

Real Estate Commission Meeting

September 7, 2023

**Atwood Building
550 W 7th Avenue
Ste 1550**

Anchorage

Roll Call

Traci Heaton

Elizabeth Schok

Chad Stigen

Devon Doran

Cheryl Markwood

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

Tentative Meeting Agenda

**REAL ESTATE COMMISSION MEETING
September 7, 2023**

**Atwood Building 550 W. 7th Ave. Suite 1550
Anchorage, AK**

ZOOM Info: Join meeting: <https://us02web.zoom.us/j/86544255113>

Meeting ID: 865 4425 5113 Passcode: 373430
Call-In: +1 (669)900- 6833 or (253)215-8782

Thursday, September 7, 2023

Note: There will be a break for lunch from 12 until 1 if deemed necessary.

- | | | |
|------------|--|----------|
| 9:00 a.m. | 1. Call to Order | Markwood |
| | a) Roll Call | |
| | b) Approval of 9/7 Agenda | |
| | c) Statements of Conflicts of Interest/ethics violations | |
| | 2. Public Comment (est. time only; 9:15 am) | |
| | 3. Review Meeting Minutes | |
| | a) June 15, 2023 | |
| | b) July 27, 20223 Teleconference | |
| 9:30 a.m. | 4. Investigative Report | |
| | a) Statistical Report | Gabriel |
| 11:00 a.m. | 5. Old Business | Markwood |
| | a) FY 2023/2024 Strategic Plan – update | |
| | b) Status of Proposed Regulations | Harris |
| | 6. New Business | Markwood |
| | a) Disciplinary Matrix (CE), review/update | |
| | b) Trust Accounts -12 AAC 64.110 and 180 - discussion | |
| | c) DCE Topics for 2024-2026 | |
| | d) Delegation for Executive Administrator | |
| | e) ARELLO Investigator Seminar October 2023- Utah | |
| | f) Election of Vice Chair & Education Liaison | |
| | 7. Executive Administrator's Report | Harris |
| | a) Licensing/Education Report | |
| | b) Recovery Fund Report | |

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8. Commission Member Comments and Questions

Adjournment

REC Meeting Dates for 2023:
December 14

Statements of Conflicts of Interest

CONFIDENTIAL

ETHICS SUPERVISOR DETERMINATION FORM
(Board or Commission Member)

Board or Commission: _____

Member Disclosing Potential Ethics Violation: _____

I have determined that the situation described on the attached ethics disclosure form

does or would violate AS 39.52.110 - .190. Identify applicable statute below.

does not or would not violate AS 39.52.110 - .190.

Signature of Designated Ethics Supervisor (Chair)

Printed Name of Designated Ethics Supervisor

Date: _____

COMMENTS (Please attach a separate sheet for additional space):

Note: Disclosure Form must be attached. Under AS 39.52.220, if the chair or a majority of the board or commission, not including the disclosing member, determines that a violation of AS 39.52.110-39.52.190 will exist if the member participates, the member shall refrain from voting, deliberating, or participating in the matter. A member will not be liable under the Ethics Act for action in accordance with such a determination so long as the member has fully disclosed all facts reasonably necessary to the determination and the attorney general has not advised the member, chair, or board or commission that the action is a violation. Forward disclosures with determinations to the State Ethics Attorney as part of your quarterly report. Quarterly reports are submitted to Litigation Assistant, Opinions, Appeals & Ethics, Department of Law, 1031 W. 4th Avenue, Suite 200, Anchorage, AK 99501.
Revised 2012

State of Alaska
DEPARTMENT OF LAW

ETHICS ACT PROCEDURES FOR BOARDS & COMMISSIONS

All board and commission members and staff should be familiar with the Executive Branch Ethics Act procedures outlined below.

Who Is My Designated Ethics Supervisor (DES)?

Every board or commission subject to the Ethics Act¹ has several ethics supervisors designated by statute.

- The chair serves as DES for board or commission members.
- The chair serves as DES for the executive director.
- The executive director serves as DES for the staff.
- The governor is the DES for a chair.²

What Do I Have To Disclose?

The Ethics Act requires members of boards and commissions to disclose:

- Any matter that is a potential conflict of interest with actions that the member may take when serving on the board or commission.
- Any circumstance that may result in a violation of the Ethics Act.
- Any personal or financial interest (or that of an immediate family member) in a state grant, contract, lease or loan that is awarded or administered by the member's board or commission.
- The receipt of certain gifts.

The executive director of the board or commission and its staff, as state employees, must also disclose:

- Compensated outside employment or services.
- Volunteer service, if any compensation, including travel and meals, is paid or there is a potential conflict with state duties.

- For more information regarding the types of matters that may result in violations of the Ethics Act, board or commission members should refer to the guide, *"Ethics Information for Members of Boards and Commissions."* The executive director and staff should refer to the guide, *Ethics Information for Public Employees.* Both guides and disclosure forms may be found on the Department of Law's ethics website.

How Do I Avoid Violations of the Ethics Act?

- Make timely disclosures!
- Follow required procedures!
- Provide all information necessary to a correct evaluation of the matter!³
- When in doubt, disclose and seek advice!
- Follow the advice of your DES!

What Are The Disclosure Procedures for Board and Commission Members?

The procedural requirements for disclosures by members are set out in AS 39.52.220 and 9 AAC 52.120. One goal of these provisions is to help members avoid violations of the Ethics Act. The procedures provide the opportunity for members to seek review of matters in advance of taking action to ensure that actions taken will be consistent with the Act.

Procedure for declaring actual or potential conflicts.

Members must declare potential conflicts and other matters that may violate the Ethics Act on the public record and in writing to the chair.

Disclosure on the public record. Members must identify actual and potential conflicts orally at the board or commission's public meeting in advance of participating in deliberations or taking any official action on the matter.

- A member must always declare a conflict and may choose to refrain from voting, deliberations or other participation regarding a matter.⁴
- If a member is uncertain whether participation would result in a violation of the Act, the member should disclose the circumstances and seek a determination from the chair.

Disclosure in writing at a public meeting. In addition to an oral disclosure at a board or commission meeting, members' disclosures must be made in writing.

- If the meeting is recorded, a tape or transcript of the meeting is preserved and there is a method for identifying the declaration in the record, an oral disclosure may serve as the written disclosure.
- Alternatively, the member must note the disclosure on the Notice of Potential Violation disclosure form and the chair must record the determination.

Confidential disclosure in advance of public meeting. Potential conflicts may be partially addressed in advance of a board or commission's public meeting based on the published meeting agenda or other board or commission activity.

- A member identifying a conflict or potential conflict submits a Notice of Potential Violation to the chair, as DES, in advance of the public meeting.
- This written disclosure is considered confidential.
- The chair may seek advice from the Attorney General.
- The chair makes a written determination, also confidential, whether the disclosed matter represents a conflict that will result in a violation of the Ethics Act if the member participates in official action addressing the matter.⁵
- If so, the chair directs the member to refrain from participating in the matter that is the subject of the disclosure.
- An oral report of the notice of potential violation and the determination that the member must refrain from participating is put on the record at a public meeting.⁶

Determinations at the public meeting. When a potential conflict is declared by a member for the public record, the following procedure must be followed:

- The chair states his or her determination regarding whether the member may participate.
- Any member may then object to the chair's determination.
- If an objection is made, the members present, excluding the member who made the disclosure, vote on the matter.
- *Exception:* A chair's determination that is made consistent with advice provided by the Attorney General may not be overruled.
- If the chair, or the members by majority vote, determines that a violation will exist if the disclosing member continues to participate, the member must refrain from voting, deliberating or participating in the matter.⁷

If the chair identifies a potential conflict, the same procedures are followed. If possible, the chair should forward a confidential written notice of potential violation to the Office of the Governor for a determination in advance of the board or commission meeting. If the declaration is first

made at the public meeting during which the matter will be addressed, the members present, except for the chair, vote on the matter. If a majority determines that a violation of the Ethics Act will occur if the chair continues to participate, the chair shall refrain from voting, deliberating or participating in the matter. A written disclosure or copy of the public record regarding the oral disclosure should be forwarded to the Office of the Governor for review by the chair's DES.

Procedures for Other Member Disclosures

A member's interest in a state grant, contract, lease or loan and receipt of gifts are disclosed by filling out the appropriate disclosure form and submitting the form to the chair for approval. The disclosure forms are found on the Department of Law's ethics website.

What Are The Disclosure Procedures for Executive Directors and Staff?

Ethics disclosures of the executive director or staff are made in writing to the appropriate DES (chair for the executive director and the executive director for staff).

- Disclosure forms are found on the ethics website, noted above.

Notices of Potential Violations. Following receipt of a written notice of potential violation, the DES investigates, if necessary, and makes a written determination whether a violation of the Ethics Act could exist or will occur. A DES may seek advice from the Attorney General. If feasible, the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

- These disclosures are not required to be made part of the public record.
- A copy of a determination is provided to the employee.
- Both the notice and determination are confidential.

Other Disclosures. The DES also reviews other ethics disclosures and either approves them or determines what action must be taken to avoid a violation of the Act. In addition to the disclosures of certain gifts and interests in the listed state matters, state employees must disclose all outside employment or services for compensation.

- The DES must provide a copy of an approved disclosure or other determination the employee.

How Are Third Party Reports of Potential Violations or Complaints Handled?

Any person may report a potential violation of the Ethics Act by a board or commission member or its staff to the appropriate DES or file a complaint alleging actual violations with the Attorney General.

- Notices of potential violations and complaints must be submitted **in writing and under oath**.
- Notices of potential violations are investigated by the appropriate DES who makes a written determination whether a violation may exist.⁸
- Complaints are addressed by the Attorney General under separate procedures outlined in the Ethics Act.
- **These matters are confidential**, unless the subject waives confidentiality or the matter results in a public accusation.

What Are The Procedures for Quarterly Reports?

Designated ethics supervisors must submit copies of notices of potential violations received and the corresponding determinations to the Attorney General for review by the state ethics attorney as part of the quarterly report required by the Ethics Act.

- Reports are due in April, July, October and January for the preceding quarter.
- A sample report may be found on the Department of Law's ethics website.
- An executive director may file a quarterly report on behalf of the chair and combine it with his or her own report.
- If a board or commission does not meet during a quarter and there is no other reportable activity, the DES advises the Department of Law Ethics Attorney by e-mail at ethicsreporting@alaska.gov and no other report is required.

If the state ethics attorney disagrees with a reported determination, the attorney will advise the DES of that finding. If the ethics attorney finds that there was a violation, the member who committed the violation is not liable if he or she fully disclosed all relevant facts reasonably necessary to the ethics supervisor's or commission's determination and acted consistent with the determination.

How Does A DES or Board or Commission Get Ethics Advice?

A DES or board or commission may make a **written request** to the Attorney General for an opinion regarding the application of the Ethics Act. In practice, the Attorney General, through the state ethics attorney, also provides **advice by phone or e-mail** to designated ethics supervisors, especially when time constraints prevent the preparation of timely written opinions.

- A request for advice and the advisory opinion are confidential.
- The ethics attorney endeavors to provide prompt assistance, although that may not always be possible.
- The DES must make his or her determination addressing the potential violation based on the opinion provided.

It is the obligation of each board or commission member, as well as the staff, to ensure that the public's business is conducted in a manner that is consistent with the standards set out in the Ethics Act. We hope this summary assists you in ensuring that your obligations are met.

¹ The Act covers a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch of state government.

² The governor has delegated the DES responsibility to Guy Bell, Administrative Director of the Office of the Governor.

³ You may supplement the disclosure form with other written explanation as necessary. Your signature on a disclosure certifies that, to the best of your knowledge, the statements made are true, correct and complete. False statements are punishable.

⁴ In most, but not all, situations, refraining from participation ensures that a violation of the Ethics Act does not occur. Abstention does not cure a conflict with respect to a significant direct personal or financial interest in a state grant, contract, lease or loan because the Ethics Act prohibition applies whether or not the public officer actually takes official action.

⁵ The chair must give a copy of the written determination to the disclosing member. There is a determination form available on the Department of Law's ethics web page. The ethics supervisor may also write a separate memorandum.

⁶ In this manner, a member's detailed personal and financial information may be protected from public disclosure.

⁷ When a matter of particular sensitivity is raised and the ramifications of continuing without an advisory opinion from the Attorney General may affect the validity of the board or commission's action, the members should consider tabling the matter so that an opinion may be obtained.

