

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC
DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL
LICENSING
REAL ESTATE COMMISSION**

**MINUTES OF MEETING
December 1, 2005**

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference of the Real Estate Commission was held December 1, 2005, at the Atwood Building, Room 1270, Anchorage, Alaska.

Thursday December 1, 2005

Agenda Item 1 Call to Order

Chairperson Barbara Ramsey called the meeting to order at 9:05 a.m.

Roll Call

Members present constituting a quorum were:

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

Staff Present:

Sharon Walsh, Executive Administrator
Teresa Thacker, Publication Specialist
Nancy Harris, Licensing Examiner

Guests present via teleconference

Gayle Horetski, Assistant Attorney General
David Brower, Assistant Attorney General

Guests present:

Dorothy Melambianakis, Department of Natural Resources
Jessica Schalkowski, Department of Natural Resources
Holly Hill, Department of Natural Resources

Tammis Brown, Department of Natural Resources
Linda Cardoza, Prudential JackWhite/Vista Real Estate

Approval of Agenda

Ms. Wilson asked to add her comments and regulation housekeeping from HB 169 to the agenda. Ms. Ramsey said she would add it to agenda item 11(d) and address it at that time.

On a motion duly made by Fluetsch, seconded by Somers, it was

RESOLVED to approve agenda as amended.

All in favor. Motion passes.

Tim Worthen joined the meeting at 9:10 a.m.

Approval of Minutes, September 22 & 23, 2005

Mr. Stone had a number of corrections to the meeting minutes. Page 7, at bottom of that long paragraph, the last line, delete the “d” in “exchanged”,

Page 8, at the bottom of the first paragraph, change the word “where” to “were”, next paragraph, third line down, it should read be “Assistance” Act not “Assistant” in the last paragraph, third line, should read be “legislation” not legislature.

Page 9, first paragraph, second line show delete the “d” in “appropriated”.

Page 23, Agenda Item 10, second paragraph down, add “not considered” in front of capital outlay.

Page 24, in the first paragraph, after the dollar amount of \$30,000 “of” should be changed to “it”.

Ms. Walsh also had corrections to the meeting minutes.

Page 10, brackets should be around the last sentence that begins with “The intent”

Page 21, under new business, second paragraph, fifth sentence “perview” should be changed to “purview”,

Page 25, fourth paragraph should read, “Motion failed due to lack of a second.”

Page 26, last paragraph, bottom line, it should read, “SEAMLS” not SEAMILS.

Page 29, third paragraph, third sentence, “they” should read “them”.

Page 6, first sentence second line, fix the quotation mark after the word "day".

**On a motion duly made by Somers, seconded by Wilson,
it was**

**RESOLVED to approve the September 22 & 23,
2005 meeting minutes as revised.**

All in favor. Motion passes.

Approval of Minutes, November 4, 2005

Mr. Worthen had one change to the November 4, 2005 minutes, to correct the date at the top of each page to read November 4, 2005 instead of September 22 & 23, 2005.

**On a motion duly made by Somers, seconded by
Fluetsch, it was**

**RESOLVED to approve the November 4, 2005
meeting minutes as revised.**

All in favor. Motion passes.

Agenda Item 2

Public Comment

Comment from Barbara Ramsey

Ms. Ramsey went over her letter to the Commission regarding if formalizing an education subcommittee is in the best interest of the real estate industry. She wrote that at the June meeting she voted yes for working towards regulations to create an education committee, however, since then she has come to a very different conclusion based on the following three reasons. 1) the original intent of the previous education committee was for a temporary advisory group 2) we've only begun to see the results of what can happen with a fully staffed REC and 3) the fifth point of the mission statement is managing the resources of the surety fund. In conclusion, she writes we are fully staffed now and should take full advantage of the resources we currently are paying for and have available to us. If we cannot quantify how the formalization of an education subcommittee will enhance our abilities as commission members, should we continue the process?

