

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building
Room 210
9:00 a.m.
November 16, 2016
TELEPHONE MEETING

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Elizabeth Harris, Assistant Attorney General
Eric Stott, Real Estate Analyst
Jennica Gruver, Acting Board Secretary
Van Kagie, Investigator
Hillary Murray, Division Staff
Lacey Vawdrey, Division Staff
Connie Mickles, Division Staff
Faruk Halilovic, Division Staff

COMMISSION MEMBERS PRESENT:

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

GUESTS:

Tammy Lund	Heather Swanger
Kevin Swenson	Brian Swan
Meagan Banks	

The November 16, 2016 meeting of the Utah Real Estate Commission began at 9:03 a.m. with Vice Chair Chapman conducting. Chair Little was absent for the beginning of the call.

Director Stewart introduced Eric Stott, the new Real Estate Analyst. Mr. Stott will be drafting stipulations and will represent the Division at licensing hearings.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes as written from the October 19, 2016 meeting of the Commission. Vote: Vice Chair Chapman, yes; Commissioner Booth, yes; Commissioner Perry, yes; Commissioner Musselman, yes. The motion was approved.

There was no Public Comment.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported on the upcoming legislation. The final draft was sent to the Office of Legislative Research; a draft has not yet been received back from that office with edits.

Director Stewart presented some changes to the RELMS system with regards to changing the process for termination of an associate broker or sales agent. There is accompanying legislation for the change, which would allow a principal broker to terminate an associate broker or sales agent as described by rule. The Division would like to have the RELMS and the rule update prepared in advance of the statute becoming effective. This proposal would allow a principal broker to remove an associate broker and sales agent through RELMS with a 10 day notice of termination or through the current method of entering a certified receipt for a notice of deactivation.

During Director Stewart's report, Chair Little joined the meeting. Chair Little began conducting the meeting.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported in the month of October the Division received 30 complaints; opened 69 cases; closed 0 cases; the Division reassigned some old cases from past investigators, leaving 301 open cases. There are 63 cases assigned to the AG's office.

Stipulation for Review

Brian C. Williams
Mayra Lopez
James D. Graham
Alicia J. Terry

Alicia Terry's Operations Manager, Meagan Banks, was present.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported on the IDW which was last month. Mr. Fagergren appreciated Commissioner Booth's attendance. Eric Storey presented a water law course and Justin Harding, the Governor's Chief of Staff, spoke. The IDW was well attended.

Mr. Fagergren reported there were approximately 100 new sales agents.

Mr. Fagergren reported the Division is still seeing broker applicants who worked in teams who are incorrectly applying points to their application. Applicants only receive points if they are listed on the agency contracts. Also, applicants need to remember to receive points the transaction has to be run through their brokerage.

Mr. Fagergren presented to applications requesting approval of high school diploma equivalency for Jolie Breitling and Ezra Spencer White.

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 proposed rule amendments should open for public comment today and should run through January 3, 2017. The rule amendments pertained to changing fair housing to a core topic and amending the broker experience points for property managers; and the rule amendment regarding the advertising rules and amending appendices for broker experience points.

Chair Little opened the Commission for an opportunity to discuss the issue regarding earnest money disputes and title companies. The Commission did not feel prepared to discuss the issue today and asked that the issue be added to the agenda for next month. Commissioner Musselman suggested possibly creating a committee to discuss the issue. Chair Little feels this issue should be discussed at the a meeting and then if determined necessary, creating a committee.

Commissioner Musselman expressed his hope the new rules will clarify the issue with broker applications Mr. Fagergren presented earlier. Mr. Fagergren stated he hoped the educators would make sure the applicants are aware of the requirements. A discussion on the importance of the experience requirements was held.

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 9:52 a.m. to 10:20 a.m.

OPEN TO PUBLIC

Vice Chair Chapman noted the April and May meetings for next year will conflict with her, Commissioner Musselman, and Commissioner Booth's schedule. Those dates will need to be rescheduled.

Results of Executive Session

Results of Stipulations

Stipulation for Review

Brian C. Williams – Approved with Division Concurrence

Mayra Lopez – Approved with Division Concurrence

James D. Graham – Approved with Division Concurrence

Alicia J. Terry – Approved with Division Concurrence

Ms. Breitling and Mr. White will be notified of the Commission's decision.

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 10:21 a.m.