⁸ The DES provides a copy of the notice to the employee who is the subject of the notice and may seek input from the employee, his or her supervisor and others. The DES may seek advice from the Attorney General. A copy of the DES' written determination is provided to the subject employee and the complaining party. The DES submits a copy of both the notice and the determination to the Attorney General for review as part of the DES' quarterly report. If feasible,

the DES shall reassign duties to cure a potential violation or direct divestiture or removal by the employee of the personal or financial interests giving rise to the potential violation.

6/14

The Attorney General and Department of Law staff may not provide legal advice to private citizens or organizations. Please contact an attorney if you need legal advice. The Alaska Lawyer Referral Service or your local bar association may be able to assist you in locating a lawyer.

Alaska Department of Law

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Anchorage, AK 99501

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Public Comment

Review of Meeting Minutes

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 June 15, 2023
10

11
12 “These draft minutes were prepared by the staff of the Division of Corporations, Business
13 and Professional Licensing. They have not been reviewed or approved by the
14 Commission.” By the authority of AS 08.01.070(2), and in compliance with the provisions
15 of AS 44.62, Article 6, a scheduled meeting of the Real Estate Commission was held June
16 15, 2023, Anchorage, Alaska via Zoom.
17

18 **Thursday, June 15, 2023**

19 **Agenda Item 1 - Call to Order**

20 Chairperson Cheryl Markwood called the meeting to order at 9:05 a.m., at which time a
21 quorum was established.
22

23 Agenda Item 1(a) – Roll Call

24 Members Present via Zoom

25 Cheryl Markwood, Broker, Broker at Large, Chairperson
26 Traci Heaton, Associate Broker, 1st Judicial District
27 Devon Doran, Broker, 3rd Judicial District
28 Elizabeth Schok, Associate Broker, 4th Judicial District
29

30 Members Absent:

31 Chad Stigen, Associate Broker, Broker at Large
32

33 Staff Present:

34 Nancy Harris, Executive Administrator, REC
35 Kerry Givens, Project Assistant, REC
36 Anna Gabriel, Investigator, REC/APR
37 Marilynn Zimmerman, Paralegal, CBPL
38 Julienne Kim, Paralegal, CBPL
39 Renee Carabajal, Program Coordinator 2, CBPL
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41 Guests Present via Zoom:

42 Traci Barickman, Broker, Educator, Elite Real Estate, Palmer
43 Errol Champion, Liaison for AAR, and Broker of Coldwell Banker Race Realty, Juneau
44 Crystal Pitt, member of the public
45 Erika DeWeese, Salesperson, Ski to Sear Properties, Girdwood
46 Dorian Post, Applicant, Broker, Peoples Company of Indianola, NE
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49 Agenda Item 1(b) - Approval of 6/15 Agenda

50 Commission members reviewed the agenda as presented.
51

52 Ms. Markwood added 2 items to the agenda. Under agenda item 5(a), Licensing Issues,
53 after case #2022-001020 add case #2022-000982. Add under agenda item 9, Executive
54 Administrator Report, as 9(c), Alaska Commission Postsecondary Education (ACPE).
55

56 There were no other additions to the agenda.

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On a motion made by Schok, seconded by Doran, it was,

Resolved to approve the June 15, 2023, meeting agenda as amended.

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No objections. Motion passed.

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63 Statements of Conflicts of Interest/Ethics Violations– 1(c)

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There were no conflicts of interest statements or ethics violations to report.

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Agenda Item 2 – Public Comments

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Traci Barickman, broker, and real estate educator spoke briefly to the Commission regarding Alaska Commission of Postsecondary Education (ACPE). Ms. Barickman stated that all real estate instructors will soon receive a letter from ACPE indicating they are in violation of state statutes. She said it was her misunderstanding, and probably other instructors, that they were exempt from post-secondary education. After week of research and speaking with ACPE, she found out that real estate instructors are not exempt and are subject to ACPE and required to file for an exemption. Currently they are looking for compliance. She said the purpose of her speaking today is that she wants to help her fellow instructors, if they want help, and she does not want the REC to lose control of real estate education and instructors to another state agency. The application instructors would need to complete to file an exemption is the Short Course of Study. There are other applications that may seem applicable, but they are not. She said she has completed the application and it is not as daunting as it seems.

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The question was asked what exactly are instructors/educators not in compliance of? Ms. Barickman said they are not in compliance with the AK Postsecondary Education statutes and regulations. Real Estate instructors and educators are considered an institution because they teach post-secondary education, no matter how, and that puts them under ACPE. She said there is a \$5,000 fine for non-compliance, so she encourages anyone who receives a letter to comply. She reiterated that she would be more than happy to help anyone with the application and any questions.

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Errol Champion, Chair of the Legislature and Real Estate Commission Committee for AK Realtors updated the Commission on pending legislation. Mr. Champion stated that the legislation the AK Realtors are following this year was significant yet did not move forward to become law. The first bill was HB134. He stated if this bill is adopted it would modify title 29 that would preclude or prevent borough, city, or state government from implementing a transfer fee on the sale of real property. AK continues to be a non-disclosure state. Several years ago, Juneau went after the disclosure of real property and tried to require a fee. Mr. Champion said that it has been their experience and as shown and in other states, 36 states now require a transfer disclosure fee, and soon after comes more fees, taxes, or some sort of revenue for government.

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He said this bill was filed in anticipation that this may happen in AK, and they want to close that door before there was any effort by local government or the state to implement or levy a fee. He said he doesn't believe there is strong objection to the bill.

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105 The second bill was HB 184. This bill is an effort to approve the ability of short-term
106 housing. This bill, if adopted, would require the registration of any entity that is involved in
107 short term rentals. There has even been some attempt that an entity couldn't own more
108 than 2 short term rentals. He said he believed there is not a lot of support for this bill. If it
109 was adopted, it would be difficult to monitor.

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111 Ms. Markwood asked Mr. Champion what is the industry's thoughts regarding Airbnb's?
112 Has it been brought to their attention and do they have any position on it?
113

114 Mr. Champion said they have not taken an official action or position on that issue, but the
115 conversation has always been let the marketplace function. Trying to supervise it or put
116 some kind of controls on it, is not something they are going to support. It has just been a
117 conversation, but no formal action has been taken. He hears that it is coming, at least in
118 some state. The talk here is more of a source of revenue. Airbnb's and short-term rentals
119 were not subject to motel and hotel bed taxes, so communities are losing a lot of revenue.
120 The general mood in the state is that we do not need more taxes or cost to do business.
121 He said nothing is going on currently and they will certainly oppose it. Until they see
122 something formally advance, they are not going to initiate a conversation.
123

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125 **Agenda Item 3 – Review of Meeting Minutes**

126 **Agenda Item 3(a) – February 9, 2023**

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128 **On a motion made by Heaton, seconded by Doran, it was,**

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130 **Resolved to approve the February 9, 2023, meeting minutes as**
131 **presented.**

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133 **No objections: Motion passed.**

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136 **Agenda Item 4 – Investigative Report**

137 **Statistical– 4(a)**

138 Anna Gabriel, REC Investigator, presented the investigation statistics report to the
139 Commission. She presented the investigative report for the reporting period of January 25,
140 2023, through May 30, 2023. She stated there are 48 cases opened, 29 cases were
141 closed, and 6 new cases received from the last report.
142

143 Marilynn Zimmerman, paralegal for the CBPL joined the meeting at 9:30 am.

144
145 **License Action – 4(b) Consent Agreement 2022-000970**

146 Commission members went into executive session to discuss the consent agreement and
147 licensing issues from agenda item 5.

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149 **On a motion duly made by Heaton, seconded by Doran, it was,**

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151 **Resolved to go into executive session in accordance with the**
152 **provisions of AK Statute 44.62.310(c), for the purpose of discussing**
153 **subjects that tend to prejudice the reputation and character of any**
154 **person, provided the person may request a public discussion.**

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All in favor; Motion passed.

*Commission went into executive session at 9:32 am.
Out of executive session at 11:17 am*

Agenda Item 5 –Licensing Issues
Education Audit Issues – 5(a)

Case No. 2022-000980

On a motion made by Doran, seconded by Heaton, it was,

Resolved to approve the consent agreement in Case No. 2022-000980.

Roll call vote: Doran-yes, Heaton- yes, Schok- yes, Markwood- yes, Stigen-
absent.

The Consent Agreement was adopted by the Commission in Case No. 2022-000980.

Case No. 2022-000983

On a motion made by Doran, seconded by Heaton, it was,

Resolved to approve the consent agreement in Case No. 2022-000983.

Roll call vote: Doran-yes, Heaton- yes, Schok- yes, Markwood- yes, Stigen-
absent.

The Consent Agreement was adopted by the Commission in Case No.2022-000983.

Case No. 2022-000984

On a motion made by Doran, seconded by Schok, it was,

Resolved to approve the consent agreement in Case No. 2022-000984.

Roll call vote: Doran-yes, Heaton- yes, Schok- yes, Markwood- yes, Stigen-
absent.

The Consent Agreement was adopted by the Commission in Case No. 2022-000984.

Case No. 2022-001020

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On a motion made by Doran, seconded by Schok, it was,

Resolved to approve the consent agreement in Case No. 2022-001020.

Roll call vote: Doran-yes, Heaton- yes, Schok- yes, Markwood- yes, Stigen-absent.

The Consent Agreement was adopted by the Commission in Case No. 2022-001020.

Case No. 2022-000982

On a motion made by Doran, seconded by Heaton, it was,

Resolved to approve the consent agreement in Case No. 2022-000982.

Roll call vote: Doran-yes, Heaton- yes, Schok- yes, Markwood- yes, Stigen-absent.

The Consent Agreement was adopted by the Commission in Case No. 2022-000982.

Default Revocations – 5(b)

Case No. 2022-000854

On a motion made by Doran, seconded by Schok, it was,

Resolved to approve and adopt the Order of Default Revocation of the salesperson license for Case No. 2022-000854.

Roll call vote: Doran-yes, Heaton- yes, Schok- yes, Markwood- yes.

The Default Revocation was adopted by the Commission in Case No. 2022-000854.

Case No. 2022-000989

On a motion made by Doran, seconded by Heaton, it was,

Resolved to approve and adopt the Order of Default Revocation of the salesperson license for Case No. 2022-000989.

Roll call vote: Doran-yes, Heaton- yes, Schok- yes, Markwood- yes.

The Default Revocation was adopted by the Commission in Case No. 2022-000989.

Initial Applications – 5(c)-

Broker by Endorsement, License #188507

On a motion made by Doran, seconded by Schok, it was,

Resolved to deny the broker by endorsement application for Doran Post, proposed license #188507, for failure to disclose prior disciplinary actions in another state as stated by 12 AAC 64.160 and further supported by AS 88.88.401.

Roll call vote: Doran-yes, Heaton- yes, Schok- yes, Markwood- yes.

The Broker application by endorsement for Doran Post was denied.

Consent Agreement 2022-000970

On a motion made by Doran, seconded by Schok, it was,

Resolved to deny the consent agreement for Case No. 2022-000970.

Roll call vote: Doran-yes, Heaton- yes, Schok- yes, Markwood- yes.

The Consent Agreement was denied by the Commission in Case No. 2022-000970.

Salesperson by Exam-
License #207026

On a motion made by Doran, seconded by Heaton, it was,

Resolved to deny the salesperson application for Amy Sirmans, proposed license #207026, as supported by AS 08.88.171(c), as seven years has not passed since a felony conviction.

Roll call vote: Doran-yes, Heaton- yes, Schok- yes, Markwood- yes.

The salesperson application for Amy Sirmans was denied.

License #208150

On a motion made by Doran, seconded by Schok, it was,

Resolved to deny the salesperson application for Sean Sullivan, proposed license #208150, as supported by AS 08.88.171(c), as seven years has not passed since the person has completed of the sentence imposed upon conviction.

Roll call vote: Doran-yes, Heaton- yes, Schok- yes, Markwood- yes.

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308 *The Salesperson application by examination for Sean Sullivan was denied.*

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311 **Agenda Item 6 – Division Update**

312 **Revenue/Expenditure Report, FY23/3rd Qtr. – 6(b)**

313 Renee Carabajal, Program Coordinator 2, CBPL for the Division of Corporations,
314 Business, and Professional Licensing, presented to the Commission the Revenue and
315 Expenditures report for the FY2023 3rd quarter. She stated the current revenue was
316 \$184,220. There were non-investigative expenditures of \$129,527 and investigative
317 expenditures of \$165,810, for a total of \$295,337 direct expenditures. There were in- direct
318 expenditures of \$140,842 (this includes internal administration, department, and statewide
319 costs), leaving the total expenditures at \$436,179. There was a total ending cumulative
320 surplus of \$1,068,446.

