

**STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC
DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL
LICENSING
REAL ESTATE COMMISSION**

**MINUTES OF TELECONFERENCE
April 26, 2006**

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference of the Real Estate Commission was held April 26, 2006, at the Atwood Building, Room 1500, Anchorage, Alaska.

Wednesday, April 26, 2006

Call to Order

The Executive Administrator called the meeting to order at 10:09 a.m.

The Chairperson Barbara Ramsey had not yet arrived at the meeting.

Roll Call

Members present constituting a quorum were:

Barbara Ramsey, Associate Broker, 3rd Judicial District

Members present via teleconference:

Gene DuVal, Associate Broker, 4th Judicial District
Rita Wilson, Associate Broker, Broker at Large
Bradley Fluetsch, Public Member
Roger Stone, Broker, 1st Judicial District
Tim Worthen, Public Member

Staff Present:

Sharon Walsh, Executive Administrator
Nancy Harris, Licensing Examiner
Margo Mandel, Investigator

**REAL ESTATE COMMISSION
MEETING MINUTES
APRIL 26, 2006
Page 2 of 7**

Excused Absences:

David B. Somers, Broker at Large

Surety Fund Proposed Decision

Surety Fund Claim S-26-005

On a motion duly made by DuVal, seconded by Stone, it was

RESOLVED to go into executive session to discuss the San Juan surety fund case S-26-005.

All in favor. Motion passes.

Commission members go into executive session at 10:10 a.m.

Commission member and Chairperson Barbara Ramsey arrived to meeting at 10:15 a.m.

Commission members out of executive session at 10:30 a.m.

Commission member Rita Wilson recused herself from the vote for case #S-26-005.

On a motion duly made by Fluetsch, seconded by DuVal, it was

RESOLVED to accept the findings of Judge Stebing of case #S-26-005

Roll call vote: Barbara Ramsey- yes, Bradley Fluetsch- yes, Gene DuVal- yes, Roger Stone-yes, Tim Worthen- yes.

5 members in favor, 1 member recused. Motion passes.

On a motion duly made by Fluetsch, seconded by DuVal, it was

RESOLVED to forward the complaint of

S-26-005 and all related documents and audio tapes to the investigator for possible inappropriate license activity to include but not limited to fraud.

Commission members discussed the motion.

Margo Mandel informed the Commission that the complainant in case S-26-005 filed a license complaint at the same time that they filed the surety fund complaint. The matter has been investigated and the case has been closed. She found that there was no fraud on the part of the licensee.

Bradley Fluestch withdraws his motion with a second by Gene DuVal. Motion is withdrawn.

MOA- Dean O'Malley

Margo Mandel addresses the Commission regarding the case of Dean O'Malley. Ms. Mandel presented a MOA to the Commission regarding a case involving Dean O'Malley.

Commission members discussed and directed questions regarding the case to Ms. Mandel.

On a motion duly made by DuVal, seconded by Wilson, it was

RESOLVED to adopt the MOA for case # 3004-04-003.

Roll call vote: Tim Worthen- yes, Rita Wilson-yes, Roger Stone-yes, Gene DuVal- yes, Bradley Fluetsch-yes, Barbara Ramsey- yes.

All in favor. Motion passes.

Ms. Mandel asked the Commission for clarification regarding the issue of a broker with a principal office in one city and their licensees working out of another city, a branch office issue. She said can not sanction one set of licensees for a violation that the Commission is approving for another set.

The Commission members discussed and directed questions to Ms. Mandel regarding the issue.

Commission members agreed to table this issue for more discussion at the June meeting.

Licensing Examiner's Report

Mail Ballot- Russell Gunter

Nancy Harris presented to the Commission members a licensee application for Russell Gunter that was sent out as a mail ballot regarding a "yes" question regarding "ever been convicted of a felony" on his application.

Commission member Rita Wilson recused herself from voting in this matter.

On a motion duly made by DuVal, seconded by Fluetsch, it was

RESOLVED to approve the license application for Russell Gunter.

Roll call vote: Bradley Fluetsch-yes, Gene DuVal- yes, Roger Stone-yes, Tim Worthen- yes, Barbara Ramsey-yes.

