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HILLSTRAND AND NORENE

1 IN THE HOUSE

2 HOUSE BILL NO. 97

3 IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

4 TWENTY-THIRD SESSION

5 A BILL

6 For an Act entitled: "To license and regulate real estate  
7 brokers and salesmen; creating a Real  
8 Estate Commission; setting forth its  
9 powers and the powers of the Commissioner  
10 of Real Estate; prescribing grounds for  
11 suspension and revocation of licenses;  
12 prescribing criminal penalties; pro-  
13 viding for hearings; repealing Chapter  
14 113, Session Laws of Alaska 1955; and  
15 declaring an emergency."

16 BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

17 Section 1. DEFINITIONS. For the purpose of this Act,  
18 words and phrases shall have the following meaning, unless other  
19 meaning is apparent from the context:

20 (a) A "real estate broker" or "broker" is a person  
21 who, for a compensation, sells, or offers for sale, buys, or  
22 offers to buy, lists or solicits for prospective purchasers, or  
23 negotiates the purchase or sale or exchange of real estate or  
24 leases or offers to lease, or negotiates the sale, purchase, or  
25 exchange of leases, rents, or places for rent, or collects rent  
26 from real estate, or improvements thereon for another or others  
27 on a commission basis.

28 (b) An "associate real estate broker" is a person  
29 who has qualified as a "real estate broker", who works with a

1 designated broker, and whose license states that he is asso-  
2 ciated with a designated broker.

3 (c) A "real estate salesman" or "salesman" is any  
4 person, other than a corporation, copartnership or unincorporated  
5 association, who represents a real estate broker in the perfor-  
6 mance of any of the acts above set forth.

7 (d) The word "person" as used in this Act shall be  
8 construed to include an individual, firm, corporation, copartner-  
9 ship or unincorporated association, except where otherwise  
10 restricted. The use of the word "broker" shall include  
11 "associate broker" and "temporary broker", unless the context  
12 requires otherwise.

13 (e) A "permanent license" is any license, other than  
14 a temporary one, issued after the applicant has been examined or  
15 after he has been approved for a license without examination  
16 as herein provided. Permanent licenses shall be renewable  
17 yearly.

18 Section 2. EXCLUSION FROM ACT. The provisions of this  
19 Act shall not apply to any person who purchases, leases, or  
20 rents property for his own use or account, nor to any person  
21 who, being the owner of property, sells, exchanges, leases,  
22 rents or otherwise disposes of the same for his account, nor  
23 to the regular employees thereof with respect to the property  
24 so owned or leased, where such acts are performed in the regular  
25 course of, or as an incident to, the management of such property  
26 and the investment therein, nor to any person other than a  
27 broker holding a duly executed power of attorney from the owner  
28 granting power to execute any instrument necessary to consum-  
29 mate the sale, exchange, or leasing of real estate, where only

1one such transaction is involved, nor to any receiver, trustee  
2in bankruptcy, executor, administrator or guardian, nor to any  
3person acting under the order of any court, nor to any person  
4acting under a deed of trust; nor to any employee of a licensed  
5broker, who, as an incident of his employment, collects rents  
6on behalf of his employer.

7       Sec. 3. REAL ESTATE COMMISSION: CREATION. There is here-  
8by created the Alaska Real Estate Commission, which shall be  
9a part of, and function as a division of, the Territorial  
10Department of Public Lands. The Land Commissioner shall be the  
11Commissioner of Real Estate and all real estate functions pro-  
12vided for in this Act shall be conducted at the offices of the  
13Department of Public Lands. The Real Estate Commission shall  
14consist of five members. Three members shall be licensed real  
15estate brokers, one shall be a public member, and the fifth  
16member shall be the Commissioner of Real Estate, who shall be  
17the executive officer of the Commission. Members of the Com-  
18mission shall be appointed by the Governor and confirmed by the  
19Legislature. Members shall hold office for a term of four  
20years. Those members of the Real Estate Board shall serve as  
21members of the Commission, for the periods for which they were  
22appointed and confirmed under Chapter 113, SLA 1955. As the  
23terms of the present members expire, new members shall be appoint-  
24ed for the full four-year term. No person shall be appointed a  
25member of the Commission who has not been for two years a licens-  
26ed real estate broker actively engaged in such business in Alaska  
27for the specified three-year period, except that the public mem-  
28ber shall be required only to have been a resident of Alaska for  
29two years. At least one member shall be appointed from the

