

**New Mexico Real Estate Commission
Rule Hearing and Regular Meeting
January 23, 2017
Real Estate Commission Offices
5500 San Antonio Drive NE
Albuquerque, New Mexico 87109**

DRAFT MINUTES

Commissioners Present: Greg Foltz, President
Gretchen Koether, Vice President
Kurstin Johnson, Secretary
Clifford Stroud, Member

Commissioner Absent: Kirk Clifton, Member

Staff Present: Wayne W. Ciddio, Executive Secretary
Lyn Carter, Chief Investigator
Perry Bryant, Investigator
Gillian Hubka, Investigator
Tom Baca, Education Administrator
Germelyn Vivar, Administrative Secretary

Others Present: Lori Chavez, Assistant Attorney General and
Commission Counsel

1. 9:00 a.m.-Call to Order Rule Hearing on Proposed Amendments to Parts 1, 3, 13, 15, 16, and 19 of the Commission Rules

Commission President Greg Foltz called the rule hearing to order. The transcript of the rule hearing will be provided to Commissioners under separate cover.

2. Adjourn Rule Hearing

The rule hearing was adjourned at approximately 12 noon.

3. Convene Regular Commission Meeting

Commission President Foltz called the Regular Meeting to order.

4. Determination of Quorum

With Commissioners Foltz, Gretchen Koether, Kurstin Johnson, and Clifford Stroud present, Commissioner Foltz determined that a quorum was present.

5. Pledge of Allegiance

Commissioner Foltz led Commissioners and others in attendance in the Pledge of Allegiance.

6. Approval of the Agenda for the January 23, 2017 Regular Meeting

Commissioner Foltz asked for a motion to change the order of the agenda to make the swearing-in of new Boot Camp graduates and grandfathered Core Course instructors the next order of business. Commissioner Johnson so moved, Commissioner Koether seconded the motion and it carried unanimously.

Commissioner Johnson moved approval of the agenda as amended. Commissioner Stroud seconded the motion and it carried unanimously.

9. New Business

b. Swearing-in of Instructor Boot Camp graduates and grandfathered Core Course instructors.

Commissioner Foltz administered the oath to James Bakhtiar, John Kynor, Linn Reece, Jim Stringfield, Karie Taylor, Pete Taylor, Bob Treece, Paul Wilson, Bill McCoy, and Marketta Damonte.

7. Broker and Public Forum

No brokers or members of the public addressed the Commission during this portion of the meeting.

8. Old Business

a. Approval of the Minutes of the November 21, 2016 Regular Meeting

Commissioner Stroud moved approval of the minutes of the November 21, 2016 Regular Meeting. Commissioner Koether seconded the motion and it carried unanimously.

b. Update on Core Course and Instructor Boot Camp

Core Course Coordinator Todd Clarke submitted a written report on the January 18-20, 2017 Instructor Boot Camp and Core Course Update. The report follows:

“Commissioners:

I and my fellow co-leader for the Boot Camp, Robin Dyché, were pleased with the instructor candidate group and we believe they experienced an intense Boot Camp last week. Similar to last year’s program, we focused on presentation skills and were looking for candidates who could engage students using adult learning techniques.

“These 12 hour days were capped with inspirational speakers like Albuquerque’s First Poet Laurette and two time national poetry champion, Hakim Bellamy

“The judges, Education Advisory Committee (EAC) Jacque Moise, Nadine, Thomason, Judy Jones and Micki Shillito did a great job, and I can’t thank them enough for their enthusiasm, keen insights, probing questions and candor as they conducted exit interviews with each candidate.

“Of the 17 instructor candidates that attended, the judges approved 13 to continue to their journey to becoming a CORE Instructor:

James Bakhtiar
Joseph Farr
Richard Cederberg

Dave Hill
Channing Kelly
John Kynor
Linn Reece
Baryalai Shalizi
Jim Stringfield
Karie Taylor
Pete Taylor

Bob Treece
Paul Wilson

“The judges recommended 3 more be offered the opportunity to teach under a probationary status, subject to obtaining higher than average student/instructor reviews, I would bring them back to the Commission for approval as full CORE course instructors. They include:

Daniel Armstrong
Valerie Martinez
Joseph E Schumerth

“I could not be any more proud of the participants and their relentless drive to hone their presentation skills.

“Please note that some of the Bootcamp 2017 survivors may attend today's meeting to be conduct their oath and move forward one more step towards becoming a solo CORE instructor.

“A brief update on the CORE Courses and instructor training. Most of the courses are being offered to a full house (class room size is capped at 40 ish), and many of our bootcamp 2016 instructors and grand fathered instructors have taught once, if not twice. We have two more CORE Courses this month and after that I will be able to process student and instructor to instructor critiques/reviews and release final scores for the courses and instructors. Shortly after that, I will send a letter to Tom Baca certifying those instructors that have completed the road map and are ready to go out as Solo Course instructors. (subject to final scores, we should have a dozen solo instructors by the first week of February).

Please note, where possible, we should do everything we can to encourage these newly approved instructors to mentor the new

instructors (you might mention that in the oath taking this morning as well).

