

## **REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building

Room 210

9:00 a.m.

December 18, 2013

### **MINUTES**

#### DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director  
Mark Fagergren, Education and Licensing Director  
Jeffery Nielsen, Chief Investigator  
Justin Barney, Hearing Officer  
Sterling Corbett, Assistant Attorney General  
Renda Christensen, Board Secretary  
John Bickmore, Investigator  
Kadee Wright, Investigator  
Jodie Carter, Division Staff  
Kathy Archuleta, Division Staff

#### COMMISSION MEMBERS PRESENT:

Kay R. Ashton, Chair  
Russell K. Booth, Vice Chair  
Gary R. Hancock, Commissioner  
Lori Chapman, Commissioner

#### GUESTS:

Peter Stevens	Kevin Swenson
Shane Norris	Peter Christensen
Tammy Lund	Dan Naylor

Commissioner Little was excused from the meeting today.

The December 18, 2013 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Ashton conducting

### **PLANNING AND ADMINISTRATIVE MATTERS**

#### Approval of Minutes

A motion was made to approve the minutes from the November 20, 2013 meeting. Vote: Chair Ashton, yes; Vice Chair Booth, yes; Commissioner Hancock, yes; Commissioner Chapman, yes. The motion passes.

### **DIVISION REPORTS**

#### **DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart said that a first draft of the Division's bill has been sent to the

Office of Legislative Research.

**ENFORCEMENT REPORT - Jeffery Nielsen**

Mr. Nielsen reported in November the Division received 24 complaints; opened 20 cases; referred no new cases to the Attorney General's office; closed 20 cases; leaving the total number of cases at 291.

There is one stipulation for review today: Tarl Booth. Mr. Booth was given the opportunity to address the Commission but has chosen not to. For a point of record, Tarl Booth is not related to Vice Chair Booth.

Mr. Nielsen said the interviews for investigator are completed. The Division is now in the process of the checking the references of final applicants.

Director Stewart said 16 applicants were interviewed for the Assistant Attorney General's position to represent the Division. The interview committee will meet tomorrow to discuss the applicants and interviews. Hopefully, within the week we will have someone hired for that position.

**EDUCATION AND LICENSING REPORT - Mark Fagergren**

Mr. Fagergren said he has had several inquiries from people as to how many agents didn't renew in a month. He explained our system does not break down those numbers, and he will meet with IT to see if they can run such a report.

Vice Chair Booth and Commissioner Chapman both commented that several years ago the UAR had run reports showing the numbers of those agents who have not renewed their licenses. At that time, the report showed a four-year time frame, showing the numbers of 50 - 60% rate of those who did not renew.

**COMMISSION AND INDUSTRY ISSUES**

**Discussion of Proposed Rules – Justin Barney**

Mr. Barney said the Division's bill has not been numbered yet. There are no rule amendments to review this month.

Mr. Barney presented a request from a licensee who is asking to have his stipulation amended. This matter will be discussed during Executive Session.

Mr. Barney also presented documents for the Commission to review on a licensee who has had a conviction during his renewal period. The incident required him to have two therapists interview him and prepare reports for the Commission to review. The applicant was present with his broker to answer any questions the Commission might have for him.

Peter Christensen, Legal Counsel for the Utah Association of Realtors, addressed the Division and Commission regarding a rule change regarding the new residential construction form.

A motion was made to begin the draft rule change on R162-2f-401f and R162-2f-401a. Vote: Chair Ashton, yes; Vice Chair Booth, yes; Commissioner Chapman, yes; Commissioner Hancock, yes. The motion passes.

Mr. Brumfield had requested to be on the agenda this month. He is unable to attend today, and has asked to be placed on the agenda for next month. Chair Ashton said the topic has been tabled.

**OPEN TO PUBLIC**

INFORMAL HEARING:

10:06 Charles O'Brien, Jr. - Application for License  
John Quinn, Attorney for Mr. O'Brien  
Susie Martindale, Principal Broker for Mr. O'Brien

**CLOSED TO PUBLIC**

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 Ashton, yes; Vice Chair Booth, yes; Commissioner Hancock, yes; Commissioner Chapman, yes. An Executive Session was held from 11:10 a.m. to 11:43 p.m.

**OPEN TO PUBLIC**

Result of Stipulation

Tarl Booth - Approved

Brian Klinger – Mr. Barney will write a letter to Mr. Klinger.

**CLOSED TO PUBLIC**

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 Ashton, yes; Vice Chair Booth, yes; Commissioner Hancock, yes; Commissioner Chapman, yes. An Executive Session was held from 11:48 a.m. to 12:00 p.m.

Javier Poveda – Mr. Barney will write a letter to Mr. Poveda.

A motion was made to adjourn the meeting. Vote: Chair Ashton, yes; Vice Chair Booth, yes; Commissioner Hancock, yes; Commissioner Chapman, yes. The meeting adjourned at 12:00 p.m.