

State of Alaska
Department of Commerce Community and Economic Development
Division of Occupational Licensing
Real Estate Commission
Minutes of Teleconference Meeting
15th Floor Conference Room, Atwood Building
550 W 7th Avenue, Suite 1500
July 29, 2004

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.

Call to Order

Chairperson Barbara Ramsey called the meeting to order at 1:34 p.m.

Present were:

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| Members | Barbara Parker-Ramsey, Associate Broker/3 rd JD, in Anchorage
Rita Stuckart, Broker at Large, in Anchorage
Larry Bauer, Broker/1 st JD, by telephone, Juneau
David Somers, Broker at Large, by telephone, Fairbanks |
| Staff | Sharon Walsh, Executive Administrator
Nancy Harris, Licensing Examiner
Barbara Gabier, Chief Occupational Licensing, by telephone, Juneau |
| Other | David Brower, Assistant Attorney General, Department of Law, by telephone, Juneau |
| Guests | Carol Jensen, Prudential Vista School, in Anchorage
PeggyAnn McConnchie, Alaska Association of Realtors, Inc, in Anchorage
Dave Feekin, Alaska Association of Realtors, Inc., in Anchorage
Perry Underwood, Alaska Association of Realtors, Inc, in Anchorage |
| Absent | Bradley Fluetsch, Public Member
Susan Rainey, Associate Broker/4 th JD
Glenn Clary, Public Member |

Barbara Ramsey explains that this meeting is conducted as a teleconference and the members are asked to speak when recognized in alphabetical order. It is important for

the public record that no sideline comments take place. This keeps the confusion conducting a teleconference meeting to a minimum. If you have a question, write it down it may be answered as other questions are answered.

Barbara Ramsey asked Assistant Attorney General Dave Brower for clarification, on public comments at this time at this meeting. Barb asked if we are able to have public comments at this meeting?

Dave Brower did not think there was anything precluding it. The meeting was public noticed but there will be another meeting in future regarding public comment or at least there will be another opportunity... nothing will be adopted today. But if there is any member of the public that is here that would like to speak you can recognize them I think that will be ok.

Dave Somers asked the Chair for clarification to confirm that there are four Commission members in attendance. Barbara Ramsey confirmed that here are four commission members present, Larry Bauer in Juneau, you , Dave Somers, in Fairbanks, myself, Barbarba Ramsey and Rita Stuckart here in Anchorage.

Mail ballot Issue-Instructor/Course Approvals

A couple of applicants applied for salesperson licensure but the instructor, with whom they took their pre-licensing course from was not re-certified. When they took the course the instructor was out of certification with us. She was subsequently re-certified but it was after the course was taught. So in the first instance what took place is when I sent the mail ballot out, the two applicants ended up taking the pre-licensing course again. We have another instructor who let her certification lapse. She is currently under approval and staff is looking at re certifying her but in the mean time we are holding on to a few applicants from licensure because their certificates show a lapse of the instructor.

Barbara Ramsey asks if the questions before us is does the Commission have the authority to issue the applicant license and what action? The instructor approval application expired on 03/31/04 and the applicant took the course on 6/16/04 - 6/19/04.

Dave Brower – the statutes says the applicant must take the 20 hours of education approved by the commission before they are licensed. AS 08.88.091(b). In the regulation 12 AAC 64.640 it refers to 08.88.091 that the instructor must be approved by the Commission or its designee. Then way down in (f) the instructor approval expires on April 1 of even numbered years. In order to approval before expiration it has to be an instructor development workshop sponsored by ARELLO. Then there is more than just paying a fee to become a certified instructor.

Barbara Ramsey asked Dave Brower if Carol Jensen could speak on her behalf. He said it is up to the Board.

