

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

October 27, 2016

Commission Members and Staff Present: David Raphael, Gloria Rice, Mikail Stein, Donna Murray, Wendy Beach, Larry Novins and Judith Griffen

1. **8:30 Education Committee**
2. **9:30 Commission Meeting**
3. **Approved the Minutes of September 29, 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 October 20, 2016

Brokers:	932
Salespersons:	1058
Brokerage Firms - Main Offices:	464
Brokerage Firms - Branch Offices:	67

There are fifty-seven (57) open cases. Seventeen (17) are pending I-Team meetings, fourteen (14) are under investigation, twelve (12) are pending charges, six (6) are pending closing reports, two (2) are on hold and six (6) are pending hearing.

There was a brief discussion on the new enforcement form for I-Teams. Questions were raised on the difference between mitigating and aggravating factors. Carla Preston indicated that mitigating factors would be things that lessen the degree of culpability, like if a licensee were to self-report on an issue. Aggravating factors would be things that increase the degree of culpability, like a repeat offense. System factors could be things like a broken software system that was out of the respondents control.

6. Old Business:

a. 2016 Goals and Initiatives (review)

b. Education Workgroup Report (Commissioner Beach)

Commissioner Beach provided a report to the Commission which was distributed in the board packet. The report noted that the workgroup met its goals and finished its review of the education forms and

electronic submission process. The group concluded that for now, the need for a contracted position to review education is not required.

b. Signs / Advertising

Mr. Novins indicated that he is drafting language to include in the OPR bill that makes it clear that the Commission has the authority to enforce the sign law. He will pass the language by the Director and the Commission.

c. Newsletter (Commissioner Cameron)

Commissioner Cameron sent the latest changes to the newsletter Commissioner Raphael. He will be adding in his Chair comments and then presenting the draft to Director Benjamin for review. The goal is to have this complete before the end of the year.

d. Complaints and Enforcement

Commissioner Raphael reported that he has spoken to Lauren Hibbert and she is working on the closing report discussion.

f. Commissioners' Report On Visiting Other Jurisdictions' Websites

Commissioner Raphael included the internet links with the board packet from the discussion at the September meeting. A brief discussion around the possible formation of a communication workgroup ensued. The Commission agreed that more outreach was necessary. Commissioner Stein felt that it would result in greater public protection. Commissioner Rice felt that a benefit would be a more public face and increased awareness amongst the public. It was agreed that this should be revisited once the newsletter was out.

7. 10:00 AM Disciplinary Matters – Hearings/Dismissals/Stipulations:

a. 2015-348/2015-349 Beth A. McCullough/Harrington Realty (Stipulation & Consent Order)

The Commission approved the adoption of the stipulation and consent order as presented.

b. 2015-281/2015-285 Robert E. Balewicz/Evergreen Realty (Default Order)

The Commission accepted the report, adopted the findings of fact and conclusions of law, and ordered the recommended discipline in the default order.

8 New Business:

a. Education Workgroup Report

See above

b. 2016 Board Member and Advisor Retreat Report

Commissioners Rice, Stein, and Raphael attended the retreat. Each gave a brief overview of their perspective on the day. Much of the discussion surrounded the Assistant Attorney Generals' presentation on anti-trust. Mr. Novins committed to attempting to obtain the presentation so that others could review it. The Commission discussed how some boards are including information about the complaint process and OPR in their consumer disclosures. Mr. Novins indicated that he would obtain samples for the Commission to review. The Commission had mixed thoughts on going to a two-page disclosure. The Commission also discussed the process and need for getting another public member on the Commission to fill the remaining vacancy.

9. Public Comment

None

10. Adjournment 10:40

Next Scheduled Meeting – November 17, 2016

**Vermont Real Estate Commission
Education Committee Report
October 27, 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		
American Society of Farm Managers & Rural Appraisers							
2. ASFMRA 87 th Annual Convention Day1	6	No			Yes	2	
3. ASFMRA 87 th Annual Convention Day2	3	No			Yes	2	
The CE Shop							
4. Discovering Commercial Real Estate	3	Yes	12-18-14	3	Yes	3	
5. Uncle Sam Has homes for Sale: Listing & Selling HUD Homes	2	Yes	4-23-15	3	Yes	2	
Jonathan D. Weidman, Esq.							
6. Title Insurance De-Mystified for Realtors	3	No			Yes	3	2-post licensure
McKissock, LP							
7. How to Work with Real Estate Investors – Part 1	2	Yes		2	Yes	2	
8. How to Work with Real Estate Investors – Part 2	2	Yes		2	Tabled		
9. Short Sales and Foreclosures	3	No			Tabled		
10. It's High Tide You Got the Facts about Homeowner's Flood Insurance	3	Yes		3	Tabled		
11. How is the Legalization of Marijuana Affecting the Real Estate Market	2	Yes		2	Tabled		
Carlton Cole – individual request							
12. Natural Shorelands Erosion Control Certification	8	No			Tabled		

Notes:

Course 1: We have not received the course material requested in September

Course 6: The term “Realtor” must be removed from the title and content and a generic term like “licensee” or “real estate professional” must be used. “Realtor” is a term that applies to members of the National Association of Realtors and not to all Vermont real estate licensees. This course is also approved for 2 hours of post-licensure education.

Courses 8, 9, 10, 11: Tabled because the course reviewers are not able to move freely through the content. Also a reminder that the course titles online must match exactly the titles submitted on the course applications.

Course 12: Tabled until the licensee provides evidence of completion.