

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

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estate brokers and salesmen; creating

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a Real Estate Commission; setting forth

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its powers and the powers of the Commissioner

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of Real Estate; prescribing grounds for

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suspension and revocation of licenses;

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prescribing criminal penalties; providing

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for hearings; repealing Chapter 113, Session

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Laws of Alaska 1955; authorizing an

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appropriation."

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

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Section 1. DEFINITIONS. For the purpose of this Act,

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words and phrases shall have the following meaning, unless other

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meaning is apparent from the context:

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(a) A "real estate broker" or "broker" is a person

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who, for a compensation, sells, or offers for sale, buys, or

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offers to buy, lists or solicits for prospective purchasers, or

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negotiates the purchase or sale or exchange of real estate, or

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negotiates loans on real estate, or leases or offers to lease, or

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negotiates the sale, purchase, or exchange of leases, rents, or

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places for rent, or collects rent from real estate, or improve-

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ments thereon for another or others.

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(b) An "associate real estate broker" is a person

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who has qualified as a "real estate broker", who works with a

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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 Section 2. EXCLUSIONS FROM ACT. The provisions of this  
13 Act shall not apply to any person who purchases, leases, or  
14 rents real property for his own use or account, nor to any person,  
15 who, being the owner of property, sells, exchanges, leases, rents  
16 or otherwise disposes of the same for his account, nor to the  
17 regular employees thereof with respect to the property so owned  
18 or leased, where such acts are performed in the regular course  
19 of, or as an incident to, the management of such property and  
20 the investment therein, nor to any person other than a broker  
21 holding a duly executed power of attorney from the owner granting  
22 power to execute any instrument necessary to consummate the sale,  
23 exchange, or leasing of real estate, nor to any receiver, trustee  
24 in bankruptcy, executor, administrator or guardian, nor to any  
25 person acting under the order of any court, nor to any person sell-  
26 ing under a deed of trust; nor to any employee of a licensed bro-  
27 ker who, as an incident of his employment, collects rents on behalf  
28 of his employer.

29 Sec. 3. REALESTATE COMMISSION: CREATION. There is hereby

1 created the Alaska Real Estate Commission, which shall be a part  
2 of, and function as a division of, the Director of Alaska Depart-  
3 ment of Land's Office. The Director of Alaska Department of Lands  
4 shall be the Commissioner of Real Estate and all real estate func-  
5 tions provided for in this Act shall be conducted at the offices  
6 of the Director of Alaska Department of Lands. The Real Estate Com-  
7 mission shall consist of five members. Two members shall be li-  
8 censed real estate brokers, two shall be public members, and the  
9 fifth member shall be the Commissioner of Real Estate, who shall  
10 be the executive officer of the Commission. Members of the Com-  
11 mission shall be appointed by the Governor and confirmed by the  
12 Legislature. Members shall hold office for a term of four years.  
13 These members of the Real Estate Board shall serve as members of  
14 the Commission, for the periods for which they were appointed and  
15 confirmed under Chapter 113, SLA 1955. As the terms of the present  
16 members expire, new members shall be appointed for the full four-  
17 year term. No person shall be appointed a member of the Commission  
18 who has not been for two years a licensed real estate broker ac-  
19 tively engaged in such business in Alaska; the public member shall  
20 be required only to have been a resident of Alaska for two years.  
21 At least one member shall be appointed from each of the four Ju-  
22 dicial Divisions of the Territory of Alaska. Neither the public  
23 member, nor the Commissioner of Real Estate or any member of his  
24 staff, shall have any interest in any business opportunity  
25 company, business opportunity brokerage firm, real estate  
26 company or real estate brokerage firm, as either director,  
27 stockholder, officer, member agent, or employee, or act as  
28 broker or real estate salesman, or be a partner of or agent  
29 for any broker or real-estate salesman. Members of the Commis-

1 sion shall receive such payments, per diem allowances and trans-  
2 portation expenses as are commensurate with those allowed and  
3 paid members of other Territorial Boards.

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

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

18       (c) A majority of the Commission shall constitute a  
19 quorum for the purpose of transacting all business and for the  
20 exercise of any power or authority of the Commission. A majority  
21 of the Commission must vote in favor of any motions for such  
22 motion to properly carry. A vacancy in the Commission, not  
23 constituting a lack of a quorum, shall in no wise impair the  
24 rights, duties and powers of the remaining members of the  
25 Commission.

26       (d) The Commission shall have, but not by way of  
27 limitation, the power to refuse to issue a license, to revoke  
28 or suspend an existing license, to apply to the District Court  
29 for an injunction to temporarily restrain any violation of this

1 Act, or any rule or regulation issued pursuant thereto, to con-  
2 duct investigations with full power of subpoena of alleged  
3 violations of said Act, rules, or regulations, and to perform  
4 any other act necessary to the effectuation of the purposes of  
5 this Act. All actions of the Commission shall be subject to  
6 judicial review as hereinafter provided.

