

Real Estate Commission
Meeting Approved Minutes

January 24th, 2008 - 9:00 a.m.

Commission Members Present:

Susan Matthews, Chair
Maretta Hostetler

Gloria Rice
Bruce Gould, Ad Hoc

Herb Beggs

Commission Members Absent:

Elizabeth Wilkel

Tara Dowden, Vice-Chair

Claire Porter

Staff Members Present:

Rita Knapp, Administrator
Kevin Leahy, Legal Counsel
Greg Kelly, Investigative Coordinator

Judith Griffen, Administrative Assistant
Amy Carlson, Chief Investigator
Dan Vincent, Inspector

Members of the Public Attending:

Bonnie Horsford
Greg Noyes
Blakeney Bartlett
Dagyne Canney

Gloria Merritt
Brian Armstrong
Sheila Jacobs

Matt Lumsden
Bob Hill
Lisa Shappy

1. Called to order at 9:02 a.m.
2. Approved November 29, 2007 minutes:
3. Chair's Comments:
 - a. Susan Matthews announced that she and Rita will be attending NVBR's February 12th Meeting.
 - b. Discussed Sec. of State Advertising for Proposed Rules – the Chair will send a letter to the Sec. of State sharing with her the Commission's concerns on how proposed rules are advertised in newspapers. Specifically, the second publication, unlike the first, only contains a statement of notice of proposed rules, and no information regarding the content of the changes, locations or dates of hearings, etc. This process of notification is not under the jurisdiction of the Office of Professional Regulation.
4. Administrator's Report

Discussed status of Unprofessional Conduct Cases – the number of active cases has remained about the same as last year, however, based on the prosecutors work, and that of the Commission member Rita anticipates the overall numbers to decrease.
5. Inspections when the Principal Broker/Designee is not present. Draft Rule 4.14(d).

Amy Carlson, Chief Investigator; Greg Kelly, Inspection Coordinator; and Dan Vincent, Inspector attended the meeting to review the inspection process with the Commission. Amy Carlson spoke to the Commission explaining that the primary role of the inspector is to provide guidance to licensees, and to assist them in complying with the Commission's

laws and rules. She emphasized that her unit does not want licensees thinking of the inspection process as a “got you” process, but as an opportunity for this Office to educate, and provide guidance to the licensees as it relates to the laws and rules.

She explained that during an inspection typically the inspector examines a random sampling of files in the real estate office. The inspector then reviews those files looking for proper documentation, appropriately executed agreements, copies of checks received for deposits on properties. The inspector might also request to see a copy of the office’s deposit log statements to verify that deposits have been made within the appropriate time frame. She went on to explain that if for some reason the individual present did not have access to those records because they were not the principal broker or designee then, when appropriate, the inspector will instead request that they be sent separately to the office within a reasonable period of time.

6. Licensing Hearings:

Gordon Miller - Pre-denial hearing – Mr. Miller was preliminarily denied because the documentation presented with his application did not meet the necessary requirements for licensure. Mr. Miller and his attorney, David Sunshine, attended the meeting and provided additional documentation which was reviewed by the Administrator. Based on that review the Administrator informed the Commission that Mr. Miller had now satisfied the experience requirement. The Commission voted to approve his application for licensure.

Disciplinary Hearings:

REC 47- 0306, et al – Stipulation – Bonnie McPadden – Rob Backus, Prosecutor presented the Stipulation and Consent for the Commission to consider. Gloria Rice motioned to approve the stipulation and consent with a correction of the clerical error on page 6 paragraph 40) second word of first paragraph. Herb Beggs seconded the motion. Stipulation and consent unanimously approved.

7. Concluded Reports:

- a. REC02-0806 – I-Team member – Maretta Hostetler presented the closing report. Gloria Rice moved, Herb Beggs seconded, All in favor.
- b. REC35-0507 – I-Team member – Tara Dowden – Rita Knapp presented the closing report with changes. Bruce Gould motioned to approve. Maretta Hostetler seconded the motion. All in favor.
- c. REC09-0807 – I-Team member – Clair Porter - Rita Knapp presented the closing report. Bruce Gould motioned to approve. Herb Beggs seconded the motion. All in favor.
- d. REC38-0607 – I-Team member – Maretta Hostetler presented the closing report. Herb Beggs motioned to approve. Bruce Gould seconded the motion. All in favor.
- e. REC48-0306 – I-Team member – Gloria Rice presented the closing report. Bruce Gould motioned to approve. Maretta Hostetler seconded the motion. All in favor.
- f. REC19-0207 – I-Team member – Gloria Rice presented the closing report. Herb Beggs motioned to approve. Bruce Gould seconded the motion. All in favor.
- g. REC06-0707 – I-Team member – Maretta Hostetler presented the closing report. Herb Beggs motioned to approve. Bruce Gould seconded the motion. All in favor.
- h. REC11-1106 – I-Team member – Maretta Hostetler presented the closing report. Gloria Rice motioned to approve. Bruce Gould seconded the motion. All in favor.

8. Discussion Items:

- a. Linda Lloyd – Printed brochures after the listing expires – what to do? The Commission agreed that at the time the brochure is printed the properties must be accurately identified as to their status (active listing, sold, under contract, etc.) and that if the status changes the agency should be able to document in the records that the change in status (e.g. active listing to sold) happened after the brochure was created. The Commission would not expect the advertising office to try to recall brochures already distributed, but would expect future distributions to be updated accordingly.
- b. Discussed eligibility of Commission members to receive continuing education credit for attendance at Commission meetings. The Commission members concurred that they were eligible to receive the same maximum four hours of credit for attendance as any other licensee would receive, including ad hoc members.
- c. Licensees taking the same course twice in one renewal cycle. A licensee may repeat, one time, any course, offered by two different providers, for continuing education credit during any two year renewal cycle.
- d. Andrea Kaplan email regarding principal broker/residency requirements. The principal broker does not have to be a Vermont resident, however, they still remain responsible for any and all acts by individuals associated with the company.
- e. Review of all proposed rules comments – The Commission's decisions relative to the comments received regarding the Proposed Rules will be stated in letter form to the Legislative Committee on Administrative Rules (LCAR), and filed with the Final Proposed Rule. Rita and Kevin will be preparing the Final Rule, and LCAR letter for the Commission's review at the February meeting.
- f. Continuing education requirements for individuals licensed less than one year. A individual licensed for less than one year (from the original issue date to the current expiration date) must only complete the four hour mandatory course. Individuals licensed for more than one year must complete all 16 hours, which includes the four hour mandatory course.

9. Next Meeting: **Tuesday, February 19th – NOTE: CHANGE IN MEETING DATE**

10. Adjournment: 2:50 p.m.