

Byron Mallott
Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Jun Maiquis
Department of Commerce, Community & Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely of Scott Meriwether.

DATE: January 30, 2017

RE: Filed Permanent Regulations: Real Estate Commission

Real Estate Commission regulations re: pre-licensure education requirements for an applicant for licensure as a real estate broker or real estate associate broker, and post-licensure requirements for a real estate salesperson licensee (12 AAC 64.063(b); 12 AAC 64.064(b))

Attorney General File: JU2016200921

Regulation Filed: 1/30/2017

Effective Date: 3/1/2017

Print: 221, April 2017

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE REAL ESTATE COMMISSION

The attached four pages of regulations, dealing with minimum education requirements for licensure and education requirements after initial license, are hereby certified to be a correct copy of the regulation changes that the Real Estate Commission adopted at its December 5, 2016 meeting, under the authority of AS 08.88.071, AS 08.88.081, AS 08.88.091, AS 08.88.095, and AS 08.88.171 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Real Estate Commission paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

DATE: 12/5/2016
Anchorage, Alaska


Eric Bushnell, Chair
Real Estate Commission

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on January 30, 2017 at 8:00 A.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


Byron Mallott, Lieutenant Governor

Effective: March 1, 2017.

Register: 221, April 2017.

Chapter 64. Real Estate Commission.

12 AAC 64.063(b) is amended to read:

(b) To meet the real estate education requirements for licensure under AS 08.88.171(a) or (b), an applicant for a broker or associate broker license must document completion of the following contact hours of education in the following topics:

- (1) [DISCLOSURES - FOUR CONTACT HOURS;
- (2)] broker supervision requirements and record keeping – four contact hours;
- (2) [(3)] trust accounting procedures – three [FIVE] contact hours; [AND]
- (3) [(4)] organizing and managing a real estate office – three [TWO] contact

hours;

- (4) property management – two contact hours; and

- (5) ~~in addition an applicant must receive~~ broker level education to (C-S) all connect "broker" and "level" with a dash)))

understand the applicability of the following areas covered previously in their initial

real estate salesperson
education course to receive a license:

(A) licensee relationships, disclosure, and conflict of interest – three
contact hours;

(B) forms of ownership – two contact hours;

(C) property law, public and private rights and limitations – two
contact hours;

(D) forms of conveyances and recording of documents – two contact
hours;

(E) contracts and transaction document – two contact hours;

(F) financing instruments and accounting principles – two contact hours;

(G) Alaska real estate license law and Alaska landlord tenant law -

three contact hours; and

Real Estate Settlement Procedures Act

(H) federal fair housing and RESPA laws – two contact hours

[REPEALED 2/12/99].

(Eff. 10/8/90, Register 116; am 3/6/91, Register 117; am 2/12/99, Register 149; am 8/31/2006, Register 179; am 3/27/2008, Register 185; am 3 / 1 / 2017, Register 221)

Authority: AS 08.88.081 AS 08.88.091 AS 08.88.171

12 AAC 64.064(b) is amended to read:

(b) After initial licensure as a salesperson, to meet the real estate education requirements of AS 08.88.095 and this section, the salesperson must complete the following course modules:

(1) contracts and agreements: **10** [NINE] contact hours covering

- (A) purchase and sale agreements;
- (B) addendum and amendments;
- (C) counteroffers;
- (D) contingencies;
- (E) multiple offers;
- (F) back up offers;
- (G) differences between residential, land, and commercial transactions;
- (H) personal service agreements; [AND]
- (I) negotiation and counseling; **and**

(J) lease purchase options;

(2) property management: **four** [THREE] contact hours covering

- (A) landlord tenant act;
- (B) rental, lease, and occupancy of residential and commercial properties;
- (C) associations;
- (D) cooperatives;
- (E) personal service agreements, management agreements, and lease

listing agreements; [AND]

- (F) security deposit statements;

(G) trust accounting and statute requirements; and

(H) notices and evictions;

