publicly thanked the members of the committee for their hard work.

Mr. Fagergren reported Caravan started yesterday in Vernal. Tomorrow the Caravan will be in Park City. Mr. Fagergren reported the Park City Caravan should be full with 200 reservations. Commissioner Musselman asked about the process for no-shows to the Caravan.

Mr. Fagergren presented an appeal on denial for several continuing education courses from the Park City Board. The Commission discussed the courses. Ms. Harris advised the decision about these courses may need to be discussed in executive session.

There are no education stipulations for review.

HEARING OFFICER REPORT/COMMISSION AND INDUSTRY ISSUES – Justin Barney

There are no licensing stipulations for review.

Mr. Barney reported the proposed TIC rule amendment is currently in the public comment period until May 16, 2016. This will be discussion in the next meeting.

Mr. Barney opened the discussion to changes of the advertising rules in 401(h). Mr. Barney presented the Oregon rule addressing team and group names in advertising, as long as do not have unlawful use of a trade name, aren't deceptively similar to another name, has at least one licensed real estate agent, and all agents in the team or group are licensed under the same broker. A proposal was made to create a task force to discuss changes to the advertising rules in general. Some points needing to be addressed or clarified are social media advertising, team names, and the size of brokerage names on advertisements. The task force will be made of maximum of six people.

Ms. Harris advised the appeal of the denied continuing education courses does not need to be discussed in executive session. A motion was made to uphold the

Division decision to deny the continuing education courses on appeal for the Park City Board. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved.

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; Commissioner Musselman, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 10:02 a.m. to 10:09 a.m.

OPEN TO PUBLIC

Results of Executive Session

Results of Stipulations

Connie K Roller – Approved with Division Concurrence

A motion was made and seconded to adjourn the meeting. Vote: Chair Booth, yes; Vice Chair Little, yes; Commissioner Chapman, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved. The meeting adjourned at 10:10 a.m.