

***Annual Report***  
***Fiscal Year 2013***

**REAL ESTATE COMMISSION**

***July 2013***



**DIVISION OF CORPORATIONS, BUSINESS  
AND PROFESSIONAL LICENSING**

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This Annual Performance Report is presented in accordance with Alaska Statute 08.01.070(1) and Alaska Statute 37.07.080(b). Its purpose is to report the accomplishments, activities, and the past and present needs of the licensing program.

**ALASKA REAL ESTATE COMMISSION  
FY 2013 ANNUAL REPORT**

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**ALASKA REAL ESTATE COMMISSION  
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IDENTIFICATION OF COMMISSION**

<b><u>Commission Member</u></b>	<b><u>Date Appointed/Reappointed</u></b>	<b><u>Term Expires</u></b>
<b>Anita Bates, Broker at Large</b> Associate Broker	<b>May 17, 2011</b>	<b>March 1, 2015</b>
<b>Stacy Risner, 4<sup>th</sup> Judicial District</b> Associate Broker	<b>October 27, 2011/March 1, 2013</b>	<b>March 1, 2017</b>
<b>Nancy Davis, 1<sup>st</sup> Judicial District</b> Broker	<b>March 1, 2009/March 1, 2013</b>	<b>March 1, 2017</b>
<b>Eric Bushnell, Broker-at-Large</b> Associate Broker	<b>March 1, 2013</b>	<b>March 1, 2017</b>
<b>Marianne K. Burke, Public Member</b>	<b>March 1, 2010/March 1, 2011</b>	<b>March 1, 2015</b>
<b>Brad Cole, 3<sup>rd</sup> Judicial District</b> Associate Broker	<b>March 1, 2007/March 1, 2011</b>	<b>March 1, 2015</b>
<b><i>Vacant</i>, Public Member</b>		<b>March 1, 2015</b>

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**IDENTIFICATION OF STAFF**

**Sharon J. Walsh, Executive Administrator**

Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
550 W. 7<sup>th</sup> Ave. Ste. 1500  
Anchorage, AK 99501-3567  
Phone: (907) 269-8197  
Fax: (907) 269-8156

**Nancy A. Harris, Project Assistant\***

Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
550 W. 7<sup>th</sup> Ave. Ste. 1500  
Anchorage, AK 99501-3567  
Phone: (907) 269-8168  
Fax: (907) 269-8156

**Beata A. Smith, Licensing Examiner**

Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
550 W. 7<sup>th</sup> Ave. Ste. 1500  
Anchorage, AK 99501-3567  
Phone: (907) 269-8162  
Fax: (907) 269-8156

**Jennifer Wirawan, Investigator**

Department of Commerce, Community and Economic Development  
Division of Corporations, Business and Professional Licensing  
550 W. 7<sup>th</sup> Ave. Ste. 1500  
Anchorage, AK 99501-3567  
Phone: (907) 269-7901  
Fax: (907) 269-8156

*\*Note:*

*The Project Assistant position, historically, was paid for from the Recovery Fund (RF). The REC asked the Director of CBPL to consider funding this position for 65% of the fees from REC and 35% from the Recovery Fund. This was a temporary measure in an attempt to alleviate a potential shortfall in the RF until renewal took place and the fund balance was restored. As of January 1, 2013 this position is now used 65% of the time for non-REC RF projects and is used for Division professional licensing projects. The REC has expressed interest in getting this position back to 100% for REC RF issues. However, at this time the position remains split 35/65.*

**ALASKA REAL ESTATE COMMISSION  
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NARRATIVE STATEMENT**

**The Alaska Real Estate Commission's Mission Statement:**

*The mission of the Alaska Real Estate Commission is to protect the public interest by licensing practitioners and enforcing the established standards, to promote professional excellence in the real estate industry and to support and encourage licensees.*

**Real Estate Regulations**

The Commission worked on a variety of new and existing regulations as noted in the regulation section of this report.

**Recovery Fund**

There were 4 Recovery Fund claims filed within FY13. All four (4) claims paid by the Commission were a result of misrepresentation, fraud, deceit or conversion of trust funds or the conversion of community association accounts. This total for claim payments amounted to \$29,692.88 in FY13. The Commission has proposed a change to the regulation, 12 AAC 64.073, setting the Recovery Fund Fee at \$30.00 for the upcoming 2014-2016 license renewal.

