

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 250

9:00 a.m.

October 18, 2023

Zoom

MINUTES

DIVISION STAFF PRESENT:

Mark Fagergren, Licensing & Education Director

Maelynn Valentine, Board Secretary

Laurel North, Investigator

Chris Martindale, Investigator

Van Kagie, Investigator

Sandra Bargas, Education Coordinator

Anna Seegmiller, Investigator

Karen Duncan, Investigator

Van Kagie, Investigator

Michael Genco, Licensing Specialist

Jenae Luthi, Investigator

Jenni Myers, Investigator

Steven Green, Assistant Attorney General

Matt Hastings, Division Analyst

Adam Martin, Investigator

Connie Mickels, Investigator

Chrishel James, Office Specialist

COMMISSION MEMBERS PRESENT:

Marie McClelland, Chair

Andrea Wilson, Vice-Chair

Randy Smith, Commissioner

Jim Bringhurst, Commissioner

Rick Southwick, Commissioner

The October 18, 2023, meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair McClelland conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes of the September 20, 2023, meeting of the Commission as written. Vote: Chair McClelland, yes; Commissioner Bringhurst, yes; Commissioner

Southwick, yes; Commissioner Smith, yes. The motion was approved.

Public Comment

Dan Naylor with the Institute of Real Estate Education addressed the Commission regarding the 2024 Mandatory Residential Course Outline. Mr. Naylor suggested adding some of the new fraud issues that arise from land sales and rental fraud. He also suggested leaving any new legal updates on the outlines for at least two years as that is when agents need to renew. One item that was included that he felt didn't need to be was the new rules about broker points that you need to get your real estate license when you are coming in from another state, while this information is important, he felt it unnecessary as the percentage of those licensees coming from another state are relatively small.

Baylee Woolstenhulme a transaction coordinator with Remax Community Valley addressed the Commission regarding Disclosures and State Approved Forms in Spanish. She searched through various data bases, and it came to her attention that there are currently no forms available in Spanish. This became concerning to her for multiple reasons, she feels that buyers and sellers should have access to these forms, so they are able to read and understand the forms without a translator. The only option given for these individuals is to refer to a bilingual agent or hire a translator. Ms. Woolstenhulme stated that while those are decent solutions, there are still opportunities for their clients to be misled, discouraged, or deceived, which could lead to a lawsuit against the agent or translator. Chair McClelland thanked Ms. Woolstenhulme for bringing this topic to the Commission and Divisor's attention. Commissioner Smith agreed with there being forms in Spanish for liability issues. Mr. Fagergren spoke on behalf of the Division and stated that Director Stewart it not opposed on creating the forms, but it does create some complicated situations, as the Division does not currently have any Spanish speaking employees. Therefore, if the Division were to receive any complaints on a REPC that was in Spanish, it would need to be an exact replica of the English REPC for enforcement purposes. Director Stewart advised Mr. Fagergren to state that Director Stewart would be willing to talk to Executive Director Busse and get her insight on the situation and see if this is something that the Division should and is able to provide. Chair McClelland suggested adding this as an agenda item in the future once this has been discussed with the Executive Director.

Darrell Catmull addressed the Commission with a suggestion for the Real Estate Purchase Contract. He has run into issues that the 1st paragraph only allows for a certain number of characters on the Buyer/Seller line that is provided, and it cuts off any additional letters, so you are unable to add multiple names, a trust or even a business entity with a long name. His

proposal is to allow for that section to be modified by removing the character limit. Carter Maudsley stated that he would be willing to work on a solution to this issue and would address this issue with the Utah Association of Realtors forms committee.

DIVISION REPORTS

ENFORCEMENT REPORT – Mark Fagergren

Speaking for Kadee Wright, Mr. Fagergren reported that in the month of September the Division received 47 complaints; closed 49 cases; leaving 462 open cases. There are 51 cases pending with the AG's office and or the Division Analyst.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported that Jeff Morley, the Chair of the Appraisal Board would like Real Estate Pricing/Valuation to be added to the list of Real Estate Core Topics. After a short discussion and suggestions, it was decided that the Core topics will be sent to the Commission before next month's meeting and will be added to the agenda for further discussion and consideration then.

Mr. Fagergren continued the discussion on Lead Based Paint Disclosures from last month. Commissioner Bringhurst relayed some comments from Kreg Wagner as he was not able to attend the meeting today, he stated that the Protect Your Family Against Lead Based Paint Pamphlet in a pdf format should be attached along with the Lead Based Paint Disclosure, he also suggested looking at the Lead Based Paint Addendum and possibly making some changes to that. Vice-Chair Wilson suggested forming a committee on this topic. Mr. Fagergren suggested also adding this to the agenda for next month for further discussion.

Mr. Fagergren informed the Commission that the Division's Instructor Development Workshop is being held next week in Park City. Betsy Sabatini Coyne will be presenting on technology and how to enhance your virtual meetings. Mr. Fagergren will report on the IDW at next month's meeting.

Mr. Fagergren stated that there are two applicants that do not have a high school diploma or GED, they would like the Commission to consider their life/work experience as an equivalent. This will be discussed in executive session.

Mr. Fagergren reported on the Four Mandatory Course Outlines. They were sent to the Commission prior to the meeting along with the comments that he received. After a lengthy discussion it was decided to make a few minor modifications to the Mandatory Residential and Mandatory Property Management (Residential) course outlines. The changes requested are confirming the authority of signers and verifying each of the buyers/seller's names and/or LLC members and making sure that the LLC is in good standing with the State. The Commission also recommended that under the fraud heading add listing/rental fraud.

A motion was made and seconded to approve the Four Mandatory Course Outlines with the modifications discussed. Vote: Chair McClelland, yes; Vice-Chair Wilson, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion was approved.

A motion was made and seconded to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair McClelland, yes; Vice-Chair Wilson, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion was approved.

OPEN TO PUBLIC

A motion was made and seconded to approve Rachel Nielsen's life/work experience as an equivalent to a high school diploma or GED and approve for licensure. Vote: Chair McClelland, yes; Vice-Chair Wilson, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion was approved with concurrence from the Division.

A motion was made and seconded to approve Collin Bricknell's life/work experience as an equivalent to a high school diploma or GED and approve for licensure. Vote: Chair McClelland, yes; Vice-Chair Wilson, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion was approved with concurrence from the Division.

A motion was made and seconded to adjourn the meeting. Vote: Chair McClelland, yes; Vice-Chair Wilson, yes; Commissioner Smith, yes; Commissioner Southwick, yes; Commissioner Bringhurst, yes. The motion was approved.