

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

**REAL ESTATE COMMISSION
MEETING MINUTES**

September 7, 2011

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 7, 2011, at the State of Alaska Atwood Building Conference Room 1270, 550 W. 7th Avenue, Anchorage, Alaska.

Wednesday, September 7, 2011

Agenda Item 1a

Call to Order

Chairman Bradford Cole called the meeting to order at 9:05 a.m. at which time a quorum was established.

Roll Call

Members present:

Brad Cole, Associate Broker, 3rd Judicial District
Christina Swires, Associate Broker, Broker at Large
Nancy Davis, Broker, 1st Judicial District
Marianne Burke, Public Member
Anita Bates, Broker at Large

Members Absent, were:

Charlene Flyum, Public Member
Gene DuVal, Associate Broker, 4th Judicial District

Staff Present:

Sharon Walsh, Executive Administrator
Beata Smith, Licensing Examiner

Guests Present:

Nancy Harris, Project Assistant
Michele Wall-Rood, Investigator, Division of Corporations, Business & Professional Licensing
Margo Mandel, Investigator, Division of Corporations, Business & Professional Licensing
David Somers, Broker, Somers & Associates, Inc.
Chuck Spinelli, Owner, Spinelli Home Builders
Deborah DeBoer, Salesperson, Prudential Jack White/Vista Real Estate

Guests Present via telephone:

Janice Lobaugh, Broker, Alaska Premier Real Estate

Commission Member V. Gene DuVal's Resignation

Mr. Cole discussed with the Commission the letter of resignation received from Commission member V. Gene DuVal. Mr. Cole read the letter into the record. Mr. DuVal regrets having to resign effective immediately.

Agenda Item 1b

Approval of Agenda

The Commission members reviewed and discussed the meeting agenda as presented. Ms. Walsh had an addition to the meeting agenda, tab 9f Legislative Audit. The Commission members reviewed the order of the revised agenda.

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

RESOLVED to approve the meeting agenda as revised.

All in favor; Motion passed.

Agenda Item 1c

Thank you Letter for David Somers

Chairman Cole read a thank you letter to David Somers for his service and dedication on the Commission. Mr. Somers will now be attending the Real Estate Commission meetings as the Liaison with the Alaska Association of Realtors.

Welcome New Public Member- Anita Bates

Chairman Cole welcomed new Commission member Anita Bates of Anchorage.

Agenda Item 2a

Approval of Meeting Minutes

June 8, 2011

Commission members reviewed the June 8, 2011 meeting minutes as presented. Ms. Burke had a minor addition to the meeting minutes. On page 10, Agenda Item 5a Recovery Fund, 3rd sentence should read, 'Without a balance sheet the revenue and expenditures do not tie to anything.

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

RESOLVED to adopt the June 7, 2011 meeting minutes as revised.

All in favor; Motion passed.

August 5, 2011 Teleconference

Commission members reviewed the August 5, 2011 teleconference meeting minutes.

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

RESOLVED to adopt the August 5, 2011 teleconference meeting minutes as presented.

All in favor; Motion passed.

Agenda Item 3

Public Comment

Chuck Spinelli, Owner, Spinelli Home Builders

Mr. Spinelli shared his thought and comments with the Commission regarding Home Builders Association. There has been numerous out of state builders going to Mat Su Valley and building without a license. Many of them are cash type transactions and many of the sales are tens of

thousands below what a licensed builder would charge. The Mat Su HBA has formed a committee to try and get these people licensed or stopped. Mr. Spinelli stated that the strategy is to get the cooperation of other licensed professionals to understand and abide by the laws. Mr. Spinelli suggested that a licensee should disclose new construction sellers' identity including contractor licensing number and residential endorsement number in their advertising and listing information. Also, require a licensee to disclose owner/builder information when representing an owner builder. The Commission members suggested that if Mr. Spinelli knows of anybody not following the regulations for him to report that person to the Investigative Unit.

The Commission recessed for break at 9:38 a.m.

The Commission reconvened from break at 9:49 a.m.