**Note:**

As of March 1, 2010 the name of the Surety Fund changed to Recovery Fund. Claims made will now be determined by the Commission after a final determination from the Court has been submitted to the REC for payment.

**Continuing Education**

During this fiscal year the Commission approved:  
Initial instructors 133; total courses 284; course sponsors 34

New licensees are required to complete 30 hours of post-licensing education (PLE) within 12-months of receiving their initial license. All licensees are required to complete 20 hours of continuing education which are comprised of 12 elective and 8 designated continuing education credits. The Commission continues to strive in providing online courses as consideration to our geographically distinct licensee population. All proceeds from education courses, PLE Affidavit and certification of REC instructors are revenue generators for the Recovery Fund.

**Executive Administrator Comments**

The Alaska Real Estate Commission remains committed to continue communication with industry members and consumers. AREC staff has continued to work with the real estate industry on regulation and continuing education issues. Staff participates in numerous meetings with associations, boards, Real Estate offices and continues to audit education courses. This type of outreach has been beneficial in maintaining regulatory and industry cooperation.

The Commission encourages members of the public, the real estate industry and other agencies to utilize the resources we provide on our web site to ensure accurate and consistent information within our jurisdiction. As of January 2013 the Commission no longer produces a newsletter. Commission information is currently conveyed through the Division's Listserv, which interested parties must subscribe to in order to receive this service.

In the annual report for FY12, a new process was initiated through the Division's Information Technology(IT) section to capture licensing statistics. The REC licensing statistics last year were inflated and did not get adjusted for a more accurate report. This resulted in a difference in count because two different methodologies were used and reported as follows:

<u>REC count:</u>	<u>IT count:</u>	<u>REC count:</u>	<u>IT count:</u>
<b>Salesperson:</b> 209	197	<b>Associate Broker:</b> 20	228
Exam: 197	11	Exam: 17	8
Endorsement: 12	186	Endorsement: 3	220
<b>Broker :</b> 7	208		
Exam: 7	22		
Endorsement: 0	186		

The discrepancy in the numbers reported is due to licenses captured, at some point in FY12, as having a first issue date. (The first issue date is the date an initial license, of any license type, is issued.) Therefore, the change in status for many of our Salesperson licensees upgrading to a Broker or Associate Broker did not impact the statistics. These licensees were issued a license in the Division's database and that "first-issue" date didn't change in FY12. Unless, the licensee was new to the licensing system, then this triggered a "count" for IT, and this number would add to their "count" as a change in status. Prior to that, the REC counted the different license types and whether or not the license was obtained by examination or endorsement and not based on first issuance of a license. REC's methodology is no longer being used and has resulted in much confusion in reporting. The numbers for the REC were drastic enough that it was worth mentioning in this year's annual report for historical clarification.

The Real Estate Commission has been successful because of the 7 members that volunteer their time promoting the integrity of practicing real estate. The AREC staff and Division are grateful for the Commission's willingness to serve and protect the consumers of Alaska. We appreciate the sacrifice and dedication all members make for the benefit of this state. As of April 24, 2013, our public member from Homer resigned and we now have a vacant seat on the Commission.

The REC has realized cost savings over the past fiscal year as a result of:

- reduction in the Investigator's case load
- reduction in travel costs due to continued quarterly meetings held in Anchorage
- monitoring Division transparency in financial reporting

Cordially,

Sharon J. Walsh  
Executive Administrator  
Alaska Real Estate Commission

**ALASKA REAL ESTATE COMMISSION**  
**FY 2013 ANNUAL REPORT**  
**BUDGET RECOMMENDATIONS FOR FY 2014**

**TRAVEL REQUESTS:** All travel requests must be ranked in order of the board's priority. Provide the best estimates based on past actual and seasonal trends in travel, such as summer hotel rooms or increased fuel costs. Calculate on full costs and note any third-party fiscal offsets. Expand the tables below as needed.

