

## **REAL ESTATE COMMISSION MEETING**

Heber M. Wells Building

Room 250

9:00 a.m.

June 21, 2023

Zoom

### **MINUTES**

#### **DIVISION STAFF PRESENT:**

Jonathan Stewart, Division Director  
Mark Fagergren, Licensing & Education Director  
Kadee Wright, Chief Investigator  
Justin Barney, Hearing Officer  
Connie Mickles, Investigator  
Laurel North, Investigator  
Chris Martindale, Investigator  
Van Kagle, Investigator  
Sandra Bargas, Education Coordinator  
Anna Seegmiller, Investigator  
Karen Duncan, Investigator  
Van Kagle, Investigator  
Michael Genco, Licensing Specialist  
Jenni Myers, Investigator  
Steven Green, Assistant Attorney General  
Matt Hastings, Division Analyst

#### **COMMISSION MEMBERS PRESENT:**

Randy Smith, Chair  
Rick Southwick, Commissioner  
Andrea Wilson, Commissioner  
Jim Bringhurst, Commissioner

The June 21, 2023, meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Smith conducting.

### **PLANNING AND ADMINISTRATIVE MATTERS**

**Approval of Minutes** – A motion was made and seconded to approve the minutes of the May 17, 2023, meeting of the Commission as written. Vote: Chair Smith, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Wilson, yes. The motion was approved.

#### **Public Comment**

None

## **DIVISION REPORTS**

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

Director Stewart reported on the Transaction Coordinators Committee. The committee is scheduled to meet for the first time tomorrow afternoon. The Wholesaling Committee has not been finalized. Director Stewart reported that he has been conducting research into what other states have done to address the topic of wholesaling. Director Stewart reported that names still have not been identified for the Commercial Transaction Committee. Commissioner Southwick reported that potential committee members should be presented to Director Stewart in the near future.

Director Stewart reported that he had been doing some research on developing a Mobile App for licensees that connects to the Division's licensing database. Before going through the time and expense of developing an app, he asked the Commissioners and industry members in attendance if this is something that licensees would actually use. It was mentioned that an App could offer benefits and functionality that you couldn't necessarily get using a browser. Director Stewart asked the Commission and attending members of this meeting if this is something that they believe would be beneficial to the industry. It was suggested that rather than having an app targeted for all licensees that it might be better to develop one for brokers. After further discussion, it was decided that commissioners would think about it over the next month and bring feedback to next month's meeting where the discussion could be continued.

### **ENFORCEMENT REPORT – Kadee Wright**

Ms. Wright reported that in the month of May the Division received 52 complaints; closed 17 cases; leaving 494 open cases. There are 38 cases pending with the AG's office and or the Division Analyst.

### **Stipulation presented by Kadee Wright**

Michael Nielsen

Lana Ames

### **Stipulation presented by Steven Green**

Naylene Nield

### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren reported on statistics. The division saw a net increase of 122 active real estate licensees and a decline of 50 inactive real estate licensees from last month.

Mr. Fagergren reported that the Division has created an article in the Divisions Newsletter that describes the application process for licensees. Some of the challenges with that were that is when a candidate passes the exam, they receive a document notifying them that they passed, there are three separate links that is offered for them to utilize. The first is the application document that they need to complete, the second is the fingerprint consent form, and third is the complicated part and that is the submission of the completed documents to Pearson Vue. The problem with that is that the application process and the exam process separated from the fingerprinting process and candidates are advised that for \$12.00 they can get electronic fingerprinting performed. However, the candidates that do not use Pearson Vue have to go to a fingerprint vendor and will have to submit paper fingerprint cards along with the other documents and mail them to the Division, which creates a slower process, but the article has explained that in great detail. Mr. Fagergren suggested having another RFP that included the fingerprinting and the testing for one price to create less complications. Dan Naylor stated that Pearson Vue used to provide fingerprinting prior to Covid and that was included with the exam and that it would make sense to return to the process. It was suggested to offer this information to potential licensees when they inquire about getting a license with the Division.

Mr. Fagergren gave an update on CARAVAN; it was very successful, and the Division has received positive feedback from attendees.

### **BOARD AND INDUSTRY RULE UPDATE – Justin Barney**

Mr. Barney reported on the current proposed rule amendment. It is currently with the Governor's Office. The original filing expired but has since been refiled and is working through the process. This rule would allow partial experience points for broker applicants and the option of designating an acting Principal Broker in the event of their death or incapacitation.

### **Enforcement Hearing**

Lex McCormick (Continued)

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

### **CLOSED TO PUBLIC**

### **OPEN TO PUBLIC**

A motion was made and seconded to approve the stipulation for Michael Nielsen. Vote: Chair Smith, yes; Commissioner Wilson, yes; Commissioner Southwick, nay; Commissioner Bringhurst, yes. The motion was approved with concurrence from the Division.

A motion was made and seconded to approve the stipulation for Lana Ames. Vote: Chair Smith, yes; Commissioner Wilson, yes; Commissioner Southwick, yes; Commissioner Bringhurst recused himself from this stipulation. The motion was approved with concurrence from the Division.

A motion was made and seconded to approve the stipulation for Naylene Niels. Vote: Chair Smith, yes; Commissioner Wilson, yes; Commissioner Southwick, yes; Commissioner Bringhurst, yes. The motion was approved with concurrence from the Division.

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