1 First, Third and Fourth Judicial Divisions of the Territory  
2 of Alaska. Neither the public member, nor the Commissioner  
3 of Real Estate or any member of his staff, shall have any  
4 interest in any business opportunity company, business op-  
5 portunity brokerage firm, real estate company or real estate  
6 brokerage firm, as either director, stockholder, officer,  
7 member agent, or employee, or act as broker or real estate  
8 salesman, or be a partner of or agent for any broker or real  
9 estate salesman. Members of the Commission shall receive  
10 \$30.00 per day while attending Commission meetings, plus a  
11 per diem allowance of \$12.00. Members of the Commission shall  
12 be furnished the cost of their transportation.

13       Sec. 4. POWERS AND DUTIES OF THE COMMISSION. (a) It  
14 shall be the duty of the Commission, acting in its own behalf  
15 and through the Commissioner of Real Estate, to enforce all  
16 laws, rules, and regulations relating to the licensing of real  
17 estate brokers and salesmen. It shall issue such rules and  
18 regulations as may be necessary to effectuate the purposes of  
19 this Act.

20       (b) The Commission shall meet for the transaction of  
21 business not less than once each quarter at such place within  
22 the Territory as may be designated by the Commissioner after  
23 consulting with the other members of the Commission. Notice of  
24 said meeting shall be given by the Commissioner or his agent at  
25 least ten (10) days prior thereto, except that shorter notice  
26 may be given with the concurrence of a majority of the Commission.

27       (c) A majority of the Commission shall constitute a  
28 quorum for the purpose of transacting all business and for the  
29 exercise of any power or authority of the Commission. A majority

1 of the Commission must vote in favor of any motions for such  
2 motion to properly carry. A vacancy in the Commission, not  
3 constituting a lack of a quorum, shall in no wise impair the  
4 rights, duties and powers of the remaining members of the  
5 Commission.

6 (d) The Commission shall have, but not by way of  
7 limitation, the power to refuse to issue a license, to revoke  
8 or suspend an existing license, to apply to the District Court  
9 for an injunction to temporarily restrain any violation of this  
10 Act, or any rule or regulation issued pursuant thereto, to con-  
11 duct investigations with full power of subpoena of alleged  
12 violations of said Act, rules, or regulations, and to perform  
13 any other act necessary to effectuation of the purposes of this  
14 Act. All actions of the Commission shall be subject to judicial  
15 review as hereinafter provided.

16 (e) Any power or duty of the Commission may be  
17 delegated to the Real Estate Commissioner, provided a  
18 majority of the Commission concurs in the delegation of such  
19 authority.

20 (f) The Commission shall approve the issuance of  
21 all original licenses, provided, however, that the Commissioner  
22 may issue temporary licenses under Section 6 (f) and may renew  
23 existing licenses under Section 6 (e) hereof.

24 Sec. 8. POWERS AND DUTIES OF COMMISSIONER. (a) The Real  
25 Estate Commissioner shall be the Executive Officer of the Com-  
26 mission, and shall have the power to administer this Act in  
27 accordance with the provisions thereof. He shall adopt a seal  
28 bearing the words "Real Estate Commission, Territory of Alaska",  
29 for the authentication of proceedings of the Commission and of the

1 official documents therefor.

