

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
September 29, 2016

Commission Members and Staff Present: David Raphael, Gloria Rice, Mikail Stein, Donna Murray, Wendy Beach, Larry Novins and Judith Griffen **Members Absent:** Joyce Cameron **Others Present:** Helen Hossley, Randy Mayhew, Lori Holt and Teresa Merelman

1. 8:30 Education Committee

The Commission reviewed the table of courses and corresponding notes from the Education Committee. A motion was made and seconded to approve the Education Committee Report with one change to the notes reminding the provider that courses must be offered to all licensees. The motion passed.

2. 9:30 Commission Meeting

Commissioners Raphael and Murray gave a brief overview of the ARELLO 2016 annual conference and indicated that they had brought back materials to share. Commissioner Murray participated in leading a roundtable that generated several best practice ideas. When she queried the group on how many states did not do some form of newsletter or communication with their licensees, she indicated not a single jurisdiction raised their hand. Commissioner Raphael shared information about the Case Law update and provided each Commissioner with a copy of the 2016 Recent Court Decisions and Law and Rule Changes. Murray was congratulated on her election as an ARELLO Director and Raphael on his to 2017 President-Elect of ARELLO.

3. Approved the Minutes of August 25, 2016

4. Education Committee report

5. Case Manager's Report

Number of Active Licensees as of September 22, 2016

Brokers:	928
Salespersons:	994
Brokerage Firms - Main Offices:	461
Brokerage Firms - Branch Offices:	67

There are sixty-four (64) open cases. Sixteen (16) are pending I-Team meetings, sixteen (16) are under investigation, twelve (12) are pending charges, eleven (11) are pending closing reports, two (2) are on hold, four (4) are pending hearings, two (2) have charges filed and one (1) is new and in the intake process.

Beth Jarvis and Carla Preston presented a new form for investigative teams and lead a discussion on its use. The intent of the form is to capture a Commissioner's input after an investigation is completed. Included with the form were copies of the governing statutes and administrative rules to help Commissioners cite specific rules and laws when considering possible unprofessional conduct.

Attorney Novins was asked to do a brief presentation on Title 3 for the October meeting.

6. Closing Reports

- a. 2015-25, 2015-26 Approved
- b. 2015-294, 2015-295, 2015-296 Approved
- c. 2016-275 Approved

7. Old Business:

- a. 2016 Goals and Initiatives (review)
- b. Education Workgroup (Commissioner Beach)
Commissioner Beach indicated that the group would be meeting after the full Commission meeting.
- c. Signs / Advertising
Commissioner Raphael shared a publication he brought back from ARELLO from the Real Estate Council of Alberta titled "Advertising Guidelines." He indicated that a paired down version was his hope for the sign guideline publication he had suggested several months prior.
- d. Newsletter (Commissioner Cameron)
Commissioner Cameron had e-mailed out the draft of the newsletter which was missing a couple of articles from Commissioners Beach and Murray. The Commission agreed that these should be added back in and then the draft should be sent to the Director for review.
- e. Post-Licensure Education Audit
Larry Novins provided draft language for the next OPR bill that would have an initial salesperson's license expire after 90 days. That license would be automatically renewed, without application or fee, once the salesperson provides evidence of completion of the post-licensure education. If passed, this new requirement would go into effect July 1, 2017.
- f. Complaints and Enforcement
Commissioner Raphael indicated that he has a draft memo to Lauren Hibbert regarding his work on closing reports.
- g. Commissioners' Report On Visiting Other Jurisdictions' Websites
Commissioners Murray and Raphael shared some of their research into other jurisdictions' communications with licensees. It was noted that many use forms such as newsletters and Facebook pages. Commissioner Raphael discussed the recent new law regarding the handling of propane at time of sale and how the attorney general's office even uses a one-page publication to educate consumers on the new law. Raphael agreed to share a set of links with Commissioners to review what other states are doing.