Janice Lobaugh, Broker, Alaska Premier Real Estate

The Commission members read an e-mail from Janice Lobaugh regarding advertising signage on properties without a listing contract. Mr. Cole gave an example that if someone is a REO property seller and that person works for Freddie Mac or Fannie Mae, they are authorized to pre-advertise property. Ms. Lobaugh wants clarification on the laws pertaining to having two signs on the same property. Ms. Davis stated that her understanding was that the person

that has a signed contract agreement to list an agreement to market, can put a sign on their listing unless it is a co-broke agreement, then there could be two people placing their signs up. Ms. Bates stated that in statute 08.88.341 it stated that all listings or management contracts must be in writing and must be signed by the parties. Mr. Cole stated that advertising for the internet or Craigs List indicates that listing of the brokers name has to be in that listing. It is misleading if two people are advertising the same property for sale unless it's a co-broke agreement.

Agenda Item 4a

Education Report

Educational Statistics

Ms. Harris presented the education statistics to the Commission. As of August 8th, 2011 there are currently 9 Pre-Licensing courses, 237 Elective Continuing Education courses, 53 Designated Continuing Education courses. There are currently 351 approved courses, 54 sponsors, 98 currently approved/permanent instructors, 3 new permanent instructors and 1

temporary instructor. Broker upgrade and post licensing education courses stayed the same from the last reporting period.

Agenda Item 4b

Train the Trainer Update

Ms. Harris gave an update on the Train the Trainer workshop. 28 people attended the workshop, which was a much lower number of attendees from the last Train the Trainer. However, the workshop was a great success and Ms. McConnochie did a great job of instructing the workshop.

Agenda Item 5a

Executive Administrator's Report

Recovery Fund Report

Ms. Walsh presented the recovery fund report to the commission members. Ms. Walsh stated that the projections are based on recovery fund fee of \$55 which will be changed per regulation. Ms. Burke stated that she has done quite a bit of research and has met with Ms. Walsh regarding the recovery fund. The recovery fund is not in any way correct. There is no language in the law that states that someone can take all surety expenses and place it into the recovery fund. The recovery fund has a specific date and time when it became law.

From that point on, only

recovery fund expenses should be charged and only recover fund revenue should be recognized. As to the fund balance, that is also debatable, whether it could have been rolled forward, but there is no authority to do that. Ms. Burke assumed that this has been done at the quarter ending, like March 31st but actually it was done on March 1st. As of March 1, 2010, there should have been zero income, zero expenses and a fund balance rolled forward if appropriate from the surety fund. This is a direct violation of the law which the Commission is responsible for monitoring, managing and complying with the law on the recovery fund. All the claims expenses should have been removed, but they haven't been. All the allocation of the people's time and expense should be removed, no one has been working on a recovery fund case. Ms. Burke would like for the Commission to formally request that the necessary corrections be made as soon as possible to bring this in compliance with the law and to reallocate all of the expenses and income to the appropriate fund. Ms. Davis asked if Ms. Burke has met with fiscal which is responsible for this and if they agree or disagree? Ms. Burke stated she and Ms. Walsh have not met with fiscal. Ms. Burke met with Ms. Walsh to go over this and has been troubled since the very beginning because this is not optional, the law is very clear.

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

RESOLVED to move that the Commission requests of the appropriate Department, Division or Entity that is providing the Commission with a financial statement for the recovery fund and make corrections to all statements to comply with the law that states that the recovery fund began March 1, 2010 and to only reflect expenses, revenue and fund balance appropriate to that fund.

Ms. Burke further discussed with the Commission members that she and Ms. Walsh have raised questions about certain expenses. Ms. Burke also stated that in the audit there are observations about the fact that expenses are not being properly allocated. Fiscal year ended June 30th and the Commission has not received a valid financial statement for FY10. Ms. Walsh stated that she is not sure if this would require going to the Legislature to get transitional language since they are the ones that switched from surety fund to recovery fund. Mr. Cole stated that the Fine Matrix is designed to facilitate and expedite some of the decisions and also to be consistent. Ms. Burke clarified for the record that the Commission does have the final authority to what is going on.