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323 **Agenda Item 7 – Old Business**

324 **2023/2024 Strategic Plan – 7(a)**

325 Commission members reviewed, discussed, and made changes to the 2023 Strategic
326 Plan. The Commission members agreed to removed items from strategic plan with a
327 revision 5/31/23: items #1, 2, 4-6, 8-10, 12, Add: review and revise 12 AAC 64.064,
328 information for payment of Commission through Title Company, to review and determine
329 DCE topics for 2024-2026 licensing period, DCE guidelines for DCE topics for 2024-2026,
330 fee adjustment 2024 -2026 licensing period, and review and make recommendations re:
331 Airbnb questions.

332

333 The Commission discussed Airbnb and how the Commission may address this topic in the
334 future. They asked that staff gather questions to take to the Department of Law regarding
335 Airbnb to bring to the Commission for discussion at a future meeting.

336

337 **Property Management Committee update – 7(b)**

338 Ms. Markwood asked the Commission to dismantle the Property Management Committee
339 (PMC). She stated that the PMC has completed the goals that were set for them. The
340 committee did several best practices and white papers that have been placed on the REC
341 website for direction and help with questions many property managers and the public had.
342 Ms. Markwood stated that the committee's Chair did a great job, but it has been dormant
343 for at least six months, and she believes it is time for it to be dismantled. She said if there
344 are issues that need to be addressed with regards to property management in the future, a
345 new committee can be formed.

346

347 There were no objections from the other Commission members. The Property
348 Management Committee was dismantled.

349

350 The Commission recessed for break at 12:20 a.m.

351 The Commission reconvened at 12:31 a.m.

352

353 **Discuss status/goal of REC Consumer Disclosure form - 7(c)**

354 The Commission reviewed and discussed the REC Consumer Disclosure form that
355 Commission member Schok and Heaton worked on and made revisions. They made

356 revisions and reformatted the Consumer Disclosure and created a second page and made
357 formatting changes only to the Waiver of Right of Representation form.

358
359 Ms. Markwood clarified that this would replace the current Consumer Disclosure
360 information page with a one-page Consumer Disclosure with an Addendum if more than
361 one licensee is involved.

362
363 Ms. Heaton went over some of the items that were changed: a single page Consumer
364 Disclosure form unless there is more than one licensee involved, specifically mark the
365 bottom of page 1 so you know there is a second page if more than one licensee is
366 involved (you know if there or is not an Addendum), there is a place for a team name if a
367 team is involved, and the Waiver of Right to be Represented was only reformatted so it
368 looks similar to the Consumer Disclosure.

369
370 Commission changes to 08-4145 AREC Consumer Disclosure
371 1) Header be smaller or take out 1-2 lines such as phone, email, or website.
372 2) Under Specific Assistance box adding:
373 NOTE: If the consumer transitions to Representation, the relationship CANNOT revert to
374 Specific Assistance.
375 3) Adding in another sentence at the end of Acknowledgement. For full description of
376 Licensee Relations refer to Sec 08.88.600-695.
377 4) On page two for the disclosure addendum adding in two more lines for additional
378 licensees.
379 5) after the 2nd sentence in Teams box add definition of teams.

380
381 There were no changes to for 08-4212 AREC Waiver of Right to be Represented.

382
383
384 **On a motion made by Schok, seconded by Heaton, it was,**

385
386 **Resolved to move forward regulations 12 AAC 64.118, Consumer**
387 **Disclosure form and 12 AAC 64.119 the Waiver of Right to be**
388 **Represented as revised to the regulation's specialist, and out for**
389 **public comment accepting written comments only, and out for 30**
390 **days.**

391
392 **All in favor. No objections: Motion passed.**

393
394
395 SOA Residential Real Property Disclosure Transfer Statement - 7(d))
396 Commission members review and discuss the conflict of the definition of residential real
397 property found on the Residential Real Property Transfer Disclosure Statement and AS
398 34.80.090.

399
400 It has come to the attention of the Commission that there is a discrepancy in the definition
401 of "residential real property" in the Alaska statute, Title 34, Property. The State of Alaska
402 Residential Real Property Transfer Disclosure Statement form, #08-4229, that is required
403 for disclosure when selling a home includes the definition of residential property as a
404 "single- family dwelling or two single-family dwellings in one building" cited in AS
405 34.70.200(3). However, residential real property is defined differently in AS 34.80.090(6)

406 as “one to four attached or detached dwelling units or any number of units if the units are
407 in a common interest community created under AS 34.80.090”.

408
409 Ms. Harris stated that the Commission can make a statutory change to fix the discrepancy
410 in the definition of “residential real property” found in AS 34.70 and 34.80 or they can do a
411 regulation change to 12 AAC 64.930 and add a section (b) to include the conflicting
412 definition of residential real property as outlined in AS 34.80.090 so that it covers both
413 definitions.

414
415 The Commission would like to do a revise regulation 12 AAC 64.930, Property Disclosure
416 Form, by adding to section (b), after AS 34.70.200, “and AS 34.80.90.

417
418

419 **On a motion made by Doran, seconded by Schok, it was,**

420

421 **Resolved to move forward regulation 12 AAC 64.930, Property**
422 **Disclosure form, as revised to the regulation’s specialist, and out for**
423 **public comment accepting written comments only, and out for 30**
424 **days.**

425

426 **No objections: Motion passed.**

427

428

429 Board Committees vs. Subcommittee vs. Workgroups- 7(e)

430 Ms. Harris spoke to the latest information sheet with regards to Board Committees vs
431 Subcommittees vs Workgroups. The bottom line is that it is best that all meetings be public
432 noticed.

433

434 Subcommittees of the board –

435 -Are comprised exclusively of board members.

436 -Must be publicly notices in the same manner as a board meeting.

437

438 Committees of the board –

439 -Are comprised exclusively of board members.

440 -Must be publicly notices in the same manner as a board meeting.

441

442 Workgroups of the board –

443 -May include public members.

444 -Does not require public notice unless two or more members are serving on the
445 workgroup.

446 -May be publicly noticed if public comment is solicited or if the group desires a highly
447 transparent process; best to post on the board’s web page.

448

449 Ms. Harris stated the bottom line is that all committee, subcommittee, or workgroups need
450 to be public noticed.

451

452

453 **Agenda Item 8 – New Business**

454 **2023 Annual Report– 8(a)**

455 Commission members reviewed and discussed the 2023 REC Annual Report and made
456 several changes.

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On a motion made by Doran, seconded by Schok, it was,

Resolved to approve the 2023 Annual Report as amended.

No objections: Motion passed.

PearsonVue Test Development - update– 8(b)

Ms. Harris gave the Commission an update on test development with the testing service PearsonVue during the end of May. She said several AK educators are selected to assist PearsonVue with test development to review exam information to ensure the exam is relevant and up to date. Ms. Harris said it was good time spent and she appreciated all the educators' time and hard work.

2023 ARELLO Annual Conference, Montreal, QC Canada, September 18-22, 2023 – 8(c)

Ms. Harris asked the Commission for their approval for her to attend the 2023 ARELLO Conference on September 18-22, 2023, in Montreal QC Canada.

On a motion made by Heaton, seconded by Schok, it was,

Resolved to approve for Ms. Harris to attend the 2023 ARELLO conference in Montreal QC Canada.

No objections: Motion passed.

Agenda Item 9 – Executive Administrator's Report

Licensing/Education Report/ Statistics – 9(a)

Mr. Givens presented the licensing report for June 15, 2023, to the Commission. He reported that between February 10, 2023, through May 31, 2023, there were 87 new licenses issued; 3,025 active licensees, 3252 total number of licensees with an 1/31/2024 expiration date; 58 inactive licensees with a 1/31/2024 expiration date; 45 lapsed licenses due to non-compliance of PLE; 92 transfers; 82 licensees completed their PLE requirements; 13 license upgrades from salesperson to associate broker and 1 license upgrade from salesperson to broker and 121 licensees in a license returned status.

Education Statistics

Mr. Givens presented the education report for June 15, 2023. He reported that as of May 31, 2023, there were 11 pre-licensing courses; 4 broker upgrade courses; 395 elective courses (ECE) and 100 designated courses (DCE), the elective (ECE) and designated (DCE) courses have some overlap, so the initial numbers 395 and 100 accordingly, are adjusted by the combined DCE and ECE with a reduction of 28, and 62, and 77 Post Licensing course. with a total of 497 approved courses. There are 95 permanent instructors and 3 new instructors, 2 from Eagle River and one from Florida.

Recovery Fund Balance Report – 9(b)

Ms. Harris presented the Recovery Fund Report for the 3rd quarter, ending March 31, 2023. The Commission received a total of \$12,630 mostly from license fees processed

508 between January and March 31, with total revenues of \$16,212 and expenditures at
509 \$24,248. The current fund balance was \$330,291 with an end of year fund balance of
510 \$322,255. The projected balance for the end of the fiscal year is \$329,830.

511
512 Alaska Commission on Postsecondary Education – 9(c)
513 Ms. Harris spoke to the Commission regarding AK Commission on Postsecondary
514 Education (ACPE). She said it had come to her attention that all real estate
515 instructors/educators will be required to apply for an exemption from institutional
516 authorization through Alaska Postsecondary Education (ACPE) and will receive an email
517 and letter regarding compliance. She wanted the Commission to be aware of this and
518 asked for approval to send a list serv out to notify the instructors/educators of this
519 requirement.

520
521 Staff to send a listserv and email to education sponsors regarding ACPE letter and
522 compliance.

523
524

525 **Agenda Item 10 – Commission Member Comments & Questions**

526 Ms. Heaton stated that the September REC meeting is at the same time as the Realtor
527 convention and asked if the date could be changed. Ms. Heaton said she was excited that
528 the consumer disclosure was well received, and she was looking forward to the public
529 comments and hopes there will be a good response.

530

531 Commission members changed the September meeting date from September 14, 2023, to
532 September 7, 2023, to allow the Commission members to attend the realtor convention.

533

534 Devon Doran thanked the Commissioners for their hard work.

535

536 Ms. Schok said it was great to work with Traci Heaton on the consumer disclosure, she did
537 a beautiful job, and she also hopes the revisions to the Consumer Disclosure will be well
538 received. She thanked everyone for all their hard work.

539

540 Ms. Markwood thanked everyone for all their hard work on the Commission today and
541 thanked everyone on all their input and hard work that was done on the Consumer
542 Disclosure form. It was an amazing job! She said she appreciated everyone's hard work
543 on the Commission dealing with big caseloads with investigations, as well as their regular
544 jobs. She appreciated the collaboration and being able to talk and work through the
545 issues. She said she is looking forward to reviewing the matrix at the next meeting and
546 loves how the Commission is trying to streamline things. When we are no longer on the
547 Commission, the people that will follow behind them will have a more streamlined line way of
548 handling the business affairs of the Commission, which is important.

549

550

551 **Agenda Item 11 – Adjournment**

552

553 **On a motion made by Schok, seconded by Doran, it was,**

554

555 **Resolved to adjourn the meeting.**

556

557 **No objections: Motion passed.**

558

559

Real Estate Commission
Meeting Minutes
June 15, 2023
Page 12 of 12

560 Meeting adjourned at 1:43 pm.

561

562 The next meeting will be held September 7, 2023, in person.

563

564

565

Prepared and submitted by:
Real Estate Commission Staff

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Approved:

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Cheryl Markwood
REC Chairperson
Alaska Real Estate Commission

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DRAFT

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 Teleconference
9

10 July 27, 2023
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12

13 "These draft minutes were prepared by the staff of the Division of Corporations, Business
14 and Professional Licensing. They have not been reviewed or approved by the
15 Commission." By the authority of AS 08.01.070(2), and in compliance with the provisions
16 of AS 44.62, Article 6, a scheduled meeting of the Real Estate Commission was held July
17 27,2023, Anchorage, Alaska via Zoom.
18

19 **Thursday, July 27, 2023**

20 **Agenda Item 1 - Call to Order**

21 Chairperson Cheryl Markwood called the meeting to order at 10:00 a.m., at which time a
22 quorum was established.
23

24 **Agenda Item 1(a) – Roll Call**

25 **Members Present via Zoom**

26 Cheryl Markwood, Broker, Broker at Large, Chairperson
27 Traci Heaton, Associate Broker, 1st Judicial District
28 Devon Doran, Broker, 3rd Judicial District
29 Elizabeth Schok, Associate Broker, 4th Judicial District
30 Chad Stigen, Associate Broker, Broker at Large
31

32 **Staff Present:**

33 Nancy Harris, Executive Administrator, REC
34 Kerry Givens, Project Assistant, REC
35 Anna Gabriel, Investigator, REC/APR
36

37 **Guests Present via Zoom:**

38 No guests present.
39

40 **Agenda Item 1(b) - Approval of 7/27 Agenda**

41 Commission members reviewed the agenda as presented.
42

On a motion made by Schok, seconded by Doran, it was,

Resolved to approve the July 27, 2023, meeting agenda as presented.

