

**STATE OF ALASKA
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
DIVISION OF OCCUPATIONAL LICENSING
REAL ESTATE COMMISSION**

**MINUTES OF MEETING
TELECONFERENCE
SEPTEMBER 30, 2004**

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Real Estate Commission was held September 30, 2004, at the Atwood Building, Room 1500, Anchorage, Alaska.

Thursday, September 30, 2004

Call to Order

Chairperson Barbara Ramsey called the meeting to order at 1:15 p.m.

Members Present:

Barbara Ramsey, Associate Broker, 3rd Judicial District
Glenn Clary, Public Member
Larry J. Bauer, Broker, 1st Judicial District, via teleconference
Susan Rainey, Associate Broker, 4th Judicial District, via teleconference
Bradley Fluetsch, Public Member, via teleconference
David B. Somers, Broker at Large, via teleconference

Members Absent: Rita Wilson,

Staff Present:

Sharon Walsh, Executive Administrator
Nancy Harris, Licensing Examiner
Jun Maiquis, Regulations Specialist, via teleconference
Barbara Gabier, Program Coordinator, via teleconference
David Brower, Assistant Attorney General, via teleconference

No members of the public were in attendance.

Approval of Agenda

On a motion by Rainey, seconded by Somers, and passed unanimously, it was

RESOLVED to accept the agenda as presented.

Approval of Minutes

On a motion by Somers, seconded by Rainey, and passed unanimously, it was

RESOLVED to approve the September 14 & 15, 2004 meeting minutes.

Consumer Pamphlet Draft

Commission members discuss and make changes to the Consumer Pamphlet in preparation for public comment (see changes in bold in attached document).

On a motion by Rainey, seconded by Fluetsch,

RESOLVED to move this pamphlet forward for public comment.

Commission members were concerned about the timeline for public comment and if there would be enough time before the January 1 deadline. Assistant Attorney General Dave Brower said it may be an issue of a supplemental notice since it has been noticed before. AS 44.62.190 Notice of proposed action, at least 30-days before the adoption amendment or repeal of a regulation notice of the proposed action shall be published in a newspaper and furnished to all the people who have filed the request for that. Barb Gabier said that what will occur is that it can not be legally adopted until that 30-days is up but the public comment period could be shorten to 20-day public comment period but that the pamphlet could not be adopted until after the 30 day period is over. Dave Brower said that it has to be notice 30 days before it is adopted and than there has to be a reasonable time for public comment.

The previous motion was voted on and passed unanimously.

Waiver of Right to be Represented

Commission members discuss and make changes to the Waiver of Right to be Represented document in preparation for public comment (see changes in bold in attached document).

On a motion made by Clary, seconded by Fluetsch, and passed unanimously, it was

RESOLVED to move the Waiver of Right to be Represented document as amended forward for public comment as amended.

Broker Manual Update

Commission members Somers and Bauer who are looking over the broker manual said that they have not seen to many changes that will be needed except for those areas that are affected by HB 29. They said they are still working looking it over.

Train the Trainer Update

Sharon Walsh said that the Train the Trainer course and the HB29 training was awarded to the Alaska Association of Realtors and that the Juneau office is working on a contract with them at this time.

Break at 2:30 p.m.

Reconvened at 2:35 p.m.

Barb Gabier asked for clarification to what regulations the Commission adopted at the September meeting. The Commission believed to have adopted the regulations as whole as presented excluding the regulation 12 AAC 64.118 regarding the pamphlet. Barb Gabier asked if it would be correct to say that the one section that was not adopted was the 12 AAC 64.118, which was the Pamphlet. So for the record, the Commission adopted 12 AAC 64.117, 12 AAC 64.125, and amended 12 AAC 64.930(a) which was the disclosure form. These portions were adopted at the last meeting and Jun has already sent up adoption order and that will become Part 1 of this regulation project.

Surety Fund Claims Proposed Decisions

Barbara Ramsey, Chair, recuses herself and asks Larry Bauer, Vice Chair to take over proceedings for this part of the meeting. Larry Bauer accepts and takes control of meeting at this time.

On a motion made by Bauer, seconded by Somers, and passed unanimously, it was

RESOLVED to move into executive session in accordance with AS 44.62.310.

Into Executive Session at 2:45 p.m.

Out of Executive Session at 4:00 p.m.

On a motion made by Fluetsch, seconded by Rainey, and passed unanimously, it was

RESOLVED to table cases S-23-015 and S-24-004 until the December meeting.

The Commission members asked staff to determine if there are any more cases pertaining to this gentleman for review with the commission under the surety fund. Also, have the investigator look into the possibilities of suspension of this individual with out having to go into a hearing and give board a recommendation.

Licensing Examiner's Report

New Licensee Issue – K. Adams

Licensing Examiner Nancy Harris presents to the board an application for a potential licensee to the board for approval. K. Adams answered yes to personal screening question number 3, "Have you ever had any other professional or occupational license revoked in any state?" and therefore it is required to bring this application to the board for approval before a license can be issued.

On a motion made by Clary, seconded by Somers, and passed unanimously, it was

RESOLVED to approve Karen Adams application for licensure.

Applicants w/lapsed course #839 and #998

Licensing Examiner Nancy Harris presents to the board two courses for approval for the short period of time that they were lapsed. A number of potential licensees have submitted their application for licensure and at the time that these individuals took their pre-licensing course it appears that the both courses had lapsed.

On a motion made by Fluetsch, seconded by Somers, and passed unanimously, it was

RESOLVED to approve courses #839 and #998 during the time that they were not certified.

New Business

Time and Place of next meeting

The board decided to have the next teleconference meeting Wednesday, November 10, 2004 at 1:00 p.m. December 2nd and 3rd is the next regular scheduled meeting here in Anchorage.

Comments from the Commissioners

Glen Clary said that he appreciates working with everyone. This has been a big learning curve and everyone has been very patient with me and I appreciate it and thanks a lot.

Election of Officers

Chairperson Barbara Ramsey says that statutes require that at the beginning of each fiscal year that we elect officers. We need to go through the process as far as Chair, Vice Chair, two education liaisons, recommendation for a public member as well as a commission member, and then designees for course approval, at least one staff member and one industry member.

Commission member Clary moves to nominate Barbara Ramsey to continue as Chair. Bradley Fluetsch moves to close nominations.

On a motion made by Clary, seconded by Somers, and passed unanimously, it was

RESOLVED that Barbara Ramsey to remain as Chairperson of the Commission.

Commission member Fluetsch moves to nominate Larry Bauer to remain as Vice Chair. Susan Rainey moves to close nominations.

On a motion made by Fluetsch, seconded by Somers, and passed unanimously, it was

RESOLVED that Larry Bauer to remain as Vice Chair of the Commission.

Barbara Ramsey nominates Bradley Fluetsch and Rita Wilson for education committee liaisons.

The board votes unanimously to designate Bradley Fluetsch and Rita Wilson as Education Liaisons for the Education Committee.

Barbara Ramsey nominates Sharon Walsh as designee for course approval. Bradley Fluetsch nominates Larry Bauer as designee for course approval. Susan Rainey moves to close nominations.

The board votes unanimously to designate Sharon Walsh and Larry Bauer to review and approve courses and instructors applications.

On a motion made by Clary, seconded by Fluetsch, and passed unanimously, it was

RESOVLED to adjourn the meeting.

Meeting adjourned at 4:20 p.m.

Prepared and submitted by Division Staff.

Approved:

Barbara Ramsey
Barbara Ramsey, Chairperson
Real Estate Commission

Date: 12/3/04