Agenda Item 5b

Schedule of Revenue and Expenditure Report

Ms. Walsh discussed the Revenue and Expenditure Report with the Commission members. Ms. Walsh stated that the travel expenses for FY11 are \$15,682.00. Ms. Walsh stated that Don Habeger, Director of the Division of Corporations, Business and Professional Licensing stated that this is the fixed cost that the Commission can control. Ms. Burke stated that with the correction of the recovery fund, the salaries of the commission that have been allocated to the fund need to come out and will impact the financial statement. Mr. Cole stated that since he has been on the Commission this has been discussed at every meeting and this is not a new issue.

Agenda Item 6a

Licensing Report

Licensing Statistics

Ms. Smith presented the licensing report for the period of May 20 through August 22, 2011. There were 43 new licensees, total number of licensees with an expiration date of 1/31/2012 was 2446, there are 2253 active licensees, 26 lapsed licensees, 90 inactive licensees, 2 deceased, 2 surrendered, 69 licensees that broke contact with broker, 3 on probation and 1 suspended license. 28 licensees completed their post-licensing education. Since the last licensing report there were 6 main offices and one branch office that opened. The locations were in Anchorage, Juneau, Willow, Girdwood, Wasilla, and North Pole.

Agenda Item 6b

Regulation Tracker

Ms. Smith presented the regulation tracker to the Commission members. Ms. Burke asked if there was any word on the Departments E & O Insurance regulations. Ms. Walsh stated that Dan Branch, Assistant Attorney General has forwarded the regulations to the Lieutenant Governor's Office for signature.

Agenda Item 9a

FY 12 Goals and Objectives

Ms. Walsh reviewed with the Commission the Goals and Objectives for FY 2012 that the Consumer Information and Resource Guide will continue to be on the Real Estate Commission website and keep everybody updated of an ongoing issue that may arise. Also, continue to make the forms interactive on the web site. Continuing Education will continue

to be emphasized by the Real Estate Commission. Train the Trainer Seminar will be held in 2012, to promote additional instructors and improve upon skills for those who already teach. The Commission will make sure that resources are available to maintain effective operational structures in order to meet statutory requirements of the licensees.

All in favor; Motion passed.

Agenda Item 9b

Schedule of Future Meeting Dates

The Commission members discussed the meeting dates for 2012 and decided to set the date for March 2012 at the December meeting since there might be a conflict in the schedule with the Legislative Session.

The dates have been set as follows:

June 6-7, 2012

September 5-6, 2012

December 5-6, 2012

Agenda Item 9c

Election of Officers

Chair

Ms. Bates nominated Brad Cole as Chairman.

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

RESOLVED that Brad Cole continue as Chairperson of the Commission.

All in favor; Motion passed.

Vice Chair

Ms. Burke nominated Nancy Davis as Vice Chair

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

RESOLVED that Nancy Davis be appointed as Vice Chair.

All in favor; Motion passed.

Education Liaison

Ms. Burke nominated Anita Bates as Education Liaison

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

RESOLVED that Anita Bates be appointed as Education Liaison.

All in favor; Motion passed.

Agenda Item 9e

Set DCE Topics

The Commission members set the DCE topics for the next two year renewal cycle as required by Regulation to meet the October 1st deadline. Ms. Bates stated that misrepresentation and fraud are still a major problem and that these topics still need to be addressed. Ms. Bates was concerned about the number of topics under each two hour segment that was required to be covered and it makes it difficult to cover anything thoroughly within that two hour time frame. Ms. Bates suggested that topic #30 Ethical Decision Making – In Real Estate Transactions be combined with topic #4 Communications, Negotiations, and Real Estate Counseling Skills. Mr. Cole went down the list of topics on which ones should be taught. First class, will be #4 Communications, Negotiations, and Counseling Skills, #30 Ethical Decision Making and # 35 Customer Client Service combined. Second class, will be #15 Listing Responsibilities, #16 Marketing Property, and #17 New Construction combined.

The Commission recessed for lunch at 11:58 a.m.

The Commission reconvened from lunch at 1:17 p.m.

For clarification Ms. Walsh stated that Dan Branch, Assistant Attorney General said that the Department is adopting the E & O Insurance regulations. They will then go to the Assistant Attorney General's regulation writer for review and then passed on to the Lieutenant Governor for his signature.