43
44 **No objections. Motion passed.**
45
46

47 **Statements of Conflicts of Interest/Ethics Violations– 1(c)**

48 There were no conflicts of interest statements or ethics violations to report.
49
50

51 **Agenda Item 2 – Public Comments**

52 There were no public comments.

53

54 **Agenda Item 3 – Reconsideration of Consent Agreement and**
55 **License Application of D. Post**

56

57 The Commission went into executive session to discuss the consent agreement and
58 license application of Doran Post.

59

60 **On a motion duly made by Heaton, seconded by Schok, it was,**

61

62 **Resolved to go into executive session in accordance with the**
63 **provisions of AK Statute 44.62.310(c), for the purpose of discussing**
64 **subjects that tend to prejudice the reputation and character of any**
65 **person, provided the person may request a public discussion.**

66

67 **Roll call vote:** Doran-yes, Heaton- yes, Schok- yes, Stigen- yes, Markwood- yes.

68

69 *Commission went into executive session at 10:10 am.*

70 *Out of executive session at 10:15 am*

71

72 The Commission did not reconsider the Consent Agreement or License Application of
73 Doran Post.

74

75 **Agenda Item 11 – Adjournment**

76

77

78 **On a motion made by Schok, seconded by Heaton was,**

79

80 **Resolved to adjourn the meeting.**

81

82 **No objections: Motion passed.**

83

84

85 Meeting adjourned at 10:18 am.

86

87

88

89

Prepared and submitted by:
Real Estate Commission Staff

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Approved:

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Cheryl Markwood
REC Chairperson
Alaska Real Estate Commission

97

98

Investigative Report



MEMORANDUM

DATE: August 22, 2023
 TO: Real Estate Commission
 THRU: Erika Prieksat, Chief Investigator *BH*
 FROM: Anna Gabriel, Investigator *AG*
 RE: Investigative Report for the September 07, 2023 Meeting

The following information was compiled as an investigative report to the Board for the period of May 31, 2023 thru August 22, 2023; this report includes cases, complaints, and intake matters handled since the last report.

Matters opened by the Paralegals in Anchorage and Juneau, regarding continuing education audits and license action resulting from those matters are covered in this report.

OPEN - 56

<u>Case Number</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Status Date</u>
REAL ESTATE ASSOCIATE BROKER			
2023-000762	Violation of licensing regulation	Intake	07/17/2023
2023-000789	Violation of licensing regulation	Intake	07/17/2023
2023-000800	Violation of licensing regulation	Intake	07/24/2023
2021-000465	Violation of licensing regulation	Complaint	06/03/2021
2022-000445	Violation of licensing regulation	Complaint	05/18/2022
2022-001045	Violation of licensing regulation	Complaint	10/24/2022
2022-001078	Violation of licensing regulation	Complaint	11/07/2022
2022-001082	Violation of licensing regulation	Complaint	11/08/2022
2021-000231	Advertising	Investigation	03/08/2023

REAL ESTATE BROKER

2023-000857	Violation of licensing regulation	Intake	08/03/2023
2023-000886	Violation of licensing regulation	Intake	08/11/2023
2020-000224	Criminal action - no conviction	Complaint	04/09/2020
2021-000772	Violation of licensing regulation	Complaint	08/26/2021
2021-001096	Violation of licensing regulation	Complaint	12/15/2021
2022-000087	Unlicensed practice or activity	Complaint	09/30/2021
2022-000468	Violation of licensing regulation	Complaint	05/24/2022
2022-000900	Violation of licensing regulation	Complaint	09/28/2022
2022-000975	Violation of licensing regulation	Complaint	10/06/2022
2022-001067	Continuing education	Complaint	10/26/2022
2023-000012	Violation of licensing regulation	Complaint	01/10/2023
2023-000278	Violation of licensing regulation	Complaint	04/11/2023
2023-000860	Violation of licensing regulation	Complaint	08/07/2023
2021-000185	Violation of licensing regulation	Investigation	03/08/2023
2021-000286	Violation of licensing regulation	Investigation	03/08/2023
2022-000970	Falsified application	Investigation	02/21/2023
2021-000267	Violation of licensing regulation	Litigation Initiated	09/16/2022

REAL ESTATE SALESPERSON

2023-000790	Unlicensed practice or activity	Intake	07/19/2023
2023-000801	Violation of licensing regulation	Intake	07/21/2023
2023-000818	Violation of licensing regulation	Intake	07/31/2023
2023-000858	Violation of licensing regulation	Intake	08/08/2023
2023-000904	Violation of licensing regulation	Intake	08/18/2023
2022-000051	Violation of licensing regulation	Complaint	01/19/2022
2022-000394	Violation of licensing regulation	Complaint	04/27/2022
2022-000473	Violation of licensing regulation	Complaint	06/08/2022
2022-000719	Violation of licensing regulation	Complaint	08/16/2022
2022-000732	Violation of licensing regulation	Complaint	08/04/2022
2022-000921	Violation of licensing regulation	Complaint	09/27/2022

2022-001076	Violation of licensing regulation	Complaint	11/07/2022
2022-001077	Violation of licensing regulation	Complaint	11/07/2022
2022-001171	Violation of licensing regulation	Complaint	12/14/2022
2023-000274	Violation of licensing regulation	Complaint	04/21/2023
2023-000277	Violation of licensing regulation	Complaint	04/07/2023
2023-000603	Violation of licensing regulation	Complaint	06/19/2023
2023-000649	Violation of licensing regulation	Complaint	07/17/2023
2023-000699	Violation of licensing regulation	Complaint	07/24/2023
2023-000722	Violation of licensing regulation	Complaint	07/26/2023
2023-000757	Violation of licensing regulation	Complaint	08/08/2023
2023-000836	Violation of licensing regulation	Complaint	08/10/2023
2023-000309	License application problem	Monitor	
2020-000015	Fraud or misrepresentation	Investigation	06/15/2020
2020-000077	Fraud or misrepresentation	Investigation	06/11/2020
2021-000183	Violation of licensing regulation	Investigation	03/08/2023
2021-000269	License application problem	Investigation	03/08/2023
2021-000519	Fraud or misrepresentation	Investigation	02/17/2022
2022-000254	Violation of licensing regulation	Investigation	03/28/2023
2022-000981	Continuing education	Investigation	02/17/2023

Closed - 14

<u>Case #</u>	<u>Violation Type</u>	<u>Case Status</u>	<u>Closed</u>	<u>Closure</u>
REAL ESTATE BROKER				
2023-000551	Violation of licensing regulation	Closed-Intake	07/18/2023	Incomplete Complaint
2023-000688	Violation of licensing regulation	Closed-Intake	07/31/2023	Incomplete Complaint
2023-000732	Violation of licensing regulation	Closed-Intake	08/17/2023	Incomplete Complaint
REAL ESTATE SALESPERSON				
2023-000447	Violation of licensing regulation	Closed-Intake	06/22/2023	Incomplete Complaint
2023-000632	Violation of licensing regulation	Closed-Intake	07/17/2023	Incomplete Complaint

2021-000635	Real estate - other	Closed-Complaint	07/31/2023	No Action - No Violation
2022-000849	Continuing education	Closed-Complaint	06/28/2023	No Action - No Violation
2022-000854	Continuing education	Closed-Investigation	08/01/2023	License Action
2022-000980	Continuing education	Closed-Investigation	06/19/2023	License Action
2022-000982	Continuing education	Closed-Investigation	06/28/2023	License Action
2022-000983	Continuing education	Closed-Investigation	06/20/2023	License Action
2022-000984	Continuing education	Closed-Investigation	06/20/2023	License Action
2022-000989	Continuing education	Closed-Investigation	08/01/2023	License Action
2022-001020	Continuing education	Closed-Investigation	06/20/2023	License Action

END OF REPORT

Old Business

2024 ALASKA REAL ESTATE COMMISSION STRATEGIC PLAN

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 the Executive Administrator, Project Assistant, and REC Investigator will all support us in reaching our goals.

Guiding Principle	Objective How will we meet this guiding principle?	Who will complete this task?	Status/Notes
1. Protect the Consumer/Inform Licensee	<p>Define minimum standards, based on what other jurisdictions have successfully implemented, for team advertising. To include:</p> <ul style="list-style-type: none"> • Define requirements to include brokerage information, minimum size, etc. • Review, make recommendations if necessary, and provide a draft Disclosure Statement regarding teams • Review, make recommendations, if necessary, and draft regulation changes <p>Expand the scope to include team educations, advertising, supervision, brokers role, and consumer protection. Provide a FAQ's (Frequently Asked Questions) to be approved by the Commission and then placed on our website.</p>	Commission Schok & Heaton to provide information to staff	<p>Previous Commission completed best practice document for Advertising approved and on website.</p> <p>Reviewed and created Best Practices to include FAQ document. Approved by Commission at March 2022 meeting and placed on REC website under Team Resources.</p>
2. Protect the Consumer/Inform Licensees	Teams on Consumer Disclosure Propose changes to the regulation 12 AAC 64.118, Consumer Disclosure with regards to teams.	Commission Schok & Heaton to provide information to staff	In progress, Commission took no action on revised form at 12/9/22. Discussed and approved new revised form at 6/15/23 meeting to go out for public comment.
3. Commission Business/Inform Licensees	To review and revise 12 AAC 64.064 (g). Education requirements after initial licensure regarding broker/associate broker completion of post licensing education.	Commissioner Doran and Committee	In progress, Commissioner Duran volunteered to work on revisions, will bring to Commission to discuss a REC meeting.
4. Commission Business/Inform Licensees	Payment of commissions/EM through title company's	Commissioners & Staff	
5. Commission Business/Inform Licensees	Review and make recommendations regarding DCE Education Topics for the next licensing period 2024-2026 (notification to sponsors no later than October of odd numbered years (2023) of DCE topics for next renewal period.	Commissioners & Staff	
6. Commission Business/Inform Educators	Create guidelines for DCE topics for licensing period 2024-2026	Commissioners & Staff	
7. Commission Business/Inform Licensees	Through the Department, review upcoming licensing renewal cycle fee adjustment, as to conform with the recovery fund balance for 2024-2026	Commissioners & Staff	

2024 ALASKA REAL ESTATE COMMISSION STRATEGIC PLAN

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 the Executive Administrator, Project Assistant, and REC Investigator will all support us in reaching our goals.

