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

**M E M O R A N D U M**

**TO:** Debbie Morgan  
Department of Commerce Community and Economic Development

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

**DATE:** October 29, 2019

**RE:** Filed Permanent Regulations: Real Estate Commission  
Real Estate Commission Regulation re: Recovery Fund Fees (12 AAC 64.073)

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Attorney General File:	2019200680
Regulation Filed:	10/29/2019
Effective Date:	11/28/2019
Print:	232, January 2020

cc with enclosures: Harry Hale, Department of Law  
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE REAL ESTATE COMMISSION

The attached one page of regulations, dealing with the recovery fund fee, is hereby certified to be a correct copy of the regulation changes the Real Estate Commission adopted at its September 25, 2019 meeting, under the authority of AS 08.88.081, AS 08.88.455, 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 comment was 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: 10/01/2019  
Anchorage, Alaska

  
Peggy Ann McConnochie, Chair  
Real Estate Commission

FILING CERTIFICATION

April Simpson for  
I, <sup>^</sup>Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on  
October 29, 2019 at 10:31 a.m., I filed the attached  
regulations according to the provisions of AS 44.62.040 – 44.62.120.

April Simpson  
for Kevin Meyer, Lieutenant Governor

Effective: November 28, 2019.

Register: 232, January 2020.

**FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY**

**I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA,  
designate the following state employees to perform the Administrative Procedures Act  
filing functions of the Office of the Lieutenant Governor:**

**Josh Applebee, Chief of Staff  
Kady Levale, Notary Administrator  
April Simpson, Regulations and Initiatives Specialist**

**IN TESTIMONY WHEREOF, I have  
signed and affixed the Seal of the State of  
Alaska, in Juneau, on December 11th,  
2018.**



*K. Meyer*

**KEVIN MEYER  
LIEUTENANT GOVERNOR**

12 AAC 64.073 is amended to read:

**12 AAC 64.073. Recovery fund fee.** In addition to the required license or renewal fee, an applicant for licensure or for renewal of a license issued under AS 08.88 shall submit with the application a fee for the recovery fund established under AS 08.88.455 in the amount of **\$50** [\$30]. (Eff. 1/25/85, Register 93; am 12/14/89, Register 112, am 11/9/97, Register 144; am 11/6/99, Register 152; am 6/26/2010, Register 194; am 12/7/2011, Register 200; am 12/29/2013, Register 208; am 11 / 28 / 2019, Register 232 )

**Authority:** AS 08.88.081 AS 08.88.455

# MEMORANDUM


## State of Alaska Department of Law

**To:** The Honorable Kevin Meyer  
Lieutenant Governor

**Date:** October 22, 2019

**File No.:** 2019200680

**Tel. No.:** 465-3600

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

**Re:** Real Estate Commission Regulation  
re: 12 AAC 64.073: Real Estate  
Commission: Recovery Fund fees

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. 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 concern an adjustment to the Recovery Fund fees established in statute. *Please note that the department wishes to have these regulations in effect by December 1, 2019.*

The August 25, 2019, public notice and the October 1, 2019, 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.

No technical corrections were needed to conform the regulations in accordance with AS 44.62.125.

SRP:sjw

cc: Honorable Julie Anderson, Commissioner  
Department of Commerce, Community and Economic Development  
Amy Demboski, Assistant Commissioner  
Department of Commerce, Community and Economic Development  
Glenn Hoskinson, Special Assistant to the Commissioner  
Department of Commerce, Community and Economic Development  
Nancy Harris, Acting Executive Administrator  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community and Economic Development  
Peggy Ann McConnochie, Chair  
Real Estate Commission  
(via e-mail through Sher Zinn)  
Sher Zinn, Regulations Specialist  
Division of Corporations, Business, and Professional Licensing  
Department of Commerce, Community and Economic Development  
Debbie Morgan, Regulations Contact  
Department of Commerce, Community and Economic Development  
Harriet Milks, Assistant Attorney General  
Department of Law

**NOTICE OF PROPOSED CHANGES RELATING TO THE RECOVERY FUND FEE IN THE  
REGULATIONS OF THE REAL ESTATE COMMISSION**

**BRIEF DESCRIPTION:** The Real Estate Commission proposed to adopt regulation changes regarding the recovery fund fee. The Commission is increasing the fee to comply with 08.88.455, which requires minimum and maximum amounts of monies in the recovery fund.

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

1. **12 AAC 64.073. Recovery fund fee.** The recovery fund fee is being increased to comply with AS 08.88.455.

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 Sher Zinn, 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](mailto: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/195237>, and using the comment link. **The comments must be received not later than 4:30 p.m. on September 24, 2019.** Comments received after this deadline will not be considered by the Commission.

You may submit written questions relevant to the proposed action to Sher Zinn, 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](mailto: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 Sher Zinn at (907) 465-1049 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), not later than September 17, 2019, 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 Sher Zinn at (907) 465-1049 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/REC-0819.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 regulations may be different from that of the proposed regulations. **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 08.88.081, AS 08.88.455

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.88.081, AS 08.88.455

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

DATE: 8/23/19

  
\_\_\_\_\_  
Sher Zinn, 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:** Increase in Recovery Fund fee.
3. **Citation of regulation:** 12 AAC 64.073
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with AS 08.88.455.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**  
**A private person:** For new applicants and currently licensed real estate salespersons, real estate brokers, and real estate associate brokers, \$50 per two-year renewal period, an increase of \$20.  
**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 2020 or in subsequent years.
9. **The name of the contact person for the regulation:**  
Nancy Harris, Acting Executive Administrator  
Alaska Real Estate Commission  
Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community, and Economic Development  
Telephone: (907) 269-8168  
E-mail: [Nancy.harris@alaska.gov](mailto:Nancy.harris@alaska.gov)
10. **The origin of the proposed action:** Real Estate Commission.
11. **Date:** 8/23/19      **Prepared by:** Sher Zinn  
Sher Zinn  
Regulations Specialist



# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU

Order #: W0011281

Cost: \$473.14

STATE OF ALASKA  
THIRD JUDICIAL DISTRICT

Joleesa Stepetin being first duly sworn on oath deposes and says that 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

08/25/2019

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 27th day of August 2019.

