

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building
Second Floor - Room 210
8:30 a.m.
October 20, 2004

MINUTES

STAFF MEMBERS PRESENT:

Dexter Bell, Division Director
Mark Fagergren, Licensing and Education Director
Jon Brown, Chief Investigator
Shelley Wismer, Assistant Attorney General
Dee Johnson, Investigator
Marv Everett, Investigator
Mike Kellermeyer, Investigator
Jennifer Eatchel, Education Secretary
Renda Christensen, Board Secretary

COMMISSION MEMBERS PRESENT:

Gage Froerer, Chair
Dorothy Burnham, Vice Chair
Maralee Jensen, Commission member
Bonnie Peretti, Commission member
H. Blaine Walker, Commission member

The October 20, 2004, meeting of the Utah Real Estate Commission began at 8:37 a.m. with Chair Froerer conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes

The minutes were approved as written.

DIVISION REPORTS

INVESTIGATIONS REPORT – Jon Brown

Mr. Brown reported there were 41 written complaints accepted, 10 new cases opened, 13 cases closed, and a total 258 open cases. Mr. Brown stated that 7 of the written complaints involved short sales. Mr. Brown has written an article for the upcoming newsletter warning licensees about the issues that can arise in short sales.

DIRECTOR'S REPORT – Dexter Bell

Director Bell said the Division will be having a Caravan in the spring that will cover the east side of the state.

Director Bell stated the Division is still practicing the "tough love" policy, and the Commission might hear complaints from people. He also mentioned the Division is

completing the process of hiring an additional real estate investigator.

Director Bell reported the Real Estate Education Recovery Fund has approximately \$550,000 in the fund. He believes it will not be necessary to have the fees increased for the upcoming year. A raise in the fee might be necessary beginning July 2006.

Director Bell handed out copies of sanctions the Division has taken on individuals with all the details of the charges left in. He explained that he wanted to know if the Commission thought a more detailed description was necessary, or if it was better to leave out information that seemed overly explicit or intrusive. After reviewing both versions, the Commission agreed it was not necessary to have all of the details of applicants' criminal histories in the newsletter.

Director Bell said he had spoken with Promissor about a new procedure they have for tracking CE, which will be more efficient and effective. There would be a small charge per credit hour, which would be passed along by the boards and schools. The Commission agreed a new program would be beneficial.

Director Bell asked Ms. Burnham to give a summary of her attendance to the ARELLO Convention. She said the convention was very informative and gave her new information. She mentioned the state of Nevada is going to add 18 hours of Nevada law next year in their licensing. Ms. Burnham stated the state of New Mexico appears to be earlier in the process than Utah in their mortgage licensing. There was some discussion about eventually having a national mortgage license.

Director Bell asked Ms. Peretti and Mr. Walker to give a brief summary of the public input session they attended on mortgage advertising. They both felt it was a good meeting and were concerned that some mortgage licensees were out soliciting listings and promoting advertising for their services. The Commission and the Division would like to see articles in the upcoming newsletter regarding mortgage licensees filling out REPC forms and cross marketing. It was agreed licensees should know who they are doing business with.

EDUCATION/LICENSING REPORT – Mark Fagergren

Mr. Fagergren told the Commission that he, Mr. Brown, and Mr. Johnson had recently attended the AARO Convention in Washington, D.C. One of the important things that was announced was the requirements for appraiser licensing education will be greatly increased in 2008. The Division's licensing requirements will also have to be changed to comply with the new rules.

Mr. Fagergren said the newsletter will have articles about change cards, short sales, the new CORE course coming out next July, and brief articles on the new Commissioners. The new CORE course will spend more time on ethics.

LICENSING HEARINGS

9:38 Billie Crocker – Application for Renewal of License

Mark Moffett, Attorney
Scott Sabey, Attorney
David Sonnenreich, Attorney

- 11:10 Anthony Vito – Application for License
- 11:45 Robert Dinklemen – Application for Renewal of License
Jerry Dinklemen, Father
Larry Demmott, Sales Manager
- 11:58 Robert Imhoff - Application for Renewal of License
Bob Welch, Branch Broker, Prudential Utah
Father Joseph Mayo, Cathedral of the Madeline
Cindy White, Sales Agent
Doug White
Mark Day, President, Title West
- 1:10 Todd Bullock – Application for License

A motion to go into Executive Session was passed, and was held from 1:30 p.m. to 2:00 p.m. This was a working lunch.

- 2:00 Scott Russell – Application for License
John Caine, Attorney
Todd Johnson
- 2:45 James Jepson – Application for License
Diane Jepson, wife

Review of Lesser Criminal Convictions:

Henry Broadus
Rodney Yanke
David Gianvito
Phillip Brown
Calvin Bird
Alvernon Boltis
Orlon Burnham
Robert Burns
Tony Coccimiglio
Scott Gatchell
Curt Herning
Ruth C. Jepson
Connie Minen
Bryan Nash
Deborah Rendon
Daniel Smedley

Tyler Wardell
Matthew Wilson

OTHER BUSINESS

Ms. Wismer said there are two impending rules in which the public comment period is over. The rules are R162-8 and R162-9 and both are about extending education licenses to a two-year term for instructors, courses and pre-licensing schools. A motion was made and passed to accept the rules as written.

Ms. Wismer discussed the Frank Kilby case with the Commission. His Agency Review has now been remanded back to the Division. The Commission will review his file and decide in Executive Session.

Ms. Wismer discussed the Orders on Review for the Heidi Humphrey case and the William Mouna case. Both applicants have been denied on Agency Review.

A motion was made to have a second Executive Session which was held from 3:30 p.m. to 4:15 p.m.

RESULTS OF EXECUTIVE SESSION

Informal Hearings:

Billie Crocker – Approved on probation. License will be on inactive status for the term of the license.

Anthony Vito – Approved on probation with broker notification.

Robert Dinklemen – Approved on probation with broker notification.

Robert Imhoff – Approved on probation with broker notification.

Todd Bullock – Approved on probation with broker notification.

Scott Russell – Approved on probation with broker notification.

James Jepson – Approved on probation with broker notification.

Applicants with Lesser Criminal Connections:

Henry Broadus - Approved

Rodney Yanke - Approved

David Gianvito – Approved

Phillip Brown - Approved

Calvin Bird - Approved

Alvernon Boltis - Approved

Orlon Burnham - Approved

Robert Burns - Approved

Tony Coccimiglio - Approved

Scott Gatchell - Approved

Curt Herning - Approved

Ruth C. Jepson - Approved

Connie Minen - Approved

Bryan Nash – Approved

Deborah Rendon - Approved

Daniel Smedley - Approved
Tyler Wardell – Approved
Matthew Wilson - Approved

Frank Kilby: Chairman Froerer recused himself. The Commission wants to schedule him for a hearing.

Results of the Stipulations:

Joylene K. ("Joy") Eves and Paul G. Eves - Approved

The Commission has agreed to change the starting time of the meetings from 8:30 a.m. to 9:00 a.m. in November. They also decided they would prefer to hear no more than five hearings at each monthly Commission meeting.

A motion was made and accepted to adjourn the meeting at 4:20 p.m.