

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




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

**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: Department of Commerce Community and Economic Development

Department of Commerce, Community, and Economic Development Regulation re:  
Real Estate Commission License Fees (12 AAC 02.360)

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Attorney General File:	2019200681
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 ADOPTING CHANGES TO  
REGULATIONS OF THE DEPARTMENT OF COMMERCE,  
COMMUNITY, AND ECONOMIC DEVELOPMENT

The attached two pages of regulations, dealing with occupational licensing fees for professions regulated by the Real Estate Commission, are adopted and certified to be a correct copy of the regulation changes that the Department of Commerce, Community and Economic Development adopts under the authority of AS 08.01.065 and AS 08.88.221, 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 Department of Commerce, Community, and Economic Development 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 Oct 19  
Juneau, Alaska

  
Sara Chambers, Director  
Division of Corporations, Business and  
Professional Licensing

FILING CERTIFICATION

*April Simpson for*

I, <sup>^</sup>Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on October 29, 2019 at 10:26 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 02.360(a) is amended to read:

~~12 AAC 02.360. Real Estate Commission.~~ (a) The following fees are established for real estate salespersons, associate brokers, and brokers:

- (1) license fee, for all or part of the initial biennial license period, whether licensure is by examination or endorsement, \$140 [\$200];
- (2) biennial license renewal fee for both active and inactive licenses, \$140 [\$200];
- (3) fee for office changes, including change of broker and company name, \$120 [\$75] for each license;
- (4) transfer of license fee, \$225;
- (5) application fee for initial license, \$200;
- (6) initial office registration fee, \$200 [\$225];
- (7) license inactivation or reactivation fee, \$150;
- (8) duplicate license fee, \$20 [\$50];
- (9) name change fee, \$75;
- (10) post-license education certification and new license document fee, \$50 [\$30];
- (11) reinstatement fee for a lapsed license, \$225 [\$275].

12 AAC 02.360(b) is amended to read:

(b) The following fees are established for real estate education course certification and instructor approval:

- (1) initial course certification fee, \$50 [\$30] per credit hour;
- (2) biennial course recertification fee, \$30 [\$25] per credit hour;

- (3) instructor approval fee, \$200 per instructor;
- (4) temporary instructor approval fee, \$250 per instructor;
- (5) instructor approval recertification fee, \$100.

(Eff. 3/6/91, Register 117; am 5/28/93, Register 126; am 6/5/94, Register 130; am 11/10/95, Register 136; am 11/22/97, Register 144; am 12/28/97, Register 144; am 11/6/99, Register 152; am 10/28/2000, Register 156; am 10/20/2001, Register 160; am 12/2/2005, Register 176; am 1/1/2006, Register 176; am 1/1/2010, Register 192; am 5/28/2011, Register 198; am 9/17/2011, Register 199; am 1/8/2012, Register 201; am 11/30/2013, Register 208; am 10/24/2015, Register 216; am 12/08/2017, Register 224; am 11 / 28 / 2019, Register 232 )

**Authority:** AS 08.01.065 AS 08.88.221

# MEMORANDUM

## State of Alaska Department of Law

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

**Date:** October 22, 2019

**File No.:** 2019200681

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

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

**Re:** Department of Commerce,  
Community, and Economic  
Development Regulation re: 12 AAC  
02.360: Real Estate Commission  
license fees

The Department of Law has reviewed the attached regulations of the Department of Commerce, Community, and Economic Development 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 Department of Commerce, Community, and Economic Development after the close of the public comment period. The regulations concern occupational licensing fees for professions regulated by the Real Estate Commission. *Please note that the department wishes to have these regulations in effect by December 1, 2019.*

The August 26, 2019, public notice and the October 1, 2019, 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 a technical correction to conform the regulations in accordance with AS 44.62.125. The correction is shown on the attached copy of the regulations.

SRP:sjw

cc: Honorable Julie Anderson, Commissioner  
Department of Commerce, Community and Economic Development  
Sara Chambers, Division Director  
Division of Corporations, Business, and Professional Licensing  
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



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Commerce, Community,  
and Economic Development

OFFICE OF THE COMMISSIONER

P.O. Box 110806  
Juneau, Alaska 99811-0806  
Main: 907-465-2500  
Toll free fax: 507-465-2500

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations, outside of the Alcohol and Marijuana Control Office (AMCO), but for the Division of Corporations, Business and Professional Licensing (CBPL), under the Alaska Administrative Procedure Act, is hereby delegated to:

Sara Chambers  
Division Director  
Division of Corporations, Business and Professional Licensing  
DCCED  
P.O. Box 110806  
Juneau, AK 99811-0806  
907-465-2536  
[sara.chambers@alaska.gov](mailto:sara.chambers@alaska.gov)

In accordance with AS 44.17.010, the authority and responsibility for adopting regulations of the Alcohol and Marijuana Control Office, under the Alaska Administrative Procedure Act, is hereby delegated to:

Shawn Williams  
Assistant Commissioner  
DCCED  
550 West Seventh Avenue, Suite 1535  
Anchorage, AK 99501  
907-269-8100  
[shawn.williams@alaska.gov](mailto:shawn.williams@alaska.gov)

This Delegation of Authority will remain in effect until modified or revoked by a subsequent delegation. This Delegation supersedes and revokes all delegations preceding it.

Dated the 30<sup>th</sup> day of April, 2019

A handwritten signature in black ink, appearing to read "Julie Anderson", written over a horizontal line.