Carol Jensen spoke on her behalf regarding her lapsed instructor application. She said the class that I taught in May, my certification had not been renewed. At that class there were twelve students attending. Two of them immediately passed and immediately wanted to be licensed. And they had to wait a couple of months and still the issue wasn't resolved. So I had another class and I had a couple of cancellations and those two ladies came back and repeated the class. So therefore they came in and everything was ok and they got licensed. But I have about 8 to 10 people in that class that still may have not make application some of them may and I am not aware if it depending on what company they went with and so forth. So I feel that the issue isn't totally resolved. Is the board wishing that I repeat the class, is that the only way we can resolve this? It would seem to me that I the instructor didn't pay dues on time and my application was late. I never did receive notice, however teaching the class I knew that it was due April 1. I missed that date. I taught that class. And you know it's the same class that I teach all the time, it's the same material, and I have been re-certified. I feel that it would be better that you suspend my certificate or fine me or both, rather than have all these people come back to class.

Larry Bauer responded to say that he didn't think anybody is looking to punish anybody here, you or the students. I think we are looking at what the statutes what the regulations say what we can and can not do. I personally don't feel these students should have to go through this again. If they earned it and you taught the class before, you've been re-certified in the same class. The experience and knowledge is there. To me it's not an issue. I would just want to make sure the regulations state that we could go ahead and approve this.

Barbara Ramsey asked to divide up the different issues. Instructor 1 and Instructor 2. The mail out ballot was instructor 1 what we are talking about right now. Then we can go on to #2 after this one is resolved.

Dave Somers asked if in the mail out ballot did we only approve certain people that took that class anybody that took that class. I was just wondering why we are revisiting this. I thought we already approved people that took that class for licensure. Or we approved that class. Sharon Walsh said that it was tabled, because we had two votes that tabled it. Rita Stuckart asked if there could be another vote now? Larry Bauer said he would like to ask legal if there is anything preventing us from doing this?

Dave Brower said that he didn't think so. He was just thinking of another occupation, of contractors. That statute says your license as contractors, unless your license as a contractor you can't sue to get paid for doing contracting work. But the Supreme Court has determined that substantial compliance with the statutes is good enough in that case. But in this case, it was an oversight of all the requirements had been for this instructor to be approved she just didn't put in her application. So I think if she hadn't done anything or she didn't qualify that it would be a different thing. Rather in this case there was substantial compliance and the people who would suffer and don't think any one should be punished. But the students would if they didn't get their licenses if they took the

course and passed it and everything else is equal. So I don't think there is any legal pediment to doing this.

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

RESOLVED to approve the class that was taught by Carol Jensen for the purpose of obtaining a license that the class would be accepted for all students that attended that specific class on May 11, 12, 13, and 15, 2004 when the class was given.

Larry Bauer asked for more information about instructor #2. Sharon Walsh said the instructor's name is Traci Barickman, she turned in her re-certification application in last week, she taught four students, 20 hours of pre-licensing education on June 16-19, 2004 She was going to get a hold of them to let them know that this was going to be brought in front of the Commission and that possibly need to sit through another 20 hours of pre-licensing. Her instructor application looks complete at this time.

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

RESOLVED that once the instructor has been re-approved to teach these classes that we also approve the students who have taken the classes during that time period that she instructed them to be approved for real estate license if they passed.

Barb Gabier had a question on the course. I believe that the course was also not approved. And there is an application now pending for the course to be re certified. The Commission needs to act on that also. In this case either the course re certified or the instructor was re certified. The earlier case was the course was approved but the instructor was not.

AMENDMENT TO THE MOTION by Bauer, to include that once the instructor and course has been re-approved that we also approve the students who have taken the classes during that time period that she instructed them, to be approved for real estate license if they passed.

Dave Somers wanted to comment that he was a little uncomfortable with an instructor that doesn't even realize that the course is not certified at the time they teach it. Would like to find a way to avoid this in the future.

Larry Bauer agreed with Dave Somers and its a little uncomfortable that the instructors haven't turned in the application to re certify the course before they're due.

Brower pointed out that in 12 AAC 64.420(b) the second sentence of that regulation states that a course may not be advertised as being certified under this chapter until the

applicant has received written certification from the commission. The commission may want an investigator to look into some of the courses that are being advertised.