Comment from Anchorage Board of Realtors

A letter addressed to the Alaska Real Estate Commission from the Anchorage Board of Realtors Executive Officer, Kay DuBois, dated September 20, 2005, was presented to the Commission. This letter expressed Ms. DuBois' pleasure in the Commission's communication with Sharon Walsh. Her letter stated that she and several Board members have been meeting on a regular basis with Ms. Walsh and Ms. Thacker to discuss mutual concerns. She said she believed the exchange of ideas has been highly beneficial to both AREC and the Board. She continued to say that the reconfiguring of the REC web site allows easier access to educational data and the stream lining of the course and instructor approval has been an improvement from the frustrations of the past. She said when she asked questions of Sharon and Teresa they respond quickly and professionally. She concluded that she has a high regard for Sharon Walsh and appreciates her leadership.

Comment from Anita Bates

An email received from Anita Bates, dated November 30, 2005 regarding mediation training was presented to the Commission. She said it had come to her attention that there has been a rise in mediations and arbitrations being filed with the various Boards. Ms. Bates asked if the Commission would consider using some of the education funds to sponsor mediation training for brokers and licensees. She said, through her research she has found that trainers in mediation are generally charging \$2000 to \$2500 per day. She believed that if the Commission were able and willing to budget the necessary funds for this training, it would be a great service to the public as well as the licensees. She said that making this training available might encourage brokers and licensees to participate and acquire skills to resolve problems before they escalate into the Commission as complaints or legal action.

The Commission members discussed Ms. Bates email regarding REC allocating education money for mediator training.

Agenda Item 3

Department of Natural Resources Presentation

Holly Hill, manager of the Land Sales and Contract Administration section within the Department of Natural Resources gave a presentation to the Commission on the overview of what her section does for the State of Alaska. They are committed to providing access, ownership and responsible practices. This year their goals were to offer 200 parcels at auction, 450 remote

recreational cabin sites, 2500 parcels of land over the counter, which is available over the intranet, and generate revenue of 5.4 million. Their contracted administration group, prepare land sales contracts, patents, title documentation and handle transfers, it is very much like a title company. They work closely with title companies and often agents as well. Their office was approached by a FSBO person who runs an Internet page for "For Sale By Owner" issues and someone who runs an auction company. They wanted to tap into their program. They have discussed it with Sharon and are still looking into. They also have people out there who are licensed agents that are using the buyer's representation agreements and the buyer's are paying their commissions when selling their parcels. They have been asked if they provide commissions and she believes that they are forbidden. Ms. Hill would like to work closely with the real estate industry and the Real Estate Commission to do things in the proper way.

Agenda Item 4

Investigator Report

Statistics

Margo Mandel presents her statistical investigative report for the period September 8, 2005 through November 21, 2005 to the Commission.

The Commission members reviewed and discussed Ms. Mandel's report as presented.

Ms. Mandel asked to poll the Commission members in regards to issuing a subpoena on a case. Before issuing a subpoena she is required to contact every Commission member and have an approval by the majority.

A roll call vote was taken for approval to issue a subpoena.

Roger Stone, approve
Gene DuVal, approve
David Somers, approve
Tim Worthen, approve
Rita Wilson, approve
Bradley Fluetsch, approve
Barbara Ramsey, approve

Ms. Mandel also asked the Commission members for direction regarding the same case if they would entertain any kind of formal sanctions through a MOA or would they like her to proceed towards surrender or disciplinary sanctions.

The Commission directed staff to proceed through the full process for a complete review by the Commission.

**On a motion duly made by Somers, seconded by
Fluetsch, it was**

**RESOLVED to approve the investigator's
report.**

All in favor. Motion passes.

The Commission recessed for break at 10:16 a.m.
The Commission reconvened from break at 10:25 a.m.

Agenda Item 2

Anita Bates letter

The Commission continued discussion regarding providing funds for mediation training from Anita Bates. The Commission concluded that it is not within their purview. The members agreed that the local boards and some attorneys handle mediation training. They believed that if this group decided to allocate state funds to train mediators they would need to make sure that the mediators serve under someone's guidance which would allow all licensees to utilize these services and not just members of the realtor community.

