

S B

288

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERRAL

DATE: 1/23/90

FURTHER:

Date of 5-Day Notice: 2/15/90
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2/22/90

Labor & Commerce Committee considered SSSB 288

"An Act relating to the Real Estate Commission; and providing for an effective date."

and recommended:

- replace with _____ CS _____ same title
- attached amendment(s) new title
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to Finance Committee

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) Dept of Commerce 2/21/90

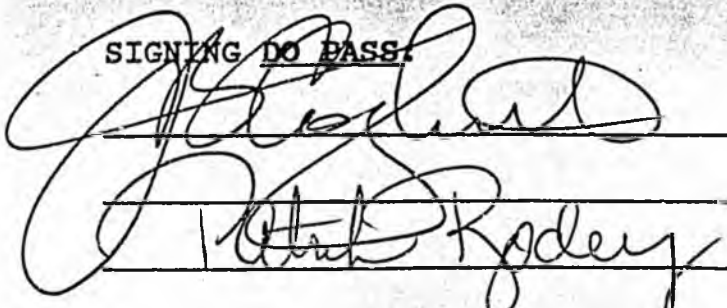
zero fiscal note(s) _____

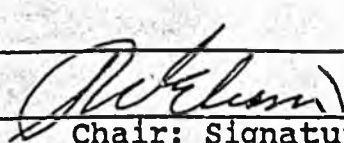
appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMM. IDATIONS:



 Do Pass
Chair: Signature and Recommendation

SSSB 288: "An Act relating to the Real Estate Commission; and providing for an effective date."

The Department of Commerce and Economic Development supports passage of SSSB 288. The bill, as revised, beefs up present real estate licensing requirements by adding consumer protection provisions which the Real Estate Commission and the Division of Occupational Licensing wholeheartedly support. What follows is a sectional analysis of the proposed amendments to AS 08.88.

Section 1 of the bill amends AS 08.88.081 to clarify the ability of the Real Estate Commission (hereinafter "commission") to adopt appropriate administrative regulations. AS 08.01.080 gives broad authority to the department to adopt "regulations necessary to implement the licensing statutes." Most of the individual board statutes reiterate this authority, but the commission's existing language limits its authority to adopting "regulations pertaining to the responsibilities of licensees." The proposed amendment would bring the real estate license law into conformity with the centralized licensing statute and give the commission authority parallel to that granted other boards.

Section 2 of the bill amends AS 08.88.091 by establishing a variety of education requirements. Every other licensing jurisdiction in the United States and Canada requires either prelicensing or continuing education. Most require both. Only four (4) other states have no prelicensing educational requirements and only ten (10) other states have no continuing educational requirements. Nationally, prelicensing requirements average fifty-eight (58) hours while continuing education requirements average twenty-five (25) hours over a two-year licensing period. Alaska needs to join the rest of the country by setting some minimum education standards for its applicants and licensees.

Although SB 288 is not specifically modeled after other state legislation, the statutory requirements of other jurisdictions were reviewed before formulating the additions proposed in this section of the bill. The primary objective is to ensure that applicants for initial licensure, salespersons, and salespersons seeking to upgrade their licenses to broker or associate broker have the appropriate level of knowledge. Licensees and applicants should thoroughly understand the complexities of holding title, financing, agency, and representation and disclosure, and should be sensitive to the expectations which the public has of real estate professionals.

The various educational requirements contained in this section were drafted to require: (1) a broader base of knowledge before issuance of an initial license to an applicant for a real estate license; (2) a minimum number of continuing education hours for licensed salespersons and brokers in order to ensure licensees are keeping up-to-date on important industry changes; and (3) specific additional classroom training for persons seeking to become brokers and associate brokers because the responsibilities of these positions are great and not always fully appreciated by those seeking or holding the license.

The number of hours required by this section has been tempered by an appreciation for the complexities of providing real estate education courses to licensees across all areas of the state. The geographic distribution of licensees is a factor that must be considered. As proposed, the Real Estate Commission would not be a provider of classes, but would control course quality by recognizing for credit only those courses and instructors which were approved by the commission prior to presentation [AS 08.88.091(e)].

The increasing complexity of real estate transactions requires that a greater degree of competency and skill be attained in order to adequately protect the public. For example, requiring a minimum number of classroom hours prior to licensure will help to protect prospective home buyers from errors made by the inexperienced licensee [AS 08.88.091(b)]. Requiring additional training focused on office supervisory responsibilities and trust account management prior to being licensed as a broker or associate broker will address the most common causes for complaints received by the division against real estate brokers [AS 08.88.091(c)]. Finally, requiring continuing education during each biennial licensing period should assist in ensuring that all real estate professionals are periodically updated on current real estate laws and practices [AS 08.88.091(d)].

In addition to attaining a new level of credibility and professional respect from other licensing jurisdictions, adoption and implementation of these requirements as an integral part of Alaska's real estate licensing program will enhance the degree of public protection and service available to consumers in the state.

Sections 3 through 5 of SB 288 simply make the amendments necessary to applicant, licensee, and broker provisions of the statute to require proof of having complied with the education requirements set out in Section 2 of the bill. In addition, these sections replace existing language that states a person is "entitled" to a license with language stating that a person is "eligible" for a license, thus allowing the Real Estate Commission some discretion in determining whether an applicant's qualifications meet the intent as well as the letter of the law.

Section 6 amends AS 08.88.251(c) to shorten the maximum time a license may be held inactive. The purpose of limiting the amount of time a person may hold a license in an inactive status and still reactivate without retesting is to protect the public from licensees who have been out of touch with real estate practices for an extended period of time. The current three-year limit does not serve this purpose in today's rapidly changing marketplace. In addition, the need to "renew inactive" in order to prevent the license from lapsing at the end of each licensing biennium is extremely confusing to licensees who assume that the inactive status prevails for a three-year period with nothing required from them during that time.

Section 7 of the bill amends AS 08.88.261 to repeal statutory provisions providing for reciprocity. As it now exists, AS 08.88.261 is operative only when there are reciprocal agreements with other states.


Presently, no state has signed an agreement with Alaska because of the absence of educational requirements. Among states that do have reciprocal agreements, the agreement itself usually contains a clause that requires the applicant to demonstrate familiarity with that state's license law by passing the state law portion of the examination. Assuming SB 288 passes and the educational requirements become necessary, it is anticipated that the requirement to pass the state portion of the Alaska exam would remain.

However, another section of the real estate statute -- AS 08.88.263 (entitled "License by Endorsement") -- presently authorizes the commission to recognize the license and experience of a real estate professional from another state seeking licensure here in Alaska. This existing provision also contains language allowing the commission to ensure that the applicant from another state is familiar with Alaska's license law before issuing him or her an Alaska license.

To have both AS 08.88.261 and 263 in their present form in the statute is confusing to present and potential licensees. Because AS 08.88.263 is the only section currently applicable and would continue to be so following passage of SB 288, this bill repeals the inoperative AS 08.88.261.

Finally, Sections 8-10 of the bill establish varying effective dates. The effective dates of the various educational requirements would allow the Real Estate Commission staff to gradually approve course outlines and instructors on a realistic basis, and still implement the overall program in a timely manner. The first continuing education requirement would coincide with the next biennial renewal (January, 1992).

This bill establishes some very necessary education requirements for the real estate industry and brings Alaska into step with the other licensing jurisdictions. The provisions of the bill have been discussed and debated by the real estate industry and the commission. It reflects a compromise that will benefit Alaskan consumers and ensure better trained and qualified real estate professionals. For these reasons, the department urges passage of the bill.



Larry Mercurieff, Commissioner

Date: 11/30/90

FISCAL NOTE

REQUEST:

Revision Date: _____ Agency Affected: Commerce & Economic Dev.
 Title: An Act relating to the Real Estate BRU: Occupational Licensing
 Commission;
 Sponsor: Senator Sturgulewski Components: _____
 Requestor: Senate Labor & Commerce

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 91	FY 92	FY 93	FY 94	FY 95	FY 96
PERSONAL SERVICES	17.5	17.5	17.5	17.5	17.5	17.5
TRAVEL	3.5	3.5	3.5	3.5	3.5	3.5
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	7.7	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	31.7	24.0	24.0	24.0	24.0	24.0
CAPITAL	0	0	0	0	0	0
REVENUE	19.8	17.5	18.5	23.4	22.9	26.3

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER GF/PR	31.7	24.0	24.0	24.0	24.0	24.0
TOTAL	31.7	24.0	24.0	24.0	24.0	24.0

POSITIONS:

FULL-TIME						
PART-TIME	1	1	1	1	1	1
TEMPORARY	0	0	0	0	0	0

ANALYSIS : (Attach a separate page if necessary) The bill beefs up present real estate licensing requirements by adding consumer protection provisions to AS 08.88. Specifically, the bill provides the Real Estate Commission authority to establish minimum education requirements prior to licensure; and to establish continuing education requirements for license renewal. (CONTINUED)

Prepared by: Jennifer Strickler, Administrative Officer Phone: 465-2144
 Division: Occupational Licensing Date: 2/21/90

Approved by Commissioner: Larry MacChieff Date: 21 Feb-90
 Agency: Department of Commerce & Economic Development

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)

CONTINUATION OF FISCAL NOTE ANALYSIS - SSSB 228

The new provisions of the bill will require considerable staff resources in reviewing course outlines for approval, reviewing instructor resumés for approval, interviewing instructor candidates, and visiting course presentations, and responding to licensee inquiries regarding education requirements. This fiscal note provides for an additional one-half time position to assist with the new prelicensing and continuing education requirements.

PERSONAL SERVICES: \$17.5

One Seasonal Occupational Licensing Examiner I
12 months (half days), GGU, Range 12A

TRAVEL: \$ 3.5

Funding will provide transportation and per diem to visit and review course presentations in various locations throughout the State.

CONTRACTUAL SERVICES: \$ 2.0

Funding provides for printing, advertising, postage, and communication costs.

SUPPLIES: \$ 1.0

Funding will provide standard office supplies.

EQUIPMENT: (One time costs) \$ 7.7

Telephone line and equipment	.6
DP/WP Computer terminal	2.2
Desk	.7
Chair	.2
Calculator	.2
File Cabinet	.6
Typewriter	.7
Workstation/modular furniture	2.5

REVENUES: The revenues shown for each year are based on fees to be charged for prelicensing education, continuing education, and recertification.

FY 91: Prelicensing -

25 offerings of the 20-hour prelicensing course	
20 hours x \$15 x 25	\$ 7,500
40 instructors @ \$250 for initial certification	
40 x \$250	10,000
10 offerings of the 15-hour broker course	
15 hours x \$15 x 10	<u>2,250</u>

FY 91 TOTAL: \$19,750

FY 92: Prelicensing -

13 offerings of the 20-hour prelicensing course	
20 hours x \$15 x 13	\$ 3,900
20 instructors @ \$250 for initial certification	
20 x \$250	5,000
5 offerings of the 15-hour broker course	
15 hours x \$15 x 5	<u>1,100</u>
Subtotal:	\$10,000
25 offerings of the 20-hour continuing education course	
20 hours x \$15 x 25	<u>\$ 7,500</u>
FY 92 TOTAL:	<u>\$17,500</u>

FY 93: Prelicensing -

13 offerings of the 20-hour prelicensing course	
20 hours x \$15 x 13	\$ 3,900
20 instructors @ \$250 for initial certification	
20 x \$250	5,000
5 offerings of the 15-hour broker course	
15 hours x \$15 x 5	<u>1,100</u>
Subtotal:	\$10,000

Recertification:

25 offerings of the 20-hour prelicensing course	
20 hours x \$10 x 25	\$ 5,000
40 instructors @ \$50 for recertification	
40 x \$50	2,000
10 offerings of the 15-hour broker course	
15 hours x \$10 x 10	<u>1,500</u>
Subtotal:	\$ 8,500
FY 93 TOTAL:	<u>\$18,500</u>

FY 94: Prelicensing -

13 offerings of the 20-hour prelicensing course	
20 hours x \$15 x 13	\$ 3,900
20 instructors @ \$250 for initial certification	
20 x \$250	5,000
5 offerings of the 15-hour broker course	
15 hours x \$15 x 5	<u>1,100</u>
Subtotal:	\$10,000

Recertification:

13 offerings of the 20-hour prelicensing course	
20 hours x \$10 x 13	\$ 2,600
20 instructors @ \$50 for recertification	
20 x \$50	5,000
5 offerings of the 15-hour broker course	
15 hours x \$10 x 5	<u>750</u>
Subtotal:	\$ 8,350
25 offerings of the 20-hour continuing education course	
20 hours x \$10 x 25	<u>\$ 5,000</u>
FY 94 TOTAL:	<u>\$23,350</u>

FY 95: Prelicensing -

13 offerings of the 20-hour prelicensing course	
20 hours x \$15 x 13	\$ 3,900
20 instructors @ \$250 for initial certification	
20 x \$250	5,000
5 offerings of the 15-hour broker course	
15 hours x \$15 x 5	<u>1,100</u>
Subtotal:	\$10,000

Recertification:

38 offerings of the 20-hour prelicensing course	
20 hours x \$10 x 38	\$ 7,600
60 instructors @ \$50 for recertification	
60 x \$50	3,000
15 offerings of the 15-hour broker course	
15 hours x \$10 x 15	<u>2,250</u>
Subtotal:	\$12,850
FY 95 TOTAL:	<u>\$22,850</u>

FY 96: Prelicensing -

13 offerings of the 20-hour prelicensing course	
20 hours x \$15 x 13	\$ 3,900
20 instructors @ \$250 for initial certification	
20 x \$250	5,000
5 offerings of the 15-hour broker course	
15 hours x \$15 x 5	<u>1,100</u>
Subtotal:	\$10,000

Recertification:

40 offerings of the 20-hour prelicensing course	
20 hours x \$10 x 40	\$ 8,000
60 instructors @ \$50 for recertification	
60 x \$50	3,000
15 offerings of the 15-hour broker course	
15 hours x \$10 x 15	<u>2,250</u>
Subtotal:	\$13,250
15 offerings of the 20-hour continuing education course	
20 hours x \$10 x 15	\$ 3,000
FY 96 TOTAL:	<u>\$26,250</u>

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUPHEAU ALASKA 99811
907 465-3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

February 5, 1990

SUBJECT: Sectional Summary
(SSSB 288)

TO: Senator Arliss Sturgulewski

FROM: Terri Lauterbach *TL*
Legislative Counsel

Following is a brief sectional summary of SSSB 288:

Sec. 1. Clarifies the authority of the Real Estate Commission to adopt regulations.

Sec. 2. Establishes various education and continuing education requirements for licensure in real estate occupations. As noted in secs. 8 - 11 of the bill, subsection (b) would take effect January 1991, subsection (c) would take effect July 1991, subsection (d) would take effect January 1992, and subsection (d) would take effect immediately.

Sec. 3. Pertains to real estate broker licensing.

Sec. 4. Pertains to associate broker licensing.

Sec. 5. Pertains to real estate salesman licensing.

Sec. 6. Changes requirements for converting licenses from inactive to active status.

Sec. 7. Repeals a section relating to licensure of persons who were licensed in another jurisdiction. AS 08.88.263, which is not repealed, offers an avenue for licensure of persons licensed in other jurisdictions.

Secs. 8 - 11. Effective dates.

Please let me know if you have further specific questions about the bill.

