

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

**Minutes**  
**August 27, 2015 – 9:15 AM**

**Commission Members and Staff Present:** Claire Porter, Gloria Rice, David Raphael, Donna Murray, Joyce Cameron, Judith Griffen. **Members absent:** Wendy Beach and Mikail Stein **Public Members Present:** Randy Mayhew, Teresa Merelman, Betty McEnaney, Dennis Brown, Annemarie Daniels, Helen Hossley, Edward Redpath, John Nelson, Timothy Strout, Connie Sleath, Sherri McPhetres, Jerry Hebert, Rose Wright, Bruce Bertholen, Isaac Chavez, Mathew Ghafoori and Nicole Senecal.

1.     **8:30     Education Committee**
2.     **9:15     Commission Meeting**
3.     **Approved July 23, 2015 Minutes**
4.     **Case Manager's Report**

There are fifty-five (55) open cases at this time. Three (3) are pending I-Team meetings, one (1) is new and in the screening process, twenty-nine (29) are under investigation, three (3) are pending charges, seven (7) are pending closing reports, and twelve (12) are pending hearings.

Number of Active Licensees as of August 18, 2015

Brokers:	1046
Salespersons:	1113
Brokerage Firms - Main Offices:	565
Brokerage Firms - Branch Offices:	77

5.     **Closing Reports**
  - a.     2014-265 – approved
6.     **10:00   Disciplinary Procedures**
  - a.     2014-745 – Nancy Phillips – Stipulation and Consent Order  
It was motioned and seconded to approve the stipulation and consent order as presented. The vote was unanimous and the motion carried. I-Team member Gloria Rice recused herself from the hearing and vote.
7.     **Old Business:**
  - a.     Inspectors and sign/advertising violations  
The Commission provided no further update.
  - b.     2015 Calendar, Initiatives, and Priorities
    - 1 - Agency and the Mandatory Consumer Information Disclosure - completing the draft Administrative Rules  
Commissioner Raphael noted that the board packets included a brochure that Mikail Stein shared titled "Working with Agents" authored from the North Carolina Real Estate Commission. Raphael shared with meeting attendees that the brochure could be found on that Commission's website if they were interested in reading it. Past discussions have focused on whether the Commission might be able to do consumer education with this type of approach.

The Commission reviewed the draft Consumer Disclosure that Attorney Gilman had provided. There was a lengthy discussion by Commissioners and meeting attendees concerning the document's content. Several changes were made and language reviewed.

A motion was made and seconded to direct Attorney Gilman to complete the discussed changes, format the document so that it is horizontal and easy to read, and to share the final version with the Commission via e-mail. If Commissioners have no objections to the final version, Attorney Gilman will include the Consumer Disclosure with the materials to be sent to LCAR with the draft administrative rules. The motioned passed.

2 - Education Process - completing policy and moving to a contracted position for review  
The Commission provided no further update.

3 - Inspection Program - focus on "notice of violation" process  
Discussion was tabled to the end of the meeting.

#### **8. New Business:**

Commissioner Raphael noted that election of officers would be on the September agenda.

A brief discussion occurred regarding the need to begin work with AMP on revising the Vermont test questions to reflect the anticipated changes as a result of the draft administrative rules. Commissioner Raphael requested any Commissioners who would like to participate in this process should reach out to him.

The Commission was reminded that Commissioners Murray and Raphael are attending the ARELLO annual meeting beginning September 8.

#### **9. Public Comment**

John Nelson asked the Commission for clarification on the Vermont sign laws indicating that in his area there are directional arrow signs that are clearly off-premise and far from the property that is for sale. Randy Mayhew also noted that some licensees are also citing old newsletters claiming that "open house" signs can be placed off-premise for up to 24hrs before.

Attorney Gilman responded noting that the Commission is following the Vermont sign law which gives clear direction about the cumulative size of signs and their location. Signs need to be on-premise of the property being advertised and the cumulative size can't be more than the allowed six square feet.

