

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
August 28, 2014 – 9:15 AM

Commission Members and Staff Present: Joyce Cameron, Claire Porter, Gloria Rice, Maretta Hostetler, Michelle Gosselin, David Raphael, Mark Thibeault, Colin Benjamin and Judith Griffen **Public members Present:** Randy Mayhew, Helen Hossley, Betty McEnaney, Teresa Merelman, Lori Holt, Liz Merrill and Annemarie Daniels.

1. **8:30 Education Committee**
2. **9:15 Commission Meeting - Call to Order at 9:16**
3. **9:20 Approved July 24, 2014 minutes**
4. **9:20 Case Manager's Report**

There are eighty-three (83) open cases at this time. Sixteen (16) have been recommended for closing, twenty-six (26) are pending I-Team meetings, five (5) are on hold, eighteen (18) are under investigation, eighteen (18) are pending charges.

Number of Active Licensees as of August 20, 2014

Brokers:	1010
Salespersons:	1019
Brokerage Firms - Main Offices:	543
Brokerage Firms - Branch Offices:	73

The Commission and Case Manager, Carla Preston, discussed the declining number of cases and the perceived drop in sign and advertising complaints. Several Commissioners lamented that their observations were that violations in both these areas continue to be occurring. The question of the ticketing process was raised and it was suggested that the Commission employ the use of the Investigators as a first attempt to work with licensees on voluntary compliance. Raphael noted that the Investigators' contract is based on inspections and agreed to work with the Director to learn how the Commission might proceed with this new approach. Preston asked that she and the prosecutor be involved in the solution so that OPR is able to track the results for future complaints and compliance.

5. **9:30 Closing Reports**
 - a. 2013-537, 2013-538 and 2013-539 – approved
 - b. 2014-51 and 2014-52 – approved
 - c. 2013-359 and 2013-360 - approved
 - d. 2014-236 and 2014-237 - approved
 - e. 2014-477 and 2014-478 – approved
 - f. 2013-713 and 2013-714 – approved
6. **10:00 Old Business:**
 - a. Agency Workgroup Update
Raphael noted that this would be covered under new business with the discussion on the DRAFT rules.
 - b. Licensure renewal and letter to Brokers
Raphael updated the Commission on work the Director was involved with to come up with a list of brokerage firms or brokers who have renewed one license and not the other.

c. Filling open Inspector position

The Commission has an open Inspector position for the southern part of the state. OPR is looking at individuals who expressed an interest in volunteering when they renewed their license as well as getting the word out that an opening exists.

d. 2014 Calendar, Initiatives, and Priorities

- Agency changes and corresponding statute/rule changes
- Creation of a ticket process for minor administrative rule violations
- Education policy revisions
- Review of all application and forms

This process is ongoing.

- Creation of an attendance and communication policy for Board Members

Raphael received draft language from Peter Comart which will be placed on a future agenda for discussion.

7. 10:15 New Business:

a. Agency Workgroup: Review draft language on designated agency and statutory changes

Commissioner Thibeault began the discussion by mentioning an e-mail which was sent to Commissioners the previous day. A lengthy discussion occurred concerning Thibeault's request that the e-mail be placed into the minutes verbatim with Thibeault noting that he wanted to ensure the content was available to members in the audience. The Commission concluded that the minutes should reflect the nature of discussions and not be an exact restatement of discussions and documents it receives. Copies of Thibeault's e-mail were made available for distribution throughout the room.

Thibeault's e-mail to Commissioners expressed his concerns surrounding the proposed changes to agency and requested that the Commission place the project on hold until such a time as the Commission has a clearer understanding of what the issues are. Thibeault supported his e-mail by furthering that he has requested information on several occasions which he claimed to not have received, not naming the individuals he made requests of. Raphael noted that not getting requested information seemed to be a separate issue which he volunteered to work on better understanding and getting resolution to.

Board Council, Benjamin, reminded the Commission that they were not in the APA process yet and that the recommendation to the Commission was to get the draft language out to the public and licensees for their input.

Raphael provided a brief summary of the process that brought about the recommended Administrative Rules changes, including two meetings where the Commission took testimony from licensees and subject matter experts from outside of Vermont.

In discussing the specifics of the changes, Raphael noted that he neglected to change Rule 4.7 (c) and (e) back to the required language as a result of the 2014 OPR bill. He noted that the language "if requested by the person making the deposit" would need to go back into these sections.

Commissioner Hostetler mentioned that 4.4 (a) should be amended to read "a licensee shall not act as an agent..." rather than "brokerage firm." There was agreement. Audience member Randy Mayhew noted that the lettering was off on 4.4 and (e) should be (c).

Commissioner Rice made a motion to move the draft Administrative Rules with the agreed changes to Rules 4.7 and 4.4 to a public meeting. The motion passed with Commissioner Thibeault voting no.

The Commission discussed how best to proceed with the public meeting. It was suggested that VR was having a meeting in September at Basin Harbor. Audience member, Betty McEnaney, suggested that the Commission hold meetings around the state. The Commission discussed that this suggestion would be difficult to do, but agreed it would investigate Vermont Interactive Television and other technologies in

order to make the meetings available. Given the desire to be as inclusive as possible, the Commission agreed that October 23 would be the best date for the public meeting.

b. Education Policy Discussion

The Commission agreed to move this item to the September meeting.

8. Public Comment

Several public members participated in the draft administrative rules discussion.

Randy Mayhew asked the Commission the following questions:

Can someone take their post-licensure education prior to obtaining a license? The Commission agreed that the statute intended that the education be completed after the issuance of a license.
Can a broker go back to being a salesperson. The Commission agreed they could.
Was he reading the statute correctly that sole proprietors would be paying \$400 to renew? The Commission noted that the decision was that all entities pay the same fees.

9. Adjournment 11:30

Next Scheduled Meeting – September 25, 2014

The "Agency Workgroup" will hold its next meeting following the full VREC meeting.

**Real Estate Education Committee
Courses for review**

Provider/Title	Requested # of Hours	Renewal?	Approved	Approved # of Hours	Denied	Comments
American Society of Farm Managers & Rural Appraisers						
1. ASFMRA 85 th Annual Convention Day 1	7	No	Yes	2		For less hours
2. ASFMRA 85 th Annual Convention Day 2	3.5	No	No	0		
Exchange Authority, LLC						
3. EA 101 Basic Tax Deferred Exchanges	2	Yes	Yes	2		
UVM – Lake Champlain Sea Grant Program						
4. Quick Web-Based Mapping for Realtors	2	No	Yes	2		See below
Second Wind Water Systems						
5. Water Quality Issues of the Region	3	No	Yes	2		See below Course content must include the VT Dept of Health required private water system disclosure.
Northwestern Vermont Board of Realtors						
6. New Agent Orientation	5	No	Yes	8 (post-licensure only)		Must include Ethics course for 8 hour course.
7. Buying & Selling Income Properties	16	No	Yes	8		For less hours

**The Education Committee requires that course titles and content not contain specific references to the term "Realtor" and should use terms like licensee or real estate professional.