



# **Real Estate Commission**

## **Office of Professional Regulation, Vermont Secretary of State**

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### **Minutes**

**Friday, December 7, 2018**

**Members Present:** David Raphael, Gloria Rice, Donna Murray (by phone), Joyce Cameron, Mikail Stein.  
**OPR Staff Present:** Tara Grenier, Judith Roy  
**Others Present:** Teresa Merelman, Kristopher Boyd, Betty McEnany (part), Brian Armstrong (part), Randy Mayhew (part), Annmarie Daniels (part)

- 1. 9:33 Called to Order**
- 2. No changes to the agenda**
- 3. Approved October 25, 2018 minutes with changes**

Donna Murray moved to approve the minutes with amendments to Other Business, §§ 8(a),(d),(e), and Public Comment #10. Joyce Cameron seconded the motion. The motion carries with one opposition.

#### **4. Disciplinary Matters**

- a. Stipulation and Consent Order – Kristopher Boyd; Docket Number 2018-109

David Raphael moved to reject the stipulation and consent order and advised the office to issue the license without the warning. Gloria Rice second the motion. The motioned carried unanimously.

- b. Default Order – Douglas Symmes; Docket Number 2018-63  
Symmes & Associates Docket Number 2018-64

Donna Murray moved to accept the report, adopt the findings of fact and conclusions of law, and order the recommended discipline as set forth in the proposed order. Gloria Rice seconded the motion. Mikail Stein recused himself because he was the I-Team member. The motioned carried.

- c. Default Order – George Sanders; Docket Numbers 2018-75,76, & 77  
Absolute Realty; Docket Number 2018-78

Gloria Rice moved to accept the report, adopt the findings of fact and conclusions of law, and order the recommended discipline as set forth in the proposed order. Joyce Cameron seconded the motion. The motioned carried unanimously.

- 5. Topics for Discussion**
- 6. Administrative Updates**
- 7. Education Review**

Amy Perez – Ninja Selling for 8 hours.

Mikail Stein Moved to approve the course for 8 hours. Joyce Cameron seconded the motion. The motion carried unanimously.

#### **8. Other Business – Old Business**

- a. David Raphael updated the Commission on the Rules Workgroup. Some members of the Workgroup met after the last meeting to get the Workgroup back on track and come up with a project plan. They will be looking at the rules and concentrating on what may need to be removed and what needs clarity. It is

clear that the Workgroup will need to look at language for teams, license portability, vicarious liability, transactional brokerage and five-day deposit rule. The Workgroup will continue to report to the Commission.

- b. Nothing new for the 2018 initiatives and goals
- c. No new information on new commission member appointments

The Commission discussed term expirations, reappointments and new appointments. A member whose term has expired, or is eligible for reappointment, shall remain on the Commission until a replacement has been reappointed or a reappointment letter has been received from the Governor's office, per Title 3 V.S.A 129 b(a).

- d. Conversion from board- to advisor-model regulation.

S. Lauren Hibbert, OPR Director, delivered a memorandum to the Commission giving Notice of Regulatory Review under ch. 57 of Title 26. This will have the effect of staying any further discussion related to conversion to an advisor mode. Pending completion of the Review, rule development will be stayed and the Office will recommend that lawmakers defer any alterations to the Real Estate chapter of Title 26, including conversion. In lieu of Rules Workgroup meetings, the Director recommended rule and review topics will be made discussion items for the full Commission to keep everyone updated.

## **9. Correspondence**

## **10. Public Comment**

Randy Mayhew spoke to the board about the exam service and asked the Commission if they would add the exam service discussion to the 2019 initiatives and goals. This will be added either to the 2019 initiatives and goals or on the agenda in the future.

## **11. Adjournment**

Next Scheduled Meeting – January 24, 2019  
Please check the office [website](#) for updates