

Chapter 64. Real Estate Commission.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted.)

12 AAC 64.420 is amended to read:

12 AAC 64.420. Application for course certification. (a) To apply for commission certification of a real estate course, a course sponsor shall submit

(1) a completed application on a form provided by the department;

(2) the fees required in 12 AAC 02.360;

(3) the following information:

(A) title of course;

(B) the number of contact hours requested;

(C) the name of the sponsor and designated contact person;

(D) a detailed course outline that identifies the course content and objectives and includes text materials, sample handouts, and a sample examination, if any;

(E) a copy of the attendance policy and a description of the procedures used for keeping a record of attendance;

(F) provisions for offering the course by correspondence, if any; and

(G) the policy for allowing a student to make up missed class time, if any.

(b) A completed application for course certification or biennial recertification must be filed 45 days before the first offering date of the course. A course may not be advertised as being certified under this chapter until the applicant has received written certification from the commission.

(c) A course certified by the commission **under 12 AAC 64.500** may be offered for credit from the date the commission certifies the course until January 31 of the next even-numbered year, except that

(1) a course that is certified by the commission to satisfy the requirements under 12 AAC 64.500(b)(1) may be offered for credit from the date the commission certifies the course until January 31 of the next even-numbered year that completes two full licensing cycles;

(2) a course that is certified by the commission that satisfies the requirements under 12 AAC 64.500(b)(2) from October 15 of an odd-numbered year through January 31 of an even-numbered year may be offered for credit from the date that the commission certifies the course **through the next full licensing cycle** [UNTIL JANUARY 31 OF THE FOLLOWING EVEN-NUMBERED YEAR. THE COMMISSION WILL PROVIDE COURSE SPONSORS WITH APPLICATIONS FOR COURSE RECERTIFICATION BY OCTOBER 15 OF ODD-NUMBERED YEARS].

(d) Repealed 6/28/97.

(e) Any change in the content or materials used in a certified course may be implemented immediately if it is based on a United States Supreme Court or Alaska Supreme Court decision or a change in the policy of a financial institution or government agency that has been documented by a public memorandum or press release from that institution or agency and that has a specific effective date. A change made under this subsection related to a change in the policy of a financial institution or government agency must be reported to the commission within 15 days after receipt of the public memorandum or press release. Any substantive change other than one described in this section must be submitted as an amendment to an approved course

outline according to the schedule set out in (b) of this section.

(f) A course certified by the commission, or the commission's designee, under this section to meet the education requirements of AS 08.88.095 and 12 AAC 64.064 is also certified to meet the continuing education requirements of 12 AAC 64.500 in the approved subject areas.

(g) The commission shall provide course sponsors with applications for course recertification by October 15 of odd-numbered years. In order to maintain certification, a course provider, for each course, must submit a complete renewal application on a form provided by the commission, along with all necessary attachments and renewal fees to the commission prior to the course's expiration date. Recertification is not effective until the commission has formally approved the course application.

(h) In this section, "full licensing cycle" means the period from February 1 of an even-numbered year until January 31 of the next even-numbered year. (Eff. 10/8/90, Register 116; am 7/16/94, Register 131; am 9/15/94, Register 131; am 2/11/95, Register 133; am 6/28/97, Register 142; am 2/12/99, Register 149; am 1/1/2006, Register 176; am 3/24/2007, Register 181; am ____/____/____, Register ____)

Authority: AS 08.88.081 AS 08.88.091 AS 08.88.095

12 AAC 64.440 is amended to read:

12 AAC 64.440. Instructor approval. (a) Except as provided in 12 AAC 64.410(f) and (g), only a course taught by an instructor who is approved by the commission, or the commission's designee, to teach a course on that topic meets the education requirements of AS 08.88.091, AS 08.88.095 and this chapter. A national instructor must obtain approval from the commission, or the commission's designee, in the appropriate topic area before teaching any

course other than a course required to qualify a licensee for a professional designation in licensed real estate practice from a national organization.

(b) An applicant for instructor approval must apply to the commission by submitting

(1) a completed application on a form provided by the department;

(2) the fees required in 12 AAC 02.360;

(3) a list of topics the applicant is seeking approval to teach; and

(4) a resume indicating the education and experience of the applicant in the

requested topic areas, including the experience and education required in (c) of this section.

(c) To be approved as an instructor, an applicant must have experience teaching or training adults, and at least one of the following:

(1) a bachelor's degree in real estate or a related field;

(2) five years of experience as a real estate licensee with documented experience in the topic area the applicant is seeking approval to teach;

(3) another combination of experience and education that establishes the applicant's credentials in the requested topic area;

(4) be listed as an approved instructor by a national organization that offers professional real estate courses that have been approved by the commission for continuing education credit under 12 AAC 64.420;

(5) evidence of successful completion of instructor training provided by an approved national entity listed in (d) of this section, or the commission before the applicant's initial instructor approval.