(3) licensee law: **six** [THREE] contact hours covering

- (A) consumer pamphlet and waiver;
- (B) ethics;
- (C) recovery fund;
- (D) confidentiality; [AND]
- (E) conflict of interest; **and**

(F) statute and regulations;

(4) paperwork and risk management: six contact hours covering

- (A) mandatory and area specific property disclosure;
- (B) environmental issues;
- (C) zoning;
- (D) covenants, conditions, and restrictions;

- (E) title reports;
- (F) resale certificates and public offering statements;
- (G) home inspections and repair negotiations;
- (H) surveys and easements; [AND]
- (I) record keeping and documentation; and
(J) client and personal safety;
- (5) evaluation and pricing: two [FOUR] contact hours covering
 - (A) competitive market analysis and appraisals;
 - (B) showing property; [AND]
 - (C) marketing to buyers and sellers; and
(D) property research;
- (6) financing to closing: two [FIVE] contact hours covering
 - (A) the importance and differences of pre-approval letters and pre-qualifications, good faith estimates, and loan types, including Internet lending programs;
 - (B) review of settlement statements, security deposit transfers, rent prorations, seller net proceeds, and variations in loan costs;
 - (C) the closing process;
 - (D) good funds law; and
 - (E) predatory lending practices.

(Eff. 1/1/2006, Register 176; am 3/27/2008, Register 185; am 5/31/2012, Register 202; am 12/13/2014, Register 212; am 3/1/2017, Register 221)

Authority: AS 08.88.071 AS 08.88.091 AS 08.88.095
AS 08.88.081

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: January 26, 2017

File No.: JU2016200921

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Real Estate Commission regulations
re: pre-licensure education
requirements for an applicant for
licensure as a real estate broker or real
estate associate broker, and post-
licensure requirements for a real estate
salesperson licensee (12 AAC
64.063(b); 12 AAC 64.064(b))

We have reviewed the attached regulations from the Real Estate Commission against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated January 26, 2017 from the Regulations Attorney. The regulations update the pre-licensure education requirements for an applicant for licensure as a real estate broker or real estate associate broker, reflecting amendments to AS 08.88.091(c) made under secs. 1, 5(a), and 8, ch. 39, SLA 2016 (HCS SB 158(L&C) am H), and also update provisions for post-licensure education, required under AS 08.88.095(a) in addition to continuing education, for individuals licensed as real estate salespersons.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The October 26, 2016 public notice and the December 5, 2016 certification of adoption order both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2016200921

January 26, 2017
Page 2

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: (via email)

Eric Bushnell, Chair (via email through Jun Maiquis)
Real Estate Commission

Micaela Fowler, Regulations Contact
Department of Commerce, Community, and Economic Development

Janey Hovenden, Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Sara Chambers, Operations Manager
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Jun Maiquis, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Sharon J. Walsh, Executive Administrator
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Megyn A. Greider, Assistant Attorney General
Commercial and Fair Business Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: January 26, 2017

FILE NO.: JU2016200921

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
& Regulations Attorney
Legislation/Regulations Section

SUBJECT: Specific delegation of authority
regarding regulations review on
Real Estate Commission
regulations re: education
requirements (12 AAC
64.063(b); 12 AAC 64.064(b))

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General and Assistant Regulations Attorney
Legislation/Regulations Section

NOTICE OF PROPOSED CHANGES ON EDUCATION REQUIREMENTS FOR REAL ESTATE LICENSURE IN THE REGULATIONS OF THE REAL ESTATE COMMISSION

BRIEF DESCRIPTION: The Real Estate Commission proposes to change regulations regarding real estate education courses used to qualify for initial licensure and for post licensing after initial licensure.

The Real Estate Commission (Commission) proposes to adopt regulation changes in Title 12, Chapter 64 of the Alaska Administrative Code, dealing with minimum education requirements for licensure and education requirements after initial license, including the following:

1. **12 AAC 64.063, Minimum education requirements for licensure**, is proposed to be changed to alter the real estate minimum education requirements for licensure.
2. **12 AAC 64.064, Education requirements after initial license**, is proposed to be changed to alter the requirements for post licensing education after initial licensure.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Commission will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/183356>, and using the comment link. **The comments must be received not later than 5:00 p.m. on November 28, 2016.** Comments received after this deadline will not be considered by the Commission.

