

STATE OF ALASKA  
DEPARTMENT OF COMMERCE COMMUNITY AND  
ECONOMIC DEVELOPMENT  
DIVISION OF CORPORATION BUSINESS AND  
PROFESSIONAL LICENSING

**REAL ESTATE COMMISSION**

**MINUTES OF MEETING  
TELECONFERENCE**

**September 20, 2012**

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference meeting of the Real Estate Commission was held September 20, 2012, at the Atwood Building, Room 1500, Anchorage, Alaska.

**Thursday, September 20, 2012**

**Call to Order, Tab 1**

Chairperson Brad Cole called the meeting to order at 11:35 a.m.

**Roll Call, Tab 1(a)**

Members Present:

Anita Bates, Broker, Broker at Large

Members Present via teleconference:

Marianne Burke, Public Member  
Nancy Davis, Broker, 1<sup>st</sup> Judicial District  
Chris Swires, Associate Broker, Broker At Large  
Brad Cole, Associate Broker, 3<sup>rd</sup> Judicial District  
Stacy Risner, Associate Broker, 4<sup>th</sup> Judicial District  
Charlene Flyum, Public Member

Staff Present:

Sharon Walsh, Executive Administrator  
Nancy Harris, Project Assistant

No Guests Present.

**Approval of Agenda, Tab 1(b)**

The Commission members reviewed and discussed the revision of the agenda to address the most crucial issues for a half day meeting.

Ms. Bates asked that agenda items 8(a)-Penalty for Unapproved REC Instructor, 8(b)- October 28, 2011 REC Teleconference, 9(a)-Schedule of Meeting Dates, 9(f)-Proposed Regulations, and 2(d)-Approval of the Meeting Minutes for July 23, 2012 teleconference be moved to the December meeting so that there is time for discussion.

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

**RESOLVED to approve the agenda as revised.**

**All in favor; Motion passed.**

**Approval of Minutes, Tab 2**

**March 7, 2012, Tab 2(a)**

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

**RESOLVED to approve the minutes of March 7, 2012.**

**All in favor; Motion passed.**

**April 13, 2012, Tab 2(b)**

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

**RESOLVED to approve the teleconference meeting minutes of April 13, 2012.**

**All in favor; Motion passed.**

**June 6, 2012, Tab 2(c)**

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

**RESOLVED to approve the meeting minutes of June 6, 2012.**

Ms. Bates brought to the Commission's attention page 2, paragraph 3, of the June 6, 2012 meeting minutes. She said there was motion made by Ms. Burke that changed the wording in the minutes of March 7, 2012 meeting. The Commission passed that motion and Ms. Bates said that she was concerned that this was done because the revised regulations were already published and the correct language was incorporated and included in the March 7, 2012 meeting minutes. She was not sure if there should to be a motion to correct the June 6, 2012 meeting minutes or reverse this motion that was approved because it does not accurately reflect the adopted regulation language?

**By process of a friendly amendment, offered by Ms. Davis, accepted by the maker, Ms. Swires, to rescind the motion that changed the wording on paragraph 3 dealing with facts and conclusions. Ms. Bates accepted the friendly amendment.**

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The Commission discussed the wording of the published regulation. Ms. Burke said she was ok with the motion but would like to look into the wording of the published regulations and agreed with the Chair to continue this discussion at a later date.

**5 members in favor, 1 member abstained (Ms. Burke); Motion passed.**

July 23, 2012, Tab 2(d)

**On a motion made by Ms. Bates, with no second, it was**

**RESOLVED to approve the July 23, 2012 meeting minutes.**

**Ms. Bates withdrew her motion because she had asked earlier that the July 23, 2012 meeting minutes be moved to the December 2012 meeting for discussion and approval.**

**On a motion made by Ms. Davis, seconded by Ms. Swires, it was**

**RESOLVED to table the teleconference meeting minutes of July 23, 2012 to the December 2012 meeting.**

**All in favor; Motion passed**

**Education Report, Tab 4**  
**Education Statistics, Tab 4(a)**

Ms. Harris presented the education statistics as of August 8, 2012 to the Commission. There are currently 9 pre-licensing courses, 7 broker upgrade courses, 185 elective continuing education courses, 25 designated courses and 73 courses that can be taken for elective hours or post licensing hours. There are 28 sponsors, and 109 permanent instructors.

**Review of Instructor/Course Evaluation, Tab 4(b)**

Ms. Harris presented a revised evaluation form to the Commission for their review and approval.

