

**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
January 28, 2016**

Commission Members and Staff Present: David Raphael, Wendy Beach, Donna Murray, Joyce Cameron, Mikail Stein, Gloria Rice, Larry Novins and Judith Griffen **Public Members Present:** Teresa Merelman, Helen Hossley, Lori Holt, Randy Rouleau, Kelli Driscoll, Zoe Bedell, Jan Lawson, Nicole Senecal, Bill Kiendl, P. Anthony Blake, Randy Mayhew and Kendall McCausland.

1. 8:30 Education Committee

The Education Committee met and prepared a report of recommended courses and continuing education hours for review and approval by the full Commission.

2. 9:30 Commission Meeting

3. Approved Minutes of December 17, 2015

4. Education Committee Report

The Commission reviewed the Education Committee Report of courses and corresponding notes. A motion was made and seconded to approve the report as submitted. The motion passed.

5. Case Manager's Report

Number of Active Licensees as of January 20, 2016

Brokers:	1043
Salespersons:	1129
Brokerage Firms - Main Offices:	567
Brokerage Firms - Branch Offices:	77

There are fifty-three (53) open cases. Twenty-one (21) are pending I-Team meetings, fifteen (15) are under investigation, six (6) are pending charges, eight (8) are pending closing reports, two (2) are pending hearings and one (1) is in the intake process.

6. Closing Reports

a. 2015-353 & 2015-354 - approved

7. Disciplinary Matters – Hearings/Dismissals/Stipulations:

a. 2012-186 & 2012-430 Bobbi-Ann Resek – Stipulation and Consent Order

The Commission held a hearing and voted to approve the Stipulation and Consent Order as presented.

- b. 2012-187 & 2012-429 Notice of Dismissal

State Prosecutor, Elizabeth Jarvis, reviewed the Notice of Dismissal in the Commission's packet.

8. Old Business:

- a. AMP test review for pending Administrative Rules changes

AMP confirmed in December that any questions that were flagged as incorrect under the revised Administrative Rules have been removed from the bank of test questions. The Commission discussed the need to write new material and agreed this would be a topic for 2016.

- b. Agency Workgroup – development of FAQs surrounding new rules

The Commission discussed that what they are hearing from licensees is positive in regard to designated agency. A couple of audience members echoed the sentiment. Some of the smaller sized firms are taking a wait and see approach before moving to designated agency. There are licensees who continue to advocate for more direction surrounding practice issues. The FAQs began to be developed and the Commission agreed it would pick these back up. Commissioner Rice shared that she felt the Commission needs to hear from more licensees about what specific issues and FAQs they want addressed.

- c. Reporting of concluded cases to other jurisdictions

The Commission agreed that considering the ARELLO Disciplinary Database should be on the 2016 planning list.

9. New Business:

- a. ARELLO 2016 Mid-Year Meeting

The Commission was provided with the Mid-Year Meeting dates and reminded that the annual meeting was the better to attend if they were choosing one over the other.

- b. PSI acquisition of AMP

Commissioners were provided a copy of the press release. There have been no discussions with AMP regarding any changes to the relationship or contacts. The Commission discussed the opportunity to invite AMP on site to review adding test questions.

- c. AMP – 2015 Salesperson and Broker Examination Passing Rates

The Commission reviewed two reports from AMP for calendar year 2015. There were twenty-four first-time candidates who sat for the broker examination and one-hundred and seventy-three first-time candidates who sat for the salesperson examination. The Commission was asked to review the reports and to consider what data would be useful to gather going forward and at what reporting interval.

- d. 2016 Planning: Goals and Initiatives

The Commission discussed what goals, projects, and initiatives it wanted to focus on in 2016 and where volunteer time versus staff time might be required. Several topics from previous years resurfaced as a priority, items such as FAQs around designated agency, sign and advertising violations, education policy and moving to a contracted position, enforcement categorization and reporting, website and marketing materials, communication with licensees, and budgeting and metrics. The Commission noted it was a renewal year and this would require staff and Commission time as well as the urgency to create the next renewal cycle mandatory course.

In considering the national regulatory landscape, the Commission discussed items such as mandatory E&O requirements, licensure reciprocity with other jurisdictions, and the regulation of leasing and property managers. The Commission was interested in learning more about the E&O and reciprocity topics.

The Commission will prepare a list of the items discussed for review at the February meeting, noting that OPR is negotiating for a new business process and information management system, which will have resource and process implications.

10. Public Comment

Bill Kiendl, a commercial practitioner, asked the Commission to consider evaluating the education opportunities available to commercial licensees. There was a brief discussion about how to apply for credit approval for courses taken outside of Vermont. Mr. Kiendl also requested that the sign issues be clarified and addressed, noting that small signs for commercial developments on major roadways is a disservice to owners.