Julie Anderson  
Commissioner  
Department of Commerce, Community,  
and Economic Development



**NOTICE OF PROPOSED CHANGES TO LICENSING FEES FOR PROFESSIONS  
REGULATED BY THE REAL ESTATE COMMISSION IN THE REGULATIONS OF  
THE DEPARTMENT OF COMMERCE,  
COMMUNITY, AND ECONOMIC DEVELOPMENT**

**BRIEF DESCRIPTION:** The Department of Commerce, Community, and Economic Development proposes to change occupational license fees charged to occupations regulated by the Real Estate Commission.

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code, dealing with occupational licensing fees for professions regulated by the Real Estate Commission, including the following:

**12 AAC 02.360. Real Estate Commission**, is proposed to be changed to alter the license and biennial renewal fees for real estate salespersons, brokers, and associate brokers, duplicate license fee, fee for office changes, reinstatement fee for a lapsed license, post-license education certification fee, education course initial certification and biennial course recertification fee.

Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Department has reviewed the income and expenses for the occupational licensing programs mentioned above and proposes fee changes that reflect, to the extent possible, the actual costs of the activities under these occupational licensing programs.

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 Department 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/195245>, and using the comment link. **The comments must be received not later 4:30 p.m., September 25, 2019.** Comments received after this deadline will not be considered by the Department.

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 Department will aggregate its response to substantially similar questions and make the questions and responses available on the Department's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/RealEstateCommission.aspx>, or on the Alaska Online Public Notice System. The Department 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 18, 2019, 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 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-Fees-0819.pdf>.

After the public comment period ends, the Department 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 08.01.065, AS 08.88.221

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.01.065, AS 08.88.221

**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:** Department of Commerce, Community, and Economic Development – Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Occupational licensing fees.
3. **Citation of regulation:** 12 AAC 02.360.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Compliance with state statute.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**  
**A private person:** For persons regulated by the Real Estate Commission: \$60 decrease in the initial license and biennial renewal fees for licensees, \$45 increase in the fee for office changes, \$25 decrease in the initial office registration fee, \$30 decrease in the duplicate license fee, \$20 increase in the post-license education certification and new license document fee, \$50 decrease in the reinstatement of a lapsed license fee, \$20 increase in the initial education course certification fee, and \$5 increase in the biennial course recertification fee.  
**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:**  
Sher Zinn, Regulations Specialist

Division of Corporations, Business and Professional Licensing  
Department of Commerce, Community, and Economic Development  
Telephone: (907) 465-1049  
E-mail: [sher.zinn@alaska.gov](mailto:sher.zinn@alaska.gov)

10. The origin of the proposed action: Division of Corporations, Business and Professional Licensing.

11. Date: 8/23/19

Prepared by:   
Sher Zinn  
Regulations Specialist  
(907) 465-1049

# ANCHORAGE DAILY NEWS

## AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU

Order #: W0011283

Cost: \$547.84

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

08/26/2019

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

STATE OF ALASKA  
NOTARY  
PUBLIC  
Jada L. Nowling

### Notice of proposed changes to Licensing fees for PROFESSIONS REGULATED BY THE REAL ESTATE COMMISSION IN THE REGULATIONS OF THE DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT

The Department of Commerce, Community, and Economic Development (Department) proposes to adopt regulation changes in Title 12, Chapter 02 of the Alaska Administrative Code, dealing with occupational licensing fees for professions regulated by the Real Estate Commission, including the following:

**12 AAC 02.360.** Real Estate Commission, is proposed to be changed to alter the license and biennial renewal fees for real estate salespersons, brokers, and associate brokers, duplicate license fee, fee for office changes, reinstatement fee for a lapsed license, post-license education certification fee, education course initial certification and biennial course recertification fee.

Under AS 08.01.065, the Department must establish fee levels so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The Department has reviewed the income and expenses for the occupational licensing programs mentioned above and proposes fee changes that reflect, to the extent possible, the actual costs of the activities under these occupational licensing programs.

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 Department 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/195245>, and using the comment link. **The comments must be received not later 4:30 p.m., September 25, 2019.** Comments received after this deadline will not be considered by the Department.

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 Department will aggregate its response to substantially similar questions and make the questions and responses available on the Department's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/RealEstateCommission.aspx>, or on the Alaska Online Public Notice System. The Department 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 18, 2019, 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 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-Fees-0819.pdf>.

After the public comment period ends, the Department 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 08.01.065, AS 08.88.221

**Statutes Being Implemented, Interpreted, or Made Specific:** AS 08.01.065, AS 08.88.221

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

**DATE:** 8/23/19

**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 26, 2019

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 02.360, occupational licensing fees for the Real Estate Commission, 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

(date)



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 Department of Commerce, Community, and Economic Development regulations on dealing with occupational licensing fees for professions regulated by the Real Estate Commission.

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

STATE OF ALASKA )  
 ) ss.  
FIRST JUDICIAL DISTRICT )

AFFIDAVIT OF DEPARTMENT CONSIDERATION OF  
BOARD RECOMMENDATIONS

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:

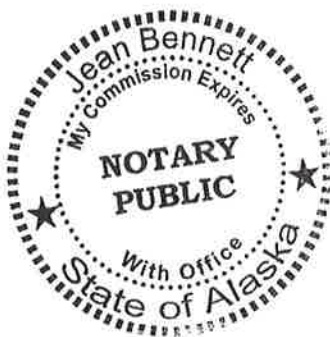
As required by AS 08.01.065(c), the Department of Commerce, Community, and Economic Development has considered the recommendations of the Real Estate Commission before adopting changes to the fees in 12 AAC 02.360.

Date: 10/17/19

Sher Zinn  
Sher Zinn, Regulations Specialist

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

(date)



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