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**OFFICE OF THE LIEUTENANT GOVERNOR  
ALASKA**

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

**TO:** Victoria Caltagirone  
Department of Commerce, Community and Economic Development

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

**DATE:** April 24, 2023

**RE:** Filed Permanent Regulations: Real Estate Commission

Department of Commerce, Community and Economic Development - Real Estate  
Commission regulations re: application & licensure, employment, disclosures, and  
continuing education (12 AAC 64.060 - .500)

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Attorney General File:	2022200529
Regulation Filed:	4/24/2023
Effective Date:	5/24/2023
Print:	246, July 2023

cc with enclosures: Colleen Bailey, Department of Law  
Judy Herndon, LexisNexis  
Jun Maiquis, Regulations Specialist  
Alison Osborne, Regulations Specialist  
Stefanie Davis, Occupational License Examiner



THE STATE  
of **ALASKA**  
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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April 19, 2023

The Honorable Nancy Dahlstrom  
Lieutenant Governor  
State of Alaska  
P.O. Box 110015  
Juneau, AK 99811-0015

Re: *12 AAC 64.060 - .500: DCCED Real Estate Commission - Application & licensure, employment, disclosures, and continuing education*  
Our file: 2022200529

Dear Lieutenant Governor Dahlstrom:

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 letter 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 updates to regulations relating to the application process, licensure requirements, employment and transfer, consumer disclosure form, supervision, and continuing education requirements.

The November 4, 2022 public notice and the February 7, 2023 order certifying the changes 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 incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR  
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**  
Rebecca C. Polizzotto  
Chief Assistant Attorney General  
Legislation, Regulations, and  
Legislative Research Section

Digitally signed by  
Rebecca C. Polizzotto  
Date: 2023.04.19  
15:32:11 -08'00'

RCP/fcb

CC w/enclosure: Jun Maiquis  
Department of Commerce, Community and Economic Development

Patty C. Burley, Assistant Attorney General  
Department of Law

Brad W. Sharp, Assistant Attorney General  
Department of Law

Steven C. Weaver, Assistant Attorney General  
Department of Law

ORDER CERTIFYING THE CHANGES TO  
REGULATIONS OF THE REAL ESTATE COMMISSION

The attached five pages of regulations, dealing with application and licensure requirements, employment and transfer, supervision, and continuing education requirements, are certified to be a correct copy of the regulation changes that the Real Estate Commission adopted at its December 8, 2022 meeting, under the authority of AS 08.88.071, AS 08.88.081, AS 08.88.091, AS 08.88.171, AS 08.88.191, AS 08.88.251, AS 08.88.263, AS 08.88.331, 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.

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: 2/7/2023

Digitally signed by Nancy  
Harris  
Date: 2023.02.07  
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Nancy Harris, Executive Administrator  
Real Estate Commission

*April Simpson for*

FILING CERTIFICATION

I, Nancy Dahlstrom, Lieutenant Governor for the State of Alaska, certify that on April 24, 2023 at 3:41 p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.

*for April Simpson*  
Nancy Dahlstrom, Lieutenant Governor

Effective: May 24, 2023

Register: 246, July 2023

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

**I, NANCY DAHLSTROM, 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, 2022.**



*Nancy Dahlstrom*  
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**NANCY DAHLSTROM  
LIEUTENANT GOVERNOR**

**Chapter 64. Real Estate Commission.**

12 AAC 64.060(h) is amended to read:

(h) An applicant applying for licensure by examination shall **submit** [PROVIDE] a **complete** license history, including any disciplinary action or investigation taken or pending, [SENT] directly to the department from all jurisdictions **or other licensing states** where the applicant holds or has ever held a real estate license. (Eff. 8/6/67, Register 24; am 8/22/79, Register 71; am 12/6/81, Register 80; am 10/8/90, Register 116; am 7/16/94, Register 131; am 9/15/94, Register 131; am 2/11/95, Register 133; am 2/12/99, Register 149; am 9/6/2002, Register 163; am 5/31/2012, Register 202; am 9/9/2021, Register 239; am 5 / 24 / 2023, Register 246 )

**Authority:** AS 08.88.071                      AS 08.88.171                      AS 08.88.191  
AS 08.88.081

12 AAC 64.061(b) is amended to read:

(b) A licensee who requests licensure by endorsement must **submit** [HAVE] a **complete** [CERTIFICATION OF] license **history** [STATUS SENT] directly to the commission from the other licensing **authorities** [AUTHORITY].