You may submit written questions relevant to the proposed action to Marilyn Zimmerman, Paralegal, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at marilyn.zimmerman@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Commission will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System or on the Commission's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/RealEstateCommission.aspx>. The Commission may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Marilyn Zimmerman at (907) 465-2532 or marilyn.zimmerman@alaska.gov not later than November 21, 2016 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Marilyn Zimmerman at (907) 465-2532 or marilyn.zimmerman@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/REC-1016.pdf>.

After the public comment period ends, the Commission will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.88.071; AS 08.88.081; AS 08.88.091; AS 08.88.095; AS 08.88.171

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.88.071; AS 08.88.081; AS 08.88.091; AS 08.88.095; AS 08.88.171

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 10/25/16


Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Real Estate Commission – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Minimum education requirements for licensure and education requirements after initial license.
3. **Citation of regulation:** 12 AAC 64.063 and 12 AAC 64.064.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with new or changed state statute; update and clarification of current regulations.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: Approximated one-time cost of \$500 for additional education requirements.
Another state agency: None known.
A municipality: None known.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2017 or in subsequent years.
9. **The name of the contact person for the regulation:**
Sharon Walsh, Executive Administrator
Alaska Real Estate Commission
Division of Corporations, Business and Professional Licensing
Department of Commerce, Community, and Economic Development
Telephone: (907) 269-8197
E-mail: sharon.walsh@alaska.gov
10. **The origin of the proposed action:** Real Estate Commission.
11. **Date:** 10/25/16 **Prepared by:** 
Jun Maiquis
Regulations Specialist
(907) 465-2537

FIRST JUDICIAL DISTRICT

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 64.063 and 12 AAC 64.064, dealing with minimum education requirements for licensure and education requirements after initial license, has been given by being:

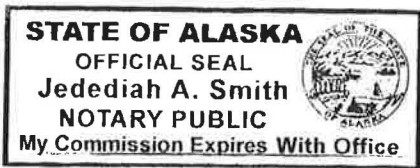
1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 12/27/16
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 27 day of December, 2016.



Jed Smith
Notary Public in and for the
State of Alaska
My commission expires: with office

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

SS.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Real Estate Commission has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Real Estate Commission regulations on dealing with minimum education requirements for licensure and education requirements after initial license.

DATE: 12/27/16
Juneau, Alaska


Jun Marquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 27 day of December, 2016.

Jeal Smith
Notary Public in and for the
State of Alaska
My commission expires: with office



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RECEIVED
Juneau

OCT 31 2016

CBPL

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Emma Dunlap

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

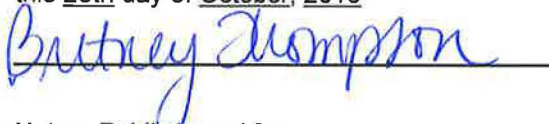
October 26, 2016

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed



Subscribed and sworn to before me
this 26th day of October, 2016



Notary Public in and for
The State of Alaska.

Third Division

Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019

Notary Public
BRITNEY L. THOMPSON
State of Alaska
Commission Expires Feb 23, 2019

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Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 10/25/16

/s/

Jun Maiquis, Regulations Specialist
Division of Corporations, Business and Professional Licensing

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Published: October 26, 2016

STATE OF ALASKA)
) ss.
THIRD JUDICIAL DISTRICT)

AFFIDAVIT OF COMMISSION ACTION

I, Sharon Walsh, Executive Administrator for the Real Estate Commission, being duly sworn, state the following:

The attached motion dealing with minimum education requirements for licensure and education requirements after initial license was passed by the Real Estate Commission during its December 5, 2016 meeting.