Notary Public in and for  
The State of Alaska.  
Third Division  
Anchorage, Alaska

MY COMMISSION EXPIRES

7/14/2020

### NOTICE OF PROPOSED CHANGES RELATING TO THE RECOVERY FUND FEE IN THE REGULATIONS OF THE REAL ESTATE COMMISSION

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

**1. 12 AAC 64.073. Recovery fund fee.** The recovery fund fee is being increased to comply with AS 08.88.455.

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 Sher Zinn, 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](mailto: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/195237>, and using the comment link. **The comments must be received not later than 4:30 p.m. on September 24, 2019.** Comments received after this deadline will not be considered by the Commission.

You may submit written questions relevant to the proposed action to Sher Zinn, 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](mailto: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 Sher Zinn at (907) 465-1049 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), not later than September 17, 2019, 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 Sher Zinn at (907) 465-1049 or [RegulationsAndPublicComment@alaska.gov](mailto:RegulationsAndPublicComment@alaska.gov), or go to <https://www.commerce.alaska.gov/web/portals/5/pub/REC-0819.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 regulations may be different from that of the proposed regulations. **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 08.88.081, AS 08.88.455

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.88.081, AS 08.88.455

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

DATE: 8/22/19

By: /s/ Sher Zinn, 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.

Published: August 25, 2019

STATE OF ALASKA  
NOTARY  
PUBLIC  
Jada L. Nowling

STATE OF ALASKA                     )  
  ) ss.  
FIRST JUDICIAL DISTRICT    )

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

I, Sher Zinn, 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 64.073, for the Real Estate Commission recovery fund fee, has been given by being:

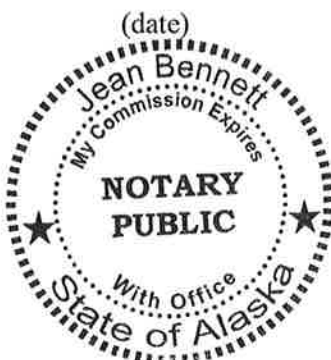
1. published in a newspaper or trade publication;
2. furnished to every person who has filed a request for notice of proposed action with the state agency;
3. furnished to appropriate state officials;
4. furnished to interested persons;
5. furnished to the Department of Law, along with a copy of the proposed regulation;
6. furnished electronically to incumbent State of Alaska legislators;
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);

As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (2), (4) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.

Date: 10/17/19

Sher Zinn  
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, AK on 10-17-19.



Jean Bennett  
Notary Public in and for the State of Alaska  
My commission expires W/ office

STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

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

The Department of Commerce, Community, and Economic Development 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 the recovery fund fee.

Date: 10/17/19

Sher Zinn  
Sher Zinn, Regulations Specialist

Subscribed and sworn to before me at Juneau, Ak on  
10-17-19  
(date)



Jean Bennett  
Notary Public in and for the State of Alaska  
My commission expires: w/office

12 AAC 64.460 – Withdrawal or Denial of Instructor Approval

On a motion duly made by Mr. Royse, seconded by Ms. Markwood, it was,

**RESOLVED** to adopt regulation 12 AAC 64.460 as proposed.

**All opposed; Motion failed.**

12 AAC 02.360- Real Estate Commission - Fees

On a motion duly made by Mr. Royse, seconded by Ms. Markwood, it was,

**RESOLVED** to recommend the Department adopt regulation 12 AAC 02.360 as proposed.

**All in favor; Motion passed.**

12 AAC 64.073 – Recovery Fund Fee

On a motion duly made by Mr. Royse, seconded by Ms. Markwood, it was,

**RESOLVED** to adopt regulation 12 AAC 64.073 as proposed.

**All in favor; Motion passed.**

3:38 p.m. Commission members recessed for break

3:48 p.m. Commission members reconvened

**Agenda Item 7 – New Business**

Recovery Fund Claims – Owens and Ostendorf – 7(a)

DCE Survey Results/presentation/select DCE topics/hrs for 2020-2022 – 7(b)

Online Application – Salesperson by Exam – outreach – 7(c)

E & O -RISC Report – 7(d)

**Agenda Item 8 – Executive Administrator's Report**

Item 5(a) – Meeting Date – one day meeting

Licensing and Education Report – 8(a)

Status of processing applications

## AFFIDAVIT OF BOARD ACTION

I, Nancy Harris, Acting Executive Administrator for the Real Estate Commission, being duly sworn, state the following:

The attached motion dealing with the recovery fund fee was passed by the Real Estate Commission during its September 25, 2019 meeting.

Date: 10/1/19  
Anchorage, Alaska

Nancy Harris  
Nancy Harris, Acting Executive Administrator

Subscribed and sworn to before me at Anchorage, AK  
on 10/1/19.



[Signature]  
Notary Public in and for the State of Alaska  
My commission expires: with office