TL:mi
wkmi6/039



REALTOR®

ALASKA ASSOCIATION OF REALTORS, INC.®

741 Sesame Street, Suite 100 • Anchorage, Alaska 99503
Telephone 907-563-7133

January 17, 1990

Senator Arliss Sturgulewski
P.O. Box V (MS 3100)
Juneau, AK 99811

Attn: Frank Homan

Re: SB 288

Dear Mr. Homan:

During the past several years, members of the Alaska Association of Realtors® have been studying the question of mandatory pre-licensing education and mandatory continuing education requirements for real estate licensees. These members have served on several task forces in cooperation with the Alaska Real Estate Commission and special study groups as part of AAR's Legislative Committee. The conclusions of these studies have resulted in our recommending legislation to require both pre-license and continuing education for all real estate licensees in Alaska.

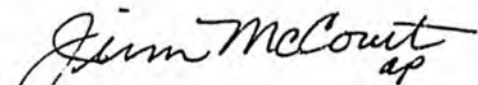
The rationale for these conclusions is, first, Alaska is the only state which has no education requirements. Second, consumers have the right to expect a high degree of knowledge from those who advise them on (in some cases) the largest investment they may make during their lifetime. Third, the field of real estate is constantly changing with its multitude of financing and tax implications. It is imperative that real estate practitioners remain current on taxes, financing, zoning, equal housing laws, hazardous waste, and a myriad of topics to best advise their clients and customers.



January 17, 1990
Page Two

For these reasons, the Alaska Association of Realtors® urges passage of SB 288 during this legislative session. AAR stands ready to testify in support of this bill.

Sincerely,

A handwritten signature in cursive script that reads "Jim McCourt" with a small "ap" written below the name.

Jim McCourt
President



ALASKA ASSOCIATION OF REALTORS, INC.
741 Sesame Street, Suite 100 • Anchorage, Alaska 99503
Telephone 907-563-7133

January 12, 1990

Senator Arliss Sturgulewski
P.O. Box V
Juneau, AK 99811

Attn: Frank M. Homan

Re: S.B. 288

Dear Senator:

The enclosed background paper and attachments are by way of information in reference to S.B. 288. The background paper is a brief statement describing the rationale for the bill's introduction and the goals it would accomplish. The attachment is the most recent NARELLO report on real estate relicensing and continuing education requirements throughout the U.S. and Canada.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads 'Dea Turner'.

Dea Turner
Executive Vice President

Attachment

cc: Joe Hayes



Every other licensing jurisdiction in the US and Canada requires either pre-licensing or continuing education. Many require both. Only four other states have no pre-licensing educational requirements and only 10 other states have no continuing educational requirements. Pre-licensing requirements average 58 hrs; continuing average 25 hours/2-year licensing period.

Although SB288 is not modeled after any other state's legislation, the statutory requirements of other jurisdictions were reviewed. This legislation was drafted in an attempt to amend Alaska's real estate license law (AS 08.88) to provide a higher level of competency and professionalism for present and future licensees in Alaska. In turn, this will enhance the degree of public protection and service available to consumers.

The increasing complexity of real estate transactions requires that this greater degree of competency and skill be attained in order to adequately protect the public.

Requiring minimum educational hours prior to licensure helps to protect consumers from suffering because of the inexperience of new licensees.

Requiring continuing education is a means of ensuring that all licensees have periodic update on current real estate laws and practices each renewal period.

AS 08.88.

Section 261 repeal:

As it now exists, Section 261 is operative only when there are reciprocal agreements with other states.

No other state has been willing to sign an agreement with Alaska because of the absence of educational requirements.

Section 263 allows the Commission to recognize the license and experience of a person coming from another state and to also ensure that they are familiar with Alaska's license law before issuing them an Alaska license.

Among states that do have reciprocal agreements, the agreement itself usually contains a clause that requires the applicant to demonstrate familiarity with the state's license law by passing that portion of the examination.

Assuming SB288 passes and the educational requirements become necessary, it is anticipated that the requirement to pass the state portion of the Alaska exam would remain.

To have both sections 261 and 263 in their present form is confusing to both present and potential licensees. Since Section 263 is the only operative section currently, and would continue to be satisfactory with the passage of the remainder of SB288, the recommendation is to repeal Section 261.

Barbara Craig Realty

(Formerly Barbara Jaye Realty)

P.O. Box 02-0422

Juneau Alaska 99802

(907) 586-9091

February 10, 1990

Ref: Senate Bill 288

Dear Senator Sturgulewski;

I am opposed to Senate Bill 288 for the following reasons:

1. If the bill passes it will result in creating more government jobs . Do you really think the VOTERS want to elect a governor who is promoting bills that create more state government jobs and bills to further regulate our lives? I do not want to pay for more government employees who will only whine five years from now when they get laid off because we have run out of oil money. And if someone says the real estate industry will pay for more staff with their licensing fee--I am opposed to paying more for licensing. Licensing fees are only another name for taxes or extracting money from the private sector to pay for jobs of non productive government paper pushers. We have far more government employees per capita than another other state--the situation here is totally out of hand! If the legislature does not act responsibly in cutting back the number of government employees drastically and now, then I think there will be such great turmoil in this state when we run out of oil money that it will make the years 1986-87 look like a picnic. You are responsible for promoting bills that solve problems now and for Alaska's future--but creating more unnecessary state jobs is a problem now and for Alaska's future. By sponsoring bills like this YOU are part of the problem--not solution.

2. If those currently licensed are not presently competent or the test is not adequate, then I am not against changing the test or requiring more education or proven ability through past experience to get licensed initially as a sales person or broker. What I am opposed to is requiring all agents who want to renew licenses get some sort of continuing education . I do not want some state employee to tell me what type of education they think is best for my business or type of real estate I handle. This type of mentality treats real estate professionals as second class business people. Alaskans don't need to be protected " for their own good" by some bureaucrat "big brother"--the citizens of Alaska need to be protected from: government intereference and regulation, and "government employeeism"--the cancers that are gobbling away at private sector economic development. In addition, the rationale presented for such across the board recommendations is not well thought through and only serves to illustrate the attitude that government employees have for procreating more state jobs and spending more money in an effort to try to solve a non-existing problem. Following are examples of irrational materials presented supporting passage of the bill:

a) "A minimum number of continuing education hours for licensed salespersons and brokers in order to ensure licenses are keeping up-to-date on important industry changes" (Dept. of Commerce & Economic Development Position Paper-p 1) If a person in the sales business does not keep up to date automatically on market changes they will be out of a job in short order. The position paper does not give credit to those who have been in business successfully. If someone can not keep up with the changing market and industry then lets not spoon feed them to keep them in business. The private sector will automatically weed out those who do not keep up with the time. To assume that a government employee knows more than those who are successfully earning a living in a private sector industry by letting that government employee decide what type of continuing education is pertinent to that business, takes on the typical mentality of most bureaucrats which is " I know what is best for you". Since when did the Real Estate Commission or Dept. of Commerce and Economic Development become experts in the dynamics of education and become more intuned to my business to know what I need to become more wise in my business? If some bureaucrat thinks they know what is best for my business or knows more about my business, then why aren't they busy in the industry making money like me? I don't need any big brothers telling me what I need to be educated on. And if I make the wrong decision by not keeping up to date with market conditions then I alone should be responsible for not being successful in my line of business.

b) "The increasing complexity of real estate transactions requires that a greater degree of competency and skill be attained in order to adequately protect the public" (Dept.of Commerce and Economic Dev. Position Paper page 2) Things are always as simple or complex as anyone wants to make them. I have been in the real estate industry over six years and things do not seem to be getting anymore complex to me. As I get more experience I automatically accumulate more information which makes my skill level greater. Greater COMPETENCY comes with more hands on experience. The same level of complexity has always been there. And the more experience a business person has in any area the more valuable they automatically become to themselves as well as those who pay for their services. AND, It is not logical to assume that the public in some way is not being adequately protected already by the current level competency of people working in the field now. Where are your figures to prove that the profession is not adequately being responsible to the public or is not competent?? Everything in life is always in a state of change and this holds true for the real estate industry as in all industries. For example, one change that has taken place over the last several years in the Juneau market is that transactions involving the selling of many repossessed homes involve more paperwork and persons participating in the paperwork-- but there sure does not seem to be anything difficult in adapting to letting the public know that everything in that particular market takes more time and paperwork. The additional time and paperwork involved in selling many repos over non-repo properties surely can not be the fault of the real estate industry. And if as a business person, I feel selling one particular type of property isn't worth the effort then I don't need to deal in that type of product. I don't bother selling AHFC repos and try to stay away from FDIC repos. The time involved in dealing with their overly bureaucratic system isn't worth the money to me--it takes too long to get paid such a

small amount in most cases. If another real estate professional wants to deal with that type of property then let them. The problem with those type of properties isn't with the real estate professional --it's with the SELLER which in this particular case is a bureaucratic government agency. If a real estate agent or broker chooses freely to deal in those types of sellers or properties then it is in the end that brokers responsibility to do the job correctly. The broker is the private sector individual who freely chooses to deal in any particular type of product and should be responsible for their success and/or failure in their business decisions. If they do not handle selling that type of property or any other type of property correctly then there is already a system in place to protect the public. The system isn't getting more complex--it is the same as it has always been--always in a state of flux.

c) "Requiring additional training focused on office supervisory responsibilities and trust account management prior to being licensed as a broker or associate broker will address the most common causes for complaints received by the division against real estate brokers" (Dept. of Commerce and Economic Dev. Position Paper page 2) It would seem logical to require some sort of skill level in dealing with trust accounts prior to licensing a broker or associate broker but, if they don't know how to add or subtract numbers then don't give them a license. If the current test is deficient in some way perhaps the state should change the test by adding some sort of special trust account section. In addition, requiring some sort of supervisory training is not necessarily pertinent to everyone. Some companies don't have or want staff or agents to supervise--why should they take supervisory training. Some people already have the ability to supervise. And even if a person were given supervisory training it does not mean they will be able to absorb and/or apply any of the information given to them. If a broker is not any good in supervising their staff then they will naturally not earn as much money as other companies, if their business tries to earn money through efforts of agents, nor keep good staff, and perhaps be washed by the wayside in the business world. If a broker is doing something seriously wrong then there are already the statutes in place to protect the public. The real estate regulating body does not need to try to be the judge of what will make a real estate business more successful by demanding education in supervisory responsibility skills or specific education on how to add and subtract numbers in books --I think I learned how to add and subtract in first grade. Neither is it the job description of the real estate regulating body to tell the industry how to be successful in a private sector sales and service business.

d) "Finally, requiring continuing education during each biennial licensing period should assist in ensuring that all real estate professionals are periodically updated on current real estate laws and practices" (Dept. of Commerce and Economic Development Position Paper page 2) Again illogical! If there is a change in state statute pertaining to the real estate laws then all the state real estate office needs to do is send out the changes to each agent and broker. That should be one basic service provided already. And who will tell me what are the updated real estate practices--if I'm not already doing them then I'm not an efficient organized astute business person. The buyers and sellers let you know what are the updated practices and automatically

ask you the questions you need to find answers to--and they set the market standard. You can't get much more consumer oriented than that. And if there are changes in federal laws let the state real estate office send out copies of those too. I don't need to pay someone to read a piece of paper to me in some seminar--I learned how to read in grade school.

e) "Third, the field of real estate is constantly changing with its multitude of financing and tax implications. It is imperative that real estate practitioners remain current on taxes, financing, zoning, equal housing laws, hazardous waste and a myriad of topics to best advise their clients and customers." Letter to Arliss Sturgulewski Jan 17, 1990 from Jim McCourt, President of the Alaska Association of Realtors--Canned educational seminars on all the above will not keep any agent current on the above. I use my phone book and call the appropriate professional or agency when I have a question on any of the above. I don't need a \$300 seminar to answer my zoning questions here in Juneau--I just call the City. If I don't know something about a particular type of financing I call a lender--that's their area of expertise. If a client asks me about tax implications, I suggest they talk with their accountant--that is another profession entirely. If I were to try to become an expert, through canned education programs, in all the fields the President of the Alaskan Association of Realtors suggests, then I would probably make mistakes and get sued. His good advise isn't by my standards a healthy path to follow. The constantly changing world is not a logical reason to have to take canned educational sessions which always seem too watered down and not useful for me. And if a broker thinks one of his agents needs more education, it is that brokers responsibility to correct the situation or be responsible for the consequences of an agent lacking ability in some area.

Who will really profit from passage of the proposed bill as currently written under the guise of "public protection" : the racket the state government employees have going and the National and Alaskan Association of Realtors. We don't need more state employees. We need less state employees. And the National and Alaskan Association of Realtors is the organization who will, if this bill passes, force me to have to pay them money in their effort to make me more wise and more moral under their slogan of "for the good of the public". I think my parents already taught me how to be moral and know the difference between right and wrong by the age of 10. And, I think the public is already wise enough--if you don't like how someone does business you don't have to use their services--the public doesn't need any big brother government helping them think. If someone does wrong to a consumer in their business, then there is already the protection net in place. This bill does not give the average consumer credit for being a thinking responsible person, even though the public does have many other important rights they are trusted with--right to vote, right to freedom of speech, right to free association. Neither myself or the public are second class citizens--I don't want anymore big brother protection. I want protection from government regulations taking away my rights! The people who will smile all the way to the bank in this case is the National and Alaskan Association of Realtors. They will be providing the canned goods to the real estate industry, spoon feeding at their monopolistic prices creating a monopoly in the industry. I RESENT their attempt to

force me to join their glee club, which will happen if I am forced to participate in their "education" system. If I thought they already had something to offer me of value I would inquire or join. Isn't that what private sector--free market is all about. But since their product isn't considered by me and obviously others to be of value as presented through the free market approach, they must try to go through the back door and force me to participate through their using State Government (Dept. of Commerce and Economic Dev.) to promote their cause and lobbying efforts. Maybe I should ring up the Commission and see if he can lobby for me on some issue. I must admit I did attend several of the Realtors Association classes but have found them so remedial and so boring it about makes one want to throw up. If you don't believe me try one of their classes yourself! For the type of real estate I deal with I get more out of talking with Dept. of Nat. Resources, Fish and Game, DEC, the City, reading business publications, books and newspapers, talking with my peers in the industry and the CONSUMERS then I've ever got from one of their remedial classes. Lets face it-- you can only learn how to fill out listing forms, earnest money agreements and go to "motivational or goal setting" seminars so often before you learn that type of material. If a business person in the real estate industry does not know how to learn from the market then they are in the wrong business. Besides I just called the local head of the education committee for the Alaska Association of Realtors--we don't even have any classes available here anyway and he said he doesn't even have any idea what educational materials are available statewide. If they aren't even providing a product here and now or to smaller communities then how can they try to say they know that more education is the answer to all their special interest/ real estate industry concerns? The classes if they ever sponsor any in Southeast may provide useful information for some people but currently I have not seen anything pertinent to me or classes helping me make more money or helping me to be a better business person.

Just because Alaska does not have the educational requirements of other states does not mean we are doing something wrong. I would not object to seeing some sort of experience or competency required initially for licensing but the on going education portion is not necessary. But if it is felt that the people passing the test are in some way not competent, then change the test. Additionally, there is not any guarantee we will have or want any reciprocal agreements with any other states if we even did have some sort of "educational requirements". If reciprocal agreements are so important in this industry then why don't we have reciprocal agreements with the four other states that currently have no pre-licensing educational requirements or the 10 other states that have no continuing educational requirements? Alaska is a very different place from any other state--I would think it would be a great risk to try to think I could just jump into the same level, say for example in Washington State as compared to here. Regardless if we had a reciprocal agreement, lets say for example with Washington, it would still take years to gain the same level of competency in that totally different environment. And if there is concern about people who are not competent getting licenses in this state then why even encourage reciprocal agreements in the first place--why not make them pass all tests same as any Alaskan in order to be sure of

their level of competency.

