

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

March 15, 2017

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
Che Arguello, Assistant Attorney General
Eric Stott, Real Estate Analyst
Amber Nielsen, Board Secretary
Van Kagie, Investigator
Mark Schaerrer, Investigator
Sarah Nicholson, Investigator
Chris Martindale, Investigator
Teresa Larsen, Investigator
Hillarie Murray, Division Staff
Lacey Vawdrey, Division Staff
Connie Mickles, Division Staff

COMMISSION MEMBERS PRESENT:

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

GUESTS:

Kreg Wagner	Charlette Eastman
Heather Swanger	Tammy Lund
Shane Norris	Brian Swan
Kevin Swenson	Dan Naylor
Jeffrey T. Colemere	Michael Troy Fuit
David Weloth	

The March 15, 2017 meeting of the Utah Real Estate Commission began at 9:01 a.m. with Chair Little conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes as written from the February 15, 2017 meeting of the Commission. Vote: Chair Little, yes; Commissioner Booth, yes; Commissioner Musselman, yes, Commissioner Perry, yes. The motion was approved.

There was no Public Comment at this time.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported the Division Bill passed the Senate and has been sent to the Governor for his signature. The effective date will be May 8, 2017. Fee changes will go into effect on July 1, 2017.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported in the month of February the Division received 18 complaints; opened 4 cases; closed 0 cases; leaving 282 open cases. There are 59 cases assigned to the AG's office.

Stipulation for Review

Michael A Jeppesen

Robert J. Brown

Charlette Eastman

Ms. Eastman and her counsel, Jeffrey T. Colemere, appeared to address the Commission.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported the statistics show an increase in active agents, but a slight decrease in licenses overall since last month. Mr. Fagergren reported on March 10th there were 94 new agent applicants in the month til that point.

HEARING OFFICER REPORT – Justin Barney

Mr. Barney reported the Division Newsletter will be coming out this month which reports disciplinary actions. He reported the Division has been issuing citations and those citations will begin appearing in the Newsletter now. He noted the first quarter newsletter seems to often have the most disciplinary actions. Mr. Musselman asked which types of citations have been issued most often and what are the associated fines. Director Stewart reported the Division has mainly been issuing two types of citations at this points. The Division is issuing citations for advertising violations, with the first violation being a \$150 penalty. The other violation is for unlicensed activity and those fine amounts vary.

COMMISSION AND INDUSTRY ISSUES

Mr. Barney reported the rule filing which was approved for submission last month regarding the designation of a Property Management Sales Agent and allowing termination notification to be sent through RELMS was filed on March 7th. The public comment period will run through May 1, 2017. The rule may be made effective May 8, 2017.

Mr. Barney turned time over to Commissioner Musselman who briefly reported the committee met to discuss the Earnest Money Deposits and Title Company concern. The discussion is ongoing. Commissioner Musselman reported there was some discussion that the Title Industry may adopt some rules to mirror the real estate rules.

Director Stewart and Ms. Wright mentioned that Ms. Wright has some questions related to an advertisement which she will be bringing before the Commission; however, she is not prepared to present that today.

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

CLOSED TO PUBLIC

An Executive Session was held from 9:36 a.m. to 9:48 a.m.

OPEN TO PUBLIC

A brief recess was held from 9:48 a.m. to 9:54 a.m. The meeting resumed at 9:54 a.m. for the informal hearing of Michael Fuit.

INFORMAL HEARING:

9:54 a.m. Michael Troy Fuit – Application to Act as a Real Estate Sales Agent
David Weloth, witness for Mr. Fuit

The informal hearing concluded at 11:14 a.m. A brief recess was held from 11:14 a.m. to 11:20 a.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 Musselman, yes; Commissioner Perry, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 11:20 a.m. to 11:44 a.m.

OPEN TO PUBLIC

TRAINING BY ASSISTANT ATTORNEY GENERAL ON ADMINISTRATIVE AND HEARING PROCEDURES

The meeting resumed at 11:44 a.m. Assistant Attorney General Che Arguello conducted the training for the Commissioners.

Results of Executive Session

Results of Stipulations

Michael A Jeppesen - Approved with Division Concurrence

Robert J. Brown - Approved with Division Concurrence

Charlette Eastman - Approved with Division Concurrence

Mr. Fuit 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 Musselman, yes; Commissioner Perry, yes. The motion was approved. The meeting adjourned at 12:19 p.m.