

1 IN THE HOUSE

BY THE COMMERCE COMMITTEE
OF THE HOUSE

2 COMMITTEE SUBSTITUTE FOR 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: "An Act 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 negotiates loans on real estate, or leases or offers to lease, or
25 negotiates the sale, purchase, or exchange of leases, rents, or
26 places for rent, or collects rent from real estate, or im-
27 provements thereon for another or others.

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", unless the context requires otherwise.

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

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

1 under the order of any court, nor to any person selling under a
2 deed of trust; nor to any employee of a licensed broker, who, as
3 an incident of his employment, collects rents on behalf of his
4 employer.

5 Sec. 3. REAL ESTATE COMMISSION: CREATION. There is hereby
6 created the Alaska Real Estate Commission, which shall be a part
7 of, and function as a division of, the Territorial Attorney
8 General's Office. The Attorney General shall be the Commissioner
9 of Real Estate and all real estate functions provided for in this
10 Act shall be conducted at the offices of the Attorney General.
11 The Real Estate Commission shall consist of five members. Two
12 members shall be licensed real estate brokers, one shall be a
13 licensed real estate salesman, one shall be a public member, and
14 the fifth member shall be the Commissioner of Real Estate, who
15 shall be the executive officer of the Commission. Members of the
16 Commission shall be appointed by the Governor and confirmed by
17 the Legislature. Members shall hold office for a term of four
18 years. These members of the Real Estate Board shall serve as
19 members of the Commission, for the periods for which they were
20 appointed and confirmed under Chapter 113, SLA 1955. As the
21 terms of the present members expire, new members shall be appoint-
22 ed for the full four-year term. No person shall be appointed a
23 member of the Commission who has not been for two years a licensed
24 real estate broker actively engaged in such business in Alaska;
25 the public member shall be required only to have been a resident
26 of Alaska for two years. At least one member shall be appointed
27 from the First, Third and the combined areas of the Second and
28 Fourth Judicial Divisions of the Territory of Alaska. Neither
29 the public member, nor the Commissioner of Real Estate or any

1 member of his staff, shall have any interest in any business
2 opportunity company, business opportunity brokerage firm, real
3 estate company or real estate brokerage firm, as either director,
4 stockholder, officer, member agent, or employee, or act as
5 broker or real estate salesman, or be a partner of or agent
6 for any broker or real estate salesman. Members of the Commis-
7 sion shall receive such payments, per diem allowances and trans-
8 portation expenses as are commensurate with those allowed and
9 paid members of other Territorial Boards.

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

17 (b) The Commission shall meet for the transaction of
18 business at least once annually at such place within the Territory
19 as may be designated by the Commissioner after consulting with
20 the other members of the Commission. Notice of said meeting
21 shall be given by the Commissioner or his agent at least ten (10)
22 days prior thereto, except that shorter notice may be given with
23 the concurrence of a majority of the Commission.

24 (c) A majority of the Commission shall constitute a
25 quorum for the purpose of transacting all business and for the
26 exercise of any power or authority of the Commission. A majority
27 of the Commission must vote in favor of any motions for such
28 motion to properly carry. A vacancy in the Commission, not
29 constituting a lack of a quorum, shall in no wise impair the

1 rights, duties and powers of the remaining members of the
2 Commission.

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

13 (e) Any power or duty of the Commission may be
14 delegated to the Real Estate Commissioner, provided a majority
15 of the Commission concurs in the delegation of such authority.

16 (f) The Commission shall approve the issuance of all
17 original licenses, provide, however, that the Commissioner may
18 renew existing licenses under Section 6 (e) hereof.

19 Sec. 5. POWERS AND DUTIES OF COMMISSIONER. (a) The Real
20 Estate Commissioner shall be the Executive Officer of the Com-
21 mission, and shall have the power to administer this Act in ac-
22 cordance with the provisions thereof. He shall adopt a seal
23 bearing the words "Real Estate Commission, Territory of Alaska",
24 for the authentication of proceedings of the Commission and of
25 the official documents thereof.

