



**VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
VERMONT REAL ESTATE COMMISSION
<http://www.vtprofessionals.org>
NEWSLETTER**

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Deborah L. Markowitz, Secretary of State
William A. Dalton, Deputy Secretary of State

SUMMER 2005
(last newsletter, Winter 2004)

COMMISSION

The Commission is comprised of an attorney, three brokers (one must be a Non-Realtor), one salesperson and two consumer members. The members of the Commission are as follows:

Gloria Rice, Attorney Member of Montpelier, Vermont, Secretary

Elizabeth Wilkel, Broker Member of Walden, Vermont,

Susan (Sam) A. Matthews, Salesperson Member, of South Hero, Vermont, Chair

Maretta Hostetler, Broker Member of Alburg, Vermont

C. Jay Hooper, Non-Realtor Broker member of Berlin, Vermont

Tara Dowden, Public Member of Manchester Center, Vermont, Vice Chair

Claire Porter, Public Member of East Corinth, Vermont

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COMMISSION MEMBERS:

The Commission's membership has seen a significant change in the past year. Four of the seven members have changed recently. New members include Gloria Rice, attorney member who replaced Martin Nitka; Claire Porter, public member, who replaced John Bernasconi; Maretta Hostetler, broker member, who replaced Stuart Baraw and Elizabeth Wilkel, broker member, who replaced Elizabeth Merrill.

The Commission wants to extend their sincere gratitude to the departing members for their many years of service. Martin Nitka, Stuart Baraw and Elizabeth Merrill each completed two terms on the Commission. Their dedication and involvement were extraordinary. Each unselfishly dedicated many years of service toward the improvement of the Commission, the licensees and the protection of the public interests. Significant accomplishments during their terms including legislation, recently passed to increase prelicensing education and continuing education for licensure. Each also spent countless hours working to investigate and resolve complaints concerning licensees.

Thanks to each of you from the current members, the staff and all licensees.

CHAIR'S COMMENTS

Although we are only halfway through 2005, the Real Estate Commission and the Office of Professional Regulation staff have made progress on several fronts. On the Legislative front, the

Commission requested additional hours of education for both new licensees as well as those renewing their licenses. As the field of real estate becomes increasingly complex, it is important that the high bar of professionalism is maintained.

“The Vermont Real Estate Commission was created as set forth in the Commissions Administrative Rules at Rule 1.1; The Commissions Purpose: and given powers by Vermont Law. The purpose of the Commission is to protect the public health, safety and welfare. The Commission does this by, among other things, setting standards for issuing licenses and registrations, licensing and registering only qualified applicants, approving education and continuing education courses and regulating license and registration holders and their practices.”

In light of our charge, we requested the changes to the educational and experience requirements. The requested changes will continue to make certain that real estate licensee’s have met a level of education and experience that ensures continued high standards and ethics for licensee’s in their work with the public. The Legislature agreed with our suggested changes to the requirements for licensing and now the Commission will work with course providers to establish the approved course schedule necessary to meet the new requirements.

After years without a ‘field inspector, the Commission is pleased to announce that **Jackie Cholewa** is the Real Estate Commission’s new inspector. Acting much in the same capacity as our former investigator, Harold Wipple, Jackie will be visiting real estate offices throughout the State.

Finally, a note on practices that have recently been brought to the attention of the Commission. As you seek to set yourselves apart from other real estate agents and solicit new clients, please remember to familiarize yourselves with the requirements of Rule 4.12; ‘Compensation, Commissions, Transactions and Other Fees’. Offerings of financial or other remuneration must remain within the parameters as set forth by the Real Estate Commission. Licensees will be expected to retain all necessary supporting documentation to verify their compliance with the Real Estate Law and Rules.

Susan Matthews, Board Chair

RENEWAL 2006 REMINDER

The next biennial renewal date for **Brokers is March 31, 2006** and for **Salespersons it is May 31, 2006**.

Plan to take the mandatory four hour “Environmental Issues” course as soon as possible to avoid the rush. The enclosed “Approved Course Provider List” indicates all continuing education course providers that have had courses approved for the present and the 2006 renewal cycle. You will find symbols denoting the providers of the various courses, including those providing the required courses for renewal. **Note: Contact the providers directly to determine course offerings and schedules.**

REAL ESTATE COMMISSION WEBSITE

- <http://www.vtprofessionals.org>

Please note that all licensing, exam information and other regularly requested materials, as well as this and previous newsletters, can be found on this site. Please inform others who may benefit from this information.

REMINDER:

The Vermont Real Estate Commission address is:
Vermont Secretary of State - Real Estate Commission
Heritage Building - 81 River Street,
Montpelier, VT 05609-1104

As of May 16, 2005:

Type of license	Resident	Non-Resident	Total
Brokers	1,069	168	1,237
Salesperson	1,153	126	1,279
Company	363	44	407

RENEWAL FORMS – WHO SIGNS

There was a lot of confusion during the 2004 renewal cycle regarding who should be signing the renewal forms. The principal broker should be signing only the renewal forms for the licensees in the main office and the renewal forms for the brokers in charge of each branch office. The principal broker should **not** sign the

licensees' forms from the branch offices. The broker in charge is the only person that should be signing the renewal forms for the licensees in each branch office.