**Board Meetings**

Rank	Date	Location	# of Board Members	# of Staff	Total Estimated Cost (total of airline, hotel, mileage, M&IE, parking, rental car, taxi, etc.)
1	9/17/13	Anchorage	7	3	\$2,000.00
2	12/5/2013	Anchorage	7	3	\$2,000.00
3	3/5/2014	Juneau	7	1	\$7,500.00
4	6/5/2014	Fairbanks	7	1	\$7,500.00

**Travel Required to Perform Examinations: N/A**

Rank	Date	Location	# of Board Members	# of Staff	Total Estimated Cost (total of airline, hotel, mileage, M&IE, parking, rental car, taxi, etc.)
1					
Description of meeting and its role in supporting the mission of the board:					
2					
Description of meeting and its role in supporting the mission of the board:					

**Out-Of-State Meetings and Additional In-State Travel**

Rank	Date	Location	# of Board Members	# of Staff	Total Estimated Cost (total of airline, hotel, mileage, M&IE, parking, rental car, taxi, etc.)	Total Potential Third-Party Offset
1	9/17/2013	Seattle, WA	1	1	\$2660 x 2 = \$5,320.00	N/A
Description of meeting and its role in supporting the mission of the board: Attend Association of Real Estate License Law Officials (ARELLO) annual conference. Meet with other licensing jurisdictions on enforcing and regulating real estate standards on a national and international basis with a potential impact to AK licensees.						
2	4/9/2014	San Diego, CA	1	1	\$2,650 x 2 = \$5,250.00	
Description of meeting and its role in supporting the mission of the board: Attend Association of Real Estate License Law Officials (ARELLO) mid-year conference. The mid-year conference emphasis is on real estate education standards and a break-out session of regulators by geographic districts and review of emerging trends in those districts. e.g. foreclosures, short sales, increases in property management concerns. It supports making the public and licensees aware of real estate ownership and business.						
3	10/13/2013	Baton Rouge, LA	0	1	\$3,000.00	N/A
Description of meeting and its role in supporting the mission of the board: Attend the annual Investigator Workshop hosted by the Association of License Law Officials (ARELLO) This workshop is crucial to REC's new investigator. It supports the area of conducting investigations on licensees through due process.						

**NON-TRAVEL BUDGET REQUESTS**

**Dues/Memberships/Resources/Online Training/Teleconferences**

Provide details of the budgetary request. Break down into specific events, where applicable.

1	<b>Product or service:</b> Annual dues	<b>Provider:</b> Association of Real Estate License Law Officials(ARELLO)	<b>Cost per event:</b> \$650.00 per year
Description of item and its role in supporting the mission of the board: Membership to the ARELLO organization and access to its web site, copies of the annual ARELLO digest and other resources for licensing regulators.			
2	<b>Product or service:</b>	<b>Provider:</b>	<b>Cost per event:</b>
Description of item and its role in supporting the mission of the board:			

**Other Items with a Fiscal Impact:**

1	<b>Product or service:</b> Audit brokers trust accounts	<b>Provider:</b> REC Executive Administrator	<b>Cost per event:</b> \$1,500.00
	Description of item and its role in supporting the mission of the board: Per REC request. Audit of broker's trust account around the state to insure compliance with statutes and regulations.		
2	<b>Product or service:</b>	<b>Provider:</b>	<b>Cost per event:</b>
	Description of item and its role in supporting the mission of the board:		

**Summary of FY14 fiscal requests**

Board Meetings	19,000.00
Travel for Exams	0.00
Out-Of-State and Additional In-State Travel	13,620.00
Dues/Memberships/Resources/Online Training/Teleconferences	650.00
Total Potential Third-Party Offset	
Other-audit trust a/c's	1,500.00
<b>Total Requested:</b>	<b>\$34,770.00</b>

**Additional information:**

The REC would like to send a Commission member and the Executive Administrator to the ARELLO conferences (annual and mid-year). They would also like to see the REC Investigator attend the ARELLO sponsored annual Investigator/Auditor workshop. The REC would appreciate travel funding to continue the audits of Broker's trust accounts.



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RECOMMENDATIONS FOR PROPOSED LEGISLATION FOR FY 2014**

The Real Estate Commission does not have any proposed legislation at this time.

