

# THE EDUCATOR

August 2001  
Volume 3, Issue 1

## Inside This Issue

- 2 Rule 790-X-1-.12. Continuing Education Course Approval and
- 3 Rule 790-X-1-.17 Disciplinary Actions For Instructors and
- 3 790-X-2-.02. Applications For Examination And Licensure
- 3 790-X-2-.03. Issuance Of Temporary And Original Salesperson Licenses
- 3 Course Evaluation Forms
- 3 Course Information Form Update: Important!
- 4 Annual Instructors' Seminar-Make Your Hotel Reservations Now!

State of Alabama  
Real Estate Commission  
1201 Carmichael Way  
Montgomery, AL 36106-3674

## Notice of Public Hearing on Proposed Rule Amendments

**LOCATION: Alabama Real Estate Commission Offices  
1201 Carmichael Way  
Montgomery, Alabama 36106**

**DATE: Friday, August 17, 2001**

**TIME: 9:15 a.m.**

Comments on these proposed rule changes can be made at public hearing or by written comments. Address any written comments to D. Philip Lasater, Executive Director, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. They may also be faxed to the Commission office at 334-270-9118. The deadline for written comments is September 4, 2001.

Following are proposed changes to seven rules. Only the paragraphs which have incurred changes are reproduced here. Paragraphs which will be renumbered but had no change to the wording are not included. Underlined words are proposed additions and words or sentences with strike-throughs are proposed deletions. You will need to look at the entire rule in the 19<sup>th</sup> edition of the License Law book or online at [www.arec.state.al.us](http://www.arec.state.al.us) in order to realize the full context of the changes.

### **RULE 790-X-1-.09. INSTRUCTOR APPROVAL FOR CONTINUING EDUCATION COURSES.**

Every instructor applicant for continuing education, except those who teach only courses listed in Rules 790-X-1-.11(5)(a), (b), (c) (e) and/or 790-X-1-.21(5) must apply for approval on a form prescribed by the Commission along with the appropriate fee. No instructor may begin teaching a course offered for continuing education credit until he/she has received written approval from the Commission.

~~(4) Instructors for courses listed under Rule 790-X-1-.11(5)(e) will be approved when certified by their respective institutions.~~

~~(5) Upon completion of a course taught by an approved instructor who holds a real estate license, said instructor shall complete a Certificate of Completion for himself/herself and send it to the Commission in accordance with filing procedures. Instructors may file certificates only once per license period for the same course. Beginning January 1, 2001, course completion must be filed electronically via a program specified by the Commission.~~

### **RULE 790-X-1-.10. APPLICATION AND RENEWAL REQUIREMENTS FOR INSTRUCTORS, COURSES AND SCHOOLS.**



(5) Instructors who teach only courses listed in Rule 790-X-1-.07(2) or Rule 790-X-1-.11(5)(a), (b), (c) and (e) shall not be required to pay either the initial instructor application fee or the instructor renewal fee.

### **RULE 790-X-1-.11. COURSE CONTENT FOR CONTINUING EDUCATION.**

(1) To meet continuing education requirements, licensees must complete one of the following three (3) clock hour courses prescribed by the Commission once each license period:

*Continued on page 2*

## **NOTICE OF PUBLIC HEARING**

*Continued from page 1*

(a) License Law/Trust Funds - Course Code 990

(b) Fair Housing, Equal Opportunity and ADA - Course Code 100

(c) RECAD - Course Code 700

(2) In order to meet continuing education requirements, licensees must complete, prior to October 1, 2000 and thereafter, a three (3) clock hour course in Risk Management (Course Code 500) as prescribed by the Commission once each license period.

~~(3) For the renewal of the 2001-2002 license, the requirement in paragraph 2 of this rule does not apply to licensees who satisfied the 12-hour continuing education requirement prior to September 1, 1999.~~

(3) If instructors offer courses listed in paragraphs (1) and (2) in increments less than three hours, students may not earn any continuing education credit for that course until the student has completed all three hours. Students must take all three hours in any one course from the same school in order to earn continuing education credit for that course. For schools which have one or more branches, all three hours must be taken from the same branch or from the same instructor.

(6) The curriculum presented by the course sponsors listed above in Rule 790-X-1-11 (5) (d), (f), (g), (h) and (i) shall consist of subjects which are "core" real estate and which will assist the licensee in fulfilling the Commission's objective of protecting the public. Some examples of acceptable subject matter are real estate ethics, real estate financing, appraisal and valuation, fair housing, truth-in-lending, agency relationships, agency disclosure, liability of real estate agents, writing contracts, handling escrow funds, environmental issues, negotiating techniques, certain financial calculator courses, and computer courses which are real estate specific. Examples of unacceptable subject matter are motivational courses, personal development courses, sales meetings,

in-house training, orientation courses, courses in selling techniques. All course topics and content are subject to approval by the Commission.