Upcoming Statute Changes

The Commission's goal is to strengthen the overall education and experience level of real estate licensees. Significant increases in education will be seen in new prelicensing and continuing education requirements. The experience required to become a broker has also been increased to two years and eight closed transactions from the previous requirement of one year of experience and six closed transactions. The overall effect will be better educated and more experienced licensees.

Another change will require any licensee who has been lapsed or inactive for more than five consecutive years to apply for reinstatement in accordance with the initial licensure requirements, including the course of instruction and examination.

SUMMARY OF NEW LEGISLATION EFFECTIVE JULY 1, 2005

a. Pre licensing education requirements:

Salesperson 40 hours. Previously none.
Broker 40 hours. Previously 8 hour broker course.
Effective January 1, 2006.

b. Broker experience requirement:

Salesperson must now have 2 years experience and 8 closed transactions. Previously 1 year experience and 6 transactions. Effective July 1, 2005

c. Continuing education:

16 hours of continuing education will be required every 2 years for license renewal for both Brokers and Salespersons. Previously Brokers needed 12 hours and Salespersons 8. This will be effective with the license renewal cycle for 2008.

d. Lapsed licenses for greater than 5 consecutive years.

Applicants shall meet all requirements for initial licensure for either a Broker or Salesperson license. The Commission may waive reinstatement requirements based upon licensed practice in another state. Effective July 1, 2005.

Upcoming Statue Changes

Sec. 65. 26 V.S.A. § 2251 is amended to read:

§ 2251. REAL ESTATE COMMISSION

* * *

(c) Commission members shall be appointed for ~~staggered four-year terms by the governor, with the advice and consent of the senate~~ by the governor pursuant to sections 129b and 2004 of Title 3. To the extent possible, appointments shall be geographically representative.

~~(d) Vacancies may be filled in the same manner that initial appointments are made.~~

~~(e) The governor may remove any member of a commission as provided in 3 V.S.A. § 2004.~~

~~(f) No commission member may be appointed to a consecutive term who has served four years on the commission.~~

Sec. 66. 26 V.S.A. § 2253 is amended to read:

§ 2253. COMMISSION PROCEDURES

* * *

(d) A majority of the members of the commission shall be a quorum for transacting business, and all action shall be taken upon a majority vote of the members present and voting.

~~(e) All action shall be taken upon a majority vote of the members present and voting, unless otherwise provided in chapter 5 of Title 1.~~

~~(f) The provisions of the Vermont Administrative Procedure Act relating to contested cases shall apply to proceedings under this chapter.~~

~~(g) Fees for the service of process and attendance before the commission shall be the same as the fees paid sheriffs and witnesses in superior court.~~

Sec. 67. 26 V.S.A. § 2292 is amended to read:

§ 2292. ELIGIBILITY

(a) A license as a real estate broker shall be granted to a person who satisfies all of the following:

(1) Has passed an examination as required by the commission.

(2) Has gained at least ~~one year's~~ two years' experience satisfactory to the commission as a licensed salesperson, including at least eight separate and unrelated closed transactions.

(3) Has completed a course of instruction of at least ~~eight~~ 40 hours, approved by the commission.

(b) A license as a real estate salesperson shall be granted to a person who satisfies all of the following:

* * *

(4) Has completed a course of instruction, approved by the commission, of at least 40 hours.

* * *

Sec. 68. 26 V.S.A. § 2293 is amended to read:

§ 2293. RENEWAL OF LICENSE; LAPSED LICENSE

(a) Licenses shall be renewed every two years without examination and on payment of the required fees, provided that the person applying for renewal completes at least ~~12~~ 16 hours of instruction for brokers and ~~eight~~ 16 hours of instruction for salespersons, approved by the commission, during the preceding two-year period. Four hours of this continuing education instruction shall address legislation and other topics specified by the real estate commission for each renewal period.

(b) A broker or salesperson applying for ~~renewal~~ reinstatement of a license that has lapsed shall be assessed both the renewal fee and late renewal penalty established by the director of the office of professional regulation ~~under section 2255 of this title~~ and shall not be assessed renewal fees for the years during which the license was lapsed. Renewal Reinstatement shall not take place until the applicant completes ~~a total of at least 12 hours of instruction if the applicant is a broker or eight hours of instruction if the applicant is a salesperson, approved by the commission in the 24-month period immediately prior to renewal. Four hours of this continuing education instruction shall address legislation and other topics specified by the real estate commission for each renewal period~~ the continuing education required for the previous renewal

period.

