



LAWS OF ALASKA

2009

Source

CSHB 129(RLS)

Chapter No.

AN ACT

Relating to the authority of the Real Estate Commission to revoke licenses of persons convicted of certain crimes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Relating to the authority of the Real Estate Commission to revoke licenses of persons
2 convicted of certain crimes.

3 _____
4 * **Section 1.** AS 08.88.071(a) is amended to read:

5 (a) The commission shall

6 (1) determine whether applicants meet requirements for licenses under
7 this chapter and issue licenses to those who qualify;

8 (2) prepare and grade examinations;

9 (3) after hearing, have the authority to suspend or revoke the license of
10 a licensee or impose other disciplinary sanctions authorized under AS 08.01.075 on a
11 licensee who

12 (A) with respect to a real estate transaction

13 (i) made a substantial misrepresentation;

14 (ii) made a false promise likely to influence, persuade,

1 or induce;

2 (iii) in the case of a real estate broker, pursued a
3 flagrant course of misrepresentation or made a false promise through
4 another real estate licensee;

5 (iv) has engaged in conduct that is fraudulent or
6 dishonest;

7 (v) violates AS 08.88.391;

8 (vi) violates AS 08.88.396;

9 (B) procures a license by deceiving the commission, or aids
10 another to do so;

11 (C) has engaged in conduct of which the commission did not
12 have knowledge at the time the licensee was licensed demonstrating the
13 licensee's unfitness to engage in the business for which the licensee is licensed;

14 (D) knowingly authorizes, directs, connives at, or aids in
15 publishing, distributing, or circulating a material false statement or
16 misrepresentation concerning the licensee's business or concerning real estate
17 offered for sale, rent, or lease, or managed in the course of the licensee's
18 business in this or any other state or concerning the management of an
19 association in the course of a licensee's business in this or another state;

20 (E) if a real estate broker, wilfully violates AS 08.88.171(d) or
21 08.88.291;

22 (F) if an associate real estate broker, claims to be a real estate
23 broker, or, if a real estate salesperson, claims to be a real estate broker or
24 associate real estate broker;

25 (G) if a real estate broker, employs an unlicensed person to
26 perform activities for which a real estate license is required;

27 (H) if an employed real estate licensee of a real estate broker,
28 fails immediately to turn money or other property collected in a real estate
29 transaction over to the employing real estate broker; or

30 (I) fails to carry and maintain errors and omissions insurance
31 with terms and conditions established by the commission under AS 08.88.172;

1 (4) prosecute, through the Department of Law, violations of the
2 provisions of this chapter or lawful regulations adopted under this chapter;

3 (5) release for publication in a newspaper of general circulation in the
4 locale of the offending person's principal office registered with the commission notice
5 of disciplinary action taken by the commission against a person licensed under this
6 chapter;

7 (6) issue a temporary permit to the personal representative of the estate
8 of a deceased real estate broker or to another person designated by the commission
9 with the approval of the personal representative of the estate in order to secure proper
10 administration in concluding the affairs of the decedent broker's real estate business;

11 (7) issue a temporary permit to the personal representative of a legally
12 incompetent real estate broker or to another person designated by the commission with
13 the approval of the personal representative of the broker in order to secure proper
14 administration in temporarily managing the real estate business of the broker;

15 (8) establish and periodically revise the form of the seller's property
16 disclosure statement required by AS 34.70.010;

17 (9) have the authority to levy civil fines as established in this chapter;

18 (10) revoke the license of a broker, [OR] associate broker, **or real**
19 **estate salesperson** who is convicted of a felony or other crime committed while
20 licensed under this chapter that, in the judgment of the commission, affects the ability
21 of that person to practice as a broker, [OR] associate broker, **or real estate**
22 **salesperson** competently and safely or who is convicted of forgery, theft, extortion,
23 conspiracy to defraud creditors, or fraud; notwithstanding AS 08.88.171, a person
24 whose license is revoked under this paragraph is not qualified **to obtain or renew**
25 [FOR] a license under **AS 08.88.171(a) - (c)** [AS 08.88.171(a) OR (b)] until seven
26 years have elapsed since the person completed the sentence imposed for the
27 conviction.

28 * **Sec. 2.** The uncoded law of the State of Alaska is amended by adding a new section to
29 read:

30 **APPLICABILITY.** Section 1 of this Act applies to criminal convictions for offenses
31 occurring before, on, or after the effective date of this Act.