2 (b) He shall reproduce the laws relating to licensing of  
3 real estate brokers and salesmen, rules and regulations adopted  
4 by the Commission and any matter connected therewith which he  
5 may deem expedient, or a bulletin containing information relating  
6 to the Commission, and to secure the publication of similar  
7 matter in such established publication as he may deem best fitted  
8 for the dissemination of information to licensees and to the  
9 public. The Commissioner shall publish or cause to be published  
10 on or about the first day of June of each year a directory or  
11 list of licensed brokers and salesmen and shall therewith publish  
12 such matters as he may deem pertinent to the general purposes of  
13 this Act. He shall mail one copy of such directory to each  
14 licensed broker and to other persons upon request.

15 (c) The Commissioner shall prepare and conduct examina-  
16 tions of applicants for licenses and certify the results to the  
17 Commission for final approval of the issuance of licenses.

18 (d) The Commissioner shall have the power to issue  
19 temporary licenses and to renew or transfer existing licenses.

20 (e) The Commissioner shall, at the request of the  
21 Commission, or upon a complaint of any other person, or of his  
22 own volition, investigate any violations of this Act, or of any  
23 rule, regulation, or order issued pursuant to this Act, and re-  
24 port the results of his investigation to the Commission. He  
25 shall have the power to subpoena witnesses, to compel by sub-  
26 poena duces tecum the production of any and all books, documents,  
27 and papers in the possession of any person alleged to have  
28 violated the provisions of this Act, or of any rule, regulation,  
29 or order issued pursuant thereto, and to take the testimony of

1 any person by deposition in the same manner as prescribed by  
2 law for the taking of depositions in civil actions. He shall  
3 have the power to administer oaths. The processes issued by the  
4 Commissioner may be served by any person authorized to serve  
5 process under the laws of the Territory of Alaska.

6 (f) The Commissioner shall appoint and fix the com-  
7 pensation of a secretary and such deputies, clerks and assistants  
8 as may be necessary to conduct the business of his office. No  
9 deputy or assistant shall be appointed by the Commissioner with-  
10 out the approval of a majority of the Commission.

11 (g) All powers and duties conferred upon the Real  
12 Estate Commissioner under this Act may be delegated by him to  
13 the individual members of the Commission.

14 Section 6. APPLICATIONS FOR LICENSES; QUALIFICATIONS FOR  
15 EXAMINATIONS; ISSUANCE OF LICENSES.

16 (a) FEES AND BONDS. An applicant for a broker's,  
17 associate broker's or real estate salesman's license shall make  
18 application therefor to the Commissioner on such application  
19 forms as shall be prescribed by the Commission. With such  
20 application, the applicant shall:

21 (1) Pay a license fee as follows:

22 For a broker's license -- \$50.00

23 For an associate broker's license -- \$35.00

24 For a real estate salesman's license -- \$25.00

25 For a temporary broker's license -- \$10.00

26 For inactive licenses of all types, the fee shall be  
27 one-half of the fee charged for an active license. The license  
28 year shall be from April 1 to March 31. If a license is issued  
29 after October 1 of any year, the fee shall be one-half the fee

1 for the full license year. The fee for a license renewal shall  
2 be the same as for an original license. If any licensee shall  
3 become inactive, he shall not be entitled to a refund of his  
4 license fee for the balance of the license year. He may there-  
5 after obtain an active license at any time during the unexpired  
6 license period at no additional charge.

7 Where the applicant is required to take a written  
8 examination, he shall forward \$15.00 as a fee for the salesman's  
9 examination, and \$25.00 as a fee for the broker's examination.

10 All fees prescribed herein or under this Act shall be  
11 paid to the Commissioner who shall transmit them to the  
12 Treasurer's Office for deposit in the General Fund of the Terri-  
13 tory of Alaska.

14 (2) Deliver to the Commissioner a bond to  
15 the Territory of Alaska in a form approved by  
16 the Commission in the sum of \$5,000.00 for  
17 a broker's, associate broker's or temporary  
18 broker's license, and in the sum of \$1,000.00  
19 for a salesman's license. Said Bond shall be  
20 executed by a corporate surety which has been  
21 duly authorized to do business in the Terri-  
22 tory. The bond shall provide that the surety  
23 guarantees the faithful accounting and proper  
24 remission of all funds entrusted to the broker  
25 or salesman. No bond shall be required of  
26 an inactive licensee.

