

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

**REAL ESTATE COMMISSION
TELECONFERENCE MEETING MINUTES**

December 12, 2013

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Real Estate Commission was held December 12, 2013, at the State of Alaska Atwood Building Conference Room 1500, 550 W. 7th Avenue, Anchorage, Alaska.

Thursday, December 12, 2013

Agenda Item 1a

Call to Order

Chairperson Anita Bates called the meeting to order at 1:35 p.m. at which time a quorum was established.

Roll Call

Members present:

Anita Bates, Broker at Large

Members present via teleconference, were:

Eric Bushnell, Associate Broker, Broker at Large joined the meeting at 9:13 a.m.

Marianne Burke, Public Member

Stacy Risner, Associate Broker, 4th Judicial District

Brad Cole, Associate Broker, 3rd Judicial District

Nancy Davis, Broker, 1st Judicial District

Cindy Cartledge, Public Member

Staff Present:

Nancy Harris, Project Assistant

Beata Smith, Licensing Examiner

Staff present via teleconference were:

Sharon Walsh

Guests present via teleconference were:

Rachel McIlvain

Agenda Item 1b

Approval of Agenda

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

RESOLVED to approve the meeting agenda as revised.

All in favor; Motion passed.

Agenda Item 2a
Approval of Minutes
June 5, 2013

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

RESOLVED approve the June 5, 2013 meeting minutes are revised.

Ms. Cartledge abstained.

Mr. Cole: yes, Ms. Davis: yes, Mr. Bushnell: yes, Ms. Risner: yes, Ms. Burke: yes.

Agenda Item 3a
Executive Administrator's Report
Recovery Fund Balance Report

Ms. Walsh presented the Commission members with the Recovery Fund Balance Report for their review. She also stated that Revenue and Expenditures report was presented by Ms. Chambers during the December 4-5, 2013 meeting.

Ms. Burke asked if Mr. Habeger has replied to Ms. Burke's question regarding a statute. Ms. Bates stated that she did receive an email from Mr. Habeger and that he has reviewed the statute and he felt that the interpretation was narrow based on what the statute says and they will remain to charge the project assistant's time 50% from Recovery Fund and 50% from Real Estate fund. This might be adjusted in the future. Ms. Burke asked to make a motion and asked if she will be denied of making a motion. Ms. Bates asked if this is germane to the discussion regarding the recovery fund balance report. Ms. Burke stated that this directly impacts the recovery fund balance and that if she is denied the opportunity to make the motion, she reserves the right to make a motion and come back for discussion for the recovery fund. Ms. Bates stated that Ms. Burke has the right on raising this issue in the future because she would like to stick to the topics that are on the meeting agenda. Ms. Burke wants to clarify that she would like this to be added in the meeting minutes that she asked the right to make a motion and it was denied. She also asked to make a motion at a later time and that was also denied. Ms. Bates will forward the email from Mr. Habeger to the Commission members.

Ms. Walsh continued that on the Revenue and Expenditure for Real Estate Commission was that Mr. Habeger has based the indirect on FY12 it was trued up and there was an increase of \$33,943.00 and she is not sure where this is coming from.

Agenda Item 3f
ARELLO Update

Ms. Walsh stated that the Jeanne Jackson-Heim, President of ARELLO has appointed her as the Chair of the Nominating Committee.

Agenda Item 4a

Old Business

Ziegler and Stone Update

Ms. Walsh updated the Commission members with Mr. Ziegler and Mr. Stone case.

Agenda Item 4b

E & O Insurance

Ms. Bates stated that the benefit to have more time to revise the regulations is to answer some questions that have been brought up through the public comment process.

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

RESOLVED to approve E & O Insurance regulations 12 AAC 64.600-.650

Ms. Burke reported to the Commission that she and Ms. Walsh have met with the Director of Insurance and asked him few questions.

- Q. How many admitted carriers are there in the State of Alaska who writes E & O Insurance?
- A. Not sure if any of these are writing insurance but there are four companies admitted who have approved forms and can write
- Q. Are there any complaints filed against these companies?
- A. There are none.

Ms. Burke stated that there was a lack of understanding of both the statutes and the Division. The requirement for continuing coverage is covered in the regulations.

Mr. Bushnell asked what is the estimate cost per licensee? Ms. Burke stated that in the statutes it states that in cannot exceed \$300.

Ms. Bates stated that most of the questions were regarding tail insurance. Ms. Bates clarified that it is regulation 12 AAC 02.550 where it states that the cost cannot exceed \$300 and not a statute.

All in favor; Motion passed.

Agenda Item 4c

Adopt Regulations

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

RESOLVED to adopt regulation 12 AAC 64.059(f).

All in favor; Motion passed.

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

RESOLVED to adopt regulation 12 AAC 64.064(d)

All in favor; Motion passed.

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

RESOLVED to adopt regulation 12 AAC 64.130(20)

All in favor; Motion passed.

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

RESOLVED to adopt regulation 12 AAC 64.180(a).

All in favor; Motion passed.

Agenda Item 4d

Mail Ballot Results

Ms. Walsh gave an update to the Commission members with the results of the mail ballots for September 24 and October 17, 2013.

Agenda Item 4e

Consumer Pamphlet Rewrite Update

The Commission members were supportive in attending additional day to have a work session prior the March 2014 meeting and for staff to get additional travel approval and notify the Commission members if additional travel has been approved to start making travel plans.

Agenda Item 5a

AREC Task List

Ms. Walsh presented the Commission members with an AREC Task List that the staff will be using during meetings.

Agenda Item 5b

US/Canada REC News

Ms. Walsh stated that she will include news letter from other jurisdictions in the board books.

Agenda Item 3d

Licensing Issue

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

RESOLVED to move into executive session to discuss licensing issues.

All in favor; Motion passed.

Into executive session at 2:20 p.m.

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

RESOLVED to come out of executive session.

All in favor; Motion passed.

Out of executive session at 2:49 p.m.

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

RESOLVED to approve the Application to Change License Status for transfer subject to confirmation from the Attorney General's Office that there is statutory authority under 08.88.071.

All in favor; Motion passed.

The Application to Change License Status for transfer was approved in the matter of Rachel McIlvain.

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

RESOLVED to adjourn the meeting.

All in favor; Motion passed.

Meeting adjourned at 2:53 p.m.

Commission adjourned until the next regular scheduled meeting on March 5, 2014 in Anchorage.

Prepared and submitted by Beata Smith.

Approved:


Anita Bates, Chairperson
Alaska Real Estate Commission

Date: 3/5/14