

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
December 17, 2015 – 9:15 AM

Commission Members and Staff Present: Claire Porter, David Raphael, Donna Murray, Joyce Cameron, Mikail Stein, Gloria Rice, Larry Novins and Judith Griffen **Members Absent:** Wendy Beach. **Public Members Present:** Teresa Merelman, Betty McEnaney, Helen Hossley, Matt DePrizzio, Marlene McCarty, Marcia Marble, C. Miller and Samantha Davis-Hiscock.

1. 8:30 Education Committee

The Education Committee met and prepared a report of recommended courses and continuing education hours for approval by the full Commission.

2. 9:15 Commission Meeting

The agenda was amended to add “Education Committee Recommendations” after item three, review of minutes.

3. Approved Minutes of November 19, 2015

4. Education Committee Recommendations

The Commission reviewed the table of courses and corresponding notes from the Education Committee. A motion was made and seconded to approve the table as submitted with one change to course eight being noted as “tabled.” The motion passed.

5. Case Manager’s Report

Number of Active Licensees as of December 10, 2015

Brokers:	1047
Salespersons:	1132
Brokerage Firms - Main Offices:	567
Brokerage Firms - Branch Offices:	78

There are fifty-nine (59) open cases. Nineteen (19) are pending I-Team meetings, twenty-three (23) are under investigation, six (6) are pending charges, seven (7) are pending closing reports, and four (4) are pending hearings.

6. Closing Reports

- a. 2014-746 - approved
- b. 2015-251, 2015-252 – approved with the addition of language in the summary indicating that the respondent had no knowledge of any dispute regarding the return of the deposit.

6. Old Business:

- a. Inspectors and sign/advertising violations
There was agreement that this would be discussed in January with the 2016 initiatives.
- b. 2015 Calendar, Initiatives, and Priorities

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

The Commission was directed to a copy in their packet of the e-mail that went out from OPR to all licensees. The e-mail announced the effective date of the new administrative rules and provided links to the rules and the mandatory disclosure forms.

A general discussion occurred updating members that at least one provider has been offering a course on designated agency and that several members were aware of brokerage firms already practicing designated agency.

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

The Commission noted that the review of the Education Committee's recommendations was one current change while looking at the entire process. Provider submission forms and moving toward a contracted position is still the intention. There was agreement that this would be discussed in January as it relates to 2016 initiatives.

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

There was agreement that this would be discussed in January with the 2016 initiatives.

c. AMP test review for pending Administrative Rules changes

Commissioner Raphael noted that the review of test questions for both the salesperson and broker exam was complete. A call with AMP representatives occurred this week and work is progressing to modify the exam questions. Once the new content is live, staff will notify pre-licensing course providers.

d. Licensee ability to transition from a Broker back to a Salesperson

In the Commission's packet was a copy of the "Policy on Changing from Real Estate Broker to Real Estate Salesperson" dated November 19, 2015.

e. Agency Workgroup – development of FAQs surrounding new rules

The Agency Workgroup will be reviewing draft FAQs at the conclusion of the full meeting.

f. Reporting of concluded cases to other jurisdictions

Board Counsel confirmed that Title 3 allows for reporting to other jurisdictions. The Commission had a brief discussion that a potential tool for this might be the ARELLO disciplinary database and agreed to look into this. The Commission affirmed its desire to have disciplinary matters reported out to other jurisdictions.

7 **New Business:**

a. Budget review with Colin Benjamin, Director of OPR

OPR Director, Colin Benjamin, reviewed the handout provided to the Commission which detailed the FY2016 budget and also provided historical actual numbers and a preliminary budget forecast through FY2020. The Director spent some time detailing how the Real Estate Commission fits into a larger umbrella agency that regulates over forty-six professions and has a share in costs among OPR as well as the other agencies under the Secretary of State. The Director shared with the Commission that pending technology and software changes will provide valuable resources to staff and the Commission. He noted that a historical look at recent analysis demonstrates that OPR is more efficient in many areas such as license processing. The Commission had several questions regarding direct expenses versus indirect expenses as well as activities outside of the prepared budget, such as travel supported by the regulatory fee fund. The Director noted that there is a shared desire to provide more data to support helping the Commission understand what it gets in return for what it spends.

