

Risk Management Committee Minutes

Iowa Association of REALTORS®

February 10th, 3:15pm

Capitol Conference, IAR Office

Absent: Les Sulgrove, Mark Kamps, Jason Geary, Bambi Helm, Anna Mack, Holly Brink

Call to Order by Chair David Maubach

Anti-Trust Statement read by Immediate Past Chair Jenkins

Approval of minutes, motion, seconded, motion carries

Discussion on Teams: two of three of recommendations are included in the bill - define real estate teams and marketing and promotion requirements with respect to brokerage name

Steps going forward: we want to hear from members, there are many questions regarding this topic, talks for forming a task force on this issue, should teams become their own entities

Independent contractors: discussion on criteria for independent contractor status, 7 factor test from the federal department of labor, there have been several court challenges to this

In Iowa:

The Good: our law says a salesperson can be an employee or independent contractor, Iowa Unemployment Security/Compensation Act provides guidance on real estate classifications

The Bad: Iowa Wage Payment Collection Act - carve out does not exclude RE salespersons

NAR Recommendations: avoid requiring the worker perform services in set hours, specific location, making attendance mandatory at office meetings, providing training, supplying tools and materials

NAR Risk Management Update by John Goede

testing requirements may happen in Iowa, multiple offer training requirements, fair housing, buyer love letters, open house safety liability, disputes over commissions

Discussion on IAR Amicus Brief for slip and fall case, oral arguments in front of the Iowa Supreme Court in April

Discussion on a Legal Action Committee - committee to vet requests and can then get funding from NAR, currently do not have something in place but many other states do

Motion to make recommendation to BOD regarding a Legal Action Committee, seconded, motion carries.

Top issues:

Trade names/name registration issues, social media applications, independent contractor status, broker mandates, agent conduct on social media, canceling of showings by listing agents, false "puffery" marketing, statewide MLS, transaction fees and buyer agency agreements, unlicensed home inspectors, agents ignoring code of ethics, too many seller disclosure statements, security systems, vaccine requirements

Motion to add Kathy Miller as an ombudsman, seconded, motion carries

Adjourn