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

10 (f) The Commission shall approve the issuance of all  
11 original licenses, provided, however, that the Commissioner may  
12 renew existing licenses under Section 6 (e) hereof.

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

20 (b) He shall reproduce the laws relating to licensing  
21 of real estate brokers and salesmen, rules and regulations  
22 adopted by the Commission and any matter connected therewith  
23 which he may deem appropriate or a bulletin containing information  
24 relating to the Commission, and secure the publication of similar  
25 matter in such established publication as he may deem best  
26 fitted for the dissemination of information to licensees and to  
27 the public. The Commissioner shall publish or cause to be  
28 published on or about the first day of June of each year a  
29 directory or list of licensed brokers and salesmen and shall

1 therewith publish such matters as he may deem pertinent to the  
2 general purposes of this Act. He shall mail one copy of such  
3 directory to each licensed broker and salesman, and to other  
4 persons upon request. He shall also publish and sell at cost a  
5 manual covering the fundamentals of real estate law and practice  
6 as defined in the laws of Alaska after approval of same by the  
7 Attorney General.

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

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

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

28 (f) The Commissioner shall appoint and fix the compen-  
29 sation of a secretary and such deputies, clerks and assistants

1. as may be necessary to conduct the business of his office. No  
2 deputy or assistant shall be appointed by the Commissioner with-  
3 out the approval of a majority of the Commission.

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

7 Sec. 6. APPLICATIONS FOR LICENSES; QUALIFICATIONS FOR  
8 EXAMINATIONS; ISSUANCE OF LICENSES.

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

14 (1) Pay a license fee as follows:

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

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

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

18 For inactive licenses of all types, the fee shall be  
19 one-half of the fee charged for an active license. The license  
20 year shall be for a one year period from date issued. The fee  
21 for a license renewal shall be the same as for an original license.  
22 If any licenses shall become inactive, he shall not be entitled  
23 to a refund of his license fee for the balance of the license  
24 year. He may thereafter obtain active license at any time  
25 during the unexpired license period at no additional charge.

26 Where the applicant is required to take a written examina-  
27 -tion, he shall forward \$15.00 as a fee for the salesman's  
28 examination, and \$25.00 as a fee for the broker's examination.

29 All fees prescribed herein or under this Act shall be

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1 paid to the Commissioner who shall transmit them to the  
2 Treasurer's Office for deposit in the General Fund of the  
3 Territory of Alaska.

4 (2) Deliver to the Commissioner a bond to  
5 the Territory of Alaska in a form and of a type approved  
6 by the Commission in the sum of \$5,000.00 for a broker's or  
7 associate broker's license and in the sum of \$1,000.00 for  
8 a salesman's license guaranteeing the faithful accounting  
9 and proper remission of all funds entrusted to the broker  
10 or salesman. No bond shall be required of an inactive  
11 licensee.

12 (3) If a corporate applicant, deliver to the  
13 Commissioner a list of its officers and directors, and  
14 their addresses, or if the applicant is a partnership or an  
15 unincorporated association, deliver a list of the names of  
16 the partners or members of the association, together with  
17 their addresses.

18 (b) QUALIFICATIONS. Applicants for licenses shall have  
19 the following qualifications:

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

22 (2) All applicants shall be citizens of the  
23 United States.

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

28 No license shall be issued to any person who, within five  
29 years next preceding his application for an original license, has

1 been convicted of a felony or of any other crime involving moral  
2 turpitude or of dishonest dealing, or of a violation of any real  
3 estate act, in Alaska or elsewhere.

4 (c) EXAMINATIONS.

5 (1) All applicants for licenses except applicants  
6 who held valid brokers' or salesmen's licenses from other  
7 jurisdictions (who may be licensed without examination as  
8 hereinafter provided), shall successfully pass a written  
9 examination prepared by the Commission and conducted by the  
10 Commissioner. The scope of the examinations for brokers  
11 shall include, but shall not be limited to, questions re-  
12 lating to real estate financing and conveyancing, land laws,  
13 real estate appraisals, land economics, land contracts, deeds,  
14 mortgages, leases, sanitation laws, the law of agency, con-  
15 struction practices, principles of real estate practices,  
16 codes of business ethics and mathematics. Examinations for  
17 salesmen shall contain different questions than the brokers'  
18 examination and may include some of the subjects listed above  
19 but it shall not be as exacting as the examination for brokers.

