

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 28, 2015 – 9:15 AM

Commission Members and Staff Present: Donna Murray, Gloria Rice, David Raphael, Joyce Cameron, Gabriel Gilman and Judith Griffen. **Member absent:** Wendy Beach and Claire Porter **Public Members Present:** Randy Mayhew, Helen Hossley, Elizabeth Merrill, Teresa Merelman, Annemarie Daniels and Betty McEnaney.

1. 8:30 Education Committee

The education Committee only had two members present and tabled course review to the June 25th meeting. Committee time was spent discussing the education submission form and ways to increase the efficiency of course submissions.

2. 9:15 Commission Meeting

3. Approved April 23, 2015 Minutes

4. Case Manager's Report

Carla Preston was out of the office and provided case numbers to the Commission via e-mail.

There are sixty-three (63) open cases at this time. Five (5) are pending I-Team meetings, three (3) are on hold, Eight (8) are under investigation, twenty-two (22) are pending charges, thirteen (13) are pending closing reports, one (1) is waiting response and five (5) have charges filed.

Number of Active Licensees as of May 21, 2015

Brokers:	1032
Salespersons:	1077
Brokerage Firms - Main Offices:	558
Brokerage Firms - Branch Offices:	78

5. Old Business:

a. Agency Workgroup update

The workgroup met after the last meeting and spent some time finalizing the draft that is before the Commission.

b. Inspectors and sign/advertising violations

Next steps will include rolling out the violations letter to the other two inspectors and working to make sure that the inspectors are following a consistent process.

c. Disciplinary process update

Gabe Gilman noted that the next check-in will be when the Commission receives its first report on case conclusions.

d. 2015 Calendar, Initiatives, and Priorities

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

The Commission noted it was discussing the draft today under new business.

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

The Commission asked for a status of moving to a contracted position for education course and instructor review.

Gabe Gilman committed to letting the Commission know where the OPR fee bill stands.

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

e. Consumer Information Disclosure Workgroup report

Commissioner Murray updated the Commission on work that her group completed, resulting in a simpler and more concise draft of the consumer disclosure that she shared with the Commission. There was consensus among Commissioners that the preference was mandating a form adopted by the Commission, rather than allowing licensees to import the content into their own forms, possibly watering down the import of the content and message.

6. New Business:

a. ARELLO Annual Meeting

Commissioner Raphael noted that the annual meeting is September 9-13 in Washington DC. Commissioner Murray expressed interest in attending, Commissioners Rice and Cameron noted they had conflicts. Raphael agreed to solicit interest from Commissioners Beach and Porter.

b. DRAFT Administrative Rules

The Commission spent time reviewing the draft administrative rules, noting that the current rules are the product of about two years of workgroup work and one public hearing with over 100 licensees participating. Many changes have resulted from licensee input. Commissioner Raphael thanked Annemarie Daniels, Betty McEnaney, Randy Mayhew, and Commissioners Rice and Murray for their dedication and commitment to the process and work.

The Commission requested several edits to section 4.6 around the mandatory consumer information disclosure, changing the intent to be that licensees provide consumers with a copy of a form adopted by the Commission, ensuring that the content that is delivered does not vary.

State Prosecutors Hibbert and Jarvis expressed their concerns over the proposed changes to agency, wondering if cases would start to come in involving licensees "steering" their buyer clients to only the firms listings. A lengthy discussion ensued around the current agency model and its tendency to discourage buyer representation and the possible benefits of the agency change. In the end, the Prosecutors strongly encouraged the Commission to make sure that the consumer disclosure remain required and that it disclose whether a brokerage firm is a designated agency firm or a non-designated agency firm and what that means.

A motion was made and seconded to adopt the Draft Administrative Rules as modified today and with any required technical and typographical changes as staff feels are required and to authorize staff to proceed to file with the Interagency Committee on Administrative Rules. The motion passed.

The Commission discussed the timing for holding the public hearing and expressed the desire to include the webinar capability. With the required waiting periods, the Commission determined that June 25, 2015 after the full Commission meeting would be the next best opportunity to hold the public hearing. Commissioner Raphael agreed to work with Gabe Gilman on a timeline and next steps.

7. Public Comment

8. Adjourned at 11:23 a.m.

Next Scheduled Meeting – June 25, 2015

The "Agency Workgroup" will hold its meeting on May 28, 2015 following the full Commission meeting.