The bill further restricts the private citizen by trying to give the real estate governing agency latitude in deciding who is entitled to be a member of the industry. The way it is written now seems to be just fine--it's currently clear and objective. I haven't heard anything about why they think they need more discretionary judgement rights on who can or who can not receive a license anyway. Here again the bill is chipping away at the rights and strengths of the private sector and public and free market system. I'm not interested in giving any government agency more authority to meddle in my life and business. There is already a list of requirements established objectively outlining what is needed to receive a license. There should not be any need for discretionary authority if the list is clear and objective. If the list is not clear and objective or needs to be changed to make it current with the times, then change the list so that it is clearly understood by the public and pertinent to life today in the State of Alaska.

I resent the bills way of treating me a member of the public like I don't have enough sense to make my own business decisions and downgrading the group of professionals in the real estate industry who at this time show no record of being incompetent. As a member of the public and real estate industry I want protection from further government regulation , protection from special interest groups like the Association of Realtors trying to join forces with Government Agencies (Dept. of Commerce and Economic Dev. and state mandated real estate office staff) trying to force my hard earned money out of my own pocket book. I want protection from those who try to downgrade my business to a second class status like this bill is trying to do. I want protection from those who try to add more state employees while at the same time taking away basic decision making freedoms from the public. I'm tired of public servants (government agencies in this case Dept. of Commerce and Economic Development and state mandated real estate office) trying to gang up against the private sector and lobby against the freedoms of the public. Public servants get paid to dream up these causes in order to really further protect they own skins under the guise of big brother to the public while at the same time lobbying for the National Real Estate Association. No one is paying me to take the time to write this document-- it's my own nickle and my own time. And I made that nickle through my own efforts and through hard work and competency.

This bill is ridiculous--it takes on the mentality of trying to fix something that isn't broken and tries to convict the real estate industry of something they COULD POSSIBLY do wrong in the future when there currently is no evidence of any incompetency in the industry now. If this bill were a case in court the judge would kick it out for lack of evidence.

Sincerely,

Barbara Craig

Barbara Anne Craig
Owner / Broker
P.O. Box 02-0422
Juneau, Alaska 99802

work: 586-9091
home: 364-2818

cc: Senate Labor & Commerce:
Dick Eliason
Pat Rodey
Jan Faiks
J. Kerttula
Jack Coghill

Rep. Bill Hudson



ALASKA ASSOCIATION OF REALTORS, INC.
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EDUCATION CALENDAR, 1990

- Jan. 12 HP-12C Advanced Course
- Jan. 15-20 CI 103: Advanced Real Estate Taxation and Marketing
Tools for Investment Real Estate
- Jan. 24-25 Instructor Development Workshop
- March 8-9 RS 201: Listing Strategies for the Residential Specialist
- April 30-May 4 GRI II, Anchorage
- Oct. 11-12 RS 203: Personal and Career Management for the
Residential Specialist

NARELLO
EDUCATION AND STANDARDS COMMITTEE

1989 ANNUAL REPORT
ON
REAL ESTATE
PRELICENSING/CONTINUING EDUCATION
REQUIREMENTS AND STANDARDS

The NARELLO Education and Standards Committee prepares a comprehensive annual report based on a survey of its member jurisdictions on the subject of real estate prelicensing/continuing education requirements and standards. The primary purpose of the report is to provide member jurisdictions and others interested in real estate education with helpful information on this subject. The report also contains information regarding the transferability of prelicensing and continuing education as well as certain other general information regarding the jurisdictions' education programs.

This report, which is divided into five parts (see Table of Contents), is a compilation of data collected by survey during August-September, 1989 from the various jurisdictions. Responses to the 1989 survey were obtained from 56 of NARELLO's 60 member jurisdictions. Jurisdictions are listed alphabetically in each part of the report.

Persons desiring more specific information about the education programs, requirements and/or standards of a particular jurisdiction should contact the real estate licensing agency in that jurisdiction.

Larry Outlaw
1988-89 Chairman
NARELLO Education and
Standards Committee
October 7, 1989

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USERS GUIDE

1. Identify the part containing the desired information from the "Table of Contents".
2. Read the "Notes and Comments" at the beginning of each part.
3. Refer to the "Key to Abbreviations" to understand abbreviations used in the charts.

KEY TO ABBREVIATIONS

The following abbreviations are used in the survey report.

add.....addition	eval.....evaluation(s)	prev.....previous
add'l.....additional	exc.....except	prof.....professional
adm.....administration	exp.....experience	prop.....proprietary
adv.....advisory	ff.....following	qtr.....quarter
aft.....after	F-T.....full-time	RE.....real estate
app.....application	gen.....general	recoog.....recognize
appl.....applicant	hr(s).....hour(s)	reqd.....required
appr.....approve(d)	ind.....independent	reqt.....requirement
assoc.....associate	inst.....instructor	resear.....research
assn.....association	instl.....instructional	rev.....review
att.....attendance	iss.....issuance	SP.....salesperson
bef.....before	juris.....jurisdiction	sch.....school
BR.....broker	lgth.....length	sem.....semester
cert.....certified	liais.....liaison	std(s).....standard(s)
cls.....class(es)	lic.....license	stud.....student
coll.....college	licea.....licensee	sup.....supervising
Comm.....Commission/ committee	matls.....materials	temp.....temporary
comp.....comparable	max.....maximum	trans.....transaction(s)
CE.....continuing education	min.....minimum	univ.....university
corr.....correspondence	mon.....monitor	yr(s).....year(s)
crs.....course(s)	NA.....not applicable	waiv.....waivable
cred.....credit	NR.....no response	w/in.....within
dep.....depending	occ.....occasionally	
desig.....designated	outl.....outline(s)	
ED.....Education Director	PL.....prelicensing	
eff.....effective	P-T.....part-time	
	perf.....performance	
	perm.....permanent	
	presc.....prescribed	

PART 1 - PRELICENSING EDUCATION/EXPERIENCE REQUIREMENTS

Part I reports the real estate prelicensing (PL) education and experience requirements of the NARELLO member jurisdictions. Refer to the "Key to Abbreviations" page for further assistance in understanding the reported information.

NOTES AND COMMENTS

1. The salesperson and broker prelicensing education requirements shown are stated in terms of classroom or clock hours. The broker education requirements shown are IN ADDITION TO the indicated salesperson education requirements.
2. If a jurisdiction has a one-time POST-licensing education requirement (or a post-licensing requirement that ends after 2 or 3 years), such requirement is shown parenthetically (e.g., see Arizona, Arkansas and California).
3. If a jurisdiction has a time limit on the recognition of prelicensing courses, this is also indicated (e.g., see Alabama). If no time limit is indicated, then the jurisdiction will recognize such courses for an indefinite period (e.g., see Colorado).
4. The report indicates any requirement for broker applicants with regard to experience as a licensed salesperson and shows the time frame, if any, within which such experience must have been obtained.
5. The "Courses must be completed" column indicates the point in the application/licensing process when the applicant must have completed any qualifying prelicensing course(s).
5. The report also indicates the method employed by the licensing agency, where applicable, to verify any experience as a salesperson claimed by a broker applicant.
7. The last two columns indicate whether or not the licensing agency can "waive" the basic education and/or experience requirement for RESIDENT license applicants based on other "equivalent" education and/or experience. (See Part IV for information on the "transferability" of education among jurisdictions.)

PRELICENSING EDUCATION/EXPERIENCE REQUIREMENTS

Jurisdiction	Salesperson Education Requirements	Broker Requirements			Courses must be completed	Exp. as SP for BR appls. verified by	Educ. waiv.	Exp. as wa.
		Education (in add. to SP educ. reqt.)	and /or	Experience as SP				
Alabama	45 hrs. w/in past 2 yrs.	225 hrs.	or	2 yrs. w/in past 3 yrs.	bef. exam adm.	licensure as SP only	Yes	Yes
Alaska	None	None	NA	2 yrs. w/in past 4 yrs.	NA	sup. BR	NA	No
Alberta	Home Study Program	Home Study Program	NA	None	bef. exam app.	NA	NA	NA
Arizona	90 hrs. PL (+ 6 hrs w/in 90 days aft. licensure)	90 hrs.	and	3 yrs. w/in past 5 yrs.	before exam app.	sup. BR & list of trans.	Yes	Yes
Arkansas	None (but 30 hrs. reqd. w/in 1 yr. aft. licensure)	None	and	2 yrs.	BR-bef. exam app.	licensure as SP only	No	No
British Columbia	137 hrs. w/in past 1 yr.	194 hrs. w/in past 5 yrs.	and	2 yrs. w/in past 5 yrs.	bef. exam app.	licensure as SP only	No	Yes
California	45 hrs. PL (+ 90 hrs. w/in 18 mos. aft. licensure in desig. RE & some related crs.)	225 hrs. in desig. RE & some related crs.	and	2 yrs. w/in past 5 yrs.	bef. exam app.	sup. BR	No	Yes
Colorado	72 hrs.	48 hrs.	and	2 yrs.	bef. lic. app.	licensure as SP only	Yes	Yes
Connecticut	30 hrs.	60 hrs.	and	2 yrs.	bef. exam app.	licensure as SP only	Yes	Yes
Delaware	93 hrs. w/in past 1 yr.	75 hrs. w/in past 1 yr.	and	5 yrs.	bef. exam app.	sup. BR & list of trans.	Yes	Yes
District of Columbia	45 hrs. w/in past 6 mos.	135 hrs. w/in past 6 mos.	and	2 yrs. w/in past 2 yrs.	bef. exam app.	licensure as SP only	Yes	Yes

PRELICENSING EDUCATION/EXPERIENCE REQUIREMENTS

Jurisdiction	Salesperson Education Requirements	Broker Requirements			Courses must be completed	Exp. as SP for BR appls. verified by	Educ. w/av. (Coll. cred. only)	Exp. as w/av.
		Education (in add. to SP educ. reqt.)	and /or	Experience as SP				
Florida	63 hrs. PL w/in past 2 yrs. (+45 hrs. w/in 2 yrs. aft. licensure)	72 hrs. PL w/in past 2 yrs. (+60 hrs. w/in 2 yrs. aft. licensure)	and	1 yr. w/in past 5 yrs.	bef. exam adm.	licensure as SP only	Yes (Coll. cred. only)	No
Georgia	60 hrs.	60 hrs.	and	3 yrs.	bef. exam adm. (for most crs.)	licensure as SP only	Yes	Yes
Guam	None	4 yr. coll. degree (no major specified)	or	2 yrs.	bef. lic. iss.	licensure as SP only	Yes	Yes
Hawaii	40 hrs. w/in past 2 yrs.	46 hrs. w/in past 2 yrs.	and	2 yrs.	bef. exam adm.	Sup. BR, list of trans. & RE Comm. rec.	Yes	Yes
Idaho	90 hrs. w/in past 5 yrs.	90 hrs. w/in past 5 yrs.	and	2 yrs. w/in past 5 yrs.	bef. lic. app.	sup. BR	Yes	Yes (in part)
Illinois	30 hrs.	90 hrs.	and	1 yr. w/in past 3 yrs.	bef. exam adm.	sup. BR	Yes (Coll. cred. only)	No
Indiana	40 hrs.	24 hrs.	and	1 yr.	bef. exam app.	RE Comm. records	Yes	Yes
Iowa	30 hrs. w/in past 1 yr.	60 hrs. w/in past 2 yrs.	and	2 yrs.	bef. exam adm.	active licensure as SP only	Yes	Yes
Kansas	30 hrs. PL w/in past 1 yr. (+50 hrs. bef. first lic. renewal)	24 hrs. w/in past 1 yr.	and	2 yrs. w/in past 5 yrs.	bef. exam app.	applicant	No	Yes

PRELICENSING EDUCATION/EXPERIENCE REQUIREMENTS

Jurisdiction	Salesperson Education Requirements	Broker Requirements			Courses must be completed	Exp. as SP for BR appla. verified by	Educ. waiv.	Exp. as waiv.
		Education (in add. to SP educ. reqt.)	and /or	Experience as SP				
Kentucky	96 hrs.	96 hrs. in RE +144 hrs. in "electives"	and	2 yrs.	bef. exam adm.	sup. BR	No	No
Louisiana	90 hrs.	150 hrs.	and	2 yrs.	bef. exam app.	licensure as SP only	No	No
Maine	33 hrs. w/in past 1 yr. (SP lic. only valid for 2 yrs.)	Assoc. BR: 84 hrs. w/in past 1 yr. - BR: add'l. 45 hrs. w/in past 1 yr.	and	Assoc. BR: 2 yrs - BR: add'l. 1 yr. w/in past 1 yr.	SP & BR: bef. lic. app. - Assoc. BR: bef. exam app.	Sup. BR & list of trans.	Yes	Yes
Maryland	45 hrs. w/in past 10 yrs.	135 hrs. w/in past 10 yrs.	and	3 yrs.	bef. exam app.	licensure as SP only	Yes	Yes
Massachusetts	24 hrs. w/in past 2 yrs.	30 hrs. w/in past 2 yrs.	and	1 yr. w/in past 1 yr.	bef. exam app.	sup. BR	No	No
Michigan	40 hrs.	90 hrs.	and	3 yrs.	bef. lic.	sup. BR	No	Yes
Minnesota	90 hrs. (30 w/in past 1 yr.; 60 w/in past 2 yrs.)	30 hrs.	and	2 yrs.	30 hrs. bef. exam adm. - rest bef. lic. app.	licensure as SP only	Yes (in part)	Yes
Mississippi	60 hrs.	120 hrs. (150 hrs. w/no exp. as SP)	and	1 yr. w/in past 1 yr (waiv. w/30 add'l. hrs. of BR educ.)	bef. exam app.	RE Comm. records	No	No
Missouri	60 hrs. w/in past 6 mos.	80 hrs. w/in past 6 mos.	or	1 yr. w/in past 1 yr.	bef. exam adm.	licensure as SP only	Yes	Yes

PRELICENSING EDUCATION/EXPERIENCE REQUIREMENTS

Jurisdiction	Salesperson Education Requirements	Broker Requirements			Courses must be completed	Exp. as SP for BR appls. verified by	Educ. waiv.	Ex. as wa
		Education (in add. to SP educ. reqt.)	and /or	Experience as SP				
Montana	60 hrs. w/in past 1 yr.	60 hrs. w/in past 1 yr.	and	2 yrs. w/in past 2 yrs.	bef. lic. app.	sup. BR	No	Yes
Nebraska	60 hrs.	60 hrs.	and	2 yrs. (waiv. if appl. has add'l. 60 hrs. of BR educ.)	bef. exam adm.	sup. BR & list of trans.	No	No
Nevada	90 hrs.	270 hrs. in desig. RE and some related crs. + 600 hrs. in gen. coll. crs.	and	2 yrs. w/in past 4 yrs.	bef. lic. app.	Sup. BR	No	No
New Brunswick	Home Study Program or Course	Home Study Program	and	2 yrs. w/in past 5 yrs.	NA	licensure as SP only	No	Yes
New Hampshire	None	None	NA	1 yr. w/in past 10 yrs.	NA	sup. BR	NA	Yes
New Jersey	75 hrs. w/in past 1 yr.	90 hrs. w/in past 1 yr.	and	2 yrs. w/in past 2 yrs.	before exam app.	sup. BR & list of trans.	Yes (BR only)	Yes
New Mexico	60 hrs.	30 hrs.	and	2 yrs. w/in past 3 yrs. (waiv. if appl. has add'l. 90 hrs. of BR educ.)	before exam adm.	sup. BR	Yes (BR only)	Yes
New York	45 hrs.	45 hrs.	and	1 yr.	before lic. app.	sup. BR & list of trans.	Yes	Yes
North Carolina	30 hrs. w/in past 5 yrs.	90 hrs. w/in past 5 yrs.	or	2 yrs. w/in past 5 yrs.	before exam app.	sup. BR & RE Comm. records	Yes	Yes