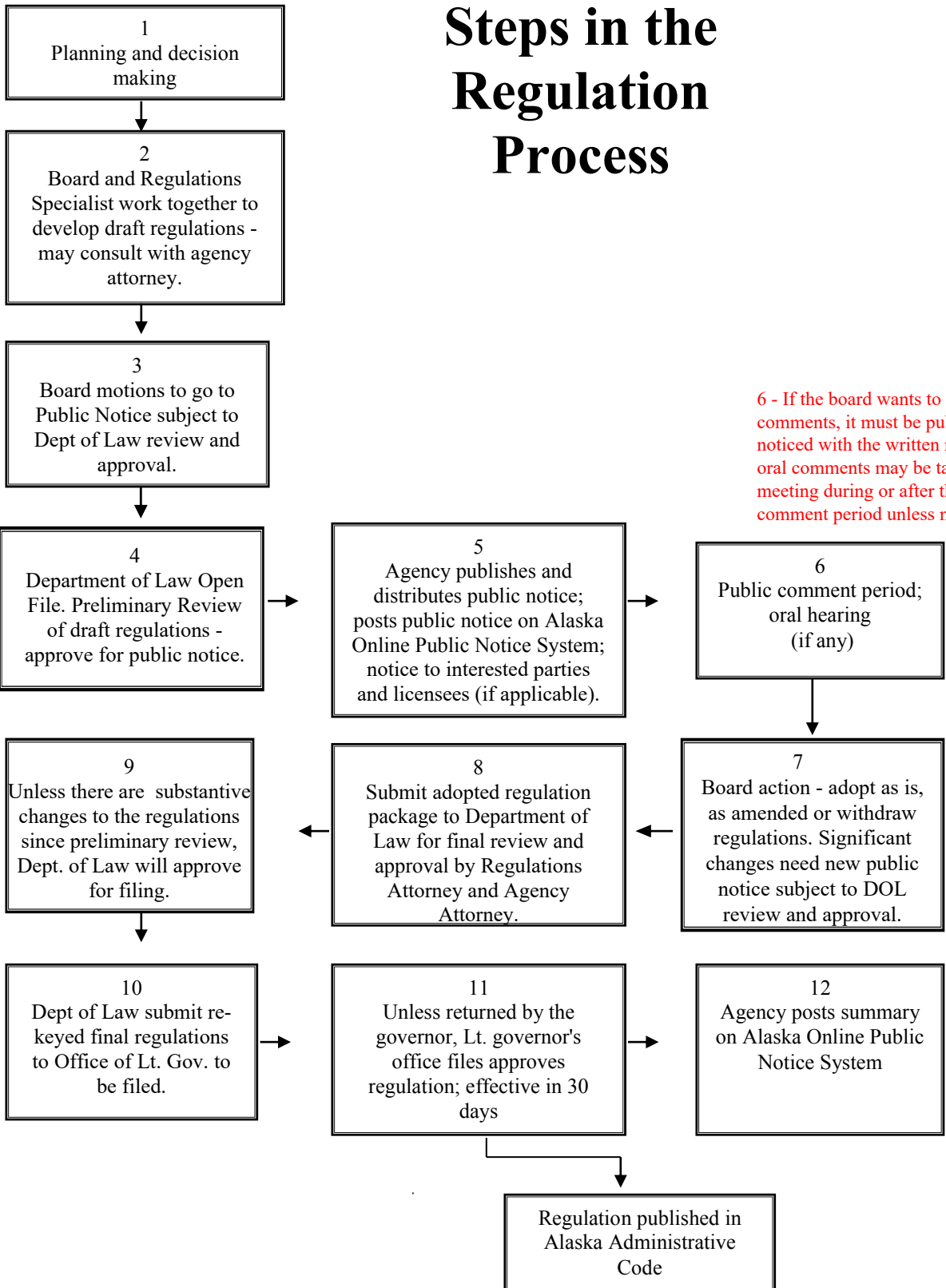
Guiding Principle	Objective How will we meet this guiding principle?	Who will complete this task?	Status/Notes
8. Protect the Consumer/Inform Licensee	<p>Review and make recommendation regarding Airbnb's.</p> <p>Do Airbnb's fall under the jurisdiction of the REC and real estate licensee law?</p> <p>What license is required to have or manage an Airbnb?</p> <p>What if someone else is managing an Airbnb?</p> <p>What if a licensee is managing an Airbnb for someone else?</p> <p>What is the responsibility of a Broker if a licensee has an Airbnb business?</p> <p>If Airbnb's don't fall under Landlord Tenant law, is this something the Commission needs to regulate or be concerned about?</p> <p>Do Airbnb's fall under Property Management?</p>		

Last Edited 8/22/23

Status of Proposed Regulations

REGULATION ADOPTION PROCESS

Steps in the Regulation Process



2 - Consultation with the agency attorney would occur if the board would like assistance with a difficult or controversial subject, otherwise it's not usually necessary.

4- It is at this point that the attorney may contact the Reg Spec for more information, clarification, or changes that would need to be made.

6 - If the board wants to take oral comments, it must be public noticed with the written notice. No oral comments may be taken at a meeting during or after the public comment period unless noticed.



New Business

REAL ESTATE COMMISSION DISCIPLINARY SANCTIONS MATRIX

Category	Type of License Affected	Description of Violation	Authority	Disciplinary Sanctions
Advertising	Broker	Making, authorizing, directing, or aiding in the publication, distribution, or circulation of a false statement or misrepresentation concerning the licensee's business or real estate offered for sale, rent, or lease or concerning an association being managed	AS 08.88.071(a)(3)(D);	1 st or MINOR Offense: - Letter of Advisement or up to \$500 Imposition of Civil Fine
	Associate Broker		AS 08.88.291(a);	
	Salesperson	Failure to maintain a sign at the offices registered with the Commission	AS 08.88.301;	2 nd + or SERIOUS Offense: - Consent Agreement: - Up to \$5,000 Fine - Up to 1 Year Probation - Suspension*
			AS 08.88.311(b);	
		Failure to include brokerage name in any form of advertisement	AS 08.88.381;	- Up to 9 Hours Education - Reprimand
			AS 08.88.401(c);	
		Advertising a home office or a business/office name that is not registered with the Commission	12 AAC 64.110;	- Revocation*
			12 AAC 64.112;	
			12 AAC 64.120;	
			12 AAC 64.127;	
			12 AAC 64.128(c);	
			12 AAC 64.130(1), (8) & (11)	
Breach of Fiduciary Duty	Broker	Failure to disclose conflicts of interest	AS 08.88.071(a)(3);	1 st or MINOR Offense: - Letter of Advisement or up to \$2,500 Imposition of Civil Fine
	Associate Broker		AS 08.88.071(d);	
	Salesperson	Failure to act within the provisions of the licensee relationships & duties identified in AS 08.88, Article 5 and 12 AAC 64.	AS 08.88173;	2 nd + or SERIOUS Offense: - Consent Agreement: - Up to \$5,000 Fine - Up to 2 Years Probation - Suspension*
			AS 08.88.175;	
			AS 08.88.341;	- Up to 9 Hours Education - Reprimand
			AS 08.88.391;	
			AS 08.88.396;	- Revocation*
			AS 08.88.600 – 695;	
			12 AAC 64.118;	
			12 AAC 64.119;	
			12 AAC 64.130(1), (3), (6), (9 - 15) & (19);	
			12 AAC 64.550 - 580	

* should be used sparingly & reserved for serious/repeat offender type situations

REAL ESTATE COMMISSION DISCIPLINARY SANCTIONS MATRIX

Category	Type of License Affected	Description of Violation	Authority	Disciplinary Sanctions
Continuing Education	Broker Associate Broker Salesperson	Failure to complete the required 20hrs of continuing education during the applicable renewal cycle, and certifying on the renewal application that the education was completed	AS 08.88.091(d) & (g); 12 AAC 02.960; 12 AAC 02.965; 12 AAC 64.063(f); 12 AAC 64.071(b)(4); 12 AAC 64.500(b), (d) & (j)	<ul style="list-style-type: none"> - Consent Agreement: <ul style="list-style-type: none"> - \$2,500 fine (\$2,000 suspended) + \$50/Hour of Non-Completed CEs - Provide Documentation of Completed Remedial CEs - Mandatory Audit for 2 Renewal Cycles - Reprimand
Criminal Action – No Conviction	Broker Associate Broker Salesperson	Being charged with crime(s) that are a matter of public safety – engaging in conduct of which the Commission did not have knowledge at the time the license was issued & demonstrates unfitness to engage in the business for which they are licensed	AS 08.88.071 (a)(3)(C); 12 AAC 64.130(1), (11) & (15)	<p>Should Only Be Utilized if Public Safety is Concerned:</p> <ul style="list-style-type: none"> - Suspension - Revocation - Other Disciplinary Sanctions via Consent Agreement – not typical
Criminal Action – Conviction	Broker Associate Broker Salesperson	Being found guilty of a felony or other crime committed that affects the ability to practice real estate OR being found guilty of forgery, theft, larceny, embezzlement, obtaining money under false pretenses, extortion, fraud, conspiracy to defraud, or other similar offenses	AS 08.88.071(a)(11); 12 AAC 64.130(1), (5) & (15)	<p>Seriousness of Crime Should be Considered:</p> <ul style="list-style-type: none"> - Consent Agreement: <ul style="list-style-type: none"> - Fine - Probation - Suspension* - Limitations on Practice - Education - Reprimand - Revocation*

REAL ESTATE COMMISSION DISCIPLINARY SANCTIONS MATRIX

Category	Type of License Affected	Description of Violation	Authority	Disciplinary Sanctions
Falsified Application	Broker Associate Broker Salesperson	<p>Procuring a license by deceiving the Commission or aiding another to do so</p> <p>Making a false/fraudulent representation or material misstatement on an application for a license, renewal, exam, or any other material requested under 12 AAC 64.060(b)</p>	<p>AS 08.88.071(a)(3)(B); 12 AAC 64.130(1), (11) & (15); 12 AAC 64.160(a)</p>	<p>Initial Application:</p> <ul style="list-style-type: none"> - Letter of Advisement - Up to \$1,000 Imposition of Civil Fine - Consent Agreement: <ul style="list-style-type: none"> - Up to 2 Years Probation - Up to 2 Hours Education - Reprimand - License Denial <p>Renewal Application:</p> <ul style="list-style-type: none"> - Letter of Advisement - Up to \$1,000 Imposition of Civil Fine - Consent Agreement: <ul style="list-style-type: none"> - Up to 2 Years Probation - Suspension* - Up to 2 Hours Education - Reprimand - Revocation*
Financial Scam	Broker Associate Broker Salesperson	<p>With respect to a real estate transaction, making a substantial misrepresentation; making a false promise; pursuing a flagrant course of misrepresentation or making a false promise through another licensee; or engaging in conduct that is fraudulent or dishonest</p> <p>Making, authorizing, directing, or aiding in the publication, distribution, or circulation of a false statement or misrepresentation concerning a licensee’s business or real state offered for sale, rent, or lease or concerning an association being managed</p>	<p>AS 08.88.071 (a)(3)(A)(i) – (iv); AS 08.88.071(a)(3)(D); AS 08.88.071(a)(3)(F); AS 08.88.401(c); 12 AAC 64.130(1) & (11)</p>	<p>1st or MINOR Offense:</p> <ul style="list-style-type: none"> - Letter of Advisement or up to \$500 Imposition of Civil Fine <p>2nd + or SERIOUS Offense:</p> <ul style="list-style-type: none"> - Consent Agreement: <ul style="list-style-type: none"> - Up to \$10,000 Fine - Up to 5 Years Probation - Suspension* - Up to 20 Hours Education - Reprimand - Revocation*

REAL ESTATE COMMISSION DISCIPLINARY SANCTIONS MATRIX

Category	Type of License Affected	Description of Violation	Authority	Disciplinary Sanctions
Fraud or Misrepresentation	Broker Associate Broker Salesperson	<p>With respect to a real estate transaction, making a substantial misrepresentation; making a false promise; pursuing a flagrant course of misrepresentation or making a false promise through another licensee; or engaging in conduct that is fraudulent or dishonest</p> <p>Making, authorizing, directing, or aiding in the publication, distribution, or circulation of a false statement or misrepresentation concerning a licensee’s business or real estate offered for sale, rent, or lease or concerning an association being managed</p> <p>An associate broker or salesperson claiming to be a broker</p> <p>Falsely representing to: have been awarded a degree/designation; be a member or affiliate of a professional organization; or be a member of a franchise/other business association</p> <p>Making a false/misleading statement to the Commission regarding an alleged violation, regulations set forth, or qualifications of a licensee</p> <p>Failure to comply with 12 AAC 64.180 – 12 AAC 64.271 or failure to turn over required records to the Commission</p>	<p>AS 08.88.071 (a)(3)(A)(i) – (iv); AS 08.88.071 (a)(3)(D); AS 08.88.071 (a)(3)(F); AS 08.88.401(a); AS 08.88.401(c); AS 08.88.401(f); 12 AAC 64.130(1) & (11); 12 AAC 64.160; 12 AAC 64.260</p>	<p>1st or MINOR Offense: - Letter of Advisement or up to \$2,500 Imposition of Civil Fine</p> <p>2nd + or SERIOUS Offense: - Consent Agreement: - Up to \$10,000 Fine - Up to 5 Years Probation - Suspension* - Up to 20 Hours Education - Reprimand - Revocation*</p>

