

Annual Report

Fiscal Year 2020

REAL ESTATE COMMISSION



**Department of Commerce, Community
and Economic Development**

**Division of Corporations, Business
and Professional Licensing**

This annual performance report is presented in accordance with
Alaska statute AS 08.01.070(10).

Its purpose is to report the accomplishments, activities, and the past
and present needs of the licensing program.

**REAL ESTATE COMMISSION
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Identification of the Board

Board Member	Duty Station	Date Appointed	Term Expires
PeggyAnn McConnochie, Chairperson Broker/1 st Judicial District	Juneau	Mar 01, 2019	Mar 01, 2021
Samuel Goldman Broker/3 rd Judicial District	Wasilla	Feb 25, 2020	Mar 01, 2023
David Pruhs Broker, 4 th Judicial District	Fairbanks	Mar 01, 2017	Mar 01, 2021
Margaret Nelson Broker/Broker at Large	Anchorage	Jan 25, 2019	Mar 01, 2021
Cheryl Markwood Broker/Broker at Large	Fairbanks	Mar 01, 2019	Mar 01, 2023
Jaime Matthews Public Member	Glennallen	Mar 01, 2019	Mar 01, 2023
Jesse Sumner Public Member	Wasilla	Mar 01, 2019	Mar 01, 2023

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Identification of Staff

Shyla Consalo – Executive Administrator

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Alaska Real Estate Commission
550 W. 7th Avenue, Suite 1500
Anchorage, Alaska 99501
(907) 269-8197

Nancy Harris – Project Assistant

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Alaska Real Estate Commission
550 W. 7th Avenue, Suite 1500
Anchorage, Alaska 99501
(907) 269-8168

Autumn Roark – Investigator

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Alaska Real Estate Commission
550 W. 7th Avenue, Suite 1500
Anchorage, Alaska 99501
(907) 269-8177

Jun Maiquis – Regulations Specialist II

Department of Commerce, Community & Economic Development
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Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Sher Zinn – Regulations Specialist II

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Division of Corporations, Business and Professional Licensing
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REAL ESTATE COMMISSION FY 2020 Annual Report

Narrative Statement

Effective June 1, 2020, the Alaska Real Estate Commission consists of 7 members who were appointed by the Governor and approved by the Legislature; of the 7 members, 6 were held over and 1 is new. The Commission is comprised of brokers or associate brokers who represent 3 of the Judicial Districts; 2 are at large, and 2 are public members.

Our most significant accomplishment this year was to, at the request of the Division, formulate and adopt a Strategic Plan. At our March 2020 meeting, we drafted and adopted our Strategic Plan. In addition to this, the Commission has already made significant strides in putting the Plan into action. This is the first time the Commission has ever had such a specific, actionable plan. It has already been helpful to keep us focused on both short-and long-term objectives.

Our year started out a bit hectic with our former Executive Administrator, Sharon Walsh, moving to her new position of Deputy Director for the Division; and our Project Assistant, Nancy Harris, temporarily taking over the Executive Administrator duties. Ms. Harris did an excellent job as our temporary Executive Administrator, while continuing her other duties. These duties included but were not limited to: approving education courses as they were submitted, processing license requests, staffing and organizing Commission meetings, and mid-way through the year working through license and instructor certification renewals as well as errors and omissions policy verifications.

Shyla Consalo did a phenomenal job as our investigator getting through cases to ensure consumer claims were dealt with quickly, efficiently, and appropriately. During this time, we had a total of 95 cases opened and 86 cases closed; this included continuing education and probation cases.

Effective March 16, 2020, Ms. Consalo was appointed as our permanent Executive Administrator, and Autumn Roark was appointed as our new investigator. Ms. Consalo was a pivotal part of the March 2020 Strategic Planning session and is working hard with the Commission to achieve those objectives. In addition, Ms. Consalo has been working diligently at the direction of the Commission, to organize OnBoard for ease of use for Commission members, as well getting the Commission website updated with more current information. Ms. Roark, with training from Ms. Consalo, is doing an excellent job of keeping up with complaints as they come in, as well as working through cases that are in progress.