Commissioner Raphael noted that Rule 4.12 requires any advertising to contain the brokerage firm's registered name as the largest and most prominent identifier. He that TIC, who enforces the sign law, is a great resource to reach out to for sign questions.

Commissioner Raphael motioned to enter in executive session to allow for attorney-client communications necessary to the provision of legal services to the Commission. The motion was seconded and passed.

#### **10. Adjournment**

**Next Scheduled Meeting – September 24, 2015**

## Real Estate Education Committee

### Courses for review

Provider/Title	Requested # of Hours	Renewal?	Approved	Approved # of Hours	Denied	Comments
<b>The CE Shop</b>						
1. Vermont 2014-2016 Renewal Cycle Mandatory Course	4	No	Tabled	0		Need to have 4 hour seat time and needs more on Vermont laws and changes.
<b>Council on Residential Specialists (CRS)</b>						
2. 103 Mastering Your Time to Achieve Your Goals	8	No	No	0		Marketing & self-promotion
3. 120 Converting Leads Into Closings	8	No	No	0		Marketing & self-promotion
4. 121 Win-Win Negotiation Techniques	8	No	Yes	4		
5. 122 Building A Team to Grow Your Business	8	No	No	0		Marketing & self-promotion
6. 201 Listing Strategies for the Residential Specialist	16	No	Yes	8		
7. 200 Business Planning & Marketing for the Residential Specialist	16	No	Yes	4		
8. 206 Technologies to Advance Your Business	16	No	Yes	6		
9. 202 Effective Buyer Sales Strategies	16	No	Yes	6		
10. 204 Buying & Selling Income Properties	16	No	Yes	8		
11. 210 Building an Exceptional Customer Service Referral Business	16	No	No	0		Marketing & self-promotion
12. 205 Financing Solutions to Close the Deal	16	No	Yes	8		
<b>McKissock</b>						
13. Know the Code: Your Guide to Commercial Real Estate	3	No	Tabled	0		Course not on-line
14. TILA-RESPA Integrated Disclosure Rule	3	No	Yes	2		2hrs Post licensure
15. The Nuts & Bolts of Commercial Real Estate	4	No	Yes	4		2hrs Post licensure
16. Know the Code: Your Guide to the Code of Ethics	3	No	Yes	3		2hrs Post licensure
17. Fair Housing	4	Yes	Tabled	0		Course not on-line
18. Helping Buyers Narrow in on Their Dream Home	2	No	Yes	2		2hrs Post licensure
19. A Home Buyer's Guide to Credit Scores	2	No	Yes	2		2hrs Post licensure
20. Preparing a Listing Agreement An in Depth Look	4	No	Tabled	0		Course not on-line

21. Real Estate Investing: Beyond the Basics	4	No	Yes	4		
Randy Mayhew School of Real Estate						
22. 2014-2016 Renewal Cycle Mandatory Course (online)	4	No	Yes	4		
<b>Vermont Realtors</b>						
23. The Vermont Residential Energy Code 2015	3	Yes	Tabled	0		Timed outline not provided
24. The Vermont Residential Energy Code 2015	3	No	Tabled	0		Post licensure
25. Using Total Cost of Ownership in Mortgage Sales	2	No	Yes	2		
26. Using Total Cost of Ownership in Mortgage Sales	2	No	Yes	2		2hrs Post licensure
27. Seller Counseling Session	3	No	Tabled	0		
28. Seller Counseling Session	3	No	Tabled	0		Post licensure
29. Buyer Counseling Session	3	No	Tabled	0		
30. Buyer Counseling Session	3	No	Tabled	0		Post licensure
<b>Individual Request: Stephanie Hainley</b>						
31. Market Analysis for Commercial Investment Real Estate	8	n/a	Yes	8		
32. Investment Analysis for Commercial Investment Real Estate	8	n/a	Yes	8		

Courses 27-30 Seller and Buyer Counseling Session would need to be modified to place the correct emphasis and requirements on when the consumer information disclosure must be presented and the required verbal disclosure upon initial contact. The content must also include an in-depth look at the specific requirements of what has to be contained in seller and buyer service agreements, as required by the administrative rules.