

**STATE OF ALASKA
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
REAL ESTATE COMMISSION**

**MINUTES OF MEETING
JUNE 13 & 14, 2005**

“These draft minutes were prepared by the staff of the Division of Occupational Licensing. They have not been reviewed or approved by the Board.” Authority of AS 08.01.070(2), and in compliance By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Real Estate Commission was held June 13 & 14, 2005, at Sophie’s Station Hotel, Zach’s Board Room, Fairbanks, Alaska.

Monday, June 13, 2005

Call to Order

Chairperson Barbara Ramsey called the meeting to order at 9:03 a.m.

Roll Call

Members Present:

Barbara Ramsey, Associate Broker, 3rd Judicial District
Bradley Fluetsch, Public Member
David B. Somers, Broker at Large
Gene Duval, Associate Broker, 4th Judicial District
Roger Stone, Broker, 1st Judicial District
Rita Wilson, Broker at Large
Vacant Member seat, Public Member

Staff Present:

Sharon Walsh, Executive Administrator
Nancy Harris, Licensing Examiner
Margo Mandel, Investigator, via teleconference
Teresa Thacker, Publication Specialist, via teleconference
David Brower, Assistant Attorney General, via teleconference

Public members present:

Bruce Wammack, Broker, Interior Alaska Realty
Kevin Baker, Broker, RGUD Properties
Eileen DuVal, RE/Max Associates of Fairbanks
Kristie Mayzak, Re/Max Associates of Fairbanks
PeggyAnn McConnochie, via teleconference

Approval of Agenda

On a motion by Fluetsch, seconded by Somers, and passed unanimously, it was

RESOLVED to approve the agenda.

All members in favor; Motion passes.

Approval of Minutes

On a motion by Somers, seconded by Stone, and passed unanimously, it was

RESOLVED to approve the March 14 & 15, 2005 meeting minutes March 14 & 15, 2005 with minor changes to page 11, 3rd line from the bottom “be” to “put”.

All members in favor; Motion passes.

The two new Commission members introduce themselves to the board. Roger Stone is a property manager, broker and co owner of Alliance Realty in Ketchikan. He has been in Ketchikan for 30 years. He was a banker, a hospital finance officer and for the last eleven years a real estate broker. Mr. Stone is representing the 1st Judicial District.

Gene DuVal is from Fairbanks, representing the 4th Judicial District and has been in Fairbanks since 1974. He is an associate broker at RE/Max.

Ms. Ramsey welcomes both new Commission members to the Board.

The Chair updates the new members on HB 169. Ms. Ramsey explains to the Commission that post licensing education started with a draft of legislation through AAR about February 2004 with a motion from the Commission at the March meeting to speak to the maker of the bill. It went onto the legislative agenda, it has gone through the system, and it has been waiting for the Governor’s signature. Part of this meeting agenda will be to discuss how to implement this regulation and the issues that are there.

Mr. Somers asked to make a comment to the Board regarding HB 169. Mr. Somers explained some controversy that he ended up in the middle of so that every one on the Commission was aware so that they would know how he would react in the future if this should happen again. In HB 169 there was a long conversation with this Commission about certain items. There was about nine of those items that the Commission addressed that they had problems with. Mr. Somers thought that the Commission was very clear on

some of those items and he took those items first to the Alaska Association of Realtors and he lobbied on the REC's behalf and they made all those changes. One item where there was some controversy had to do with the attorney language and the oversight. He was certain that he was comfortable in the knowledge when he left this group that they did not come to a conclusion on that item. He said the Commission had debated it in length, there were people who wanted to add language to it and some wanted to strip it away. At the end of that discussion he thought the instructions were to just to go back and ask the maker of the bill what his intentions were because the Commission didn't seem to be getting anywhere with that language. He took that to AAR and said that the Commission had a lot of concerns regarding it but there was no position other than to ask questions. He also said that to the maker of the bill when he asked him when it was going to his committee. He asked if the Commission had a position and he said no. No matter how the language reads he thinks it is important to know that is the way he felt. It is the way he would react again if that same situation would come up. It caused controversy because this Commission did testify that we did take that position and he stills does not think they took that position. He believes when this body is effecting legislation this body has a strong hammer when it comes to a conclusion and it says we agree to do this but he does not believe this body can say that if they have not done it. Especially when the Commission is effecting legislation. In the grand scheme of things, if the Commission has not had a discussion on an item and there was a general direction that we have adopted, that is, we were concerned with oversight as an example, he believes it is totally appropriate to say something like that. But when the Commission has discussed it through on a particular item and had not come to a conclusion, he does not know how we can go on and testify that we had a conclusion on that particular item.

Mr. Fluestch said that he felt that the Commission supported the bill and wanted post-licensing education; however, the Commission did not want to allow just attorneys into it. He thought the Commission's conclusion and that part of it was absolutely clear that attorneys are already allowed to be paid from the commission and there are means for them and that this bill moves us nowhere. That seems to have been the support of the Commission. He thought the Commission did agree to get part two of the bill out and that the Commission didn't understand it, it made no sense, the attorneys already are able to get paid from the commission and it serves no purpose. So the Commission said since it serves no purpose then it shouldn't be part of the bill and they wouldn't know how to regulate it. He says that is why he felt very comfortable going on saying that the Commission did have this position that continuing education is good but the other part we don't understand, have no idea how to regulate it, don't understand the purpose so therefore take it out. He believes that in the future when there is legislative concerns with real estate that the Commission should have a teleconference to clarify their position before it goes to legislation.

Ms. Ramsey said that time was an issue when they became aware it wasn't removed from the bill and they had little time to react. There were specific instances in the transcripts that the Commission had consensus, "we should toss out the use of experts," "I don't know why it has to be here", "I think we need to indicate that because it appears to be unclear we should be opposed to it". Those were the items that she based her testimony

on. Ms. Ramsey said she felt confident in what they did and that it was a matter of miscommunication.