Agenda Item 9e cont.

Set DCE Topics

Ms. Bates has reviewed the DCE topics and came to the conclusion that the topics that were in place for the last couple of renewals are pretty much applicable. Licensing Relationships is still a valid topic to follow but with more emphasis on time. Property Disclosure and Inspections is valid but tie it with Listing Responsibilities. Risk Management there could be more emphasis on communication aspect. License Law focus on teams and the different dynamics in the offices.

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

RESOLVED to keep the same four topics as last years. #1 Licensing Relationships with an emphasis on the AREC and on the actual statute that governs licensing relationships. #2 Property Disclosures and Inspections with emphasis on listing responsibilities, marketing property and new construction. #3 Risk Management with emphasis on communications and license law specifically with regards to licensed and unlicensed activities. Section on contracts with emphasis on not only drafting contracts but closing transactions and

customer and client services.

All in favor; Motion passes.

Agenda Item 9d

Discuss Upcoming Renewal

Ms. Walsh asked Mr. Cole if this agenda item could be set aside.

Agenda Item 7a

Investigator's Report

Statistical Report

Ms. Wall-Rood presented the Commission with the statistical report for the period of May 17 through August 22, 2011. There were 9 new opened cases, 7 closed cases and there are a total of 170 cases that are opened. There are 15 cases in intake status, 31 cases in complaint status and 124 cases are open investigation. During FY 2011 there were 95 cases opened and 66 cases closed. FY 2012 so far there are 6 cases that were opened and 1 case has closed.

Agenda Item 7b

New licensees with 'yes' answers

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

RESOLVED to go into an executive session Per AS 44.62.310(c)(2) to discuss new applications with yes answers.

All in favor; Motion passed.

Into Executive session 1:31 p.m.

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

RESOLVED to come out of the executive session.

All in favor; Motion passed.

Out of Executive session 1:42 p.m.

Jeffery G. Bailey

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

RESOLVED to deny Jeffery G. Bailey's, Case #2011-00556 application for licensing.

All in favor; Motion passed.

Kathryn Mincks

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

RESOLVED to approve Kathryn Mincks application.

All in favor; Motion passed.

Agenda Item 8a

Recovery Fund Regulations

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

RESOLVED to adopt regulations 12 AAC 64.059(b)(6), 12 AAC 64.059(f)(7), 12 AAC 64.060(a)(3), 12 AAC 64.064(B)(3)(C), 12 AAC 64.064(c)(1), 12 AAC 64.064(c)(1)(A), 12 ACC 64.071(b)(3), 12 AAC 64.071(f), 12 AAC 64.130(8), 12 AAC 64.280, 12 AAC 64.290(b), 12 AAC 64.290(c), 12 AAC 64.305, 12 AAC 64.310, and 12 AAC 64.320.

All in favor; Motion passed.

The Commission further discussed the regulations. Ms. Bates asked that on 12 AAC 64.130(8), it states that if someone advertises a property that is not a listing unless the person doing the advertising does licensed activity and then it states that if you hold out to the public the advertisement of real estate is a listing, it constitutes the licensing activity. Ms. Davis stated that the Commission tried to define that a person cannot advertise a property unless the person is a listing agent.

Ms. Burke had a friendly amendment to withdraw regulation 12 AAC 64.130(8) from the regulation project.

On a motion duly made by Ms. Bates, seconded by Ms. Swires, it was

RESOLVED to withdraw regulation 12 AAC 64.130(8) from the regulation project.

All in favor; Motion passed.

12 AAC 64.285

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

RESOLVED to go into an executive session Per AS 44.62.310(c)(2) to discuss regulation 12 AAC 64.285.

All in favor; Motion passed.

Into Executive session 1:55 p.m.

On a motion duly made by Ms. Davis, seconded by Ms. Swires, it was RESOLVED to come out of the executive session.

All in favor; Motion passed.

Out of executive session 2:59 p.m.