PRELICENSING EDUCATION/EXPERIENCE REQUIREMENTS

Jurisdiction	Salesperson Education Requirements	Broker Requirements			Courses must be completed	Exp. as SP for BR appls. verified by	Educ. waiv.	Exp. as waiv.
		Education (in add. to SP educ. reqt.)	and /or	Experience as SP				
North Dakota	None (but 30 hrs. reqd. aft. licensure)	90 hrs.	and	2 yrs.	bef. lic. app.	sup. BR & list of trans.	No	Yes
Nova Scotia (1988 Survey)	Home Study Program	Home Study Program	NA	2 yrs. w/in past 3 yrs.	NA	Licensure as SP only	NA	Yes
Ohio	120 hrs. in coll. cred. crs. w/in past 10 yrs. (+10 hrs. w/in 1 yr. after licensure)	Varies from "None" to current 240 hrs. in coll. cred. crs. plus 2 yrs. of coll. (dep. on date of licensure as SP)	and	2 yrs. w/in past 5 yrs.	bef. exam app.	sup. BR & list of trans.	No	No
Oklahoma	45 hrs.	45 hrs.	and	1 yr. w/in past 5 yrs.	bef. exam app.	licensure as SP only	Yes	Yes
Ontario (1987 survey)	150 hrs.	230 hrs.	and	2 yrs.	NR	NR	NR	NR
Oregon	90 hrs.	60 hrs.	and	3 yrs.	bef. lic. iss.	RE Agency records	Yes	Yes
Pennsylvania	60 hrs.	240 hrs.	and	3 yrs. (200 points on point system based on transactions)	SP: bef. exam adm. - BR: bef. exam app.	sup. BR & list of trans. & spot check investigation	No	Yes
Quebec	210 hrs.	360 hrs.	and	3 yrs.	bef. exam app.	RE Agency records	No	Yes
Rhode Island	None	90 hrs.	or	1 yr.	bef. exam app.	sup. BR	Yes	Yes

PRELICENSING EDUCATION/EXPERIENCE REQUIREMENTS

Jurisdiction	Salesperson Education Requirements	Broker Requirements			Courses must be completed	Exp. as SP for IR appls. verified by	Educ. waiv.	Exp. as waiv.
		Education (in add. to SP educ. reqt.)	and /or	Experience as SP				
Saskatchewan	Corr. crs. w/in past 2 yrs.	Corr. crs. w/in past 5 yrs.	and	2 yrs. w/in past 5 yrs.	bef. exam app.	licensure as SP only	Yes	Yes
South Carolina	Temp. SP: 30 hrs. w/in past 5 yrs. - Perm. SP: add'l. 30 hrs. w/in past 5 yrs.	30 hrs. w/in past 5 yrs. (waiv. if appl. has 5 yrs. exp. as SP)	and	3 yrs. w/in past 3 yrs.	bef. exam app.	RE Comm. records	Yes	Yes
South Dakota	30 hrs.	60 hrs.	and	2 yrs.	bef. exam app.	RE Comm. records	Yes	Yes
Tennessee	60 hrs.	60 hrs.	and	3 yrs.	bef. exam app.	sup BR & RE Comm. records	No	No
Texas	90 hrs. PL in RE crs. and 90 hrs. PL "related" crs. (+30 hrs. per yr. in RE crs. for first 3 yrs. aft. licensure)	630 hrs. in gen. coll. crs.	and	2 yrs. w/in past 3 yrs.	bef. exam app.	licensure as SP only	No	No
Utah	90 hrs. w/in past 1 yr.	120 hrs. w/in past 1 yr.	and	3 yrs.	bef. exam app.	sup. BR	Yes	Yes
Vermont (1988 survey)	None	8 hrs.	and	1 yr.	bef. lic. app.	sup. BR & list of trans.	Yes	Yes
Virginia	45 hrs.	180 hrs.	and	3 yrs. w/in past 5 yrs.	bef. exam app.	sup BR and/or others	Yes	Yes
Virgin Islands (1988 survey)	None	None	NA	1 yr.	NA	Licensure as SP only	NA	No

PRELICENSING EDUCATION/EXPERIENCE REQUIREMENTS

Jurisdiction	Salesperson Education Requirements	Broker Requirements			Courses must be completed	Exp. as SP for LR appls. verified by	Educ. waiv.	Exp. as wai
		Education (in add. to SP educ. reqt.)	and /or	Experience as SP				
Washington	30 hrs. w/in past 5 yrs.	90 hrs. w/in past 5 yrs.	and	2 yrs. w/in past 5 yrs.	bef. exam app.	sup. BR	Yes (SP only)	Yes
West Virginia	90 hrs.	90 hrs.	and	2 yrs.	bef. exam adm.	sup BR & list of trans.	No	Yes
Wisconsin	45 hrs. (w/in past 5 yrs. exc. no limit for coll. cred. crs.)	45 hrs. (w/in past 5 yrs. exc. no limit for coll. cred. crs.)	and	1 yr.	bef. lic. app.	licensure as SP only	Yes	No
Wyoming	30 hrs.	30 hrs.	and	2 yrs.	bef. lic. app.	licensure as SP only	No	No

PART II - PRELICENSING EDUCATION STANDARDS

Part II reports the primary standards regularly employed by the real estate licensing agencies in NARELLO member jurisdictions when approving and monitoring prelicensing education courses. Refer to the "Key to Abbreviations" page for further assistance in understanding the reported information.

NOTES AND COMMENTS

1. If not stated otherwise in the "Comments" column, the indicated standards employed by a jurisdiction's RE licensing agency apply to courses conducted by all types of schools approved to conduct prelicensing courses in that jurisdiction.
2. Note that "Approve Course Content" is NOT one of the standards included in this report because it is assumed that all jurisdictions with prelicensing education approve course content, and this question was not included in the survey. It is suspected that some of the jurisdictions answering "Yes" to the "Prescribe Course Outlines" question probably only approve course content based on a list of general topics included in a statute or regulation and actually do not provide any detailed course outlines which must be used by schools to teach approved courses.
3. The responses to the "Recognize Correspondence or Independent Study Courses" question (which is not actually a "standards" question) are included in this part of the report primarily for reasons of convenience.

PRELICENSING EDUCATION STANDARDS

Jurisdiction	Min. Att. Req.	Presc. Crs. Outl.	Appr. Inst.	Appr. Texts	Appr. Crs. Exams	Rev. Lic. Exam Perf. by Sch.	Mon. Cls.	Rev. Stud. Eval.	Recog. Corr. or Ind. Study Crs.	Comments
Alabama	80%	Yes	Yes	No	No	Yes	Occ.	Yes	No	
Alaska	NA									No PL educ.
Alberta	NA	Yes	No	Yes	Yes	NA	NA	Yes	Home Study	Home Study PL educ. only
Arizona	100%	Yes	Yes	Yes	No	Yes	Yes	Yes	No	
Arkansas	100%	No	No	No	No	No	No	No	Yes	
British Columbia	None	Yes	No	Yes	Yes	Yes	No	No	No	
California	87%	No	Yes*	Yes*	Yes*	No	No	No	Yes	*Coll./univ. crs. exempt from noted stds.
Colorado	100%	Yes	No	No	No	No	No	No	Yes	
Connecticut	83%	Yes	No	Yes	No	Yes	No	No	No	
Delaware	87%	Yes	Yes	Yes	No	No	No	No	No	
Dist. of Columbia	None	Yes	Yes	Yes	No	Yes	Occ.	No	No	
Florida	87%	Yes	Yes	Yes	Yes	Yes	Occ.	No	Yes*	*Corr. crs. appr. for handi-capped stud. only
Georgia	100%	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes*	*12 in-cla. hrs. reqd. for corr. crs.
Guam	NA									No PL educ.
Hawaii	100%	Yes	Yes	No	No	Yes	No	No	Yes*	*Corr. crs. appr. on case-by-case basis
Idaho	100%	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Illinois	90%	Yes	Yes*	No	Yes	Yes	Yes	No	Yes	*Coll./univ. inst. exempt
Indiana	75%	Yes	Yes	Yes	Yes	Yes	No	No	No	
Iowa	100%	No	No	No	Yes	Yes	No	No	No	
Kansas	90%	Yes	Yes	No	No	Yes	Yes	Yes	Yes	
Kentucky	95%*	Yes*	No	No	No	Yes	No	No	Yes	*Coll./univ. crs. exempt from noted stds.
Louisiana	100%*	No	Yes	No	No	Yes	Yes	Yes	No	*Coll./univ. crs. exempt from att. reqt.
Maine	None	Yes	No	No	No	Yes*	Yes	Occ.	No	*Rev. lic. exam perf. for Ass. BR crs. only
Maryland	100%*	Yes	Yes	No	No	No	No	No	No	*Coll. cred. crs. exempt from att. reqt.
Massachusetts	100%	Yes	No	No	No	Yes*	Yes*	No	No	*Do not rev. lic. exam perf. on mon. cls. for coll. cred. crs.
Michigan	100%	No	Yes	No	No	Yes	Yes	No	No	

PRELICENSING EDUCATION STANDARDS

Jurisdiction	Min. Att. Req.	Presc. Crs. Outl.	Appr. Inst.	Appr. Texts	Appr. Crs. Exams	Rev. Lic. Exam Perf. by Sch.	Mon. Cls.	Rev. Stud. Eval.	Recog. Corr. or Ind. Study Crs.	Comments
Minnesota	100%	Yes	Yes	Yes	No	No	Yes	Occ.	No	*Corr. crs. appr. in hardship cases only
Mississippi	None	No	No	No	No	No	No	No	Yes	
Missouri	100%	Yes	Yes	No	Yes	Yes	Yes	No	Yes*	
Montana	90%	Yes	Yes	No	No	Yes	No	Yes	No	*Coll. cred. crs. exempt from crs. outl. reqt.
Nebraska	100%	Yes	Yes	Yes	No	No	Yes	Yes	Yes	
Nevada	100%	Yes*	Yes	No	No	No	No	No	Yes	
New Brunswick	NA*	No	No	No	Yes	No	No	No	Yes	*Home study only No PL educ.
New Hampshire	NA									
New Jersey	80%	Yes	Yes	No	No	Yes	Yes	No	No	*Coll./univ. crs. exempt from inst. reqt.
New Mexico	75%	Yes	Yes*	No	No	No	No	No	Yes	
New York	90%	Yes	Yes	Yes	Yes	No	Yes	No	No	
North Carolina	80%	Yes	Yes	Yes	Occ.	Yes	No	No	No	Home study only (1988)
North Dakota	None	Yes	Yes	No	No	No	No	Yes	Yes	
Nova Scotia	NA	No	No	Yes	Yes	NA	NA	No	Home Study	
Ohio	100%	No	No	No	No	No	No	No	No	*No response to survey *Do not appr. inst. or crs. exams for coll. cred. crs. *SP educ. only
Oklahoma	100%	Yes	Yes	Yes	No	Yes	Yes	No	No	
Ontario*	NR									
Oregon	100%	Yes	Yes*	No	Yes*	Yes	Yes	Yes	No	*All PL educ. is by corr. crs. *Coll./univ. crs. exempt from noted stds.
Pennsylvania	80%	Yes*	Yes	No	No	Yes	Yes	Yes	No	
Quebec	None	Yes	No	No	No	No	No	No	No	
Rhode Island	100%	No	No	No	No	Yes	No	No	No	*All PL educ. is by corr. crs. *Coll./univ. crs. exempt from noted stds.
Saskatchewan	NA	Yes	No	Yes	Yes	No	NA	Yes	Yes*	
South Carolina	100%	Yes*	Yes*	Yes*	Yes*	Yes	Yes	No	Yes	
South Dakota	90%	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	*All stds. apply to prop. sch. crs. only *Coll./univ. crs. exempt from noted stds.
Tennessee	80%	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	
Texas	100%	No	Yes*	Yes*	Yes*	Occ.*	Yes*	Yes*	Yes*	
Utah	None	Yes*	Yes*	Yes*	Yes*	Yes	Yes	Yes	Yes	

PRELICENSING EDUCATION STANDARDS

Jurisdiction	Min. Att. Req.	Presc. Crs. Outl.	Appr. Inst.	Appr. Texts	Appr. Crs. Exams	Rev. Lic. Exam Perf. by Sch.	Mon. Cls.	Rev. Stud. Eval.	Recog. Corr. or Ind. Study Crs.	Comments
Vermont	100%	Yes	Yes	No	No	No	Yes	No	No	No SP PL educ. - stds. apply to 8-hr. BR PL crs. only (1988) *Coll. instructors exempt from noted stds.
Virginia	None	Yes	Yes*	No	No	No	No	No	No	
Virgin Islands	NA									
Washington	100%	Yes	Yes	Yes	Yes	Yes	No	No	Yes	*Coll. cred. crs. exempt from noted stds.
West Virginia	None	Yes	Yes	No	No	No	No	No	Yes	
Wisconsin	100%*	Yes	Yes*	No	No	No	No	No	No*	
Wyoming	None	Yes	Yes	No	No	Yes	No	No	Yes	

PART III - CONTINUING EDUCATION REQUIREMENTS AND STANDARDS

Part III reports the real estate continuing education (CE) requirements of the NAREID member jurisdictions and the primary standards regularly employed by the real estate licensing agencies of such jurisdictions when approving and monitoring continuing education courses. Refer to the "Key to Abbreviations" page for further assistance in understanding the reported information.

NOTES AND COMMENTS

1. The continuing education requirements shown are the number of classroom or clock hours required to be completed by licensees within a recurring period of time. For example, "12 hrs/2 yrs" means that licensees must complete 12 hours in approved courses every 2 years. The stated requirements apply to both salespersons and brokers unless otherwise indicated in the "Comments" column. The time period indicated may or may not be the jurisdiction's regular license renewal period.
2. All the hours shown in the first column must be in general real estate subjects (some jurisdictions are more restrictive than others with regard to course content). The hours shown in the "Hours required in designated RE topics" column are the portion of the requirement shown in the first column that must be taken in specific, designated RE topics such as "License Law Update", "Legal Update", "Contracts", "Agency", etc.
3. Note that "Approve Course Content" is NOT one of the standards included in this report because it is assumed that all jurisdictions with continuing education approve course content, and this question was not included in the survey.
4. Note that the report indicates whether or not a course examination is required ("Exam Req.") and any required minimum length for courses ("Min. Crs. Lgth.").
5. The indicated standards apply to courses conducted by all types of approved schools/course sponsors unless otherwise indicated in the "Comments" column.

