

REAL ESTATE COMMISSION MEETING

Heber M. Wells Building

Room 250

9:00 a.m.

March 15, 2023

Zoom

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Licensing & Education Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Maelynn Valentine, Board Secretary
Connie Mickles, Investigator
Chris Martindale, Investigator
Van Kagie, Investigator
Sandra Bargas, Education Coordinator
Matt Hastings, Division Analyst
Anna Seegmiller, Investigator
Karen Duncan, Investigator
Van Kagie, Investigator
Jenni Myers, Licensing Specialist
Michael Genco, Licensing Specialist
Jenni Myers, Investigator

COMMISSION MEMBERS PRESENT:

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

The March 15, 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 February 15, 2023 meeting of the Commission as written. Vote: Chair Smith, yes; Commissioner Southwick, yes; Commissioner Bringhurst, yes; Commissioner Wilson, yes. The motion was approved.

Public Comment

None

DIVISION REPORTS

Directors Report – Jonathan Stewart

Director Stewart reported that the Legislative Session ended on Friday, March 3rd. The Division's Bill, HB 211 4th Substitute did pass, this Bill will prevent 40-year listing agreements and is awaiting the Governor's signature. Once this Bill goes into effect an email will be sent to the company that has been advertising this very heavily. Utah is the first state in the country to pass a Bill regarding this issue.

Director Stewart reported that the Advertising Committee met for the first time yesterday. The meeting consisted of discussing current advertising rules, concerns and issues, and how to possibly address them. A second meeting has been scheduled and will be held next week. A draft is currently being worked on and if it is not proposed at the next meeting an update will be given.

Director Stewart gave an update on the Commercial Transaction Committee. The Committee has not met as it is still being formed. An update will be given at the next month's Commission meeting on the progress.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in the month of February the Division received 45 complaints; closed 35 cases; leaving 409 open cases. There are 38 cases pending with the AG's office and or the Division Analyst.

Stipulation presented by Kadee Wright

Bruce Hardy

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported on statistics. The division saw a net increase of 141 real estate licensees, seven Principal Brokers, 12 Associate Brokers and there were four less Branch Brokers from last month.

Mr. Fagergren reported on the current types of continuing education, there is traditional classroom, live virtual, and distance education. Mr. Fagergren stated that the Division has been very effective in keeping the cost of education low for licensees.

Mr. Fagergren reported that he has received an education waiver for two individuals seeking a real estate license. Their letters and resumes were shared with the Commission for their consideration.

BOARD AND INDUSTRY RULE UPDATE – Justin Barney

Mr. Barney reported on the current proposed rule amendment. It has been filed with the Division of Administrative Rules and is moving forward. This rule would allow partial experience points for broker applicants and the designation of an acting Principal Broker in the event of their death or incapacitation.

Mr. Barney reported that an additional amendment was sent to the Commission for their consideration. The proposed rule amendment includes language on the amount of points a licensee is granted on the sale of vacant land or subdivision. The amendment currently as written states that a licensee can receive “up to 10 points” and it is not guaranteed. It was further discussed by Commission and Division staff that the language be changed to allow 3.5 points for a duplex, triplex or fourplex and that two to 10 points be allowed on a subdivision or vacant land, depending on the complexity of the transaction. Mr. Barney will revise the proposed rule amendment and send out to the Commission for their consideration at next month’s meeting.

Licensing Hearing

Krista Eastman

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 Bruce Hardy. 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 approve the education waiver for Daniel Curtis and Robert Edmonds. Vote: Chair Smith, yes; Commissioner Wilson, yes; Commissioner Southwick, yes; Commissioner Bringhurst, yes. The motion was approved

A motion was made and seconded to grant the renewal for Krista Eastman and immediately suspend her license for 3 months, then probation for the renewal period. Vote: Chair Smith, yes; Commissioner Bringhurst, yes; Commissioner Wilson, yes; Commissioner Southwick, yes. The motion was approved with concurrent 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.