

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 250

9:00 a.m.

December 20, 2023

Zoom

MINUTES

DIVISION STAFF PRESENT:

Mark Fagergren, Licensing & Education Director

Justin Barney, Hearing Officer

Kadee Wright, Chief Investigator

Maelynn Valentine, Board Secretary

Laurel North, Investigator

Chris Martindale, Investigator

Sandraargas, Education Coordinator

Karen Duncan, Investigator

Michael Genco, Licensing Specialist

Melissa McGill, Licensing Specialist

Jenae Luthi, Investigator

Jenni Myers, Investigator

Steven Green, Assistant Attorney General

Matt Hastings, Division Analyst

Adam Martin, Investigator

Connie Mickels, Investigator

COMMISSION MEMBERS PRESENT:

Marie McClelland, Chair

Andrea Wilson, Vice-Chair

Randy Smith, Commissioner

Jim Bringhurst, Commissioner

Rick Southwick, Commissioner

The December 20, 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 November 7 and November 9, 2023, meetings of the Commission as written. Vote: Chair McClelland, yes; Vice Chair Wilson, yes; Commissioner Bringhurst, yes; Commissioner Smith, yes; Commissioner Southwick, yes.

The motion was approved.

Public Comment

Richard Jeffs with the Flights Standards District Office addressed the Commission regarding the use of drones by real estate agents and appraisers. Mr. Jeffs informed the Commission that there are different rules and regulations when operating drones. Individuals that use drones over 55 lbs. need to be certified by the FAA. All the information that was discussed in today's meeting will be published in the upcoming newsletter.

DIVISION REPORTS

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in the month of November the Division received 31 complaints; closed 55 cases; leaving 432 open cases. There are 46 cases pending with the AG's office and or the Division Analyst. Ms. Wright addressed the Commission regarding scheduling enforcement hearings and if they have a preference. The Commission agreed that scheduling the first day of the hearing after the regular scheduled Commission meeting and going into Thursday if needed and ending them at 5pm would be best for the Commission.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported on statistics. The Division saw a decrease of 117 active sales agents and a decline of 70 inactive licenses from last month. In comparison from the first of this year to the end of November there's been a decline of 198 active real estate licensees and if you combine the active and inactive there has been a decline of 133 since January. The Division is seeing some effect on the current economy in the number of declining agents.

Mr. Fagergren reported that on Friday of last week Betsy Sabatini Coyne, who presented at the fall Instructor Development Workshop in Park City, held a follow up meeting for those instructors interested in asking any questions they had with the use of the multiple software programs and features that were demonstrated in her two-day IDW presentation. There were 13 registrants for the follow up meeting and she was very helpful in answering questions and assisting attendees recognize enhanced instructional capabilities when using the advanced techniques and features of multiple presentation software programs.

Mr. Fagergren reported on the Division's successful Instructor Development

Workshop and stated that Kadee Wright informed the attendees in her presentation that there is a lack of quality continuing education courses for brokers regarding how they should be effectively and appropriately operating and managing their brokerages. Cheryl Aker, Heather Nelson, Linda Leavitt, David Baird, Christina Silva, and Brenda Nelson worked together to develop a comprehensive broker training course outline that was sent to the Commission prior to the meeting. This outline is a guideline for continuing education classes for continuing education instructors to utilize. Commissioner Bringhurst suggested adding Safe Harbor provisions to the outline and how they need to appropriately deal with these issues as brokers. Mr. Fagergren will include adding Safe Harbor provisions in the outline and possibly add the outline to the Division website as a resource for instructors to consider creating CE courses for brokers. Commissioner Wilson suggested adding broker management and supervision to the list of potential Core Topics when this issue is discussed again later next year.

COMMISSION AND INDUSTRY ISSUES – Justin Barney

Mr. Barney updated the Commission on the current committees. The commercial transaction committee and the seller/financing addendum committee have been meeting and are working on recommendations for possible rule amendments. The committees' recommendations will be presented at a later date for the Commission's consideration.

INFORMAL HEARING- HARRISON WILFLEY 10:00 am

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 grant Harrison Wilfley his license on probation during the renewal period. The motion is approved.

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.