

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 250

9:00 a.m.

July 17, 2024

Zoom

MINUTES

DIVISION STAFF PRESENT:

Leigh Veillette, Division Director
Justin Barney, Hearing Officer
Kadee Wright, Chief Investigator
Maelynn Valentine, Board Secretary
Laurel North, Enforcement Manager
Van Kagie, Investigator
Chris Martindale, Investigator
Karen Duncan, Investigator
Sandra Bargas, Education Coordinator
Connie Mickles, Investigator
Jenae Luthi, Investigator
Adam Martin, Investigator
Valerie Wilde, Assistant Attorney General
Matt Hastings, Division Analyst
Jenni Meyers, Investigator
Michael Genco, Licensing Specialist
Karissa Lewis, Licensing Specialist

COMMISSION MEMBERS PRESENT:

Marie McClelland, Chair
Randy Smith, Commissioner
Jim Bringhurst, Commissioner
Rick Southwick, Commissioner

The July 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 June 19, 2024, meeting of the Commission as written. Vote: Chair McClelland, yes; Commissioner Smith, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes. The motion was approved.

Public Comment

Donn Williams, a member of the Utah Board of Realtors addressed the Commission with concerns regarding the quality of agents. Mr. Williams suggested that agents should have a two-year degree or some kind of extensive training before becoming a sales agent.

Emily Merk addressed the Commission for clarification on an item issued in the last newsletter that stated broker-agents submit "all communications", after a short discussion it was decided to clarify that item in the next newsletter to read "all relevant communications" should be submitted.

Amanda Mendenhall addressed the Commission regarding the government's interest with agency agreement.

DIVISION REPORTS

DIRECTORS REPORT – Leigh Veillette

Director Veillette reported that Mark Fagergren, the Licensing and Education Manager has retired and thanked him for his many years of service to the industry.

Director Veillette reported an issue regarding licensees contacting complainants in an attempt to get them to withdraw their complaint filed with the Division.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in the month of June the Division received 32 complaints; closed 23 cases; leaving 477 open cases. There are 47 cases pending with the AG's office and or the Division Analyst.

Ms. Wright reported that the Division is seeing an influx of complaints regarding wholesaling, continuing education, advertising and misrepresentation. It was also discussed to have the newsletter corrected to clarify the requirements for agents to submit and keep record of all communications to when it should be stated to keep all "relevant" communications.

Stipulation presented by Valerie Wilde

Jami Call

Stipulations presented by Matt Hastings

Kelly Perry

Brandy Perry

COMMISSION AND INDUSTRY ISSUES – Justin Barney

Mr. Barney gave an update on proposed rule amendment to rule R162-2f-401a regarding agency agreements. Two drafts were sent to the Commission for their consideration. After a lengthy discussion it was voted to approve and move forward with option 1 with modifications and to bring it back to the Commission for their consideration at next month's meeting. Vote, Chair McCleland, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion was approved.

Licensing Hearing

Bret Ostler 10am-11am

Brad Blackner 11am-12pm

EXECUTIVE SESSION

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

OPEN SESSION

A motion was made and seconded to approve the stipulation for Jami Call. Vote: Chair McCleland, 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 the stipulation for Brandy Perry. Vote: Chair McCleland, 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 the stipulation for Kelly Perry. Vote: Chair McCleland, 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 Bret Ostler for licensure and to be placed on probation for the initial licensing period. Vote: Chair McCleland, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion passed.

A motion was made and seconded to deny Brad Blackner for licensure. Vote: Chair McCleland, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion passed.

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