Randy Mayhew suggested that the Commission consider a commercial component for the 2016-2018 renewal cycle mandatory course. He also noted that courses geared more toward brokers and managers might be needed to fill a need resulting from the increased broker education requirements.

Teresa Merelman raised the topic of the newsletter and requested that the Commission revive this as a communication tool. She noted that licensees read the publications and really do take direction and learning from concluded disciplinary cases.

11. Adjournment

Next Scheduled Meeting – February 25, 2016

**Vermont Real Estate Commission
Education Committee Report
January 28, 2016**

Provider/Title	Requested # of Hours	Renewal ?	Date of Last renewal	Approved	Approved # of Hours	Denied	Comments
360Training.com							
1. Bad Loans – Predatory and Fraud	3	Yes	12/20/13	No		Yes	
2. Contracts	3	Yes	12/20/13	Tabled			See below
3. Environmental Basics	4	Yes	12/20/13	Tabled			See below
4. Human Land Use	4	Yes	12/20/13	Tabled			See below
5. Pricing Property	4	Yes	12/20/13	Tabled			See below
McKissock							
6. The End of The Paper Trail: How to Conduct Paperless Transactions	3	No		Yes	2		
7. A New Look at Contract Law	2	Yes	3/3/14	Yes	2		2 post licensure
8. Demystifying Appraisals	2	Yes	3/3/14	Yes	2		2 post licensure
9. Mortgage, Loans & Laws – How they Help Your Client	2	Yes	3/3/14	Yes	2		2 post licensure
Continuing Ed Express							
10. Professional Standards & Best Practice	3	No		Tabled			See below
11. Serving Senior Homebuyers & Sellers	2	No		Tabled			See below
12. Managing Real Estate Risks with Insurance	3	No		Tabled			See below
13. History of the American Home Part II	3	No		Tabled			See below
14. Buyer Counseling: A Planned Approach	3	No		Tabled			See below
Individual Request (Peter Kahn)							
15. Better Building By Design	10 ½	No		Tabled			See below
At Your Pace Online							
16. Real Estate Fair Housing	5	No		Yes	5		
17. Real Estate Agent Safety	3	No		Yes	3		2 post licensure
18. Real Estate Contracts & Loan Programs	4	No		Yes	4		2 post licensure

19. Real Estate Financing & Title Insurance	4	No		Yes	4		2 post licensure
20. Real Estate Concepts	4	No		Yes	4		
Champlain College							
21. Basic Mediation Workshop	28	No			8		See below
Individual Request (Stephanie Hainley)							
22. Vermont Development Conference	3	n/a		Tabled			See below
Individual Request (David White)							
23. Vermont Development Conference	1.5	n/a		Tabled			See below
Individual Request (J. Tim Burke)							
24. Vermont Development Conference	4.5	n/a		Tabled			See below
Vermont Realtors							
25. On-Line Mapping Tools	2	No		2			
26. Buyer Counseling Session	3	No		3			2 post licensure
27. Seller Counseling Session	3	No		3			2 post licensure
28. 2014-2016 Renewal Cycle Mandatory Course on-line	4	No		4			

360training.com:

Course 1 denied. The material references the dated HUD settlement and needs to be updated for the new TRID/TILA/RESPA changes.

Courses 2-5 were tabled due to lack of course content access. For on-line courses, providers must provide access to the course that does not have timers or require passing exams or quizzes in order to move about the material. Education Committee reviewers should be able to freely move about the course content for the purposes of assessing accuracy and alignment with the timed course outline.

Continuing Ed Express:

Courses 10-14 were tabled due to lack of course content access. For on-line courses, providers must provide access to the course that does not have timers or require passing exams or quizzes in order to move about the material. Education Committee reviewers should be able to freely move about the course content for the purposes of assessing accuracy and alignment with the timed course outline. Continuing Ed Express did provide access

after staff requested it, however not in time for the Committee to review the material for this meeting.

Individual Requests:

Course 15, no proof of attendance was provided. If applicant provides proof of attendance, the course will be approved administratively for 10 hours.

Course 22, no proof of attendance was provided. If applicant provides proof of attendance, the course will be approved administratively for 3 hours.

Course 23, no proof of attendance was provided. If applicant provides proof of attendance, the course will be approved administratively for 2 hours.

Course 24, no proof of attendance was provided. If applicant provides proof of attendance, the course will be approved administratively for 4 hours.

Champlain College:

The Committee agreed that the skills taught are beneficial for licensees to have. Many of the topics, however, are not related to the practice of the profession. Therefore a reduced number of hours was granted.