CONTINUING EDUCATION REQUIREMENTS AND STANDARDS

Jurisdiction	CE Reqt. for SP & BR	Hrs. Reqd. in desig. RE Topics	CE Eff. Date	Min. Att. Reqd.	Exam Reqd.	Min. Crs. Igth.	Appr. Inst.	Appr. Inst. Matls	Mon-itor Cts.	Rev. Stud. Eval.	Recog. Corr./ Ind. Study Crs.	Comments
Alabama	12 hrs/2 yrs	3 hrs	1986	100%	No	3 hrs	Yes	Yes	Occ.	Yes	No	
Alaska	None											
Alberta	None											
Arizona	24 hrs/2 yrs	12 hrs	1980	90%	No	None	Yes	Yes	Yes	No	No	
Arkansas	6 hrs/yr	3 hrs (for prop & vo-tech sch)	1989	90%*	No	6 hrs	No	No	No	No	Yes	*NA to coll./univ. crs.
British Columbia	None											
California	45 hrs/4 yrs*	6 hrs	1981	90%	Yes	3 hrs	Yes	Yes	Yes	No	Yes	* 6 hrs for 1st SP renewal eff. 1/1/90
Colorado	None											
Connecticut	12 hrs/2 yrs	3 hrs	1984	100%	No	3 hrs	No	Yes	Occ.	Occ.	No	
Delaware	15 hrs/2 yrs	3 hrs *	1988	100%	No	2 hrs	Yes	No	No	Yes	No	*6 hrs in 1st renewal per.
Dt. of Columbia	12 hrs/2 yrs	3 hrs	1983	100%	No	1 hr	Yes	Yes	Occ.	No	No	
Florida	14 hrs/2 yrs	3 hrs	1977	90%	No	3 hrs	Yes	Yes	Occ.	No	Yes	
Georgia	3 hrs/ yr*	None	1987	100%	No	3 hrs	No	Yes	Yes	No	Yes	*SP & BR 11c'd. prio. to 1980 are exempt

CONTINUING EDUCATION REQUIREMENTS AND STANDARDS

Jurisdiction	CE Req't. for SP & BR	Hrs. Req'd. in desig. RE Topics	CE Eff. Date	Min. Att. Req'd.	Exam Req'd.	Min. Crs. Lgth.	Appr. Inst.	Appr. Instl Mats	Mon- itor Cls.	Rev. Stud. Eval.	Recog. Corr./ Ind. Study Crs.	Comments
Guam	None											
Hawaii	10 hrs/2 yrs	10 hrs	1991	100%	Yes	3.3 hrs	Yes	Yes	No	Yes	No	
Idaho	12 hrs/2 yrs	12 hrs	1989	None	Yes	3 hrs	Yes	Yes	Yes	Yes	Yes	
Illinois	None											
Indiana	None											
Iowa	36 hrs/3 yrs	12 hrs	1982	100%	No	3 hrs	No	Yes	No	No	Yes	
Kansas	12 hrs/2 yrs	None	1987	100%	No	3 hrs	Yes	Yes	Yes	Yes	Yes	
Kentucky	None											
Louisiana	15 hrs./2 yrs*	None	1981	100%	No	3 hrs	Yes	Yes	Yes	Yes	Yes	*SP & BR lic'd. prior to 1981 are exempt
Maine	12 hrs/2 yrs*	None	1979	100%	No	2 hrs	Yes	Yes	Yes	Yes	Yes	*For BR & Assoc. BR only - SP lic. is only valid for 2 yrs
Maryland	12 hrs/2 yrs	None	1988	100%	No	1 1/2 hrs	Yes	Yes	No	Yes	No	
Massachusetts	None											
Michigan	6 hrs/yr	Varies	1985	100%	No	6 hrs	Yes	Yes	Yes	No	No	
Minnesota	15 hrs/yr*	None	1987	None	No	None	Yes	Yes	Yes	Occ.	No	*30 hrs. req'd. for 1st renewal

CONTINUING EDUCATION REQUIREMENTS AND STANDARDS

Jurisdiction	CE Req't. for SP & BR	Hrs. Req'd. in desig. RE Topics	CE Eff. Date	Min. Att. Req'd.	Exam Req'd.	Min. Crs. Lgth.	Appr. Inst.	Appr. Instl Matis	Mon- itor Cls.	Rev. Stud. Eval.	Recog. Corr./ Ind. Study Crs.	Comments
Mississippi	8 hrs/2 yrs	2 hrs	1985	100%	No	2 hrs	Yes	Yes	Yes	No	Yes*	*Coll./univ. crs. only
Missouri	12 hrs/2 yrs	3 hrs	1984	100%	No	3 hrs	Yes	Yes	Yes	Yes	No	
Montana	15 hrs/2 yrs.	10 hrs	1988	90%	No	3 hrs	Yes	Yes	No	Yes	Yes	
Nebraska	12 hrs/2 yrs	None	1986	100%	No	3 hrs	Yes	Yes	Yes	Yes	Yes	
Nevada	15 hrs/2 yrs*	6 hrs	1978	90%	No	3 hrs	Yes*	Yes*	Yes*	Yes*	Yes	
New Brunswick	None											
New Hampshire	3 hrs/2 yrs	3 hrs	1985	100%	No	3 hrs	Yes	Yes	No	Yes	Yes*	*In some cases
New Jersey	None *											*Legislation pending
New Mexico	30 hrs/3 yrs	10 hrs from 20 core crs.	1989	*	No	None	Yes	Yes	No	Yes	Yes	*90% for "core" crs. - 75% for elective crs.
New York	45 hrs/4 yrs	None	1979	*	No	15 hrs	Yes	Yes	Yes	No	No	*90% for 45-hr crs. - 75% for 15-hr. module
North Carolina	None											
North Dakota	24 hrs/3 yrs	None	1981	90%	No	3 hrs	Yes	Yes	Yes	Yes	Yes	
Nova Scotia	None*											*1988 survey
Ohio	30 hrs/3 yrs	6 hrs	1980	90%	No	None	Yes	Yes	Yes	No	No	

CONTINUING EDUCATION REQUIREMENTS AND STANDARDS

Jurisdiction	CE Req't. for SP & BR	Hrs. Req'd. in desig. RE Topics	CE Eff. Date	Min. Att. Req'd.	Exam Req'd.	Min. Crs. Lgth.	Appr. Inst.	Appr. Instl Matis	Mon- itor Cls.	Rev. Stud. Eval.	Recog. Corr./ Ind. Study Crs.	Comments
Oklahoma	21 hrs/3 yrs	3 hrs	1984	100%	No	2 hrs	Yes	Yes	Yes	No	Yes	
Ontario	None*											*1987 survey
Oregon	12 hrs/2 yrs* (SP only - none for BR)	None	1971	100%	No	None	No	No	No	No	No	*24 hrs/2 yrs for first 3 renewals
Pennsylvania	None											
Quebec	None											
Rhode Island	12 hrs/2 yrs	*	1990	*	No	*	*	*	*	*	*	*Stds. not yet developed
Saskatchewan	None											
South Carolina	None											
South Dakota	24 hrs/2 yrs	None	1980	90%	No	1 hr	Yes	Yes	Yes	Yes	Yes	
Tennessee	16 hrs/2 yrs (SP only - none for BR)	None	1988	100%*	No	2 hrs	Yes	Yes	Yes	Yes	Yes	*80% w/makeup and exam
Texas	15 hrs/2 yrs*	6 hrs	1991	100%	No	3 hrs	Yes	Yes	Yes	Yes	Yes	*Effective 9-1-91
Utah	None											
Vermont	4 hrs/2 yrs*	None	1986	100%	No	1 hr	Yes	Yes	Yes	Yes	No	*1988 survey
Virginia	6 hrs/2 yrs	6 hrs	1990	100%	No	6 hrs	Yes	Yes	No	Yes	No	
Virgin Islands	None*											*1988 survey

CONTINUING EDUCATION REQUIREMENTS AND STANDARDS

Jurisdiction	CE Req't. for SP & IR	Hrs. Req'd. in desig. RE Topics	CE Eff. Date	Min. Att. Req'd.	Exam Req'd.	Min. Crs. Lgth.	Appr. Inst.	Appr. Instl Mats	Mon- itor Cls.	Rev. Stud. Eval.	Recog. Corr. / Ind. Study Crs.	Comments
Washington	30 hrs/2 yrs	No	1991	100%	Yes	3 hrs	Yes	Yes	No	No	No	
West Virginia	7 hrs/yr	7 hrs	1990	100%	No	7 hrs	Yes	Yes	No	No	No	
Wisconsin	None											
Wyoming	30 hrs/3 yrs	15 hrs	1984	90%	No	3 hrs	Yes	Yes	Yes	Yes	Yes	

PART IV - TRANSFERABILITY OF PRELICENSING AND CONTINUING EDUCATION

Part IV reports the types of prelicensing and continuing education courses (by type of school or course sponsor) taken in another jurisdiction that will/will not generally be recognized by the real estate licensing agencies of the NARELLO member jurisdictions for an applicant for licensure by examination. Refer to the "Key to Abbreviations" page for further assistance in understanding the reported information.

NOTES AND COMMENTS

1. Survey respondents were asked to assume that "... such courses are approved by the other jurisdiction's real estate licensing agency and the length and content" (except for state law) of such courses is comparable to approved courses in your jurisdiction.
2. If a survey respondent commented that courses taken at/through a particular type of school/course sponsor would be recognized if the school/course sponsor had obtained prior approval of the courses by their agency, then a "No" response was recorded for courses taken at/through that particular type of school/course sponsor.
3. The categories of courses included in the survey/report are:
 - a. College credit courses taken at a college/university or community/junior college.
 - b. College non-credit courses taken at a college/university or community/junior college.
 - c. Courses taken at a proprietary real estate school.
 - d. Courses taken through a national or state professional association (CE only).
 - e. Courses sponsored directly by the real estate licensing agency (CE only).
 - f. Courses sponsored by individuals (CE only).
 - g. Courses certified by NARELLO (regardless of the type of school).
4. Although the survey did not address this particular point, it is quite likely that some of the jurisdictions which indicated they will not recognize "NARELLO-certified courses regardless of the type of school" may, in fact, recognize certain NARELLO-certified courses taken at/through certain types of schools/course sponsors.

TRANSFERABILITY OF PRELICENSING AND CONTINUING EDUCATION

Jurisdiction	Prelicensing Education					Continuing Education							
	Recog. the ff. PL courses taken in another juris.:					Recog. the ff. CE courses taken in another juris.:							
	Coll. cred. crs.	Coll. non-cred. crs.	Prop. RE Sch. crs.	NARELLO cert. crs.	Comments	Coll. cred. crs.	Coll. non-cred. crs.	Prop. Sch. crs.	Prof. Assn. crs.	RE Comm. crs.	Ind. spons. crs.	NARELLO cert. crs.	Comments
Alabama	Yes	Yes	Yes	Yes	Min. 45-hr. crs. over 8 wks. (+)	Yes	No	No	Yes	No	No	No	
Alaska	NA	-----	-----	-----	No PL educ.	NA	-----	-----	-----	-----	-----	-----	No CE
Alberta	NA	-----	-----	-----	Home Study only	NA	-----	-----	-----	-----	-----	-----	No CE
Arizona	Yes	No	No	No	3 sem. hr. crs. only	Yes	Yes	Yes	Yes	Yes	No	No	
Arkansas	Yes	Yes	No	No		Yes	Yes	Yes*	Yes	Yes*	Yes*	Yes	*Only for AR non-res. licee.
British Columbia	No	No	No	No		NA	-----	-----	-----	-----	-----	-----	No CE
California	Yes	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Colorado	Yes	Yes	Yes	No		NA	-----	-----	-----	-----	-----	-----	No CE
Connecticut	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Delaware	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Dt. of Columbia	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Florida	Yes	No	No	No		Yes	No	No	Yes	No	Yes	No	
Georgia	Yes	Yes	Yes	Yes		Yes	No	No	Yes	No	No	No	
Guam	NA	-----	-----	-----	No RE PL educ.	NA	-----	-----	-----	-----	-----	-----	No CE
Hawaii	Yes	No*	No*	No*	*Yes if licee. of juris. w/comp. educ reqts.	No	No	No	No	No	No	No	
Idaho	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Illinois	Yes	No	No	No		-----	-----	-----	-----	-----	-----	-----	No CE
Indiana	Yes*	No	No	No	*Only SP crs. & only if an 8 sem. hr. coll. cred. crs	NA	-----	-----	-----	-----	-----	-----	No CE
Iowa	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Kansas	No	No	No	No		No	No	No	No	No	No	No	* Except by recip
Kentucky	Yes	No	No	No		NA	-----	-----	-----	-----	-----	-----	No CE
Louisiana	Yes*	Yes*	Yes*	Yes*	*Exc. for 30 hrs reqd. at LA sch.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	

TRANSFERABILITY OF PRELICENSING AND CONTINUING EDUCATION

Jurisdiction	Prelicensing Education					Continuing Education							
	Recog. the ff. PL courses taken in another juris.:					Recog. the ff. CE courses taken in another juris.:							
	Coll. cred. crs.	Coll. non-cred. crs.	Prop. RE Sch. crs.	NARELLO cert. crs.	Comments	Coll. cred. crs.	Coll. non-cred. crs.	Prop. Sch. crs.	Prof. Assn. crs.	RE Comm. crs.	Ind. spons. crs.	NARELLO cert. crs.	Comments
Maine	Yes	Yes	Yes	Yes	*If lic. in other juris.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No CE
Maryland	Yes	No	Yes	No		Yes	Yes	Yes	Yes	Yes	Yes	No	
Massachusetts	Yes*	Yes*	Yes*	Yes		NA	-----	-----	-----	-----	-----	-----	
Michigan	Yes	No	No	No		No	No	No	No	No	No	No	
Minnesota	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Mississippi	Yes	No	No	No		Yes	No	No	No	No	No	Yes	
Missouri	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Montana	Yes	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Nebraska	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Nevada	Yes	Yes	Yes	No		Yes	No	No	Yes	No	No	No	
New Brunswick	NA	-----	-----	-----	Home Study only	NA	-----	-----	-----	-----	-----	No CE	
New Hampshire	NA	-----	-----	-----	No PL. educ.	No	No	No	No	No	No		
New Jersey	Yes	Yes	Yes	No		NA	-----	-----	-----	-----	-----	No CE	
New Mexico	Yes	No	Yes	Yes		Yes	Yes	Yes	Yes	Yes	Yes		
New York	Yes	Yes	Yes	Yes		No	No	No	No	No	No		
North Carolina	Yes	Yes	Yes	Yes		NA	-----	-----	-----	-----	-----	No CE	
North Dakota	Yes	Yes	No	No		Yes	Yes	Yes	Yes	Yes	Yes		
Nova Scotia	NA	-----	-----	-----	Home Study (1988)	NA	-----	-----	-----	-----	-----	No CE (1988)	
Ohio	Yes	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes		
Oklahoma	Yes	No	No	Yes		Yes	yes	Yes	Yes	Yes	Yes		
Ontario	NR	-----	-----	-----		NA	-----	-----	-----	-----	-----	No CE	
Oregon	Yes	No	No	No		Yes	Yes	Yes	Yes	Yes	Yes		
Pennsylvania	Yes	Yes	Yes	No		NA	-----	-----	-----	-----	-----	No CE	
Quebec	Yes*	No	No	No	*Certain crs. only	NA	-----	-----	-----	-----	-----	No CE	
Rhode Island	Yes	Yes	No	No		NA	-----	-----	-----	-----	-----	CE eff. 1990	
Saskatchewan	Yes	Yes	Yes	Yes		NA	-----	-----	-----	-----	-----	No CE	
South Carolina	Yes	Yes	Yes	Yes		NA	-----	-----	-----	-----	-----	No CE	
South Dakota	Yes	Yes	Yes	No		Yes	Yes	Yes	Yes	Yes	Yes		

TRANSFERABILITY OF PRELICENSING AND CONTINUING EDUCATION

Jurisdiction	Prelicensing Education					Continuing Education							
	Recog. the ff. PL courses taken in another juris.:					Recog. the ff. CE courses taken in another juris.:							
	Coll. cred. crs.	Coll. non-cred. crs.	Prop. RE Sch. crs.	NARELLO cert. crs.	Comments	Coll. cred. crs.	Coll. non-cred. crs.	Prop. Sch. crs.	Prof. Assn. crs.	RE Coun. crs.	Ind. spons. crs.	NARELLO cert. crs.	Comments
Tennessee	Yes*	Yes*	Yes*	Yes*	*For up to 30 hrs (1/2) of PL reqt.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Texas	Yes	Yes	No	Yes		*	-----	-----	-----	-----	-----	-----	*To be determined
Utah	Yes	Yes	Yes	Yes		NA	-----	-----	-----	-----	-----	-----	No CE (1988)
Vermont	No	No	No	No	Only have DR PL educ. (1988)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Virginia	Yes	No	Yes	No		No	No	No	No	No	No	No	No CE (1988)
Virgin Islands	NA	-----	-----	-----	No PL educ. (1988)	NA	-----	-----	-----	-----	-----	-----	
Washington	Yes	Yes	Yes	No		NA	-----	-----	-----	-----	-----	-----	CE eff. 1991
West Virginia	NR	NR	NR	NR		Yes	Yes	Yes	Yes	Yes	Yes	Yes	
Wisconsin	Yes	Yes*	Yes*	Yes*	*Only if appl. is lic'd. in other juris.	NA	-----	-----	-----	-----	-----	-----	No CE
Wyoming	Yes	Yes	Yes	Yes		Yes	Yes	Yes	Yes	Yes	No	Yes	

PART V - OTHER EDUCATION INFORMATION

Part V reports certain additional information regarding the education and research activities of the real estate licensing agencies in NARELLO member jurisdictions. Refer to the "Key to Abbreviations" page for further assistance in understanding the reported information.