26 (b) He shall reproduce the laws relating to licensing
27 of real estate brokers and salesmen, rules and regulations
28 adopted by the Commission and any matter connected therewith
29 which he may deem appropriate or a bulletin containing information

1 relating to the Commission, and secure the publication of similar
2 matter in such established publication as he may deem best
3 fitted for the dissemination of information to licensees and to
4 the public. The Commissioner shall publish or cause to be
5 published on or about the first day of June of each year a
6 directory or list of licensed brokers and salesmen and shall
7 therewith publish such matters as he may deem pertinent to the
8 general purposes of this Act. He shall mail one copy of such
9 directory to each licensed broker and salesman, and to other
10 persons upon request.

11 (c) The Commissioner shall prepare and conduct
12 examinations of applicants for licenses and certify the results
13 to the Commission for final approval of the issuance of licenses.

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

16 (e) The Commissioner shall, at the request of the
17 Commission, or upon a complaint of any other person, or of his
18 own volition, investigate any violations of this Act, or of any
19 rule, regulation, or order issued pursuant to this Act, and
20 report the results of his investigation to the Commission. He
21 shall have the power to subpoena witnesses, to compel by sub-
22 poena duces tecum the production of any and all books, documents,
23 and papers in the possession of any person alleged to have
24 violated the provisions of this Act, or of any rule, regulation,
25 or order issued pursuant thereto, and to take the testimony of
26 any person by deposition in the same manner as prescribed by
27 law for the taking of depositions in civil actions. He shall
28 have the power to administer oaths. The processes issued by the
29 Commissioner may be served by any person authorized to serve

1 process under the laws of the Territory of Alaska.

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

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

10 Sec. 6. APPLICATIONS FOR LICENSES; QUALIFICATIONS FOR
11 EXAMINATIONS; ISSUANCE OF LICENSES.

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

17 (1) Pay a license fee as follows:

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

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

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

21 For inactive licenses of all types, the fee shall be
22 one-half of the fee charged for an active license. The license
23 year shall be from April 1 to March 31. If a license is issued
24 after October 1 of any year, the fee shall be one-half the fee
25 for the full license year. The fee for a license renewal shall
26 be the same as for an original license. If any licensee shall
27 become inactive, he shall not be entitled to a refund of his
28 license fee for the balance of the license year. He may there-
29 after obtain an active license at any time during the unexpired

1 licence period at no additional charge.

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

5 All fees prescribed herein or under this Act shall be
6 paid to the Commissioner who shall transmit them to the
7 Treasurer's Office for deposit in the General Fund of the
8 Territory of Alaska.

9 (2) Deliver to the Commissioner a bond to
10 the Territory of Alaska in a form and of a type
11 approved by the Commission in the sum of \$5,000.00
12 for a broker's or associate broker's license and
13 in the sum of \$1,000.00 for a salesman's license,
14 executed by a surety company duly authorized to do
15 business in the Territory guaranteeing the faithful
16 accounting and proper remission of all funds entrusted
17 to the broker or salesman. No bond shall be re-
18 quired of an inactive licensee.

19 (3) If a corporate applicant, deliver to the
20 Commissioner a list of its officers and directors,
21 and their addresses, or if the applicant is a
22 partnership or an unincorporated association,
23 deliver a list of the names of the partners or
24 members of the association, together with their
25 addresses.

26 (b) QUALIFICATIONS. Applicants for licenses shall
27 have the following qualifications:

28 (1) All applicants shall be at least 21 years
29 of age.

1 (2) All Applicants shall be citizens of the
2 United States,

3 (3) An applicant for a broker's, associate
4 broker's or salesman's license shall have been a
5 bona fide resident of the Territory of Alaska for
6 at least ninety days immediately prior to the date
7 of his application.

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

13 (c) EXAMINATIONS.

14 (1) All applicants for licenses except applicants
15 who hold valid brokers' or salesmen's licenses
16 from other jurisdictions (who may be licensed
17 without examination as hereinafter provided),
18 shall successfully pass a written examination
19 prepared by the Commission and conducted by the
20 Commissioner. The scope of the examinations
21 shall include, but shall not be limited to,
22 questions relating to real estate financing and
23 conveyancing, land laws, real estate appraisals,
24 land economics, land contracts, deeds, mortgages,
25 leases, sanitation laws, the law of agency, con-
26 struction practices, principles of real estate
27 practices, codes of business ethics and mathematics.