20 (2) The holder of a valid brokers' or real estate  
21 salesman's license from any state, Territory or the District  
22 of Columbia, may be issued a permanent broker's or real estate  
23 salesman's license without a written examination, under such  
24 regulations as the Commission may promulgate, after he has  
25 been a bona fide resident of the Territory of Alaska for at  
26 least ninety days immediately prior to his application to the  
27 Commission for such salesman's license. He shall meet all  
28 other requirements for such license, except that of taking  
29 the written examination. He shall offer proof, to the

1 satisfaction of the Commission, that he holds such broker's  
2 or salesman's license from another jurisdiction. He shall  
3 apply for such license not later than one year after he has  
4 established residence in the Territory of Alaska.

5 (3) When the holder of a permanent salesman's  
6 license fails to pass an examination for a broker's license,  
7 he may thereafter continue to operate under his salesman's  
8 license.

9 (a) ISSUANCE OF LICENSES. A license issued hereunder  
10 shall authorize only the licenses named therein, and no other,  
11 to perform any act mentioned in Section 1 of this Act: provided,  
12 that whenever a license is applied for and issued under the  
13 provisions of this Act to a corporation, it shall be issued to  
14 a person to be named by said corporation in its application  
15 for said license, who shall qualify as any other broker and if  
16 the designated broker severs his business relationship with  
17 the corporation he shall retain his broker's license and the  
18 corporation shall engage another person who shall qualify the  
19 same as any other broker. Provided, further, that whenever  
20 a license is issued under the provisions of this Act to a  
21 copartnership or unincorporated association, said license shall  
22 be issued to one member of said copartnership to be named by  
23 said copartnership in its application for said license who  
24 shall qualify the same as any other agent to act as a real  
25 estate broker on behalf of said copartnership without the pay-  
26 ment of additional license fees and if the designated broker  
27 severs his business relationship with the copartnership or un-  
28 incorporated association, he shall retain his broker's license  
29 and the copartnership or unincorporated association shall engage

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1 another person who shall qualify the same as any other broker;  
2 provided, further, that no licensed real estate broker or sales-  
3 man shall operate under any name other than the one under which  
4 said license is issued unless he shall have first obtained the  
5 written consent of the Commission to do so.

6 (e) LICENSE RENEWAL. The holders of real estate  
7 broker's and salesman's licenses issued pursuant to this Act  
8 shall be entitled to have their licenses renewed for successive  
9 years without examination.

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

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

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

28 (i) SURRENDER OF LICENSES. When any real estate  
29 salesman or associate broker shall cease to represent his broker

1 his license shall thereupon become invalid. Notice of the  
2 termination of the salesman's or associate broker's representa-  
3 tion shall be given promptly to the Commissioner and such notice  
4 shall be accompanied by the license of the terminated salesman  
5 or associate broker. Upon application to the Commissioner of  
6 the salesman or associate broker and the payment of \$1.00, the  
7 Commissioner shall issue a new license for the unexpired term,  
8 if such applicant is otherwise entitled thereto. Whenever any  
9 real estate salesman's or associate broker's service shall be  
10 terminated by his broker for a violation of any of the pro-  
11 visions of Section 8 of this Act, or for any other cause, a  
12 written statement of the fact surrounding such termination shall  
13 be promptly forwarded by the broker to the Commissioner.

14 (j) CREDIT OF FEES AGAINST BUSINESS LICENSE TAX. Real  
15 estate license fees may be credited against the initial fee  
16 for the Alaska Business License by submitting to the Department  
17 of Taxation a receipt for payment of the required real estate  
18 license tax.

19 Sec. 7. REQUIREMENT OF ACTIVELY ENGAGING IN BUSINESS;  
20 PLACE OF BUSINESS; DISPLAY OF FIRM NAME. Each person licensed  
21 as an active real estate broker under the provisions of this Act  
22 shall be required to be actively engaged as a real estate broker  
23 and shall maintain a definite place of business in the Territory.  
24 The firm name of the broker shall be prominently displayed  
25 outside the broker's place of business.

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

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1 (a) Obtaining a license by means of fraud, misrepresenta-  
2 tion, concealment, or through the mistake or inadvertence of  
3 the Commission.

4 (b) The violation of any provisions of this Act, or of  
5 any rule, regulation, or order issued pursuant thereto by the  
6 Commission.

7 (c) Conviction, during the period he holds his license  
8 or during a period of five years next preceding his application  
9 for an original license, of a felony or of any other crime in-  
10 volving moral turpitude of dishonest dealing or of a violation  
11 punishable by fine or imprisonment, or both, of any real estate  
12 act, in Alaska or in any other jurisdiction.

