



UTAH DEPARTMENT OF COMMERCE

Division of Real Estate

Real Estate Commission Meeting

November 20, 2024 9:00 AM

Anchor Location: Room 250 (Meeting held via Zoom)

MINUTES

REAL ESTATE COMMISSION MEMBERS PRESENT

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|----------------|--------------|
| Rick Southwick | Vice Chair |
| Jim Bringham | Commissioner |
| Randy Smith | Commissioner |

DIVISION STAFF PRESENT

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|-----------------|--|
| Leigh Veillette | Division Director |
| Justin Barney | Hearing Officer and Records Manager |
| Kadee Wright | Chief Investigator |
| Laurel North | Licensing and Education Manager |
| Matt Hastings | Real Estate Analyst |
| Faruk Halilovic | Office Specialist |
| Michael Genco | Appraisal Education Coordinator |
| Jeff Rose | Receptionist |
| Sandra Bargas | Real Estate and Mortgage Education Coordinator |
| Adam Martin | Real Estate Investigator |
| Van Kagie | Real Estate Investigator |
| Jenni Myers | Real Estate Investigator |
| Connie Mickles | Real Estate Investigator |
| Sarah Thaler | Lead Real Estate Licensing Specialist |
| Regina Duncan | Real Estate Licensing Specialist |
| Karissa Lewis | Appraisal Licensing Specialist |
| Mike Page | Mortgage Licensing Specialist |
| Bryn Kaelin | Appraisal Investigator |

ATTORNEY GENERAL'S OFFICE STAFF PRESENT

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|---------------|----------------------------|
| Elliott Clark | Assistant Attorney General |
| Steven Green | Assistant Attorney General |
| Kevin McLean | Assistant Attorney General |

COMMENCEMENT

The November 20, 2024 meeting of the Utah Real Estate Commission began at approximately 9:00 AM with Vice Chair Southwick conducting.

A motion was made and seconded to approve the minutes from the October 16, 2024 Commission meeting. The vote on the motion was as follows:

| | |
|-------------------------|-----|
| Vice Chair Southwick | Yes |
| Commissioner Bringhurst | Yes |
| Commissioner Smith | Yes |

✓ **The motion was approved.**

There was no public comment.

CONSIDERATION OF POSSIBLE CHANGE TO STATE APPROVED REAL ESTATE PURCHASE CONTRACT (REPC)

Kreg Wagner, Counsel for the Utah Association of REALTORS (UAR), indicated that the checkboxes in the current version of the REPC are causing some disputes in situations where a compensation amount is put into a blank, but a box is not checked. Mr. Wagner explained proposed language from UAR that eliminates the checkboxes. Assistant Attorney General Clark explained some additional proposed language that he had prepared for the Commission's consideration. The Commission then considered the two versions of proposed changes to the REPC. The discussion included a potential comprehensive review of the REPC.

A motion was made and seconded to revise the REPC in accordance with UAR's proposed language, and to have the form go into effect immediately if approved by the Attorney General, with the understanding that there is a 60 day grace period for someone using the older version of the REPC. The vote on the motion was as follows:

| | |
|-------------------------|-----|
| Vice Chair Southwick | Yes |
| Commissioner Bringhurst | Yes |

Commissioner Smith

Yes

✓ **The motion was approved.**

Assistant Attorney General Clark indicated that he would get the process started with obtaining approval from the Attorney General.

DIVISION REPORTS

Director Veillette went over the proposed Commission meeting calendar for 2025. She also reported on a change at Commerce requiring at least one Commission meeting in 2025 to be in person. The Commission indicated a desire to discuss the calendar again at the next meeting, and to identify its in-person meeting.

Ms. North reported her continued work on the mandatory course outlines. Ms. North proposed updating the mandatory course outlines every 2 years rather than every year, which the Commission proceeded to discuss. Vice Chair Southwick indicated that was likely fine, barring any significant changes in the market that would warrant inclusion of specific topics. Commissioner Smith agreed. Commissioner Bringham noted the importance of being timely and responsive to market issues. Ms. North also provided an update on the progress of the new ML1 registration system. Ms. North said the Q4 newsletter would be in an updated format, including an available PDF version.

Ms. Wright reported that, in October, the Division received 54 complaints and closed 20 cases – Leaving 603 open investigations with 35 cases pending with the Attorney General's Office. Ms. Wright also noted that there was an enforcement hearing scheduled to start after the conclusion of the Commission's regular business, which would likely take up the remainder of the day. Assistant Attorney General Green then made a presentation to the Commission seeking its advice in the Alpha Real Estate/Austin Walsh matter. Following discussion, the Commission indicated agreement with the Division accepting the stipulation previously presented in the Alpha Real Estate/Austin Walsh matter. The Commission noted the issue of unlicensed conduct in the commercial real estate space. Amanda Mendenhall, counsel to the Respondents, provided information and comments to the Commission regarding unlicensed conduct in the commercial real estate space.

Vice Chair Southwick returned to Ms. Wright's report on the complaint numbers, given the repeated increase in case numbers. Ms. Wright said a new investigator will start with the Division in January. Ms. Wright also provided a brief update on the

Division's enforcement overhaul. Ms. Wright also noted a trend in property management complaints.

Mr. Barney noted the discussions during the meeting on industry issues, and expressed appreciation for the Commission's guidance.

Vice Chair Southwick then sought clarification from Director Veillette on the status of the commercial committee previously formed by the Commission. Ms. Wright indicated that she would reach out to the committee.

CONCLUSION OF REGULAR BUSINESS

Vice Chair Southwick then indicated the conclusion of the Commission's regular business and a transition to the scheduled formal hearing.