

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
June 22, 2017

Commission Members and Staff Present: David Raphael, Gloria Rice, Donna Murray, Joyce Cameron, Mikail Stein S. Lauren Hibbert and Judith Griffen **Absent:** Wendy Beach **Others Present:** Teresa Merelman, Betty McEnaney and Chad Jacobson

1. **8:30 Education Committee**
2. **9:30 Commission Meeting**
3. **Approved Minutes of May 25, 2017**
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. The motion passed.

5. **Disciplinary Matters – Hearings/Dismissals/Stipulations:**
 - a. 2016-659 Edward A. Lamos – Stipulation and Consent Order

The Commission held a hearing on the Stipulation and Consent Order with I-Team member Commissioner Cameron not participating. The Commission voted to approve the proposed Stipulation and Consent Order.

6. **Case Manager's Report**

Number of Active Licensees as of June 15, 2017

	This month	Last Month
Brokers:	949	945
Salespersons:	1165	1154
Brokerage Firms - Main Offices:	481	477
Brokerage Firms - Branch Offices:	72	73

Carla Preston noted that she did not have a report for the Commission this month.

7. **Old Business:**

- a. Team and advertising rules from other jurisdictions
Commissioner Murray presented her research from several other jurisdictions such as Maryland, Louisiana, South Carolina, and Nebraska relating to rules and statutes addressing teams and advertising. Common themes among the jurisdictions included supervision of licensees, prominence of the brokerage firm name, documentation of team members, and

registration of team names and members. Commissioner Murray indicated she would forward her research onto the Commission for use in future discussions and rule making.

- b. Discussion on possible “fast track” process for sign and advertising violations
Jennifer Colin participated in a discussion involving sign and advertising violations. The Commission expressed concern that the topic is one that has been discussed for several years. Colin noted that limited resources and cases with high priority (like death resulting cases) compete for what enforcement can focus on. The discussion involved possible education of licensees and the need to work on the administrative rules to provide more clarity for enforcement. It was noted that the current statutes don’t allow for a “ticketing” type system and that in order to follow due process, the current system has to be followed. There was a brief discussion on the new software and features that will help enforcement and management prioritize cases and automatically escalate aging complaints.
- c. Horiike v. Coldwell Banker
Commissioner Raphael noted that Commissioners were sent the designated/dual agency court case out of California.
- d. 2017 OPR Bill discussion
Director Benjamin joined the Commission in a discussion about the 2017 OPR bill and changes to Title 3 to codify elements of the North Carolina State Board of Dental Examiners v. FTC case dealing with state action antitrust immunity. The Commission discussed the process within OPR for drafting and reviewing changes with boards as well as the legislative review and adoption process. The Commission expressed to the Director its desire to be brought into the process sooner, have an opportunity to provide comments, and to do early planning for the following year’s bill.

The Director also noted that he came in on the end of the discussion involving signs and advertising. He encouraged the Commission to consider that the single biggest impact on issues such as these would be the addition of one or more prosecutors to handle the growing case load. Benjamin noted that the office has added five new professions recently, with no increase to staff. The Commission unanimously supported the Director’s desire for more staff and offered to testify to the legislature on the need and impact staffing is having for the Real Estate Commission and the ability to enforce the rules and laws.
- e. Licensee education on statute change for initial salesperson license
Commissioner Raphael noted that he will reach out to Vermont Realtors to request they address the changes as part of their communication to members.
- f. Capability to live stream Commission meetings
Lauren Hibbert noted that the new display was just installed and is being tested and that she will be working with the Commission to plan how best to move forward.

8. New Business:

- a. OPR Training
Lauren Hibbert presented dates and information on training for the Next Generation Licensing Platform (NGLP) for board members. She noted that OPR would be sending an e-mail to all members.

- b. Public Member
Commissioner Rice requested an update on filling the open Public Member position on the Commission. She asked that this remain under “old business” until the position was filled, noting that it is critical we have a full Commission as this position has been vacant for over a year.
- c. Public Member
Commissioner Stein brought up the topic of requiring seller property disclosures. Commissioner Raphael noted that Commissioner Beach had also requested this and agreed to place this on the agenda for the next meeting.

9. Public Comment

Teresa Merelman requested that the MLS require license numbers for brokerage firms and licensees for easy identification. Commissioner Rice noted that the same would be ideal on contracts as she needs this information to comply with time of sale disclosures. It was noted that the Commission does not regulate the MLS and that Chad Jacobson, from NNEREN, was in the audience and noted the request. Requiring this information on contracts could be addressed with Vermont Realtors, as they supply the majority of licensees with a standard purchase and sale contract.

Betty McEnaney asked how to validate a licensee. The Commission reviewed the license lookup feature on the OPR website. She also asked about the ability to have a separate education requirement for brokers/supervisors. The Commission noted that the statute allows for a mandatory course for all licensees, but not a broker specific course. It was noted that courses have been approved for broker supervision and broker responsibilities. She also suggested that the Commission consider adding to its administrative rules appendices at the end, similar to the consumer disclosure, that address issues such as advertising and signs.

Chad Jacobsen shared with the Commission that of the 2,000 offices registered in NNEREN, 50% are single licensee offices.

10. Adjournment 11:40

Next Scheduled Meeting – July 27, 2017

Real Estate Education Committee Report

Courses for review

Provider/Title	Requested # of Hours	Renewal ?	Date of Last renewal	Previously Approved Hours	Approved	Approved # of Hours	Comments
The CE Shop							
1. Determining Value of Commercial Properties	3	Yes	8-26-15	3	Yes	3	
Lake Champlain Sea Grant/UVM							
2. Demystifying FEMA & Flood Plain Maps	2	No			Yes	2	See notes
3. Vermont's Use Value Appraisal Program	2	Yes	6-23-15	2	Yes	2	
McKissock							
4. Helping Buyers Narrow in on their Dream Home	2	Yes	8-27-15	2	Yes	2/2	See Notes
5. Know the Code: Your Guide to the Code of Ethics	3	Yes	8-17-15	3	No		See notes
6. Real Estate Investing: Beyond the Basics	4	Yes	8-27-15	4	No		See notes
7. The Nuts and Bolts of Commercial Real Estate	4	Yes	8-27-15	4	No		See notes
NH Association of Realtors							
8. Green Designation	12	No			Tabled		See notes
Northwestern Vermont Board of Realtors							
9. 1031 Exchange	2	No			Yes	2	
10. New Agent Orientation	8	Yes	Prior to 2015	8	Yes	8	Post Licensure

Quality Workshops							
11. Vermont 40 Hour Pre-Licensing Self Study.	40	Yes	7-29-13	40	Tabled		See notes
Vermont Realtors							
12. Broker Pre-licensing	40	Yes	6-1-15	40	Tabled		See notes
13. Selling Energy Efficient Residential Properties	8	No			Yes	8	See notes
14. Solar 101: Vermont Residential Solar	2	No			Yes	2	See notes
15. Three Simple Steps to Fair Housing Compliance	3	No			Yes	2/2	See notes

Notes:

- Course 2: The use of the word “Realtor” must be replaced with a generic term referring to real estate licensees or professionals. Not all licensees in the State of Vermont are Realtors.
- Course 4: Also approved for 2 hours of post licensure education
- Courses 5,6,&7: Denied. Reviewers were not able to freely move about the on-line content without completing one section in order to move onto the next. See application requirements.
- Course 8,11,&12: Tabled Course content was not provided
- Course 13&14: Requested 2 hours post licensure education. The Committee agreed this course does not meet the criteria for post licensure education
- Courses 15: Also approved for 2 hours post licensure education