(c) If a broker or salesperson's license has lapsed for greater than five consecutive years, the broker or salesperson shall apply for reinstatement in accordance with the initial licensure requirements as set forth in section 2292 of this title, including a course of instruction and examination. The commission may waive the reinstatement requirements based upon licensed practice in another state.

(d) The commission may waive or postpone compliance with the instructional requirements of this section in cases of extreme hardship on the part of the licensee. No licensee, however, may receive a postponement or waiver for two successive two-year periods of licensure. The commission may accept fewer than 12 hours of continuing education instruction for renewal of a broker's license and fewer than eight hours of continuing education instruction for renewal of a salesperson's license on a prorated basis following an initial licensing period of less than two years.

DISCIPLINARY ACTIONS

Edward Lucier, Real Estate Broker of Dover, NH. On January 27, 2004 stipulated to a warning for violating an agreement which he made, that required the listing broker to be present at all showings, when he showed the property without the listing broker.

Fran Veller, Real Estate Broker of Rutland, VT. On March 3, 2004 stipulated to a reprimand and an eight hour course for not disclosing all protective covenants relating to property being sold.

Joan E. Keating, Real Estate Broker of Waterbury, VT. On March 3, 2004 stipulated to a reprimand for not providing an agency disclosure to the buyer.

William F. Hill, Real Estate Broker of Hardwick, VT. On April 7, 2004 the Commission revoked his license for failing to timely deposit contract money in a trust account, for failing to provide agency disclosure to the buyer, by violating his fiduciary duty to the sellers and by failing to get both owners signatures on the listing agreement

W. Otis Andrus, Real Estate Broker of Pawlet, VT.

On June 2, 2004 stipulated to a warning and conditions to take an eight hour broker course for failing to provide proper agency disclosure.

North Real Estate, Inc., Real Estate Company of West Dover, VT. On July 14, 2004 the Commission revoked the agency license for North Real Estate Company and administered a penalty fee of \$5,000.00 for failing to maintain accurate trust account records and commingling contract deposit money with the general account.

John Hunter Wetmore, Real Estate Broker of Woodstock, VT. On July 28, 2004 stipulated to a reprimand and administrative penalty of \$500.00 and conditions to take four hours of education for showing property without having a seller service agreement.

Vicki L. Billings, Real Estate Salesperson of Vergennes, VT. On September 3, 2004 stipulated to a warning and a administrative penalty of \$250.00 and eight hours of education for misrepresenting the contract and canceling the buyers valid contract.

Douglas R. Symes, Real Estate Broker of White River Junction, VT. On October 5, 2004 the Commissions order found Douglas Symes committed unprofessional conduct for rendering brokerage services with no written agreement. After his listing expired, he continued to provide brokerage services to complete the transaction.

Rachel Smith, Real Estate Broker of St. Albans, VT. On November 1, 2004 stipulated to a warning, an administrative penalty of \$1,000.00 and eight hours of education for failing to list property in the MLS as agreed in the listing agreement.

Russell Ramsey, Real Estate Broker of Berlin, NH. On November 22, 2004 stipulated to a warning for listing two properties in Vermont before his agency was licensed in Vermont.

Ronald Giroux, Real Estate Broker of South Burlington, VT. On December 7, 2004 the Commission's order reprimanded and conditioned Ronald Giroux to take a course in agency for rendering brokerage services without a current brokerage agreement and for providing misleading information to his client.

Jennifer L. Cote, Salesperson of Bondville, VT. On March 25, 2005 stipulated to a warning and an administrative penalty of \$250.00 for representing a buyer without a signed buyer broker agreement.

NOTE: For Salesperson or Broker pre-licensing and exam information, contact PSI Exam Services, at 1-800-733-9267 Website: psiexams.com; or you can find this information on the REC website: <http://www.vtprofessionals.org>

DISTANCE EDUCATION UPDATE

The number of hours has been increased from two to four for salespersons. Distance education may now be utilized for four (4) hours for salesperson and four (4) hours for brokers per licensing period. There are six providers for Distance Education approved by the Real Estate Commission.

CompuTaught, Inc.
dba Career Webschool.com
Attn: Robert Collins
1395 Marietta Parkway
Building 400 Suite 107
Marietta GA 30067
770-919-9191

Dearborn Financial Publishing
dba Recampus.com
Attn: Evan Butterfield
155 N Wacker Drive
Chicago, IL 60606-1719
312-836-4400

University.com
Attn: Cassandra Beyer
27121 Alison Creek Rd., Suite 130
Minneapolis, MN 55401
Phone: 949-349-9394
Fax: 949-349-9392

Continuing-Ed-Online.org
Attn: Steve Myers
6234 40th Avenue NE
Seattle, WA 98115
206-523-9801

Quality Workshop
Attn: Walter Rice
Website www.qualityworkshops.com
389 Plank Road

Vergennes, VT 05491
802-877-2465

Americas Best
Attn: Susan Davis
953 Atterberry Road
Sequim, VA 98382
360-683-6640 x112