

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building
Room 210
9:00 a.m.
November 15, 2017

MINUTES

DIVISION STAFF PRESENT:

Mark Fagergren, Acting Division Direction/Education and Licensing Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Allen McNeil, Real Estate Analyst
Judith Jensen, Assistant Attorney General
Elizabeth Harris, Assistant Attorney General
Tiffany Brown, Assistant Attorney General
Amber Nielsen, Board Secretary
Jennica Gruver, Real Estate Education Coordinator
Van Kagie, Investigator
Chris Martindale, Investigator
Sarah Nicholson, Investigator
Teresa Larsen, Investigator
Hillarie Murray, Division Staff
Lacey Vawdrey, Division Staff
Connie Mickels, Division Staff
Faruk Halilovic, Division Staff

COMMISSION MEMBERS PRESENT:

Lori Chapman, Chair
Cal Musselman, Vice Chair
Lerron Little, Commissioner
Russell K. Booth, Commissioner
William Perry, Commissioner

GUESTS:

Kreg Wagner	Dan Dansie
Michele Parsons	Heather Swanger
Tammy Lund	Kevin Swenson
Tony Terry	Bradley Nykamp
Scott Sabey	Brady Pierce
Ted McBride	Bradley Nycamp

The November 15, 2017 meeting of the Utah Real Estate Commission began at 9:03 a.m. with Chair Chapman conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes from the October 18, 2017 meeting of the Commission as written. Vote: Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

No public comment was made at this time.

DIVISION REPORTS

DIRECTOR'S REPORT – Mark Fagergren

Director Stewart was excused from today's meeting. Mr. Fagergren stated he had nothing to report on Director Stewart's behalf.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported in the month of October the Division received 62 complaints; opened 33 cases; closed 51 cases; leaving 372 open cases. There are 35 cases assigned to the AG's office. Chair Chapman and Vice Chair Musselman commended the Division on their work during the past month.

Stipulations for Review

Michele D. Parsons
Shane S. Stark
Melinda Vierig
James Andrew Rose
Britton C. Sharp
J. Daniel Fox

Ms. Jensen presented for consideration a Motion to Vacate for Randy Benoit.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren stated he would forego discussing the licensing statistics considering the scarcity of time.

Mr. Fagergren introduced the topic of State Approved Commercial Real Estate forms. Scott Sabey provided some forms for consideration as state approved forms. Mr. Sabey and Mr. Fagergren discussed the forms which were presented to the Commission. Commissioner Booth stated having State Approved Forms would be very beneficial to the commercial side of the industry. There was continued discussion on the potential benefits and ramifications of approving the forms. It was mentioned that as the rules are currently written, if a form is approved it must be used for all transactions. There was discussion on changing the rule if the forms

were approved. Chair Chapman stated her support to move forward with the forms and to come back with more information. There was a motion to support of exploring the options of state approved forms, which was approved unanimously by the Commission.

COMMISSION AND INDUSTRY ISSUES

Ms. Wright reported the committee to discuss the owner exemption requirement has been formed. The committee will be meeting later this month.

A brief recess was held from 10:25 a.m. until 10:32 a.m.

The meeting resumed at 10:32 a.m. for the Informal Hearing.

INFORMAL HEARING

10:32 a.m. Tony Terry – Respondent
 Bradley Nycamp – Attorney for Mr. Terry
 Kadee Wright – Witness for Division
 John Bickmore – Witness for Division

The hearing for Mr. Terry concluded at 12:04 p.m.

A brief recess was held from 12:04 p.m. until 12:11 p.m.

The meeting resumed at 12:11 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 Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 12:12 p.m. to 1:10 p.m.

OPEN TO PUBLIC

The meeting resumed at 1:10 p.m. for the Informal Hearing.

INFORMAL HEARING

1:11 p.m. Brady Pierce – Respondent
John Bickmore – Division Witness

The hearing for Mr. Pierce concluded at 2:52 p.m.

A brief recess was held from 2:52 p.m. until 2:57 p.m.

The meeting resumed at 2:57 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 Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

CLOSED TO PUBLIC

An Executive Session was held from 2:57 p.m. to 3:15 p.m.

OPEN TO PUBLIC

Results of Executive Session

Michele D. Parsons – Approved with Division Concurrence
Shane S. Stark – Approved with Division Concurrence
Melinda Vierig – Approved with Division Concurrence
James Andrew Rose – Approved with Division Concurrence
Britton C. Sharp – Approved with Division Concurrence
J. Daniel Fox – Approved with Division Concurrence

The Motion to Vacate regarding Mr. Benoit was approved with Division Concurrence.

Mr. Terry and Mr. Pierce will be notified by mail of the results of their hearings.

A motion was made and seconded to adjourn the meeting. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Perry, yes. The motion was approved. The meeting adjourned at 3:16 p.m.