

**REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building

Room 250

9:00 a.m.

April 18, 2018

**MINUTES**

**DIVISION STAFF PRESENT:**

Jonathan Stewart, Division Director  
Mark Fagergren, Education and Licensing Director  
Kadee Wright, Chief Investigator  
Justin Barney, Hearing Officer  
Allen McNeil, Real Estate Analyst  
Elizabeth Harris, Assistant Attorney General  
Che Arguello, Assistant Attorney General  
Thomas Melton, Assistant Attorney General  
Tiffany Brown, Assistant Attorney General  
Amber Nielsen, Board Secretary  
Van Kagie, Investigator  
Marvin Everett, Investigator  
Kurtis Hughes, Investigator  
Mark Schaerrer, Investigator  
Sarah Nicholson, Investigator  
Chris Martindale, Investigator  
Teresa Larsen, Investigator

**COMMISSION MEMBERS PRESENT:**

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

Bruce Dibb, Administrative Law Judge

**GUESTS:**

H Thayne Houston	Shane Norris
Deanna Sabey	Tammy Lund
Heather Swanger	Kreg Wagner
Don Anderson	Nancy Frandsen
Dan Naylor	Hamid Hosseini
Whitney Lund	Wallace Boyack
Ken Molen	

The April 18, 2018 meeting of the Utah Real Estate Commission began at 9:06 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 March 21, 2018 meeting of the Commission as written. Vote: Chair Chapman, yes; 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 – Jonathan Stewart**

Director Stewart reported there is a company in Utah which uses RELMS. They have asked that the Division stop using RELMS. Director Stewart reported the Division and the AG's Office are looking at the legal requirements. He is not sure what will happen with this situation. He reported the company is not real estate related but is located in Utah. The Division will look into this matter.

#### **ENFORCEMENT REPORT – Kadee Wright**

Ms. Wright reported month of March the Division received 28 complaints; opened 1 case; closed 6 cases; leaving 333 open cases. There are 25 cases assigned to the AG's office.

#### Stipulations for Review

H. Thayne Houston  
Don L. Anderson  
Joshua B. Knox  
Suanne Hoffman  
Gilbert A. Salinas

All respondents were given an opportunity to appear. Mr. Houston and Mr. Anderson both appeared before to the Commission.

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

Mr. Fagergren reported the Division is currently amid the Caravan course. He stated it has been a whirlwind, but seemingly well received. He stated it things are going well.

Mr. Fagergren announced a new law was passed which would allow the Division to receive a RAP Back report on fingerprints. This would update the Division on any Class B or higher criminal charges on licensees in the future. The RAP Back costs five dollars more per individual who is fingerprinted. He asked the Commission what

action the Division should take, whether only new individuals should pay for the RAP Back when they initially license, or if there should be a one time refingerprinting for already licensed individuals. Commissioner Booth asked for statistical information from the Division.

The meeting transitioned to the Formal Adjudicative proceeding for Hamid Hosseini with Judge Dibb presiding.

#### FORMAL HEARING

9:43 a.m.            Hamid Hosseini – Respondent  
                         Tiffany Brown, Counsel for Division  
                         Kadee Wright, Witness for Division  
                         Chris Martindale, Witness for Division

The hearing for Mr. Hosseini concluded at 11:19 a.m.

A brief recess was held from 11:19 a.m. until 11:31 a.m.

The meeting resumed for the Informal Hearing of Whitney D. Lund with Chair Chapman presiding.

#### INFORMAL HEARING

11:31 a.m.            Whitney D. Lund – Respondent  
                         Wallace Boyack, Counsel for Mr. Lund  
                         Tiffany Brown, Counsel for Division  
                         Tom Melton, Witness for Division

The hearing for Mr. Lund concluded at 12:34 p.m.

A brief recess was held from 12:35 p.m. until 12:36 p.m.

The meeting resumed with Chair Chapman presiding. Ms. Brown presented a stipulation to the Commission for consideration.

#### Stipulation for Review

Troy Reynolds

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 12:46 p.m. to 12:51 p.m.

**OPEN TO PUBLIC**

**Results of Executive Session**

Troy Reynolds – Approved with Division Concurrence

The hearing in the matter of Troy Reynolds has been resolved through stipulation and will not proceed at this 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 Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

**CLOSED TO PUBLIC**

An Executive Session was held from 12:55 p.m. to 1:37 p.m.

**OPEN TO PUBLIC**

**Results of Executive Session**

H. Thayne Houston – Approved with Division Concurrence  
Don L. Anderson – Approved with Division Concurrence  
Joshua B. Knox – Approved with Division Concurrence  
Suanne Hoffman – Approved with Division Concurrence  
Gilbert A. Salinas – Approved with Division Concurrence

Mr. Hosseini and Mr. Lund will be notified by mail of the Commission's decision.

**COMMISSION AND INDUSTRY ISSUES**

Mr. Barney mentioned the rules from last month are currently in the process of being filed. He will update the Commission on that rule filing next month.

Mr. Barney reported the Lead Based Paint Addendum and Disclosure forms were

approved by the AG's Office this morning. A motion was a made to approve the forms with an effective date of June 1, 2018. There was some discussion on the effective date. A motion was a made and seconded to approve the forms with an effective date of August 1, 2018. There was some discussion on the effective date. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved.

A motion was made and seconded to adjourn the meeting. Vote: Chair Chapman, yes; Vice Chair Musselman, yes; Commissioner Little, yes; Commissioner Booth, yes; Commissioner Perry, yes. The motion was approved. The meeting adjourned at 1:42 p.m.