

**Office of Professional Regulation**  
**Real Estate Commission**  
Corner of State and Main in the City Center  
89 Main Street  
3<sup>rd</sup> Floor  
Montpelier, VT 05602

**Agenda**  
**November 19, 2015 – 9:30 AM**

**Commission Members and Staff Present:** Claire Porter, David Raphael, Donna Murray, Joyce Cameron, Mikail Stein, Wendy Beach, Judith Griffen **Members Absent:** Gloria Rice. **Public Members Present:** Randy Mayhew, Teresa Merelman, Betty McEnaney, Dennis Brown, Annemarie Daniels, Helen Hossley, Isaac Chavez, Lori Holt, Liz Merrill, Clayton Paul Cormier, Douglas Bejarano and Nicole Senecal

1.     **8:30     Education Committee**
2.     **9:30     Commission Meeting**
3.     **Approved October 22, 2015 Minutes**
4.     **Case Manager's Report**

Carla Preston was not available and delivered her report via e-mail, which was presented to the Commission.

There are fifty-nine (59) open cases at this time. Fourteen (14) are pending I-Team meetings, one (1) are new and in the intake process, twenty-three (23) are under investigation, one (1) is awaiting response, three (3) are pending charges, nine (9) are pending closing reports, and eight (8) are pending hearings.

Number of Active Licensees as of November 10, 2015

Brokers:	1048
Salespersons:	1131
Brokerage Firms - Main Offices:	566
Brokerage Firms - Branch Offices:	78

**5. Closing Reports**

- a.     2014-597 and 2014-598 - approved
- b.     2015-190 – approved

**6. 9:40 Disciplinary Procedures**

- a.     2014-365 – Douglas Bejarano – Summary Suspension Hearing  
The Commission voted to deny the State's request for a Summary Suspension.
- b.     2014-549 and 2014-552 – Margaret Meyer – Stipulation and Consent Order  
The Commission voted to accept the Stipulation and Consent Order.
- c.     2014-146 – Michael Greiner – Findings of Fact, Conclusion of Law and Order  
The Commission voted to accept the report, adopt the finding of fact and conclusions of law, and ordered the recommended discipline as set forth in the order.
- d.     2014-532 – Nicholas Lizotte – Dismissal  
The Commission was notified of the Notice of Dismissal and had no further questions.

## **7. Old Business:**

### **a. Inspectors and sign/advertising violations**

There was no new progress to report.

### **b. 2015 Calendar, Initiatives, and Priorities**

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

The Administrative Rules have been filed and go into effect December 1, 2015. Commissioner Raphael shared a one page list from staff detailing what was required to be ready for the December 1 date. Commissioner Murray voiced her concern that this list and preparation was coming to the Commission so late and close to the implementation date. The Commission discussed that the risk was not surrounding what was on the list, but rather what was not. Members agreed to review the items and get in touch with staff if they felt something was missing. The Commission felt notifying licensees with a well thought out communication was the most critical piece.

Vermont Realtors' Isaac Chavez reported that his organization was completing work on the new forms to reflect the changes to the Administrative Rules and that those would be available by December 1, 2015.

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

The Education Committee extended their morning meeting and began working with staff on the education course submission form and education policies. They will continue that work next meeting.

#### **- Inspection Program - focus on "notice of violation" process (review of Title 26, Chapter 41)**

The Commission members reviewed the statutes for their profession and agreed to table discussion until the next meeting.

### **c. AMP test review for pending Administrative Rules changes**

Commissioner Raphael reported that this work was progressing and would be completed within the week. He also reminded the Commission that he would be in Kansas in early December to work with other jurisdictions on the national exam and would be able to follow up on Vermont specific issues. Randy Mayhew requested that a discussion be had with AMP surrounding the broker simulation exam, which differs greatly from the traditional multiple choice exam.

### **d. Licensee ability to transition from a Broker back to a Salesperson**

Board Council Novins had prepared a draft policy that supported the ability for a licensee to go from a broker to a salesperson. The Commission agreed that a licensee's desire to then go back to being a broker would require qualifying for the then current broker requirements.

A motion was made and seconded to authorize Board Council to make the suggested changes to the policy, changing the words "give up" to "surrender" and to add in a sentence to address reverting back to a broker and having to meet the current requirements. The motion passed.

### **e. Agency Workgroup – development of FAQs surrounding new rules**

The Commission was updated that the Agency Workgroup was meeting after the full Commission meeting to begin work on the FAQs and would report back the progress.