5 Commission members approve, 1 member recused. Motion passes.

Broker Endorsement – M. Sparks

Nancy Harris presented to the Commission the associate broker license by endorsement application for M. Sparks. Ms. Sparks has been in a referral office and has not been actively selling real estate in the state of Colorado. Ms. Harris asked the Commission to look at Ms. Sparks's application for approval or disapproval before she continues with the licensing application process.

The Commission members discussed endorsement application regulations.

The Commission members directed staff to request more information regarding a list of transactions with more specifics than general.

Commission member Gene DuVal asked to address the issue regarding if endorsement applicants would be required to complete post licensing education at the June meeting.

Administrator's Report

Greater Fairbanks Board of Realtors Letter

Ms. Walsh brought to the Commission's attention a letter from the Greater Fairbanks Board of Realtors regarding their support of the increase of pre licensing education. She asked if the Commission suggest this letter be passed to the Education Advisory Group for their review.

Ms. Ramsey commented to the Commission that if the Real Estate statutes were a little more broad then the regulations could then be changed or modified as the industry grows.

The Commission directed staff to forward letter on to the Education Advisory Group to reconfirm their position.

Letter from Alaska MLS, Inc.

A letter was addressed to the Commission date March 30, 2006 with suggestions for improvements to the current Property Disclosure form. They suggested that the Property Disclosure form be broken into three separate documents; General Information, Exemption for First Sale, and Waiver by Agreement. The Commission agreed to address this at the June meeting.

Email from Rhonda Harvey, Broker in Charge

Ms. Walsh followed up with the Commission regarding the broker who was hospitalized and a temporary broker was put in place for the supervision of her office. Ms. Harvey is back in her office and doing fine.

The Commission asked that Sharon send her a comment saying welcome back.

Train the Trainer – solicit proposals for September

Ms. Walsh asked the Commission if they would like the staff to start to solicit proposals for the September train the trainer session. Ms. Wilson recommended that staff wait and hear from the Education Advisory Group before soliciting for train the trainer.

Letter to Broker of S. Nunes at Prudential Jack White/Vista Real

Ms. Ramsey addressed the Commission regarding a staff directive from the March meeting for staff to write a letter to the broker of Ms. Nunes addressing their concerns with his employment of a former licensee who has admitted to committing bank fraud. Ms. Ramsey asked the Commission if they have the authority to make that type of statement. She said she believed that the situation has worked its way through with the memorandum. Ms. Walsh said she spoke with the Attorney General Dave Brower and he said to write a formal letter to the broker, indicate that this is an official notification, write what the individual is accused of and what a unlicensed assistant can do.

Commission member Gene DuVal reads a brief sentence revising the letter drafted to Ms. Nunes' former broker. The Commission requested a letter be sent to you as the employing broker of Ms. Nunes. Their concern over a suspended licensee who has admitted to committing bank fraud and falsifying the signature of another client while working with the real estate broker and having access to real estate files. They request your close supervision of her activities and following is a list of limitations for unlicensed assistants.

The Commission members agreed for staff to send the letter as revised.

Message from Matt Kane

A letter received from Matt Kane regarding conflict of interest. The Commission members agreed that there was a conflict of interest and that a Better Business Practice or FAQ statement will be completed at the June meeting.

HB 149- reconsider staff directive (Administration supported legislation)

Ms. Walsh brought to the Commission's attention that they were asked to reconsider sending a letter splitting out the bill because the administration was in support of putting marijuana with the methamphetamines. They said they would not like see the Real Estate Commission oppose the administration.

On a motion duly made by Fluetsch, seconded by DuVal, it was

RESOLVED to reconsider on the motion on the table regarding HB149 letter.

All in favor. Motion passed.

On a motion duly made by DuVal, seconded by Wilson, it was

RESOLVED for staff not to send the letter regarding HB 149.

All in favor. Motion passed.

Proposed regulation

Ms. Walsh asked that the Commission members look over the proposed changes to the property disclosure form before it is forwarded on to the Regulation Specialist. Commission member Gene DuVal asked that one change be made to the disclosure form before it is sent to the Publication Specialist for public comment. To make the Waiver by Agreement and Exemption for First Sale into separate documents, each with a page of 1. Put appropriate headers on the Waiver by Agreement and Exemption for First Sale, remove the page numbers and you would have three stand alone documents.

Meeting adjourned at 11:45 a.m.

Prepared and submitted by Division Staff.

Approved:



Barbara Ramsey, Chairperson
Real Estate Commission

Date: 7/18/06