



Real Estate Commission

Office of Professional Regulation, Vermont Secretary of State

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Minutes

Thursday, October 25, 2018

Members Present: David Raphael, Wendy Beach (by phone), Donna Murray, Joyce Cameron, Mikail Stein.
Absent: Gloria Rice
OPR Staff Present: Gabriel Gilman, Tara Grenier, Lauren Layman, Judith Roy
Others Present: Brian Armstrong, Teresa Merelman (part), Betty McEnany (part)

1. 9:30 Called to Order

2. Changes to the Agenda

David Raphael moved to add ARELLO update by Donna Murray. Wendy Beach seconded; see Other Business, 8.e. After further discussion, David Raphael moved to amend the motion.

David Raphael moved to amend the motion to remove item 7(b) from the agenda because it was not added to the original agenda and was not received eight days in advance of the meeting. Joyce Cameron seconded the motion after discussion of possibly removing 4(b) also. Attorneys Layman and Gilman advised that the Commission has a duty to act on pending applications as soon as reasonably practicable; advised against introducing two-month delay in resolution where time could be afforded to read and deliberate. The motion to remove 7(b) carried 4-1; 4(b) was retained with agreement that time would be set aside for all to review the papers.

3. Approved August 23, 2018 minutes

4. Disciplinary Matters

- a. Proposed Order to Remove Conditions – Leebeth Ann Lemieux – Docket Number 2018-23

Mikail Stein moved to approve the order as presented. Wendy Beach seconded the motion. The motion carried unanimously.

- b. Review of ALO Proposed Order – Jenny Bryant, applicant

Mikail Stein moved to approve the order as presented. Joyce Cameron seconded the motion. The motion carried with one abstention.

5. Topics for Discussion

- a. Joyce Cameron moved to re-elect the incumbent officers: David Raphael, Chair, Donna Murray, Vice Chair and Gloria Rice, Secretary. Mikail Stein seconded. The motion carried unanimously.

6. Administrative Updates - None

7. Education Review

- a. Arthur Gary School of Real Estate – Ninja Selling for 28 hours – David Raphael moved to deny the course for failure to supply supporting information. Donna Murray Seconded the motion. The motion carried unanimously.
- b. Amy Perez – Ninja Selling for 8 hours – removed from agenda by motion noted above; tabled to next meeting.

8. Other Business – Old Business

- a. David Raphael gave the Rules Workgroup update. The workgroup meeting was cancelled in August. They will not have an official Workgroup meeting today, but will discuss a project plan for the next meeting.
- b. There was nothing to report relative to the 2018 initiatives and goals
- c. There was nothing to report on new public member appointment. There was brief discussion of seeking legislative removal of the public member position. David Raphael noted that this would be inadvisable in view of antitrust concerns.
- d. Attorney Gilman advised that the Office will be proposing to convert the Commission from a board-model regulation to the advisory-model regulation. Gilman, members, and attendee Merelman discussed a letter from the Vermont Association of Realtors (VAR) regarding their opposition to switch to an advisory board regulation. Gilman advised that OPR finds some merit in VAR concerns about ensuring regular, open hearings at which licensees and members of the public may access regulators. The APA rulemaking process applies equally to board-model and advisor-model regulation.
- e. ARELLO update was given by Donna Murray.

9. Correspondence

10. Public Comment

Teresa Merelman participated in discussion as noted in 8(d).

11. Adjourned 11:11 a.m.

Next Scheduled Meeting – December 7, 2018
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