27 (3) If a corporate applicant, deliver  
28 to the Commissioner a list of its officers  
29 and directors, and their addresses, or

1 if the applicant is a partnership or an unincorporated  
2 association, deliver a list of the names of the  
3 partners or members of the association, together with  
4 their addresses.

5 (b) QUALIFICATIONS. Applicants for licenses shall  
6 have the following qualifications:

7 (1) All applicants shall be at least 21 years  
8 of age.

9 (2) All applicants shall be citizens of the  
10 United States.

11 (3) An applicant for a broker's or associate  
12 broker's license shall have been a bona fide  
13 resident of the Territory of Alaska for at least  
14 ninety days immediately prior to the date of his  
15 application.

16 (4) An applicant for a salesman's license  
17 shall have been a bona fide resident of the Territory  
18 or Alaska for at least sixty days immediately prior  
19 to the date of his application.

20 No. license shall be issued to any person who, within  
21 five years next preceding his application, for an original  
22 license, has been convicted of a felony or of any other crime  
23 involving moral turpitude or of dishonest dealing, or of a  
24 violation of any real estate act, in Alaska or elsewhere.

25 (c) EXAMINATIONS; ADMISSION WITHOUT EXAMINATION

26 (1) All applicants for licenses except applicants  
27 who hold valid brokers' or salesmen's licenses  
28 from other jurisdictions (who may be licensed  
29 without examination as hereinafter provided),

1 shall successfully pass a written examination  
2 prepared by the Commission and conducted by the  
3 Commissioner. The scope of the examinations  
4 shall include, but shall not be limited to,  
5 questions relating to real estate financing and  
6 conveyancing, land laws, real estate appraisals,  
7 land economics, land contracts, deeds, mortgages,  
8 leases, sanitation laws, the law of agency, con-  
9 struction practices, principles of real estate  
10 practices, codes of business ethics, mathematics,  
11 reading, writing and spelling.

12 (2) The holder of a valid broker's or real  
13 estate salesman's license from any state, Terri-  
14 tory, or the District of Columbia, may be issued  
15 a permanent real estate salesman's license with-  
16 out a written examination, under such regulations  
17 as the Commission may promulgate, after he has  
18 been a bona fide resident of the Territory of  
19 Alaska for at least sixty days immediately  
20 prior to his application to the Commission for  
21 such salesman's license. He shall meet all  
22 other requirements for such license, except  
23 that of taking the written examination. He shall offer  
24 proof, to the satisfaction of the Commission, that he  
25 holds such broker's or salesman's license from another  
26 jurisdiction. He shall apply for such license  
27 not later than one year after he has established  
28 residence in the Territory of Alaska.

29 (3) When the holder of a permanent salesman's

1 license fails to pass an examination for a  
2 broker's license, he may thereafter continue to  
3 operate under his salesman's license.

4 (a) ISSUANCE OF LICENSES: A license issued hereunder  
5 shall authorize only the licensee named therein, and no other,  
6 to perform any act mentioned in Section 1 of this Act; provided,  
7 that whenever a license is applied for and issued under the  
8 provisions of this Act to a corporation, it shall be issued to  
9 a person to be named by said corporation in its application  
10 for said license, who shall qualify and if the designated broker  
11 severs his business relationship with the corporation he shall  
12 retain his broker's license and the corporation shall engage  
13 another person who shall qualify the same as any other broker.  
14 Provided, further, that whenever a license is issued under the  
15 provisions of this Act to a copartnership or unincorporated  
16 association, said license shall be issued to one member of said  
17 copartnership to be named by said copartnership in its appli-  
18 cation for said license who shall qualify the same as any other  
19 agent to act as a real estate broker on behalf of said copartner-  
20 ship without the payment of additional license fees and if the  
21 designated broker sever his business relationship with the  
22 copartnership or unincorporated association, he shall retain  
23 his broker's license and the copartnership or unincorporated  
24 association shall engage another person who shall qualify the  
25 same as any other broker; provided, further, that no licensed  
26 real estate broker or salesman shall operate under any name  
27 other than the one under which said license is issued unless he  
28 shall have first obtained the written consent of the Commission  
29 to do so.