### **RULE 790-X-1-12. CONTINUING EDUCATION COURSE APPROVAL AND REQUIREMENTS.**

(1) All course sponsors for courses listed in Rule 790-X-1-11(5) (d),(f),(g),(h) and (i) must apply for course approval on a form prescribed by the Commission along with a \$100 course review fee and all required documents.

~~(3) In order to be approved for continuing education credit, courses must contain a minimum of three (3) clock hours of instruction. A licensee cannot earn more than six (6) hours of continuing education credit in any one day.~~

~~(5)~~ (4) Course sponsors must notify the Commission of each offering by submitting the name of the course and instructor, the course date(s), meeting times, and location Course Information Form at least one week prior to its beginning.

~~(7) Within ten (10) days after the conclusion of each course, the instructor shall submit to the Commission an alphabetical list of the names and social security numbers of the students completing the course who request credit as real estate continuing education. This report must also include the name of the course, course dates, and number of credit hours awarded for the course.~~

~~(8) The instructor, within 10 days after completion of any approved offering, will send to the Commission, along with required roster in paragraph #7, the prescribed Certificates of Completion for all students who attended 100% of the course and who can otherwise be awarded credit for course completion. It is the instructor's responsibility to ensure that all course certificates are completely and accurately filled in including the bubbling in for each of the requested codes. Incomplete or inaccurate certificates will be returned to the instructor for correction. Beginning January 1, 2001, instructors~~

~~will discontinue using rosters and Certificates of Completion and will report all course enrollment and completion electronically to the Commission via a program specified by the Commission.~~

(6) The instructor shall issue a certificate of course completion to each licensee who completes an approved continuing education course. The certificate shall at minimum contain the licensee's name, the name of the course, school and instructor, signature of the instructor, the course date(s), number of credit hours earned and location in which the course was taken.

(7) Each licensee shall be responsible for keeping a file of their original certificates of completion of approved courses as evidence of fulfilling continuing education requirements for a period of two years after signing a statement on the license renewal form that the credit has been earned. Licensees shall maintain continuing education records in the company office where their real estate license is registered or at their home if the license is inactive. Continuing education records shall be made available to the Commission upon request.

(8) When licensees renew their licenses, they shall verify the number of hours of approved continuing education hours completed. If audit shows that the representation was false or inaccurate, the licensee will be subject to revocation of his/her real estate license.

(9) Each sponsor of approved continuing education courses shall maintain permanent attendance records for its students for a minimum of ~~three (3) years~~ four (4) years.

(11) Students must attend 100% of the course offering in order to be awarded continuing education credit. Instructors may take a 10-minute break after each 50 minutes of instruction. Credit will not be given for time spent on breaks, meals, or other unrelated activities.

(15) Each student in any continuing education course must be given a separate evaluation form containing the address and fax number of the Commission. Students shall be

instructed to send that evaluation to the Commission within 30 days.

(18) Any licensee who completes a continuing education course in another state which is approved by ~~that~~ any state, may receive credit in Alabama for successful completion of that course by submitting appropriate documentation as prescribed by the Commission. Such courses will count as elective continuing education credit only. These courses are not subject to renewal procedures, instructor application and fee or the course review fee.

#### **RULE 790-X-1-17 DISCIPLINARY ACTIONS FOR INSTRUCTORS AND SCHOOLS/COURSE SPONSORS.**

The Commission shall revoke or suspend the approval for any instructor and/or school or course sponsor who:

(8) Fails to file with the Commission, either by paper or electronically, accurate and complete ~~forms~~ records by the required deadlines as set forth in Rules 790-X-1-06 and 790-X-1-12.

(9) Awards ~~a certificate of completion credit~~ to any student who fails to comply with the student attendance participation standards as set forth in Rule 790-X-1-14.

#### **790-X-2-02. APPLICATIONS FOR EXAMINATION AND LICENSURE**

(5) The examination fee ~~of \$75.00~~ and the application for examination must be submitted to the testing agency by the deadlines published in the Candidate Handbook. When the exam application has been processed, the applicant will be sent a written permit by the testing agency which will denote date, place and time of scheduled testing. Walk-in-testing applicants will not receive a permit.

(6) If the applicant fails to appear after having been scheduled for the exam, ~~one-half~~ of the examination fee will be forfeited.

(7) Applicants who fail the examination ~~will not receive a refund. Such examinees~~ may retake the examination by following application procedures as outlined in ~~paragraph (4) above~~ the Alabama Candidate Handbook.