Sharon Walsh commented that staff does send out notices before they are about to expire. If they want to continue teaching they need to re certify by the 1st of April.

Dave Somers commented that evidently the second instructor was in violation of that statute and regulation indicating that there was a course that an instructor was teaching that wasn't certified. If the instructor realizes that, she may be a little more careful in the future.

Barbara Ramsey stated that it might be as simple as staff bringing that to their attention in a letter.

Temporary Broker License

Sharon Walsh stated the commission was informed that a broker in Soldotna had passed away. The one salesperson under him transferred to another office. A letter was written to that office specifically to his wife, saying the office had to be shut down, closed and no further transactions could take place. I would like to request a temporary permit be issued to broker, Michael McLane with the Ron Moore Company, so that they can finish the transactions. They have appointed a broker in charge.

Larry Bauer asked if the spouse of the deceased broker already hired a broker to run the office to wind up the affairs why do we have to give them a temporary permit or a special permit. Dave Somers indicated that Mr. McLane is already a broker at another office so he needs a temporary permit to operate a second office is that right. Barbara Ramsey pointed out that under the duties of the commission AS 08.88.0716(6) the commission is to issue that temporary permit.

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

RESOLVED to appoint Mr. McLane as temporary broker of the Soldotna Brokerage in question (Soldotna Realty), for the purpose of closing out existing accounts.

Barbara Gabier asks how long does the Commission envision the temporary permit would be active? We could issue it without a expiration date but what is reasonable in the Commissions mind that we would revisit it to find out if the business has been completed or not. We will show that this is a current, active temporary permit either until you give us a expiration date or in six months we can follow up to see if whine down is finished. I am just concerned that we could have a temporary permit for a long time or do you envision it for three or four months?

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

RESOLVED that the temporary license lapse within one week of our December 2, 2004 meeting unless we take action at that meeting.

Property Disclosure Statement Draft

Dave Somers begins the discussion by indicating that the only changes, he believes, were to the sexual offender web site. However, Barbara Ramsey states to her understanding that the Commission was to also look at changes that may have occurred due to the passing of HB29. Commission members discuss the possible changes to the Property Disclosure Statement by looking at the language in HB29 that deals with when a seller has knowledge that a murder and suicide has occurred on a property.

On a motion by Parker-Ramsey, seconded by Somers and passed unanimously,

RESOLVED to add #31 under “other” on page 5 to state “Are you aware of a murder or suicide during the time you owned the property or within the previous year (which ever is longer)?” in the yes and no block.

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

RESOLVED to approve the draft of the 7/28/04 Disclosure Statement as we amended in this meeting.

Proposed Professional Regulations

Barbara Ramsey asks the question in regard to proposed professional regulation 12 AAC 64.117 #4, that is the specific assistance party in the second part of the sentence not represented? And should there be a #5, the single licensee only represents one party in the transaction and while not representing or assisting the other party?

Dave Brower points to AS 08.88.600, which has a provision that a licensee can represent one party and provide specific assistance to another party. In this case there is no need for a waiver of a right to be represented, the only statute that calls for a wavier of a right to be represented is AS 08.88.610, which talks about a real estate licensees that becomes a neutral licensee according to 600 a licensee doesn't become a neutral licensee merely by providing specific assistance. 610 talks about the licensee becoming a neutral licensee

which at that point he does not represent either party and 610 also starts out with the licensee representing the seller.

Dave Feekin explained that the waiver of right to be represented should only cover the licensee providing specific assistance to both parties as a neutral licensee because everything else on that page constitutes some form of representation. Everything else is dealt with in the broker policy manual which makes the rest of it make sense.

Barbara Ramsey asks whether we need to put in the brokers written policy guidelines compensation and number 6 would be conflict of interest because they were referenced in HB 29.

Dave Feekin explained that the reason that it was not addressed was that statute 08.88.655 dealt with compensation. PeggyAnn said that it was modify it slightly there was no need to further define it in regulations because it has handled in statute.

