The September 21, 2005, meeting of the Utah Real Estate Commission began at 9:00 a.m. with Vice Chair Maralee Jensen conducting.

PLANNING AND ADMINISTRATIVE MATTERS
Approval of Minutes
The minutes for July 20, 2005 were approved as written. The minutes for August 17, 2005 were approved as written.

DIVISION REPORTS
INVESTIGATIONS REPORT – Jon Brown
Mr. Brown reported in August there were 50 new written complaints logged, 31 new cases opened for investigation, 23 cases closed, leaving a total of 206 open cases. The CE Audits for the month showed 29 new cases opened, 23 cases closed, leaving a total of 124 open audit cases opened for investigation.

There was considerable discussion about the number of cases opened on continuing
education audits. Commissioner Sampson recommended if a person has had a case opened against them for failing the audit, they should be banned from any on-line renewals for the next 6 years (which would be 3 renewal cycles). The Commission and Division agree the fines and being published in the newsletter help curb others that may try to falsify their CE requirements. There is now a link on the website to show people what the actual Core Course certificates look like, so there should be no excuse on being confused. Commissioner Walker suggested putting a warning on the screen saying “Notice, this will be grounds for revocation of your license if you falsify your education.”

Mr. Brown said Chuck Smalley has been out of the office with medical problems. His cases have been handled by Dave Mecham and Craig Livingston, and in some cases, Mr. Mecham almost has had to start over on the investigation because Mr. Smalley hasn’t been able to fill in the details. Mr. Smalley handles timeshare registration, subdivisions registration, trust account audits, and is very good in investigating mortgage and real estate fraud.

DIRECTOR’S REPORT – Derek Miller
Director Miller introduced himself to the Commission, and gave a brief background on himself. He said that he, Mr. Fagergren, and Mr. Johnson would be leaving shortly to give a speech. During this time, Mr. Brown will be the Acting Director.

Director Miller is a graduate of J. Reuben Clark Law School at BYU and holds a Master of Public Administration degree from BYU. He has been Counsel for the U.S. House Transportation and Infrastructure Committee since 2002. Prior to that, he was with Arthur Andersen LLP and managed several real estate-related consulting projects, including reforming the FHA loan program, and implementing the HUD Enforcement Center and the Real Estate Assessment Center.

EDUCATION/LICENSING REPORT – Mark Fagergren
Mr. Fagergren told the Commission there is a backlog on scheduling for hearings, and currently the Division has hearings scheduled out until January. He asked the Commission if they would be willing to hold a second meeting in October and November with a longer agenda to help move the cases through the system. Dates were suggested and it was decided the additional hearings will be held on October 12, 2005 and November 3, 2005. Ms. Christensen will create new agendas and fax them to the Commission.

A motion was made and approved to have the Division continue holding the post-revocation hearings, and expressed their support of the Division Director’s choice of holding these hearings in-house.

Mr. Fagergren brought up the topic of fractional sales. He said it takes as much time to complete a fractional sale as a regular sale, and the Division doesn’t have a problem giving the same credit of 2 ½ points per sale. The Commission agrees with the Division on this matter.
Mr. Fagergren said the new Core Course is now available on DVD as well as VSH tapes.

A motion to go into an Executive Session was held from 10:15 a.m. to 11:05 a.m.

**LICENSING HEARINGS**

10:30  Greig Morrison – Applicant for License
       Requested to be rescheduled.

11:05  Karen J. Peavler – Application for Renewal
       Ronald Stephenson

11:36  Paul Dyche – Application for License

*Review of Criminal Convictions List for Commission Consideration:*

Mark Alder
Melanie Andersen
Tony Anderson
Joseph Anderton
Chad Armitstead
David Ballstaedt, Jr.
Jared Bean
Brook Bernier
Jolena Berry
Sara Jane Brown
Cindy Browne
David A. Burnet
Paul Butler
Suzanne Bullock
Galen Cronin
Paula Falvo
Holly Garnica
Patrick Giblin
Peter Goodro
Natalie Grundy
Robert Hall
Cameron Hemphill
Frank Hollingworth
Steven Linde
Misty Maki
Sandy McClain
Mark McGill
Michael Parker
Jayson Pavone
Michelle Peckham
Thomas Petersen
A motion to go into Executive Session was passed, and was held from 12:12 p.m. to 1:05 p.m. This was a working lunch.

1:05  Michael Harris – Application for License
      David A. Reeve, Attorney

1:30  Boudicca Joseph – Application for License
      Ms. Joseph did not appear. Her application will be based on documents only.

2:00  Justin David – Application for License

OTHER BUSINESS
The Commission asked Ms. Wismer if they could delegate to the Division all of the cases that are on probation (or parole) at the time of the application. Ms. Wismer said the Commission may delegate to the Division the authority to review a class or category of applications for initial or renewed licenses.

Ms. Wismer suggested the Division might use what is called a “paper hearing” where the application and accompanying documents are used to make a decision instead of holding a hearing on the applicant. This process would require having a rule change. Mr. Fagergren suggested to have the statute changed to say a person who is still on probation could not apply.

A motion to go into a second Executive Session was made and held from 2:20 p.m. to 2:52 p.m.

RESULTS OF EXECUTIVE SESSION
Informal Hearings:
Grieg Morrison – Allowed to reschedule
Karen J. Peavler – Granted on probation, pending broker notification
Paul Dyche – Granted on probation, pending broker notification
Michael Harris – Granted then immediately suspended until the end of probation.
Proof of broker notification delivered to Division.
Boudicca Joseph – Granted
Justin David – Granted on probation for the term of license period

Stipulations:
Shar Lynn Benson - Approved
Alda J. Lee - Approved
Alicia Dominguez Hodgson - Approved
Vann Larson - Approved
Bruce L. Armstrong - Approved
Walter J. Widmer - Approved
Hayven W. Dunn - Approved
Kim A. Novak - Approved
Harold Eward - Approved

Criminal Convictions List:
Mark Alder - Approved
Melanie Andersen - Approved
Tony Anderson - Approved
Joseph Anderton - Approved
Chad Armitstead – Approved
David Ballstaedt, Jr. – Schedule for hearing
Jared Bean - Approved
Brook Bernier - Approved
Jolena Berry – Approved
Sara Jane Brown - Approved
Cindy Browne - Approved
David A. Burnet – Schedule for hearing
Paul Butler - Approved
Suzanne Bullock – Approved
Galen Cronin - Approved
Paula Falvo - Approved
Holly Garnica - Approved
Patrick Giblin - Approved
Peter Goodro - Approved
Natalie Grundy - Approved
Robert Hall – Approved
Cameron Hemphill – Schedule for hearing
Frank Hollingworth - Approved
Steven Linde – Schedule for hearing
Misty Maki - Approved
Sandy McClain – Schedule for hearing
Mark McGill - Approved
Michael Parker - Approved
Jayson Pavone – Pending charges, wait for court documents
Michelle Peckham - Approved
Thomas Petersen - Approved
Alexandre Pommier - Approved
Robyn Rieck – Schedule for hearing
Ryan Roeseler - Approved
Ronald V. Satallante - Approved
Deborah Schumacher - Approved
Lynnette Sharples - Approved
Richard L. Smith – Schedule for hearing
Merlina Stevens - Approved
Kim Taylor – Schedule for hearing
Desiree Udseth - Approved
Kevin Van Loon - Approved
Joby Wright - Approved

A motion was made and accepted to adjourn the meeting at 3:40 p.m.