

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
May 25, 2017

Commission Members and Staff Present: David Raphael, Wendy Beach, Donna Murray, Joyce Cameron (by phone), Mikail Stein, Gloria Rice, Lauren Hibbert and Judith Griffen **Others Present:** Randy Mayhew, Teresa Merelman, Chad Jacobson, Betty McEnaney, Lee Fitzgerald-Pierce and Lee Fitzgerald.

1. 8:30 Education Committee

2. 9:30 Commission Meeting

3. Disciplinary Matters – Hearings/Dismissals/Stipulations:

- a. 2017-156 (Preliminary Denial)
In Re Lee E. Fitzgerald-Pierce

The Commission held a hearing on the appeal of a preliminary denial of a salesperson license. After the hearing and a deliberative session, the Commission reported that an order would be drafted granting the salesperson license.

Commissioner Cameron left the meeting after the hearing.

4. Approved Minutes of March 23, 2017

5. 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.

6. Case Manager's Report

Number of Active Licensees as of May 18, 2017

	This month	Last Month
Brokers:	945	940
Salespersons:	1154	1116
Brokerage Firms - Main Offices:	477	478
Brokerage Firms - Branch Offices:	73	67

Carla Preston was not available and Commissioner Raphael read the report she provided.

There are Seventy-nine (79) open cases. Thirteen (13) are pending I-Team meetings, Twenty-four (24) are under investigation, twenty-one (21) are pending charges, nineteen (19) are pending closing reports, one (1) is pending hearing and one (1) has charges filed.

Carla also reported back on the Commission's request for statistics on anonymous complaints. She noted that the current tracking does not allow for this level of accurate reporting. The new system will be tracking this.

7. Closing Reports

- a. 2016-670, 2016-671 Approved
- b. 2017-6, 2017-7 Approved

8. Old Business:

- a. Goals and Initiatives 2017

The Commission reviewed the draft goals and initiatives. The general consensus was that it was too early to go into administrative rulemaking. Advertising, teams, the complaint process, and unlicensed practice were issues that continue to be at the forefront of concerns. Commissioner Stein noted that under marketing and communication, we agreed that webcasting was a priority and an easy way to share information. Staff shared that a new large smart TV was being installed in the conference room and would make this possible.

Commissioner Murray agreed to collate information from ARELLO on recent team and advertising rules and statutes from other jurisdictions. Lauren Hibbert suggested having Carla and Jen in to discuss a fast track process for advertising and sign violations.

8. New Business:

- a. ARELLO Mid-Year Report

Commissioner Murray provided a brief report on the Mid-Year conference and the sessions she attended. She reiterated the value of the contacts made at the conference and their willingness to be ongoing resources. Teams, advertising, and unlicensed practice continue to be areas of concern.

Commissioner Raphael echoed Commissioner Murray's comments. He noted that at a Law and Regulation meeting he was briefed on a dual/designated agency case out of California, *Horiike v. Coldwell Banker*. Raphael requested a copy of the case, which Lauren Hibbert sent to him for distribution to the Commission.

- b. NAR Mid-Year Report

Commissioner Raphael shared that he was at the NAR Mid-Year meetings and learned that key legislative initiatives for the Realtors are mortgage interest deductions, flood insurance, and tax deferred exchanges.

- c. OPR Bill

Lauren Hibbert reported that the OPR Bill (H506) passed and will go into effect July 1st, 2017. A link to the enacted bill is:

<http://legislature.vermont.gov/assets/Documents/2018/Docs/ACTS/ACT048/ACT048%20As%20Enacted.pdf>

The biggest change for real estate is the expiration of an initial salesperson's license. The new statutory language is:

(2)(A) An initial salesperson license shall expire 90 days from issuance.

(B) The license of a salesperson who has provided documentation to the Commission showing successful completion of eight hours of instruction addressing topics specified by the Commission relating to the salesperson's postlicensure practice of the profession shall be renewed without application or fee and remain valid until the end of the biennial licensing period.

Commissioner Rice requested a paper copy of the revised real estate statutes.

Commissioner Raphael agreed to reach out to Vermont Realtors to request that they put something in their newsletter about the salesperson license changes.

9. Public Comment
None

10. Adjournment

Next Scheduled Meeting – June 22, 2017

Real Estate Education Committee Report

May 25, 2017

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. Drones in Agriculture Roles & Goals	4	No	n/a	n/a	Yes	2	
OnCourse Learning dba Career Webschool							
2. Real Estate Math	2	Yes	6-1-15	2	Tabled		See notes
The CE Shop							
3. Accredited Buyer's Representative Designation Course	12	Yes	3-26-15	8	Yes	8/4	4 post licensure
4. Anatomy of Commercial Building	3	Yes	3-26-15	2			See notes
5. Expanding Housing Opportunities	3	Yes	3-26-15	3	Yes	3	
6. The Fundamentals of Commercial Real Estate	2	Yes	4-23-15	2			See notes
7. Generation Buy	6	Yes	3-26-15	4	Yes	4	
8. Green Day 1	6	No	n/a	n/a	Tabled		See notes
9. Green Day 2	6	No	n/a	n/a	Tabled		See notes
10. Home Sweet (Second) Home:	6	Yes	3-26-15	4	Yes	4	
11. Investment Strategies in Commercial Real Estate	3	Yes	7-23-15		Yes	3	
12. Marketing, Advertising & Social Media Compliance	3	No	n/a	n/a	Yes	2	
13. New-Home Construction & Buyer Representation	6	Yes	7-23-15	4	Yes	4	
14. Real Estate Investors & Your Business	4	Yes	7-23-15	2	Yes	2	
15. Residential Property Management Essentials	2	Yes	4-23-15	2	Yes	2	
16. Seller Representative Specialist (SRS) Designation Course	12	Yes	3-26-15	8	Yes	8	
17. Short Sales & Foreclosures: What Real Estate Professionals Need to	6	Yes	3-26-15	4	Yes	4	

Know							
18. The Code of Ethics in Action: Real-Life Applications	3	No	n/a	n/a	Yes	2/2	2 post licensure
19. Marijuana in Real Estate	3	No	n/a	n/a	Yes	2	
20. Working with Real Estate Investors: Understanding Investor Strategies	3	No	n/a	n/a	Yes	2	
NH Association of Realtors							
21. Green Designation	12	No	n/a	n/a	Tabled		See notes
22. NAR Accredited Buyer Representative (ABR)	12	No	n/a	n/a	Yes	8/4	4 post licensure
Vermont Realtors							
23. Risky Business: Managing the Risk	3	Yes	5-23-15	2	Yes	3/2	2 post licensure
Randy Mayhew School of Real Estate							
24. Understanding Easements	4	No	n/a	n/a	Yes	4	
McKissock							
25. How is the legalization of Marijuana Affecting the Real Estate Market	3	No	n/a	n/a			See notes
Edmund and Wheeler							
26. The Power of Section 1031 For Real Estate Professionals.	3	Yes	3-28-15	3	Yes	3	

Courses 2: Tabled. 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.

Courses 4& 6: Approved already in March, 2017

Courses 8&9: Tabled: The URL provided did not work and was also extremely long. The course titles were available on Realtor University, but the content was not active. Providers should either provide easy URL addresses, a clickable link, or other means to access the content with ease.

Courses 21: Tabled: No timed outline and no on-line access.

Courses 25: Approved already in February, 2017