Public Comment

Bruce Wammack, license # 2164, addresses the Commission regarding two issues. First, was regarding the change in law January 2005 there seems to have been a propagation of paper work for their clients and customers. As brokers, now known as licensees, he says that is somewhat of an affront to a person who has been in the business for awhile, who operates an office who has a number of initials after their name who has taken a number of classes sanctioned all by the board of this state and then all of a sudden we become licensees instead of brokers or associate brokers. The real issue is that there is a four-page form that we are using with people who use us for real estate to explain the new law. His first concern is that there is too much paperwork being propagated and that is part of it and people are looking to him to explain the law, don't read the form. There is a lot of stuff here that they don't understand. When they try to read it they start asking questions and he has to explain things like when does specific assistance end, when does it become representation and what happens if they can't be represented anymore because there is a neutral licensee, etc. They want to see that it is not a contract. He believes that that forms are getting out of hand. He asks that forms be simplified. His second concern is that when the Commission and/or State of Alaska requires a form to cover certain issues and provides the forms it should be "our" form or real estate people of Alaska. The Greater Fairbanks Board of Realtors would like these forms to be available to them on zip form. They were told early on that they were proprietary and thus they could not do anything but go to the State web site and pull them off there. He urges that these four pages, the disclosure and waiver be available to them on zip form, or on another form as long as the intent and the verbiage of the form are not disturbed and we can be assured of that, make it a allowable.

Kevin Baker's letter to the Commission, dated May 31, 2005, regarding changes to the Property Disclosure form read into the record by Nancy Harris. Dear Ms. Harris, this letter is for the Real Estate Commissioners to consider the following concerns that I have and depending on the interpretation of the Statutes mentioned above, some ideas are offered to change the disclosure form. Page 1 of the disclosure form states the statute as: "residential real property means any single family dwelling, or two single family dwelling units under one roof, or any individual unit in a multi-unit structure or common interest ownership community whose primary purpose is to provide housing. 34.70.200(2) and (3)." Alaska Statute 34.70.200(2) and (3) states: (2) "real property" includes a unit in real property subject to AS 34.07 or AS 34.08; (3) "residential real property" means real property whose primary purpose is to provide a single-family dwelling, or two single-family dwellings in one building; The definition on the disclosure form doesn't exactly represent the Statute Definition? In particular (3)'s current wording on the disclosure form leads a buyer/seller to believe that form is required for only existing dwellings. I suggest that the disclosure form's definition be changed to match the Statute Definitions. In my opinion and other legal counselors' opinion the Statute Definition (3) can be interpreted as this form is required for VACANT LAND

transactions, also. Requiring that the current disclosure form be filed out in its entirety for a residential vacant lot transfer is confusing and cumbersome. If the Real Estate Commission agrees, that I offer the following idea to be considered: Add to page 2 of the form under "Property Type", a new selection "Vacant Land", 2.) Add instruction Paragraph for different selections just picked under "Property Type". 3.) Separate the VACANT LAND questions from the Dwelling questions as Part One and Part Two. When a house, duplex or unit is transferred the transferor fills out part One & Two. When residential vacant land is transferred the transferor fills out only Part One. 4.) And any other necessary changes to make the form less confusing. Example: A buyer finds a residential vacant lot to build a \$300,000.00 home. Since the disclosure form leads a buyer or seller to believe that that form is only required for existing residential dwellings, than that buyer may miss the opportunity of discovering if a Sexual Offender is nearby and the Agricultural Disclosure clause. Which can become a major problem after the \$300,000.00 home is built? Please let me know what the Commission decides. My contact number is at the top of this letter. Thanks. Kindest regards, Kevin S. Baker, Broker.

Ms. Ramsey adds this issue to the agenda for tomorrow for more discussion under the 2005 Goals and Objectives tab 10f, reassess forms.

Kay DuBois' letter to the Commission, dated April 7, 2005, regarding permanently waiving the certification of National designations for continuing education is read for the record by Nancy Harris. Dear Real Estate Commission, I respectfully request the Commission waive permanently the certification requirement for Nationally recognized real estate educators and respective classroom material. Examples are National Association of Realtors designation courses such as CRS, CCIM, ABR, GRI and widely recognized trainers that teach real estate continuing education such as Walter Frey. Thank you for your consideration in this matter. Yours truly, Kay DuBois.

Ms. Ramsey puts this issue under the agenda item for tomorrow under Education tab 10b.

Anita Bates' email to the Commission, dated May 21, 2005, regarding the first sale disclosure exemption is read for the record by Nancy Harris. Hello, Sharon, Barbara and Sandy, As you know the Alaska Multiple Listing Service changed its purchased and sale agreement as of January 1, 2005, to incorporate recent changes brought about by the adoption of HB 29. A separate purchase and sale agreement was developed for use in new construction home sales. The wording that currently appears on page 8 of the residential real property transfer disclosure regarding exemption for first sale has been incorporated verbatim in the new construction purchase and sale agreement on page 5, line 37 through 57. In the statute covered disclosure it specifies that the form of disclosure is to be established by the Real Estate Commission (see below sec 34.70.050 form disclosure statement, the Real Estate Commission established under AS 08.88.011 shall established the form of the disclosure statement required by AS 34.70.010. The statute goes on to say that the requirement for disclosure is waived for first sales. See Below sec 34.70.120, exemption for first sales. This chapter does not apply to transfer of

an interest in residential real property if the transfer is the first transfer of the property, and if the property has never been occupied. Since the waiver wording is in the contract and first sales are exempt, some practitioners are taking the position that the disclosure in the new construction purchase and sale agreement is sufficient to meet the requirement for disclosures. Others believe that because the REC has established a specific form that it must be used in addition to the wording in the new construction and sale agreement. Frankly I am confused. Would it be possible to pose this question to the Commission for clarification or am I interpreting this incorrectly. Thanks for your consideration.

Ms. Ramsey adds this issue to the agenda for tomorrow for more discussion under 2005 Goals and Objectives, reassess forms under tab 10f.

Regulation Project

The Commission discusses the recommended changes for education requirements in 12 AAC 64.063.

There was a note from Mr. Brower with a conflict in his schedule and there was a small change in the agenda to shift his position so that he can be heard immediately.

Assistant General – Dave Brower

Remote supervision definition

Ms. Walsh asks the Commission to define “remote” to clarify 12 AAC 64.126 due to a conversation with a broker who said his definition of remote supervision was anywhere on the road system. She thought remote supervision was where there were two or less brokers in the area. The question is if they are on the road system is that considered remote supervision?

Mr. Brower said that 12 AAC 64.126, supervision of licensee in remote areas. Mr. Brower said it is up to the Commission to determine what remote area is. The Commission can not determine what a remote area is on a case by case basis.

Ms. Ramsey said that in order to clarify things there would need to be a better definition of what is a remote area. This item was put under the regulation project on the agenda under tab 3.