1 (e) LICENSE RENEWAL. The holders of real estate,  
2 brokers' and salesmen's licenses issued pursuant to this Act  
3 shall be entitled to have their licenses renewed for successive  
4 years without examination.

5 (f) INACTIVE LICENSES. Permanent brokers' and sales-  
6 man's licenses held by persons who are no longer active in their  
7 profession shall be surrendered to the Commissioner, who shall  
8 thereafter issue inactive licenses to such brokers and sales-  
9 men, upon payment of the fees set forth in Section 6 (a) (1).

10 (g) BRANCH OFFICES. Branch offices under the same  
11 name as the main office may be opened and maintained by any  
12 broker upon the payment of a \$5.00 license fee for each such  
13 office, which fee shall be paid each year. All branch offices  
14 shall be in charge of and operated by a licensed associate  
15 broker.

16 (h) CUSTODY AND DISPLAY OF LICENSES; CHANGE OF ADDRESS.  
17 All licenses, including branch office licenses, shall be dis-  
18 played in the office where the licensee is engaged in business.  
19 Brokers shall be responsible for the custody and display of all  
20 licenses issued to persons in their employ. The change of a  
21 business address of any licensee shall be furnished the Commission  
22 within ten (10) days of such change.

23 (i) CREDIT OF FEES AGAINST BUSINESS LICENSE TAX. Real  
24 estate license fees may be credited against the initial \$25.00  
25 fee for the Alaska Business License by submitting to the Depart-  
26 ment of Taxation a receipt for payment of the required real es-  
27 tate license tax.

28 Sec. 7. REQUIREMENT OF ACTIVELY ENGAGING IN BUSINESS; PLACE  
29 OF BUSINESS; DISPLAY OF FIRM NAME. Each person licensed as an

1 active real estate broker under the provisions of this Act shall  
2 be required to be actively engaged as a real estate broker and  
3 shall maintain a definite place of business in the Territory.  
4 The firm name of the broker shall be prominently displayed  
5 outside the broker's place of business.

6 Sec. 8. GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE.

7 Commission of any of the following acts by any licensee shall  
8 constitute grounds for the suspension or revocation of his  
9 license:

10 (a) Obtaining a license by means of fraud, misrepres-  
11 entation, concealment, or through the mistake or inadvertence of  
12 the Commission.

13 (b) The violation of any provisions of this Act, or of  
14 any rule, regulation, or order issued pursuant thereto by the  
15 Commission.

16 (c) Conviction, during the period he holds his license  
17 or during a period of five years next preceding his application  
18 for an original license, of a felony or of any other crime in-  
19 volving moral turpitude or dishonest dealing, or of a violation  
20 of any real estate act, in Alaska or in any other jurisdiction.

21 (d) Making, printing, publishing or distributing, or  
22 causing, authorizing, or knowingly permitting another to make,  
23 print, publish, or distribute, any false statement, description,  
24 or promise relating to real property sold or offered for sale by  
25 the licensee, which said false statement, description, or  
26 promise may reasonably be calculated to induce any person to  
27 act to his damage or injury, where the licensee knew, or by the  
28 exercise of reasonable care, could have known, such statement,  
29 description or promise to be false.

1 (c) Accepting the services of, or continuing in a  
2 representative capacity, any broker or salesman who has not been  
3 granted a license, or whose license has been revoked or sus-  
4 pended.

