

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: Linda Mattson
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor *AK*
465.4081

DATE: January 23, 2019

RE: Filed Permanent Regulations: Real Estate Commission

Real Estate Commission regulations re: broker licensure training, a broker's written policy manual, and a related definition (12 AAC 64.059(d)(4); 12 AAC 64.117(6); 12 AAC 64.990(b)(9))

Attorney General File:	2018200531
Regulation Filed:	1/22/2019
Effective Date:	2/21/2019
Print:	229, April 2019

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

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE REAL ESTATE COMMISSION

The attached two pages of regulations, dealing with broker training education hours, broker's written policy, and definitions, are hereby certified to be a correct copy of the regulation changes that the Real Estate Commission adopted at its September 18, 2018 meeting, under the authority of AS 08.88.071, AS 08.88.081, AS 08.88.091, AS 08.88.171, AS 08.88.263, AS 08.88.600, and AS 08.88.685 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.

Although no public comments were received, 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: 9/18/18
Anchorage, Alaska



Traci J. Barickman, Broker, Chair
Real Estate Commission

FILING CERTIFICATION

I, ~~Byron Mallott~~ ^{Kevin Meyer}, Lieutenant Governor for the State of Alaska, certify that on January 22, ~~2018~~ ²⁰¹⁹ at 10:28 Am., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



~~Byron Mallott~~, Lieutenant Governor
Kevin Meyer

Effective: February 21, 2019.

Register: 229, April 2019.

Chapter 64. Real Estate Commission.

12 AAC 64.059(d)(4) is amended to read:

(4) submits a broker training education certificate or a transcript from a college or university registrar verifying 30 [15] hours of broker training education approved by the commission;

(Eff. 2/11/95, Register 133; am 6/2/95, Register 134; am 2/12/99, Register 149; am 9/6/2002, Register 163; am 3/27/2008, Register 185; am 6/22/2008, Register 186; am 5/31/2012, Register 202; am 12/13/2014, Register 212; am 2/21/2019, Register 229)

Authority: AS 08.88.071 AS 08.88.091 AS 08.88.263
AS 08.88.081 AS 08.88.171

12 AAC 64.117 is amended to read:

12 AAC 64.117. Broker's written policy. A broker shall adopt a written policy manual that addresses guidelines and procedures

- (1) to determine the designated licensee;
- (2) that establish a policy for when the broker becomes a designated licensee;
- (3) for neutral licensees;
- (4) for a single real estate licensee representing one party in a transaction while providing specific assistance to an unrepresented party in the same transaction; [AND]

(5) for maintaining confidentiality within the office for all transactions; **and**

(2, to include a policy covering)
(6) for the supervision of teams, if applicable

(A) to include a policy covering the usage of the consumer disclosure required under

12 AAC 64.118: ^{and}

(B) how consumers are represented within a team. (Eff. 1/1/2005,

Register 172; am 2 / 21 / 2019, Register 229)

Authority: AS 08.88.071 AS 08.88.171 AS 08.88.685
AS 08.88.081 AS 08.88.600

12 AAC 64.990(b) is amended by adding a new paragraph to read:

(9) ^{who} "a ^{and} team ^{means} or a group" shall be defined as, two or more licensees within the same brokerage ^{that} work together as one unit under a collective name and ^{that} provide services or performs activities that require a professional license in real estate.

(Eff. 12/6/81, Register 80; am 4/10/83, Register 86; am 9/29/83, Register 88; am 10/8/90, Register 116; am 7/3/94, Register 130; am 7/16/94, Register 131; am 9/15/94, Register 131; am 2/12/99, Register 149; am 9/6/2002, Register 163; am 6/22/2008, Register 186; am 12/7/2011, Register 200; am 2 / 21 / 2019, Register 229)

Authority: AS 08.88.081 AS 08.88.091

MEMORANDUM

State of Alaska Department of Law


To: The Honorable Kevin Meyer
Lieutenant Governor

Date: December 12, 2018

File No.: 2018200531

Thru:

Tel. No.: 465-3600

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

Re: Real Estate Commission regulations
re: broker licensure training, a
broker's written policy manual, and a
related definition (12 AAC
64.059(d)(4); 12 AAC 64.117(6);
12 AAC 64.990(b)(9))

The Department of Law has reviewed the attached regulations of the Real Estate Commission against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. I have reviewed this project under a delegation of authority dated December 3, 2018 from the Regulations Attorney. 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 regulations were adopted by the Real Estate Commission after the close of the public comment period. The regulations update broker licensure training requirements, consistent with an amendment to AS 08.88.091(c) enacted under sec. 1, ch. 39, SLA 2016; add contents to a broker's written policy manual for supervision of teams; and adopt a definition of "team."

