

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
June 26, 2014 – 9:15 AM

Commission Members and Staff Present: Joyce Cameron, Gloria Rice, Maretta Hostetler, Michelle Gosselin, David Raphael, Mark Thibeault and Judith Griffen **Members absent:** Claire Porter
Public members Present: Karin Ericson, Teresa Merelman, Susan O'Rourke, Liz Merrill, Donna Cusson, Annemarie Daniels, Robin Coppy, Betty McEnaney, Randy Mayhew.

1. **8:30 Education Committee**
2. **9:15 Commission Meeting – Called to Order at 9:15**
3. **Approved May 22, 2014 minutes**
4. **Case Manager's Report**

There are ninety-one (91) open cases at this time. Sixteen (16) have been recommended for closing, nine (9) are pending I-Team meetings, twelve (12) are on hold, twenty-four (24) are under investigation, sixteen (16) are pending charges, eleven (11) are pending a hearing and three (3) are in intake.

Number of Active Licensees as of June 15, 2014

Brokers:	1004
Salespersons:	997
Brokerage Firms - Main Offices:	536
Brokerage Firms - Branch Offices:	74

5. **Closing Reports:**
 - a. 2014-40 and 2014-41 – approved
 - b. 2014-78, 2014-79 and 2014-80 – approved
 - c. 2014-162, 2014-163 and 2014-164 – approved
 - d. 2013-540, 2013-541 and 2013-542 – approved
6. **Disciplinary Action:**
 - a. 9:30 a.m. – 2010-228 - Lisa Friedman – Stipulation and Consent - Motion was made an seconded to approve the Stipulation and Consent Order. The Commission entered a deliberative session. The Commission came out of deliberative session and voted on the motion which carried 6-0
 - b. 9:45 a.m. – 2012-652 and 2012-653 – Robert Cox – Default Hearing – There was a motion to dismiss Docket No 2012-653 with prejudice. Motion carried 4-1. Another motion was made and seconded to find the defendant in default and fine Mr. Cox with \$1000.00 administrative penalty and include in the Order that the office will notify Mr. Cox's licensing state of Florida of this disciplinary action. Motion carried to 4-1
 - c. 10:00 a.m. – 2013-465, 2013-466 and 2013-467 - Cynthia Lyons – Stipulation and Consent – Motion was made an seconded to approve the Stipulation and Consent Order. The motion carried 5-0

7. Old Business:

a. Agency Workgroup Update

Raphael updated the Commission that at the last meeting the group continued its work on the draft language and assigned tasks to members to work on the mandatory disclosure, potential Q&A topics, and draft administrative rule changes.

b. OPR Bill (see <http://www.leg.state.vt.us/docs/2014/Acts/ACT138.pdf>)

The OPR bill was signed by the Governor on May 22 and goes into effect July 1, 2014. Staff is working to implement changes to testing questions and forms and will be ready.

c. Licensure renewal and letter to Brokers

This topic was discussed under new business with the Director. A letter has not gone out and staff is looking into what makes the most sense when notifying licensees of an expired license.

d. 2014 Calendar, Initiatives, and Priorities

- ~~Home Inspector licensing~~

Colin Benjamin gave an update that OPR is working to meet the new requirement to license home inspectors and that the Realtor trade association has done a nice job of educating licensees about the new requirements as real estate licensees have the most contact with home inspectors.

- Agency changes and corresponding statute/rule changes

Work is ongoing.

- Creation of a ticket process for minor administrative rule violations

- Education policy revisions

Commissioner Thibeault has sent out another draft and expects the Education Committee to continue its work with it.

- Review of all application and forms

Raphael reported that Peter and Judith are continuing their work on the real estate forms.

- ~~Maintenance of a full and complete Commission with no vacancies~~

- Creation of an attendance and communication policy for Board Members

- Mandatory course for next renewal cycle (final outline attached)

The Commission's board packet included the approved outline which is also on the Commission's website.

8. New Business:

a. Director Chris Winters addressed the Commission regarding expired licenses and continuing education cases, noting that the volume of cases is increasing and taking staff time and has the potential of impacting the Commission's budget. Winters explained that the issue is one shared across multiple professions and encouraged the Commission to join him in solving the issue through changes to statute. There was some discussion on the confusion around brokerage firm registrations and broker renewals and the possibility of registering brokerage firms for longer than two years. The Board motioned to delegate to the case manager and prosecuting attorney authority to close the current lapsed license cases and screen all incoming cases. The Motion carried unanimously.

b. The Commission reviewed and approved the course list from the Education Committee designed to satisfy the eight hour post licensure education within 90 days requirement. The Education Committee agreed that the following topics satisfy the intent of the requirement:

- Contracts and Contract Law
- Buyer/Seller Representation (Working with Buyers or Sellers)
- Ethics
- Agency and Fiduciary Duties
- Property Inspections

Each course in the above topics was approved for two hours and newly licensed salespersons must complete the eight hours within 90 days of being issued a license. The Commission believes course providers and trade associations will develop a one day course on the approved topics that will satisfy the eight hour requirement.

9. Public Comment

A few licensees weighed in on the logistics of the post-licensure education requirement.

10. Adjournment

Next Scheduled Meeting – July 24, 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. Legal Issues, Marketing and Forecasting	7.5	No	Yes	4		Approved for less hours
2. Lease Negotiations and Food Quality	8	No	No	0		Denied
Regency Mortgage Corp.						
3. Renovation Lending for Residential Real Estate	3	No	Yes	2		Approved for less hours Must remove the use of the word realtor and replace it with a generic term like licensee or real estate professional.
OnCourse Learning Corp. DBS Career Web school						
4. Prequalify Your Buyer in Today's Market	4	No	Yes	3		Approved for less hours
Mortgage Bankers & Brokers Association of NH						
5. Understanding Today's Financing Options	2	Yes	Yes	2		
American Society of Farm Managers & Rural Appraisers						
6. Water Issues	7	No	No	0		Denied

The Education Committee reviewed the list of currently approved courses and designated those courses that satisfy the new requirement for 8 hours of post licensure education within the first 90 days of licensure for a new salesperson. The list was then be sent to the full Commission for approval.