

**Office of Professional Regulation  
Real Estate Commission**

Vermont College Campus  
32 College Street  
Schulmaier Hall  
Montpelier, VT 05602

**Minutes**

**June 21, 2013 – 9:30 a.m.**

**Commission Members and Staff Present:** Claire Porter, Michelle Gosselin, David Raphael, Maretta Hostetler, Gloria Rice, Mark Thibeault, Thomas Prindiville, Colin Benjamin and Judith Griffen

**Public members present:** Helen Hossley, Donna Cusson, Randy Mayhew, Justin Rice, David Alexander, Teresa Merelman, Liz Merrill and Betty McEnaney

1.     **8:30 - Education Committee**
2.     **9:30 - Full Commission Meeting - Called to Order at 9:30 AM**
3.     **9:35 - Approved May 23, 2013 Minutes**
4.     **9:40 - Closing Reports**
  - a.     2013-31, 2013-32 and 2013-33 - approved
5.     **9:45 - Disciplinary Action – Hearing/Dismissal/Stipulation**
  - a.     Notice of Dismissal – 2011-673 – Catamount Realty Group, Inc.

Commissioner Raphael requested that a copy of the Fitzgibbons decision be provided to those Commission members who did not participate in the hearing.

6.     **9:50 - Case Manager's Report – C. Preston**

There are currently ninety-three (93) open cases. Sixteen (16) are recommended for closing, eighteen (18) are ready for I-Team meetings, six (6) are recommended for charges, eleven (11) are in the intake process, fifteen (15) have been sent to respondents and are awaiting responses, twelve (12) are under investigation, two (2) have hearings scheduled, and thirteen (13) have had charges filed.

7.     **9:55 - New Business**
  - a.     Seller Service Agreements and Cooperation

The Commission had a brief discussion about the differing compensation splits between brokerage agents and buyers agents and whether sellers were willingly participating in this decision. Commissioner Raphael shared a scenario in which one of his buyer clients is selling in another part of the state. He noted the two compensations in the multiple listing service were different and the seller client had not been part of the decision to do this. The Commission was in favor of inspectors visiting offices to compare multiple listing data sheets against seller service agreements to determine if this is a widespread issue. Commissioner Hostetler noted that in cases where the client consents to such an arrangement, it is perfectly acceptable.

b. Brokerage Firm Registrations and Sole Proprietors

Commissioner Raphael updated the Commission on efforts by staff to comply with the recent statutory changes which clarify that a sole proprietor is an individual who has no other licensees under their brokerage firm. Staff will be making the necessary changes and on the next renewal cycle, all brokerage firms who have more than one licensee will be required to pay a brokerage firm registration renewal.

Board Counsel, Colin Benjamin, updated the Commission on recent efforts to modify forms and practice within OPR to only track the information required for a brokerage firm registration. Benjamin noted that OPR does not need to track firm ownership or shareholders. OPR expects the brokerage firm's registered name to be accurate and the same as is filed with the Secretary of State's office. He noted that focus on the term "DBA" is not applicable. OPR is responsible for registering a brokerage firm and the principal broker of that firm. If an individual wants to purchase and own several firms, that is acceptable as long as each firm has a registered brokerage firm, principal broker, and complies with the advertising rules.

**8. 10:10 – Old Business**

a. Agency Update: Workgroup Formation

Commissioners Hostetler and Rice volunteered to serve on the workgroup.

b. Administrative Rules Update

Mr. Benjamin said that the filing for the rules was being signed today and that they would be filed with LCAR and a meeting set within thirty days and then after that meeting the rules would be filed with the Secretary of State's office and fifteen days later become law. With this timing, the new rules will be in effect within the next two months.

**9. 11:00 - Public Comment**

Betty McEnaney asked clarifying questions on brokerage firm registrations and names. Randy Mayhew volunteered to serve on the Agency Workgroup.

**10. FYI:**

a. Notice on OPR's Move

A memorandum from Director Winters was provided to Commissioners.