28 (2) The holder of a valid broker's or real
29 estate salesman's license from any state, Territory

1 or the District of Columbia, may be issued a
2 permanent broker's or real estate salesman's license
3 without a written examination, under such regulations
4 as the Commission may promulgate, after he has been
5 a bona fide resident of the Territory of Alaska
6 for at least ninety days immediately prior to his
7 application to the Commission for such salesman's
8 license. He shall meet all other requirements for
9 such license, except that of taking the written
10 examination. He shall offer proof, to the satisfaction
11 of the Commission, that he holds such broker's or
12 salesman's license from another jurisdiction. He
13 shall apply for such license not later than one
14 Year after he has established residence in the
15 Territory of Alaska.

16 (3) When the holder of a permanent salesman's
17 license fails to pass an examination for a broker's
18 license, he may thereafter continue to operate under
19 his salesman's license.

20 (d) ISSUANCE OF LICENSES. A license issued hereunder
21 shall authorize only the licensee named therein, and no other,
22 to perform any act mentioned in Section 1 of this Act; provided,
23 that whenever a license is applied for and issued under the
24 provisions of this Act to a corporation, it shall be issued to
25 a person to be named by said corporation in its application
26 for said license, who shall qualify as any other broker and if
27 the designated broker severs his business relationship with
28 the corporation he shall retain his broker's license and the
29 corporation shall engage another person who shall qualify the

1 same as any other broker. Provided, further, that whenever
2 a license is issued under the provisions of this Act to a
3 copartnership or unincorporated association, said license shall
4 be issued to one member of said copartnership to be named by
5 said copartnership in its application for said license who
6 shall qualify the same as any other agent to act as a real
7 estate broker on behalf of said copartnership without the pay-
8 ment of additional license fees and if the designated broker
9 severs his business relationship with the copartnership or un-
10 incorporated association, he shall retain his broker's license
11 and the copartnership or unincorporated association shall engage
12 another person who shall qualify the same as any other broker;
13 provided, further, that no licensed real estate broker or sales-
14 man shall operate under any name other than the one under which
15 said license is issued unless he shall have first obtained the
16 written consent of the Commission to do so.

17 (e) LICENSE RENEWAL. The holders of real estate
18 broker's and salesmen's licenses issued pursuant to this Act,
19 shall be entitled to have their licenses renewed for successive
20 years without examination.

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

26 (g) BRANCH OFFICES. Branch offices under the same
27 name as the main office may be opened and maintained by any
28 broker upon the payment of a \$5.00 license fee for each such
29 office, which fee shall be paid each year. All branch offices

1 shall be in charge of and operated by a licensed broker or a
2 licensed associate broker.

3 (h) CUSTODY AND DISPLAY OF LICENSES; CHANGE OF ADDRESS.

4 All licenses, including branch office licenses, shall be dis-
5 played in the office where the licensee is engaged in business.
6 Brokers shall be responsible for the custody and display of all
7 licenses issued to persons in their employ. The change of a
8 business address of any licensee shall be furnished the Commission
9 within ten (10) days of such change.

10 (i) SURRENDER OF LICENSES. When any real estate

11 salesman or associate broker shall cease to represent his broker
12 his license shall thereupon become invalid. Notice of the
13 termination of the salesman's or associate broker's representa-
14 tion shall be given promptly to the Commissioner and such notice
15 shall be accompanied by the license of the terminated salesman
16 or associate broker. Upon application to the Commissioner of
17 the salesman or associate broker and the payment of \$1.00, the
18 Commissioner shall issue a new license for the unexpired term,
19 if such applicant is otherwise entitled thereto. Whenever any
20 real estate salesman's or associate broker's service shall be
21 terminated by his broker for a violation of any of the pro-
22 visions of Section 8 of this Act, or for any other cause, a
23 written statement of the fact surrounding such termination shall
24 be promptly forwarded by the broker to the Commissioner.

25 (j) CREDIT OF FEES AGAINST BUSINESS LICENSE TAX, Real

26 estate license fees may be credited against the initial fee
27 for the Alaska Business License by submitting to the Department
28 of Taxation a receipt for payment of the required real estate
29 license tax.

1 Sec. 7. REQUIREMENT OF ACTIVELY ENGAGING IN BUSINESS;
2 PLACE OF BUSINESS; DISPLAY OF FIRM NAME. Each person licensed
3 as an active real estate broker under the provisions of this Act
4 shall be required to be actively engaged as a real estate broker.
5 and shall maintain a definite place of business in the Territory.
6 The firm name of the broker shall be prominently displayed
7 outside the broker's place of business.