Linda Cardoza

Linda Cardoza a member of the Anchorage Board of Realtors and past president of the Board addresses the Commission for public comment. First, she commented that the Board of Realtors does not charge fees for mediation and that mediators are just referees, facilitators, and it is the parties that make the determination and not a licensee. She went on to comment that the newsletter and the web site look great. She said she is still getting herself familiar with the multiple layers and one suggestion would be that the multiple layers of the web site not have the same information. She said she has been disgruntled with this body for some time on various issues. However, Sharon has taken staff time to travel to different Boards to speak with licensees and to review their continuing education. She thought that was a tremendous asset for all licensees. Also, she was aware that staff had visited a number of Board meetings, luncheons and other training and she thinks that is tremendous. She thanked staff for the extra board book that they provided and that she is using it diligently.

Mr. Somers also wanted to thank staff for spending time in Fairbanks, meeting with people to review their continuing education. It makes a difference when that happens. He said he is also glad to see the "Cardoza Book" as he calls it being used today.

Agenda Item 5

Education Committee Draft Regulations

The Commission members discussed the different options between an Advisory Group and the creation of an Education Committee.

On a motion duly made by Somers, seconded by Fluetsch, it was

RESOLVED to table the discussion on the education committee issue with no time certain.

6 members in favor; 1 member opposed. Motion passed.

On a motion duly made by Somers, seconded by Fluetsch, it was

RESOLVED to establish a temporary Advisory Group for the purposes of evaluating all education issues including, but not limited to regulations, PLE/CE. The Advisory Group will consist of: 6-9 members, a cross section of the state licensees and educators (appointed by the Chair) in addition to staff plus one REC liaison, to provide a report to the REC no later than the June 2006 meeting. Sunset is at the end of the June 2006 meeting.

All in favor. Motion passes.

Agenda Item 6

Gayle Horetski- Assistant Attorney General

Ms. Gayle Horetski with the Attorney General's office in Juneau spoke to the Commission about an issue that has arisen in discussion between the AG's office and Commission staff. Back in 1998 there was substantial revision to the statutes and among the changes that were made at that time, Representative Rokeberg's bill, HB 33, the requirements for licensure were expanded by the inclusion of license requirements for those persons doing community association management and property management.

The statutes were revised to also amend the exceptions to the amended license requirements. As they had attempted to implement the existing statute, as they believed the legislature intended it to be applied, they ran into a situation where there are exceptions to one of those exceptions in AS 08.88.900(9), which then takes you back to the requirements. However, the question has arisen that whether persons who are working for these corporations and their goal is to provide services as a charitable type or as a community service, whether employees of that non-profit corporation must have a real estate license. If these employees are doing things like collecting rent for the people who live in these congregate living facilities, some of these people are certified by HUD and under the requirements for HUD licensing facilities. She wanted to alert the Commission that the application of these exceptions in existing law in the instance of application to corporate employees who are carrying out corporate functions whether those persons need a license under state law. She said we can not tell whether persons of that sort, whether all of their duties would be covered by these various exemptions or if there are still things that they are doing which under the existing law a license would be needed. They wanted to bring this to the Commission's attention because the Commission had a view that these kind of non-profit corporations that hired people to do these kind of charitable or community service work, ought to be required to have a real estate license in the State of Alaska. Ms. Horetski and staff would recommend that the Commission suggest an amendment to the existing exception that appear in AS 08.88.900 that would explicitly exempt the people in these circumstances that she just described. Since the session is coming up in January, this would be the opportunity to communicate with individual legislators and or the Division Director, if there is a view that the exceptions in this area should be clarified.

The position of the Commission is that the statute regarding employees of corporations, there is no distinction between profit and non-profit. The existing statute covers this issue especially with the incidental definition of chance, minor or casual.

Ms. Horetski clarified her question to Commission. You have a non-profit corporation that has employees. These employees work for the corporation and carry out purposes of the corporation, which could be providing meals, transportation or all kind of services to people in the community. If among the services that the non-profit corporation provides is congregate living arrangements, such as assisted living facilities, living facilities for

the disabled or people of that sort, does the activity of the non-profit corporation employee who amongst his or her other duties also is supposed to collect the rent, show the empty apartments, interview tenants, execute leases, things of that sort, is that individual, (corporate employee) required to hold a real estate license in Alaska? Ms. Horetski said she is interested in the Commission's view on whether they think the statute is clear and whether that person needs a license or not.

