

1
2 STATE OF ALASKA
3 DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT
4 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
5

6 REAL ESTATE COMMISSION
7 MEETING MINUTES
8

9 April 20, 2020
10

11 By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article
12 6, a scheduled meeting of the Real Estate Commission was held April 20, 2020, at the
13 State of Alaska Atwood Building Ste 1550, 550 W. 7th Avenue, Anchorage, Alaska.
14

15 April 20, 2020

16 Agenda Item 1 - Call to Order

17 Chairperson PeggyAnn McConnochie called the meeting to order at 10:05 a.m. at which
18 time a quorum was established.
19

20 Roll Call – 1(a)

21 Members present via ZOOM:

22 PeggyAnn McConnochie, 1st Judicial District, Chairperson
23 Margaret Nelson, Broker, Broker at Large, Vice Chairperson
24 Cheryl Markwood, Broker at Large
25 Samuel Goldman, Broker, 3rd Judicial District
26 David Pruhs, Broker, 4th Judicial District
27 Jamie Matthews, Public Member
28

29 Members Absent:

30 Jesse Sumner, Public Member
31

32 Staff Present:

33 Shyla Consalo, Executive Administrator
34

35 Staff Present via ZOOM:

36 Jun Maiquis, Regulation Specialist
37 Megyn Weigand, Assistant Attorney General
38

39 Guests Present via ZOOM:

40 Errol Champion, Liaison for AAR, Juneau
41 Beth Simpson, Broker, Keller Williams Realty Alaska Group
42 Paddy Coan, Associate Broker, Keller Williams Realty, Anchorage
43 Lindsay Sizemore, Salesperson, Keller Williams Realty, Anchorage
44 2 unidentified callers
45

46 Approval of Agenda-1(b)

47 Commission members reviewed the meeting agenda.
48

49 **On a motion duly made by Ms. Nelson, seconded by Ms. Markwood, it was,**
50

51 **RESOLVED to approve the meeting agenda for April 20, 2020 as**
52 **drafted.**
53

54 **All in favor; Motion passed.**
55

56 Statements of Conflicts of Interest-1(c)

57 Ms. McConnochie, Ms. Nelson, Ms. Matthews, Mr. Pruhs, Mr. Goldman, and Ms.
58 Markwood had no conflicts of interest to disclose.
59

60
61 Agenda Item 2 – Public Comments

62 There were no public comments made.
63
64

65 Agenda Item 3 – Proposed Emergency Regulation Change

66 Ms. McConnochie stated the purpose of the meeting was to review and approve the
67 proposed emergency regulation change. Ms. McConnochie invited Regulation Specialist
68 Jun Maiquis to provide background information on the proposed emergency regulation
69 change.
70

71 Mr. Maiquis introduced Megyn Weigand as the Assistant Attorney General assigned to this
72 regulation project. Mr. Maiquis stated he received the regulation change proposal based
73 off the Commission's last meeting in March and in response to the COVID-19 crisis. Mr.
74 Maiquis explained that emergency regulations are good for 120 days, and anything over
75 120 days, the Commission would have to do another regulation project to make these
76 regulations permanent. Mr. Maiquis invited Ms. Weigand to comment on the topic.
77

78 Ms. Weigand stated she assisted in drafting the Commission's emergency regulation
79 change. She explained that the Governor issued a suspension order and the Governor
80 and legislature passed SB241, which gives broad authority and relaxed statutes and
81 regulations, so all state resources can be maximized. Ms. Weigand drafted this regulation
82 change in a way that should this change need to last longer than the 120 days or after the
83 suspension order and SB241 expire, the Commission will not need to start over with a
84 regulations project. The 120 days begins the day the regulations change is filed with the
85 Lieutenant Governor's Office; however, in the next month or two if the Commission finds
86 they need the regulation in place for longer than the emergency powers, it is already in a
87 form where it can be sent out for public notice, provide for public comment, and vote on it
88 a second time to become a permanent regulation. The regulation also has a triggering
89 event described in the first few phrases, so even if this were to become a permanent
90 regulation, it wouldn't displace the other regulations which state the timeframes required to
91 submit their education and test results. It would only be effective if a disaster under AS
92 26.23.020. If a disaster were to be formally declared by the Governor in the future, then
93 this regulation would allow the Commission's applicants to take advantage of the
94 regulation if testing services were delayed or stalled in some way.
95

96 Ms. McConnochie asked if the Commission votes to pass this regulation, how long would it
97 take to be enforced. Ms. Weigand stated that in addition to the regulation, the Commission
98 would need a brief, emergency declaration, which is a finding of the Commission that this
99 is an emergency that requires immediate response. Once the whole packet is turned in to
100 Mr. Maiquis, everything should be done in two or three days. The regulation would be
101 effective immediately upon filing.
102

103 Mr. Pruhs asked to clarify if that meant there needed to be findings of fact. Ms. Weigand
104 acknowledged that is what is needed. Ms. Weigand also stated electronic signatures were
105 being accepted on the applicable regulations project forms to help expedite the process.
106

107 Ms. McConnochie requested Ms. Consalo read the sample Board of Nursing finding of
108 emergency to the Commission, since not everyone received a copy of the email from Mr.

109 Maiquis. Ms. Consalo read the excerpt from the Board of Nursing's example finding of
110 emergency.

111
112 **On a motion duly made by Ms. Nelson seconded by Mr. Pruhs, it was,**

113
114 **RESOLVED to approve the emergency regulation, as drafted and**
115 **recommend the regulation be permanent.**

116
117 Roll call vote: Ms. Nelson-yes, Ms. Markwood-yes, Mr. Pruhs-yes, Mr. Goldman-yes, Ms.
118 Matthews-yes, Ms. McConnochie-yes.

119
120 **Motion passed.**

121
122 Ms. McConnochie asked for a volunteer to assist Ms. Consalo in drafting the language
123 needed for the finding of emergency. Mr. Pruhs volunteered to assist.

124
125 Mr. Maiquis asked who the Commission would want notified in the public notice for the
126 permanent regulation change. He explained the difference in when notice would be sent to
127 licensees and interested parties or just the minimum legal requirement of the interested
128 parties. Ms. McConnochie confirmed the Commission wanted licensees and interested
129 parties noticed, to include Pearson Vue. Mr. Maiquis also asked if the Commission wanted
130 to have oral testimony for this, or the minimum legal requirements of written comments.
131 The Commission agreed to only accept written comments.

132
133 **Agenda Item 4 – Adjournment**

134
135 **On a motion duly made by Ms. Markwood, seconded by Ms. Nelson, it was,**

136
137 **RESOLVED to adjourn.**

138
139 **All in favor. Motion passed.**

140
141 Meeting adjourned at 10:22 a.m.

142
143 The next meeting will be held June 17, 2020 in Anchorage.

144
145
146 Prepared and submitted by:
147 Real Estate Commission Staff

148
149 Approved:
150 PeggyAnn E. Digitally signed by PeggyAnn E.
McConnochie
Date: 2020.06.18 11:00:12 -08'00'
151 McConnochie
152 PeggyAnn McConnochie
153 REC Chairperson
154 Alaska Real Estate Commission
155