

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 250

9:00 a.m.

August 21, 2024

Zoom

MINUTES

DIVISION STAFF PRESENT:

Margarette Busse, Executive Director
Leigh Veillette, Division Director
Justin Barney, Hearing Officer
Kadee Wright, Chief Investigator
Laurel North, Licensing and Education Manager
Matt Hastings, Division Analyst
Maelynn Valentine, Board Secretary
Valerie Wilde, Assistant Attorney General
Steven Green, Assistant Attorney General
Michael Genco, Education Coordinator
Lark Martinez, Education Coordinator
Sandraargas, Education Coordinator
Karissa Lewis, Licensing Specialist
Sarah Thaler, Licensing Specialist
Lacey Vawdrey, Licensing Specialist
Regina Duncan, Licensing Specialist
Lizzie Burila, Licensing Specialist
Jeff Rose, Office Specialist
Van Kagie, Investigator
Chris Martindale, Investigator
Karen Duncan, Investigator
Connie Mickles, Investigator
Chris Martindale, Investigator
Jenae Luthi, Investigator
Adam Martin, Investigator
Karen Duncan, Investigator
Jenni Meyers, Investigator

COMMISSION MEMBERS PRESENT:

Marie McClelland, Chair
Andrea Wilson, Vice 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 July 17, 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

Robert Farnsworth, an associate broker with Remax addressed the Commission regarding the two options that have been presented under R162 2f 401a Affirmative Duties. Mr. Farnsworth voiced his concern that the definition of “showing real property” is not defined in any statute or rules. Mr. Farnsworth suggested to change the wording to “showing a home or residence” as this would be a detrimental to commercial real estate. Another suggestion would be defining the term “showing real property” as there are other licensees that do not just sell homes.

Matt Barton gave additional points to the discussion on this topic from last month’s meeting regarding functions and activities of a licensed individual versus not having agency in place. Mr. Barton agreed that there are some concerns with how some of the rules are currently written. Mr. Barton stated that he is in favor of option one of the proposed language changes.

Carter Maudsley addressed the Commission and asked for Director Veillette’s perspective on preparing a plan or is there a need for a plan to do an over sweeping review of the current administrative rules. Director Veillette stated that if individuals have specific suggestions to email her and the Commission as the Real Estate Commission has authority to make rule changes and updates with the concurrence of the Division. This is something that may be taken into consideration. (For full comments on this discussion, please refer to audio recording)

DIVISION REPORTS

DIRECTORS REPORT – Leigh Veillette

Director Veillette reported that Department of Commerce Executive Director Margaret Busse is joining the meeting today and will address the Commission after the Directors Report. Director Veillette reported that she will be

presenting on mortgage professional licensing to the Business and Labor Interim Committee, remote viewing of the meeting is available by going to le.utah.gov. Director Veillette informed the Commission that the plaza in front of the Heber Wells Building is currently under construction but is still open to the public. Director Veillette reported that Laurel North, the new Education and Licensing Manager is working with the Department of Commerce on a User Experience Plan for the Division. They are in the beginning stages but if anyone wanted to give any suggestions or input to do that by contacting Ms. North or Director Veillette.

Executive Director Busse addressed the Commission and thanked them for their service to the industry. Ms. Busse commented that she listened to all the comments and concerns regarding the process on how the Real Estate Purchase Contract was given approval. The Commission along with the Attorney General's office have a joint commitment when approving a new REPC, the Division of Real Estate and Department of Commerce do not have a formal role in this process. It was stated that there was a lack of communication in this process and to help with any issues in the future, Elliott Clark an Assistant Attorney General has been appointed to represent the Commission on any new processes moving forward.

Education and Licensing Report – Laurel North

Ms. North introduced herself as the new Education and Licensing Manager for the Division. Ms. North informed the Commission that the statistics for the real estate industry have been stable through 2024 with only one significant change of a decline of 167 sales agents from last month. Ms. North reported that the Instructor Development Workshop will be held on October 8th and 9th in downtown Salt Lake and encouraged the Commission to attend. Ms. North reported that the fingerprint scanner in the Division is currency down and any manual fingerprint cards being submitted to BCI could be delayed 6-8 weeks.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in the month of July the Division received 53 complaints; closed 21 cases; leaving 509 open cases. There are 45 cases pending with the AG's office and or the Division Analyst.

Stipulation presented by Matt Hastings

Steven Salazar

Stipulations presented by Steven Green

Steven Gallagher
Jacob Olsen

COMMISSION AND INDUSTRY ISSUES – Justin Barney

Mr. Barney reported that there were some cleanup items added to the recently approved Real Estate Purchase Contract and is now available for use on the Division website. In conjunction with that, R162 2f 401f approved forms has been approved as of August 16th, 2024, and that change will be added to the rule, which does require a rule amendment. A motion was made and seconded to approve the change and to add a 60-day grace period to replace the form. Vote: Chair McClelland, yes; Vice-Chair Wilson, yes; Commissioner Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes. The motion was approved.

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

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 McClelland, 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 Steven Gallagher. 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 the stipulation for Jacob Olsen. Vote: Chair McClelland, yes; Vice-Chair Wilson, yes; Commissioner Bringhurst, yes; Commissioner Southwick, nyes; Commissioner Smith, yes. The motion

was approved with concurrence from the Division.

A motion was made and seconded to approve the stipulation for Steven Salazar. 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.