Ms. Ramsey clarified that the Commission has one of two ways to go, if as a group they feel that the statute needs to be clearer and there needs to be specific exemptions in the statute then they need to begin that process. The second option is that under regulations, which they can control, come up with a definition of incidental and vocation.

The Commission members decide on the second option to define under regulation what "incidental" and "vocation" means on the next meeting agenda.

The Commission recessed for lunch at 11:58 a.m.
The Commission reconvened from lunch at 12:40 a.m.

Agenda Item 7

Assistant Attorney General – Dave Brower

Education Committee Regulations

The Commission had one question for Mr. Brower regarding the Education Committee. When there is an Advisory Group can we put one Commission member on that Advisory Group without a public notice?

Mr. Brower said that if there is an Advisory Group appointed by the Real Estate Commission, if it is an official group it may need to be public noticed whether there is a Commission member on it or not.

Ms. Walsh clarified for the Commission that a teleconference needs to be public noticed within 5 days of the teleconference and an actual meeting requires 10 days before the meeting.

Z. Kent Sullivan Letter-Response

Mr. Brower said that a specific complaint should be properly directed toward the investigative unit who would then work with department of law. There needs to be something specific to act upon. He said that this did not need to be addressed by the

Commission. Mr. Brower said he would respond to Mr. Sullivan's letter.

Agenda Item 12(a) Public Official

There was a question brought to Mr. Brower at the last meeting regarding what is a public official mentioned in the AS 08.88.900(4), under the exceptions. Mr. Brower said that public official shows up in various places in the statute and it has different definitions depending where it is. Public official shows up in Title 9, 14 and 39. Title 39 has a more expansive definition of Public Official. It says a public official is, a judicial officer, the Governor, the Lt. Governor, a person hired or appointed in a department in the executive branch as the head or deputy head of the department, the director or deputy director with the division, specialist assistant to the head of the department and a person serving as the legislative liaison for the department, assistant to the Governor or Lt. Governor, chair or a member of the State commission or board. None of those public officials would be doing actual work that was contemplated in the exceptions. So a public officer means a public employee. The REC can adopt a definition for public official according to Deborah Behr, an assistant attorney with the Legislation and Regulations section for the Department of Law. It would have to have some assemblance of relationship to why is it an exception to the chapter. Mr. Brower spoke with Jim Cantor, an Assistant AG, who has been with the State for a number of years and he said that he had dealt with the REC sometime ago regarding Right of Way agents and the determination was that they do not need real estate license. There are many departments within State, City and Federal offices that have right way agents for eminent domain issues. In the context of the relocation, right of way agents under the United State Code 42 has a section in it that deals with relocation when there is property that needs to be acquired for a federally funded project. State agencies are required to do certain things and the duties that they are required to do that go beyond the general requirements that a real estate licensee is required to do. In this case the government is required to determine how the process will work. In Alaska, Title 34 chapter 60, the Relocation Assistance Act, the State adopted their own statutes to implement the federal law and they have to follow it. The State also has regulation 17 AAC 81.010 that was adopted for relocation assistance. It adopts by reference a few of the federal regulations. AS 34.60.030 talks about the administration of the program and it says that State agencies may enter into contract with any individual, firm, association, or corporation for services in

connection with relocation assistance programs. AS 34.60.030 was enacted after the REC was created and the Alaska Legislature didn't specify that the contract must be entered into with real estate brokers or licensees. Although, some of the services do involve the types of services that licensees generally do. There is more that is required by the State agencies when they are giving relocation assistance. The statute allows them to enter into a contract with any individual firm, association or corporation for the services in connection with relocation assistance program. For this particular program and possibly for eminent domain, it would probably be exempt from the real estate licensing laws.

The Commission members discussed the issue of Public Official.