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

RESOLVED to amend the wording on regulation 12 AAC 64.285 to read: 1. Be submitted to the commission on a form provided by the commission at the time the claim is filed with the court, final arbitration, or settlement agreement. 2. Be for a loss suffered in a real estate transaction by the claimant as a result of fraud, intentional tort, deceit, the conversion of trust funds, or the conversion of community association accounts by an involved licensee.

All in favor; Motion passed.

12 AAC 64.325

On a motion duly made by Ms. Burke, seconded by Ms. Davis, it was RESOLVED to amend the wording on regulation 12 AAC 64.325 to read. Findings and Conclusions. a) The commission shall consider the findings of the court, final arbitration or settlement agreement to determine if the licensee violated laws and regulations pertaining to the licensee's activities. If the commission determines the licensee has violated laws or regulations in the licensee's activities, the commission shall make findings of fact and conclusions of law based on the evidence before it.
b) After consideration of the courts findings, final arbitration, or settlement agreement, the commission shall order payment from the recovery fund to the claimant in accordance with the court decision the final arbitration or the settlement agreement.

All in favor; Motion passed.

Agenda Item 8b

FY 11 Annual Report

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

RESOLVED to accept the Annual Report as presented.

Ms. Bates had a couple of corrections to the Annual Report.

Page 1: Revised Regulations: 12 AAC 64.111(2) Closing an[d] Office

Page 2: Recovery Fund Report: second sentence space between 'no' and 'claim'.

All in favor; Motion passed.

Agenda Item 8c

Decision after Remand –Henry S. Bartos

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

RESOLVED to accept the decision for Henry S. Bartos, Case OAH No. 08-0054-REC.

All in favor; Motion passed.

There was no further discussion regarding the decision after remand for Henry Bartos.

Agenda Item 8d

Statute 08.88.071

Ms. Walsh discussed statute 08.88.071 with the Commission members stating that Margo Mandel, Investigator, Division of Corporations, Business & Professional Licensing was recommending additional language to be added to 08.88.071, where anybody can step in and take over the trust accounts. Ms. Walsh stated that the concept is that the Investigative Unit strongly recommends that the Real Estate Commission address the omissions in statutes as soon as possible. One of the Division's main goals throughout the investigation was to separate the brokers from the brokerage's trust accounts. However, the Alaska real estate statutes and regulations do not contain any provisions for the Real Estate Commission to intercede under circumstances where there is evidence in fraud. Mr. Somers stated that there will be no action taken on this proposed language because of the length of time it takes the Real Estate Commission with the process it has to go through to make an affective legislative change.

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

RESOLVED to table the revision of statute 08.88.071 until the Commission has received input from the Alaska Association of

Realtors regarding the legislation they will impose.

All in favor; Motion passed.

Agenda Item 8e

Regulation 12 AAC 64.068

Ms. Walsh discussed regulation 12 AAC 64.068 with the Commission members. Mr. Cole stated that there was a lot of discussion about this regulation and the intention of this is to allow certain realtors to be paid through their business entity. The concern is that what if there is a business entity that is comprised of partners who some are realtors and some are not.

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

RESOLVED to approve regulation 12 AAC 64.068 to move for public comment.

All in favor; Motion passed.

Agenda Item 8f

12 AAC 02.360(11)

Ms. Walsh discussed with the Commission members regulation 12 AAC 02.360(11) reinstatement fee of \$250. This will be addressed on the renewal postcards and on the Real Estate Commission website so licensees will be advised of the late reinstatement fee.

Agenda Item 9d

Upcoming Renewal

Ms. Walsh discussed with the Commission members the fee range for the upcoming renewal. Don Habeger the Division's Director asked for the Commission to consider a fee range because he does not have a fee analysis for the Commission at this time. The Commission suggested a fee between \$355.00 and \$385.00 and in addition there would be a recovery fund fee of \$125.