Commission discusses when the licensee provides a person with the pamphlet before or at the time of specific assistance. Dave Feekin indicates that the regulation is incorrect the purpose of the pamphlet was to provide education to the public about the transaction or the potential transaction they are about to enter into.

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

RESOLVED to accept the correction I just made. The first two phrases of section 6 on page 4 of HB29, line 25 “before licensee provides” and the end of the second phrase, “provides specific assistance.” Those two phrases are to follow the date “2005” on the first line of page two of our Professional Regulation Draft.

Barbara Ramsey begins the discussion regarding supervision on page three of the professional regulations. She questions how realistic is it to have all of those files reviewed for completeness and accuracy and ensuring all the required documents on file prior to closing or is that prior to compensation?

David Feekin commented on supervision and that if there isn't supervision there are penalties. The intent was that the files be reviewed, not by the broker, associate broker but that the files are reviewed. There are offices that simply cannot review files; the broker or the associate broker could not review all those transactions. So the intent was to provide for the review of files for completeness and accuracy and the review be provided by the company or the broker's designee.

Dave Brower explains that adequate supervision of a licensee includes providing for the review of files. I think it goes without saying the broker has to review each file. To make it clear the broker or the broker's designee provide for the review of files. Larry Bauer asked what about associate brokers because they supervise branch offices and should this

be clarified so that the Commission does not have to revisit this down the road. In the terminology the broker, associate broker, or broker's designee.

Dave Brower speaks to the statute 8.88.685 (b)(3), which says, "The commission shall adopt regulations that establish requirements for a broker's supervision of the real estate licensees who work for the broker." It doesn't say that real estate commission shall adopt regulations that establish that the broker supervise each real estate licensee although the broker is responsible, I believe that allows for the designation for the review of files and it is up to the broker designate the person to do that. The broker is ultimately responsible for the work.

Barbara Ramsey and the commission clarifies that the statement under supervision in section (b) to read "Adequate supervision of a licensee by Broker, Associate Broker or their designee includes ..."

Commission continues discussion on the review of files prior to closing statement under supervision section (b)(1). Barbara Ramsey addressed a concern that this statement is unclear what is being said and that what was required. Larry Bauer

On a motion by Stuckart, seconded by Somers and passed with 3 yes votes and 1 oppose, it was

RESOLVED to amend (b)(1) on page 3, #1, "prior to the recording of the transaction..." And then continue that statement all the way to the word "forms".

Break 3:04

Reconvene 3:10

Perry Underwood recommends, that on the regulations, on the first page, item 4, where it says "for a single licensee representing one partying in a transaction while providing specific assistance to another party in the same transaction, to be consistence with HB 29, insert in there, "while providing specific assistance to an **unrepresented** party in the same transaction.

Commission members discuss the recommendation brought forward by Perry Underwood.

On a motion by Parker-Ramsey, seconded by Stuckart and passed unanimously, it was

RESOLVED to change on page 1, #4, to change that sentence to "for a single licensee representing one party in a transaction while providing specific assistance to a unrepresented party in the same transaction".

Alaska Real Estate Commission Consumer Pamphlet Draft

Larry Bauer comments that the draft seems to be inconsistency in regard to lesser and lessor though out document. Dave Somers comments on the definition of specific assistance to mean real estate licensee asking questions and not just asking questions.

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

RESOLVED to change “Specific Assistance means a “real estate licensee” asks questions regarding confidential information about a real estate transaction.

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

RESOLVED to add signatures, times and dates on the bottom of the page and initials on the other two pages.

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

RESOLVED to two changes, #1, put “define below” in parenthesis on the first mention of specific assistance and remove it from the neutral licensee. #2, is to change the first two sentences in Section C, DUTIES OWED BY A NEUTRAL LICENSEE to read, “In addition to the duties listed in Section A, a neutral licensee owed the first four duties in Section B. In parenthesis, “since the neutral licensee will be providing specific assistance in a particular real estate transaction there is no duty to seek other real estate or buyers.”

