

Kevin Meyer
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
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530 West 7th 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: Amy Demboski
Department of Commerce Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely belonging to April Simpson, the sender of the memorandum.

DATE: July 31, 2020

RE: Filed Permanent Regulations: Real Estate Commission

Real Estate Commission regulation re: applications and instructor approval requirements
(12 AAC 64.059, .640)

Attorney General File:	2020200366
Regulation Filed:	7/31/2020
Effective Date:	8/30/2020
Print:	235, October 2020

cc with enclosures: Harry Hale, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist

ORDER CERTIFYING THE CHANGES TO
REGULATIONS OF THE REAL ESTATE COMMISSION

The attached two pages of regulations, dealing with applications and instructor approval requirements, are hereby certified to be a correct copy of the regulation changes that the Real Estate Commission adopted at its June 17, 2020 videoconference meeting, under the authority of AS 08.88.061, AS 08.88.071, AS 08.88.081, AS 08.88.091, AS 08.88.095, AS 08.88.171, and AS 08.88.263, 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:

6/17/20

Anchorage, Alaska



Shyla Consalo, Executive Administrator
Real Estate Commission

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on July 31, 2020 at 1:29 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



for

Kevin Meyer, Lieutenant Governor

Effective: August 30, 2020

Register: 235, October 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.**



A handwritten signature in blue ink, appearing to read "K. Meyer", followed by a dotted line.

**KEVIN MEYER
LIEUTENANT GOVERNOR**

Chapter 64. Real Estate Commission.

12 AAC 64.059(b)(1)(E) is amended to read:

(E) the applicant's [NOTARIZED] signature certifying that the information on the form is true and correct to the best of the applicant's knowledge;

12 AAC 64.059(d)(1)(E) is amended to read:

(E) the applicant's [NOTARIZED] signature certifying that the information on the form is true and correct to the best of the applicant's knowledge;

(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; am 8 / 30 / 2020, Register 235)

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

The introductory language of 12 AAC 64.440(f) is amended to read:

(f) An instructor approval expires on April 1 of years ending in 0 and 5. An initial instructor approval issued under (b) of this section from January 1 through **April 1** [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

...

(Eff. 10/8/90, Register 116; am 3/6/91, Register 117; am 7/16/94, Register 131; am 6/28/97,

Register 235, October 2020 **PROFESSIONAL REGULATIONS**

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 8 / 30 / 2020, Register 235)

Authority: AS 08.88.061 AS 08.88.091 AS 08.88.095
AS 08.88.081

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Kevin Meyer
Lieutenant Governor

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

Date: July 29, 2020

File No.: 2020200366

Tel. No.: 465-3600

From: Sharla Mylar
Assistant Attorney General
Legislation and Regulations Section

Re: Real Estate Commission
Regulation re: 12 AAC 64.059, .640:
Real Estate Commission -
Applications and

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 remove a notarization requirement for real estate salesperson (the applicant must still certify the information on the form is true and correct to the best of the applicant's knowledge) and associate broker license applications and clarification that the expiry date for initial approvals granted to real estate educational course instructors runs through April 1 (rather than March 31).

The May 13, 2020 public notice and the June 17, 2020 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 did not make any edits to the regulations.

SRP:mmm:arw

cc: Hon. 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

Shyla Consalo, Executive Administrator
Real Estate Commission

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

Harriet Milks, Assistant Attorney General
Department of Law

NOTICE OF PROPOSED CHANGES ON APPLICATIONS AND INSTRUCTOR APPROVAL REQUIREMENTS IN THE REGULATIONS OF THE REAL ESTATE COMMISSION

BRIEF DESCRIPTION: The Real Estate Commission proposes to update regulations regarding applications and instructor approval requirements.

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 remove the notarized signature requirements for license applications.
2. **12 AAC 64.440. Instructor approval**, is proposed to update the time period that a person who applies for an initial instructor certification from January 1 through April 1 instead of January 1 through March 31, to conform with the expiration of an instructor certification.

