

**Office of Professional Regulation  
Real Estate Commission**

Vermont College Campus  
32 College Street  
Schulmaier Hall  
Montpelier, VT 05602

**Minutes**

**May 23, 2013 – 9:00 a.m.**

**Commission Members and Staff Present:** Clair Porter, Michelle Gosselin, David Raphael, Maretta Hostetler, Judith Wernecke, ad hoc member, Colin Benjamin and Judith Griffen

**Commission members absent:** Gloria Rice, Mark Thibeault, Thomas Prindiville

**Public members Present:** Teresa Merelman, Helen Hossley, Nicole Senecal and Bruce Bertholon

1.     **8:30 - Education Committee**
2.     **9:30 - Full Commission meeting – Called to Order at 9:30**
3.     **9:35 - Approved April 25, 2013 minutes**
4.     **9:40 - Case Manager's Report – C. Preston**  
There are ninety-nine (99) open cases at this time. Twenty (20) have been recommended for closing, twenty-five (25) are pending I-Team, thirteen (13) are waiting a response, eleven (11) are in the intake process, eleven (11) are under investigation, two (2) are pending charges, four (4) are pending hearings and thirteen (13) of them have charges filed.
5.     **9:50 - Closing reports**
  - a. 2011-830, 2011-831, 2011-832 - approved
  - b. 2012-274, 2012-275 - approved
  - c. 2012-577 – approved
  - d. 2012-686, 2012-687 - approved
  - e. 2012-27, 2012-28, 2012-29 - approved
  - f. 2012-739 and 2012-740 - approved
  - g. 2013-104 – approved
6.     **10:10 Disciplinary Action – Hearing/Dismissal/stipulation**
  - a. 2012-544 - David R. Fitzgibbons - Hearing  
Gabriel Gillman, prosecuting attorney, and David Fitzgibbons were both present. Mr. Fitzgibbons participated via teleconference. The Commission went into deliberative session after hearing the case. A written decision will be available within the next couple of weeks.
7.     **11:30 - New Business**
  - a. Peter Comart gave a quick review of the Vermont Professional Colleague Assistance Program (VPCAP) Proposal. The Commission tabled discussion for a future meeting for when all of the Commission members were present to discuss this issue.
8.     **11:45 - Proposed Changes to Administrative Rules**
  - a. Discussion: April 25th Public Hearing Testimony

Prosecutor Gabriel Gilman presented the Commission with a memorandum dated May 6, 2013 titled "Comments concerning proposed REC rule revisions." For this round of revisions, he specifically requested that the stricken language on page five 2.1 (b) be reinstated. He also asked that page 22, 4.12 (a) be clarified to avoid the ongoing confusion surrounding a brokerage firm's registered name. His other comments were requested to be considered during future rulemaking.

The Commission reviewed written comments by commercial broker Ray Ault and absent Commission member Mark Thibeault. A memo by Commissioner Raphael that captured previous public testimony was reviewed. Most of the comments were deemed to have been addressed in the rules, out of the scope of the current review, or tabled for future discussion.

A motion was made, seconded and passed to send the current set of rules, including the changes, to ICAR for final approval and adoption.

**9. 12:30 - Next Steps: Dialogue on Agency**

A brief discussion occurred surrounding the previous discussions on agency. The Commission members present agreed that the dialogue to date demonstrated enough evidence that the Commission should continue to look at alternatives to Vermont's current agency model.

A motion was made, seconded, and passed to create a workgroup, to include non-Commission members, to study the possibility for changes to Vermont's agency model.

**10. 1:50 - Public Comment**  
**None**

**11. 2:00 – Adjournment**

**Next Scheduled Meeting – June 27, 2013**

# Real Estate Education Committee

## Courses for review

May 23, 2013

Provider/Title	Requested # of Hours	Renewal?	Approved	Approved # of Hours	Denied	Comments
<b>McKissock, LP</b>						
1. Vermont Salesperson Real Estate Principles and Practice	40	No	Tabled	40		The members were unable to see or review the course with the information they received from the provider.
<b>Quality Workshops</b>						
2. 40 Hour pre-licensing course	40	Yes	Yes	40		Approved with comments that the members would like the Vermont section to be more enhanced with instruction and guidance and not just copies of state statutes.
<b>OnCourse Learning Corporation DBA Career Webschool</b>						
3. Short Sales and Foreclosures	4		Denied	0		No access for 3rd time
<b>360 Training.com</b>						
5. Contracts	3	Yes	Yes	3		
6. Bad Loans – Predatory & Fraud	3	Yes	Yes	3		
7. Environmental Basics	4	Yes	Yes	4		
8. Human Land Use	4	Yes	Yes	4		
9. Pricing Property	4	Yes	Yes	4		
<b>Continuing Ed Express</b>						
11. Tax Deferred IRS 1031 Exchanges	3	Yes	Yes	3		
<b>Vermont Association of Realtors</b>						
3. 40 Hour Salesperson Pre-Licensing Course	40	Updates	Yes	40		Already approved they are just updating.
4. Adapting to Consumer Communication Needs aka Shift Happens	3	No	Yes	3		
5. Offers “The Good, The Bad, The Ugly”	3	No	Yes	2		
<b>Continuing Ed Express LLC</b>						
6. Mortgage Products 101	3	No	Yes	3		
7. Federal Fair Housing Laws & Practice	3	No	Yes	3		