State of Alaska forms

Mr. Brower explains that the forms are on the website for all occupations and for the public to download and use them. People have asked in other occupations also that the State provide the forms in a different format. The State is not obligated to do that. If the forms are on the website there should be a disclaimer that says that the State of Alaska is providing the forms. When someone else gets them they may have changed them inadvertently or they may think for the better, however, then it is not a state form any longer. The State would be responsible for the content of the forms that someone retrieves from the official state web site but is not responsible if they get the forms from another source. He does not believe that the State has a copyright.

Ms. Walsh asks Mr. Brower if the Greater Fairbanks Board of Realtors wanted to put it in a zip form, as they do with the residential disclosure form, then they could go ahead and put the consumer pamphlet and the all the other forms there also. The Real Estate Commission only needs to put a disclaimer on our web site?

Mr. Brower said yes and we should work with the division to get it on all the web sites. If there are changes to the forms and someone does not get word, they may be providing obsolete forms. It is the applicant's and the public's responsibility to use the correct forms and we are not guaranteeing that the correct form is not anywhere except on the State web site or requested in paper form from the Division.

The Commission members discuss the issue of the format of forms and their availability.

Mr. Duval asked Mr. Brower is there anything that would prohibit a licensee now from keeping records electronically for three years as the law requires instead of a hard copy? Mr. Brower said he didn't think so as long as the records were retrievable in some form because you are required to keep the records for an inspection. The problem would arise if your computer crashes and you lose everything, the statute doesn't say it has to be a hard copy but if the records are unavailable there is a violation.

Review of Education Committee

Mr. Brower explains to the Commission that the Education Committee was established on December 10, 1998 and his question is where is their authority for the Real Estate Commission to establish an education committee? In AS 08.01.050, Administrative Duties of the Department, he points out that it talks about the administrative duties of the department, which is done for each board and commission. He also points out that one of the things that number eighteen on that list of twenty-one says, "perform other services that may be requested by board." In AS 08.88.061, Assistants, the commission may assign or designate assistants to certify courses required under this chapter, approve instructors to teach courses required under this chapter. This is not what the education committee does, but that statute gives the Commission implied authority to establish a committee. As he looked at it further he said, it just makes specific things that the designated person can do that statute allows the designated person to issue licenses, prepare questions on examinations, and the other things that it says. There is no specific authority that says the Real Estate Commission can establish an education committee. The standing now is that the Commission established an education committee on December 12, 1998, and that statute was effective May 3, 1998. He is not saying that this statute gave authority for it. The problem with the education committee that he sees is that the REC created this without any public input that he is aware of and there is no regulation that refers to the education committee to explain what it is to the public. He does not know what the education committee does other than make recommendations about courses.

Ms. Wilson said that the education committee's primary duties were to make recommendations on required and elective education and report back to the Commission and the Commission made the final decision.

Mr. Brower said whatever form it takes; it does effect the public because continuing education is determined essentially by the Real Estate Commission either by regulation or statute. This committee was established without public input.

Mr. Somers asks Mr. Brower that assuming back in 1998 that the Real Estate Commission at a regular schedule meeting, with proper public notice, had this on their agenda that they were going to do an education committee. That would seem to me enough, is that something that needs to be repeated every year to make you feel more comfortable if we wanted to have a committee to assist us?

Mr. Brower said the problem is that there is no public record that the public can find about the education committee and how it was created, who sits on it, how they are selected. He is looking at the education guidelines as approved by the Real Estate Commission December 10, 1998. It says that if a committee member misses three consecutive meetings without notifying the chair or Commission staff person, that person's seat is declared vacant. The Commission chairperson shall appoint a replacement; recommendations from the committee may be forwarded to the Commission chair for consideration. So the Commission appoints the new members, without any public input and there is no record, no regulatory scheme that someone can look at what is the education committee. The problem is that it does need to be adopted as regulation, and he is not saying there is authority, this authority for the Real Estate Commission to create a education committee it has to be done with the transparency of the public notice, public input, and accountably. We are speculating on how it was created. There may be a record prior to that date but there is no actual record of how that happened. He also said that to his understanding that the education committee meetings were not public noticed or opened to the public until fairly recently. If you have authority to create an authorized committee it falls under the public meetings act and all the other aspects of the public process and it would fall to the education committee and none of that seemed to happen.

Ms. Wilson asked if those meetings were noticed? Ms. Walsh said that they were noticed only after she went to a class on open meetings and public records but prior to that the education committee meetings were never public noticed. Ms. Wilson asked how would the public access the teleconference if there isn't a special code? Ms. Walsh said that now we have to provide for that in our notice.

Mr. Somers asked Mr. Brower if there is only two options to do this properly 1) if we didn't want to go through the difficult process of creating a regulation for this isn't it possible for just like any subcommittee where we need help on it could we in the quarter of each year on our agenda say that discussion whether or not we need a education subcommittee for that year to review education classes that establishes yearly by that process?

Mr. Brower said that the actual creation of education committee is something that needs to be created in public with public input as a regulation. It is a difficult process but it does bring the workings of the REC to the public, that this is a committee and has a lot of input, say and sway about what courses would be required and if they make recommendations about instructors. He is just going on the memo that he has that does not really say what the education committee purpose is or what it does it just mentions five voting members constitutes a quorum for establishing committee recommendations to the Commission. It does not really list what the committee will do and who is on the committee. It says there are nine people representing different segments of the industry with diverse geographical locations. At least four of the members shall be clearly identified as represented of the four areas of real estate, which require core curricula in 08.88.091(g), sales, commercial, property management and community association management. It doesn't say how the education committee was created or give any public process about how the education committee was proposed. The federal law has a federal advisory committee, which is the public law 92.463, and one section says: establishment or purpose of an advisory committee. No advisory committee shall be established unless such establishment is specifically authorized by statute or by the president or determined as a matter of formal record by the head of the agency involved with timely notice and published in the federal register. To give the public interest, in connect in performance of the duties imposed on that agency by law. He thinks the same thing should happen if they want a separate committee to advise the Commission about education. The Medical Board has specific authority to appoint a committee and three qualifying physicians to exam a person that has been reported that has had some kind of problem. The dentists have a statute that says the board shall appoint an examination committee of at least three licensed dentists. The language in both of those indicates that they won't be board members or they would have said that. Social Workers also have continuing education requirements that the board shall adopt continuing education requirements the committee shall advise the board on matters. They haven't done that because the social workers board is fairly new but they do have statutory authority if they want to appoint a committee and if they were going to it would have to be done, it would be implementing a statute by definition a regulation. With regulations they only explain what you can and cannot do. There are a lot of real estate regulations that are informative, and that are helpful and don't describe disciplinary things like that, they just say what has to be done. When implementing any statute that the board has for authority to create this type of committee it would need to be publicly known and adopted as a regulation through the public process. The Commission has to decide if they want an education committee and to create regulations to establish education committee. The education committee that is now is not legal. The individuals that are on the education committee can determine among themselves but they would not be an official committee of the Real Estate Commission. If they want to separately make a determination and submit that to the REC at public comment, as anyone is allowed to do, they can do that. Any committee that is not established through Alaska Administrative Procedure Act would be able to address any board or commission by contacting the proper person to get a place on the agenda rather than being the official REC education committee.

