

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
September 24, 2015 – 9:15 AM

Commission Members and Staff Present: Claire Porter, Gloria Rice, David Raphael, Donna Murray, Joyce Cameron, Wendy Beach, Mikail Stein, Judith Griffen and Larry Novins. **Public Members Present:** Randy Mayhew, Teresa Merelman, Betty McEnaney, Dennis Brown, Annemarie Daniels, Helen Hossley, Isaac Chavez, Lori Holt, Liz Merrill, Katrina Spaulding, Gail Childs, Matt DePrizio, Robin Jacobs and Nicole Senecal.

1. 8:30 Education Committee

2. 9:15 Commission Meeting

The Director of OPR has made staffing changes to better serve professions and Larry Novins was introduced as the new board counsel for the Commission. Novins has a long history with OPR and noted he was looking forward to working with the Commission and learning about the profession.

3. Approved August 27, 2015 Minutes

4. Case Manager's Report

There are fifty-eight (58) open cases at this time. Seven (7) are pending I-Team meetings, twenty-nine (29) are under investigation, three (3) are pending charges, eight (8) are pending closing reports, and eleven (11) are pending hearings

Number of Active Licensees as of September 16, 2015

Brokers:	1049
Salespersons:	1119
Brokerage Firms - Main Offices:	566
Brokerage Firms - Branch Offices:	77

5. Old Business:

a. Inspectors and sign/advertising violations

Communication has been sent to the three inspectors providing interim guidance as the inspection program undergoes review at OPR. Commissioner Raphael noted that he has a meeting with the Director at 11:00 and this is one of the areas that will be discussed.

b. 2015 Calendar, Initiatives, and Priorities

- Agency and the Mandatory Consumer Information Disclosure - completing the draft Administrative Rules

In the board packet, the Commission was provided with two versions of the Mandatory Consumer Disclosure, one for designated agency brokerage firms and one for non-designated agency brokerage firms. It was requested that a date of approval be placed at the footer so that the most current version can always be identified.

A motion was made and seconded to adopt the two versions of the Mandatory Consumer Disclosure. The motion passed.

Larry Novins is completing the filing paperwork for LCAR and expects that the rules could be adopted as early as late November or early December.

- Education Process - completing policy and moving to a contracted position for review

The Commission discussed this as the next priority once the rulemaking process is completed.

- Inspection Program - focus on "notice of violation" process

c. Consumer Information Disclosure

The Commission agreed this item is now considered complete with the adoption of the two forms.

d. AMP test review for pending Administrative rules changes

Commissioner Raphael reported that AMP has been contacted and they have prepared a list of the current test bank of questions for review. It was noted that the review will consist of two components, a review of existing questions and required changes to meet the new rules and consideration for creating new questions aimed at any new concepts in the administrative rules. Raphael noted that outreach to pre-licensing educators would occur so that course providers and students will know when the revised test will be live. Helen Hossley requested pass/fail rate statistics.

8 New Business:

a. ARELLO annual meeting report – Donna Murray

Commissioner Murray provided an in depth report on the ARELLO conference and several of the sessions she attended. She mentioned that she valued the learning as well as the relationships she was able to build, noting that she felt like she now has resources near and far to call upon for expertise and collaboration. She encouraged other members to attend future meetings. Commissioner Beach raised the topic of licensing reciprocity and unlicensed practice, both topics discussed at the conference. Additionally, there was a brief discussion about licensees and classification as sub-contractors versus employees and the national focus on their classifications.

Changes to the settlement process were a big topic and both members attended a presentation from the Consumer Financial Protection Bureau. Two Federal websites with educational resources are:

For consumers: <http://www.consumerfinance.gov/know-before-you-owe/>

For licensees: <http://www.consumerfinance.gov/know-before-you-owe/real-estate-professionals/>

Commissioner Raphael provided hard copies of the ARELLO 2015 Latest Court Decisions and Recent Law and Rule Changes.

b. Election of officers

The meeting was turned over to Attorney Novins to conduct the election of officers. Novins requested nominations for each seat. Each position was filled with only one nomination from the Commission and the votes passed unanimously. The Chair is David Raphael, Vice-Chair is Donna Murray, and Secretary is Gloria Rice.

c. October Commission meeting will remain as October 22, 2015

9. Public Comment

Annemarie Daniels noted that with the changes to broker CE, some licensees are discussing the option of returning to a salesperson license. The Commission discussed this and the consensus was that the salesperson license requires fewer qualifications and licensees should be able to go back. Raphael was directed to discuss this with staff and report back.

Gail Childs expressed her disagreement with the increased broker education requirement of twenty-four hours each renewal cycle, claiming that an additional eight hours doesn't achieve anything and is a hardship. She asked for an explanation of how the change came about and noted she would be contacting every legislator to get this changed. Commissioner Raphael reviewed the process that began with the Commission being asked by licensees to hold brokers to a higher standard. Raphael noted that Vermont continues to be one of the least restrictive states for obtaining and maintaining a license. Teresa Merelman echoed that it was licensees who asked for the increase.

10. Adjourned at 10:15 AM

Next Scheduled Meeting – October 22, 2015

Real Estate Education Committee

Courses for review

Provider/Title	Requested # of Hours	Renewal?	Approved	Approved # of Hours	Denied	Comments
Cooke Real Estate School						
1. Vermont Pre-License Salesperson License Course	40	No	Yes	40		See note below
Cornerstone Institute						
2. Sales Contracts	4	No	Yes	2		
3. Buyer Representation	4	No	No	0		
4. Commercial & Investment Real Estate	4	No	No	0		
The CE Shop						
5. Hot Market Strategies	3	Yes	Yes	2		
6. Realtor Code of Ethics Training	3	No	Yes	3		2 hrs for post-licensure
7. REO Properties: Responsibilities', Education & Opportunities for Real Estate Professionals	6	Yes	Yes	4		
8. Online Risk Management	4	Yes	Yes	3		
Randy Mayhew School of Real Estate						
9. Designated Agency – The Basics (Vermont)	2	No	Yes	2		
Vermont Realtors						
10. Vermont Residential Energy Code 2015	3	No	Yes	2		2 hrs for post-licensure

NOTES:

Vermont Pre-License Salesperson License Course: Note to make sure that the non-municipal water disclosure from the VT Department of Health is covered as well as the Common Interest Ownership Act.