REAL ESTATE COMMISSION DISCIPLINARY SANCTIONS MATRIX

Category	Type of License Affected	Description of Violation	Authority	Disciplinary Sanctions
Substance Abuse	Broker Associate Broker Salesperson	Engaging in conduct the Commission did not have knowledge of at the time the licensee was licensed, demonstrating the licensee’s unfitness to engage in the business for which the licensee is licensed	AS 08.88.071(a)(3)(C); 12 AAC 64.130(1) & (11)	1 st or MINOR Offense: - Letter of Advisement or up to \$2,500 Imposition of Civil Fine 2 nd + or SERIOUS Offense: - Consent Agreement: - Up to \$5,000 Fine - Up to 18 Months Probation - Suspension* - Limitations on Practice - Quarterly Reports from Therapist, Broker & Licensee - Completion of a Treatment Program - Consume No Controlled Substances/Alcohol - AA/NA Meetings - Reprimand - Revocation*
Supervision	Broker Associate Broker	Failure to provide adequate supervision of the activities of licensees for whom they are responsible	AS 08.88.071; AS 08.88.311(a); 12 AAC 64.078; 12 AAC 64.125; 12 AAC 64.128; 12 AAC 64.130	1 st or MINOR Offense: - Letter of Advisement or up to \$2,500 Imposition of Civil Fine 2 nd + or SERIOUS Offense: - Consent Agreement: - Up to \$5,000 Fine - Up to 18 Months Probation - Suspension* - Up to 10 Hours Education - Reprimand - Revocation*

REAL ESTATE COMMISSION DISCIPLINARY SANCTIONS MATRIX

Category	Type of License Affected	Description of Violation	Authority	Disciplinary Sanctions
Trust Account	Broker	Failure to keep proper trust account ledgers	AS 08.88.351; AS 08.88.401(d); 12 AAC 64.130(3), (7) & (12);	<ul style="list-style-type: none"> - Consent Agreement: <ul style="list-style-type: none"> - Up to \$50,000 Fine - Up to 2 Years Probation - Suspension* - Limitations on Practice - Up to 12 Hours Education - Reprimand - Revocation*
		Paying fees/commissions/other compensation to individuals prohibited from receiving compensation	12 AAC 64.180 – 271; 12 AAC 64.550(c); 12 AAC 64.570(2)(D);	
		Engaging in any other prohibited trust account activity	12 AAC 64.580(4)	
	Associate Broker Salesperson	Failure to provide all monies from a real estate transaction to the brokerage within 5 days	AS 08.88.071(a)(3)(H); AS 08.88.331; 12 AAC 64.130(3), (7) & (12);	
		Paying fees/commissions/other compensation to individuals prohibited from receiving compensation	12 AAC 64.140(2); 12 AAC 64.550(c); 12 AAC 64.570(2)(D); 12 AAC 64.580(4)	
		Engaging in any other prohibited trust account activity		

REAL ESTATE COMMISSION DISCIPLINARY SANCTIONS MATRIX

Category	Type of License Affected	Description of Violation	Authority	Disciplinary Sanctions
Unlicensed Practice	No License Revoked License	Performing/Engaging in activities or offering to perform/engage in activities that requires a real estate license	AS 08.88.161; AS 08.88.165; AS 08.88.167; AS 08.88.401(f)(5); 12 AAC 64.090(e); 12 AAC 64.095(a); 12 AAC 64.905	- Temporary Cease & Desist Order (TCDO) - Up to \$5,000 Fine **reference AS 08.88.167 when considering a fine – not an easy sanction to issue/enforce**
Unlicensed Practice (When License is in a Lapsed, Inactive, or Suspended Status)	Broker Associate Broker Salesperson	Performing/Engaging in activities or offering to perform/engage in activities with a lapsed or inactive license	AS 08.88.071(a)(3); AS 08.88.161; AS 08.88.165; AS 08.88.167; AS 08.88.251(b); AS 08.88.401(f)(5); 12 AAC 64.090(e); 12 AAC 64.095(a); 12 AAC 64.130(1) & (11); 12 AAC 64.140; 12 AAC 64.905	1 st or MINOR Offense: - Letter of Advisement or up to \$2,500 Imposition of Civil Fine 2 nd + or SERIOUS Offense: - Consent Agreement: - Up to \$5,000 Fine - Suspension* - Up to 10 Hours Education - Reprimand Revocation*
Violation of Licensing Regulation		This is a “catch all” category that includes various violations that don’t fit into any other listed category – this type of conduct is variable & not succinct	AS 08.88.011 – 990 12 AAC 64.010 – 990 12 AAC 02.510 - 590	1 st or MINOR Offense: - Letter of Advisement or up to \$2,500 Imposition of Civil Fine 2 nd + or SERIOUS Offense: - Consent Agreement: - Up to \$5,000 Fine - Up to 1 Year Probation - Suspension* - Up to 10 Hours Education - Reprimand - Revocation*

Trust Account Requirements -12 AAC 64.110 and 180

Q: Is the financial institution, where trust monies are held, required to have an actual location in Alaska? The regulation reads that the bank “be authorized to do business in the state”.

Does that mean that the bank would need to be authorized to do business in AK but not necessarily be required to have an in-state office/bank (physical presence) in AK?

The regulations below indicate that (to maintain a real estate office) the broker shall have a trust account in a bank that is authorized to do business in this state, and maintain that trust account within the state.

12 AAC 64.110. REQUIREMENTS FOR ESTABLISHING AND MAINTAINING AN OFFICE.

(a) A real estate broker holding an active license shall establish and maintain a principal office in this state. The office in which the broker works and maintains the broker’s license is the principal office of the broker.

(b) A broker who maintains offices or branch offices other than the principal office or branch shall have an associate broker in charge of each branch office. If a broker has an associate broker in charge of an office, the broker

is responsible for supervision of the associate broker. The operation of a branch office without licensed personnel or without an associate broker in charge is grounds for suspension or revocation of the broker's license.

(c) Repealed 12/6/81.

(d) When a broker establishes a real estate office in a location not normally considered a business location, the commission may require the broker to submit evidence that the office is where the broker and the broker's

employees transact business and receive business calls.

(e) A broker shall, before operating any office or branch office, register the office or branch office with the commission on a form provided by and approved by the commission. The information provided by the broker must

include the

(1) broker's name and license number;

(2) business name under which the broker will operate and advertise as required by 12 AAC 64.112;

(3) mailing address of the business and all branch offices;

(4) physical location of the office and all branch offices;

(5) bank account numbers of all real estate trust accounts maintained by the broker;

(6) name and license number of all licensees employed by the broker at that office;

(7) name of the associate broker in charge of each branch office;

(8) telephone and facsimile number and, if available, an e-mail address of the office;

(9) type of business organization, such as a sole proprietorship, corporation, partnership, limited partnership, or limited liability company;

(10) all types of business activity practiced, such as sales, property management, community association management, and commercial sales.

(f) More than one licensed broker may operate an office at the same address; each broker shall maintain a clearly separate office identity.

(g) A real estate broker holding an active license shall

- (1) **maintain within this state one or more trust accounts** and records of all real estate transactions conducted in this state as required by AS 08.88.351 and 12 AAC 64.220; and
- (2) provide for acceptance of legal service at the business address registered with the commission.

12 AAC 64.180. ESTABLISHMENT OF TRUST ACCOUNT

- (a) Every real estate broker shall establish one or more trust accounts **in a federally insured bank authorized to do business in this state**, and the name of the account so established must include the words "trust account" or "trustee account."
- (b) A real estate broker shall file with the commission the name of the account, the account number, and the name and branch of the bank that holds the account for all trust accounts maintained by the broker.
- (c) The broker who establishes the account shall be trustee of the account and responsible for all signatories to that account.
- (d) If maintenance expenses are charged against a trust account, the broker shall deposit a sum of money not exceeding \$100 to the trust account for the purpose of paying the maintenance expenses of the account and shall make additional deposits when necessary, but not to exceed \$100 on deposit.
- (e) All trust accounts must be demand accounts only

HISTORY OF REC DESIGNATED CONTINUING EDUCATION (DCE)

2022-2024

Situational Ethics – 2 hours
Property Disclosures & Inspections – 1 hour
Contracts & Real Estate Licensing Law – 2 hours
Prohibited Conduct – 1 hour
Advertising and Social Media - 1 hour
Licensee Relationships – 1 hour

2020-2022

Broker Supervision – 2 hours
Ethics – 2 hours
Prohibited Conduct – 2 hours
Advertising and Social Media - 2 hours

2018-2020

Ethical Situations – 2 hours
Understanding and Working with Title Reports, Encroachments, and Easements – 2 hrs
Contract Law as it pertains to documents used in Real Estate – 2 hours
Inspections and Disclosures - 2 hours

2016-2018

Situational Ethics – 2 hours
Contract Law – 2 hours
Consumer Protection (to include TRID) – 2 hours
Practical Licensee Relationship Disclosure - 2 hours

2014 – 2016

Landlord Tenant Act – Basics for all licensees – 2 hours
Current Alaska Real Estate Legal and Ethical Issues - 2 hours
Contracts & Real Estate License Law - 2 hours
Consumer Protection - 2 hours

2012-2014

Licensing Relationships ~ (*topic 1*) – 2 hours
(*w/an emphasis on the AREC Pamphlet and AK Statute 08.88.600-650*)
Property Disclosures & Inspections ~ (*topic 19*) – 2 hours
(*w/an emphasis on listing responsibilities, marketing properties and new construction*)
Risk Management and Real Estate License Law ~ (*topics 25 & 33*) – 2 hours
(*Risk Management – w/an emphasis on communication; and Real Estate License Law – w/an emphasis on licensed and unlicensed activities*)
Contracts and Customer Client Services ~ (*topics 6 & 35*) – 2 hours
(*Contracts - w/an emphasis on drafting contracts and closing transactions*)

2010 -2012

Licensing Relationships ~ (*topic 1*) – 2 hours
Prohibited Conduct and Real Estate License Law ~ (*topics 18 & 25*) – 2 hours
Property Disclosures & Inspections ~ (*topic 19*) – 2 hours
Ethical Decision Making and Risk Management – (*topics 30 & 33*) – 2 hour



THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

ALASKA REAL ESTATE COMMISSION

550 West 7th Avenue, Suite 1500
Anchorage, Alaska 99501-3567
Main: 907.269.8162
Fax: 907.269.8156

October 1, 2021

Course Sponsors:

Real Estate regulations require the Commission notify course sponsors of the topics that satisfy the 8 hours of designated continuing education (DCE) requirement for the next licensing period.

Each licensee is required to complete at least 20 hours of continuing education (CE) during each biennial licensing period, 8 designated hours (DCE) and 12 elective hours (ECE).

The Commission approved the topics below as the 8 hours of DCE for the licensing period **February 1, 2022 – January 31, 2024.**

Required (DCE) Topics	Hours
Situational Ethics	2
Property Disclosures & Inspections	1
Contract & Real Estate Licensing Law	2
Prohibited Conduct	1
Advertising & Social Media	1
Licensee Relationships	1

2022 – 2024 DCE Guidelines

DCE TOPIC	HOURS	MUST INCLUDE AT LEAST 2 OF THE SUBJECT AREAS
Situational Ethics	2	<ul style="list-style-type: none"> • The relationship between Ethics & License law; including the use of the AREC • Ethics & Broker Policy • Discussions of specific situations working with licensees in a transaction including but not limited to single licensees, teams and/or transaction coordinators • Handling multiple offers with Licensees, Sellers and Buyers • Confidentiality and transactions with previous Consumers: Buyers, Sellers, Other Licensees (listing/selling), Representation vs. Specific Assistance • Ethical handling of negotiations • Ethical handling of conflicts of interest
Property Disclosures & Inspections	1	<ul style="list-style-type: none"> • Liability/Responsibility of Licensees: recommending inspectors, facilitating communications between inspectors & consumers, attendance at inspections, and managing expectations during inspection process • Delivery of State of Alaska Residential Real Property Transfer Disclosure, and amendments, to the Buyer • Disclosing results of inspections – requirements for inspections to be disclosed to future Buyers and added to property disclosure • Educating Buyers/Sellers on purpose for inspection • Requirements for timely delivery of the State of Alaska Residential Real Property Transfer Disclosure, addendums and/or amendments • Identifying property types and what disclosures are required • Managing risk with disclosures even when not required by law
Contract & Real Estate Licensing Law	2	<ul style="list-style-type: none"> • Elements of a valid contract • Contracts Used in Real Estate: Listing Agreement, Purchase & Sale Agreement, Property Management Contracts, Buyer Representation Agreements, Limited/Personal Services Agreements • Facilitating receipt and disposition of multiple offers

		<ul style="list-style-type: none"> • Effects of incomplete contracts: missing dates/deadlines, unchecked boxes, missing signatures, incomplete/ambiguous clauses • Counter Offers, Addendums, Amendments and Attachments • Correcting errors and amending/changing mutually agreed offers • Risk Management/Licensee Responsibilities for monitoring the timelines and obligations of the parties to the contract
Prohibited Conduct	1	<ul style="list-style-type: none"> • Employment of licensed or unlicensed personnel • Payment of commissions: Referral Fees, Consumers, Personnel (licensed vs. unlicensed) • Failure to Disclose: Licensee relationships, Compensation, Conflict of Interest, License Status • False advertising / misrepresentation / fraud • Falsifying licensee applications / credentials • Identifying what constitutes a “material fact” • Violation of local, state and federal law
Advertising & Social Media	1	<ul style="list-style-type: none"> • Ethics in advertising • Discriminatory Advertising/Fair Housing • Accurate descriptions/photos of properties • Statutory Requirement for use of Brokerage Name vs. Team Name vs. Licensee/Business Name • Internet Advertising: Advantages, Pitfalls, Checking for Compliance • Requirements for consumers advertising their properties when listed with a Brokerage • Copyright infringement and Trademark infringement • Best practices for social media advertising
Licensee Relationships	1	<ul style="list-style-type: none"> • Defining different types of Licensee Relationships • Identifying the appropriate Licensee Relationship for the situation • Best practices when changing Licensee Relationships with a consumer • Timely presentation of the Alaska Real Estate Consumer Disclosure • Working with Teams: Best practice for Teams presenting the Consumer Disclosure • Duties NOT owed in a Licensee Relationship • Duration of the relationship and continuing obligations



October 1, 2019

Course Sponsors:

Real Estate regulations require the Commission notify course sponsors of the topics that satisfy the 8 hours of designated continuing education (DCE) requirement for the next licensing period.

