



Real Estate Commission

Office of Professional Regulation, Vermont Secretary of State

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Minutes

Thursday, January 24, 2019

Members Present: David Raphael, Gloria Rice, Donna Murray (by phone), Joyce Cameron and Mikail Stein

OPR Staff Present: Gabriel Gilman, Lora Marchand, Tara Grenier, Aprille Morrison and Judith Roy (by phone)

Others Present: Randy Mayhew

1. 9:35 Called to Order

2. Changes to the agenda

- a. Donna Murray moved to add two additional items to Section 8. Discussion on board member packets and workgroup updates. Gloria seconded the motion. The motion carried.

3. Approved December 7, 2018 minutes with changes

- a. Section 8.d., add as a second sentence. "This will have the effect of staying any further discussion related to conversion to an advisor model". Also add "the Director recommended" in the last sentence of this section between *meetings* and *rule*.
- b. Section 8.c., add "The Commission discussed term expirations, reappointments, and new appointments. A member whose term has expired, or who is eligible for reappointment, shall remain on the Commission until a replacement has been reappointed or a reappointment letter has been received from the Governor's office, per Title 3 V.S.A §129b(a)."

4. Disciplinary Matters

- a. Stipulation and Consent Order – Mosely Associates – Docket Number 2018-119

Mikail Stein moved to accept the report, adopt the findings of fact and conclusions of law, and order the recommended discipline as set forth in the proposed order. Donna Murray seconded the motion. Gloria Rice recused herself because she was the I-Team member. The motioned carried.

- b. **10:00 a.m.** Hearing – Marnie Rieger & Peak Property Mgmt., LLC - Docket Number 2018-83 & 2018-84

A hearing was held, the Hon. Michael Kupersmith presiding as ALO. Following Commission deliberation, David Raphael moved to direct Ms. Rieger to close her trust account with her banking institution and pay remaining balance of that account to the Vermont Housing Finance agency and that the State condition Ms. Rieger's license in the event that she desires to open a broker firm in the future, that she not be allowed to hold funds for others in the course of her real estate dealings. Mikail Stein seconded the motion. Gloria Rice recused herself because she was the I-Team member. The motioned carried. A written decision will follow.

5. Topics for Discussion

6. Administrative Updates

- a. The web page has been updated.
- b. OPR General Counsel informed members of updates in the 2019 OPR Bill. OPR will recommend that the 90-day salesperson post-licensure coursework requirement be removed by striking 26 V.S.A. § 2292(b)(2). The Commission would like to encourage public comment on the advisability of eliminating

the 90-day post-licensure education requirement and will add this as an agenda item to the February meeting.

7. Education Review – None

8. Other Business – Old Business

- a. 2019 initiatives and goals
David would like to work with PSI to possibly work on adding additional test questions to the exam. The commission would like this added as a standing item under Other Business.
- b. OPR update on new public member appointment
Lora Marchand updated the Commission on discussions with the Governor's Office concerning vacant and expired seats. The Secretary of State's office is also working with Legislative contacts to improve public awareness of opportunities to serve.
- c. Donna Murray posed the question to the Commission, "Should the Workgroup be discontinued and have the rule making added as a discussion item at the regular Commission meeting?" Commission members agreed this should be done.
- d. Board Packets
Commission members requested the office have a backup plan to make sure documentation is uploaded into the licensing system no later than the Friday before the Commission meeting. This will be discussed further at the next meeting.

9. Correspondence

10. Public Comment

11. Adjourned 12:13 p.m.

Next Scheduled Meeting – February 28, 2019
Please check the office [website](#) for updates