NOTES AND COMMENTS

The survey asked the following questions:

1. Does your agency have a full-time staff (or part-time consultant) Education Director?
2. Does your agency regularly utilize an education advisory or liaison committee?
3. Does your agency have a real estate education and/or research fund (or a recovery fund that can be used in part to fund education and/or research projects)?
4. Does any college/university in your jurisdiction have an active real estate research center? If "Yes", is this research center funded wholly or in part by real estate license fees?

OTHER EDUCATION INFORMATION

Jurisdiction	Full-Time Staff Education Director	Active Educ. Adv. or Liais. Comm.	RE Educ. and/or Resear. Fund	Coll./Univ. RE Research Center	
				Active	Receives funding from RE lic. fees
Alabama	Yes	Yes	No	No	
Alaska	No, Pub. Inf. Off.	Yes	Yes	No	
Alberta	Yes	Yes	Yes	No	
Arizona	Yes	No	No	Yes	No
Arkansas	No	Yes	Yes	No	
British Columbia	No	No	Yes	Yes	Yes
California	Yes	Yes	Yes	Yes	Yes
Colorado	Yes	No	No	No	
Connecticut	No	No	No	Yes	Yes
Delaware	No	Yes	Yes	No	
Dist. of Columbia	Yes	No	Yes	No	
Florida	Yes	Yes	Yes	Yes	Yes
Georgia	Yes	Yes	Yes	Yes	No
Guam	No	No	No	No	
Hawaii	No, Inf. Off.	No	Yes	Yes	Yes
Idaho	Yes	Yes	Yes	No	
Illinois	Yes	No	Yes	Yes	Yes
Indiana	Yes	Yes	Yes	Yes	No
Iowa	No - will hire soon	No	No, but auth'd	No	
Kansas	Yes	No	No	Yes	Occasionally
Kentucky	Yes	No	Yes	Yes	Yes
Louisiana	Yes	No	Yes	Yes	Yes
Maine	Yes	No	Yes	Unknown	
Maryland	Yes	Yes	No	No	
Massachusetts	No	Yes	No	No	
Michigan	No	Yes	No	No	
Minnesota	Yes	Yes	Yes	No	
Mississippi	No	No	No	No	
Missouri	Yes	No	No	No	
Montana	No	No	Yes	No	
Nebraska	Yes	No	No	No	
Nevada	Yes	No	Yes	No	

OTHER EDUCATION INFORMATION

Jurisdiction	Full-Time Staff Education Director	Active Educ. Adv. or Liais. Comm.	RE Educ. and/or Resear. Fund	Coll./Univ. RE Research Center	
				Active	Receives funding from RE lic. fees
New Brunswick	No	Yes	Yes	No	
New Hampshire	No	No	No	No	
New Jersey	Yes	No	Yes	No	
New Mexico	Yes	Yes	No	No	
New York	No	No	No	No	
North Carolina	Yes	No	No	No	
North Dakota	No	Yes	Yes	No	
Nova Scotia *	No	No	No	No	
Ohio	Yes	Yes	Yes	Yes	Yes
Oklahoma	Yes	Yes	Yes	No	
Ontario	NR	NR	NR	NR	
Oregon	Yes	Yes	No	No	
Pennsylvania	No	Yes	No	Unknown	No
Quebec	No	No	No	Yes	No
Rhode Island	No	Yes	No	No	
Saskatchewan	Yes	Yes	Yes	No	
South Carolina	Yes	No	Yes	Yes	No
South Dakota	No	No	Yes	No	
Tennessee	No, but have P-T consultant	No	Yes	Yes	No
Texas	Yes	No	No	Yes	Yes
Utah	Yes	No	Yes	No	
Vermont*	No	Yes	No	No	
Virginia	Yes	Yes	Yes	No	
Virgin Islands*	No	No	No	No	
Washington	Yes	Yes	Yes	No	
West Virginia	No	No	No	No	
Wisconsin	No	Yes (ad hoc)	No	No	
Wyoming	No	Yes	Yes	No	

* 1988 survey

417C Sen Eliason
March 6, 1990

Finance Committee
Alaska State Senate
State Capital Building
Juneau, Alaska 99811

Re: Senate Bill 28844

Senators,

It has just come to my attention that SB288, regarding changes to AS08.88 of the Alaskan statutes, contains provision that would require additional education requirements for real estate licensees. I would like to take this opportunity to stress my strong opposition to any provisions that would require "mandatory continuing education".

During my years of service on the Real Estate Commission, including one year as Chairman, there were numerous attempts to get this type of legislation passed. We held many public hearings on this matter and tried to balance the desire with the practicality. While there are acceptable arguments such as, "This is the way it is done in other states so therefore we should do it in Alaska!" or "We have to do something to cut down on the numerous complaints!", our careful analysis always ended in not supporting continuing education as a solution. We simply felt forcing a licensee to sit through a real estate class two days every two years would not materially change the quality of their work. The cost of another layer of bureaucracy versus the expected result is not warranted. I do not feel the arguments for or against mandatory education have changed materially since that time.

It is important to keep the State's position with the real estate industry in perspective when considering the adoption of this type of requirement. The State of Alaska, in its wisdom, has established a set of laws that regulate the right to perform those functions allowed under AS08.88. You can only perform those functions with a license. Realizing that in the spectrum of the real estate industry that there are all levels of expertise, experience, etc., the law established two levels of licensing, broker and salesman. By passing certain requirements, one can become a salesman. If you have at least two years of experience and pass additional requirements, you can become a Broker. You cannot perform those functions authorized in the statutes as a salesman unless you are working under a broker's license. In turn, a Broker can have licensees "working" under his broker's license but the Broker has total responsibility for the actions of the salesman licensees.

This process is not only simple but affective. The Broker has the responsibility and liability for not only himself but for all of the licensees working under him. The public's recourse is through the courts for damages. The State can prevent further miscarriages

by revoking the license.

The only strong argument against this system was that in many real estate circumstances it was unfair to make someone that had been harmed go through the lengthy court procedure to get monetary recourse. To correct this flaw the surety fund and procedure was established.

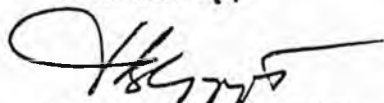
My point is this. The system outlined above works as well as any. Keep it simple and leave clear lines of accountability. It is the licensee's responsibility to educate himself. Since the Broker is responsible he'd better darn well be sure that both he and the licensee's working under him are educated. It is when you cloud this chain of responsibility and accountability that indifference begins. If the State is going to take on a portion this responsibility who is going to be liable? I trust you will not want to accept this liability based upon two days of education every two years.

It is my opinion that strong enforcement of your existing statutes is the solution to improve industry standards, not some mandatory requirement that will only cause dissention and further disburse the liability. If you are inclined to pass this type of legislation, first insist on using the excess surety funds (as they are intended) for voluntary courses. Do this for, say, two years and then get a report. Use this as a test. Poll the licensees. Do they want mandatory education? Do they think it will improve the industry? Remember, many licensees are not Realtors. Realtor is only a designation used by those who belong to a professional organization and many licensees do not espouse to this organizations goals.

In summary, I believe the limited benefits gained from mandatory education are far outweighed by the cost, the insidious bureacracy that will be created, the red tape and the spreading of liability resulting from its inception. It is simply not worth the problems that will be caused.

I would be more than happy to discuss this issue with any of you if you so desire. You can reach me in Juneau at 586-8161.

Sincerely,



Lance Youngquist

RE: Sponsor Substitute for S.B. No. 288

Dear Senator,

Please consider a change to the bill by the deletion of Sec. 2(d) A person who is licensed under this chapter must complete 20 hours of continuing education - - -

My experience has been that mandatory continuing education goes not solve any problems and becomes a make-work project that neither the licensee nor the public benefit from.

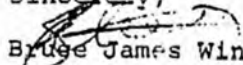
In attending a required education course in another state, I found attendance in a general B.S. session to obtain the document required for relicensure. I have heard the argument that without the education requirement we will have no reciprocity with other states. I do not intend to carry my license elsewhere, and hearing of the problems with other states, certainly do not want their problems here.

I feel that we stand far out ahead of other states with our current licensing program, and especially our Surety Fund program which not only provides for suspension or revocation of license, but financial redress to the public through the Fund.

Attempting to enhance competency and honesty by statute does not seem to work. There is no evidence that the public will be better protected by this requirement.

The current system places the responsibility for competency and honesty upon the Broker, who is not only responsible for his actions, but also the actions of any salesman working under his Broker's license. This system seems to work very well.

Sincerely,


Bruce James Winton, Broker

Former: President, Juneau Board of Realtors
President, Alaska Association of Realtors
Chairman, IMF, National Association of Realtors
Member, Real Estate Commission
Chairman, License Law Committee, Real Estate Commission

Current:

Broker (first licensed in Alaska as salesman 1954)
Chairman, ByLaws, Southeast Board of Realtors
Associate Professor of Real Estate, University of Alaska, SE.

Sent 3/9

DO YOU WANT MORE UNNECESSARY STATE GOVERNMENT INTERFERENCE AND REGULATION IN YOUR BUSINESS?

DO YOU WANT THE STATE TO FORCE YOU TO PAY MONEY OUT OF YOUR POCKET FOR AN UNNECESSARY ILLOGICAL CENTRAL GOVERNMENT CONTROLLED CONTINUING EDUCATION PROGRAM FOR OUR REAL ESTATE INDUSTRY?

DO YOU WANT THE STATE TO CREATE MORE UNNECESSARY STATE JOBS/MORE STATE EMPLOYEES TO PAY FOR?

If you want to maintain responsibility for your own business then call your Senator NOW--TODAY an tell them to VOTE NO ON SENATE BILL 288 !!

Vote NO to forced state government controlled and planned continuing education for the real estate industry!!

If you don't spend the money to call your Senator now then you will literally pay for it many times over through forced government planned education programs for our industry.

SENATORS Juneau Office Locations, Phones

Room	Phone	
	465-	
423-C	465-3707	Adams, Albert P. (D) Kotzebue
518-C	4985	Binkley, John (R) Bethel
30-C	4797	Coghill, John B. "Jack" (R) Nenana
119-C	4766	Duncan, Jim (D) Juneau
417-C	4916	Elason, Richard L. "Dick" (R) Sitka
125-C	3834	Fahrenkamp, Bettye M. (D) Fairbanks
101-C	4523	Falks, Jan (R) Anchorage
508-C	3791	Fischer, Paul A. (R) Soldotna
514-C	3709	Frank, Steve (R) Fairbanks
103-C	4958	Halford, Rick (R) Chugiak
9-C	3743	Jones, Lloyd (R) Ketchikan
111-C	3822	Kelly, Tim (R) Anchorage
	3771	Kerttusa, Jalmar M. (D) Palmer
510-C	4993	Pearce, Drue (R) Anchorage
504-C	3879	Pourchot, Pat (D) Anchorage
113-C	3793	Rodey, Patrick (D) Anchorage
427-C	3818	Sturgulewski, Arliss (R) Anchorage
11-C	4978	Szymanski, Mike (D) Anchorage
516-C	4821	Uehling, Rick (R) Anchorage
121-C	3473	Zharoff, Fred F. (D) Kodiak

TO CONTACT YOUR LEGISLATOR

DURING SESSION

address all legislator and committee mail to:

Name
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

B. Craig

C-Capitol
• 431 N. Franklin

March 8, 1990

Ref: Senate Bill 288--Real Estate

Dear Senator:

I am opposed to Sec. 2 (d) of Senate Bill 288 which would require 20 hours of continuing education in order to have my real estate license renewed .

Forced education will not make a dishonest person more honest. People generally learn standards of honesty by age 10. I do not believe continuing education will change the basic moral fiber of people therefore the public will not be any more protected if the continuing education requirement is passed.

If the Real Estate Commission has a full time Education Coordinator who puts out a quarterly newsletter, then why isn't that person including important information and case law data in the newsletter? Why isn't the Education Coordinator sending out yearly updated sets of State Statutes, Ak. Administrative Code and Regulations pertaining to the real estate industry in order to keep the people in the industry informed yearly? I pay into the Surety Fund trust account which was created to pay for claims as well as provide education to those in the industry. I'm a consumer--where is my educational information I pay for when I make payment into the Surety Fund?

In 1989 I received for payment into the Surety Fund 4 each newsletters and I believe that is all !! I think the RE Commission should mail out each and every year :

- 1) the quarterly newsletter containing important case law information and other changes and data the RE Commission thinks vital to the industry
- 2) updated set of Statutes, AK. Admin. Code and Regs. dealing with real estate which will assure agents and brokers having updated information
- 3) copy of the RE Commissions Trust Account Manual
- 4) copy of the Brokers Kit intended as a desk reference for brokers

I am not for the bill as it now stands because it 1) unnecessarily regulates the industry 2) will create an unnecessary state job if a new fiscal note is attached and 3) there has been NO DATA PRESENTED BY ANYONE showing that there are any more of less honest people working in the industry now as compared to the past.

It is my understanding that a number of Surety Fund payments being made now are from claims that are YEARS old and have not been responsibly handled until now which as resulted in heavy draws on the current fund. No one has presented any data to my knowledge to prove that current claims are any higher or lower or better or worse then those from the past--only that current claims and complaints are being handled in a more timely fashion.

Prelicensing education requirements are something entirely different from the ongoing educational requirements for license renewal. Those two distinct matters should be separated when dealing with this bill. I am against the ongoing educational

requirements for renewal of license. How can any state government controlled ongoing education program provide effective equal educational opportunities for people in Kodiak, Nome, Bethel, Ketchikan, Juneau and Anchorage. Each community is very different and has different needs. The RE Commission anticipates they will spend approx. \$25,000 more for education this year over last and those funds are paid directly by people working in the industry. I would be happy to receive the items listed previously as fair exchange for my payment into the Surety Fund. But leave the subject matter and methods of ongoing education needed in my business up to me.