Ms. Wilson asked if the state was not going to support or pay for the conference calls that the education committee has once a month? Mr. Brower said that is right.

Mr. Somers asks Mr. Brower in the mean time as they are trying to establish a long-term solution for this, is there anything that prohibits them from establishing a working group under this Commission to go out and perform a specific task. In this case reviewing which classes are needed for a specific purpose to report back, as long as it is properly noticed and a public meeting? A working group of non Commission members and Commission members. You may designate staff to look into that but establish a committee of citizens that is pretty much what the education committee is which also has to be done by public process and if you also want to have a couple of Commission members assign to that, that is fine.

Mr. Stone asked Mr. Brower how do they go about legitimizing them as a committee at this point to have them continue the work that they have been doing? Mr. Brower said through a regulation project establishing an education committee for the Real Estate Commission. Assuming there is authority and he is not sure that there is but it is possible that there is through various statutes that may give the Real Estate Commission the authority to implement the chapter. Obviously, continuing education is one of the important things and the commission has the authority to determine what the continuing education will be, but there are statutes that specifically require it. It has to be something the people can look at the real estate regulations and know what the education committee is.

Mr. Somers asked Mr. Brower if we could simply call it a special Commission meeting teleconference meeting? Mr. Somers said that they better make it a point to be involved in this if that is the only way they will be able to do it, because we can't go without the education meetings whether we do it ourselves or have the committee assist us.

Ms. Ramsey goes over the recommendations of the discussion regarding the authority of the education committee. For a meeting that a quorum of Commission members with volunteers has to be in attendance and to formally dissolve the education committee. Also, the Commission to decide if they want an education committee and if the Commission decides to have an education committee then begin to establish it under the proper public notice and regulations.

On a motion by Stone, seconded by DuVal, and passed unanimously, it was

RESOLVED to formally notify the education committee that it had no official capacity. However, we appreciate their work and we are moving forward to formally establish the education committee under the Administrative Procedures Act.

All members in favor; Motion passes.

On a motion by Fluetsch, seconded by Stone, and passed unanimously, it was

RESOLVED to add agenda item 12 g, Education Committee creation.

All members in favor; Motion passes.

Exemption For First Sale Page

AS 34.70 could stand alone exemption for first sales new construction. Some of the associations and MLS around the state are incorporating just that page into their new construction earnest money agreements. Their question was, can they use the stand-alone exemption for first sales new construction page rather than using the entire form.

Mr. Somers asks Mr. Brower the question what is our authority or which direction do we need to go to separate the one form out so that it can be used separately as a stand alone page, the exemption for first sale.

Mr. Brower said that it would be ok to use the exempt for first sale as a stand-alone form.

Waiver by agreement exemption form

Mr. Brower said that in AS 34.70.110 the chapter does not apply to the transfer of an interest in residential real property if the transferor and the transferee agree in writing that the transfer will not be covered under this chapter.

Can they use just one part of the form, (as with the waiver by agreement if verbatim.) Best Business Practice – Exemption form for first sale can be stand alone but the waiver agreement form the licensee needs to go over what they are giving up. Licensee must disclose what they know even if the transferor doesn't tell.

Mr. DuVal stated to Mr. Brower is it a good practice then to use the form but the law does not require the use of that particular form, is that correct?

AS 34.70 form

On a motion by Somers, seconded by Fluetsch, and passed unanimously, it was

RESOLVED that the use of page 8 verbatim (precluding the use of pages 1-7) could be either a stand-alone document or included in the text of a purchase agreement.

All members in favor; Motion passes.

Recess at 11:41 a.m. for lunch at the Greater Fairbanks Board of Realtors
Reconvene at 1:39 p.m.

Regulation Project con't

12 AAC 64.063- Minimum Education Requirements for licensure

On a motion by Stone, seconded by Somers, and passed unanimously, it was

RESOLVED to adopt the changes as discussed on 12 AAC 64.063.

Ms. Ramsey gives a final recap of regulation 12 AAC 64.063 as amended for the following items: (b)(3) will read “trust accounting procedures – 5 contact hours,” (b)(4) organizing and managing a real estate office – two contact hours; (c)(1) the word “agency” will be changed to “licensee”, (c)(2) forms of ownership – two contact hours; (c)(5) will read “contracts and transaction documents – four contact hours;” (c)(6) will read “financing instruments and accounting principals, the word principals will be changed to “principles” – three contact hours; add (h) which will read the following: All real estate education courses used to qualify for initial licensure by endorsement must (h)(1) meet the real estate education requirements for licensure under AS 08.88.171(a), (b) or (c), an applicant for an initial real estate license by endorsement shall document completion of the topics and hours as required in section (b) or (c) of this section and (h)(2) to read: have been completed within the 24 months immediately preceding the date of application, delete the “and” at the end of that sentence.

All members in favor; Motion passes.

12 AAC 64.095- Unlicensed representative

Ms. Walsh put this in draft form for the Commission’s consideration because she receives a lot of calls regarding what an unlicensed assistant can do. She said she refers individuals to what is in regulation but it seems not to be enough and would like more guidelines.

Commission members discuss changes to 12 AAC 64.095 listed.

Recessed for break at 2:50 p.m.

Reconvene at 3:00 p.m.

Investigator’s Report

Ms. Mandel, investigator for the Real Estate Commission, presents her report of opened and closed cases to the Commission via teleconference.

On a motion by Fluetsch, seconded by Somers, and passed unanimously, it was

RESOLVED to accept the Investigator’s Report.

All members in favor; Motion passes.

Item 5(b) the Guarderas licensing issue is transferred to item 9(g) under the Licensing Examiner's Report.