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

RESOLVED to have it more consistent so that where we say “buyer” it should read “buyer/lessee and where it says “seller” it should read “seller/lessor so that it is more consistent with the intent of the bill.

Dave Feekin notes that on page 3, #7, at the top, duties owed a licensee in all relationships, that is not a either or, that signature needs to happen in both places. Signature in the pamphlet describing the possible relationships and you confirm the relationship in the earnest money agreement.

Commission members discuss the changes to the duties owed by a licensee in all relationships.

Dave Feekin explains that the Pamphlet does not have to be signed until specific assistance. If discussion crosses over to specific assistance then a relationship discussion has to happen and a signature is required. Prior to specific assistance, just hand them the pamphlet, at the point of specific assistance, then a discussion of the potential relationships and a signature of acknowledging of that is required.

Changes to #6 to read, before providing specific assistance, the licensee will provide the Alaska Real Estate Commission Consumer Pamphlet informing you of the duties and relationships of a licensee.

Changes to #7 to read, upon providing specific assistance, the licensee will obtain from you a signed acknowledgement of the Alaska Real Estate Commission Consumer Pamphlet and documentation that discloses your relationship with the licensee. The relationship must be in a written statement entitled “Licensee Relationships” on any contract between a buyer/seller or lessee/lessor or in a separate document entitled “Licensee Relationships.”

Dave Feekin explains that your disclosure is going to have to be three relationships, because they haven't selected a property at that point. They had the discussion and are agreeing to these relationships. It's an acknowledgement that you understand the potential of three relationships.

Perry Underwood states that the statute requires that they make a relationship disclosure to the buyer or the seller prior to specific assistance. There are only two potential relationships. One is representing the seller only, and the other is representing the buyer only, with each one there is a possibility of the neutral licensee where they give preauthorization. So a designated licensee is still representing the seller or still representing the buyer. He recommends that on the signature page all we need to have is three check boxes. The first is selecting representing the seller only, and in parenthesis, (may provide specific assistance to buyer), second option is representing the buyer only, in parentheses (may provide specific assistance to seller), the third option they are preauthorizing the neutral licensee option. With designated agency you are either representing the buyer or seller already. That relationship is established at the time of specific assistance and that is consistent HB29. If they elect neutral licensee they have to attach the waiver of right to be represented. If they don't sign the waiver of right to be represented in the pre authorization format then they have to do it before they show the property.

Commission members discuss the changes to the Licensee Relationships to be represented.

I /We hereby acknowledge receiving and reading this pamphlet on the type of relationships I/We may have with a real estate licensee(including a broker). Then I/We understand and acknowledge that (blank) (licensee) of Blank (company) will be working with me. Then there are three choices underneath. One representing the seller/lessor only (unrepresented buyer/lessee) then representing the Buyer/Lessor only (unrepresented seller/lessor). Then Preauthorized as a neutral licensee (attach “Waiver of Right to Be Represented”) then signature block.

Perry Underwood recommends that the heading for Real Estate Services should be changed to Representation and the Real Estate Services does not need to be defined.

Commission discusses the possible changes to the Alaska Real Estate Commission Consumer Pamphlet with recommendations from Mr. Underwood.

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

RESOLVED to on page 1, under representation, the second paragraph, eliminate the next (second) sentence, leave in AS 08.88.600(a) and eliminate AS 08.88.695(6) and (7).

Perry Underwood recommends that a separate paragraph be added to read Assisting Unrepresented Parties with the third paragraph under representation go under that section,

Commission members discuss the recommendations presented to them.

On a motion by Ramsey, seconded by Bauer and passed with three “yes” votes and one “no” vote, it was

RESOLVED to have a second heading (a separate section) under representation that says “Assisting Unrepresented Parties”.

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

RESOLVED to modify section 2 to read Assisting Unrepresented Parties, “A licensee who represents a party to a real estate transaction may provide specific assistance (as described on page 2 under definitions) to an unrepresented party after disclosing in writing to the unrepresented party.