Mr. Stone asked if Mr. Brower had done any research on the question they had for him at the last meeting regarding the new qualifications or the duties and responsibilities and relationships of the licensees abrogated under the common law of agency with regard to fiduciary duties.

Mr. Brower said there is a specific line in the new statute that says these statutes are designed to abrogate the common law as far as common law of agency. He said the wording now in the statute is what the licensee is now supposed to do. If there was a question, law suit or a disciplinary hearing they would be relying on the what the statute says is the duty of the licensee subject to any agreed upon waivers that were authorized to be waived.

Mr. Stone asked Mr. Brower whether the statute specifically says it or if still implies fiduciary duties?

Mr. Brower said yes. He said that in AS 08.88.675, the common law of agency related to real estate licensee relationships in real estate transactions is expressly abrogated to the extent inconsistent with AS 08.88.600 – 08.88.695. So, if there is a common law of agency that contradicts what is in AS 08.88.600 to AS 08.88.695 than AS 08.88.600 to AS 08.88.695 rules.

Mr. DuVal said he sees a big hole in the statute in AS 08.88.615(1) that says "the exercise of reasonable skill and care" verses "utmost care and fiduciary duty".

Mr. Brower said that is where the common law has been abrogated "the exercise of reasonable skill and care."

Agenda Item 11(b) Unlicensed to Practice- AS 08.88.167

The Commission asked a question to Mr. Brower regarding an unlicensed person conducting license activities. The Commission has had the question asked to them as to why doesn't the Commission go after individuals who conduct unlicensed activities. The Commission's response was that they did not have any control over unlicensed individuals but under statute AS 08.88.167 they may have recourse.

Mr. Brower said that there has to be information, proof or probable cause to believe it is happening in order to issue a summary order. There would need to be an investigation done to determine if there is violation, issue a cease and desist order and a hearing it see if that in fact happened.

Ms. Walsh said she has heard that if they do not have a license than they could not be investigated.

Mr. Brower said if someone complained then that complaint should be sent to the investigative unit for investigation.

On a motion duly made by Stone, seconded by Wilson, it was

RESOLVED for staff to inform investigators of AS 08.88.167. Review any complaints on unlicensed or unauthorized practice beginning January 2006 that may not have been followed up.

All in favor. Motion passed.

Commission directed staff to provide suggestions expanding 12 AAC 64.550, Property management transactions.

The Commission recessed for break at 1:40 p.m.

The Commission reconvened from break at 1:46 p.m.

Agenda Item 8 Licensing Examiner's Report
Statistics Report

Ms. Harris presents her statistical report for the period of September 8, 2005, through November 15, 2005 to the Commission. She said there were 77 new licensees, 2442 active

licensees with a 01/31/06 expiration date and the total number of licensees is 2,664, to include active and inactive. There were 118 inactive licensees and 331 licensees that have allowed their license to go into a lapsed status.

On a motion duly made by Fluetsch, seconded by Somers, it was

RESOLVED to approve the licensing examiner's report.

All in favor. Motion passed.

Remote Site Issues/Referral Offices

Ms. Harris presents to the Commission a list of licensees whose mailing address is a different location than their office address, either out of the local area or out of state. Should these licensees be under remote supervision? Also, she said that on the second page there was a list of brokers who have out of state mailing addresses while the physical address of their offices are within Alaska.

The Commission members discussed the issues of broker supervision of out of area licensees and remote supervision.

Commission directed staff to send a letter to brokers asking them to clarify how they supervise any licensee on the list who are not a resident of the same community. Are they active? Please provide information on how you are supervising. If not active, question if they should be inactivated.

The Commission members directed staff to send a letter to brokers on the list provided them who have mailing addresses out of state and ask them to verify their physical address and if their office meets the requirements of 12 AAC 64.110, Offices and 12 AAC 64.115, Minimum requirements for maintaining an office.

Agenda Item 9

Executive Administrator's Report

Real Estate Revenue/Expenditure

The Commission members reviewed and discussed the Real Estate Revenue/Expenditure Report as presented.