Regulation Project con't

12 AAC 64.095- Unlicensed Representative

Ms. Ramsey reads the corrections for 12 AAC 64.095 for the record:
12 AAC 64.095 Unlicensed representative. Is repealed and readopted to read: (a) Brokers may not employ unlicensed representatives to perform licensed activities. Authorized activities include: (1) answer the phone, take messages and forward calls to licensee; (2) schedule appointments for the licensee (this does not include making phone calls, telemarketing or performing other activities to solicit business on behalf of the licensee); (3) secure public information from a courthouse, municipality, or other source of public information; (4) place or remove signs on property; (5) submit listings and changes, as approved by a licensee, to multiple listing service; (6) have keys made for a company listing; (7) unlock a property in order that it may be shown by a licensee; (8) draft advertising copy, promotional materials, and correspondence for approval by a licensee (correspondence must be signed by the licensee); (9) place advertising; (10) prepare, distribute flyers, and promotional information under the direction of and with the approval by a licensee; (11) act as a courier to deliver documents and pick up keys; (12) be in attendance at a property during a licensee tour which is not open to the public so long as the unlicensed representative does not answer any questions or offer any information beyond what has been provided in writing by the seller's licensee; (13) gather feedback from licensees on showings; (14) complete contract forms with business and factual information at the direction of and with approval by a licensee; (15) witness signatures; (16) assemble documents for closing; (17) follow up on a transaction after a contract has been signed by (A) arranging and/or allowing access to property for a property inspector or appraiser so long as the unlicensed representative does not answer any questions or offer any information beyond what has been provided in writing by the seller's licensee; (B) providing other similar facilitation services that would not otherwise require licensing; (18) perform bookkeeping or office functions including (A) record and deposit trusts funds including transaction deposits, security deposits, and rents; (B) compute commission checks and perform bookkeeping activities; (C) monitor licensee and personnel files; (D) office filing; (19) management of property, **as directed by a licensee** (A) order items of routine repair; (B) perform, manage or supervise maintenance, engineering, operations or other building trades work and answer questions about such work; (C) provide security services; (20) perform other administrative, clerical and personal activities for which a license under the statute is not required. (b) An unlicensed representative may not perform the activities listed under AS 08.88.161 and the following for which a license is required (1) host a open house, kiosks or home show booths; (2) show property; (3) explain or interpret a contract of purchase and sale or any form of service agreement (e.g. listing contract or property management contract); (4) perform any other activity for which a license under the statute is required.

On a motion by Somers, seconded by Wilson, and passed unanimously, it was

RESOLVED to adopt changes as discussed on 12 AAC 64.095.

All members in favor; Motion passes.

Ms. Ramsey said the Commission would ask the AG if these conflict with AS 08.88.161, License required.

Education Report

PeggyAnn McConnochie presents the education report to the Commission. She says that the Train the Trainer was a success. There were about 75 people primarily from Anchorage. The attendees included licensees as well as many members of the title, banking, and insurance industries. Ms. McConnochie briefly goes over the recommendations of the post licensing topic areas in anticipation of HB 169. The recommendations of topics presented for post licensing education were: New Licensees: Contracts and agreements- 8 hours, Licensee law- 2 hours, Paperwork and risk management- 4 hours, Evaluating, pricing and marketing- 3 hours, Financing to closing- 3 hours; New Brokers/Associate Brokers: Managing disclosures- 5 hours, Trust accounts and general accounts- 5 hours, Risk in real estate office management and practical office management-6 hours, Practical supervision of your licensees and working professionally with other licensees-4 hours; Property management.

The Chair informs Ms. McConnochie that a motion occurred earlier to formally notify the education committee that it had no official capacity. However, we appreciate their work and we are moving forward to formally establish the Education Committee under the Administrative Procedures Act.

Publication/Education Specialist Issues

Committee Meeting Minutes

Ms. Thacker compiled for the Commission meeting minutes from the last education committee meeting where they discussed how they were going about the suggestions for the post licensing requirements.

Assessment of Train the Trainer comments

Ms. Thacker shows a break out from Train the Trainer to give the Commission an idea what the response was for the course. Overall she said that the course went well, there were about sixty-eight people who attended from across the industry as well as other professions and everyone seemed to like the class. All the responses were very positive especially from people that were interested in the learning basics so they could then pursue writing courses and/or training future classes. Ms. Thacker said that there was seventy-five people that registered and the difference between the fifty-six people that continued is the people that did not come back after the lunch hour. Ms. Thacker gives her personal grade of the trainer the trainer course as a complete waste of money. She

said she thinks that the amount of money the Commission paid and the product that we received was sub par. The material was inadequate for someone who is a licensed trainer for years. The instructor did not follow his outline. He skipped around quite a bit, he talked about things that were not pertinent to training people to be instructors and he has issues about agency in the state that he is from which is South Carolina, he told a lot of stories that were not relevant. The first part of the class was excruciatingly painful to sit to listen to and things pick up in the afternoon because he incorporated more interaction between the attendees with topics and techniques. However, there are people who thought it was important and they learned a lot and felt it was a great class to attend and ultimately that is what you want see. Did someone get something out of it? She said her opinion was that if the Commission was going to do these Train the Trainer classes yearly that we might want to look at finding somebody locally to teach these basic courses and then the reserve a bulk of the money that we use out of the surety fund to offer mid or upper range courses that deal specifically with issues like developing a course, writing a outline, writing your course materials, or structure presentation skills. She believes that there were a lot of people at that program that were seasoned trainers and people that were familiar with it may not have gotten any thing out of it. We definitely want people to come in and start training for programs but we also want to offer something to people who are core trainers.

Education Database Update

Ms. Thacker provides the Commission members with a snap shot of the new education database and explains the database that will be available on the Real Estate Commission web site.

Ms. Ramsey suggests the word agency in 12 AAC 64.500(a)(1) should be changed to licensee.

On a motion by Fluetsch, seconded by Stone, and passed unanimously, it was

RESOLVED to change the word “agency” to “licensee” in 12AAC 64.500(a)(1).

All members in favor; Motion passes.

Evaluation Courses in Anchorage

Ms. Thacker said that she and the Executive Administrator thought that it would be beneficial to start auditing education courses that are being offered. They wanted to get an idea of how the instructors are teaching, make sure that the content is relevant, and that the instructors and course developers are ensuring that the material is current. She said that so far they have attended three courses and they just developed an instructor evaluation form for their own purposes so that they could get an ideal and get some type of written documentation down just in case they would need to contact the instructor regarding teaching style, relevancy or whatever. She included a copy of the three courses that they have audited so far. For the most part so far she said that everyone is doing great job. Commission members ask staff to collect evaluations when auditing a class.

Staff and Ms. Wilson to work on standardize new evaluation with the potential of putting it on the web site for use by licensees.

