

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building
Room 210
9:00 a.m.
August 16, 2017
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
Amber Nielsen, Board Secretary
Jennica Gruver, Real Estate Education Coordinator
Sarah Nicholson, Investigator
Chris Martindale, Investigator
Teresa Larsen, Investigator
Hillarie Murray, Division Staff
Lacey Vawdrey, Division Staff
Connie Mickles, Division Staff
Faruk Halilovic, Division Staff

COMMISSION MEMBERS PRESENT:

Lori Chapman, Chair
Cal Musselman, Vice Chair
Russell K. Booth, Commissioner

GUESTS:

Brian Swan	Heather Swanger
Tammy Lund	Kreg Wagner
Shane Norris	Darrell Catmull

The July 19, 2017 meeting of the Utah Real Estate Commission began at 9:00 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 July 19, 2017 meeting of the Commission. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Booth, yes. The motion was approved.

There was no Public Comment at this time.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported Eric Stott left the Division. Director Stewart and Mr. Barney have been working to find a replacement. They have extended an offer to Allen McNeil who accepted that offer and will be starting on Monday. Mr. McNeil has been an attorney for eleven years. He has practiced real estate law and was also general counsel for a title company. Director Stewart stated he thinks he has some good industry experience and hopes that Mr. McNeil will be able to pick up where Mr. Stott left off.

Director Stewart reported the Division sent out an email at the beginning of this month announcing the New REPC. The Division has received some comments on that. Most of the comments have been positive. He briefly went through the positive comments. He reported he received another comment from Darrell Catmull, who Director Stewart thought would be here today, expressing concern that Section 1.1 lists "solar panels" and he feels the correct term "photovoltaic power system" should be used, as that would include the component parts. Vice Chair Musselman stated he feels that the generic term of solar panels is understood and doesn't need to be changed. Commissioner Booth stated he agrees with Vice Chair Musselman. There was a discussion on how solar panels work and that the component parts would be included with the solar panels. Chair Chapman stated that in the REPC it states that it would need to be in working order for its intended purpose.

Mr. Fagergren mentioned that he received a phone call from Linda Leavitt regarding the lead based paint disclosure form and had some questions on when the signature was required. There was some discussion on the lead based paint disclosure requirements. Mr. Fagergren stated he thinks it would be wise to look at the lead based paint disclosure form and see how it ties into the REPC so that they reconcile. Vice Chair Musselman asked if there were any issues with this. Mr. Barney stated he didn't believe there were any enforcement issues with this. Mr. Fagergren stated that Ms. Leavitt was just bringing it to the Division's attention that the REPC and the disclosure form have conflicting information. Vice Chair Musselman read a portion of the disclosure form.

Director Stewart stated that Mr. Catmull had arrived at the meeting. Mr. Catmull addressed the Commission regarding his concerns about "solar panels." Chair Chapman stated that in the REPC it states that it would need to be in working order for its intended purpose. There was a discussion on this issue. The Commission's consensus was that the proposal Mr. Catmull presented made sense, but they doesn't foresee there being problems with the wording as it is. They believe that when the REPC is updated again that would be a good time to update the language.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported in the month of July the Division received 29 complaints; opened 3 cases; closed 30 cases; leaving 367 open cases. There are 42 cases assigned to the AG's office.

Stipulations for Review

Jeremiah A Nash
Janet Tolman
Michael E Wilson
J. Scott Wilson

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren is happy and pleased to announce the Instructor Development Workshop on Wednesday and Thursday, October 11th and 12th at the Park City Marriott. Teresa Barnaby, who is a co-founder of a company called Course Creators, will be speaking. She teaches courses on training, making presentations, instructional design, how to develop and make courses. There is a requirement for attendance by pre-licensing instructors to the IDW at least once every two years. CE Instructors or any other interested parties are welcome to attend but are not required to.

Mr. Fagergren presented the application of Shannon Weirick to Commission for equivalent experience due to a lack of a high school diploma or GED.

Mr. Fagergren asked if the Commission would like to grant authority to the Division to approve or deny applicants without making the applicant wait to appear before the Commission if they applicant does not have a high school diploma or GED. There was a discussion on the Division's process for those applicants currently. Commissioner Booth stated he is fine with the Division making those decisions and coming to the Commission in unique situations. Chair Chapman is in agreement with Commissioner Booth. Vice Chair Musselman stated he would typically always vote to give the Division more authority; however, he feels that having the GED/HS Diploma is a minimum standard and its appropriate to have the Commissions consideration since they are asking for an exception to the rule. The discussion continued. Vice Chair Musselman stated he would like to postpone this issue until the full Commission is available. The Commission agrees and the issue will be discussed at a later time.

COMMISSION AND INDUSTRY ISSUES

Mr. Barney reported the rule amendment which was voted on by the Commission at the last meeting has been prepared but has not yet been filed. It is currently with the Executive Director and we are awaiting her comments.

Mr. Barney restated the history of the owner exemption issue. Ms. Wright asked if

this issue should be postponed until the full Commission is available. The Commission agrees and the issue will be discussed at a later time.

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

CLOSED TO PUBLIC

An Executive Session was held from 10:11 a.m. to 10:46 a.m.

OPEN TO PUBLIC

Results of Executive Session

Results of Stipulations

Janet Tolman – Approved with Division Concurrence
Michael E Wilson – Approved with Division Concurrence
J. Scott Wilson – Approved with Division Concurrence
Jeremiah A Nash – Denied

A motion was made and seconded to adjourn the meeting. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Booth, yes. The motion was approved. The meeting adjourned at 10:47 a.m.