

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
July 28, 2016 – 9:30 AM

Commission Members and Staff Present: David Raphael, Gloria Rice, Joyce Cameron, Mikail Stein, Donna Murray, Larry Novins and Judith Griffen **Members Absent:** Wendy Beach **Others Present:** Teresa Merelman, Helen Hossley, Randy Mayhew, Liz Merrill, Isaac Chavez, Briana Barrett and Betty McEnany

1. **8:30 Education Committee**
2. **9:30 Commission Meeting**
3. **Approved Minutes of June 23, 2016**
4. **Education Committee report**

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

5. **Case Manager's Report**

Number of Active Licensees as of July 20, 2016

| | |
|-----------------------------------|-----|
| Brokers: | 922 |
| Salespersons: | 955 |
| Brokerage Firms - Main Offices: | 454 |
| Brokerage Firms - Branch Offices: | 67 |

There are fifty-eight (58) open cases. Ten (10) are pending I-Team meetings, eighteen (18) are under investigation, eleven (11) are pending charges, eight (8) are pending closing reports, two (2) are on hold, four (4) are pending charges and five (5) are new and in the intake process

6. **Old Business:**

- a. 2016 Goals and Initiatives (review)
- b. Education Workgroup (Commissioner Beach)

The Commission was provided a copy of the draft 2016-2018 Renewal Cycle – Mandatory Course Outline prior to the meeting and discussed the topic under new business.

- c. Signs
- d. Newsletter (Commissioner Cameron)

The topics of signs, advertising, and the newsletter were briefly discussed. Commissioner Murray volunteered at a previous meeting to research a citation process from another jurisdiction for handling minor violations. She presented a brief overview of the process in Florida where their state statutes and administrative rules allow for the use of a progressive citation process that begins with a warning and escalates with subsequent violations. The Commission requested that they be provided with links to Florida's enabling language. The Commission was informed that Director Benjamin would be coming into the meeting today for further discussion.

Isaac Chavez shared that NAR has implemented a similar process for Code of Ethics violations, with success being reported across the country.

- e. Post-Licensure Education Audit

Commissioner Raphael reported that the office has contacted 148 salesperson licensees that were issued licenses from July 1, 2014 to March 1, 2016 to confirm if they had met the requirements of eight hours of post licensure and the sixteen hours of continuing education. There remain 23 licensees who have not responded. A final update will be provided once the audit is complete.

- f. Complaints and Enforcement

Commissioner Raphael reminded Commissioners that he would still like any input on the complaint and enforcement process and their experiences that Commissioners are willing to share to aid in the discussion about process. He reported that he has yet to complete his to-do for Lauren Hibbard on input on the process and closing reports.

7 New Business:

- a. 2016-2018 Renewal Cycle – Mandatory Course (DRAFT Outline)

The Commission reviewed the draft outline and discussed sections of the content. The Commission discussed that there were no specific requirements for time spent on each section of the content. It is expected that all the content is covered in some way. It was noted that in the past, times have been both included and omitted. The agreement was that the outline was meant to provide the topics that the mandatory course must address and that individual providers will vary in their focus and depth of topics. The Commission remarked that the intent was that some providers would develop a second course that went into more detail on areas that might be of interest.

No changes were suggested and a motion was made and seconded to approve the “2016-2018 Renewal Cycle – Mandatory Course (DRAFT Outline).” The motion passed. Commissioner Raphael was directed to provide the final version to staff for branding and to be placed on the website.

b. Vermont Realtors Letter

Commissioner Raphael noted that Vermont Realtors submitted a letter regarding the mandatory course the day prior to the meeting on July 27th. He asked Isaac Chavez if he had anything to add. Mr. Chavez indicated that the previous discussion addressed the concerns raised in the letter. Commissioner Raphael noted that the letter contained some inaccurate information and requested that in the future Mr. Chavez consider a phone call to discuss his organization's concerns, avoiding any confusion and clearing up any concerns.

c. Conversation with Director Colin Benjamin

Director Benjamin engaged in a high level discussion about the office's concerns with newsletters. He indicated that communications on process and how the office does the work it is charged with seem appropriate. He noted that where the struggle lies is when topics on policy and practice issues are addressed. He presented the challenges in the enforcement division when prosecutors are faced with prior newsletters that have conflicting information during a case. The Director cited that the Commission's decisions in cases provide the guidance and interpretations of rules and statutes. Commissioner Cameron spoke to the draft content of the proposed newsletter and indicated that she and Commission felt that it was really fundamental communication and not on interpreting laws or rules. She agreed to send along the draft so that the Director could get an idea of what the Commission wants to send out. The Commission emphasized that licensees are asking to hear from them.