REC Web Site Review

Ms. Thacker spoke to the Commission regarding the changes to the web site. She said they should have the prototype up and ready by next week and she will email the web site to all Commission members so they can make recommendations, get feed back and comments on what else that they would like to see on there. She said it is very important that we have the most consistent and through website that we can so that it drives people to that Internet so that they can get information. She said is a big believer websites are the reflection of those who create them.

On a motion by Wilson, seconded by Somers, and passed unanimously, it was

RESOLVED to accept the Publication/Education Specialist Report.

All members in favor; Motion passes.

Recess for break at 4:21 p.m.

Reconvene at 4:32 p.m.

Regulation Project con't

12 AAC 64.110(a)-Offices

Mr. Somers recaps the issue for the new commission members. He explains that the old section of 12 AAC 64.110(a) says that the office in which the broker works and maintains his license is considered his principle office. He said back when this was written you pretty much had to be there to work there because we didn't have the conveniences of computers and faxes. We would like to make sure that they are physically there and not in Idaho.

Commission to ask AG if these changes conflict with contract trade issues?

12 AAC 64.110(a) is amended to read:

- (a) A real estate broker holding an active license shall establish and maintain a business office in Alaska. The office in which the broker physically works and maintains his license is considered the principal office of the broker.**

On a motion by Fluetsch, seconded by Somers, and passed unanimously, it was

RESOLVED to adopt changes as discussed on 12 AAC 64.110(a).

All members in favor; Motion passes.

Commission to ask the AG regarding entity and the addition of (g) to AAC 64.110.

Tomorrow the Commission will also address the issue of supervision.

Meeting recessed at 5:30 until tomorrow at 8:30 a.m.

Tuesday, June 15, 2005

Call to Order

Chairperson Barbara Ramsey called the meeting to order at 8:36 a.m.

Roll Call

Members Present:

Barbara Ramsey, Associate Broker, 3rd Judicial District
Roger Stone, Broker, 1st Judicial District
Bradley Fluetsch, Public Member
David B. Somers, Broker at Large
Rita Wilson, Broker at Large
Gene Duval, Associate Broker, 4th Judicial District
Vacant Member seat, Public Member

Staff Present:

Sharon Walsh, Executive Administrator
Nancy Harris, Licensing Examiner
David Stebing, Hearing Officer, via teleconference

No public members present

Executive Administrator Report

Commission members look over and discuss the financial and surety fund report that is provided by Ms. Walsh. Ms. Ramsey asks the Executive Administrator if they could get a key to help them better understand the different categories of her report for the next meeting.

On a motion by Fluetsch, seconded by DuVal, and passed unanimously, it was

RESOLVED accept the Executive Administrator Report.

All members in favor; Motion passes.

Ms. Walsh speaks to the Commission regarding goals and objectives for FY06 for the Annual Report that will be due at the end of this month. Commissioners go over their goals and objectives for FY 06.

2006 REC Goals and Priorities

- Prepare for HB169
- Prepare the policies, pamphlet and broker supervision outlined in HB 29 REC
 - Pamphlet (reassess)
 - Policies
 - Broker Supervision
 - Include Home office supervision
 - Remote office supervision
- Update Broker manual w/ HB 29 with the intent to eventually put on-line
- Sharon Walsh to attend National in October and report back to committee
 - Attendance at the 2006 regional
 - Attendance at the 2006 national
- Draft Regulations:
- Education
 - regulations regarding CE
 - Evaluations – (revision) Rita/Sharon
 - Certificate – Web evaluation than certificate
 - Content (reviewing)
 - Audit by commission members (in process)
- Audits - requested
- Statute change for Post licensing (waiting approval – than work on implementation)
 - How to deal with remote areas
 - Timing of when courses are held
 - On-line / mail
- Recognition of professional designations
 - Staff to send out notice “licensee notice - if taking designation classes have instructor submit for approval”
 - Staff to review to determine number of credit hours received per licensing period.
 - On-line courses – through the same process.
 - Commission owned class development
- More communication between REC and licensees
 - Email/web link for board and other areas
 - Revise the renewal form (ready for 2006)
 - Emails from all licensees in the renewal process
 - Update from REC at licensee board meetings quarterly
 - Anchorage
 - Wasilla (schedule a commission meeting here)
 - Katchemak
 - Juneau
 - Fairbanks
 - Ketchikan

Ms. Walsh gives an update on the broker manual. There were extensive changes and it is almost complete but is still being edited.

Licensing Examiner's Report

Ms. Harris presents her statistical report to the Commission. She reported that there have been 113 new licenses from February 28, 2005 to May 20, 2005. Total active number of licensees is 2,363. Total number of licensees with an expiration date of January 31, 2006, to include inactive licensees, was 2,493.

On a motion by Wilson, seconded by Somers, and passed unanimously, it was

RESOLVED to accept the licensing examiner's report.

All members in favor; Motion passes.

Montgomery licensing issue

Licensing Examiner, Nancy Harris, presents Mr. Montgomery's licensing issue to the Commission. Mr. Montgomery had answered yes to question #1 of the personal screening questions on his salesperson application. His application was presented by a mail ballot but was tabled until this meeting for further discussion.

On a motion by Fluetsch, seconded by Somers, and passed unanimously, it was

RESOLVED to accept Mr. Montgomery's licensing application.

All members in favor; Motion passes.

Leslie Licensing issue

The licensing examiner, Nancy Harris, presents Mr. Leslie's licensing issue to the Commission. Mr. Leslie answered yes to question #1 of the personal screening questions of his salesperson application. His application was presented by a mail ballot but was tabled until this meeting for further discussion.

On a motion by Fluetsch, seconded by Somers, and passed unanimously, it was

RESOLVED to accept Mr. Leslie's application for license.

All members in favor; Motion passes.

Han Licensing issue

The licensing examiner, Nancy Harris, presents Mr. Han's licensing issue to the Commission. Mr. Han answered yes to question #1 of the personal screening questions of his salesperson application.

On a motion by Wilson, seconded by Fluetsch, and passed unanimously, it was

RESOLVED to accept Mr. Han's application for license.

All members in favor; Motion passes.

ARELLO Pre-licensing hours statistics

Licensing examiner, Nancy Harris, presents a chart of the pre-licensing hours statistics from other states for Commission members to review.

Marianne Burke reinstatement issue

The licensing examiner, Nancy Harris, presents Marianne Burke's reinstatement issue before the Commission. Ms. Burke had inactivated her real estate broker's license on April 9, 2003 and wanted to reactivate but had passed the date to reactivate her license. She felt this was not correct and wanted to come before the Commission for consideration.