Effective April 21, 2020, in light of the COVID-19 pandemic, the Commission adopted an emergency regulation change to 12 AAC 64.063 relating to minimum education requirements for licensure. This change gives licensees who have completed the required education for initial licensure, the needed extension to take their exams and file their applications due to the closure of testing facilities during a declared disaster by the Governor under AS 26.23.020. This allows applicants, who have completed the required education, the ability to apply for a real estate license up to 60 days after testing becomes available. This prevents applicants from having to re-complete the education requirement if it expires because of testing facilities being closed. The Commission has moved forward to make this regulation change permanent.

FY 2020 Narrative Statement (continued)

Other highlights of this year include the establishing of 2 subcommittees with Commission and public members to work on:

- 1)** Education: Establishing content for the 8 Designated Continuing Education (DCE) hours the Commission identified for the 2020-2022 renewal cycle. The Committee presented their recommendations to the Commission, which were accepted and approved.
- 2)** Property Management: Establishing best practices for the property management industry, and discussing the possibility of updating if, what, and how the Commission should regulate in this area.

Commission members are also working diligently on:

- Updating of the State Consumer Disclosure and Waiver of Right to Be Represented forms
- Updating of the State Property Disclosure form
- Updating regulations to bring them into 2020

We maintained a Recovery Fund balance above the minimum required (per AS 08.88.455) of \$250,000, yet under the maximum of \$500,000. The balance as of now is \$376,458.

Last fiscal year, the Commission had 2 in-person meetings in Anchorage at the Atwood building, and 4 Zoom/Teleconference meetings. The Education Committee had 3 in-person meetings in Anchorage at the Atwood building. The Property Management Committee had 3 in-person meetings in Anchorage at the Atwood building, and 1 Zoom/Teleconference meeting. We will continue to use the Zoom platform for as many meetings as practicable.

The Commission is requesting at least one in-person meeting (if possible under the current circumstances) during our next September meeting, at which we will be looking at finalizing a large regulation project to bring the Commission's regulations into the 21st century. Because of the unique nature and difficulty of matters being worked through by the Commission, additional in-person meeting may be required.

With our Strategic Plan in place, we are excited to be focused and working to accomplish our objectives. The Strategic Plan is attached for your information below.

FY 2020 Narrative Statement (continued)

ALASKA REAL ESTATE COMMISSION STRATEGIC PLAN 2020

The Commission recognizes we have a very small, yet extremely competent staff for the number of licensees we oversee, and to assist affected consumers. We have every confidence that our Executive Administrator Shyla Consalo, Project Assistant Nancy Harris, and Investigator Autumn Roark, will all support us in reaching our goals.

GUIDING PRINCIPLE	OBJECTIVE How will we meet this guiding principle?	Who will complete this task?
Protect the Consumer/ Inform Licensees	With agreement of the appropriate departments, upload informational videos done by appropriate personnel on: 1) how to file a complaint against a licensee and its process; and 2) if a complaint is filed against a license what the process is for a license. Additionally, provide best practice “white papers” on various topics as approved by the Commission for placement on our website.	Commission, Staff & Investigator
Protect the Consumer	Provide the Commission for consideration, what they should have jurisdiction over in property management; i.e. financial responsibilities of the property owner or property manager. Then, provide next steps should the Commission agree to move forward with recommendations. And, provide a list of property management FAQs (frequently asked questions) for both licensed property managers and property owners, to be approved by the Commission then placed on our website.	Property Management Committee of the Commission
Protect the Consumer	Refine and rework current processes, to increase the speed of actions to keep outside licensees and/or non-licensees from transacting business for which an Alaska real estate license or broker's license is required. Then, put this information on the Commission website and make sure it is easily accessible.	Commissioners Nelson & Pruhs, plus Shyla & Investigator
Protect the Consumer/ Inform Licensees	Define minimum standards, based on what other jurisdictions have successfully implemented, for team advertising (i.e. the requirement to include brokerage information, minimum size etc.).	Commissioner Nelson & McConnochie to provide information to Staff
Inform Licensees	<p><i>Assist staff to clear up the following issues:</i></p> <ul style="list-style-type: none"> ▪ How “inactive status” is logged/started and the notification to the affected licensee ▪ How required education, for those who apply for license by endorsement, is defined and verified ▪ Provided a military spouse has a current license in good standing in another state, streamline the process when they apply for an Alaska real estate license ▪ Change how the Commission receives and disseminates license history; i.e. paper versus digital, or some other process ▪ Define and simplify the criteria for getting or upgrading an Alaska real estate license; i.e. referring to <u>criminal history</u> and what specifically constitutes a valid reason a license will not be given/upgraded and the timing since conviction or completion of sentence 	Commissioner McConnochie & Staff
Protect the Consumer/ Inform Licensees	Review all regulations and propose one major regulation change (clean up) which will bring regulations into the 21 st century.	ALL

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Budget Recommendations for FY 2021

The Budget Recommendations section anticipates the board's fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as "other" so they may be tracked appropriately.