Our licensing test is reportedly similar to the test given to 25 other states--we are doing exactly what other states are doing, but it is claimed by some not to be adequate in some way in protecting the public. So should we also blindly follow what some states do regarding continuing education? Should we also blindly follow what other states think about locking up Alaska for a wilderness park? Should we also follow the same path in their approach to wetlands? We should learn from other states and find out how they do things but not necessarily follow them. Just because other states have different methods for dealing with an industry does not mean we need to blindly follow their example. Let's think things out slowly and carefully and think about what is best for Alaska and work on what is best for us here and now and for our future. And if the licensing test is proven to be too easy then change the test. By statute that is one of the responsibilities of the Real Estate Commission already!

This bill is ridiculous--it takes on the mentality of trying to fix something that isn't broken and tries to convict the real estate industry of something they COULD POSSIBLY do wrong in the future when there currently is no evidence of any incompetency in the industry now. If this bill were a case in court the judge would kick it out for lack of evidence.

Respectfully,

Barbara Craig

Barbara Anne Craig

Owner/Broker

Barbara Craig Realty

Box 02-0422

Juneau, Ak. 99802

586-9091

BY SEN. STURGULEWSKI

1 IN THE SENATE

2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 288

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Real Estate Commission; and
7 providing for an effective date."

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


9 * Section 1. AS 08.88.081 is amended to read:

10 Sec. 08.88.081. COMMISSION REGULATIONS. The commission shall
11 adopt regulations necessary to carry out the purposes of this chapter
12 [PERTAINING TO THE RESPONSIBILITIES OF PERSONS LICENSED UNDER THIS
13 CHAPTER AND THE GROUNDS FOR REVOKING OR SUSPENDING A LICENSE].

14 * Sec. 2. AS 08.88.091 is amended by adding new subsections to read:

15 (b) An applicant for licensure under AS 08.88.171(c) must com-
16 plete 20 hours of education approved by the commission before the
17 person may be licensed under that subsection.

18 (c) An applicant for licensure under AS 08.88.171(a) or (b) must
19 complete 15 hours of education approved by the commission before the
20 person may be licensed under either of those subsections.

21  (d) A person who is licensed under this chapter must complete 20
22 hours of continuing education approved by the commission before the
23 person's license may be renewed.

24 (e) The commission may not approve an education or continuing
25 education course required under this section unless the commission
26 certifies the course outline and approves the instructor of the course
27 before the course is conducted.

28 * Sec. 3. AS 08.88.171(a) is amended to read:

29 (a) A person is eligible for [ENTITLED TO] a real estate broker

Barbara Craig Realty

(Formerly Barbara Jays Realty)

P.O. Box 02-0422

Juneau Alaska 99802

(907) 586-9091

March 7, 1990

Real Estate Licenses:

Anchor Point 4	Anchorage and surrounding area: approximately 1,850
Bethel 2	
Copper Center 1	
Dillingham 1	
Slana 1	
Girdwood 7	
Homer 33	
Kenai 38	
Kodlak 27	
Moose Pass 1	
Naknek 1	
Nikiski 7	
Nenilchik 3	
Ouzinkie 1	
Big Lake 13	
Seidovia 3	
Seward 12	
Soldotna 38	
Sterling 5	
Talkeetna 1	
Valdez 6	
Willow 6	
Dutch Harbor 1	
Fairbanks 165	
College 2	
North Pole 17	
Salcha 1	
Barrow 2	
Delta Junction 8	
Nome 2	
Tok 2	
Juneau 80	
Gustavus 1	
Sitka 9	
Ketchikan 18	
Craig 1	
Wrangell 1	
Haines 1	

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

7TH FLOOR FRONTIER BLDG.
3901 C STREET, SUITE 722
ANCHORAGE, ALASKA 99503
PHONE: (907) 861-2878

To: Gordon Harrison
Legislative Research Agency
From: Grayce Oakley, Executive Secretary, *GO*
Real Estate Commission
Date: March 5, 1990
Re: Request for Surety Fund information

I was attending a surety fund hearing when your faxed request arrived Thursday. The hearing did not recess until late Friday afternoon. I understand from Terry McGillivray that when she told you the volume involved with minutes of commission meetings, you deleted that request. Here are the remaining statistics:

	FY 86	FY 87	FY 88	FY 89
Income	\$266,960	\$ 26,840	\$205,342	\$ 38,704
Expenses for Claim Settlements	52,357	88,619	90,860	118,031
Expenses paid for Education	136,703	126,239	89,182	76,882
Appropriated for Education*	145,000	145,000	145,000	145,000

* Although the appropriation remained constant, the actual expenditures were cut back because of the anticipated heavier payouts as a backlog of claims were resolved in FY 88 and FY 89.

Current Balance as of June 30, 1989:	\$243,121.
Plus estimated renewal income--FY 90:	302,000
Less claims paid in FY 90:	28,000
Less claims approved 2/22/90	70,542
Less estimated education expenses FY 90:	100,000
Less claims currently on appeal	97,000
Estimated current available balance:	\$249,000

Barbara Craig Realty

(Formerly Barbara Jaya Realty)

P.O. Box 02-0422
Juneau Alaska 99802
(907) 586-9091

March 6, 1990

Finance Committee/SB288-Real Estate

The portion of the bill I am against is Sec. 2 (d)--which would require 20 hours of continuing education to get my real estate license renewed.

Education will not make a dishonest person more honest. People generally learn standards of honesty by age 10. I do not believe continuing education will change the basis moral fiber of people therefore the public will not be any more protected.

If the Real Estate Commission has a full time Education Coordinator, Terry McGillivray who puts out a quarterly newsletter, then why isn't that Education Coordinator including important information or case law data in the newsletter? Why isn't the Education Coordinator sending out yearly updated State Statutes, Ak. Administrative Code and Regs in order to keep the people in the industry informed? I pay into the Surety Fund for important data or educational information--I'm a consumer--where is my important updated information I pay for?

If the continuing education requirement was dropped from the bill, then would there be the need to hire an additional state employee as the fiscal note indicates?

In 1989 I received for my payment into the surety fund 4 each newsletters and I believe that is all! I think the RE Commission Education Coordinator should mail out each year:

- a) the quarterly newsletter containing important case law info and other changes and data the RE Commission thinks are vital
- b) updated set of Statutes dealing with real estate, AAC and Regs by registered mail which will assure agents and brokers have the updated information
- c) copy of the trust account manual the RE Commission developed
- d) Brokers kit which is intended as a desk reference for brokers (the RE Commission claims it is nearly complete if not already finished).

I am not for this bill as it now stands because it 1) creates an unnecessary state job 2) it unnecessarily regulates the industry through forced central government planned educational requirements 3) and no statistical data has been presented by anyone showing that there are any more or less honest people in the industry now compared to the past.

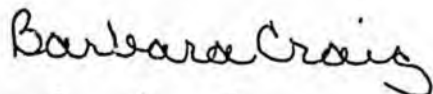
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Barbara Anne Craig
Owner/Broker

BY SEN. STURGULEWSKI

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2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 288

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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STATE OF ALASKA

DEPARTMENT OF COMMERCE & ECONOMIC DEVELOPMENT

DIVISION OF OCCUPATIONAL LICENSING

STEVE COWPER, GOVERNOR

7TH FLOOR FRONTIER BLDG.
3801 C STREET, SUITE 723
ANCHORAGE, ALASKA 99501
PHONE: (907) 861-2878

To: Gordon Harrison
Legislative Research Agency
From: Grayce Oakley, Executive Secretary *GAO*
Real Estate Commission
Date: March 5, 1990
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supposedly • surplice

triven; also : mistakenly believed
 sup-pos-ed-ly \sə-ˈpɒz-əd-lee, -ˈpɒ-
 di-lee\ adv
 sup-pos-ing \sə-ˈpɒz-ɪŋ\ conj : if
 way of hypothesis : on the assumption
 that
 sup-po-si-tion \sə-ˈpɒz-ɪʃ-ən\ n 1
 : something that is supposed : HYPOTH-
 ESIS 2 : the act of supposing
 sup-pos-i-to-ry \sə-ˈpɒz-ɪ-tɔ-ri\ n, pl
 -ries : a small easily melted mass of
 usu. medicated material for insertion
 (as into the rectum)
 sup-press \sə-ˈpres\ vb 1 : to put
 down by authority or force : SUPDUCE
 (~ a revolt) 2 : to keep from being
 known; also : to stop the publication or
 circulation of 3 : to exclude from con-
 sciousness : REPRESS — sup-press-
 ible \sə-ˈpres-ə-bəl\ adj — sup-press-
 ion \sə-ˈpres-ən\ n
 sup-pres-sant \sə-ˈpres-ənt\ n : an
 agent (as a drug) that tends to suppress
 rather than eliminate something unde-
 sirable
 sup-pu-rate \sə-ˈpju-ˌreɪt\ vb -rat-ed;
 -rat-ing : to form or give off pus —
 sup-pu-ra-tion \sə-ˈpju-ˌreɪt-ʃən\ n
 su-pra \sɪ-ˈpra, -ˈpri\ adv : earlier in
 this writing : ANOVA
 su-pra-na-tion-al \sɪ-ˈpra-ˈnash-
 (ə)-nəl, -ˈpri\ adj : transcending national
 boundaries, authority, or in-
 terests (~ organizations)
 su-pre-m-a-cist \sɪ-ˈpre-m-ə-sɪst\ n
 : an advocate of group supremacy
 su-pre-m-a-cy \sɪ-ˈpre-m-ə-si\ n, pl
 -cies : supreme rank, power, or
 authority
 su-pre-me \sɪ-ˈpre-m\ adj [L *supremus*,
 superl. of *superus* upper, fr. *super*
 over, above] 1 : highest in rank or
 authority 2 : UTMOST 3 : most excel-
 lent (he is ~ among poets) 4 : UL-
 TIMATE (the ~ sacrifice) syn superla-
 tive, surpassing, peerless, incomparable
 — su-pre-me-ly adv — su-pre-me-
 ness n
 Supreme Being n : GOD 1
 supt abbr superintendent
 supvr abbr supervisor
 sur-cease \sɜr-ˈseɪs\ n : CESSATION,
 RESPIRE
 sur-charge \sɜr-ˈtʃɑrj\ vb 1 : to fill
 to excess : OVERLOAD 2 : to print or
 write a surcharge on (postage stamps)
 surcharge n 1 : an excessive load or
 burden 2 : an extra fee or cost 3
 : something officially printed on a post-
 age stamp to give it a new value or use
 sur-cin-gle \sɜr-ˈsɪŋ-gəl\ n : a band
 passing around a horse's body to make
 something (as a saddle or pack) fast
 sure \sɜr\ adj sur-er; sur-est [ME,
 fr. MF *sur*, fr. L *securus* secure] 1
 : firmly established 2 : CONFIDENT,
 CERTAIN 3 : TRUSTWORTHY, RELIABLE
 4 : not to be disputed : UNDOUBTED 5
 : bound to happen syn assured, pos-
 sitive — sure-ly adv — sure-ness n
 sure adv : SURELY
 sure-fire \sɜr-ˈfɪr\ adj : certain to
 get results : DEPENDABLE
 sure-ty \sɜr-ˈtɪ-ē\ n, pl -ties 1

2 : SURENESS, CERTAINTY 2 : something
 that makes sure : GUARANTEE 3 : one
 who becomes a guarantor for another
 person syn security, bond, bail
 sponsor, buckler
 sur-f (sɜr-f) n : the swell of the sea as it
 breaks on the shore; also : the sound or
 foam caused by breaking waves
 surf vb : to ride the surf (as on a surf-
 board) — surf-er n — surf-ing a
 sur-face \sɜr-ˈfæs\ n 1 : the outside of
 an object or body 2 : outward aspect
 or appearance
 surface vb surfaced; sur-fac-ing
 1 : to give a surface to : make smooth
 2 : to rise to the surface
 surf-board \sɜr-ˈbɔrd\ n : a buoyant
 board used in riding the crests of waves
 sur-felt \sɜr-ˈfɛlt\ n 1 : EXCESS, SUM-
 ANUNDANCE 2 : excessive indulgence
 (as in food or drink) 3 : disgust caused
 by excess (as in eating and drinking)
 surfelt vb : to feed, supply, or indulge
 to the point of surfelt : CLOY
 surg abbr 1 surgeon 2 surgery; surger
 surge \sɜrj\ vb surged; surg-ing 1
 : to rise and fall actively : ROSS 2 : to
 move in waves 3 : to rise suddenly to a
 high value syn arise, mount, soar
 surge n 1 : a large billow 2 : a sweep-
 ing onward like a wave of the sea (a
 of emotion) 3 : a transient sudden in-
 crease of current in an electrical circuit
 sur-geon \sɜr-ˈdʒən\ n : a physician who
 specializes in surgery
 sur-gery \sɜr-ˈdʒi-ri\ n, pl -ger-ies
 [ME *surgerie*, fr. OF *chirurgie*, *surge*
 fr. L *chirurgia*, fr. Gk *chirurgia*, fr.
chirurgos surgeon, fr. *chirouros*
 working with the hand, fr. *cheir* hand
 + *ergon* work] 1 : a branch of med-
 icine concerned with the correction of
 physical defects, the repair of injuries,
 and the treatment of disease esp. by
 operation 2 : a surgeon's operating
 room or laboratory 3 : work done by
 a surgeon
 sur-gi-cal \sɜr-ˈdʒi-kəl\ adj : of, relating
 to, or associated with surgeons or sur-
 gery — sur-gi-cal-ly -k(ə)-li\ adv
 sur-ly \sɜr-ˈli\ adj sur-lier; sur-
 [alter. of ME *stirly* lordly, imperious, fr.
stir] : ILL-NATURED, CRABBED syn
 morose, glum, sullen, sulky, gloomy —
 sur-ll-ness n
 sur-mise \sɜr-ˈmɪz\ vb sur-mis-ed
 sur-mis-ing : GUESS syn conjecture
 — sur-mise n
 sur-mount \sɜr-ˈmaʊnt\ vb 1 : to be
 superior to : OVERCOME 2 : to get
 or lie at the top of syn overthrow
 rout, vanquish, defeat, subdue
 sur-name \sɜr-ˈnæm\ n 1 : NICKNAME
 2 : the name borne in common by mem-
 bers of a family
 sur-pass \sɜr-ˈpas\ vb 1 : to be su-
 perior to in quality, degree, or perfor-
 mance : EXCEL 2 : to be beyond the
 reach or powers of syn transcend
 outdo, outstrip, exceed — sur-pass-
 ing-ly adv
 sur-plice \sɜr-ˈplɪs\ n : a loose wide
 outer ecclesiastical vestment usu. a
 knee length with large open sleeves

sur-plus \sɜr-ˈ(l)plɪs\ n 1
 left over : EXCESS 2 : the ex-
 cess over liabilities syn super-
 surplus
 sur-prise \sɜr-ˈprɪz\ n 1 :
 made without warning 2 :
 unaware 3 : something that
 : AMAZEMENT, ASTONISHMENT
 surpris also surpris-
 pris-ed; sur-pris-ing 1 :
 upon and attack unexpected
 take unaware 3 : AMAZE 4
 or accomplish by means of
 syn waylay, ambush, astonish
 — sur-pris-ing adj — sur-
 ly adv
 sur-re-al-ism \sɜr-ˈri-ə-lɪz-
 m\ n : art, literature, or theater
 characterized by fantastic or in-
 congruous or effects produced
 natural juxtapositions and
 tions — sur-re-al-ist \sɜr-
 — sur-re-al-istic \sɜr-ˈri-
 — sur-re-al-is-tic-al
 k(ə)-lɪ\ adv
 sur-ren-dor \sɜr-ˈren-dər\ n
 ren-dered; sur-ren-
 -d(ə)-rɪŋ\ v 1 : to yield to
 of another : give up under c
 2 : RELINQUISH
 surrender n : the act of giv-
 yielding oneself or the pos-
 something to another syn su-
 capitulation
 sur-rep-ti-tious \sɜr-əp-ˈti-
 : done, made, or acquired
 : CLANDESTINE syn underbar-
 furly — sur-rep-ti-tious-
 sur-roy \sɜr-ˈɔɪ\ n, pl sur-roy
 wheeled 2-seated horse-drawn
 sur-ro-gate \sɜr-ˈɔ-gət, -ə-
 : DEPUTY, SUBSTITUTE 2 : a
 in some states with author-
 probate of wills, the settl-
 estates, and the appoint-
 guardians
 sur-round \sɜr-ˈraʊnd\ vb 1
 close on all sides : ENCIRCLE
 close so as to cut off retreat
 sur-round-ings \sɜr-ˈraʊn-
 : conditions by which one is
 sur-tax \sɜr-ˈtæks\ n : tax
 tax over and above a normal
 sur-tout \sɜr-ˈtu\ n [F, fr.
 (fr. L *super*) + *tout* all, fr.
 whole] : a man's long close fit
 coat
 surV abbr survey; surveying
 sur-veil-lance \sɜr-ˈvɛ-l-
 -yɑns, -ˈvɛ-əns\ n : close w
 : SUPERVISION
 sur-vey \sɜr-ˈvɛ\ vb sur-vey-
 vey-ing 1 : to look over and
 closely 2 : to make a survey
 tract of land 3 : to view
 something as to be syn be
 observe, remark — sur-vey-
 sur-vey \sɜr-ˈvɛ\ n, pl sur-
 : INSPECTION, EXAMINATION
 general view (a ~ of English)
 3 : the process of finding and
 ing the contours, measure-
 position of a part of the earth
 also : a measured plan and d
 of a region