The discussion turned to the frustration at not being able to enforce sign and advertising violations and Commissioner Rice asked for statistics on cases of such violations, noting that the Commission continues to desire classification of disciplinary matters. The Director committed to providing that data. A recap of Commissioner Murray's presentation on a citation process was presented with the Commission asking the Director to support looking into a similar solution for Vermont. The Director indicated he was open to the dialogue noting that the details of how something like this could work would really need to be explored.

Randy Mayhew noted his ongoing desire to make the declaratory ruling process more prominent. The Commission discussed rule 3.3 on Declaratory and non-binding advisory opinions. The Director indicated that the office was looking at the rules governing all professions, noting that they should be consistent across the board.

The Director ended the discussion with an update on the scoping project underway at OPR, noting his and staff's excitement. He noted that by mapping out business processes the office is able to eliminate a lot of unnecessary red tape and overhead, citing some exciting results such as drastic reductions in licensing turnaround times and processing. The Director advised that changes such as these speak to the mission of OPR, which is to license qualified individuals and get licensees into their professions so they can earn a living. He noted that the new software platform promises to bring exciting changes to OPR and the real estate profession.

8. Public Comment

Randy Mayhew indicated that an old version of the consumer disclosure is still under “resources” on the Commission’s website. He also noted that the version of the AMP candidate testing booklet is not the most recent. Staff agreed to look into both of these items and correct them.

Betty McEnany emphasized that good communication will result in fewer complaints and clearer expectations with licensees.

9. Adjournment 11:25 AM.

Next Scheduled Meeting – August 25, 2016

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

| Provider/Title | Requested # of Hours | Renewal ? | Date of Last renewal | Previously Approved Hours | Approved | Approved # of Hours | Comments |
|--|-------------------------------------|----------------------|-------------------------------------|--|-----------------|--------------------------------|-----------------|
| American Society of Farm Managers and Rural Appraisers | | | | | | | |
| 1. Best in the Business Ethics | 3 | No | | | Yes | 3 | |
| McKissock | | | | | | | |
| 2. From Contract to Closing: A Breakdown of the Real Estate Market | 2 | No | | | Tabled | | See notes |
| New England Real Estate Network | | | | | | | |
| 3. Paragon Essentials | 2 | No | | | Yes | 2 | |
| Fairway Independent Mortgage Corporation | | | | | | | |
| 4. American Warrior Real Estate Professional | 3 | No | | | Yes | 2 | |
| Vermont Realtors | | | | | | | |
| 5. Salesperson Pre-Licensing Course | 40 | Yes | 08-28-14 | 40 | Yes | 40 | |
| The CE Shop | | | | | | | |
| 6. Code of Ethics for your Clients & Your Business | 3 | Yes | 9-29-14 | 2 | Yes | 3 | See notes |
| UVM Lake Champlain Sea Grant Program | | | | | | | |
| 7. Vermont's Shoreland Protection Act | 2 | No | | | Yes | 2 | See notes |

Notes:

Course 2: Materials submitted were for another course “Real Estate Trust Accounts”. Please resubmit. The provider is reminded that they are required to utilize the latest *Continuing Education Provider Application* on the Commission’s website.

Course 7: The application referenced PowerPoint slides that were not included. The provider must submit the slides for the Committee’s review.

The CE Shop submitted a second course in their packet at page 166 of 304. The provider is reminded that course applications and materials are required to be submitted individually. The Committee made a one-time exception and reviewed the course, as noted below.

| | | | | | | |
|--|---|-----|---------|---|-----|---|
| Did you serve? Identifying Homebuying Advantages for Veterans | 3 | Yes | 9-29-14 | 2 | Yes | 2 |
|--|---|-----|---------|---|-----|---|