## **8 New Business:**

Budget review with Colin Benjamin, Director of OPR – Tabled until December meeting

The Commission was presented with a revised closing report for 2014-265 that struck a piece of inaccurate information. The board approved the revised closing report, replacing the adopted report of August 27, 2015.

The Commission had a brief discussion with Board Council about the State's ability to collect administrative penalties, as in the example of the case that concluded unlicensed practice. There was a discussion of making sure that the jurisdiction in which the respondent is licensed gets notified of the concluded case from Vermont. Larry Novins agreed to look into this.

## **9. Public Comment**

Clayton Paul Cormier inquired about general confidentiality in brokerage firms where the principal broker has supervisory duties over licensees in the office, participating in the same transaction under the designated agency model. A short discussion followed that pointed out the protections outlined in the new Administrative Rules and the reminder that licensees have a duty to protect client confidences.

Mr. Cormier asked the Commission about a practice he sees in his area where listing brokerage firms will not cooperate with other brokerage firms for showings unless the cooperating brokerage firm identifies the names of the consumers prior to a showing. The Commission discussed that the MLS, the vehicle for cooperation, should be where Mr. Cormier looks to see what the rules and policies are for cooperation and whether this practice is allowed. It was also discussed that if Mr. Cormier is a Realtor, his Code of Ethics also addresses cooperation. The Commission indicated that the Administrative Rules do not specifically address cooperation, but reminded everyone that topics like this usually fall into consideration of what is in the best interest of the client and whether it is the client that is directing the requirements or the brokerage firm.

## **10. Adjournment**

The "Agency Workgroup" held its meeting on November 19, 2015 following the full Commission meeting.

**Next Scheduled Meeting – December 17, 2015**

## Real Estate Education Committee

### Courses for review

Provider/Title	Requested # of Hours	Renewal?	Approved	Approved # of Hours	Denied	Comments
<b>NH Association of Realtors</b>						
1. Real Estate & Ethics – The only Way to Conduct Business	4	No	Yes	3		2 hour for post licensure
<b>McKissock</b>						
2. The New FHA Handbook for Real Estate Professionals	4	No	Yes	3		2 hour for post licensure
3. Technology, Relationships and the Digital Consumer	4	No	Yes	3		
4. 2014-2106 Renewal Cycle – Mandatory Course	4	No	Yes	4		2 hour for post licensure
<b>Vermont Realtors</b>						
5. Appraisal Process	2	No	Yes	2		2 hour for post licensure
6. Heating Fuel Tank Seminar	2	No	Yes	2		
<b>Continuing Ed Express</b>						
7. History of the American Home Part I	3	Yes	Yes	2		
8. Code of Ethics Case Studies II	3	Yes	Yes	3		2 hour for post licensure
<b>The CE Shop</b>						
9. RPR Real-Time Data, Market Knowledge, Informed Customers	3	Yes	Yes	2		
10. Going Green: The Environmental Movement in Real Estate	3	Yes	Yes	2		
11. Diversity: Your Kaleidoscope of Clients	3	Yes	Yes	2		
12. Breaking Barriers: Fair Housing	3	Yes	Yes	2		
13. At Home with Diversity	8	Yes	Yes	4		
14. Basics of Real Estate Taxation	6	Yes	Yes	3		
<b>Individual Request: Paul Harsch</b>						
15. Real Estate Brokerage Professional Ethics for Residential & Commercial Real Estate	2.5	No	Yes	2		
16. Leisure Homes, Second Homes & Age Restricted Housing	2	No	Yes	1		
17. Understanding Title & Title Concerns	2	No	Yes	2		
18. Disclosure...Disclosure....Disclosure	2	No	Yes	2		
19. Comparative Market Analysis (CMA)	2	No	Yes	2		

<b>At Your Pace Online</b>						
20. Vermont 2014-2016 Renewal Cycle – Mandatory Course	4	No				Tabled
21. Vermont 8 Hour Elective: Agency Finance & Title Review	8	No				Tabled
22. Vermont 12 Hour Elective: Basics, Ethics & Financing	12	No				Tabled

Courses 20, 21, and 22 were tabled because access to the materials was received after the deadline and the Committee did not have time to review. These courses will be reviewed for the December 17<sup>th</sup> meeting.

The Education Committee was provided a copy of a complaint sent to Secretary of State Condos from Rick John.

The Education Committee spent the second half of their meeting reviewing the course submission form and discussing submission guidelines and policies. That work will continue at the next meeting.