The May 30, 2018 public notice and the September 18, 2018 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.

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: Traci J. Barickman, Broker, Chair
Real Estate Commission
(via e-mail through Jun Maiquis)

Sara Chambers, Acting Director
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Linda Mattson, Regulations Contact
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

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

Sher Zinn, Regulations Specialist
Division of Corporations, Business, and Professional Licensing
Department of Commerce, Community, and Economic Development

Megyn W. Weigand, Assistant Attorney General
Torts and Workers' Compensation Section

MEMORANDUM

State of Alaska
Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

Date: December 3, 2018

Tel. No.: 465-3600

From: Susan R. Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Delegation of Authority for
Regulations Matters
(2018200636)

In my absence, when I am traveling or otherwise out of the office, Senior Assistant Attorney General and Assistant Regulations Attorney Steven C. Weaver is designated as Acting Regulations Attorney. Under this delegation, Steve Weaver has my full authority under AS 44.62 to conduct the legal review of regulations or take necessary actions as Acting Regulations Attorney.

This delegation is effective immediately and is in effect until revoked by me.

If you have any questions, please let me know.

SRP/hjh

cc: April Simpson, AAC Coordinator
Office of the Lt. Governor

Ed Sniffen, Deputy Attorney General
Civil Division

Joanne Grace, Statewide Office Chief
Civil Division

Steven C. Weaver, Senior Assistant Attorney General
Legislation and Regulations Section

Linda Miller, Legal Editor
Legislation and Regulations Section

Laura Duval, Legal Editor
Legislation and Regulations Section

**NOTICE OF PROPOSED CHANGES RELATING TO REAL ESTATE BROKER LICENSURE,
TRAINING EDUCATION REQUIREMENTS, BROKER'S WRITTEN POLICY, AND
DEFINITIONS IN THE REGULATIONS OF THE REAL ESTATE COMMISSION**

BRIEF DESCRIPTION: The Real Estate Commission proposes to update regulations regarding broker training education hours, broker's written policy manual, and adding a definition for "a team or a group" within the same real estate brokerage.

The Real Estate Commission (Commission) proposes to adopt regulation changes in Title 12, Chapter 64 of the Alaska Administrative Code including the following:

1. **12 AAC 64.059. Review of license applications**, is proposed to be changed to amend the application requirements for a real estate broker license by increasing the training education hours from 15 to 30.
2. **12 AAC 64.117. Broker's written policy**, is proposed to be changed to amend the provisions relating to broker's written policy manual that addresses guidelines and procedures.
3. **12 AAC 64.990. Definitions**, is proposed to be changed to add a definition for "a team or a group" within the same real estate brokerage.

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 Jun Maiquis, Regulations Specialist, 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/190209>, and using the comment link. **The comments must be received not later than 5:00 p.m. on June 29, 2018.** Comments received after this deadline will not be considered by the Commission.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at RegulationsAndPublicComment@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 and 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 Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov not later than June 22, 2018 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or RegulationsAndPublicComment@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/REC-0518.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 08.88.171; AS 08.88.263; AS 08.88.600; AS 08.88.685

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.88.071; AS 08.88.081; AS 08.88.091; AS 08.88.171; AS 08.88.263; AS 08.88.600; AS 08.88.685

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

DATE: 5/29/18



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:** Broker training education, broker's written policy, and definitions.
3. **Citation of regulation:** 12 AAC 64.059, 12 AAC 64.117, and 12 AAC 64.990.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with 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: \$200 - \$250 for 15 additional training education hours.
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 2018 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
Telephone: (907) 269-8197
E-mail: sharon.walsh@alaska.gov
10. **The origin of the proposed action:** Real Estate Commission.

11. **Date:** 5/29/18

Prepared by: 

Jun Maiquis
Regulations Specialist
(907) 465-2537

STATE OF ALASKA)
FIRST JUDICIAL DISTRICT) ss.

**AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
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 64.059, 12 AAC 64.117, and 12 AAC 64.990, dealing with broker training education hours, broker's written policy, and definitions, has been given before August 1, 2018 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. furnished electronically to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Division of 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, 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 regulation notice information also has been posted on the Alaska Online Public Notice System.


DATE: 11/30/18
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 30 day of November, 2018.





Notary Public in and for the
State of Alaska
My commission expires: w/o 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:

The Real Estate Commission did not receive any 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 broker training education hours, broker's written policy, and definitions.


DATE: 10/17/18
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 17th day of OCTOBER, 2018.





Notary Public in and for the
State of Alaska
My commission expires: WITH OFFICE

STATE OF ALASKA)
THIRD JUDICIAL DISTRICT) ss.

