

**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**

**May 22, 2014 – 9:15 AM**

**Commission Members and Staff Present:** Joyce Cameron, Gloria Rice, Maretta Hostetler, Michelle Gosselin, Claire Porter, David Raphael, Mark Thibeault and Judith Griffen

**Public members Present:** Helen Hossley, Randy Mayhew, Lori Holt, Teresa Merelman, John Nelson, Betty McEnaney and A. Daniels.

1. **8:30 Education Committee**
2. **9:15 Commission Meeting - Call to Order**
3. **9:20 Approved April 24, 2014 minutes**
4. **9:25 Case Manager's Report**

There are eighty-two (82) open cases at this time. Thirteen (13) have been recommended for closing, fourteen (14) are pending I-Team meetings, twelve (12) are on hold, twenty-three (23) are under investigation, nine (9) are pending charges, six (6) is pending a hearing and five (5) have charges filed.

Number of Active Licensees as of May 15, 2014

Brokers:	996
Salespersons:	1135
Brokerage Firms - Main Offices:	531
Brokerage Firms - Branch Offices:	75

Carla Preston presented a draft aging report to share with the Commission a summary of the current open cases and their associated status. The Commission discussed its desire to step back and determine if there are any trends that would help focus education and the mandatory renewal course. Preston committed to getting an Excel spreadsheet to Raphael so that Commissioners could review their open cases and get back to him with the types of complaints they are seeing.

5. **9:30 Old Business:**
  - a. Agency Workgroup Update  
Raphael gave an update of the Workgroup's last two meetings, noting that a review of the draft designated agency language is later on the agenda. He noted that the Workgroup officially appointed Betty McEnaney to the group as a result of her ongoing attendance and her valuable contributions to the Workgroup's efforts.
  - b. OPR Bill  
Governor Shumlin should be signing the OPR Bill any day. The Commission discussed the need to begin working on the Administrative Rules to reflect the statute changes. Colin Benjamin noted that the Commission should dovetail this work into the changes it intends to propose from the Agency Workgroup, noting that the statute will govern beginning July 1, even if the Administrative Rules have not been amended.
  - c. Licensure renewal and letter to Brokers  
Staff is working on communicating with a subset of brokers who have renewed their brokerage firm registration but not their broker license.

d. 2014 Calendar, Initiatives, and Priorities

- ~~Home Inspector licensing~~
- Agency changes and corresponding statute/rule changes
- Creation of a ticket process for minor administrative rule violations
- Education policy revisions

Commissioner Thibeault indicated that he has been working on revisions that he is getting prepared to send out to the Commission for review.

- Review of all application and forms

Raphael noted that Unit Administrator, Comart, is in the process of reviewing and revising the Commission's forms and applications and that he will likely have items for discussion at a future meeting. Benjamin noted that the issue of appointing OPR and the Director as a "Process Agent" for an out of state brokerage firm was unique to this profession and according to OPR, has never been used. He noted that he may be back to the Commission to request that this be stricken in the future.

- ~~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

The Commission discussed a recent draft of the course. It was suggested to move the court case review to section four. At the conclusion of the discussion, a motion was made and passed directing Raphael to make the changes as discussed and e-mail out a final draft for the Commission's review with the intent of having staff post the final course outline on the Commission's website before the June meeting.

**6. 10:00 Disciplinary Action:**

a. M2011-30 Stipulation to Expunge – Robert Provost

A motion was made to approve M2011-30 Stipulation to Expunge. A motion was then made and passed to enter into deliberative session with Board Counsel. Commissioner Hostetler recused herself as the I-Team member on the original case. The Commission came out of deliberative session and Board Counsel called for a vote on the motion to approve. The motion passed 6-0-1.

**7. 10:15 New Business:**

a. Agency Workgroup: Presentation of draft language on designated agency

The Commission was joined by the other Agency Workgroup members, Daniels, McEnaney, Mayhew who gave an introduction to the changes in front of the Commission. Members Porter, Gosselin, and Cameron applauded the Workgroup's ability to keep the language clear and easy to understand. Commissioner Gosselin expressed concern over supervising brokers and their role, especially in a transaction they are participating in. Raphael explained that the Workgroup was wrestling with this and has some possible language to solve this conflict. Commissioner Thibeault expressed that he still failed to see a need for the change, citing that he didn't see an issue with the way agency is defined now. Benjamin noted that he too shared Thibeault's views until he participated in the Workgroup and heard testimony from licensees on how this was harming the public. John Nelson, a licensee in both NH and VT, shared that he was extremely happy that Vermont is tackling this. He shared that he has practiced designated agency in New Hampshire for years and finds that consumers understand it and benefit from it.

The Commission instructed the Workgroup to continue its efforts toward modifying the Administrative Rules to adopt the proposed changes to agency.

**8. Public Comment**

**9. Adjournment**

**Next Scheduled Meeting – June 26, 2014**

The "Agency Workgroup" will hold its next meeting following the full VREC meeting.

**Real Estate Education Committee**  
**Courses for review**

<b>Provider/Title</b>	<b>Requested # of Hours</b>	<b>Renewal?</b>	<b>Approved</b>	<b>Approved # of Hours</b>	<b>Denied</b>	<b>Comments</b>
Vermont Realtors						
1. Your Company Policy Manual	3	No	Yes	3		
2. Real Estate, Waste Water & Environmental Permitting	2	No	Yes	2		
The CE Shop						
3. Seniors Real Estate Specialist	6		Yes	3 each day		
4. E-Pro Certification Program Day 1	2		Yes	2		
5. E-Pro Certification Program Day 2	2		Yes	2		
Vermont Realtors						
6. Salesperson Pre-Licensing Course	40		Yes	40		National – online State – Classroom
American Society of Farm Managers & Rural Appraisers						
7. AG Land Management 1	20.5		Yes	4		For less hours
8. AG Land Management 2	23.5		Yes	4		For less hours
9. AG Land Management 3	22.5		Yes	4		For less hours
The CE shop						
10. Vermont 2012-2014 Mandatory Course	4		Yes	4		
Randy Mayhew School of Real Estate						
11. Vermont Law Study	4		Yes	4		CE only
12. Vermont Law Study	8		Yes	8		Pre-licensing course
13. 40 Hour Prelicensing Course – VT Salesperson	40		Yes	40		National – online State – Classroom
Vermont Realtors						
14. Effective Counseling and Representation of Real Estate Clients	7		Yes	4		For less hours