**11. Adjournment at 10:20 AM.**

**Next Scheduled Meeting – July 25, 2013**

**\*\*NEW LOCATION\*\***

**City Center**

**89 Main Street, 3rd Floor**

**Montpelier, VT 05620**

# Real Estate Education Committee

## Courses for review

| Provider/Title  | Requested # of Hours | Renewal? | Approved | Approved # of Hours | Denied | Comments               |
|---|----------------------|----------|----------|---------------------|--------|------------------------|
| <b>American Society of Farm Managers &amp; Rural Appraisers</b>     |                      |          |          |                     |        |                        |
| 1. Marketing Through Mayhem   | 8                    |          | No       | 0                   | Yes    |                        |
| 2. Excel for Managers   | 8                    |          | No       | 0                   | Yes    |                        |
| 3. Technology, Tools and Apps to Manage Data Overload               | 8                    |          | No       | 0                   | Yes    |                        |
| <b>The CE Shop, Inc</b>   |                      |          |          |                     |        |                        |
| 4. Anatomy of Commercial Building                                   | 3                    |          | Yes      | 2                   |        |                        |
| 5. The Fundamentals of Commercial Real Estate                       | 3                    |          | Yes      | 2                   |        |                        |
| <b>Paul Harsch (individual request)</b>                             |                      |          |          |                     |        |                        |
| 6. Commercial Real Estate Loan Packages                             | 2                    |          | Yes      | 2                   |        |                        |
| 7. Green Sustainability in Commercial Real Estate                   | 2                    |          | Yes      | 2                   |        |                        |
| 8. Commercial Real Estate Transactions                              | 2                    |          | Yes      | 2                   |        |                        |
| 9. Commercial Lease Clauses   | 2                    |          | Yes      | 2                   |        |                        |
| <b>Vermont Realtors</b>   |                      |          |          |                     |        |                        |
| 10. Real Estate Market Reboot                                       | 6                    | No       | No       | 0                   | Yes    |                        |
| 11. REO Properties: Responsibilities, Education and Opportunities   | 6                    | No       | Yes      | 4                   |        |                        |
| 12. Short Sales & Foreclosures: What Real Estate Professionals need | 6                    | No       | Yes      | 4                   |        |                        |
| 13. Generation Buy  | 6                    | No       | Yes      | 4                   |        |                        |
| 14. E-Pro – Day 1   | 6                    | No       | Yes      | 2                   |        |                        |
| 15. Accredited Buyer's Representative – Designation Course (ABR)    | 14                   | Yes      | Yes      | 8 total             |        | (attending both days)  |
| 16. Fair Housing  | 4                    |          | Yes      |                     |        | Adding instructor only |
| 17. NAR Code of Ethics  | 3                    |          | Yes      |                     |        | Adding instructor only |
| 18. Above & Below Ground Storage Tanks                              | 2                    |          | Yes      | 2                   |        |                        |
| <b>Randy Mayhew School of Real Estate</b>                           |                      |          |          |                     |        |                        |
| 19. Fair Housing Review & Practice Issues                           | 4                    |          | Yes      | 4                   |        |                        |
| <b>McKissock</b>  |                      |          |          |                     |        |                        |
| 20. A Property Manager's War Chest of Tools for Conflict Resolution | 3                    |          | No       | 0                   | Yes    |                        |
| 21. The Ins and Outs of Property Management                         | 3                    |          | No       | 0                   | Yes    |                        |
| 22. A Day in the Life of a Buyer Agent                              | 3                    |          | Yes      | 2                   |        |                        |
| 23. The Power of Exchange: Discover the Value of 1031 Tax           | 3                    |          | Yes      | 2                   |        |                        |
| 24. Simple Questions, Big Consequences: How to Avoid Fair Housing   | 3                    |          | No       | 0                   | Yes    |                        |
| 25. Danger in Plain Sight: Understanding Lead Paint for Property Ma | 3                    |          | No       | 0                   | Yes    |                        |