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/198177>, and using the comment link. **The comments must be received not later than 4:30 p.m. on June 12, 2020.** 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 5, 2020 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-0420.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 08.88.061; AS 08.88.071; AS 08.88.081; AS 08.88.091; AS 08.88.095; AS 08.88.171; AS 08.88.263

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.88.061; AS 08.88.071; AS 08.88.081; AS 08.88.091; AS 08.88.095; AS 08.88.171; AS 08.88.263

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

DATE: 5/12/2020



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:** Review of license applications and instructor approval.
3. **Citation of regulation:** 12 AAC 64.059 and 12 AAC 64.440.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** 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: None known.
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:**
Shyla Consalo, 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: shyla.consalo@alaska.gov
10. **The origin of the proposed action:** Real Estate Commission.
11. **Date:** 5/12/2020

Prepared by:


Jun Maiquis
Regulations Specialist

ANCHORAGE DAILY NEWS

AFFIDAVIT OF PUBLICATION

Account #: 268972 ST OF AK/DEC/OCCU
Attention To: ATTN TO: JUN MAIQUIS
PO BOX 110806, JUNEAU, AK 99811

Order #: W0015234

Cost: \$478.12

RECEIVED
JUNEAU
JUN 02 2020
Division of Corporations, Business
and Professional Licensing

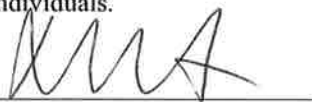
STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Lisi Misa 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 afore-said 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

05/13/2020

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 18th day of May 2020.

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

MY COMMISSION EXPIRES

7/14/2020

NOTICE OF PROPOSED CHANGES ON APPLICATIONS AND INSTRUCTOR APPROVAL REQUIREMENTS IN THE REGULATIONS OF THE REAL ESTATE COMMISSION

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

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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 5, 2020 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-0420.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 08.88.061; AS 08.88.071; AS 08.88.081; AS 08.88.091; AS 08.88.095; AS 08.88.171; AS 08.88.263
Statutes Being Implemented, Interpreted, or Made Specific: AS 08.88.061; AS 08.88.071; AS 08.88.081; AS 08.88.091; AS 08.88.095; AS 08.88.171; AS 08.88.263

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

DATE: 5/12/2020
By: /s/ 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.

Published: May 13, 2020

**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 and 12 AAC 64.440, dealing with applications and instructor approval requirements, 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: 6/24/2020
Juneau, Alaska



Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 24 day of June, 2020.





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

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 applications and instructor approval requirements.

DATE: 6/24/2020
Juneau, Alaska

Jun Maiquis
Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 24 day of June, 2020.



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

Excerpt from the Draft Minutes of the
June 17, 2020 Videoconference Meeting of the
Real Estate Commission

Agenda Item 10 – Regulation Revisions Proposed for Adoption

Regulation Revisions, 12 AAC 64.059(b)(1)(E) and 12 AAC 64.059(d)(1)(E)

Ms. McConnochie invited Mr. Maiquis, to provide background information on regulation change. Mr. Maiquis stated there was one public comment indicating a preference to keep the notary requirement on the applications.

On a motion duly made by Ms. Nelson seconded by Ms. Matthews, it was,

RESOLVED to adopt, as public noticed, the regulation change.

Roll call vote: Ms. Nelson-yes, Ms. Markwood-yes, Mr. Goldman-yes, Ms. Matthews-yes, Mr. Sumner-yes, Ms. McConnochie-yes.

Motion passed.

Regulation Revisions, 12 AAC 64.440(f)

Ms. McConnochie invited Mr. Maiquis, to provide background information on the regulation change. Mr. Maiquis stated there was no public comment on this regulation change.

On a motion duly made by Ms. Nelson seconded by Ms. Matthews, it was,

RESOLVED to adopt, as public noticed, the regulation change.

Roll call vote: Ms. Nelson-yes, Ms. Markwood-yes, Mr. Goldman-yes, Ms. Matthews-yes, Mr. Sumner-yes, Ms. McConnochie-yes.

Motion passed.

AFFIDAVIT OF COMMISSION ACTION

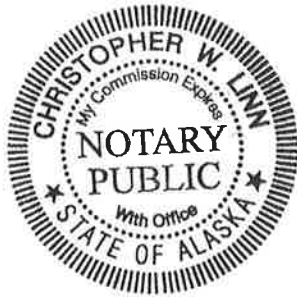
I, Shyla Consalo, Executive Administrator for the Real Estate Commission, being duly sworn, state the following:

The attached motion dealing with applications and instructor approval requirements was passed by the Real Estate Commission during its June 17, 2020 videoconference meeting.

Date: 6/17/20
Anchorage, Alaska

Shyla Consalo
Shyla Consalo, Executive Administrator

SUBSCRIBED AND SWORN TO before me this 17 day of June, 2020.



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