5 (f) Converting any money, contract, deed, note,  
6 mortgage, or abstract, or any other evidence of title, to his  
7 own use, or to the use of another, when such money or instrument  
8 has been delivered to him in trust or upon condition; and  
9 failure to return any money, contract, deed, note, mortgage, or  
10 abstract or other evidence of title, to any party who shall be  
11 entitled to the possession thereof and who has made written demand  
12 therefor shall be prima facie evidence of conversion.

13 (g) Failing or refusing, upon the demand of the Com-  
14 mission or the Commissioner, to disclose any information, or  
15 produce any document, book or record in his possession, and not  
16 privileged, when such demand is made under the authority of this  
17 Act.

18 (h) Advertising in any manner without including the  
19 name of the licensed firm or the licensee in such advertisement.

20 (i) Accepting, without the written concurrence of the  
21 owner, anything other than cash, or its equivalent, as earnest  
22 money.

23 (j) Accepting, taking or charging any undisclosed  
24 commission or direct profit, or giving cash gifts or other things  
25 of value on services rendered or expenditures made for a prin-  
26 cipal.

27 (k) Accepting employment or compensation in any form,  
28 for the appraisal of real property contingent upon reporting a  
29 predetermined value known to the licensee.

1           (1) Issuing an appraisal report upon any real property  
2 in which the broker or salesman has an interest unless such  
3 interest is clearly stated in said report.

4           (m) Misrepresentation of membership in any Territorial  
5 or national real estate association.

6           (n) Offering real estate for sale, trade or lease (1)  
7 without the written authorization from the owner, or (2) under  
8 an authorization which does not contain all terms of the agree-  
9 ment.

10          (o) Commingling with his own money or property, the  
11 money or property of others.

12          (p) Claiming, demanding or receiving a fee, compensa-  
13 tion or commission under any exclusive agreement authorizing  
14 or employing a licensee to sell, buy or exchange real estate for  
15 compensation or commission where such agreement does not contain  
16 a definite specified date of final and complete termination.

17          (q) Willfully designating himself a "realtor" without  
18 having the legal right to do so.

19          (r) Payment by any broker of any part of a commission  
20 or other compensation received in his capacity as a real estate  
21 broker to any person who is not a licensed real estate broker,  
22 or to a real estate salesman or associate broker not licensed to  
23 do business for such broker; or the payment by any licensed sales-  
24 man of any part of a commission or other compensation received  
25 in his capacity as a real estate salesman to any person whether  
26 licensed or not, except through his broker.

27          (s) Failure of a broker to notify the Commissioner of  
28 the termination of a salesman's or associate broker's represen-  
29 tation and failure to surrender to the Commissioner said sales-

1 man's or broker's license, as required by Section 8 of this Act.

2 (t) Any act or conduct which constitutes or demon-  
3 strates bad faith, incompetency or untrustworthiness, or dis-  
4 honest, fraudulent or improper dealings.

5 (u) Failure of any licensee to comply with the pro-  
6 visions of this Act or with any proper rule, regulation or order  
7 of the Commission.

8 Sec. 9. ENGAGING IN REAL ESTATE BUSINESS WITHOUT LICENSE;  
9 PENALTY. Any person who acts as a real estate broker, associate  
10 real estate broker, or salesman, as defined in Section 1 of this  
11 Act, without a valid license, as herein provided, shall be deemed  
12 guilty of a misdemeanor and, upon conviction thereof, shall be  
13 imprisoned for not more than three months or fined not more than  
14 \$300.00 or both. Nothing herein shall prevent or supersede  
15 prosecution under any other criminal statute in force in Alaska.