Surety Fund Report

The Commission members reviewed and discussed the Surety Fund Report as presented. Ms. Walsh pointed out that she had added a new column as requested for final decisions of surety fund claims.

Newsletter in Print Request

Ms. Walsh presented the letter to the Commission that was sent to the Director Rick Urion requesting approval to print and mail the AREC Newsletter. She said that Mr. Urion denied her request and that there would be no letter to follow but to let the Commission know that the request was denied.

Request from Anchorage Board of Realtors

Ms. Walsh presented an email to the Commission that she received from Ms. Kay DuBois, Executive Officer of the Anchorage Board of Realtors, requesting funds from the REC for mediator training. The funds would send one or two individuals to NAR's Mediator-Grievance Professional Standard training in Chicago in August. The cost would be \$150.00 per person for three days of training. The NAR would pick up the airfare and hotel.

Staff to respond using same language as the Anita Bates response.

Request for EA to approve CE for renewal

Ms. Walsh asked the Commission for their approval for her to approve CE for renewal.

**On a motion duly made by Somers, seconded by DuVal,
it was**

**RESOLVED for the Executive Administrator to
have authority to review CE.**

All in favor. Motion passes.

**On a motion duly made by Fluetsch, seconded by Stone,
it was**

**RESOLVED to approve the Executive
Administrator's report.**

All in favor. Motion passes.

Proposed Regulation Change 12 AAC 64.420(c)

Ms. Thacker presented to the Commission a proposed change to regulation 12 AAC 64.420(c), Application for course certification. She said that there is a provision in the regulations for instructors that would allow them a ninety-day grace period. If they apply to become an instructor within ninety days, we would roll their expiration date two years forward. There is no provision similar to that for course sponsors. So staff would like to allow anybody that is developing a course and seeking approval between October 15 and January 31 that the course would automatically get rolled over to the next reporting period.

On a motion duly made by Stone, seconded by DuVal, it was

RESOLVED to approve the proposed changes to 12 AAC 64.420(c).

All in favor. Motion passes.

Broker Upgrade Training Course as CE

Ms. Thacker asked Commission members for clarification regarding if licensees could use the 15 hours of upgrade education to upgrade their license as well as for continuing education?

The Commission said that a licensee CAN NOT use the education requirements for upgrading their license and for continuing education.

The Commission directed staff to check on historical precedence until regulations can be clarified.

The Commission directed staff to draft regulations changes.

The Commission directed staff to draft regulations modifying 12 AAC 64.063(b) and AAC 64.500(i), add language that when referencing the completion of the contact hours it is in addition to continuing education.

Ms. Walsh asked the Commission to define originally licensed. The Commission clarified it is the date when an original license number was issued as a salesperson and there is a date the license was upgraded under the same license number; however, those are

two separate licenses but that individual has had a real estate license.

Broker Manual- Status

Ms. Thacker passed a copy of the Broker Manual to each Commission member and asked that they review it within 2 weeks and forward their comments back to her.

Mr. Stone said there was a question brought to him by a licensed broker who asked if the broker manual would meet the requirements of the policy manual?

The Commission members said the broker manual does not meet that requirement and asked for that to be added to the FAQ section of the web site.

FAQ – the Broker manual does not meet the requirement of the policy manual.

On a motion duly made by Fluetsch, seconded by Somers, it was

RESOLVED to accept the Education Specialist's report.

All in favor. Motion passes

REC Standardized Evaluation Form- Ms. Wilson

Ms. Wilson presented to the Commission a standardized evaluation form for course evaluations that she and Ms. Thacker had worked on for the Commission's review and approval.

The Commission members offer suggestions for changes to the evaluation form. Under the comments and suggestions section, change the existing box to an expanding box to allow for unlimited comments. Add to the form a disclosure statement telling individuals where the form is available on the web site.

On a motion duly made by Wilson, seconded by Somers, it was

RESOLVED to accept the AREC Course Evaluation form as amended with an effective date of 01/01/06.

All in favor. Motion passed.

Ms. Wilson also brought to the Commission attention that there were two errors on the renewal forms and asked that staff be more diligent at proof reading forms before it goes out for print because it affects the image of the Commission.