SUMMARY

REAL ESTATE STATUTES & ENFORCEMENT PROCEDURES

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THE REAL ESTATE SURETY FUND

Legislation enacted in 1974 created the Real Estate Surety Fund with a twofold purpose. First it provided indemnification up to \$10,000 per transaction for judgments awarded by the courts to persons who suffered a financial loss because of a licensee's actions that involved fraud, deceit, misrepresentation or conversion of trust funds. Second, it could be a source of funding for real estate education of both the public and licensees after reaching the specified minimum balance of \$250,000.

The Commission-sponsored seminars held periodically in major population areas of the state and the publication of the Listing and Earnest Money Manual are the tangible results of the second stated purpose.

The first and primary purpose of providing indemnity to satisfy uncollectable judgments against real estate licensees was begun when the first surety fund fees were paid into the fund concurrent with the 1976 biennial license renewal.

A 1980 legislative amendment removed the previous requirement that the claimant first obtain a civil court judgment and gave the Commission the quasi-judicial role of adjudicating the surety fund claims via administrative hearings. Since 1980, the basic procedures outlined in AS 44.62.330-630 have been used in conjunction with specific surety fund claim processing instructions set forth in the regulations (12 AAC 64.280-330) adopted by the Commission in December 1982.

Surety Fund Authorization

AS 08.88.450

The Real Estate Surety Fund is administered as a special account of the state's general fund. The primary source of revenue is the fee paid by each licensee in lieu of bonding. Filing fees paid by claimants that are retained by the Commission are also deposited into this account. It may not exceed \$500,000 and any amounts in excess of \$250,000 may be designated for real estate educational purposes, such as those named in AS 08.88.091.

AS 08.88.455

With each initial application for a real estate license and the subsequent renewals, the applicant must pay a surety fund fee of up to \$125. The Commission has the authority to adjust the amount of the fee by regulation, but may not make it higher than \$125 per licensing period. When making an adjustment, the anticipated needs for claims and educational expenses must be considered simultaneously with the statutory directive to maintain a minimum fund balance of \$250,000.

* { Expenditures from the fund for educational purposes are submitted in advance with the proposed budget for the Commission and appropriated from the fund by the legislature.

Supervising Licensed Personnel

- AS 0^o.88.071 (c) An individual licensee's conduct is not blamed on the broker unless he/she has knowledge of and agrees to it ahead of time or condones it by remaining silent. However, a broker is responsible for supervising the activities of the licensees in the office and for reviewing all agreements relevant to the transactions they produce. This encompasses listings, purchase agreements, addendums, occupancy agreements, etc. The broker is responsible for the conduct he/she should know about in the course of exercising adequate supervision, including trust account records of property owned and managed by the licensee.

Record Keeping

- AS 08.88.331 A licensee must process all transactions through his/her broker, and all money collected by the licensees must be turned over the broker. In turn, the broker must account for all monies he/she receives. Transactions where the licensee is a principal in the transaction must also be processed through the broker.
- AS 08.88.351 A major responsibility of the broker is keeping records. This includes:
- 1) Keeping a complete record of all the real estate transactions of the office for at least three years.
 - 2) Preparing a closing statement accounting for all money receipts and disbursements in each transaction.
 - 3) Maintaining a trust account for separate handling of other people's money temporarily entrusted to his/her keeping. Specific requirements for trust account records are discussed later in this section.
 - 4) Making trust account records available to the Commission for audit.
- 12 AAC 64.135 (a) The Commission must give a broker 72 hours notice to conduct an inspection of transaction records. The inspection is to be done during normal business hours (between 8 a.m. and 5 p.m. Monday through Friday). The Commission is entitled to see listing agreements, purchase agreements, trust account deposit and disbursement records, closing statements, and broker/licensee communications regarding transactions.
- 12 AAC 64.135 (b) The Commission may order a trust account audit without prior notice. The auditor must present the notice during normal business hours. In this circumstance, the broker can request a 24-hour delay, but the trust records must be secured by the auditor for the duration of the delay.

MAINTAINING AN ACTIVE REAL ESTATE LICENSE

An active license is one which is issued in conformity with the criteria described in the preceding section and has not been revoked, suspended, allowed to lapse, or placed on inactive status.

Once obtained, a license is valid as long as the person continues in that position, pays the appropriate renewal fees and does not incur disciplinary action resulting in a suspension or revocation of his/her license.

AS 08.88.455

Although Alaska does not have a continuing education requirement for license renewal, the Commission encourages licensees to further their professional growth by sponsoring educational courses funded by Surety Fund monies collected in excess of the minimum balance in the fund.

Activities Requiring a License

In general, people who provide real estate services for others for pay must be licensed. A person can sell his/her own property without a license; or a person fitting the exceptions listed in AS 08.88.421 need not be licensed, but usually, only a licensed person can sell property for others.

AS 08.88.161

The activities that are considered "dealing in real estate" for which a person must be licensed are:

- 1) Selling, exchanging, renting, leasing, auctioning or buying real estate.
- 2) Listing real estate for sale, exchange, rent, or lease. Listing means contracting with a property owner to act as his agent in marketing his property. The fee or commission paid for this service is usually based on a percentage of the sale price.
- 3) Collecting rent for the use of real estate.
- 4) Dealing in real estate options for the improvement, purchase or lease of real property. An option is the right to purchase, lease or improve the property in the future at a predetermined price.
- 5) Helping to find a buyer for a parcel of real property and/or assisting in the negotiation of a real estate transaction.
- 6) Presenting oneself to the public as doing any of these things.
- 7) Trying to offer to do any of the above listed things.

licensed broker. If ever convicted or any of the specified felony charges, the complete sentence must have been served.

Examination Content

AS 08.88.191

The Commission is required to offer a real estate exam at least once a year. In Anchorage it is given twelve times a year; in Fairbanks, Juneau and Kenai the exam is offered quarterly. Other locations are by individual application.

There are two versions: the salesperson's and the broker's exam. Alaska is one of the 25 states whose Commission contracts with Educational Testing Service (ETS) of New Jersey to prepare, administer and grade both versions of the exam. The Commission is responsible for reviewing exam contents, but ETS retains full copyright over its examinations, including the portions covering the individual state's statutes.**

The broker's exam is a little longer and more difficult than the salesperson's, but both cover essentially the same material. Five hours are allowed to complete either exam.

Approximately three-fourths of the exam is uniform for all states on general real estate principles and includes such topics as: real estate contracts, financing, deeds, interest in real property, condominiums, fair housing, agency, property management, settlement procedures, appraisals, planning and zoning, property descriptions, and taxes and assessment. The remainder is tailored to the statutes and regulations of each state. In Alaska it encompasses the following statutes and regulations with additional emphasis in the broker's exam on trust account and supervisory responsibilities:

- AS 08.88.011-500 Real Estate Brokers and Salesmen
- AS 34.03.010-380 Uniform Residential Landlord and Tenant Act
- AS 34.08.010-995 Uniform Common Interest Ownership Act
- AS 45.55.010-270 Alaska Securities Act of 1959
- 12 AAC 64.010-950 Real Estate Regulations

A copy of these statutes can be obtained for \$15 plus \$5 for mailing from the Commission office. Also available is an information bulletin published by ETS that outlines testing and scoring procedures and provides sample questions for both exams.

Administration of the Exam

AS 08.01.050

Exams are given on the fourth Saturday of the month unless that is a holiday weekend. In those months, the exam is on the third Saturday. Notices are published in local newspapers prior to the exam in each community where it is offered. The application forms to preregister for taking the exam are available at the office or from most of the pre-licensing schools. An application form and the \$65 exam fee should be mailed to ETS before the first of the month in which an individual wishes to take the exam. He/she should

AS 08.88.221
12 AAC 64.910

12 AAC 64.910

examination, conspiracy to defraud creditors, or any other felony involving moral turpitude, or, if convicted of such an offense, the person has completed the sentence imposed upon conviction, and if the person is employed by a real estate broker. Unless the salesman fails to pay the biennial renewal fee or unless the real estate salesman's license is suspended or revoked under AS 08.88.071(a)(3), a real estate salesman's license continues in effect so long as the salesman is employed as a salesman by a licensed real estate broker. If the salesman stops being employed as a real estate salesman, the real estate salesman's license is suspended from the time the salesman stops until the salesman again is employed as a salesman by a licensed real estate broker.

(d) A licensee shall promptly inform the commission of a change in business association that affects the status of the licensee's license under this section. (sec. 1 ch 95 SLA 1964; am sec. 3 ch 130 SLA 1966; am sec. 1 ch 55 SLA 1969; am secs. 5-7 ch 28 SLA 1974; am secs. 12-15 ch 167 SLA 1980)

NOTES TO DECISIONS. Relationship between brokers and salespersons. — The Alaska statutory system governing real estate brokers and salespersons implies that the relationship is one of employer and employee. Calvo v. Calhoun, Sup. Ct. Op. No. 1368 (File No. 2839), 559 P.2d 111 (1977)

Applied in Black v. Dahl, Sup. Ct. Op. No. 2318 (File No. 4770), 625 P.2d 876 (1981).

Collateral references. — Real estate broker. 39 ALR2d 606.

Attorney's right to act as real estate broker without having been licensed as such. 99 ALR2d 1151.

Licensed real estate broker's right to compensation as affected by lack of license on the part of partners, coadventurers, employees, or other associates. 8 ALR3d 523.

Procurement of real estate broker's license subsequent to execution of contract for services as entitling broker to compensation for service. 80 ALR3d 318.

Necessity of having real estate broker's license in order to recover commission as affected by fact that business sold included real property. 82 ALR3d 1139.

→ **Sec. 08.88.181. Content of examination.** (a) The real estate examination may include, but is not necessarily limited to, questions on business ethics; arithmetic; elementary principles of land economics and appraisal; the general principles in state statutes relating to deeds, mortgages, real estate contracts, subdivisions, legal descriptions, building restrictions, agency and brokerage; and the general provisions of this chapter and of the regulations of the commission.

(b) The real estate salesman examination covers the same subjects as the real estate broker examination, but is less difficult.

(7)

→ (c) The only purpose of an examination under this chapter is to disqualify those whose lack of ability to participate in real estate transactions would create a serious risk of serious financial loss to members of the public. (sec. 1 ch 95 SLA 1964; am sec. 2 ch 55 SLA 1969; am sec. 16 ch 167 SLA 1980)

Sec. 08.88.191. Administration of examination. (a) The commission shall offer written examinations at periodic intervals but at least once a year.

(b) If the commission contracts with a national testing service to prepare, administer and grade examinations,

→ (1) the commission shall review the examination and approve its contents;

(2) application for the examination, accompanied by the proper filing fee, may be transmitted by the applicant directly to the national testing service.

(c) An applicant who fails the written examination may request that the examination be reevaluated. The commission shall provide by regulation for a system of reevaluating examinations on request of an applicant who fails the examination. The system provided by the commission may provide for reevaluation by the testing service or by any other person. (sec. 1 ch 95 SLA 1964; am sec. 2 ch 108 SLA 1970; am secs. 1, 2 ch 24 SLA 1972; am sec. 8 ch 28 SLA 1974; am sec. 17 ch 167 SLA 1980)

Sec. 08.88.201. Reexamination. A person who fails an examination may apply for a subsequent examination, but shall pay the application fee for each application. (sec. 1 ch 95 SLA 1964; am sec. 32 ch 6 SLA 1984)

Editor's notes. — The second sentence of this section is now obsolete. AS 08.88.101(a) as it existed

Sec. 08.88.061. Assistants. The commission may employ assistants to

- (1) prepare questions on examinations;
- (2) grade examinations;
- (3) investigate alleged violations of this chapter. (sec. 1 ch 95 SLA 1964; am sec. 57 ch 218 SLA 1976; am sec. 4 ch 167 SLA 1980)

Sec. 08.88.071. Duties of the commission. (a) The commission shall

- (1) pass on qualifications of applicants for licenses and issue licenses to those who qualify;
- (2) prepare and grade examinations:
 - (3) after hearing, have the authority to suspend or revoke the license of a licensee who
 - (A) with respect to a real estate transaction
 - (i) made a substantial misrepresentation;
 - (ii) made a false promise likely to influence, persuade, or induce;
 - (iii) in the case of a real estate broker, pursued a flagrant course of misrepresentation or made a false promise through an agent, associate real estate broker, or real estate salesman;
 - (iv) has engaged in conduct that is fraudulent or dishonest;
 - (v) violates AS 08.88.391;
 - (B) procures a license by deceiving the commission, or aids another to do so;
 - (C) has engaged in conduct in which the commission had no knowledge at the time the licensee was licensed demonstrating the licensee's unfitness to engage in the business for which the licensee is licensed;
 - (D) knowingly authorizes, directs, connives at or aids in publishing, distributing, or circulating a material false statement or misrepresentation concerning the licensee's business or concerning real estate for sale in the licensee's business in this or any other state;
 - (E) if a real estate broker, wilfully violates AS 08.88.171(d) or 08.88.291;
 - (F) if an associate real estate broker, claims to be a real estate broker, or, if a real estate salesman, claims to be a real estate broker or associate real estate broker;
 - (G) if a real estate broker, employs an unlicensed associate real estate broker or real estate salesman;
 - (H) if an associate real estate broker or real estate salesman, fails immediately to turn money collected in a real estate transaction over to the employing real estate broker;
 - (4) prosecute, through the Department of Law, violations of the provisions of this chapter or lawful regulations promulgated under this chapter;