On a motion by Fluetsch, seconded by Wilson, and passed unanimously, it was

RESOLVED to accept the reinstatement of Marianne Burke.

All members opposed; Motion fails.

Guarderas Licensing issue

Commission member Rita Wilson recused herself from this licensing issue, she works with applicant's mother.

The licensing examiner, Nancy Harris, presents Mr. Guarderas's licensing issue to the Commission. Mr. Guarderas answered yes to question #1 of the personal screening questions of his salesperson application.

Commission members begin discuss Mr. Guarderas' application.

Barbara Ramsey said that Margo's letter on page two says that he is presently under indictment for felony driving while intoxicated. So her comment in that paragraph was that the Commission would need to make that determination whether they consider a pattern of driving while intoxicated constitutes moral turpitude. Then she gives that definition there.

Mr. Fluetsch said that the felony is enough to keep him from his license. The moral turpitude is one of those add on things that, well if we can't get him if he is indicted for a felony, well maybe you guys won't give him a license because of moral turpitude.

Mr. Somers said that he thought we were supposed to interpret if that felony involves moral turpitude.

Ms. Ramsey said that it does say "or any other felony involving moral turpitude." Ms Ramsey also said that he is stuck in limbo between the two parts of that, he is in indictment and he hasn't been convicted and if convicted of such an offense they must have completed the sentence imposed upon them.

Mr. Fluetsch said that if we let him in and he gets convicted he is going to lose his license right over again.

Mr. Somers comments that not necessarily, wouldn't that come to us again? It would come to us again I think at that point in time because we would have to determine if that conviction of that felony constitutes moral turpitude.

Mr. DuVal said that a felony by itself doesn't [discernible] it says "felony, forgery, theft, extortion, conspiracy to defraud creditors, or any other felony involving moral turpitude."

Ms. Ramsey comments but he needs to have completed his sentence, I thought.

Mr. Somers says he interprets that just in case it ever comes up in the future, if it is forgery or theft, extortion, conspiracy to defraud creditors, and they are under indictment and they have been convicted of it, I think they automatically do not qualify or any other felony that involves moral turpitude, that is the way I read it.

Mr. DuVal comments that is how he reads it too. So then his DUI [indiscernible]

Mr. Somers says that if you take the Attorney General's opinion here, I mean, clearly it would indicate that a DUI felony is moral turpitude or for that a misdemeanor.

Ms. Ramsey asks for any further discussion.

Ms. Ramsey said the question before us is exactly as Dave has expressed, we need to decide whether that's a basis for him not qualifying for his license. I suppose my only concern would be that he does have clients in the car and could be going some place to meet clients.

Mr. Somers said that we cannot put a restriction like that on his activity only the broker can. And do we as a group, if we say its ok to have a license are we telling the public that this person is ok to drive you around and show you houses? That is what I am struggling with.

On a motion by Fluetsch, seconded by Stone, it was

RESOLVED to accept Mr. Guarderas's license application.

5 members opposed; 1 member sustained; Motion fails.

Break at 10:39 a.m.

Reconvened at 10:59 a.m.

Regulation Project con't

12 AAC 64.095- Unlicensed representative

On a motion by Stone, seconded by Wilson, and passed unanimously, it was

RESOLVED to change the word "representative" to "assistant" in 12 AAC 64.095 in the heading and also in (a) and (b).

All members in favor; Motion passes.

12 AAC 64.110- Offices

Mr. Somers asked to revisit the regulation 12 AAC 64.110(a).

On a motion by Fluetsch, seconded by Somers, and passed unanimously, it was

RESOLVED to adopt changes as discussed below on 12 AAC 64.110 (a), second sentence.

All members in favor; Motion passes

The office, in which the broker works and maintains his license, is considered the principal office or principal branch of the broker and shall be in Alaska. (The first sentence remains the same as amended earlier.)

12 AAC 64.125- Supervision

On a motion by Somers, seconded by Fluetsch, and passed unanimously, it was

**RESOLVED to amend 12 AAC 64.125 as follows: to include
(3) A physical presence of the supervising broker or associate broker.**

All members in favor; Motion passes.

Question to AG: Do these changes violate anti-trust or restriction of trade issues?

The Commission members table 12 AAC 64.110 (g) until they get direction from the Attorney General regarding this issue. Ms. Walsh hands out a copy of the email from Mr. Brower regarding one entity change for the Commission members look over. Ms. Harris points out to the Commission members the statute AS 08.88.171 where the Attorney General based his comments on a past entity change.

Question for AG – “entity” addition of “g” under proposed

Recess at 11:52 am

Reconvene at 12:05 p.m.

Hearing Officer Decisions

Ms. Ramsey asked the Hearing Officer, Mr. Stebing, if the Executive Administrator, Sharon Walsh could stay in the room during executive session. Mr. Stebing said he would allow it as long as she keeps everything in confidence and she is not to be a part of the deliberations.

On a motion by Somers, seconded by Fluetsch, and passed unanimously, it was

RESOLVED to move into enter into executive session in accordance with to AS 44.62.310(d)(1).

All members in favor; Motion passes.

Into Executive session at 12:07 p.m.

Out of Executive session time unknown.

Surety Fund Case S-25-002

On a motion by Fluetsch, seconded by Somers, and passed unanimously, it was

RESOLVED to adopt the Hearing Officer’s recommended decision in case S-25-002, the Leifer case.

All members in favor; Motion passes.

Surety Fund Case S-25-005

Commission member Rita Wilson recused herself from this case and left the room.

On a motion by Somers, seconded by Stone, it was

RESOLVED to adopt Mr. Stebing's recommended decision in case S-25-005.

5 members in favor; 1 member recused; Motion passes.

Moser Case 3000-03-003

On a motion by Somers, seconded by Fluetsch, and passed unanimously, it was

RESOLVED to move into enter into executive session for the purpose of discussing the Moser case, 3000-03-003.

All members in favor; Motion passes.

Into Executive session time unknown.

Out of Executive session time unknown.

On a motion by Fluetsch, seconded by Wilson, and passed unanimously, it was

RESOLVED to adopt Mr. Stebing's recommended decision in case 3000-03-003.

All members in favor; Motion passes.

Regulation Project con't

AAC 64.110(g)-Entity change

On a motion by Stone, seconded by Somers, and passed unanimously, it was

RESOLVED to reconsider AAC 64.110 g.

All members in favor; Motion passes

The Commission members discuss the regulation regarding the change of entity.