Regulation Clean Up – HB169- Rita Wilson

Ms. Wilson brought to the Commission's attention that there needed to be some clean up in regulation 12 AAC 64.130(2) due to HB 169.

On a motion duly made by Wilson, seconded by Stone, it was

RESOLVED to modify 12 AAC 64.130(2) to put a semicolon after the word "transaction" and strike the remainder of line 2.

All in favor. Motion passes.

Agenda Item 11

New Business

March meeting Start Time/Review AS Time

The Commission members reviewed the Alaska Airline schedules to decide what time they would like the March meeting to begin in Juneau.

The Commission members decided to have everyone there a day before and to start the March REC meeting, that will be held in Juneau, at 9:00 a.m.

Consider Statute Change for AS 08.88.171(c)

Ms. Walsh asked the Commission to consider a change to the requirements in AS 08.88.171(c) to a similar statute for the Real Estate Appraisers. Not issuing a license to a person who may seek a real estate license if that person has been convicted of a crime involving moral turpitude. Ms. Walsh was looking for stronger language in the statute.

The Commission members discussed the issue of changing the statute for licensing requirements.

Commission members directed staff to confirm that 7 years is in both associate broker and broker under HB 169 – AS 08.88.171.

Commission members said that a future agenda item would be to look at restricting licenses for certain crimes, consideration for criminal statutes, restrictions imposed at sentence, to check with other real estate boards and States to look at their restrictions and to check with the AG.

Commission members said that another future agenda item would be for the Commission to consider finger printing for licensees

Agenda Item 12

Old Business

Deadline for Completed Application (PLE)

Ms. Harris presented an email from Mr. Brower clarifying the question discussed at the September meeting regarding the date when applications would be considered under the new law, either on the received date or the initial issue date. Mr. Brower said that if an applicant for initial licensure has a complete application in before the effective date of the new law, the applicant should be licensed under the current law. He also said that this was a correction from what he said at the last meeting.

Hurricane Katrina Licensing Response

Ms. Thacker updated the Commission on the hurricane Katrina licensing response. She said that the requirements could not be changed but staff could expedite the process of licensure for individuals that may apply from the affected areas. However, no one has applied to date.

Remaining Updates from September 22 & 23 Meeting

Ms. Walsh updated the Commission on the directives to staff from the last meeting.

Adoption of Regulations: 12 AAC 64.063; 12 AAC 64.325; 12 AAC 64.500.

The Commission did not adopt the regulations 12 AAC 64.063, 12 AAC 64.325, and 12 AAC 64.500 at the last meeting.

On a motion duly made Stone, seconded by Wilson, it was

RESOLVED to adopt the amended regulations 12 AAC 64.063(a) 1 and 2, 12 AAC 64.325(c) and 12 64.500 (a) and (g).

All in favor. Motion passes.

PLE Regulations Update- letter from G. Horetski

Ms. Walsh gave the Commission a quick update on the PLE regulations. Mr. Maiquis informed Ms. Walsh that the PLE regulations are at the Department of Law and it will be going to the Attorney General either today or tomorrow. Thirty days after the Lt. Governor's signature the PLE regulations become effective.

Linda Cardoza, a member of the public, addresses the Commission again regarding the evaluation form. She commented that under the instructor section, under question 1 and 2, many of the attendees are new licensees and have very little ability to qualify an instructor and to evaluate the content of a course. She said she would much rather see a separate form that would put instructors on notice that there is another evaluation that instructors would review, make comments and submit to the REC. She asked that the Commission ask the Director his reason of his denial for a printed Newsletter, which she believes would be a benefit to all licensees.

On a motion duly made by Ramsey, seconded by Fluetsch, it was

RESOLVED to adjourn the meeting.

All in favor. Motion passes.

Meeting adjourned at 3:51 p.m.

Prepared and submitted by Division Staff.

Approved:

Real Estate Commission
Minutes of Meeting
December 1, 2005
Page 20 of 20

Barbara Ramsey, Chairperson
Real Estate Commission

Date: _____