Board Meeting Date	Location	# Board	# Staff
September 23, 2020	Anchorage	7	4
<input checked="" type="checkbox"/> Airfare:			\$800.00
<input checked="" type="checkbox"/> Hotel:			\$525.00
<input checked="" type="checkbox"/> Ground:			\$150.00
<input checked="" type="checkbox"/> Other: MI&E and Mileage			\$315.00
Total Estimated Cost:			\$1,790.00

Board Meeting Date	Location	# Board	# Staff
December 16, 2020	Anchorage	7	4
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other: MI&E and Mileage			\$315.00
Total Estimated Cost:			\$315.00

Board Meeting Date	Location	# Board	# Staff
March 2021	Anchorage	7	4
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input checked="" type="checkbox"/> Other: MI&E and Mileage			\$315.00
Total Estimated Cost:			\$315.00

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Budget Recommendations for FY 2021

The Budget Recommendations section anticipates the board's fiscal priorities for the upcoming year. Please complete all parts of this section with details about anticipated meetings, conferences, memberships, supplies, equipment, to other board requests. Meeting expenses that are being funded through third-party reimbursement or direct booking must be identified separately from expenses paid through license fees (receipt-supported services or RSS). Be sure to explain any items listed as "other" so they may be tracked appropriately.

Board Meeting Date	Location	# Board	# Staff
June 2021	Anchorage	7	4
<input type="checkbox"/> Airfare:		\$0.00	
<input type="checkbox"/> Hotel:		\$0.00	
<input type="checkbox"/> Ground:		\$0.00	
<input checked="" type="checkbox"/> Other: MI&E and Mileage		\$315.00	
Total Estimated Cost:			\$315.00

Travel Required to Perform Examinations

Not applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

Airfare: \$0.00
 Hotel: \$0.00
 Ground: \$0.00
 Conference: \$0.00
 Other: \$0.00

Describe "Other" (break out all sections):

Total Estimated Cost: **\$0.00**

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Budget Recommendations for FY 2021 (continued)

Out-of-State Meetings and Additional In-State Travel (Rank in order of importance)

#1 Rank in Importance or Not Applicable

Date	Location	# Board	# Staff
September 23-26, 2020	Montreal, Canada		1

Description of meeting and its role in supporting the mission of the Board:

One staff member to attend the Association of Real Estate License Law Officials (ARELLO) annual conference. Attending this conference would allow for the staff member that attends, to bring back to the REC information regarding current trends and issues in the real estate industry in the US and CAN. This information would provide the REC with concepts on how other jurisdictions are handling those issues through regulation, education, and licensing.

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$380.00	\$0.00	\$0.00	\$380.00
<input checked="" type="checkbox"/> Hotel:	\$945.00	\$0.00	\$0.00	\$945.00
<input checked="" type="checkbox"/> Ground:	\$100.00	\$0.00	\$0.00	\$100.00
<input checked="" type="checkbox"/> Conference:	\$630.00	\$0.00	\$0.00	\$630.00
<input checked="" type="checkbox"/> Other	\$150.00	\$0.00	\$0.00	\$150.00
Describe "Other" (break out all sections):				
Net Total:	\$0.00	\$0.00	\$0.00	\$2,205.00

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Budget Recommendations for FY 2021 (continued)

Out-of-State Meetings and Additional In-State Travel

#2 Rank in Importance

Date	Location	# Board	# Staff
October 2020 (Date TBD)	TBD		1

Description of meeting and its role in supporting the mission of the Board:

2020 Investigator Workshop. This event gathers all real estate investigators and auditors to discuss current trends in real estate, real estate issues, and investigative skills (how conduct interviews, report writing, etc.). It also provides an opportunity to learn and share valuable information about current problems and discovering solutions for investigators.