Agenda Item 9f

Legislative Audit

Ms. Burke discussed with the Commission the Legislative Audit. This audit is more operational than financial. A lot of the findings are repeats, from as far back as ten years. Periods covered on this audit report are from July 2010 through February 2011. The scope and the objectives were to determine whether DCBPL (Division of Corporations, Business and Professional Licensing) made the appropriate fee adjustments to licensing fees based on the results of the recent fee analysis. To determine whether FY11 personal service time for occupational licensing and enforcement employees were accurately recorded and whether DCBPL has reduced its enforcement activities which were specified in Title 8 of

the Alaska Statutes – specifically in the area of unlicensed activity. A review of the available enforcement data indicated significant inaccuracies and a lack of complete data. This still has not been taken into consideration. The objectives of this audit have been met, except for in the area of seeing enough oversight and not enough activities have been done in the area of unlicensed activity. Overall there were no major problems.

Agenda Item 10a

Proposed Decision – John Downs

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

RESOLVED to adopt the proposed decision for John Downs, Case OAH No. 10-0501-REC.

All in favor; Motion passed.

Agenda Item 8c cont.

Henry Bartos

Ms. Smith stated to the Commission that she spoke with Ms. Mandel regarding setting a deadline for Mr. Bartos to pay the \$800 fine and providing the Real Estate Commission with the 4 hours of additional education. Ms. Mandel discussed the deadline for the additional education and the fine with the Commission members for Mr. Bartos. Ms. Mandel stated that no date was ever given in the hearing decision. Mr. Cole asked if Mr. Bartos can get his license back before completing the 4 hours of education and paying the \$800 fine. Ms. Mandel stated that his license should have already been issued to him since he has completed his suspension period. Mr. Bartos' entire penalty for the case included the license suspension, fine, education and a reprimand. If Mr. Bartos chooses not to pay the fine the Commission does not have any mechanism to enforce compliance with the board order. Ms. Burke asked what is the incentive for any licensee to have the continuing education or pay the fine if they can immediately get their license back? Ms. Mandel stated that the incentive with other boards is that there is a statute that states it is a violation if someone does not comply with the board order, another accusation can be filed and other sanctions could be imposed which would include a suspension of a license or revocation. The Real Estate Commission is one board that does not have that in the statutes. Ms. Mandel stated that the Commission does not have the ability to hold a license. Ms. Burke asked if someone is ordered to pay a fine and complete continuing education and they do not do that, than it is a violation. Ms. Mandel agreed but there has to be a statutory authority to being the violation, and the Real Estate statutes do not have that.

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

RESOLVED to set the date of October 31, 2011 for the fine of \$800 to be paid and continuing education to be completed by December 31, 2011

All in favor; Motion passed.

Ms. Swires pointed out to the Commission members that under Sec. 08.88.098 Educational requirements after suspension, it states, that a licensee has to have their education completed before the license can be reinstated.

Sec. 08.88.098 Educational Requirements after Suspension. a) In addition to the continuing educational requirements of AS 08.88.091(d) and the educational requirements of AS 08.88.095(a), if the commission suspends a license under AS 08.88.075, the licensee shall complete the education required by the commission before the commission may reinstate the suspended license.

b) After completing the educational requirements of (a) of this section, the licensee shall submit,

on a form provided by the commission, a certification that the licensee has completed the educational requirements.

c) The educational requirements of (a) of this section are in addition to any other conditions that the commission sets for reinstating a suspended license under this chapter.

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

RESOLVED to reconsider the last motion.

All in favor; Motion passed.

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

RESOLVED to modify a letter to Mr. Bartos with adding section AS 08.88.098, indicating that his suspended license may not by State statute be returned until the education is completed by the mandate.

All in favor; Motion passed.

Ms. Swires made a friendly amendment that the fee of \$800 will be paid by October 31, 2011.

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

RESOLVED to submit a memo to Mr. Bartos that the fee must be paid at the time when he presents his educational requirements fulfilled for reinstate his suspended license.

All in favor; Motion passed.

**On a motion duly made by Ms. Davis, seconded by Ms. Swires, it was
RESOLVED to adjourn the meeting.**

All in favor; Motion passed.

Meeting adjourned at 4:14 p.m.

The Commission adjourned until the next regular scheduled meeting on December 7-8, 2011 in Anchorage.

Prepared and submitted by Beata Smith.

Approved:



Bradford Cole, Chairman
Alaska Real Estate Commission

Date: 12/07/11