8 Sec. 8. GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE.
9 Commission of any of the following acts by any licensee shall
10 constitute grounds for the suspension or revocation of his
11 license:

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

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

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

24 (d) Making, printing, publishing or distributing, or
25 causing, authorizing, or knowingly permitting another to make,
26 print, publish, or distribute, any false statement, description,
27 or promise relating to real property sold or offered for sale by
28 the licensee, which said false statement, description, or
29 promise may reasonably be calculated to induce any person to

1 not to his damage or injury, where the licensee knew, or by the
2 exercise of reasonable care, could have known, such statement,
3 description or promise to be false.

4 (e) Accepting the services of, or continuing in a
5 representative capacity, any broker or salesman who has not been
6 granted a license, or whose license has been revoked or suspended.

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

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

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

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

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

29 (k) Accepting employment or compensation in any form.

1 for the appraisal of real property contingent upon reporting a
2 predetermined value known to the licensee.

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

6 (m) Misrepresentation of membership in any local,
7 Territorial or national real estate association.

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

12 (o) Commingling with his own money or property, the
13 money or property of others.

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

19 (q) Willfully designating himself "realtor" without
20 having the legal right to do so.

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

29 (s) Failure of a broker to notify the Commissioner of

1 the termination of a salesman's or associate broker's employment
2 or representation and failure to surrender to the Commissioner
3 said salesman's or broker's license, as required by Section 8
4 of this Act.

5 (t) Any act or conduct which constitutes or demon-
6 strates bad faith, incompetency or untrustworthiness, or dis-
7 honest, fraudulent or improper dealings.

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. HEARING AND APPEALS. (a) WHEN HEARING HELD,
17 A hearing shall be held by the Commission in any of the follow-
18 ing situations:

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

23 (2) When the Commission, acting upon a verified
24 complaint filed by any party, or, upon its own
25 motion, deems that a prima facie case exists
26 showing a violation by any licensee, or by any
27 person acting without a valid license, of any
28 provision of this Act or of any rule, regulation
29 or order issued by the Commission pursuant thereto.

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

13 In the case of any hearing requested under Section 10 (a) (1),
14 an applicant or licensee shall file a notice of a request for a
15 hearing within twenty (20) days after his notification by the
16 Commission of its action, ruling or order. The Commission shall,
17 upon receipt of the applicant's or licensee's notice of a re-
18 quest for hearing, set a date for such hearing which shall fall
19 not later than ninety (90) days after the receipt of said notice.
20 The hearing shall be held in either the city of Anchorage,
21 Juneau, Ketchikan, Nome or Fairbanks, whichever is closest to the
22 residence of the applicant or licensee.

23 (c) NOTICE OF HEARING AT INSTANCE OF COMMISSION. In
24 the case of hearings held under Section 10 (a) (2), the Com-
25 mission shall set a date for the hearing which shall fall not
26 later than sixty (60) days after the respondent shall have been
27 given notice thereof. The Commission shall, by registered or
28 certified mail, notify the respondent of the place, date and
29 time of hearing, and the notice shall specify the particular
30 section or sections of this Act, or regulation, rule, or order
31 of the Commission, which the respondent is alleged to have
32 violated.

33 (d) HEARINGS; PROCEDURES. At the hearing, the appli-
34 cant, licensee or respondent shall be entitled to present such
35 evidence, written or oral, as may be pertinent to the inquiry,
36 but the Commission or any other party shall not be bound by the
37 usual rules of evidence. The applicant, licensee or respondent
38 shall have the right to counsel, who may examine and cross-
39 examine witnesses. All witnesses shall be duly sworn by any
40 member of the Commission, and any party to the hearing may at

1 his own-expense cause the proceedings to be stenographically
2 reported. If the hearing is so reported, any party to the hear-
3 ing may obtain a copy of the transcript by tendering the cost
4 therefor to the party which has arranged for such reporting.
5 Nothing herein, however, shall be construed to require the Com-
6 mission or any other party to have the hearing reported.