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

**RESOLVED to approve the instructor and course evaluation.**

The Commission members discussed the revised course and instructor evaluation form as presented. The Commission members had some concerns regarding how questions 4 and 5 under the instructor section were worded.

**Ms. Swires withdrew her motion to approve the course and instructor evaluation form at this time until instructor paragraphs 4 and 5 are reworded. Ms. Davis withdrew her second to the motion.**

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Mr. Cole asked Ms. Walsh to put the course and instructor evaluation form on the December agenda under Old Business.

**Licensing Report, Tab 6**  
**Licensing Statistics, Tab 6(a)**

Ms. Harris presented the licensing statistics report for May 24, 2012 to August 14, 2012 to the Commission. She said as of this report there were:  
51 new licensees, 2,141 total active licensees, 3 upgrades, Salesperson to Associate Broker, 3 upgrades (status change), Associate Broker to Broker, 2 endorsements application, 29 licensees inactive  
1 license was surrendered, 20 licensees have no broker, and 45 licensees have completed post licensing education, 8 new offices, 6 in Anchorage and 2 in Wasilla

Ms. Bates asked that on future reports if staff could put the name of the city behind the new offices so that the Commission can see what city the new offices are in. Ms. Harris said that would be no problem.

**Regulation Tracker, Tab 6(b)**

Commission members reviewed the regulation tracker.

Ms. Burke asked at what point will the RFP for E & O Insurance go out? Is it after the acceptance of the Department regulations or after the Lt. Governor signs all regulations? Ms. Walsh said she thought it was after the Department regulations but said she would get clarification.

Ms. Bates asked when does a regulation project get placed on the regulation tracker?

Ms. Walsh said that all proposed regulations should be put on the tracker before the meeting that they were first proposed. Ms. Bates did not see the most recent proposed regulations project that included E & O insurance on the regulation tracker.

The Commission asked that staff update the regulation tracker and add the amended regulations 12 AAC 64.440 (c) & 12 AAC 02.260 (b) that were introduced at the June meeting by the December meeting.

**New Business, Tab 9**

**Schedule of Future Meeting Dates, Tab 9(a)**  
**September 2013, Tab 9(a) (3)**

The Commission discussed the date for September 2013 meeting.

Ms. Walsh said that the AAR conference is September 17-21, 2013 at the Capt. Cook Hotel.

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

**RESOLVED to have the REC meeting on September 17, 2013 with any carry over on September 18, 2013, if necessary.**

**All in favor; Motion passed.**

March 2013, Tab 9(a) (1)

The Commission members discussed the date for the March 2013 Real Estate Commission meeting and when the legislative session will begin.

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

**RESOLVED to table the decision to establish a date for the March 2013 meeting until the December meeting.**

**Davis-yes, Swires-yes, Burke- yes, Flyum-no, Bates-no, Risner-no, Cole-no.  
Motion failed.**

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

**RESOLVED to have the March meeting on the 20<sup>th</sup>, the 3<sup>rd</sup> Wednesday in March.**

**All in favor; Motion passed.**

Review & Discuss Notice of Temporary Absence of Broker of Record From, Tab 9(e)

Commission members discussed the question regarding the Notice of Temporary Absence of Broker of Record form. The question that was asked at the Anchorage Board of Realtors Broker Forum was, "Is it allowable for the broker of the main office to sign applications in the temporary absence of an associate broker in one of their branch offices?"

The Commission decided on a Best Practice regarding this issue.

**Best Practice: The broker or associate broker to send in the Notice of Temporary Absence of Broker of Record form and the broker does have the ability to supervise that branch office in the absence of the associate broker.**

**The broker or the associate broker in charge of a branch office is required to send in the Notice of Temporary Absence of Broker of Record form to the Commission when expecting to be temporarily out of the office. The broker does have the ability to supervise that branch office in**

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**the absence of the associate broker.** *(Note: verbiage in red is what was added to make the statement a complete sentence.)*

All best practices that are stated by the Commission will placed on the REC web site, listserv and in the next Newsletter. Ms. Walsh will also relay the best practice back to the Kay Dubois at the Board of Realtors so that she can pass on to those brokers who attended the broker's forum, where the question was raised.

**On a motion made by Ms. Swires, seconded by Ms. Flyum, it was**


**RESOVLED to adjourn the meeting.**

**All in favor; Motion passed.**

Meeting adjourned at 11:32 a.m.

Prepared and submitted by Division Staff.

Approved:

  
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Anita Bates, Chairperson  
Real Estate Commission

Date: 12/5/2012