

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING

REAL ESTATE COMMISSION
TELECONFERENCE MEETING MINUTES

January 26, 2012

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference of the Real Estate Commission was held January 26, 2012 at the Atwood Building, Room 1500, Anchorage, Alaska.

Thursday, January 26, 2012

Chairman Bradford Cole called the meeting to order at 10:05 a.m. at which time quorum was established.

Agenda Item 1a

Roll Call

Members Present

Anita Bates, Broker/Broker at Large
Marianne Burke, Public Member

Members present via teleconference, were:

Nancy Davis, Broker/ 1st Judicial District
Brad Cole, Associate Broker/3rd Judicial District
Stacy Risner, Associate Broker, 4th Judicial District

Members Absent, were:

Charlene Flyum, Public Member
Christina Swires, Associate Broker/Broker at Large

Staff Present:

Sharon Walsh, Executive Administrator
Beata Smith, Licensing Examiner
Nancy Harris, Project Assistant

Guests Present:

Quinten Warren, Chief Investigator
Michele Wall-Rood, REC Investigator

Agenda Item 1b

Approval of Agenda

Ms. Bates stated to the Commission that she would like to table Agenda Item 4 Recovery Fund Regulation Project until the March 7th, 2012 meeting.

On a motion duly made by Ms. Bates, seconded by Ms. Burke, it was

RESOLVED to table the Recovery Fund regulation project until the March 7th, 2012 meeting.

All in favor; Motion passed.

Agenda Item 3

Imposition of Civil Fine

Quinten Warren, Chief Investigator discussed with the Commission the Imposition of Civil Fine for case #2010-001053, Donna Orr.

On a motion duly made by Ms. Bates, seconded by Ms. Burke, it was

RECSOLVED to adopt the Imposition of Civil Fine in Case #2010-001053. Donna Orr.

All in favor; Motion passed.

Chairperson, Brad Cole designated Anita Bates to sign the Imposition of Civil Fine on his behalf.

Agenda Item 2

Surrender of License Certificate

On a motion duly made by Ms. Davis seconded by Ms. Bates, it was,

RESOLVED to move into executive session to discuss the Surrender of License for Jessica A. Thomas.

All in favor; Motion passed.

Into executive session at 10:13 a.m.

On a motion duly made by Ms. Davis seconded by Ms. Bates, it was,

RESOLVED to come out of executive session.

All in favor; Motion passed.

Out of executive session at 10:30 a.m.

On a motion duly made by Ms. Bates seconded by Ms. Burke, it was,

RESOLVED to accept the Surrender of License for Jessica A. Thomas, Cases #2010-001260, #2011-001039, #2011-001082, #2011-000750, and #2012-000013.

All in favor; Motion passed.

Chairperson, Brad Cole designated Anita Bates to sign the Surrender of License Certificate on his behalf.

Agenda Item 5

Review 08.88.221 and 08.88.450

Ms. Walsh discussed with the Commission an e-mail response from Don Habeger, Director of Corporation, Business and Professional Licensing, in regards to statutes 08.88.221 and 08.88.450. Ms. Walsh stated that her predecessors all had this fee going into the Recovery Fund (ZSU) and that prior audits did not indicate that this fee was miscoded/misdirected into the Recovery Fund (Surety Fund) and should have gone into REC. Ms. Walsh stated that Laura Watson, Accounting Technician IV had a discussion with Sara Chambers, Program Coordinator with Corporation, Business and Professional Licensing and asked to change the forms for courses and instructor from ZSU to REC because the Commission does not have the authority based on 08.88.221 to be collecting these fees. Ms. Davis stated that this is scary because that is taking money out that needs to go into the Recovery Fund. Ms. Burke stated that the licensees are absorbing many costs that are not appropriate but this is a part of the licensee's responsibility as their function of helping to regulate the industry. The Department of Commerce, Community, and Economic Development shall set fees under AS 08.88.065 for a real estate broker, associate broker, or salesperson. There isn't anything saying about the money going into REC or to the General Account. This has gone through Legislative Audit examinations, three different administrative directors, and many different people on the Commission and this issue has never been raised. Another point that is important is that the Commission should consider the Recovery Fund is not a governmental entity, it is a trust, in which the Commission members are trustees for this money. The Legislature has been quite clear on what this money should be used for and what our responsibilities are as to making sure we maintain a certain balance. Ms. Burke suggested that legislation should be introduced as soon as possible to clarify the number of these issues that are coming up and will continue to come up. If we do not get these clarifications in at the beginning of this session there is going to be a lot of other things that people will feel that are more important and it will not get high priority. We need the industry to lobby for the priority of these issues. Ms. Bates stated that she will communicate with David Somers, Somers and Associates Realtors, Inc to ask for their assistance to put something together. Mr. Cole stated that the Commission and REC staff will follow the statutes and regulations that are mandated for anything that is done but in this particular case it is unacceptable that they would ask the Commission to make an administrative change for a form to designate where this money is going to.

On a motion duly made by Ms. Burke seconded by Ms. Bates, it was,

RESOLVED to adjourn the meeting.

All in favor; Motion passed.

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Meeting adjourned at 10:52 a.m.

The Commission adjourned until March 7, 2012 in Anchorage.

Prepared and submitted by Beata Smith.

Approved:



Bradford Cole, Chairman
Alaska Real Estate Commission

Date: 7/30/12