Expenditure	License Fees (RSS)	Third-Party Reimbursement	Third-Party Direct Booked	Total
<input checked="" type="checkbox"/> Airfare:	\$892.16	\$0.00	\$0.00	\$892.16
<input checked="" type="checkbox"/> Hotel:	\$772.48	\$0.00	\$0.00	\$772.48
<input checked="" type="checkbox"/> Ground:	\$225.00	\$0.00	\$0.00	\$225.00
<input checked="" type="checkbox"/> Conference:	\$450.00	\$0.00	\$0.00	\$450.00
<input checked="" type="checkbox"/> Other	\$152.50	\$0.00	\$0.00	\$152.50
Describe "Other" (break out all sections):		Numbers are based on previous year estimations due to current unavailability of information on the ARELLO website		
Net Total:	\$0.00	\$0.00	\$0.00	\$2,492.14

Non-Travel Budget Requests

- | | | |
|--|------------------------------------|---------------------------------------|
| <input type="checkbox"/> Not Applicable | <input type="checkbox"/> Resources | <input type="checkbox"/> Examinations |
| <input checked="" type="checkbox"/> Membership | <input type="checkbox"/> Training | <input type="checkbox"/> Other |

Product or Service	Provider	Cost Per Event
Association of Real Estate License Law Officials	ARELLO	\$990.00

Description of item and its role in supporting the mission of the Board:

Membership to ARELLO offers the REC access to a nationwide disciplinary database. It also provides access to education, investigation, and licensing resources.

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Budget Recommendations for FY 2021 (continued)

Summary of FY 2021 Fiscal Requests

Board Meetings and Teleconferences:	\$2,735.00
Travel for Exams:	\$0.00
Out-of-State and Additional In-State Travel:	\$4,697.14
Dues, Memberships, Resources, Training:	\$990.00
Total Potential Third-Party Offsets:	-\$0.00
Other:	\$0.00
Total Requested:	\$8,422.14

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Legislation Recommendations Proposed Legislation for FY 2021

No Recommendations

The Board has no recommendations for proposed legislation at this time.

Recommendations

The Board has the following recommendations for proposed legislation:

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Regulation Recommendations Proposed Legislation for FY 2021

No Recommendations

The Board has no recommendations for proposed regulations at this time.

Recommendations

The Board has the following recommendations for proposed regulations:

12 AAC 64.059(b)(1)(E) and (d)(1)(E) – Review of License Applications

This regulation will remove the notarized signature requirements for license applications. It will eliminate the need to appear in person before a notary.

12 AAC 64.063(h) – Minimum Education Requirements for Licensure

This regulation will give licensees who have completed the required education for initial licensure, the needed extension to take their exams and file their applications due to the closure of testing facilities during a declared disaster by the Governor under AS 26.23.020. This will allow applicants, who have completed the required education, the ability to apply for a real estate license up to 60 days after testing becomes available. This prevents applicants from having to re-complete the education requirement if it expires because of testing facilities being closed.

12 AAC 64.440(f) – Instructor Approval

This regulation will change the time period that a person who applies for an initial instructor certification from January 1 through March 31 to January 1 through April 1, which would make it consistent with the expiration of an instructor certification.

The Commission will also be submitting a large regulation project that addresses numerous areas of the regulations in order to bring them into the 21st century. This was identified as one of the Commission's objectives in their 2020 Strategic Plan.

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Goals and Objectives

Part I

FY 2020's goals and objectives, and how they were met:

- 1) Rewrite the Alaska Real Estate Commission Consumer Disclosure and Alaska Real Estate Commission Waiver of Right to be Represented forms and create a regulation project as soon as possible.
 - This goal is in process, and is being reviewed by the Department of Law for recommendations.
- 2) Review and revamp the State of Alaska Residential Real Property Transfer Disclosure Statement form.
 - This goal is in process and will be addressed with Commission members at the June 2020 meeting.
- 3) Create a process for disseminating information to the public and licensees by staff and investigator.
 - This is ongoing through the ListServ, providing quarterly reports at Commission meetings, conducting trainings, and providing information at forums/conferences.
- 4) Discuss the potential of a separate Property Management Consumer Disclosure and Waiver of Right to be Represented form.
 - A Property Management Committee was created, and has been working on addressing best practices within the property management industry, as well as looking to see if any regulation changes are necessary. They have been very helpful in providing information to the Commission for consideration and are diligently working on getting approved items posted to the Commission website.
- 5) Long-term goal - to review the Landlord Tenant Act and look at changes in conjunction with the real estate industry.
 - This goal is being accomplished through the Property Management Committee.
- 6) Review and update property management regulations with regards to trust accounts and security deposits issues.
 - This goal is being accomplished through the Property Management Committee.
- 7) Look at Errors & Omissions self-insurance vs. state provided pool insurance.
 - The Commission spoke with their pool insurer and the Department to get a more complete explanation of what the insurance policies covered and how they were administered. This provided the necessary information to satisfy the Commission's objective.

Goals for FY2021 were discussed and considered at the March 2020 quarterly meeting.

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Goals and Objectives

Part II

FY 2021's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

- Page 10
- 1) With agreement of the appropriate departments, upload informational videos done by appropriate personnel on: a) how to file a complaint against a licensee and its process; and b) if a complaint is filed against a license what the process is for that license.
 - Commission staff will be working with the investigations team in accomplishing this goal over the next fiscal year.
 - 2) Provide best practices white papers on various topics, as deemed appropriate, on the Commission website as approved by the Commission.
 - As topics arise, Commission members and staff will work together to draft best practices accordingly and post them on the Commission website.
 - 3) Provide to the Commission for consideration, what the Commission should have jurisdiction over in property management; i.e. financial responsibilities of the property owner or property manager. Then, provide next steps should the Commission agree to move forward with recommendations.
 - A Property Management Committee was created, and has been working on addressing best practices within the property management industry, as well as looking to see if any regulation changes are necessary. The Committee will continue to address these items over the next fiscal year.
 - 4) Provide a list of property management FAQs (frequently asked questions) for both licensed property managers and property owners, to review to put on the Commission website.
 - This is being addressed through the Property Management Committee over the next fiscal year.
 - 5) Refine and rework current processes, to increase the speed of actions to keep outside licensees or non-licensees from transacting business for which an Alaska real estate license or broker's license is required. Then, provide this information on the Commission website.
 - The Commission will review this issue over the next fiscal year.
 - 6) Define minimum standards, based on what other jurisdictions have successfully implemented, for team advertising (i.e. the requirement to include brokerage information).
 - The Commission will review this issue over the next fiscal year.

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Goals and Objectives (continued)

Part II (continued)

FY 2021's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknesses, opportunities, threats and required resources:

7) Long-Term Goal: Review all regulations and propose one major regulation change (clean up) which bring regulations into the 21st century.

- Commission members and staff have been actively working on this project since the implementation of the 2020 Strategic Plan in March. This goal will take considerable time and effort to implement and remains a long-term goal of the Commission.

8) Long-Term Goal: Assist staff to clear up the following issues:

- How “inactive status” is logged/started and the notification to the affected licensee;
- How required education, for those who apply for license by endorsement, is defined and verified;
- Provided a military spouse has a current license in good standing in another state, streamline the process when they apply for an Alaska real estate license;
- Change how the Commission receives and disseminates license history; i.e. paper versus digital, or some other process; and
- Define and simplify the criteria for getting or upgrading an Alaska real estate license; i.e. referring to criminal history and what specifically constitutes a valid reason a license will not be given/upgraded and the timing since conviction or completion of sentence.

Due to the multi-faceted nature of this goal, some of which may require regulation changes or coordination with other sections within the Division, this goal will take considerable time and effort to implement and remains a long-term goal of the Commission.

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Sunset Audit Recommendations

Date of Last Legislative Audit: June 15, 2017
Board Sunset Date: June 30, 2026

Audit Recommendation:	The audit recommends the DCPBL Chief Investigator continue to improve oversight to ensure cases are actively investigated and completed timely.
Action Taken:	The Chief Investigator has new procedures in place to ensure that the timeliness of cases, complaints, and in-take matters are addressed through quarterly reporting.
Next Steps:	Continue monitoring cases in quarterly reports from the Investigator to the Real Estate Commission at their quarterly meetings.
Date Completed:	Ongoing