I would be remiss if I didn't mention that as we raise the bar for the curriculum, and the raise the bar for what we expect of instructors, this last round of CORE course offerings has made it clear to me that many of the sponsors of CE Courses in New Mexico need a healthy boost in professionalism and possibly a realignment in the Commission's goals for education, or possibly, be decertified as a sponsor. That said, those sponsors that understand what we are trying to achieve have been very helpful.

Please accept my apologies that I am not there in person to report today.

Thanks,
Todd Clarke CCIM
CORE Course Coordinator

- c. Commission votes on Education Steering Committee (ESC) minutes and recommendations from meeting of December 21, 2016.

Commissioner Koether moved approval of the ESC recommendations for approval of courses and instructors contained in the minutes the December 21, 2016 ESC meeting. Commissioner Stroud seconded the motion and it carried unanimously.

- d. Review of disciplinary hearing schedule and appointment of hearing officers.

The Commission reviewed a schedule of upcoming disciplinary hearings. Hearing officers have been assigned to all upcoming hearings.

- e. Chief Investigator's Report

Chief Investigator Lyn Carter reported that the Commission received seven new complaints in October; two new complaints in November; three new complaints in December; and five new complaints thus far in January.

Mr. Carter reported that disciplinary hearings are scheduled for February 7, with Commissioner Foltz as the assigned hearing officer; February 24 with Commissioner Stroud as the assigned hearing officer; and March 2 with Commissioner Stroud as the assigned hearing officer.

9. Executive Session

Commissioner Johnson moved that pursuant to Section 10-15-1 H (1) of the Open Meetings Act, the Commission go into Executive Session to discuss those items listed under Item 10, Executive Session, on today's agenda. Commissioner Stroud seconded the motion.

Mr. Ciddio called the roll. Commissioners Foltz, Koether, Johnson, and Stroud voted in favor of the motion. No Commissioners voted against the motion.

At the conclusion of the Executive Session, Commissioner Foltz declared that Commission was back in open session and attested that the only matters discussed in Executive Session were the matters specified in the motion to go into Executive Session.

10. Action on items discussed in Executive Session

i. Reports of investigation

a. NMREC Case No. 16-06-03-037

Commissioner Johnson moved that the Commission request that the Attorney General's Office issue a Notice of Contemplated Action (NCA) to the respondent in the above-referenced case and that the issuance of the NCA be expedited. Commissioner Stroud seconded the motion and it carried unanimously.

b. NMREC Case No. 16-06-16-042

Commissioner Johnson moved that the Commission request that the Attorney General's Office issue NCA's to the respondent associate broker and qualifying broker B in the above-referenced case and that the issuance of the NCA's be expedited.

Commissioner Koether seconded the motion and it carried unanimously.

c. NMREC Case No. 16-10-03-072

Commissioner Johnson moved that the Commission request that the Attorney General's Office issue an NCA to the respondent in the above-referenced case and that the issuance of the NCA be expedited. Commissioner Stroud seconded the motion and it carried unanimously.

ii. Settlement Agreements

NMREC Case No. 14-09-23-099

Commissioner Johnson moved that the proposed settlement agreement in the above-referenced case not be approved and that in lieu of the \$250 fine specified in the agreement a \$1,000 fine be levied. Commissioner Koether seconded the motion and it carried unanimously.

iii. Hearing Officer Reports

NMREC Case No. 14-07-04-060

Based on the information in the Hearing Officer Report in the above-referenced case, Commissioner Koether moved that the Commission deny the respondents' motion to dismiss the case. Commissioner Stroud seconded the motion and it carried unanimously.

iv. Cases the Administrative Prosecutor Has Declined to Prosecute

a. NMREC Case No. 14-10-03-109, Jeff Assad

Mr. Ciddio reported that although the Commission never received anything in writing from Administrative Prosecutor Rebecca Branch, Ms. Branch had made it known verbally that she was declining to prosecute the above-referenced case because the complaint involved an ethics issue outside the Commission's jurisdiction.

b. NMREC Case No. 15-01-03-003, Nathan Blecharczk

The Commission received a letter from Ms. Branch indicating she was declining to prosecute the above-referenced case because the Airbnb internet platform that is offered to individual property owners to rent their own property is not subject to the jurisdiction of the Commission and does not consist of engaging in the business or capacity of an associate broker or qualifying broker.

v. Default Orders

a. NMREC Case No. 14-09-15-091, Fairway Meadows Rental

Commissioner Johnson moved that the brokerage license of Fairway Meadows Rental be revoked by default for their failure to respond to the NCA in the above-referenced case in a timely manner. Commissioner Koether seconded the motion and it carried unanimously.

b. NMREC Case No. 14-12-02-130, Carrie Moore

Commissioner Johnson moved that all licenses issued to Carrie Moore be revoked by default for her failure to respond to the NCA in the above-referenced case in a timely manner. Commissioner Stroud seconded the motion and it carried unanimously.

11. Adjourn

There being no further business, Commissioner Koether moved that the meeting adjourn. Commissioner Stroud seconded the motion and it carried unanimously. The meeting adjourned at approximately 2:30 p.m.

Greg L. Foltz, President
New Mexico Real Estate Commission