(d) Successful completion of an instructor workshop sponsored by the Association of Real Estate License Law Officials (ARELLO), the National Association of Realtors (NAR), the

Real Estate Educators' Association (REEA), the International Right of Way Association (IRWA), the Community Association Institute (CAI), or other national organization determined to be comparable by the commission, or the commission's designee, may be substituted for the teaching experience or training required in (c) of this section.

(e) If necessary to verify or substantiate the qualifications of an applicant for instructor approval, the commission, or its designee, will interview an applicant for instructor approval. If the commission requests division staff to conduct the interview, the division staff shall conduct the interview using the standards for instructor approval set out in this section. The division staff shall prepare a report on the interview and provide it to the commission for further action.

(f) An instructor approval expires on **January 31 of every odd-numbered year** [APRIL 1 OF YEARS ENDING IN 0 AND 5. AN INITIAL INSTRUCTOR APPROVAL ISSUED UNDER (b) OF THIS SECTION FROM JANUARY 1 THROUGH MARCH 31 OF A YEAR ENDING IN 0 OR 5 WILL EXPIRE ON APRIL 1 OF THE NEXT YEAR THAT ENDS IN A 0 OR 5]. An applicant for renewal of an instructor approval must submit to the department

(1) a completed application for renewal on a form provided by the department;
(2) the instructor approval recertification fee specified in 12 AAC 02.360; [AND]
(3) evidence of completion during the biennial licensing period for real estate licensee's immediately preceding the date of application, or the current biennial licensing period if in progress at the date of application, of

(A) at least two hours of continuing education in each topic area for which the instructor is applying for recertification;

(B) teaching a course in the topic area for which the instructor is applying for recertification; or

(C) practical experience in the topic; **and**

(4) evidence of successful completion of instructor training provided by an approved national entity listed in (d) of this section or the commission prior to the applicant's approval as an instructor or for renewal as an instructor.

(g) Repealed 6/22/2008.

(h) An applicant for initial instructor approval that wishes to substitute completion of an instructor workshop in (d) of this section for teaching experience or training required in (c) of this section, must apply for instructor approval not later than six months after completing an approved instructor workshop. (Eff. 10/8/90, Register 116; am 3/6/91, Register 117; am 7/16/94, Register 131; am 6/28/97, Register 142; am 2/12/99, Register 149; am 1/1/2006, Register 176; am 6/22/2008, Register 186; am 1/9/2014, Register 209; am ____/____/_____, Register _____)

Authority: AS 08.88.061 AS 08.88.091 AS 08.88.095

AS 08.88.081

Editor's note: Information on workshops described in 12 AAC 64.440 may be obtained from the applicable organizations at the following addresses: Association of Real Estate License Law Officials (ARELLO), **150 North Wacker Drive, Suite 920, Chicago, IL 60606** [P.O. BOX 129, CENTERVILLE, UT 84014-0129]; National Association of Realtors (NAR), 430 North Michigan Ave., Chicago, IL 60611; Real Estate Educator's Association (REEA), **7739 E. Broadway, #337, Tucson, AZ 85710** [10565 LEE HIGHWAY, SUITE 104, FAIRFAX, VA 22030-3135]; International Right of Way Association (IRWA), **19210 South Vermont Avenue, Building A, Suite 100** [13650 SOUTH GRAMERCY PLACE], Gardena, CA **90248** [90249]; Community Association Institute (CAI), **6402 Arlington Blvd., Suite 500, Falls Church** [1630 DUKE STREET, ALEXANDRIA], VA **22042** [22314].

12 AAC 64.460 is amended to read:

12 AAC 64.460. Withdrawal or denial of instructor approval. (a) The commission may withdraw instructor approval or deny an application for approval under 12 AAC 64.440 if

(1) disciplinary action is taken or pending by the commission or another licensing jurisdiction against that instructor's practitioner license;

(2) the instructor is no longer providing satisfactory instruction based upon

(A) poor student evaluations; or

(B) the findings of a classroom audit conducted by the commission or its designee;

(3) the instructor offers a course for credit that has not received prior written approval from the commission;

(4) the instructor teaches a course in a subject area that the instructor has not been approved to teach; [OR]

(5) the instructor provides fraudulent information or documentation to a licensee or to the commission; **or**

(6) the instructor provides answers to test questions or course work to students prior to grading test or course work submitted to the instructor by the student.

(b) If instructor approval is withdrawn or an application for instructor approval is denied, the commission will provide a written notice of withdrawal or denial of approval, stating the reasons for the withdrawal or denial. Withdrawal of instructor approval is effective 30 days after the date of the written notice of withdrawal unless the instructor files a written request to petition the commission at its next regularly scheduled meeting. (Eff. 10/8/90, Register 116; am 7/16/94, Register 131; am 6/28/97, Register 142; am 1/1/2006, Register 176; am ____/____/_____,

Register _____, _____ 2019 **PROFESSIONAL REGULATIONS**

Register _____)

Authority: AS 08.88.081 AS 08.88.091 AS 08.88.095