

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 210

9:00 a.m.

September 18, 2013

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Jeffery Nielsen, Chief Investigator
Xanna Hardman, Assistant Attorney General
Renda Christensen, Board Secretary
Mykah Travis, Real Estate Education Coordinator
Amber Nielsen, Division Staff
Jill Childs, Division Staff
Kathy Archuleta, Division Staff

COMMISSION MEMBERS PRESENT:

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

GUESTS:

Kevin Swenson	Charles Berg
Tammy Lund	Shane Norris
Dan Naylor	Cressie Larson

The September 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 August 21, 2013 meeting. Vote: Chair Ashton, yes; Vice Chair Booth, yes; Commissioner Hancock, yes; Commissioner Little, yes. The motion carries.

DIVISION REPORTS

DIRECTOR'S REPORT –Jonathan Stewart

Director Stewart said the Division has lost one of its investigators, Dave Mecham, who died on September 1, 2013 in a car accident. Mr. Mecham was with the Division for nine years, and Director Stewart wanted to thank Mr. Mecham for being

an asset to the Division. Dave had many years of experience in the industry and it will be hard to replace him.

Director Stewart gave a brief update of the changes the Division will be submitting for this upcoming legislative session. Representative Gage Froerer will be sponsoring the Division's bill, and some suggested changes were made. Director Stewart will e-mail the Commission those suggested changes prior to the meeting next month, and discuss any recommendations or suggestions.

Director Stewart and Mr. Fagergren will be attending the ARELLO conference, and will be leaving for the airport as soon as this meeting is concluded. They will report on items, new trends as seen in other states.

ENFORCEMENT REPORT – Jeffery Nielsen

Mr. Nielsen reported the Division received 51 complaints; opened 26 cases; have 5 cases presently with the Attorney General's office; closed 20 cases; leaving the number of cases at 273.

Mr. Nielsen brought up the issue of advertising complaints. These include blind ads and half-size of the brokerage information. The Division does not search for advertising violations, with most complaints received coming from the industry. From February through August of this year, the number of advertising complaints received total 40% of the complaints received. The Division currently opens only a few of these ads. These complaints are given to Mr. Kagie, and he is keeping a list of those from whom we receive blind ad complaints. The Division responds to the advertising complaints as follows: first complaint will receive a letter; additional complaints will have action taken with fines.

Mr. Nielsen asked the Commission for their comments. After some discussion, it was decided to place this item on the agenda for further discussion next month.

The Division has hired two new real estate investigators. John Bickmore will begin on September 23, 2013, and Kadee Wright will start on September 30, 2013.

There were no Enforcement stipulations to review this month.

LICENSING/EDUCATION REPORT - Mark Fagergren

Mr. Fagergren mentioned previously the Division ran audits on continuing education. This was discontinued when the licensing process went on-line. The CE audits included fines for those who failed to complete the education before they renewed their licenses.

The statistics are remaining steady. When a license has expired the licensee still has one year to reinstate the license. It is difficult to know how many of those showing as inactive licensees will be reinstating or just letting the license drop.

As a reminder, the Instructor Development Workshop is being held on October 28 and 29, 2013. The workshop will be held at the Park City Marriott.

The Division newsletter is in the final stages of being edited and posted. The article written by Mr. Kagie is a problem the Division has been seeing regarding "Coming Soon" signs. After the article came out, a similar article was published in the ARELLO newsletter. Maryland, Colorado, and North Carolina have similar positions and articles on the same topic of "Coming Soon" signs. They have expressed concern for the use of these "Coming Soon" signs because some licensees are of the understanding they may advertise the property as "Coming Soon" because the seller has agreed to list the property, but has not yet returned the signed listing agreement to the broker.

There were no Licensing/Education stipulations for review.

COMMISSION AND INDUSTRY ISSUES

Discussion of Proposed Rules – Justin Barney

There were no rule updates to review this month. Mr. Barney presented three stipulations to the Commission. Each of the individuals was given the opportunity to attend the meeting today but each has declined to attend.

Review of Stipulation

Ashley Peay
Neena Medrano
Jeff Murray

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 Little, yes. The motion has passed. The Executive Session was held from 10:03 a.m. to 10:15 a.m.

OPEN TO THE PUBLIC

RESULTS OF STIPULATIONS

Ashley Peay - Approved
Neena Medrano - Approved
Jeff Murray - Approved

10:20 Commissioner Training - Assistant Attorney General Tony Patterson

OPEN TO PUBLIC

A motion was made to adjourn the meeting. Vote: Chair Ashton, yes; Vice Chair Booth, yes; Commissioner Hancock, yes; Commissioner Little, yes; Commissioner Chapman, yes. The meeting was adjourned at 12:04 p.m.