A motion was made and seconded to accept the recommendation of OPR to adopt the FY2016 budget. The motion passed.

b. Licensee candidate testing and AMP

Commissioner Raphael updated the Commission on his trip to AMP last week. Raphael said his efforts were focused on the broker simulation exam review as well as the discussions on the national cut scores for both salesperson and broker exams. He noted that the visit to AMP was an ideal opportunity to talk with staff about reporting, a topic Commissioner Cameron had raised at a previous meeting. Raphael noted that he intends to provide data and sample reports at the January meeting for discussion. He also shared that he was able to obtain material to share with pre-licensing course providers related to the broker simulation and AMP's rollout schedule.

c. 2016 Meeting Calendar

The Commission was provided with a list of 2016 meeting dates, which are as follows:

January 28
February 25
March 24
April 28
May 26
June 23
July 28
August 25
September 29
October 27
November 17
December 22

The Commission was asked to be prepared at the January 28th meeting to discuss 2016 initiatives, goals, and priorities. It was suggested to review items that remained on the 2015 list and determine if these were still priorities and which required volunteer time versus staff time.

8. Public Comment

Teresa Merelman questioned why the first closing report appeared to have a different outcome for someone who failed to meet their CE requirements when in the past the Commission seemed more punitive. A general discussion involved Commissioners reviewing that each case is unique and weighed on its merits and that a large focus with cases like these is whether the licensee acted with an intent to deceive.

Teresa Merelman also raised the question of where to point licensees who have specific questions around the new administrative rules. In answering, the Commission noted that the rules need to stand on their own and that licensees should consult their brokerage firms' counsel if they had practice questions. The Commission is working on FAQs to address some common questions.

Betty McEnaney noted her desire to bring back the newsletter, a source of good information that many licensees miss.

9. Adjournment

Next Scheduled Meeting – January 28, 2016

Real Estate Education Committee
Courses for review

Provider/Title	Requested # of Hours	Renewal?	Approved	Approved # of Hours	Denied	Comments
The CE Shop						
1. Vermont 2014-2016 Renewal Cycle: Mandatory Course	4	No	Yes	4		See notes
Continuing Ed Express						
2. Rehab for Resale	2	Yes	Yes	2		
3. Short Sales Simplified	2	Yes	Yes	2		
Dennis Power						
4. Optimizing the Features of InnoVia	3	Yes	Yes	3		
McKissock						
5. Affordable Housing Opportunities for Low-Moderate Income Buyers	4	No	Yes	3		
6. Americans with Disabilities	3	No	Yes	2		
7. Property Management – The Next Generation	3	No	Yes	2		
8. The End of The Paper Trail: How to Conduct Paperless Transactions	3	No	Tabled			See notes
Simplegrowing						
9. Mold and Indoor Environments	3	No	Yes	3		
At Your Pace Online						
10. Vermont 2014-2016 Renewal Cycle – Mandatory Course	4	No	Yes	4		See notes
11. Vermont 8 Hour Elective: Agency Finance & Title Review	8	No	Yes	6		See notes
12. Vermont 12 Hour Elective: Basics, Ethics & Financing	12	No	Yes	6		See notes

Notes:

Course 1 previously tabled in August for content not matching the required outline. Unit 1 should be renamed “Administrative” and not “Administration”.

Course 8: Tabled: “The End of The Paper Trail: How to Conduct Paperless Transactions” not available on-line for review

Courses 10, 11, 12: Remove the word “Vermont” from the beginning of the course titles. For reconsideration of more hours, course provider should consider breaking the courses into individual modules and submitting for approval.