

## **REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building

Telephone Conference

9:00 a.m.

May 30, 2007

### **MINUTES**

#### STAFF MEMBERS PRESENT:

Derek B. Miller, Division Director

Dee Johnson, Enforcement Director

Mark Fagergren, Education/Licensing Director

Shelley Wismer, Assistant Attorney General

Renda Christensen, Board Secretary

Tiffeni Wall, Real Estate Education Coordinator

#### COMMISSION MEMBERS PRESENT:

H. Blaine Walker, Chairman

Bonnie Peretti, Vice Chairman

Doyle "Sam" Sampson, Jr., Commissioner

Kay Ashton, Commissioner

The May 30, 2007 meeting of the Utah Real Estate Commission began at 9:05 a.m. with Vice Chair Peretti conducting. Chair Walker joined the conference at 9:07 a.m. and continued to Chair the meeting.

#### Approval of Minutes

The minutes for April will be reviewed at the June meeting.

### **DIVISION REPORTS**

#### DIRECTOR'S REPORT – Derek B. Miller

Director Miller said that he and Chair Walker were in Washington D.C. a couple of weeks ago as part of the N.A.R. conference. Director Miller participated in a T.I.C. Task Force meeting and they are moving forward with some model regulation that will be multi-jurisdictional and interstate. It will be a good way for the T.I.C. industry to move forward in getting some complimentary regulation between the real estate industries and the securities industries.

Chair Walker and Director Miller had an opportunity to meet with the Governor last week. It was a bill signing ceremony for SB199 and a meeting to discuss some important issues with the real estate industry.

Director Miller met with Executive Director Giani and they had decided that the increase in fraud warranted the Division hiring a specific fraud investigator. This person will focus specifically on the increase in fraud and be able to be a liaison with other administrative agencies as well. When Director Miller met with the Governor

later that day, the issue of mortgage fraud came up. The Governor asked what the State could do about it to help. Director Miller was able to tell the Governor about the decision to hire a fraud investigator to focus specifically on this problem.

Mortgage fraud on the federal level is up to 30 years in prison and a \$1,000,000 fine. The U.S. Attorney's Office is very interested in prosecuting mortgage fraud and will be there number one priority on a white collar level.

Ms. Wismer discussed the seven proposed rule changes that are now past the public comment period.

R162-1-2, Definitions

A motion was made and passed to accept as written.

R162-3-6, Renewal and Reinstatement

A motion was made and passed to accept as written.

R162-4-1, Records and Copies of Documents

After some discussion a modification was made delete the first sentence with 4.1.4.2 and have it start with "regardless of who closes the transactions the principal broker is responsible." A motion was made and approved with modifications.

R162-6-1, Improper Practices

A motion was made and passed to accept as written.

R162-7-2, Notice or Complaint

A motion was made and passed to accept as written.

R162-8-1, School Application for Certification

A motion was made and passed to accept as written.

R162-9, Continuing Education

A motion was made and passed to accept as written.

INVESTIGATIONS REPORT – Dee Johnson

Mr. Johnson said both reports for April and May will be given next month.

EDUCATION/LICENSING REPORT – Mark Fagergren

Mr. Fagergren thanked Director Miller and the Commission for approving the proposed rules. The Division will work with the schools for implementation of the new rules.

Review of Proposed Stipulations

Janette Barnett

Brian A. Littell

Marcela P. Montemurro  
Tracy Ryan

**CLOSED TO PUBLIC**

A motion was made to go into an Executive Session from 10:10 a.m. to 10:18 a.m.

Results of Executive Session

Janette Barnett - Approved

Brian A. Littell - Approved

Marcela P. Montemurro – Approved

Tracy Ryan – Approved

A motion was made and approved to allow Director Miller to sign the Stipulations on behalf of the Commission.

A motion was made and accepted to adjourn the meeting at 10:19 a.m.