

# Office of Professional Regulation

## Real Estate Commission

Corner of State and Main in the City Center  
89 Main Street  
3<sup>rd</sup> Floor  
Montpelier, VT 05602

### Minutes

November 17, 2016

**Commission Members and Staff Present:** David Raphael, Gloria Rice, Joyce Cameron, Mikail Stein, Larry Novins and Judith Griffen **Members absent:** Wendy Beach and Donna Murray **Others Present:** Teresa Merelman, Helen Hossley, Marlene McCarty, Michael McCarty, and Dennis Brown

1. **8:30 Education Committee**
2. **9:30 Commission Meeting**
3. **Approved the Minutes of October 27, 2016**
4. **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.

### 5. **Case Manager's Report**

Number of Active Licensees as of November 10, 2016

Brokers:	932
Salespersons:	1067
Brokerage Firms - Main Offices:	465
Brokerage Firms - Branch Offices:	67

There are fifty-seven (57) open cases. Twenty-one (21) are pending I-Team meetings, twelve (12) are under investigation, twelve (12) are pending charges, six (6) are pending closing reports, two (2) are scheduled for hearing, two (2) are on hold and two (2) are on appeal.

Commissioner Cameron initiated a discussion on statistics and metrics reporting on cases, citing that the Commission desires better information on case types and status, making it easier for the case manager to disseminate information.

### 6. **Old Business:**

- a. 2016 Goals and Initiatives (review)
- b. Signs / Advertising
  
- c. Newsletter (Commissioner Cameron)

Commissioner Raphael indicated that he has the materials and is working on getting them wrapped up and to the Director for review. The short timeframe since the last meeting has caused this to remain open.

- d. Complaints and Enforcement
- e. Allied Mental Health Sample Disclosure

The Commission was provided forms from the Allied Mental Health profession that includes information on OPR and ways for the public to get complaint and licensee information. The Commission agreed that it did not want to move to a two-sided consumer disclosure, but agreed there would be an opportunity to review the current disclosures and find a way to incorporate some of the information.

## **7. New Business:**

- a. Title 3 Discussion – Larry Novins

Mr. Novins led a discussion on Title 3 and unprofessional conduct, providing examples. He updated a prior memo titled "*Deciding Cases: Considerations and Options.*" Commissioner Raphael committed to e-mailing this to members.

Mr. Novins also provided draft changes to the real estate statutes for the 2017 OPR bill. A majority of the proposed changes are grammatical in nature with an eye toward ensuring consistency. Mr. Novins proposed deleting sections (c), (g), and (i) from §2296 as they are contained in Title 3 already.

A motion was made and seconded to approve the draft changes to Title 26, Chapter 41. The motion passed. A copy of the changes will be sent to all Commissioners.

- b. 2017 Meeting Schedule

There was a brief discussion regarding the 2017 schedule. A couple of the meetings may change due to ARELLO meetings, causing at least two members to be absent. Commissioner Beach had discussed with Commissioner Raphael the consideration of going to fewer meetings. Commissioners were open to this. The idea of either an every other monthly meeting or a two months on, one month off, were discussed.

The Commission discussed the December 22<sup>nd</sup> meeting and whether this was required. There are currently two enforcement matters scheduled. Staff will check in with the Docket Clerk to see if these are both still on. Commissioner Raphael noted that with at least one Commissioner already committed to being out, and the need for a couple of members to recuse themselves, the Commission may have a quorum issue. An Ad-Hoc member will be called proactively.

## **8. Public Comment**

Teresa Merelman noted that the October agenda and meeting minutes were missing from the OPR site and there was confusion about whether an October meeting was being held. Raphael noted that people can always call OPR and he is also easily accessible by phone or e-mail if people have questions about a meeting. Merelman also asked about the timing of the newsletter.

## **9. Adjournment 10:15**

**Next Scheduled Meeting – December 22, 2016**

**Vermont Real Estate Commission  
Education Committee Report  
November 17, 2016**

Provider/Title	Requested # of Hours	Renewal?	Date of Last renewal	Previously Approved Hours	Approved	Approved # of Hours	Comments
<b>Vermont Realtors</b>							
1. Appraised Property Value: Fact or Fiction	3	Yes	3-1-14	2	Yes	3/2	2hrs post licensure
2. Adapting to Shifting Consumer Communication Styles – Shift Happens	3	Yes	5-23-13	3	Yes	2/0	
3. Vermont Real Estate Law Day	3	No			Yes	2	
<b>Randy Mayhew School of Real Estate</b>							
4. Review e-mail regarding VT Law Study					Yes	8/8	

**Notes:**

Course 1&2: The provider also requested approval for 2 hrs. post-licensure education for both courses. Course 1 was approved for 2 hrs. of post-licensure education. Course 2 was denied for 2 hrs. of post-licensure education; the course did not meet the list of approved topics.

Course 3: This course was approved and the title was modified to remove the year. This is a course that is offered each year and the content is updated and changed. The Committee agreed that the approval would be for the ongoing offering of this lecture/panel style course, with the understanding that the course provider update the materials each year.

Course 4: The discussion resulted in the Committee acknowledging that the VT Law Study was in fact approved for 8 hours of pre-licensing education as well as 8 hours of continuing education.