**ALASKA REAL ESTATE COMMISSION**  
**FY 2013 ANNUAL REPORT**  
**ANTICIPATED REGULATION CHANGES FOR FY 2014**

The Real Estate Commission continues to work on adopting and implementing the Errors & Omission insurance regulations, 12 AAC 64.600-650. Additional regulations that were included in this project include:

- 12 AAC 64.071(a) License renewal-allowing for a 60 day renewal notice
- 12 AAC 64.440(h) Instructor approval requirement-expiration of certificate
- 12 AAC 64.130(4)(B) Grounds for Revocation or Suspension
- 12 AAC 64.500(n) Continuing education requirements-professional designation requirements
- 12 AAC 64.068 (b) Legal entities-allow for brokers and licensees to be paid as legal entities
- 12 AAC 64.073 Recovery Fund Fee

*These proposed changes in regulations are currently going through the regulatory process and the public comment period recently closed on 7/29/2013.*

The Real Estate Commission on June 26, 2013 recommended to the Division of Corporations, Business and Professional Licensing, a change in regulations to the Division's Centralized Licensing REC Schedule of Fees, including a renewal fee for the licensing period 2014-2016.

Other regulation projects include:

- 12 AAC 02.360            Reducing real estate education course and instructor fees –REC recommended to Division Director June 2012.
- 12 AAC 64.073            Proposed Recovery Fund Fee reduction on June 26, 2013

**ALASKA REAL ESTATE COMMISSION**  
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**BOARD GOALS AND OBJECTIVES**

**Goals and Objectives for FY13:**

1. The AREC would like to see the Division of Corporations, Business and Professional Licensing (CBPL) submit a Request for Proposal (RFP) to obtain a provider for Errors and Omissions insurance required of all real estate licensees.

Result:

- The Division submitted E & O regulations on June 26, 2013.

2. The AREC would like assurances from the Division of CBPL that they will monitor the Recovery Fund so that it does not exceed the statutory limit of \$500,000 and run the risk of any excess going into the State's General Fund. The AREC may consider reducing the Recovery Fund fee, if the financial statements present accurately and reliably in the next few quarters and no unforeseen expenditures will put the fund at risk with a minimum balance.

Result:

- Personnel charges were reduced to the RF by 65%.
- The REC members held meetings throughout the FY13 with the Division of Administrative Services, Accountant Mary Manning to provide more detail in the reporting of financial statements.
- Recommend reducing the RF fee to \$30.00.

3. The AREC would like to see reliable and accurate information presented to them with regards to the Real Estate Commission Revenue and Expenditure Report. This report should include detailed information of expenditures to insure better monitoring of our financial status. There was significant fallout with the Division and the Commission after the Division proposed a 149% increase in licensing fees. The Division's proposal would have taken the fee from \$275 to \$685 to make the Commission "whole". It was determined by the Division that the Commission's expenditures exceeded revenues by \$606,119 for the prior FY10/FY11. The Commission and the licensees rejected this proposed fee increase in which the end result was a renewal fee of \$375. Therefore, the delivery of accurate and timely financials to the Commission is and will continue to be one of their primary concerns. The Commission is expecting the Division to provide financial transparency so that they are advised quarterly of the financial health of the Commission and its operations.

Result:

- On-going process through monitoring revenue and expenditure reporting.

4. The Commission would like to see the remainder of the trust account audits completed this fiscal year. There are approximately 33 remaining trust account audits to be conducted in Southcentral Alaska. This will require travel to Homer, Soldotna, Sterling, Eagle River, and Wasilla. The other real estate offices selected for audit are located in Anchorage.

Result:

- Was not implemented due to reduction in travel costs.

5. Through the combined effort and emphasis by the AREC and the Chief of the Investigative Unit of CBPL, we were able to reduce the backlog of cases in the latter half of the fiscal year. It was announced at the June AREC meeting that with a change in Investigator assignments and collaboration by members to spend time reviewing the large volume of cases, an accumulation over the past few years, the AREC was able to see a 40 percent reduction in cases. We were all encouraged by this development.

Result:

- REC has seen a significant reduction in Investigation cases with the cooperation of industry members reviewing intake complaints prior to opening an investigation.

6. Consumer information and resource guides will continue to be added and updated to the Commission web site. The Commission staff will continue to make forms and information available on the web site.

Result:

- On-going process with REC staff.

7. Licensees will continue to be updated of Commission activity such as proposed regulations, meeting summaries and disciplinary actions through the Listserv, newsletter, and the posting of our meeting minutes on the AREC web site.

