

**REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building  
Room 210  
9:00 a.m.  
September 21, 2016

**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  
Judith Jensen, Assistant Attorney General  
Amber Nielsen, Board Secretary  
Jennica Gruver, Real Estate Education Coordinator  
Van Kagie, Investigator  
Kurtis Hughes, Investigator  
Mark Schaerrer, Investigator  
Kadee Wright, Investigator  
Sarah Nicholson, Investigator  
Hillarie Murray, Division Staff  
Lacey Vawdrey, Division Staff  
Kevin McLean, Office of the Attorney General

**COMMISSION MEMBERS PRESENT:**

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

**GUESTS:**

Kreg Wagner	Tammy Lund
Heather Swanger	Dan Naylor
Brian Swan	Kevin Swenson
Kevin Swenson Jr	Shane Norris
Debra J. Thompson	Randy Krantz
Nancy Tippetts	

Chair Little and Commissioner Perry were absent for the start of the meeting.

The September 21, 2016 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Vice Chapman conducting.

## **PLANNING AND ADMINISTRATIVE MATTERS**

Approval of Minutes – A motion was made and seconded to approve the minutes as written from the August 17, 2016 meeting of the Commission. Vote: Vice Chair Chapman, yes; Commissioner Booth, yes; Commissioner Musselman, yes. The motion was approved.

There was no Public Comment.

## **DIVISION REPORTS**

### **DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart reported a draft of the Division bill was sent to the Office of Legislative Research yesterday. Hopefully, the bill will pass earlier in the legislative session.

### **ENFORCEMENT REPORT – Jeffery Nielsen**

Mr. Nielsen reported in the month of August the Division received 33 complaints; opened 0 cases; closed 22 cases; leaving 212 open cases. There are 57 cases assigned to the AG's office.

#### Stipulation for Review

Brandon Johnson  
Blake D. Rounkles  
Scott Simonsen  
Jonathan D. Echlin  
Linee M. Bess  
Bret Cartwright  
Marvin Cartwright  
Eric Nelson

Mr. Nielsen announced he will be leaving the Division. His last day will be tomorrow. Mr. Nielsen thanked the Commission and Division.

Chair Little began conducting the meeting.

### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren announced the Instructor Development Workshop will be October

25th and 26th. The IDW is a required course for Pre-License Instructors, but may be attended by anyone. This course is for instructors but agents could come based on the capacity requirements with the facility. The Keynote Speaker Eric Storey is a success story who was inspired by the IDW and improved his instruction. He received the Distinguished Real Estate Instructor designation. The IDW will be held at the Park City Marriott.

Mr. Fagergren announced Jill Kelsch will be leaving the Division at the end of this month. The Division will have a full turnover of the licensing staff.

Mr. Fagergren reminded the Commission about the discussion on non-exclusive relationships for broker points. Mr. Fagergren is wary of making the point schedule overly complicated. The Division discussed the issue and felt the point value was similar to a property manager handling a unit for a month for half of a point. The Division was concerned of individuals who could have large volumes of non-exclusive relationships; they would only be able to get half of the 60 points required to become a broker that way. There was a discussion on what would happen if the non-exclusive transitions to an exclusive relationship with minimum service requirements without signing a new contract. Commissioner Musselman stated he believed it should simply be if it is non-exclusive you get half a point and if you have an exclusive contract you get the standard points for a real estate transaction. Mr. Barney read the minimum services for an exclusive agreement. The Commission agrees with the Division proposal. The Division will come back with a drafted version of the proposal. Mr. Fagergren asked if the Division should consider less formal agreements with more services for the full points. Vice Chair Chapman stated that unless an exclusive agreement is signed the individual should only receive the half point.

There are no education stipulations for review.

#### **HEARING OFFICER REPORT – Justin Barney**

There are no licensing stipulations for review.

#### **COMMISSION AND INDUSTRY ISSUES**

Mr. Barney reported the previously approved proposal to amend the rules regarding the fair housing continuing education classification and property management part of the broker experience table. The Division is still awaiting comments from the Department Executive Director and has not yet filed the rules change. He asked if he should wait to file the rule change so that the non-exclusive agreement change could be included in the same filing. Chair Little advised Mr. Barney to proceed with the rule filing.

Chair Little discussed the advertising rule. The rules committee hopes to have language to present to Commission at the next meeting.

Commissioner Booth asked if there had been any update with the legislative proposals. Director Stewart nothing new has been added since changes were discussed at the last meeting.

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 Little, yes; Vice Chair Chapman, yes; Commissioner Booth, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved.

**CLOSED TO PUBLIC**

An Executive Session was held from 9:36 a.m. to 10:05 a.m.

**INFORMAL HEARING:**

10:05 Debra J. Thompson - Application for Licensure  
Randy Krantz, Witness for Applicant

A brief recess was held from 11:33 a.m. to 11:42 a.m.

**INFORMAL HEARING:**

11:42 Nancy Tippetts - Application for Licensure

A brief recess was held from 12:43 p.m. to 12:54 p.m.

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 Little, yes; Vice Chair Chapman, yes; Commissioner Booth, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved.

**CLOSED TO PUBLIC**

An Executive Session was held from 1:03 p.m. to 1:27 p.m.

## **OPEN TO PUBLIC**

### **Results of Executive Session**

#### Results of Stipulations

Brandon Johnson – Approved with Division Concurrence  
Blake D. Rounkles – Approved with Division Concurrence  
Scott Simonsen – Approved with Division Concurrence  
Jonathan D. Echlin – Approved with Division Concurrence  
Linee M. Bess – Approved with Division Concurrence  
Bret Cartwright – Approved with Division Concurrence  
Marvin Cartwright – Approved with Division Concurrence  
Eric Nelson – Approved with Division Concurrence

Ms. Thompson and Ms. Tippetts will be notified by mail as to the outcome of their hearings.

A motion was made and seconded to adjourn the meeting. Vote: Chair Little, yes; Vice Chair Chapman, yes; Commissioner Booth, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved. The meeting adjourned at 1:28 p.m.