

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 25, 2015 – 9:15 AM

Commission Members and Staff Present: Donna Murray, Gloria Rice, David Raphael, Joyce Cameron, Wendy Beach, Mikail Stein, Gabriel Gilman. **Member absent:** Claire Porter **Public Members Present:** Randy Mayhew, Teresa Merelman, Betty McEnaney, Lori Holt, Katrina Spaulding, Kathleen Sweeten, Dennis Brown, Mark Thibeault, and Nicole Senecal.

1. 8:30 Education Committee

2. 9:15 Commission Meeting

a. New Commissioner introduction

Commissioner Mikail Stein was introduced, recently appointed to fill the Salesperson opening on the Commission.

3. Approved the May 28, 2015 Minutes

4. Case Manager's Report

There are sixty-two (62) open cases at this time. Two (2) are pending I-Team meetings, four (4) are in in-take, eight (8) are under investigation, five (5) charges have been filed, nine (9) are pending charges, twenty-eight (28) are pending closing reports, and six (6) are pending hearings.

Number of Active Licensees as of June 17, 2015

Brokers:	1036
Salespersons:	1097
Brokerage Firms - Main Offices:	560
Brokerage Firms - Branch Offices:	78

5. Closing Reports

The cases below were reviewed with the Commission, each with a brief explanation of the facts and outcomes. The Commission voted unanimously to accept the recommendations from the I-Teams to close the cases. I-Team members whose cases were under consideration abstained from the vote.

- a. 2013-23, 2013-24 and 2013-25
- b. 2013-331 and 2013-332
- c. 2013-343, 2013-344 and 2013-345
- d. 2013-458 and 2013-459
- e. 2014-518 and 2014-519
- f. 2014-558 and 2014-559
- g. 2014-686 and 2014-688
- h. 2014-771, 2014-772 and 2014-773
- i. 2015-35 and 2015-36

6. Disciplinary Procedures

a. 2014-744 – Alexander Wolff - Stipulation and Consent Order

The Commission held a hearing on the proposed stipulation and consent order and voted unanimously to approve.

7. Old Business:

a. Inspectors and sign/advertising violations

The Commission discussed expanding the notice of violation process and the challenges of tracking violations across inspectors and brokerage firms. It was noted that there are significant print and internet violations that should be addressed. Gabe Gilman recommended that the Commission look to sending the notices through OPR's administrative staff. It was agreed that staff would need to be able to handle the volume and possible resulting calls and rules interpretations. Inspector Dennis Brown asked that changes be made to the inspection form to expand the advertising section to encompass a more in depth look at print and internet advertising, including considering brokerage firm and licensee's Facebook pages.

b. 2015 Calendar, Initiatives, and Priorities

1 - Agency and the Mandatory Consumer Information Disclosure - draft Administrative Rules

Commissioner Murray led a discussion on the latest revisions to the Commission's draft of the CID. There was a discussion among Commissioners and public members on the merits of a simple one page disclosure versus a double sided disclosure that goes into more detail on the types of agency allowed in Vermont. It was suggested that the Commission consider having more than one version of the CID, one for designated agency brokerage firms and one for non-designated agency. The draft Administrative Rules have been filed with ICAR and the public hearing will be scheduled once through ICAR.

2 - Education Process - completing policy and moving to a contracted position for review

There has been no change since May's meeting.

3 - Inspection Program - focus on "notice of violation" process

The Commission requested that a work meeting with the inspectors be scheduled for July.

c. OPR Fee Bill

Gabe Gilman reported that the Fee Bill is still with Senate Finance.

d. ARELLO Annual Meeting

Commissioner Raphael reminded members that the annual meeting is September 9-13 and that those interested should let him know soon.

8. New Business:

a. Vermont Property Transfer Tax and licensure candidate testing

Commissioner Raphael reported that AMP has revised the test questions surrounding the Vermont Property Transfer Tax and the new rate in effect. Those questions went into the question bank as of June 17, 2015, licensee candidates testing on that date forward are being tested on the current rates. More information can be found on the State's site at: <http://www.state.vt.us/tax/pdf.word.excel/factsheets/PropertyTransferTaxFS-June2015.pdf>

9. Public Comment

The Commission was asked to provide a list or link from the Commission's site to actively licensed property inspectors.

10. Adjournment

Next Scheduled Meeting – July 23, 2015

Real Estate Education Committee

Courses for review

Provider/Title	Requested # of Hours	Renewal?	Approved	Approved # of Hours	Denied	Comments
The CE Shop						
1. Real Estate Investors and Your Business	3	Yes	Yes	2		
PuroClean Managed Services						
2. Mold Contamination	2	Yes	Yes	2		
International Right of Way Association						
3. Eminent Domain Law Basics for the Right of Way Professional	16	No	Yes	8		
Edmund & Wheeler						
4. The Power of Section 1031 For Real Estate Professionals	3	Yes	Yes	3		
Continuing Ed Express						
5. Federal Fair Housing Laws and Practice	3	Yes	Yes	3		2hrs – Post-licensure
Vermont Realtors						
6. TRID – The Newest Acronym	2	No	Yes	2		2hrs – Post-licensure Must remove sales material for selling services.
7. Realty's New Reality: The Emerging High Performance Home Market	2	No	Yes	2		2hrs – Post-licensure
8. Making Opposites Agree	3	No	Yes	2		2hrs – Post-licensure
9. Mediation Training for the Professional Standards Volunteer	3	No	Yes	2		2hrs – Post-licensure
10. Seller's Counseling Session	3	No	No			See Note 1: below
11. Buyer's Counseling Session	3	No	No			See Note 1: below
McKissock						
12. A Day in the Life of a Buyer Agent	2	Yes	Yes	2		2hrs – Post-licensure
13. The Power of Exchange: Discover the Value of 1031 Tax Deferred Exchanges	2	Yes	Yes	2		

Cramer Home Inspection Group						
14. Understanding the Home Inspection Process	2	Yes	Yes	2		2hrs – Post-licensure
Vermont Realtors						
15. Professional Standards	8	Yes	Yes	8		
16. Financing Through USDA & VHFA			Yes			Instructor Only See Note 2: below
Mark Thibeault (individual request)						
17. Vermont Development Course	4.5	No	Yes	4		
The CE shop						
18. Determining Value of Commercial Properties	3	Yes	Yes	3		
Cornerstone Institute						
19. Sales Contracts	4	No	Yes	2		
Vermont Realtors						
Risky Business: Managing the Risk	3 2-post	No	Yes	2		2hrs – Post-licensure
Northwester Vermont Board of Realtors						
Changes to the TILA: RESPA Rules Effective August 1, 2015	2 2-post	No	Yes	2		2hrs – Post-licensure
Lake Champlain Sea Grant/UVM						
Vermont Use Value Appraisal Program	2	No	Yes	2		
Demystifying FEMA and Flood Plain Maps	2	No	Yes	2		
Cornerstone Institute						
Buyer Representation	4	No				Tabled until July

Note 1: The course material must have the Vermont rules and requirements added. For instance, the requirements to provide the consumer information disclosure and discuss agency and representation options and the specific brokerage service agreement requirements are required in the Commission's administrative rules.

Note 2: The additional instructors were approved for this course.