Break 4:45 p.m.
Reconvene 4:50 p.m.

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

RESOLVED to add another sentence to the representation section, “A licensee who represents a party to a real estate transaction may also provide specific assistance to an unrepresented party in the same transaction.”

Perry Underwood speaks on the definitions. The definition of real estate services, he believes, that is on this form is incorrect and recommends to put a period after the word transaction and delete the rest of the sentence. David Somers asks if the definition of real estate services is needed at all. Larry Bauer comments that the confidential information should be in there so the consumers know what the agent can and can not say.

David Brower recommends that next to definitions is the heading to put the statute number or more definitions can be found at.

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

RESOLVED to remove “real estate services” definition from the definition section.

AMENDMENT TO THE MOTION by Somers, to add a note referring to additional definitions found at AS 08.88.695.

Perry Underwood states that he see no need for personal service contract if someone is having this signed it would be done concurrently with a personal service contract i.e. a listing agreement or buyers representation agreement at that time.

Commission members discuss the recommendation brought forward regarding personal service contract. Commission members table issue regarding deleting the personal services definition.

Perry Underwood questions if there is a need to have supervision of licensee in this pamphlet, for the average consumer this information is to confusing.

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

RESOLVED to remove supervision of licensees from this pamphlet.

Dave Feekin spoke regarding a concern for is on page 3, in the bold print where it says, “the above duties do not include a duty to investigate”. This needs to be very specific

because it is licensee duty to disclose and not the sellers. The licensee knows it the licensee tells not whether the property owner ever tells the licensee.

Commission members discuss the sentence brought forward.

On a motion by Bauer, seconded by Stuckart and passed unanimously, it was

RESOLVED it keep it where its at in upper cap lettering, separate and reverse order, separating the two sentences/paragraphs, first sentence will be “A licensee does have the duty, etc., the next sentence/paragraphs would be, space between the two, “the above duty does not include a duty...etc.

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

RESOLVED to have the “duration paragraph” above the “I hereby acknowledge paragraph” that has the three options; representing the seller, representing the buyer and has preauthorized neutral licensee.

Larry Bauer asked to un-table personal service contract and to leave it alone keep it the way it is. The board agreed.

Waiver of Right to be Represented Draft

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

RESOLVED to accept the Waiver of Right to be Represented to read “I (blank) seller, buyer, lessor, lessee, the following sentence, corrected Alaska Real Estate Commission Consumer Pamphlet, all the way down to the end, striking the last sentence there, striking all of the check boxes all the way down, and another paragraph regarding written consent AS 08.88.64(b)(1-3), then having “I hereby acknowledge receiving and reading this waiver of right to be represented. I accept that (blank) will be providing specific assistance and I am waiving my right to be represented, date, time, and four signature lines.

Dave Feekin asks the board to clarifying the transition period focusing on transactions in progress in 2004 but don't close until 2005, how do you deal with that change.

Dave Somers says we need to state very clearly all listing or anything excluding current earnest money contracts need to go under the new law January 1, 2005. How do you switch representation issues on January 1 if you are already in a contract, for sale or for lease. The board needs to make a statement on a contract that is in progress waiting to close will operate under the old statute until it closes.

Dave Feekin says the industry is asking so the board needs to tell them something how to proceed with transactions in progress.

Dave Brower looks at the transition decision that states, shall adopt regulations then may proceed to adopt other regulations necessary to implement this act. He is not sure that this gives the commission the authority to adopt a regulation that would say a contract that started in 2004 and that is going to go into 2005 goes by the old rules. It doesn't appear that that was considered. This HB29, all the things in there could be agreed to otherwise in writing might be worthwhile considering if anybody who has contracts or transactions that are going to go over to 2005.

Barbara Ramsey reiterates that Mr. Brower's recommendation is that because we have something already in writing that is otherwise agreed to that as long as that contract or personal agreement is still in force that would suffice.

Dave Brower says that the contracts that are in force on December 31, 2004 don't automatically become obsolete on January 1, 2005.

