

**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
January 26, 2017**

Commission Members and Staff Present: David Raphael, Wendy Beach, Donna Murray, Joyce Cameron, Mikail Stein, Gloria Rice, Lauren Hibbert, Colin Benjamin, and Judith Griffen **Others Present:** Teresa Merelman, Helen Hossley, Lori Holt, Bill Kiendl, Chad Jacobson, Tony Blake, Ginna Letourneau, Liz Kiggen, Brian Armstrong, Robert Balewicz, Scott Buckley, Betty McEnaney, Alison Cummings and Randy Mayhew.

1. 8:30 Education Committee

2. 9:30 Commission Meeting

Lauren Hibbert was introduced as the new board counsel replacing Larry Novins who retired in December. Lauren has been with OPR for several years, most recently in the enforcement division.

3. 9:30 Disciplinary Matters – Hearings/Dismissals/Stipulations:

- a. M2016-91(2015-281, 2015-285)
Robert E. Balewicz; Evergreen Realty: Petition for Reinstatement

The Commission held a hearing with George Belcher presiding as the hearing officer. A motion was made and seconded to reinstate the respondents' licenses. The motion passed.

4. Approved the Minutes of December 22, 2016

5. Education Committee report

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. The motion passed.

6. Case Manager's Report

Number of Active Licensees as of January 19, 2016

Brokers:	937
Salespersons:	1089
Brokerage Firms - Main Offices:	473
Brokerage Firms - Branch Offices:	67

There are Seventy-two (72) open cases. Six (6) are pending I-Team meetings, thirty-two (32) are under investigation, nineteen (19) are pending charges, eleven (11) are pending closing reports, two (2) are pending hearings and two (2) are on appeal.

Carla Preston reviewed the 2016 enforcement report with the Commission.

7. Old Business:

a. Newsletter

Commissioner Raphael noted that he has passed the draft content onto the Director who has asked Lauren Hibbert to review it and discuss with the Commission. The idea of enhancing the consumer disclosure to include information on OPR and the complaint process was discussed again.

b. 2017 OPR Bill Draft Changes

The Commission was provided a copy of the Commission section of the OPR bill. Almost all of the changes made it into the bill. There was a brief discussion about the draft language regarding advertising and signs that did not make it into the bill.

c. Goals and Initiatives 2017

The Commission reviewed the draft goals and initiatives for 2017 and agreed further discussion and prioritization was needed. The idea of moving some of the tasks to workgroups was discussed, allowing for working meetings and inclusion of non-Commission members, as was accomplished with the Agency Workgroup.

d. 2017 Meeting Calendar

The Commission reviewed the 2017 calendar and noted that April and September have conflicts due to the ARELLO meetings. The Commission agreed that in moving tasks to workgroups, not as many meetings may be required. Commissioner Raphael agreed to check with the docket clerk to see if there were hearings scheduled for April and September. If there are none, those meetings will be removed from the calendar. The Commission agreed that it may either cancel the December 28th meeting or combine it with a November meeting.

8. New Business:

a. Enforcement Report 2016

See above

b. AMP/PSI Exam Report 2016

The Commission reviewed the 2016 candidate testing report. A brief discussion surrounding pass rates and exam complexity occurred. The Commission requested that further data be obtained around the high level report to learn if Vermont candidates are faring as well as the rest of the states. Some Commissioners wondered what percentage of candidates are failing by as little as one or two questions. It was noted that in reviewing the state content and writing new questions, the Commission will have an opportunity to revisit the entire state exam and question bank.

9. Public Comment

Brian Armstrong requested that the Commissions address the topic of teams and provide more guidance on advertising. Chad Jacobson noted that New Hampshire is currently looking at rules related to teams.

Teresa Merelman asked for more communication.

Bill Kiendl asked about the increased broker education and the goals of increased commercial content.

A motion was made for the Commission to go into executive session for discussion of the evaluation of a public officer or employee. The Commission came out of executive session at 12:30.

10. Adjournment 12:31

Next Scheduled Meeting – February 23, 2017

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Provider/Title	Requested # of Hours	Renewal ?	Date of Last renewal	Previously Approved Hours	Approved	Approved # of Hours	Comments
The CE Shop							
1. Anatomy of Commercial Building	3	Yes	3-26-15	2			Tabled – see notes
2. Code of Ethics: Good for Your Clients and Your Business	2	Yes	3-26-15	2			Tabled – see notes
3. The Fundamentals of Commercial Real Estate	3	Yes	3-26-15	2			Tabled – see notes
4. Generation Buy	6	Yes	3-26-15	4			Tabled – see notes
Continuing Ed Express							
5. BPO Simplified	2	Yes	2-26-15	2	Yes	2	
6. REO Simplified	2	Yes	2-26-15	2	Yes	2	
NEREN							
7. Paragon Comprehensive	3	No			Yes	3/2	See notes
Vermont Realtors							
8. Designated Realtor Overview of Technology, Communications & Advertising	6	No			Yes	5	
9. Modern Real Estate Practice	32	Yes	4-29-14	40	Yes	32	Pre-License
McKissock							
10. How to Work With Real Estate Investors Part 1	2	Yes	1-5-15	2			Approved 10.27.2016
11. How to Work With Real Estate Investors Part 2	2	Yes	1-5-15	2	Yes	2	
12. Short Sales and Foreclosures	3	Yes	1-5-15	3	Yes	3	
13. It's High Tide You Got the Facts About Homeowner's Flood Insurance	3	Yes	1-5-15	3	Yes	3	

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Notes:

- Courses 1,2,3: Tabled because the on-line content was not available for reviewers to move through freely without completing one section in order to move onto the next.
- Course 4: Tabled because the course was not available on-line to review.
- Course 7: Also approved for 2 hours of post-licensure
- Course 8: Provider must remove references to “Realtor” and replace with a generic term such as “licensee” Provider should consider revising title to reflect the Administrative Rules definitions of “Broker in Charge” and “Principal Broker”. A suggestion was made to incorporate more information on the VT sign laws.
- Course 10: This course was already approved on October 27, 2016.

Chad Jacobson from NEREN requested that his organization be added to the approved course provider list on the website.