

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 250

9:00 a.m.

January 17, 2024

Zoom

MINUTES

DIVISION STAFF PRESENT:

Justin Barney, Interim Director, and Hearing Officer

Mark Fagergren, Licensing & Education Director

Kadee Wright, Chief Investigator

Maelynn Valentine, Board Secretary

Laurel North, Investigator

Chris Martindale, Investigator

Sandra Bargas, Education Coordinator

Karen Duncan, Investigator

Van Kagie, Investigator

Jenae Luthi, Investigator

Jenni Myers, Investigator

Steven Green, Assistant Attorney General

Valerie Wilde, 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 January 17, 2024, 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 December 20, 2023; meeting 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

None

DIVISION REPORTS

INTERIM DIRECTOR’S REPORT – Justin Barney

Mr. Barney reported on the legislative session that began on Tuesday January 16th, 2024. The Division bill has been drafted but is not yet numbered. There are a couple of other bills that the Division is following. One bill is HB230. It is related to the licensing process for many industries within the Commerce Department including the Division of Real Estate. The other bill is HB306 which is related to residential housing. This bill does not directly affect the Division, but will impact the Real Estate industry as it will allow smaller lots and starter homes in municipalities that are 15,000 in population or greater. The Commission voted in support of HB 306. Vote: Chair McClelland, yes; Vice-Chair Wilson, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion was approved.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in the month of December the Division received 35 complaints; closed 37 cases; leaving 430 open cases. There are 46 cases pending with the AG's office and or the Division Analyst.

Stipulation presented by Matt Hastings

Scott Stephenson

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported on statistics. The Division saw an increase of 118 active sales agents, 4 principal brokers and 3 associate brokers for a total of 125 licensees. That is only a decrease of 11 licensees from January of last year, the Division is holding steady on the number of licensees given the challenging real estate market.

COMMISSION AND INDUSTRY ISSUES – Justin Barney

Mr. Barney updated the Commission on the current committees. The commercial transaction committee has been meeting and Ms. Wright will be

sending out a survey to members of the committee to examine if there is consensus or something the committee might want to recommend to the Commission for their consideration. Kreg Wagner addressed the Commission regarding the committee that met about the advertising rules. Mr. Wagner has been getting questions about when the advertising rules are going to be implemented. Mr. Barney stated that the recommendation for the advertising rules were going to be brought forward along with other items for the Commission's consideration. Mr. Barney suggested separating the proposed rule amendment draft regarding the advertising rules so that it gets moved forward. Mr. Barney informed the Commission that the property management committee is no longer meeting as there is possible legislation that may be passed regarding that issue. Chair McClelland brought up the Transaction Coordinator committee and the Seller/financing addendum committee, Mr. Barney will investigate those committees and give an update once he has more information.

Commissioner Southwick suggested drafting a resolution honoring Former Director Stewart for his accomplishments and service to the industry. A motion was made and seconded to approve the resolution. Vote: Chair McClelland, yes; Vice-Chair Wilson, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion was approved.

LICENSING HEARING- ARIEL PETTIGREW 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 Arie Pettigrew her license on probation during the renewal period. Vote: Chair McClelland, yes; Vice-Chair Wilson, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion is approved.

A motion was made and seconded to reject the stipulation for Scott Stephenson as written. Vote: Chair McClelland, yes; Vice-Chair Wilson, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion is 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.