16 Sec. 10. CUSTODY AND SURRENDER OF LICENSES. The license of  
17 any real estate salesman or associate broker shall be retained  
18 at all times by his designated broker and when any real estate  
19 salesman or associate broker shall cease to represent his broker  
20 his license shall thereupon become invalid. Notice of the  
21 termination of the salesman's or associate broker's representa-  
22 tion shall be given promptly to the Commissioner and such notice  
23 shall be accompanied by the license to the terminated salesman  
24 or associate broker. Upon application to the Commissioner of  
25 the salesman or associate broker and the payment of \$1.00, the  
26 Commissioner shall issue a new license for the unexpired term,  
27 if such applicant is otherwise entitled thereto. Whenever any  
28 real estate salesman's or associate broker's service shall be  
29 terminated by his broker for a violation of any of the pro-

1 visions of Section 8 of this Act, or for any other cause, a  
2 written statement of the facts surrounding such termination shall  
3 be promptly forwarded by the broker to the Commissioner.

4 Sec. 11. HEARING AND APPEALS. (a) WHEN HEARING HELD.

5 A hearing shall be held by the Commission in any of the follow-  
6 ing situations:

7 (1) When an applicant for a broker's, associate  
8 broker's or salesman's license, or any licensee  
9 under this Act, shall feel himself aggrieved by  
10 any ruling, order or other action of the Commission.

11 (2) When the Commission, acting upon a veri-  
12 fied complaint filed by any party, or, upon its  
13 own motion, deems that a prima facie case exists  
14 showing a violation by any licensee, or by any  
15 person acting without a valid license, of any  
16 provision of this Act or of any rule, regulation  
17 or order issued by the Commission pursuant there-  
18 to.

19 (b) REQUEST FOR HEARING BY APPLICANT OR LICENSEE.

20 In the case of any hearing requested under Section 11 (a) (1),  
21 an applicant or licensee shall file a notice of a request for a  
22 hearing within twenty (20) days after his notification by the  
23 Commission of its action, ruling or order. The Commission shall,  
24 upon receipt of the applicant's or licensee's notice of a re-  
25 quest for hearing, set a date for such hearing which shall fall  
26 not later than ninety (90) days after the receipt of said notice.  
27 The hearing shall be held in either the city of Anchorage,  
28 Juneau, Ketchikan, or Fairbanks, whichever is closest to the  
29 residence of the applicant or licensee.

1           (c) NOTICE OF HEARING AT INSTANCE OF COMMISSION. In  
2 the case of hearings held under Section 11 (a) (2), the Com-  
3 mission shall set a date for the hearing which shall fall not  
4 later than sixty (60) days after the respondent shall have been  
5 given notice thereof. The Commission shall, by registered or  
6 certified mail, notify the respondent of the place, date and  
7 time of hearing, and the notice shall specify the particular  
8 section or sections of this Act, or regulation, rule, or order  
9 of the Commission, which the respondent is alleged to have  
10 violated. The hearing shall be held in either the city of  
11 Juneau, Ketchikan, Anchorage, or Fairbanks, whichever is closest to  
12 the residence of the respondent.

13           (d) HEARINGS; PROCEDURES. At the hearing, the appli-  
14 cant, licensee or respondent shall be entitled to present such  
15 evidence, written or oral, as may be pertinent to the inquiry,  
16 but the Commission or any other party shall not be bound by the  
17 usual rules of evidence. The applicant, licensee or respondent  
18 shall have the right to counsel, who may examine and cross-  
19 examine witnesses. All witnesses shall be duly sworn by any  
20 member of the Commission, and any party to the hearing may at  
21 their own expense cause the proceedings to be stenographically  
22 reported. If the hearing is so reported, any party to the hearing  
23 may obtain a copy of the transcript by tendering the cost there-  
24 for to the party which has arranged for such reporting. Nothing  
25 herein, however, shall be construed to require the Commission  
26 or any other party to have the hearing reported.

27           (e) WITNESSES. The Commission shall have the power  
28 to issue subpoenas, including subpoenas duces tecum, under its  
29 seal, to any party whose testimony is required at the hearing.