#### **790-X-2-03. ISSUANCE OF TEMPORARY AND ORIGINAL SALESPERSON LICENSES**

~~(1) The fee for a temporary license shall be \$35 and the fee for an original (permanent) license shall be \$70 if issued in the first year of the license period or \$35 if issued in the second year of the license period.~~

~~(6) The temporary license holder must submit a certificate on a form prescribed by the Commission showing satisfactory completion of the post license course along with the application for the original (permanent) license.~~

~~(7) (5) A temporary license holder may effect a license transfer via the regular prescribed by the Commission showing satisfactory completion of the post license course along with the application for the original (permanent) license transfer procedures anytime during the first six months after the issuance of the temporary license.~~

~~(8) (6) The application for the original (permanent) license must be received in the Commission office on or before the date the temporary license would lapse. Therefore, the original license application, complete with appropriate fees and proof of completion of the post license course certificate, must be received in the Commission office on or before midnight on the last day of the month which is one year from the first day of the month following the issuance of the temporary license.~~

#### **Course Evaluation Forms**

All instructors are *required* to give each student a course evaluation form in all approved prelicense, post license and continuing education courses. It has become apparent that some of you are not doing this. There are separate forms for classroom courses and those offered by distance education. If you do not have the appropriate forms, call the Commission office and they will be sent to you.



## ***COURSE INFORMATION FORM UPDATE: IMPORTANT!***

The Course Information Form will be taken off the AREC Web site on **September 1, 2001**. Instructors must mail or fax the Course Information Forms to the Commission office after September 1, 2001.

The Commission is not receiving some of the electronically submitted forms. All electronic submissions must first go to the State of Alabama inbound email server and then be routed to the AREC server. One or both servers are sometimes down for varying reasons. Most recently it has been due to hacker attacks and viruses. Until the Commission can purchase the necessary equipment to separate completely from the state server, we are discontinuing this method of submitting Course Information Forms.

Remember that instructors must submit this form for all courses **PRIOR** to the beginning of the course. One of the proposed rule changes contained in Rule 790-X-1-12, if adopted, will require that the Course Information Forms be sent to the Commission office at least one week prior to the beginning of the course.



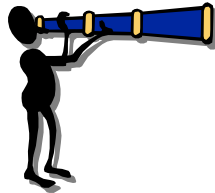
State of Alabama  
REAL ESTATE COMMISSION  
1201 Carmichael Way  
Montgomery, Alabama 36106-3674

COMMISSIONERS

Starke Irvine, Chairman, *Daphne*  
George P. Hayes, *Birmingham*  
Gordon Henderson, *Albertville*  
Robert S. Hewes, *Dothan*  
Chester Mallory, *Montgomery*  
Gloria Nicholson, *Auburn*  
Bill E. Poole, *Huntsville*  
Crawford Welch, *Montgomery*  
Ruth T. Whitley, *Tuscaloosa*

D. Philip Lasater, *Executive Director*  
Pat Anderson, *Education Director*  
Chris Porter, *Education Specialist*  
Gloria H. Ingram, *Education Assistant*  
Kike Germanos, *Education Assistant*  
Vernita Oliver-Lane, *Editor*

334.242.5544 Phone  
334.270.9118 Fax  
education@arec.state.al.us  
www.arec.state.al.us

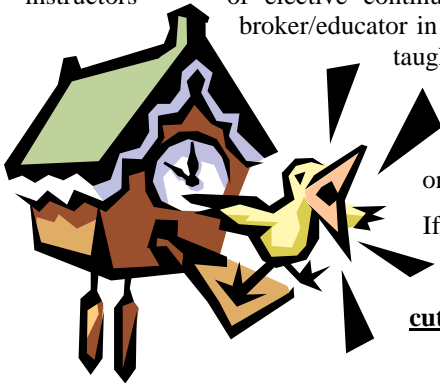


Coming In Your Mail Soon  
**SCHOOL AND INSTRUCTOR RENEWALS FORMS**

**DEADLINE**  
September 14, 2001

## ANNUAL INSTRUCTORS' SEMINAR-MAKE YOUR HOTEL RESERVATIONS NOW!

**M**ark your calendars. The annual instructors' seminar will be held at the Auburn Hotel and Conference Center on Friday, October 12, 2001, from 8:30 a.m.-3:30 p.m. All prelicense, post license instructors and instructors of required or mandatory continuing education courses are required to attend. All school administrators are invited to attend, as are instructors of elective continuing education courses. This year's program will feature Tony Duncanson who is a broker/educator in the Maryland/D.C. area. Tony is an excellent Fair Housing trainer. Since Fair Housing is taught in prelicense, post license and continuing education, all of you will get some valuable information you can use. Also featured this year will be Kelly May who is an attorney from Birmingham. Kelly handles a lot of "risk management" cases for real estate practitioners. He enjoys sharing real cases with audiences and he has some interesting ones to share. You will receive more information, including registration forms, in September.



If you need a hotel room for Thursday night, October 11<sup>th</sup>, you should make your reservations now. You may do so by calling the Auburn Hotel and Conference Center at 1-800-2AUBURN. The block of rooms is listed under "Alabama Real Estate Commission." **The cutoff date for the room block is September 10.** After that reservations may be obtained on a space available basis only. Room rates are \$72.00 per night plus tax for a total of \$79.20.

The AREEA Chapter will hold their annual meeting on Thursday afternoon, October 11<sup>th</sup> at the Auburn Hotel and Conference Center. There will be more details about the meeting in the next edition of the *Educator*. All who are interested in the Real Estate Educators Association are invited to attend.