On a motion by Somers, seconded by Stone, it was

RESOLVED to adopt changes noted below into 12 AAC 64.110(g).

When a broker stops being an owner of a real estate business or stops being employed as a real estate broker by a foreign or domestic corporation, partnership, limited partnership, or limited liability company, the broker is

required to close the office and open a new office. The licensees working in the office would be required to transfer their license to the new office and provide the Commission with a completed application for license transfer and the fees established in 12 AAC 02.360.

4 members in favor; 1 member opposed; Motion passes.

12AAC 64.240 – Referral fee requirement

12 AAC 64.240 (d) When any commission is paid to, change “a” to “an” out of state broker, the office must have a copy of the out of state broker’s active and current real estate license on file with a letter requesting that the commission be paid.

On a motion by Somers, seconded by Fluetsch, and passed unanimously, it was

RESOLVED to adopt the changes to 12 AAC 64.240 as amended.

All members in favor; Motion passes.

12 AAC 64.325 (c) – Surety Fund Claim Increased

On a motion by Somers, seconded by Fluetsch, and passed unanimously, it was

RESOLVED to adopt the changes to 12 AAC 64.325(c).

Where any reference to \$10,000 is changed to \$15,000 and add the following sentence: If interest is awarded the appropriate rate to be applied as stated in AS 08.88.470.

All members in favor; Motion passes.

12 AAC 64.500 (g) – Minimum Education Requirements for Licensure

On a motion by Somers, seconded by Fluetsch, and passed unanimously, it was

RESOLVED to adopt the changes referenced in 12 AAC 64.500(g).

An applicant for license renewal who creates a new course that is approved for credit under 12 AAC 64.410 may earn continuing education credit equal to the number of hours approved for the course, and add, “in each licensing period.”

All members in favor; Motion passes.

Recess for break at 1:39 p.m.
Reconvene at 1:47 p.m.

HB 181 Waiver of CE Requirements

Staff guidance- put information in licensing material, put in newsletter, notifies boards, then bring licenses before the Commission for approval of CE waiver.

Remote Site Supervision

Executive Administrator asked the Commission to define Remote Supervision for her clarification to give her guidance in a remote supervision issue. Ms Walsh has an issue were a broker is saying that his office is not remote supervision because it is on the road system.

On a motion by Fluetsch, seconded by Stone, and passed unanimously, it was

RESOLVED to forward to the investigator that Paul Maney of Alaska Real Estate, Inc. may be in potential violation of 12 AAC 64.110 through 12 AAC 64.127.

All members in favor; Motion passes.

Staff guidance – FYI – remote approval to be brought before the REC. Executive Administrator to forward violations directly to the investigator.

2005 Goals and Priorities

HB 29 – FAQ- Ms. Thacker is working on the FAQ s for the web site.

On a motion made by Fluetsch, seconded by DuVal, and passed unanimously, it was

RESOVLED to create a members of the public FAQ section.

All members in favor; Motion passes.

Education

Staff to provide updated education committee guidelines to the Commission.

HB 169

Commission discusses HB 169 and how they can make it work and especially in a smaller office.

When signed into law:

- Staff to check into meeting in Anchorage specifically for HB169.

- READ THE BILL!
- Send the following to the REC in word format.
- Send course guideline to instructors (and former members of the NEEC) with an explanation that attached is the proposed course outline to prepare their post-licensing class approvals in anticipation of the governor's signature.
 - Also stress the need for on-line, correspondence and video/telephonic class capabilities (distance learning – live and interactive – see UA distance learning) to satisfy remote locations.
 - FYI – Classes could meet both criteria so they would need to apply for both CE & PLE separately. No double dipping.
 - Please respond by July 1st.
- Small office no difference in need with large office.
- Regulations – reference the statute as needed:
 - Duration of classes
 - No less than 3 days (6.66 hours)?
 - Consecutive days?
 - 2 days (10 hours)?
 - Consecutive days?
 - 4 hours a day max?
 - National classes - are they any?
 - Will need to be approved by the REC?
 - Education certificates with required form to be provided to the REC to change the license
 - Set the fee
 - Develop the form
 - Can submit as soon as completed which will satisfy 08.88.095 (c)
 - Note on the license the date that the license lapses unless PL completed?
- Remote office option?
 - Partner with another licensee for 3 transactions or?
 - On-line, correspondence and video
- National classes fit into post licensing? - Bradley
- Think outside the box? Blank slate? - Bradley
- Train before mentor - Rita
- 3 segments avoid cramming – Dave
- On-line, video, use what is available for education
- FAQ
 - Must complete CE and PLE
 - Must submit not- later than 30 days after one-year period.

The Commission directs staff to check into a meeting in Anchorage once HB 169 is signed into law to get the process moving.

Staff is to send the proposed classes to all instructors asking for their opinions with an explanation that these are the proposed post licensing classes and to prepare their class approvals in anticipation of the Governor's signature.

Next meeting will be September 22 –23, 2005 in Anchorage.

Recess for break at 3:51 p.m.

Reconvened at 4:03 p.m.

Reaccessing Forms

On a motion made by Somers, seconded by Fluetsch, and passed unanimously, it was

RESOVLED to amend the following:

**State of Alaska Residential Real Property Transfer Disclosure Statement:
Change references to agent to licensee throughout the document pages 1 – 9**

Alaska Real Estate Consumer Pamphlet

Page 2, third bullet

(1) Add “of a statement” after “completeness”

(2) Delete “the reliability of”

(3) Add at the end “or by a person reasonably believed by the licensee to be reliable”

Page 2, 4th bullet

(1) Delete the period at the end of the sentence

Delete the date and time next to Real Estate Company on page 2

Add the “State of Alaska” seal to the left of the header

Insert at the bottom of both pages using the same font as the title: This disclosure pamphlet is not a contract. (in all caps and bold)

Waiver of right to be represented

Add the “State of Alaska” seal to the left of the header

All members in favor; Motion passes.

New Business

On a motion made by Somers, seconded by Fluetsch, and passed unanimously, it was

RESOVLED to send Sharon Walsh to the 2005 National ARELLO Conference in October.

All members in favor; Motion passes.

Mr. Somers thanked staff and the Chair for all their hard work.

On a motion made by Fluetsch, seconded by Somers, and passed unanimously, it was

RESOVLED to adjourn the meeting.

All members in favor; Motion passes.

Meeting adjourned at 5:31 p.m.

Prepared and submitted by Division Staff.

Approved:

Barbara Ramsey, Chairperson
Real Estate Commission

Date: _____