Result:

- As of January 2013 the REC newsletter was discontinued due to Project Assistant change in duty assignments.
- REC staff continues to update Commission activity through the subscriber Listserv and the REC web site.

8. Continuing education will remain a priority for the Commission. The Commission and staff continue to encourage real estate and affiliated professionals in the industry to consider sponsoring a course. The Commission is interested in providing a broad range of continuing education courses that are relevant to real estate topics listed in 12 AAC 64.500. The Train-the-Trainer seminar was held in July 2011 to encourage additional instructors and improve upon skills for those who already teach. Commission members and staff will continue to update and review education regulations as needed.

Result:

- This is an on-going process and we continue to encourage licensees and affiliated professionals to sponsor education courses.
- Staff visits different locations to evaluate licensees continuing education certificates prior to license renewal.

9. The Commission staff will continue its goal to conduct course and instructor education audits.

Result:

- On-going; attended numerous courses as well as a 2-day test development workshop

10. The Commission and staff will continue to promote relationships with the Alaska Association of Realtors and the national organization of the Association of Real Estate License Law Officials (ARELLO).

Result:

- On-going process; attend local board meetings to foster relationships.

11. The Executive Administrator will continue visits to real estate offices and review disclosure information.

Result:

- On-going process; review as needed.

12. The Commission will continue to ensure that resources are available to maintain an effective operational structure in order to meet the statutory requirements of real estate licensees.

Result:

- The REC continues to monitor the availability of resources to insure they meet the statutory requirements.

13. Commission/Board training for new members and refresher training for veteran members was provided in this fiscal year. 3 of the 7 members and 2 AREC staff were able to attend this workshop in

Anchorage. A presentation by the Department of Law on the Administrative Procedures Act would help in rounding out additional board/commission training.

Result:

- On-going as needed.

### **Goals and Objectives for FY14:**

1. The AREC would like to see the Division of Corporations, Business and Professional Licensing (CBPL) submit a Request for Proposal (RFP) to obtain a provider for Errors and Omissions insurance required of all real estate licensees.
2. The AREC continues to require assurance from the Division of CBPL that they will monitor the Recovery Fund so that it does not exceed the statutory limit of \$500,000 and run the risk of any excess going into the State's General Fund.
3. The AREC will continue to request reliable and accurate information presented to them with regards to the Real Estate Commission Revenue and Expenditure Report. This report should include detailed information of expenditures to insure better monitoring of our financial status. *It was determined by the Division that the Commission's expenditures exceeded revenues by \$606,119 for the prior FY10/FY11. The Commission and the licensees rejected this proposed fee increase in which the end result was a renewal fee of \$375.* The delivery of accurate and timely financials to the Commission is and will continue to be one of their primary concerns. The Commission is expecting the Division to provide financial transparency so that they are advised quarterly of the financial health of the Commission and its operations.
4. The Commission would like to see the remainder of the trust account audits completed this fiscal year. There are approximately 33 remaining trust account audits to be conducted in Southcentral Alaska. This will require travel to Homer, Soldotna, Sterling, Eagle River, and Wasilla. The other real estate offices selected for audit are located in Anchorage.
5. Consumer information and resource guides will continue to be added and updated to the Commission web site. The Commission staff will continue to make forms and information available on the web site.
6. Regulation projects for Errors & Omission (E & O) insurance be completed and to move forward with a Request for Proposal (RFP) to obtain an insurance provider for licensees.
7. The Commission will actively promote the use of the Listserv communication tool by placing a link on the REC web site to encourage utilization of feature. The Commission will continue to post to the web site: meeting minutes, disciplinary action and proposed regulations.
8. The Commission will issue an RFP for Train the Trainer during this fiscal year (FY14).
9. The Commission is conducting an outreach program to obtain topics that are timely and relevant to current real estate practices and standards.
10. The Commission would like to conduct a workshop on proper procedures in dealing with investigative matters at Commission meetings.
11. The Commission and staff will continue to promote relationships with the Alaska Association of Realtors and the national organization of the Association of Real Estate License Law Officials (ARELLO).
12. The Executive Administrator will continue to be available to attend meetings and visit upon request real estate offices and review disclosure information.
13. The Commission will continue to ensure that resources are available to maintain an effective operational structure in order to meet the statutory requirements of real estate licensees.