Date: 12-06-2016
Anchorage, Alaska


Sharon Walsh, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 6th day of December, 2016.

Nancy Hami
Notary Public and for the
State of Alaska
My commission expires: with office

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

REAL ESTATE COMMISSION
MEETING MINUTES

December 5, 2016

"These draft minutes were prepared by the staff of the Division of Corporations, Business, and Professional Licensing. They have not been reviewed or approved by the Commission." 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 December 5, 2016, at the State of Alaska Atwood Building Suite 1270, 550 W. 7th Avenue, Anchorage, Alaska.

Monday, December 5, 2016

Agenda Item 1 - Call to Order

Chairperson Eric Bushnell called the meeting to order at 9:00 a.m. at which time a quorum was established.

Roll Call – 1(a)

Members present:

Nancy Davis, Broker, 1st Judicial District, Chair
Marianne Burke, Public Member
Eric Bushnell, Associate Broker at Large
Stacy Harvill, Associate Broker, 4th Judicial District
Traci J. Barickman, Broker, 3rd Judicial District

Members absent:

Cindy Cartledge, Public Member
Peggy Ann McConnochie, Broker, Broker at Large

Staff Present:

Sharon Walsh, Executive Administrator
Nancy Harris, Project Assistant
Jay Paff, Investigator
Greg Francois, Senior Investigator
Amber Whaley, Investigator

Staff Present via telephone:

Charles Ward, Paralegal II, CBPL

Guests Present:

Errol Champion, Representative for AK Association of Realtors and Broker of Coldwell Banker Race Realty, Juneau
Kassandra Taggart, Broker, Real Property Management Last Frontier, Anchorage
Devon Thomas, Broker, Century 21 Realty Solutions, Wasilla
Anita Bates, Associate Broker, Dwell Realty, Anchorage
Jennifer Stalcup, Anchorage
Bob Bickel, Broker, Alaska Fine Homes and Real Estate, LLC, Palmer
Matthew Steele, Salesperson, Century 21 Realty Solutions, Wasilla
Larry Pederson, Administrative Law Judge, Office of Administrative Hearings, Anchorage

Team Information Consideration-- 8(a)

Commission recessed for lunch at 12:13 p.m.
Commission reconvened at 1:07 p.m.

Regulation Project – 12 AAC 64.063(b) & .064(b)– 8(b)

Ms. Walsh passed out the public comments received from the public notice for this project to the Commission members for their review.

Commission members reviewed the public comments.

On a motion duly made by Ms. Barickman, seconded by Ms. Harvill, it was,

RESOLVED to accept the regulation 12 AAC 64.063(b) & 12 AAC 64.064(b), and per AS 44.62.210(a), the Commission has reviewed public comments received and have considered the cost to private persons of the proposed regulatory action being taken.

Ms. Barickman stated that in reviewing the public comments, the two individuals that submitted comments seemed to be confused about what the regulations were about and referenced continuing education.

All in favor; Motion passed.

Agenda Item 9 – Investigative Report

Mr. Paff, investigator for the Real Estate Commission, introduced the Greg Francois the new Senior Investigator, and Investigator, Amber Whaley, new probation monitor.

Probation Report– 9(a)

Investigator Amber Whaley, presented the Commission with an updated probation report. There are 15 licensees on probation and 3 probationers out of compliance.

Ms. Whaley discussed the cases of those on probation with the Commission.

Mr. Bushnell asked what is the next step to bring those back into compliance?

Ms. Whaley said to work on getting them into compliance. Mr. Paff said they would send them a registered letter to notify them that they are out of compliance and work to get them back into compliance, if not, let them know what the following steps are and what can happen. He said that historically across the all boards they usually give them a 30-day period to response.

Mr. Bushnell polled the Commission on what amount of time would a licensee have to respond to a registered letter sent from the Investigator in regards to compliance of probation: a 2- week time frame or a 30 day time frame?

The Commission members agreed that a licensee has a 2-week time frame to response to a registered letter sent from the Investigator regarding their compliance of probation.