13 (d) Making, printing, publishing or distributing, or  
14 causing, authorizing, or knowingly permitting another to make,  
15 print, publish, or distribute, any false statement, description,  
16 or promise relating to real property sold or offered for sale by  
17 the licensee, which said false statement, description, or  
18 promise may reasonably be calculated to induce any person to  
19 act to his damage or injury, where the licensee knew, or by the  
20 exercise of reasonable care, could have known, such statement,  
21 description or promise to be false.

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

25 (f) Converting any money, contract, deed, note,  
26 mortgage, or abstract, or any other evidence of title, to his  
27 own use, or to the use of another, when such money or instrument  
28 has been delivered to him in trust or upon condition; and  
29 failure to return any money, contract, deed, note mortgage, or

1 abstract or other evidence of title, to any party who shall be  
2 entitled to the possession thereof and who has made written  
3 demand therefor shall be prima facie evidence of conversion.

4 (g) Failing or refusing, upon the demand of the  
5 Commission or the Commissioner, to disclose any information, or  
6 produce any document, book or record in his possession, and not  
7 privileged, when such demand is made under the authority of this  
8 Act.

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

11 (i) Accepting, without the written concurrence of the  
12 owner, anything other than cash, or its equivalent, as earnest  
13 money.

14 (j) Accepting, taking or charging any undisclosed  
15 commission or direct profit, or giving cash gifts or other things  
16 of value on services rendered or expenditures made for a prin-  
17 cipal.

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

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

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

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

1 (o) Commingling with his own money or property, the  
2 money or property of others.

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

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

10 (r) Payment by any broker of any part of a commission  
11 or other compensation received in his capacity as a real estate  
12 broker to any person who is not a licensed real estate broker,  
13 or to a real estate salesman or associate broker not licensed to  
14 do business for such broker; or the payment by any licensed  
15 salesman of any part of a commission or other compensation  
16 received in his capacity as a real estate salesman to any person  
17 whether licensed or not, except through his broker.

18 (s) Failure of a broker to notify the Commissioner of  
19 the termination of a salesman's or associate broker's employment  
20 or representation and failure to surrender to the Commissioner  
21 said salesman's or broker's license, as required by Section 8  
22 of this Act.

23 (t) Any act or conduct which constitutes or demon-  
24 strates bad faith, incompetency, or untrustworthiness, or dis-  
25 honest, fraudulent or improper dealings.

26 Sec. 9. ENGAGING IN REAL ESTATE BUSINESS WITHOUT LICENSE;  
27 PENALTY. Any person who acts as a real estate broker, associate  
28 real estate broker, or salesman, as defined in Section 1 of this  
29 Act, without a valid license, as herein provided, shall be deemed

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1 guilty of a misdemeanor and, upon conviction thereof, shall be  
2 imprisoned for not more than three months or fined not more than  
3 \$500.00 or both. Nothing herein shall prevent or supersede  
4 prosecution under any other criminal statute in force in Alaska.

5       Sec. 10. HEARING AND APPEALS. (a) WHEN HEARING HELD.

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

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

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

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

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

29       (c) NOTICE OF HEARING AT INSTANCE OF COMMISSION. In

1 the case of hearings held under Section 10 (a) (2), the Com-  
2 mission shall set a date for the hearing which shall fall not  
3 later than sixty (60) days after the respondent shall have been  
4 given notice thereof. The Commission shall, by registered or  
5 certified mail notify the respondent of the place, date and  
6 time of hearing, and the notice shall specify the particular  
7 section or sections of this Act, or regulation, rule, or order  
8 of the Commission, which the respondent is alleged to have  
9 violated.

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

24 (e) 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 ap-  
2 plicant, 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 (f) 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 pos-  
17 session of the Commission, 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 matters  
21 in its possession. After the receipt of all such papers, docu-  
22 ments and transcripts by the applicant, licensee or respondent,  
23 the matter shall be set for hearing by the District Court, and  
24 the cause shall be given priority on the Court calendar. Upon  
25 the hearing of such appeal, the burden of proof shall be on the  
26 applicant, and the Court shall receive and consider any perti-  
27 nent evidence, whether documentary or oral, concerning the actions  
28 of the Commission from which the appeal is taken. The hearing  
29 of the appeal shall not be a trial de novo of the cause; the

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Re-enrolled as amended by the Senate

1 Court shall be limited solely to a consideration and determination  
2 of the question of whether there has been an abuse of discretion  
3 on the part of the Commission in entering such order.

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

9       Sec. 12. REPEAL OF CHAPTER 113, 1955 SESSION LAWS OF  
10 ALASKA. Chapter 113, 1955 Session Laws of Alaska, is hereby  
11 repealed.

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

16       Sec. 14. APPROPRIATION. Funds to carry out the provisions  
17 of this Act may be appropriated in the General appropriation  
18 Bill of the Alaska Legislature.

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