

Office of Professional Regulation
Real Estate Commission
Corner of State and Main in the City Center
89 Main Street
3rd Floor
Montpelier, VT 05602

Minutes

February 27, 2014 – 9:15 AM

Commission Members and Staff Present: Claire Porter, David Raphael, Mark Thibeault, Joyce Cameron, Lori Holt, ad-hoc member, Brian Amones, ad-hoc member, Judith Griffen, Colin Benjamin and Peter Comart **Members Absent:** Michelle Gosselin, Gloria Rice and Maretta Hostetler
Public members Present: Chuck Bolton, Linda Bancroft, Teresa Merelman, Jeff Sikora, Rosemary Gingue, Mary Cohen and Ron Huntington

1. **8:30 Education Committee**
2. **Commission Meeting - Call to Order at 9:15**
3. **Introduction of New Ad-Hoc Members Brian Amones and Lori Holt.**
4. **Approved January 23, 2014 minutes**
5. **Case Manager's Report – C. Preston**

There are eighty-five (85) open cases at this time. Seven (7) have been recommended for closing, thirteen (13) are pending I-Team meetings, eleven (11) are on hold, thirty-eight (38) are under investigation, six (6) are pending charges, two (2) are pending hearings and eight (8) have charges filed.

Number of Active Licensees as of February 20, 2014

Brokers:	1098
Salespersons:	1113
Brokerage Firms - Main Offices:	645
Brokerage Firms - Branch Offices:	76

6. **Closing Reports:**
 - a. 2013-385, 2013-386 and 2013-387 – approved
7. **Old Business:**
 - a. David Raphael gave an update on the Agency Workgroup progress. The group is not meeting this month, with two members absent, and will resume its work in March. Committee members have been asked to bring in language from other states' rules surrounding designated agency.
 - b. OPR Bill has moved out of Government Operations. David Raphael gave testimony this month and the bill is going to the floor and will then head to the Senate. There does not appear to be any changes or issues at this time. It was suggested that the Commission begin work on rule making to implement the pending statutory changes.
 - c. 2014 Calendar, Initiatives, and Priorities
The Commission briefly reviewed the list of ongoing initiatives below. Colin Benjamin gave an update on Home Inspector licensing, which appears to be moving forward under OPR. David Raphael noted that the Commission needs to begin its work on the next mandatory course.
- ~~Home Inspector licensing~~

- Agency changes and corresponding statute/rule changes
- Creation of a ticket process for minor administrative rule violations
- Education policy revisions
- Review of all application and forms
- ~~Maintenance of a full and complete Commission with no vacancies~~
- Creation of an attendance and communication policy for Board Members
- Mandatory course for next renewal cycle

8. New Business:

- a. The Vermont Realtor forms were discussed briefly. Colin Benjamin noted that the Commission is not in the practice of approving individual forms for conformity to the statutes and rules. The Commission addressed the forms only because it was brought to their attention that the new forms may not conform to the actual statutes and rules of the Real Estate Commission. Colin has pointed out a few concerning sections of the forms and suggested that the authors review them and noted that determining whether the forms comply with state statute and the rules will inevitably be the role of the prosecutor and I-Teams through the complaint process.
- b. David Raphael has been participating in ongoing outreach for the Commission and has presented to another two groups of licensees , providing information on the real estate statutes and rules. This is going smoothly and seems to have a good impact on the licensees. He is scheduled to present in Lamoille County in April and for a new licensee orientation in March. He offered other members the opportunity to participate if they desired.
- c. Education Hardship Request was requested by Patrice Schneider. The Commission motioned and seconded to deny the extreme hardship requested by Ms. Schneider. The motion passed 6-0.
- d. There was a motion to direct staff to send a letter to all licensees licensed from September 1, 2013 to February 28, 2014 indicating that only the 2012-2014 Renewal Cycle Mandatory Course is required for renewal and that any additional education hours obtained may be used toward the 2014-2016 renewal cycle. This was seconded and the motion passed 6-0.
- e. David Raphael let the Commission know that an agenda item for the next meeting will be a discussion about the revision to Rule 4.3. Raphael explained that several licensees have had questions about newly added section c and its implications when dealing with items such as options.

9. Disciplinary Actions – Hearings/Dismissals/Stipulations:

- a. 2013-274 – Patrick Gordon – Stipulation and Consent Order – Commissioner David Raphael, the participating I-Team member, recused himself. The Stipulation and Consent Order was reviewed by the Commission. A motion was made and seconded to accept the Stipulation and Consent Order for this case. The motion passed with a vote of 5–0.

10. Public Comment

Jeff Sikora discussed the mandatory disclosure form and asked if it was appropriate to add this information to his business card. Colin Benjamin reminded The Commission that they do not issue advisory opinions and can't endorse specific business practices and explained that as long as all licensees adhere to the statutes and rules they would see no problem.

Mr. Sikora also discussed listing agreements with the Commission and the holdover provisions and was encouraged to seek private council for this matter.

Teresa Merelman discussed closing reports with the Commission. Specifically how the Commission used to give a brief discussion on the closing reports to now just approving or

denying them. She would like to have the chance to hear or see what the issues are and the resolution to the issues. Colin advised that these reports were public and she could request them from the office. The Commission will further discuss this issue to see what they can do in the future to allow the public to hear or see these at the meetings.

11. Adjournment

Next Scheduled Meeting – March 27, 2014

The "Agency Workgroup" will hold its next meeting on March 27, 2014.

Real Estate Education Committee

Courses for review

Provider/Title	Requested # of Hours	Renewal?	Approved	Approved # of Hours	Denied	Comments
The CE Shop, Inc.						
1. At Home with Diversity	4	Yes	Yes	4		
2. BPOs: The Agent's Role in the Valuation Process	6	Yes	Yes	4		Approved for less hours
3. RPR: Real-Time Data, Market Knowledge, Informed Customers	2	Yes	Yes	2		
Continuing Ed Express						
4. Resolving Transaction Disputes	3	Yes	Yes	2		Approved for less hours
5. A Real Estate Agent's Guide To Homeowners Insurance	2	Yes	Yes	2		
6. The Psychology of Pricing and Secrets of the CMA	2	Yes	Yes	2		
7. Mortgage Fraud Finds New Paths in Real Estate	3	No	No	0		
Individual Request (Alicia Reed)						
8. EcoBroker Certified Designation /Ecosociate Designation	18	No	Tabled			Lacking content no outline included
Thomas F. Heilmann/Heilmann, Ekman & Associates, Inc						
9. Procuring Cause	2	Yes	Yes	2		
Vermont Realtors						
10. Lead Paint Residential Sales & Rentals	3	No	Yes	2		Approved for less hours
McKissock						
11. Commercial Real Estate: From the Beginning	4	No	Yes	2		Approved for less hours
12. A New Look at Contract Law	3	No	Yes	2		Approved for less hours
13. Demystifying Appraisals	3	No	Yes	2		Approved for less hours
14. Common Mistakes Every Agent Should Avoid	3	No	No	0		
15. Mortgages, Loans and Laws – How They Help Your Client	3	No	Yes	2		Approved for less hours
Vermont Realtors						
16. Creating Powerful Transactions That Close	6		Yes	4		Approved for less hours
The CE Shop						
17. Vermont 2012-2014 Renewal Cycle – Mandatory Course	4	No	No	0		Contradictions in Vermont Laws
Individual Request (Bridget Gracey)						
18. Bob Hogue 14 Hour Continuing Education Course	14	No	Tabled			Lacking content