8 New Business:

- a. Election of officers
The meeting was turned over to Larry Novins who conducted the election of officers. A motion was made to re-elect the current slate of officers, David Raphael as Chair, Donna Murray as Vice Chair, and Gloria Rice as Secretary. The motion passed unanimously.
- b. 2016 Board Member and Advisor Retreat
The Commission was reminded to register for the 2016 Board Member and Advisor retreat October 24 at the Capital Plaza Hotel.

- c. Discussion on new I-Team forms/process (under Case Manager's Report)

9. Public Comment

Commissioner Rice commented about the continuing legal education seminar that was being delivered that afternoon titled "Protecting Professional Licensing Boards and Board Members from antitrust liability". She expressed her frustration that while the description indicated that the presentation was for all members of professional licensing boards, no notice was sent out to the Commission. She learned of the opportunity through her husband. The Commission agreed that it was a concern that notice was not sent out.

Commissioner Stein noted that the software for the multiple listing service has changed. He said that several licensees have expressed concern that the new prospecting module uses the term "client." Licensees were concerned about the use of this term for consumers who are not in an agency relationship. The Commission discussed the definition for the use of the term client and noted that clients are individuals who are in an agency relationship and who are owed fiduciary duties. The Commission asked that NNEREN be made aware of the discussion through the Commission's minutes so that they can work with the software vendor.

10. Adjournment

Next Scheduled Meeting – October 27, 2016

**Vermont Real Estate Commission
Education Committee Report
September 29, 2016**

Provider/Title	Requested # of Hours	Renewal?	Date of Last Renewal	Previously Approved Hours	Approved	Approved # of Hours	Comments
Advanced Home Inspection							
1. Minimum Property Requirements for FHA and 203(k) Loans	3	No			Tabled		See notes
CE Shop							
2. Advocating for Short Sale Clients	3	Yes	11/2104	2	Yes	3	See notes
3. Commercial Ethics	3	Yes	11/2014	2	Yes	3	
4. Military Relocation Professional Certificate	6	Yes	11/2014	4	Yes	4	
5. Sign Here: Contract Law on E- Signatures	3	Yes	11/2014	2	Yes	3	See notes
Individual Request: (David White)							
6. Environmental and Regulatory Seminar	4.75				Yes	4	
7. The Entrepreneurial Pipeline: The Role of Maker Spaces, Co-Working Spaces, and Incubators	5.5				Yes	4	
8. The Future of Rural Vermont – Challenges and Choices	6				Yes	4	
9. VLCT: Spring Planning and Zoning Forum	7				Yes	4	
Jessica Peck							
10. Managing On-Line Transactions	3				Yes	3	See notes
McKissock							
11. Appraisal of Self Storage Facilities	7				Yes	6	
12. Residential Property Inspection for Appraisers	7				Yes	6	
13. From Contact to Closing: A Breakdown of the Real Estate Market	2				Yes	2	See notes
14. The Income Approach: An Overview	7				Yes	6	See notes

Provider/Title	Requested # of Hours	Renewal?	Date of Last Renewal	Previously Approved Hours	Approved	Approved # of Hours	Comments
Randy Mayhew School of Real Estate							
15. 2016-2018 Renewal Cycle – Mandatory Course	4				Yes	4	
Vermont Realtors							
16. 2016-2018 Renewal Cycle – Mandatory Course	4				Yes	4	
17. The Dodd-Frank Act and its Impact on Homeownership	3				Yes	3	See Notes
Workplace Safety Solutions							
18. Preventing Workplace Violence – Assessing Risks and Threats	2				Yes	2	See Notes
OnCourse Learning							
19. Instructor Change Request					Tabled		

Course 1: Tabled due to lack of content

Courses 2, 5, 10, 13, 14, 17, 18 Also approved for 2 hours of post-licensure education

Course 10 Reminder to the provider that all approved education courses must be made available to all licensees

OnCourse Learning instructor change request tabled; no instructor credentials provided