Each licensee is required to complete at least 20 hours of continuing education (CE) during each biennial licensing period, 8 designated hours (DCE) and 12 elective hours (ECE).

The Commission approved the topics below as the 8 hours of DCE for the licensing period **February 1, 2020 – January 31, 2022.**

Required (DCE) Topics	Hours
Broker Supervision and Management	2
Ethics	2
Prohibited Conduct	2
Advertising and Social Media	2

2020 - 2022 DCE GUIDELINES

DCE TOPIC	HOURS	MUST INCLUDE AT LEAST 2 OF THE SUBJECTS AREAS:
Broker Supervision and Management-	2	<ul style="list-style-type: none"> • Definition of supervision • Broker responsibility for policies and procedures <ul style="list-style-type: none"> -Licensee relationships -Teams • Broker policy & implementation of client confidentiality • Responsibilities of Brokers with branch offices <ul style="list-style-type: none"> -Direct supervision -Advertising -Display of license certificates -Home offices • Brokers engaged in property management <ul style="list-style-type: none"> -Policies for licensee owned property -Overseeing records of transactions • Recordkeeping responsibilities • Consequences for failure to supervise • Reporting violations • Teaching professionalism
Ethics	2	<ul style="list-style-type: none"> • Business ethics as it relates to real estate • Ethics as it relates to the Alaska Real Estate • Commission Consumer Disclosure • Ethical handling of conflicts of interest • Protecting client confidentiality • Ethics models in other professions (i.e. medical) • Disclosures
Prohibited Conduct	2	<ul style="list-style-type: none"> • Receiving/paying commissions • False advertising/misrepresentation • Falsifying license applications/credentials • Misrepresentation, fraud • Failing to disclose <ul style="list-style-type: none"> -Licensee relationships -Conflicts of interest -Compensation -Property information -License status • Employment of unlicensed personnel • Violation of local, state, federal law

2020 - 2022 DCE GUIDELINES

Advertising and Social Media	2	<ul style="list-style-type: none">• Advertising requirements for property<ul style="list-style-type: none">-Consumer owned<ul style="list-style-type: none">-Written authorization-Name of brokerage-Licensee owned<ul style="list-style-type: none">-Name of brokerage-License status• Advertising of home offices<ul style="list-style-type: none">Risks of social media<ul style="list-style-type: none">-Failure to comply with local, state, federal statute advertising regulations-Claims of defamation & libel-Copyright infringement-Trademark infringement-Breach of ethics (NAR COE article 12 & 15)-Discrimination-Misrepresentation• How to properly advertise on social media
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Delegation for Executive Administrator

Events & Conferences

2023 ARELLO Regulatory Investigations Seminar

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Omaha, Nebraska
October 10-12, 2023

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About This Event

This year's ARIS will be held October 10-12, 2023 in Omaha, Nebraska. The program includes something for everyone with a role in real estate enforcement, including sessions on social media and Internet investigations, probable cause determinations, report writing, best safety practices, and opportunities for networking and multiple roundtable information sharing sessions.

Meet Our Speakers:

Tom Simon



Tom Simon served the Federal Bureau of Investigation for 26 years as a Special Agent with an expertise in white collar crime investigations, counterterrorism, and sensitive national security matters. Based in Florida, he is currently a licensed private investigator and forensic accountant with a CPA background.

As an FBI Special Agent, Tom was stationed in Chicago, Honolulu, and Jacksonville where he investigated a wide range of financial crimes involving embezzlements, investment scams, and real estate fraud. Following the 9-11 attacks, he was assigned to a team of Special Agents tasked with cutting off the flow of money to Al Qaeda and other extremist groups. He investigated several government officials, including convicted Illinois Governor Rod Blagojevich.

Tom left the FBI in 2021 to form Simon Worldwide Investigations, a full-service private investigative firm with a specialty in theft, corporate embezzlement schemes, and other financial crimes. He has testified as an expert witness in court proceedings.

Tom is a recognized authority on fraud matters and has been a contributor to television shows including American Greed, Crime Watch Daily, and True Crime Daily. He is currently a paid law enforcement analyst for Hawaii News Now, the Honolulu CBS/NBC affiliate. Tom produces daily educational videos on fraud matters on his social media feeds (TikTok, Instagram, LinkedIn, YouTube) as @SimonInvestigations with over 50,000 daily followers and millions of video views. Tom has provided hundreds of speeches and training seminars for law enforcement, regulatory, intelligence, and industry groups.

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Events & Conferences

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Omaha, Nebraska
October 10–12, 2023

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Schedule

🕒 Meeting time zone: **Atlantic Daylight Time** (Canada/Atlantic time)

Tuesday October 10	
11:00 am–1:00 pm	Registration
1:00–1:30 pm	Welcome & Introductions
1:30–2:45 pm	TBD
3:00–4:30 pm	Unlicensed Practice From Start to Finish
5:00–7:00 pm	Welcome Reception
Wednesday October 11	
7:00–8:00 am	Breakfast
8:00–9:15 am	Case Study
9:15–10:30 am	Investigative Tactics
12:00–1:15 pm	Lunch On Your Own
1:15–2:45 pm	Financial Crimes
2:45–3:15 pm	Roundtable Discussion
3:30–4:30 pm	Case Study
6:00–9:00 pm	Offsite Reception at Laka Lono
Thursday October 12	
6:30–7:15 am	Morning Walk
7:30–8:30 am	Breakfast
8:30–9:30 am	Investigator of the Year Presentation
9:30–10:30 am	Crimes, Corruption, and More
10:45 am–12:00 pm	Interviewing Group Activity
12:00–1:15 pm	Lunch On Your Own

1:15–2:00 pm	TBD
2:00–3:15 pm	Elder Abuse
3:30–4:30 pm	TBD

While the overall event dates are generally set well in advance, the individual session times are subject to change without notice.

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Elections-
Vice-Chair and Education Liaison

Executive Administrator's Report

LICENSING REPORT
September 7th, 2023

New Licensees: 6/1/2023 to 8/24/2023	87
Total Number of <u>Active</u> Licensees with 1/31/2024 exp	3035
Total Number of Licensees with 1/31/2024 exp	3324

ACTIVE: 1/31/24 exp	Feb	June	Sept
Broker	408	409	413
Associate Broker	393	407	408
Salesperson	2,199	2,209	2,214
Total Active:	3,000	3,025	3,035

INACTIVE: 1/31/24 exp	Feb	June	Sept
Broker	4	3	4
Associate Broker	7	9	10
Salesperson	33	46	57
Total Inactive:	44	58	71

LAPSED: NON-COMPLIANCE OF PLE w/exp date of 1/31/24			
	Feb	June	Sept
Broker	0	0	0
Associate Broker	0	0	0
Salesperson	14	45	53
Total:	14	45	53

Initial Licenses issued Qrtly:	Jan - Mar 22	Apr - Jun 22	July-Sept 22
	106	109	67
	Oct - Dec	Apr - June 23	July-Sept 23
	55	49	42

Transfers:	Feb	June	Sept
	82	92	81

PLE Completed:	Feb	June	Sept
	49	82	46

Upgrades:	Endorsement:
S - AB = 13 / S - B= 1	S= 3 / AB= 1 / B= 1

In this reporting period	Feb	June	Sept
License Returned	93	121	150
Probation License	0	0	0
Suspended	0	0	0
Revoked	0	0	0
Surrendered	93	121	150

INACTIVE: 1/31/22 exp	Feb	June	Sept
Broker	4	3	2
Associate Broker	5	5	2
Salesperson	52	34	16
Total Inactive:	61	42	20

LAPSED: 1/31/22 exp	Feb	June	Sept
Broker	0	0	0
Associate Broker	0	0	1
Salesperson	29	17	279
Total Lapsed:	29	17	280

*includes licensees that are active, inactive, lic rtnd, probation, suspension, surrender, and lapsed (PLE), all with 1/31/2024 expiration date

EDUCATION REPORT

Sept. 7th, 2023

(as of 8/24/2023)

<u>Course Type</u>	<u>Currently Approved</u>
Pre-Licensing (SPL)	11
Broker Upgrade Pre-Licensing (BPL)	4
Elective Continuing Education (ECE)	410
Designated Continuing Education (DCE)	110
DCE & ECE	-36
PLE & ECE	-61
Post Licensing Education (PLE)	77

Total: 515

Initial courses approved between 6/1/23 and 8/24/23 **22**

Instructor

Permanent 95

New Instructor 2

- Katie Sindorf – Wasilla
- Nick Campos - Iowa

Temporary Instructor 0

Recovery Fund Report

(Not yet available due to end of year processing.
Staff will notify Commission members when
available in OnBoard)

Commission Member Comments and Questions

2023

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ARELLO UPCOMING
EVENTS



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Leaders in Real Estate Regulation

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OFFICIAL MONTHLY PUBLICATION OF

ARELLO
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A NOTE FROM NICK

Hi all! August is shaping up to be a bustling month for ARELLO, filled with an array of exciting events and developments on the horizon.

First, I would like to invite all of our first-time conference attendees to the **First-Time Attendee Orientation** via Zoom on Wednesday, August 23 at 2:00 pm ET. Hosted by the Membership Committee, this session aims to provide valuable insights into what you can expect during your time in Montreal. Furthermore, it will guide you on how to best prepare for the conference and connect with friendly faces prior to your arrival in The City of Festivals.

If you would like to attend, you can register for the event [here](#).

Moving ahead, we have our third **Quarterly InfoShare** on Wednesday, August 30 at 2:00 PM. These webinars have been very well-attended and I believe they do a great job of keeping our members up-to-date. You can view the agenda for the upcoming webinar [here](#).

If you would like to attend, you can register for the event [here](#).

Lastly, the countdown has officially begun with less than one month remaining until the **2023 Annual Conference!** I am pleased to announce that we have over 225 registered attendees. Designed with the intention of fostering enhanced networking and collaborative opportunities, the event is tailored to build upon the feedback received through our previous surveys. Should you have inquiries about the conference, please do not hesitate to reach out to Calleigh Smith at calleigh@arello.org.

Earlier this month, the Board of Directors met to discuss the governance review process. This meeting was open to all ARELLO members and I want to thank those who were able to attend. Our consultant from Faegre Drinker reviewed the process that has been taken thus far and explained the areas of change from ARELLO's current governing documents to the draft bylaws. All members will be receiving a briefing document from Faegre Drinker in the coming weeks. This will help further explain the proposed changes and ensure that each ARELLO member has had the time and opportunity to learn about this process and become familiar with what will be voted on at the **General Assembly on Thursday, September 21, 2023**.

I am excited to share that **Mr. Richard Rothstein's** participation as a speaker at the Fair Housing General Session during the Annual Conference has been officially approved. This is a significant stride, and I commend the Fair Housing Committee for their steadfast commitment to education.