1 Such subpoenas shall set out the date, time and place of the  
2 hearing, the name of the party in whose behalf the witness is  
3 expected to testify, and the authority of the Commission to  
4 issue said subpoenas. The subpoenas shall be served by any  
5 United States Marshal or Deputy Marshal, Territorial Policeman,  
6 or other person qualified under Alaska law to serve such process.  
7 Any applicant, licensee or respondent shall be entitled to  
8 submit to the Commission the names of persons whom he wishes  
9 to summon as witnesses, and the Commission shall thereupon  
10 cause subpoenas to be issued for such witnesses. The Commission,  
11 or the party who requests the issuance of subpoenas, shall  
12 tender the cost of the witnesses' transportation from their homes  
13 to the place of hearing, and the costs of transportation of the  
14 persons serving the subpoenas. The party requesting the issu-  
15 ance of the subpoenas shall also be liable for all witness fees  
16 and other charges provided by Alaska law. If a person, having  
17 been duly served with a subpoena, as aforesaid, shall fail to  
18 appear at the hearing, the Commission may petition the United  
19 States District Court for an order directing the appearance of  
20 such person, and, if such person, after the entry of an order  
21 directing his appearance and the service of a copy thereof  
22 upon him, shall fail to appear, the Court may adjudge him to be  
23 in contempt of said order.

24 (f) FINDINGS OF FACT AND CONCLUSIONS OF LAW; ORDERS.  
25 At the conclusion of the hearing, the Commission shall enter  
26 findings of fact and conclusions of law, and enter an order  
27 based thereupon. Any member of the Commission may certify said  
28 findings of fact and conclusions of law, and any order of the  
29 Commission. A copy of the findings of fact and conclusions of

1 law and the order based thereupon shall be served upon the  
2 applicant, licensee or respondent by sending a copy thereof, by  
3 registered or certified mail, to him at his last known address.  
4 In the case of a licensee, the Commission may order the revoca-  
5 tion, or suspension for a limited time, of his license, or may  
6 enter such other order as may appear to be in the public interest,  
7 (g) APPEAL. Such order shall be final when in favor  
8 of the applicant, licensee, or the respondent. When an order is  
9 unfavorable to the applicant, licensee, or respondent, he may  
10 appeal such order to the District Court of the judicial division  
11 in which he resides by serving upon the Real Estate Commissioner  
12 and the Attorney General of Alaska, a written notice of his in-  
13 tention to appeal within ten (10) days of the receipt by him of  
14 a copy of the findings of fact and conclusions of law and order  
15 based thereupon. Such notice may include a written demand for  
16 copies of all papers, documents, and transcripts in the poss-  
17 ession of the Commissioner, and the Commission, within thirty (30)  
18 days of the receipt of said notice and demand, and after the  
19 respondent has tendered the cost therefor, shall furnish the  
20 applicant or respondent with certified copies of all such  
21 matters in its possession. After the receipt of all such papers,  
22 documents and transcripts by the applicant, licensee or res-  
23 pondent, the matter shall be set for hearing by the District  
24 Court, and the cause shall be given priority on the Court cal-  
25 ender. The hearing of the appeal shall not be a trial de  
26 novo of the cause, but the Court shall be limited solely to a  
27 consideration and determination of the question of whether  
28 there has been an abuse of discretion on the part of the Com-  
29 mission in entering such order.

1       Sec. 14. EXISTING LICENSES. No holder of a permanent  
2 broker's or associate broker's, or real estate salesman's license,  
3 issued in accordance with any previous law, shall be required  
4 to obtain a new original license by reason of this Act. Exist-  
5 ing licenses shall be renewed yearly as hereinabove provided.

6       Sec. 15. REPEAL OF CHAPTER 113, 1955 SESSION LAWS OF  
7 ALASKA. Chapter 113, 1955 Session Laws of Alaska, is hereby  
8 repealed.

9       Sec. 16. SEVERABILITY. The fact that any section, sub-  
10 section, sentence, clause, or phrase in this Act is declared  
11 invalid for any reason shall not affect the remaining portions  
12 of this Act.

13       Sec. 17. EFFECTIVE DATE. This Act shall take effect and  
14 be in force from and after its passage and approval or upon its  
15 becoming law without such approval, and it is so enacted.

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