**ALASKA REAL ESTATE COMMISSION  
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 SUNSET AUDIT RECOMMENDATIONS**

Date of last Legislative Audit: July 3, 2007

Board sunset date: June 30, 2016

**Audit Recommendation #1: Amend statutes relating to Real Estate Surety Fund (RESF) to provide more complete, effective and efficient consumer protection to claimants.**

Action taken: Legislation was passed to increase individual claim limit from \$10K to \$20K with aggregate per licensee remaining at \$50K. The Legislature did not pass the recommended aggregate of \$100K per licensee.
Next Steps: No further steps needed.
Date completed: HB 418 passed in 2004.

**Audit Recommendation #2: The Director of Boards & Commissions, Office of the Governor, should verify that Board (*Commission*) members satisfy all statutory requirements prior to being appointed.**

Action taken: Boards & Commission contacts this office as needed for verification of licensee's license status.
Next Steps: Director or Director's staff verifies on an as needed basis all real estate licensee's appointments.
Date completed: On-going

**Audit Recommendation #3: The Division should increase licensing fees to eliminate the Commission's operating deficit.**

Action taken: Division to review REC operating costs on a biennial basis with a renewal fee that covers those costs and thus eliminating operating deficits.
Next Steps: On-going biennial review by Director of CBPL.
Date completed: As needed, 2011 & currently under review by Division Director for 2014 renewal.

**Audit Recommendation #4: not applicable (n/a)**

Action taken:
Next Steps:
Date completed:

# FISCAL YEAR 20\_\_\_\_ STATISTICAL OVERVIEW

Program: \_\_\_\_\_

AS 08. \_\_\_\_\_

12 AAC \_\_\_\_\_

Name of Individual Completing Report: \_\_\_\_\_

Date: \_\_\_\_\_

FY13 LICENSEES	NEW-ISSUED FY 20____	TOTAL AS OF 6/30/____

**A. Current Active Licenses, Endorsements, Permits**

List type and if issued by examination or credential, as applicable.

LICENSE TYPE & PROGRAM CODE	Lic. Type Code	Status Code	NEW-ISSUED FY 20____	TOTAL AS OF 6/30/____	LICENSURE BASIS
Example: Civil Engineer - AEL	C	AA	10	250	Exam: 6 Credentials: 4
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
<b>TOTAL</b>					

**B. Temporary Licenses**

LICENSE TYPE & PROGRAM CODE	Lic. Type Code	Status Code	NEW-ISSUED FY 20____	TOTAL AS OF 6/30/____	NOTES
Example: Physical Therapist - PHY	R	AA	4	24	
1.					
2.					
3.					
4.					
<b>TOTAL</b>					

**C. Current Licenses Issued as Inactive (not lapsed licenses)**  
 (Only Medical, Chiropractic, CPA, and Real Estate)

LICENSE TYPE & PROGRAM CODE	Lic. Type Code	Status Code	TOTAL AS OF 6/30/____
Example: Salesperson - REC	S	II	64
1.			
2.			
3.			
4.			
<b>TOTAL</b>			

**D. Retired Licenses**

CATEGORY & PROGRAM CODE	Lic. Type Code	Status Code	RETIRED DURING FY 20____	TOTAL AS OF 6/30/____	NOTES
Example: Osteopath - MED	O	RR	1	8	
1.					
2.					
3.					
<b>TOTAL</b>					

**E. Examination Detail**

(List each examination administration separately. Write "See Attached" and attach a separate sheet if necessary.)

EXAM TYPE	LOCATION	DATE	CANDIDATES	NO. PASSED	NO. FAILED
<b>Number of Postponed Exams</b>					
<b>Number of Exam Reviews</b>					



**F. Miscellaneous Program Activity**

List all instances of fee-related work performed under Centralized Regulations per 12 AAC 02.105 (tracked by each program's fee ticker)

DESCRIPTION	TOTAL
Example: License Verification	62

**G. Miscellaneous Program Activity**

List all instances of fee-related work performed under the licensing program's regulations that is not included above

DESCRIPTION	TOTAL
Example: Course Approval	16

**H. Board Meetings and Teleconferences**

DATE	LOCATION ( <i>indicate if teleconference</i> )