Dave Somers asked, when you say contracts already in force are you referring to not just a contract between a buyer/seller or lessor/lessee that's in progress or are you referring to a contract that a broker has with a client that has listed the property or broker has a contract with a buyer to represent them?

Dave Brower said that there is no retrospect to the aspect of the bill.

Barbara Ramsey pointed out that personal service contracts are already defined. That is on page 13 number 5, line 25. That is a excellent way to get past as long as the industry realizes that any change after for what ever reason it would then have to be change to the new HB29 regulations.

Dave Somers suggests that the board needs to indicate on January 1st that those listing contracts need to be modified to take into account the new law. Unless they are already under contract to sell. If everybody knows these guidelines in advance when they list a property on October 1st and it's a five-month listing they would get pre authorization of the new laws January 1. If this is the position that the board is going to take, the board needs clarify that's the way it is going to be and get something in writing to protect everybody whether through regulations or a opinion from the attorney general or both.

We need to have something that states very clearly that contracts, earnest money agreements already in transactions as of the first will remain under old guidelines until closing.

Dave Brower says it is possible to get something ready to look at and public notice it and expedite it and get the public notice out. I will get with Barb Gabier and try to figure out how to do that.

Barbara Ramsey asked for clarification so the intent is that all personal service contracts NOT including purchase to be modified under HB 29 as January 05, all fully executed all purchase agreements to remain in effect until recording.

Dave Feekin spoke regarding the issue of training of education classes around the state. Dave Feekin, PeggyAnn McConnochie and Perry Underwood have been requested by all the boards to visit these boards and talk to all licensees about this change. This training will be advertised for all licensees. They have established Train the Trainer courses and will be bringing forward some sort of a proposal for funding from the training aspect of the surety fund to cover their travel expenses so that they can reach many locations. The locations they were thinking about reaching were Kenai, Homer, Kodiak, three times in Anchorage, the Valley, twice in Fairbanks, Juneau, Ketchikan and Sitka. They were looking at eight hours of Train the Trainer, and then the other meeting would be four hours instruction to agents. Of the three in Anchorage one if them is the Train the Trainer, two times in Anchorage for all the agents, once in Fairbanks for all the agents and once in Fairbanks for Train the Trainer. This training would hopefully be accomplished in two weeks. They were hoping to have the actual proposal within the next week to the Commission so that it could be taken up at the September meeting. Their plan is to complete this training in October.

Barb Gabier explained the procedure of the public notice regarding the regulations and asked the Commission if they wanted a public hearing during their September meeting or if they wanted to just restrict it to written comment only? Ms Gabier explained that a public hearing on these regulations would allow people to come before the board and speak about the regulations at the meeting. If the board did not want a public hearing at the meeting then they would have to remind the public that there will be no discussions regarding regulations during the public comment period or any time during the meeting because it is limited to written comments only.

The board agreed to restrict it to written comments only.

Barbara Ramsey asked if the board would have another opportunity to look at the changes before it went out for public comment. Barb Gabier said that there would not be enough time for another teleconference because it would have to be public notice but that she could gather all comments/changes from this meeting and make a draft with a new date and email it to all the board members for feedback, by email only, to make sure all changes were made correctly.

Dave Somers asked if the Commission members would have the ability to make alterations to the documents at the September meeting? Barb Gabier said that the Commission can consider all the public comments and with in the scope of the public notice the Commission can make minor changes. The Commission could not come up with something that was brand new but to amend the documents was fine.

Barbara Ramsey asked if anyone was interested in attending the ARELLO conference in October because Rita Stuckart would be unable to attend due to a schedule change. If no one would be able to attend in October this issue could be table for another time and discussed at another meeting for attendance at the regional conference sometime in April of next year.

The ARELLO conference issue was table for further discussion at a later date.

Dave Somers thanked the public members that stood by at this meeting and helped out.

Meeting adjourned at 6:05 p.m.

Submitted by: _____
Nancy A. Harris, Licensing Examiner

Approved: _____
Barbara Ramsey, Chairperson