

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 250

9:00 a.m.

May 18, 2022

Zoom

MINUTES

DIVISION STAFF PRESENT:

Kadee Wright, Chief Investigator

Justin Barney, Hearing Officer

Mark Fagergren, Licensing and Education Director

Maelynn Valentine, Board Secretary

Karen Duncan, Investigator

Van Kagine, Investigator

Regan Nelsen, Investigator

Karen Duncan, Investigator

Connie Mickles, Investigator

Alex Pitz, Investigator

Madison Paulsen, Investigator

Laurel North, Investigator

Sandra Bargas, Education Coordinator

Sandy Margulies, Assistant Attorney General

Matt Hastings, Division Analyst

Judith Jensen, Assistant Attorney General

COMMISSION MEMBERS PRESENT:

Jim Bringhurst-Chair

Randy Smith-Vice Chair

Rick Southwick-Commissioner

Marie McClelland, Commissioner

The May 18, 2022 meeting of the Utah Real Estate Commission began at 9:00 a.m. with Chair Bringhurst conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes of the April 13, 2022 meeting of the Commission as written. Vote:

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

Public Comment

None

DIVISION REPORTS

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in the month of April the Division received 11 complaints; closed 19 cases; leaving 417 open cases. There are 20 cases pending with the AG's office.

Madison Paulsen introduced herself to the Commission as the new Investigator for the Division.

Stipulation presented by Judith Jensen

John Prince

Stipulation Presented by Sandy Margulies

Jodi Frkovich

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported on Spring CARAVAN 2022. The Division recently resumed CARAVAN after a 2-year hiatus due to Covid-19. The Division has completed 7 of the 8 scheduled CARAVAN's. The Park City CARAVAN has been cancelled and will return next year.

Mr. Fagergren reported on the three rules in statute and the language that allows for individuals that are wanting to be licensed in Utah and are currently licensed in another state. The standard would be that any licensee coming from any other state that Utah does not have a reciprocal agreement with that the Division would require sales agents to take 24 hours of Utah Law and Brokers take the 30 hour Utah Law portion and pass the Utah portion of the exam. The second rule deals with commercial property management. Licensees in the commercial property management industry expressed that the current point system was not an adequate standard. They would like one point per 100,000 sf managed per month. The third rule is the core topic adjustment, Mr. Fagergren sent out the proposed language prior to the meeting.

BOARD AND INDUSTRY RULE UPDATE – Justin Barney

Mr. Barney reported on the proposed rule amendment and stated that it is ready for the Commission to vote on today. Public comment was open and ended on May 16th. There was one public comment made by Brian Barrett and Mr. Barney sent this comment to the Commission prior to the meeting for their consideration. If voted on today, the earliest that the rule amendments could become effective is May 23rd.

A motion was made and seconded to make the current proposed rule amendment effective on May 23rd, 2022. Vote: Chair Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes; Commissioner McClelland, yes. The motion was approved.

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

CLOSED TO PUBLIC

Executive session from 9:30 a.m. to 9:42 a.m.

OPEN TO PUBLIC

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

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

A motion was made and seconded to adjourn the meeting, Vote: Chair Bringhurst, yes; Commissioner Southwick, yes; Commissioner Smith, yes; Commissioner McClelland, yes. The motion was approved. The meeting adjourned at 9:43 a.m.