

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

Agenda

March 27, 2014 – 9:15 AM

Commission Members and Staff Present: Michelle Gosselin, Gloria Rice, Maretta Hostetler, Claire Porter, David Raphael, Mark Thibeault, Judith Griffen, Colin Benjamin and Peter Comart **Members Absent:** Joyce Cameron
Public members Present: Helen Hosely, Paula Small, Joseph Marro, Brian Armstrong, Frank Piazza, Stephen Bousquet, Teresa Merelman, Liz Merrill, Ron Huntington, Mike McCarty, Kyle Kershner, Betty McEnany, Randy Mayhew and AnnMarie Daniels.

1. **8:30 Education Committee**
2. **9:15 Commission Meeting - Call to Order**
3. **9:20 Approved February 27, 2014 minutes**
4. **9:25 Case Manager's Report**

Carla Preston was not available in person, Commissioner Raphael presented the numbers she provided him through e-mail.

There are eighty (80) open cases at this time. Seven (7) have been recommended for closing, two (2) are pending I-Team meetings, thirteen (13) are on hold, forty-one (41) are under investigation, six (6) are pending charges, one (1) is pending a hearing, eight (8) have charges filed and two (2) are new and in the intake process.

Number of Active Licensees as of March 20, 2014

Brokers:	1099
Salespersons:	1122
Brokerage Firms - Main Offices:	648
Brokerage Firms - Branch Offices:	77

5. **9: 30 Old Business:**
 - a. Agency Workgroup Update
The Agency Workgroup will meet after the full Commission meeting. Each committee member was assigned to bring at least one state's definitions and rules surrounding designated agency. The committee will be reviewing that language today and talking next steps.
 - b. OPR Bill
The OPR bill passed the House and has moved to the Senate Government Operations Committee. Director Winters, Colin Benjamin, and David Raphael are scheduled to provide testimony Friday, March 28th. Commissioner Raphael noted that the Commission should begin to draft rule changes in anticipation of the bill's passage. The Commission had a brief discussion about the specifics around the new continuing education requirements, timing, and insuring that communication with licensees was early and frequent.
 - c. Letter to Licensees Licensed 9/1/2013 - 2/28/2014
Peter Comart committed to e-mailing a copy of the letter that was sent to licensees.
 - d. 2014 Calendar, Initiatives, and Priorities were discussed.
 - ~~Home Inspector licensing~~
 - Agency changes and corresponding statute/rule changes

As discussed with the OPR bill update, the Commission was encouraged to begin the process of making changes in anticipation of passage of the OPR bill.

- Creation of a ticket process for minor administrative rule violations

Commissioner Raphael reported that this was still a high priority for Carla Preston and that work would continue on this as it relates to continuing education, signs, and advertising violations with an intent of bringing a violations matrix to the Commission for its review and adoption.

- Education policy revisions

The Education Committee discussed the policy and agreed, due to lack of meeting time, to begin sharing language and revisions via e-mail so that progress can be made on Commissioner's desired changes to the policy. Commissioner Thibeault agreed to initiate this.

- Review of all application and forms

Judith Griffin informed the Commission that the Salesperson renewal forms will be the same as the Broker's. Peter Comart committed to providing Commissioner Raphael a copy for his reference.

- ~~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

Commissioner Hostetler reminded the Commission that we are in the next renewal cycle and that this had to be the Commission's highest priority. The Commission discussed the desire to have the mandatory course address local, State, and Federal law and rule changes that affect real estate. The Commission collaborated on an initial list of potential topics, including some from audience members. Commissioner Raphael will send out the initial outline and seek additions from Commissioners prior to finalizing the 2014-2016 Renewal Cycle Mandatory Course outline.

6. 9:45 New Business:

a. Discussion of Rule 4.3 and self dealing

Commissioner Thibeault requested that Rule 4.3 (e) be read. The Commission had been sent an e-mail from licensee Steve Rocheleau who had a conflict preventing his attendance. Broker Brian Armstrong presented antidotal evidence of conflicts that have arisen, and in his opinion, harmed the consumer. Commissioner Raphael noted that he had received similar calls from licensees surrounding the new rule. The Commission discussed the issues and agreed that further discussion could be had through a smaller group during the rule revision process. There was no consensus that the rule was not effective and that the issues raised could not be addressed through policy and disclosures.

b. Licensure Renewal Status as of March 20, 2014

	<u>Active</u>	<u>need to renew</u>
Brokers	582	517
Main	237	234
Branch	48	29
Sole	76	101

c. Office Inspection Program was briefly discussed. and the Commission agreed that with approximately fifty inspections occurring a year and over seven hundred offices active, that the Commission needed to hire more inspectors and increase the number of inspections in order to meet the goals of the program. The Commission acknowledged that the process has been educational and with all of the inspections, there has only been one case opened, therefore not creating an undue administrative burden.

7. Public Comment

8. Adjournment

Next Scheduled Meeting – April 24, 2014

The "Agency Workgroup" will hold its next meeting on March 27, 2014 following the full VREC meeting.

Real Estate Education Committee
Courses for review

Provider/Title	Requested # of Hours	Renewal?	Approved	Approved # of Hours	Denied	Comments
Individual Request (Bridget Gracey)						
1. Bob Hogue 14 Hour Continuing Education Course	14	No	Yes	6		Approved for less hours
Northwestern Vermont Board of Realtors						
2. Accredited Buyer Representation Designation	8	No	Yes	8		
The CE Shop						
3. Cracking the Code of Ethics	4	No	Yes	2		Approved for less hours
Vermont Realtors						
4. Appraised Property Value: Fact or Fiction	3	No	Yes	2		Approved for less hours
5. Dot Loop Agent Training	6	No	Yes	2		Approved for less hours
Continuing Ed Express						
6. Service Dogs, ADA and the Fair Housing Act	3	No	Yes	2		Approved for less hours
7. Home Inspection Basics	3	No	Yes	2		Approved for less hours
8. Indoor Air Quality: Risks and Remedies	3	No	Yes	2		Approved for less hours
9. The Role of Diversity Marketing in Your Real Estate Practice	3	No	No	0		Denied
10. How the Federal Reserve Predicts & Shapes Your Future	4	No	Tabled	0		Lack of online access
11. Seller Counseling: From Listing to Closing	3	No	Tabled	0		Lack of online access

Time allowing, the Education Committee will continue its discussion on revisions to the Education Policy.