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 broker training education hours, broker's written policy, and definitions was passed by the Real Estate Commission during its September 18, 2018 meeting.

Date: 9-18-2018
Anchorage, Alaska

Sharon J. Walsh
Sharon Walsh, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 18 day of September, 2018.



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

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972
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Order# 0001422139 Product ANC-Anchorage Daily News
Cost \$448.22 Placement 0300
Position 0301

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Anchorage Daily 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

May 30, 2018

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 Joleesa Stepetin
Joleesa Stepetin

Subscribed and sworn to before me
this 30th day of May, 2018

Britney Thompson
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
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES RELATING TO REAL ESTATE BROKER LICENSURE, TRAINING EDUCATION REQUIREMENTS, BROKER'S WRITTEN POLICY, AND DEFINITIONS IN THE REGULATIONS OF THE REAL ESTATE COMMISSION

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1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING
4

5 REAL ESTATE COMMISSION
6 MEETING MINUTES
7

8 **September 18, 2018**

9 "These draft minutes were prepared by the staff of the Division of Corporations, Business and
10 Professional Licensing. They have not been reviewed or approved by the Commission." By
11 authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62,
12 Article 6, a scheduled meeting of the Real Estate Commission was held September 18,
13 2018, at the State of Alaska Atwood Building Conference Room 1270, 550 W. 7th
14 Avenue, Anchorage, Alaska.
15

16 **Tuesday, Sept 18, 2018**

17 **Agenda Item I - Call to Order**

18 Chairperson Traci Barickman called the meeting to order at 9:00 a.m. at which time
19 a quorum was established.
20

21 **Roll Call – I(a)**

22 **Members present:**

23 Guy Mickel, Broker, 1st Judicial District,
24 Peggy Ann McConnochie, Broker, Broker at Large
25 Marianne Burke, Public Member
26 Eric Bushnell, Broker at Large
27 David Pruhs, Broker, 4th Judicial District
28 Traci J. Barickman, Broker, 3rd Judicial District, REC Chairperson
29

30 **Members Absent:**

31 Cindy Cartledge, Public Member
32 Peggy Ann McConnochie, Broker, Broker at Large
33

34 **Staff Present:**

35 Sharon Walsh, Executive Administrator
36 Nancy Harris, Project Assistant
37 Melissa Dumas, Administrative Officer, JNU Division of CBPL
38 Greg Francois, Chief Investigator
39 Karina Medina, Probation Officer
40 Shyla Conselo, Investigator recently assigned to REC
41

42 **Guests Present:**

43 Errol Champion, Representative for AK Association of Realtors and Broker of
44 Coldwell Banker Race Realty, Juneau
45 Jerry Royse, Broker and RE Educator, Royse & Associates, Anchorage
46 Deborah Brollini, Public attendee
47

48 **Via Teleconference:**

49 Linda Sharp, Broker, Consulting Services called in from AZ

279 **RESOLVED to adopt regulation 12 AAC 64.059(d)(4), 12 AAC**
280 **64.117 and 64.990.**

281
282 **Motion passed.**

283 This project was adopted as written and publicly noticed.

284
285 Personnel Matter – IV (e)

286
287 **On a motion duly made by Mr. Bushnell seconded by Mr. Mickel, it**
288 **was,**

289
290 **RESOLVED to go into Executive Session per AS 44.62.310(c)**
291 **personnel matters, subjects that tend to prejudice the reputation and**
292 **character of any person, provided that the person may request a**
293 **public discussion.**

294
295
296 **All in favor; Motion passed.**

297 Into Executive session at 11:40 a.m.

298 Out of Executive session at 11:54 a.m.

299
300 **On a motion duly made by Mr. Bushnell seconded by Mr. Mickel, it**
301 **was,**

302
303 **RESOLVED to come out of Executive Session.**

304
305 **All in favor; Motion passed.**

306
307 **On a motion duly made by Ms. McConnochie seconded by Mr. Mickel,**
308 **it was,**

309
310 **RESOLVED that the Real Estate Commission and the Alaska**
311 **Association of Realtors work on legislation that gets the Executive**
312 **Administrator the range 23 and step in salary.**

313
314 **All in favor; Motion passed.**

315
316 Commission breaks from 11:56 a.m. and reconvenes at 12:20 p.m.

317
318 Credit Union issue – IV (f)

319 Ms. Walsh told the Commission that they would need to find a sponsor to change
320 the statute (AS 08.88.351) that would allow for brokers to set up a trust account
321 with a credit union.

322 **On a motion duly made by Ms. McConnochie seconded by Mr. Pruhs, it**
323 **was,**