As ARELLO continues to flourish, I am excited to see all the progress that awaits us in the remaining four months of 2023. Your dedication to the organization is commendable, and I extend my gratitude for the opportunity to serve you. I also want to thank the team at Headquarters - Your commitment to ARELLO has been the driving force behind our success and I look forward to even brighter horizons ahead!

ANNUAL CONFERENCE

September 18-22, 2023 in Montreal, QC, Canada

ARELLO's 2023 Annual Conference will be September 18-22 in Montreal, QC, Canada. The program includes speakers, roundtable discussions, committee meetings, and networking receptions, each tailored to inform and facilitate communication on shared regulatory challenges and public protection.

Keynote Speaker – Will Bowen

Author of the #1 International Bestselling Book, "A Complaint Free World," Will Bowen urges readers to live free of complaints. It all started in July 2006, when Will Bowen handed out 250 purple rubber bracelets inviting people to use them as a tool to stop complaining for 21 consecutive days. Will's idea EXPLODED around the world, and to date, more than 15 million of his purple Complaint Free bracelets have been distributed to people in 106 countries. His 21-Day Complaint Free Challenge has been recommended by Oprah, Maya Angelou, Tim Ferris, Joe Vitale, Gary Zukov, The Wall Street Journal, NBC's Today Show, the ABC Evening News, NPR, and many more.

Will Bowen is a humorous motivational speaker that travels the world motivating businesses and organizations of every size to understand the causes of complaining and embrace its cures.

Fair Housing General Session Speaker – Mr. Richard Rothstein

Richard Rothstein is the co-author of **JUST ACTION: How to Challenge Segregation Enacted Under the Color of Law** and author of **THE COLOR OF LAW: A Forgotten History of How Our Government Segregated America**. He also writes a regular column to which you can subscribe for free at JustAction.substack.com. He is a Distinguished Fellow of the Economic Policy Institute, and Senior Fellow (Emeritus) of the Thurgood Marshall Institute of the NAACP Legal Defense Fund. He is the author of many other articles and books on race and education, which can be found on [his web page](#) at the Economic Policy Institute.

Installation Reception

Denim & Diamonds

All registered attendees are welcome to join us on Thursday, September 21, as we come together to celebrate and officially install ARELLO's 2024 Officers. While dressing to the theme is optional, it's highly encouraged!

Schedule & More Information

Visit ARELLO's event page, [2023 Annual Conference](#).



NEXT ARELLO/NAR INFO SHARE AUGUST 30 AT 2:00PM ET

Registration [Link](#)

Sign up for the free quarterly info share series for state real estate license law officials, hosted by the National Association of REALTORS® through ARELLO! Receive timely reports from various NAR staff, exchange information about regulatory changes, and discuss emerging and trending topics with colleagues and experts.

Register today for the 3rd Quarter 90-minute webinar with Charlie Lee, NAR Senior Counsel and Director, Legal Affairs.

Purpose

The purpose of the meeting is for NAR and ARELLO members to connect and share information with each other about regulatory changes, and emerging and trending topics and issues.

Meeting Attendees and Format

All state real estate license law officials (staff and commissioners) are welcome to attend. They will be joined by NAR and ARELLO staff who will provide them requested reports and updates. Only if it's of interest to the group, guests who are subject matter experts on a topic may be invited to attend a meeting.

The meetings will usually be virtual to ensure optimal attendance. They will not be scheduled to go longer than 90 minutes. The agenda will always leave time for open discussion. Attendees will only be required to register.

Topics and Discussion

Each meeting should include updates from NAR's Research, Advocacy and/or Legal teams. Some state real estate commissions will also be invited to share information about any local matters that are relevant to the larger group. The agenda will consist of topics that have been identified in advance by attendees through the meeting survey or are otherwise relevant and timely.

Questions

For meeting topics, attendees or general matters, contact Charlie Lee at clee@nar.realtor

For meeting logistics or issues, contact Teddy McNaughton at tmcnaughton@nar.realtor or Calleigh Smith at calleigh@arello.org.

NOT TO MISS: 2023 ARELLO REGULATORY INVESTIGATIONS SEMINAR

ARELLO's Regulatory Investigations Seminar (ARIS) has become a premier national program for real estate regulatory investigators looking for initial training or to hone their investigative skills and techniques.

Criminals and fraudsters are constantly innovating, developing, and finding new and creative ways to scam consumers. ARIS brings together leading experts in the investigatory field to dive into the latest methods and practices to uncover wrongdoing and prosecute the bad actors. The programming is designed to bring all facets of a regulatory enforcement program together to learn the latest tools and methods to achieve the goal of eradicating criminal enterprises that harm customers.

Featured Speaker: Tom Simon

ARIS is fortunate to have Tom Simon speak at this year's seminar. Mr. Simon served the Federal Bureau of Investigation for 26 years as a Special Agent with expertise in white-collar crime investigations, counterterrorism, and sensitive national security matters. Based in Florida, he is currently a licensed private investigator and forensic accountant with a CPA background.

As an FBI Special Agent, Tom was stationed in Chicago, Honolulu, and Jacksonville, where he investigated a wide range of financial crimes involving embezzlements, investment scams, and real estate fraud. Following the 9-11 attacks, he was assigned to a team of Special Agents tasked with cutting off the flow of money to Al Qaeda and other extremist groups. He investigated several government officials, including convicted Illinois Governor Rod Blagojevich.

Tom left the FBI in 2021 to form Simon Worldwide Investigations, a full-service private investigative firm with a specialty in theft, corporate embezzlement schemes, and other financial crimes. He has testified as an expert witness in court proceedings.

Tom is a recognized authority on fraud matters and has been a contributor to television shows, including American Greed, Crime Watch Daily, and True Crime Daily. He is a paid law enforcement analyst for Hawaii News Now, the Honolulu CBS/NBC affiliate. Tom produces daily educational videos on fraud matters on his social media feeds (TikTok, Instagram, LinkedIn, YouTube) as @SimonInvestigations, with over 50,000 daily followers and millions of video views. Tom has provided hundreds of speeches and training seminars for law enforcement, regulatory, intelligence, and industry groups.

This year's ARIS will be held October 10-12 in Omaha, Nebraska. The program includes something for everyone with a role in real estate enforcement, including sessions on social media and Internet investigations, probable cause determinations, report writing, best safety practices, opportunities for networking, and multiple roundtable information-sharing sessions.

The host hotel is the Omaha Marriott Downtown at the Capitol District, with registration and room block cutoff being September 2, 2023.

You can register for the 2023 ARELLO Regulatory Investigations Seminar [here!](#)

HAWAII GOVERNOR WARNS OF PRESSURED LAND SALES AMID MAUI FIRE

In a news release issued August 15, 2023, Hawaii Governor Josh Green warned homeowners about predatory buyers seeking to “capitalize upon the fear of foreclosure or the cost to rebuild” their homes impacted by the Maui wildfires. With an estimated 2200 homes damaged or destroyed, the Governor’s Office has become aware of buyers approaching homeowners about quick sales of a damaged home or land.

The Governor cautioned that while homeowners have the right to sell their properties, “unsolicited offers from buyers may result in the owners receiving less than they otherwise would.” Ester Brown, a Hawaii Complaints and Enforcement Officer, said chances are high that unsolicited offers are not “a legitimate operation or part of the federal, state, county and private partnership working to assist those affected.” Prospective buyers may not be licensed professionals and could withhold information necessary for sellers to make a well-reasoned and sound decision. The Governor encouraged homeowners to report any unsolicited offers and to work through listed relief programs for resources to alleviate hardships.

In a warning to scammers, the Governor said, “You would be pretty poorly informed if you try to steal land from our people and then build here.”



OHIO OBTAINS PRELIMINARY INJUNCTION AGAINST MV REALTY

This month the Ohio Attorney General announced a preliminary injunction against MV Realty of Ohio, its founder, and its principal broker. The injunction prohibits MV Realty of Ohio from engaging in any activity for which a license is required, prohibits it from entering into any new exclusive right to sell listing agreements, and from using any agreements that do not comply with Ohio law. The lawsuit was filed by the Ohio Division of Real Estate in February and alleged that MV Realty's use of agency agreements, dubbed as Homeowner Benefit Agreements, violated Ohio law by not including statutorily mandated disclosures and information.

The injunction follows action by the Ohio legislature to require county recorders to refuse to record "right-to-list home sale agreements," makes it a disciplinary violation for real estate licensees to enter into such agreements, and classifies such agreements as an "unfair or deceptive act or practice" in violation of the state's Consumer Sales Practices Act.

The Ohio Division of Real Estate is continuing to investigate complaints from those affected by a contract with MV Realty.



HUD PROPOSED RULEMAKING TO PROTECT RENTERS

As a follow-up to the issuance of the [Blueprint for Renters Bill of Rights](#) white paper published by the White House Domestic Policy Council and the National Economic Council, the U.S. Department of Housing and Urban Development is proposing rule changes to protect renters from eviction.

The Blueprint for Renters Bill of Rights comprises statements of principles from which state and federal agencies may enact changes to regulations, statutes, and policies to promote fair rental housing practices. The white paper comprises the following five principles, one of which is eviction prevention, diversion, and relief. It is with respect to this principle that HUD is proposing rulemaking to require public housing authorities and owners of project based rental assistance properties to provide at least 30 days advance notice of termination of a lease for non-payment of rent.

Other actions include CFPB's announcement that it will coordinate with the FTC to ensure accurate reporting to credit bureaus and accountability for background check companies. The agencies will also work to identify practices that unfairly prevent applicants and tenants from accessing or staying in rental housing.

ARDA RELEASES WARNING SIGNS OF TIMESHARE SCAMS

The American Resort Development Association (ARDA) has released a list of warning signs that timeshare owners may become victims of timeshare scams. The release is part of an ongoing effort to inform timeshare owners of fraudulent activities and deceitful tactics.

ARDA warns of two primary warning signs:

1. Asking for off-site or off-property meetings (outside the developer's office or the timeshare property's office);
2. Asking for a large up-front payment (to cover the cost of marketing, legal fees, etc.).

ARDA directs timeshare owners to its resource "[Responsible Exit](#)." The ARELLO Foundation previously provided a seed money grant to support the [Timeshare Consumer Protection Campaign](#) in cooperation with ARDA, to help protect consumers from fraudulent timeshare schemes.



ARELLO Digest - Input Needed

ARELLO's Digest of reports and data generated from member jurisdictions is only as good or useful as the information obtained through completed Digest Survey responses. As you know, the ARELLO Digest is a valued resource utilized by industry members, practitioners, and regulatory officials. Sharing your agency's information continues ARELLO's mission to provide the most up-to-date and comprehensive data on real estate regulatory programs worldwide. Data is indexed in categories such as Licensing & Administration, Consumer Protection, Examination, Education, Legal Policies, and Trending Topics, and the Digest Reports contain all survey responses assembled in a quick and easy format for member use. The survey is open to both members and non-members and the more participants that complete the survey the more comprehensive and useful the Digest.

Access the Survey by following these steps:

- Access Digest at digest.arello.org
- Click "Start" to begin
- Save your work at any time using the "Save Section" button

As you finish each section, be sure to mark it complete using the **Mark Section Completed** button at the top right. Completed sections will display with a green background.

Once you've completed all sections, make sure and **Publish** your responses from the main Surveys page by clicking the **Publish** button. This will indicate you've completed the survey for this year, making your responses appear in the 2023 reports.

You can print the survey if you need to distribute it to colleagues. From the main Surveys page, just click the **Print** button next to the 2023 survey.

Contact support@arello.org or call 312.300.4800 if you need any assistance.

UPCOMING DATES

August 23, 2023, at 2:00 PM (ET)
2023 Annual Conference First-Time Attendee Webinar
Registration [Link](#)

August 30, 2023, at 2:00 PM (ET)
ARELLO/NAR Quarterly Info Share
Registration [Link](#)

September 18 - 22, 2023
2023 Annual Conference
Montreal, QC, Canada

October 10 - 12, 2023
ARELLO Regulatory Investigations Seminar (ARIS)
Omaha, Nebraska
Registration [Link](#)

April 16 - 18, 2024
2024 Mid-Year Conference
New Orleans, Louisiana

September 23 - 26, 2024
2024 Annual Conference
Chicago, Illinois

April 14 - 16, 2025
2025 Mid-Year Conference
San Diego, California

Dates TBD
2025 Annual Conference
Miami, Florida

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