7 (e) WITNESSES. The Commission shall have the power
8 to issue subpoenas, including subpoenas duces tecum, under its
9 seal, to any party whose testimony is required at the hearing.
10 Such subpoenas shall set out the date, time and place of the
11 hearing, the name of the party in whose behalf the witness is
12 expected to testify, and the authority of the Commission to
13 issue said subpoenas. The subpoenas shall be served by any
14 United States Marshal or Deputy Marshal, Territorial Policeman,
15 or other person qualified under Alaska law to serve such process.
16 Any applicant, licensee or respondent shall be entitled to sub-
17 mit to the Commission the names of persons whom he wishes to
18 summon as witnesses, and the Commission shall thereupon cause
19 subpoenas to be issued for such witnesses. The Commission, or
20 the party who requests the issuance of subpoenas, shall tender
21 the cost of the witnesses' transportation from their homes to
22 the place of hearing, and the costs of transportation of the
23 persons serving the subpoenas. The party requesting the issuance
24 of the subpoenas shall also be liable for all witness fees and
25 other charges provided by Alaska law. If a person, having been
26 duly served with a subpoena, as aforesaid, shall fail to appear
27 at the hearing, the Commission may petition the United States
28 District Court for an order directing the appearance of such
29 person, and, if such person, after the entry of an order directing

1 his appearance and the service of a copy thereof upon him, shall
2 fail to appear, the Court may adjudge him to be in contempt of
3 said order.

4 (f) FINDINGS OF FACT AND CONCLUSIONS OF LAW; ORDERS.

5 At the conclusion of the hearing, the Commission shall enter
6 findings of fact and conclusions of law, and enter an order
7 based thereupon. Any member of the Commission may certify said
8 findings of fact and conclusions of law, and any order of the
9 Commission. A copy of the findings of fact and conclusions of
10 law and the order based thereupon shall be served upon the ap-
11 plicant, licensee or respondent by sending a copy thereof, by
12 registered or certified mail, to him at his last known address.
13 In the case of a licensee, the Commission may order the revoca-
14 tion, or suspension for a limited time, of his license, or may
15 enter such other order as may appear to be in the public interest.

16 (g) APPEAL. Such order shall be final when in favor
17 of the applicant, licensee, or the respondent. When an order is
18 unfavorable to the applicant, licensee, or respondent, he may
19 appeal such order to the District Court of the judicial division
20 in which he resides by serving upon the Real Estate Commissioner
21 and the Attorney General of Alaska, a written notice of his in-
22 tention to appeal within ten (10) days of the receipt by him of
23 a copy of the findings of fact and conclusions of law and order
24 based thereupon. Such notice may include a written demand for
25 copies of all papers, documents, and transcripts in the pos-
26 session of the Commission, and the Commission, within thirty (30)
27 days of the receipt of said notice and demand, and after the
28 respondent has tendered the cost therefor, shall furnish the
29 applicant or respondent with certified copies of all such matters

1 in its possession. After the receipt of all such papers, docu-
2 ments and transcripts by the applicant, licensee or respondent,
3 the matter shall be set for hearing by the District Court, and
4 the cause shall be given priority on the Court calendar. Upon
5 the hearing of such appeal, the burden of proof shall be on the
6 applicant, and the Court shall receive and consider any perti-
7 nent evidence, whether documentary or oral, concerning the actions
8 of the Commission from which the appeal is taken. The hearing
9 of the appeal shall not be a trial de novo of the cause; the
10 Court shall be limited solely to a consideration and determination
11 of the question of whether there has been an abuse of discretion
12 on the part of the Commission in entering such order.

13 Sec. 11. EXISTING LICENSES. No holder of a permanent
14 broker's, associate broker's, or real estate salesman's license,
15 issued in accordance with any previous law, shall be required
16 to obtain a new original license by reason of this Act. Existing
17 licenses shall be renewed yearly as hereinabove provided.

18 Sec. 12. REPEAL OF CHAPTER 113, 1955 SESSION LAWS OF
19 ALASKA. Chapter 113, 1955 Session Laws of Alaska, is hereby
20 repealed.

21 Sec. 13. SEVERABILITY. The fact that any section, sub-
22 section, sentence, clause, or phrase in this Act is declared
23 invalid for any reason shall not affect the remaining portions
24 of this Act.

25 Sec. 14. An emergency is hereby declared to exist and this
26 Act shall be in full force and effect from and after the date of
27 its passage and approval.