(Eff. 12/6/81, Register 80; am 9/29/83, Register 88; 7/16/94, Register 131; am 2/12/99, Register 149; am 2/5/2010, Register 193; am 9/9/2021, Register 239; am 5 / 24 / 2023, Register 246 )

**Authority:** AS 08.88.071                      AS 08.88.081                      AS 08.88.263

12 AAC 64.075(a) is amended to read:

**12 AAC 64.075. Employment and transfer.** (a) An individual may not be involved in activities requiring licensure under AS 08.88 until the individual's employing broker signs and delivers to the commission, either by electronic mail or regular United States mail, a notice of employment of the individual and the individual's **completed broker notice to real estate commission of licensee termination form** [LICENSE CERTIFICATE] is delivered to the broker by the licensee or the commission.

12 AAC 64.075(b) is amended to read:

(b) When a licensee requests a license transfer from one broker to another, the terminating broker **must complete the broker notice to real estate commission of licensee termination form** [SHALL SIGN AND DATE THE FRONT OF THE LICENSE CERTIFICATE], provide a copy **of the completed form** to the licensee, and submit **the completed form** to the commission, either by electronic mail or regular United States mail, **not later than** [WITHIN] five days from the date of the licensee's request for a license transfer. The licensee shall provide the new employing broker with a copy of the **completed broker notice to real estate commission of licensee termination form** [SIGNED LICENSE CERTIFICATE] and provide the commission with a completed application for license transfer and the fees established in 12 AAC 02.360. The commission will mail an amended license certificate directly to the new employing broker.

12 AAC 64.075(c) is amended to read:

(c) After applying for a license transfer, the licensee may work in the office of the new employing broker for **not** [NO] more than 30 days while waiting for an amended license certificate. The new employing broker shall keep a copy of the licensee's signed application for license transfer and a copy of the **completed broker notice to real estate commission of licensee termination form** [SIGNED LICENSE CERTIFICATE] described in (b) of this section until the amended license certificate is received.

(Eff. 8/22/79, Register 71; am 12/6/81, Register 80; am 7/1/89, Register 110; am 7/16/94, Register 131; am 9/15/94, Register 131; am 9/6/2002, Register 163; am 6/22/2008, Register 186; am 9/9/2021, Register 239; am 5 / 24 / 2023, Register 246 )

**Authority:** AS 08.88.081 AS 08.88.171 AS 08.88.251

12 AAC 64.125(a) is amended to read:

**12 AAC 64.125. Supervision.** (a) Failure of a broker **and** [OR] associate broker **in charge** to adequately provide for the supervision of the activities of licensees for whom they are responsible is grounds for disciplinary action against the

(1) employing broker;

(2) associate broker designated by the broker to manage a branch office; **and**

[OR]

(3) broker **and** [OR] associate broker **in charge** designated by the broker of record to supervise transactions or licensees during the broker of record's absence.



12 AAC 64.125(b) is amended to read:

(b) Adequate supervision of a licensee by a broker **and** [OR] an associate broker **in charge** includes

(1) [BEFORE RECORDING OF THE TRANSACTION,] providing for the review of files for completeness and accuracy and ensuring all required real estate related documents are on file, including all applicable local, state, and federal forms **before the recording of the transaction**; [AND]

(2) communicating office policies to affiliated licensees; **and**

**(3) supervision for compliance of brokerage policies, guidelines, and requirements that are specifically listed under AS 08.88.685(a)(1) - (5).**

(Eff. 8/22/79, Register 71; am 7/16/94, Register 131; am 1/1/2005, Register 172; am 12/7/2011, Register 200; am 5 / 24 / 2023, Register 246)

**Authority:** AS 08.88.071            AS 08.88.171            AS 08.88.685  
AS 08.88.081            AS 08.88.331

12 AAC 64.500(n) is amended to read:

(n) Notwithstanding the provisions of 12 AAC 64.420 - 12 AAC 64.450, a licensee who has taken a course offered outside of this state [, OR] that is required to earn a professional designation[,] by a nationally recognized real estate education provider during a licensing period that has not otherwise been certified under 12 AAC 64.410 and 12 AAC 64.420 may apply to the commission under this subsection for continuing education credit under this section for the licensee's attendance at that course. To be considered for approval by the commission, [NOT LATER THAN 60 DAYS AFTER COMPLETING THE COURSE BUT NOT LESS THAN 60

DAYS BEFORE THE END OF THE LICENSING PERIOD,] the licensee must submit to the department **not later than November 30 of odd numbered years**

- (1) [AN APPLICATION ON] a form provided by the department;
- (2) [ALL MATERIALS PROVIDED AS PART OF THE CLASS, INCLUDING
  - (A)] materials promoting or describing the class **and designation**;
  - (3) [(B)] evidence that the real estate education provider is nationally recognized;

and

(4) [(C)] **a certificate of completion, including the date of attendance, as** proof of attendance [INCLUDING TIME OF INSTRUCTION]. (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 11/1/2003, Register 168; am 8/31/2006, Register 179; am 11/18/2006, Register 180; am 6/22/2008, Register 186; am 1/9/2014, Register 209; am 5 / 24 / 2023, Register 246)

**Authority:** AS 08.88.081 AS 08.88.091