

State of Alaska  
Department of Commerce Community and Economic Development  
Division of Occupational Licensing  
Real Estate Commission  
Minutes of Teleconference Meeting  
15<sup>th</sup> Floor Conference Room, Atwood Building  
550 W 7<sup>th</sup> Avenue, Suite 1500  
July 29, 2004

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Real Estate Commission was held.

**Call to Order**

Chairperson Barbara Ramsey called the meeting to order at 1:34 p.m.

Present were:

- |                |   |
|----------------|---|
| <b>Members</b> | Barbara Parker-Ramsey, Associate Broker/3 <sup>rd</sup> JD, in Anchorage<br>Rita Stuckart, Broker at Large, in Anchorage<br>Larry Bauer, Broker/1 <sup>st</sup> JD, by telephone, Juneau<br>David Somers, Broker at Large, by telephone, Fairbanks                      |
| <b>Absent</b>  | Bradley Fluetsch, Public Member<br>Susan Rainey, Associate Broker/4 <sup>th</sup> JD<br>Glenn Clary, Public Member  |
| <b>Staff</b>   | Sharon Walsh, Executive Administrator<br>Nancy Harris, Licensing Examiner<br>Barbara Gabier, Chief Occupational Licensing, by telephone, Juneau   |
| <b>Other</b>   | David Brower, Assistant Attorney General, Department of Law, by telephone, Juneau   |
| <b>Guests</b>  | Carol Jensen, Prudential Vista School, in Anchorage<br>PeggyAnn McConnchie, Alaska Association of Realtors, Inc, in Anchorage<br>Dave Feekin, Alaska Association of Realtors, Inc., in Anchorage<br>Perry Underwood, Alaska Association of Realtors, Inc , in Anchorage |

### Instructor/Course Approvals

**On a motion by Somers, seconded by Stuckart and passed unanimously, it was**

**RESOLVED to approve the class that was taught by Carol Jensen for the purpose of obtaining a license that the class would be accepted for all students that attended that specific class on May 11, 12, 13, and 15, 2004 when the class was given.**

Traci Barickman appealed to the Commission to allow her students, whom she taught, to be approved for licensure. She taught courses when her instructor's certificate had lapsed. She subsequently re-applied for certification and was approved.

**On a motion by Bauer, seconded by Somers and passed unanimously, it was**

**RESOLVED that once the instructor has been re-approved to teach these classes that we also approve the students who have taken the classes during that time period that she instructed them to be approved for real estate license if they passed.**

**AMENDMENT TO THE MOTION by Bauer, to include that once the instructor and course has been re-approved that we also approve the students who have taken the classes during that time period that she instructed them, to be approved for real estate license if they passed.**

### Temporary Broker License

**On a motion by Somers, seconded by Bauer and passed unanimously, it was**

**RESOLVED to appoint Mr. McLane as temporary broker of the Soldotna Brokerage in question (Soldotna Realty), for the purpose of closing out existing accounts.**

**On a motion by Somers, and seconded by Stuckart and passed unanimously, it was**

**RESOLVED** that the temporary license lapse within one week of our December 2, 2004 meeting unless we take action at that meeting.

**Property Disclosure Statement Draft**

**On a motion by Parker-Ramsey, seconded by Somers and passed unanimously,**

**RESOLVED** to add #31 under “other” on page 5 to state “Are you aware of a murder or suicide during the time you owned the property or within the previous year (which ever is first)?

**On a motion by Somers, seconded by Stuckart and passed unanimously, it was**

**RESOLVED** to approve the draft of the 7/28/04 Disclosure Statement as we amended in this meeting.

**Proposed Professional Regulations**

**On a motion by Somers, seconded by Bauer and passed unanimously, it was**

**RESOLVED** to accept the correction I just made. The first two phrases of section 6 on page 4 of HB29, line 25 “before licensee provides” and the end of the second phrase, “provides specific assistance.” Those two phrases are to follow the date “2005” on the first line of page two of our Professional Regulation Draft.

**On a motion by Stuckart, seconded by Somers and passed with 3 yes votes and 1 oppose, it was**

**RESOLVED** to amend (b)(1) on page 3, #1, “prior to the recording of the transaction...” And then continue that statement all the way to the word “forms”.

Break 3:04

Reconvene 3:10

**On a motion by Parker-Ramsey, seconded by Stuckart and passed unanimously, it was**

**RESOLVED to change on page 1, #4, to change that sentence to “for a single licensee representing one party in a transaction while providing specific assistance to a unrepresented party in the same transaction”.**

**Alaska Real Estate Commission Consumer Pamphlet Draft**

**On a motion by Somers, seconded by Stuckart and passed unanimously, it was**

**RESOLVED to change “Specific Assistance means a “real estate licensee” asks questions regarding confidential information about a real estate transaction.**

**On a motion by Stuckart, seconded by Somers and passed unanimously, it was**

**RESOLVED to add signatures, times and dates on the bottom of the page and initials on the other two pages.**

**On a motion by Somers, seconded by Stuckart and passed unanimously, it was**

**RESOLVED to two changes, #1, put “define below” in parenthesis on the first mention of specific assistance and remove it from the neutral licensee. #2, is to change the first two sentences in Section C, DUTIES OWED BY A NEUTRAL LICENSEE to read, “In addition to the duties listed in Section A, a neutral licensee owed the first four duties in Section B. In parenthesis, “since the neutral licensee will be providing specific assistance in a particular real estate transaction there is no duty to seek other real estate or buyers.”**

**On a motion by Bauer, seconded by Somers and passed unanimously, it was**

**RESOLVED to have it more consistent so that where we say “buyer” it should read “buyer/lessee and where it says “seller” it should read “seller/lessor so that it is more consistent with the intent of the bill.**

**On a motion by Somers, seconded by Stuckart and passed unanimously, it was**

**RESOLVED to on page 1, under representation, the second paragraph, eliminate the next (second) sentence, leave in AS 08.88.600(a) and eliminate AS 08.88.695(6) and (7).**

**On a motion by Ramsey, seconded by Bauer and passed with three “yes” votes and one “no” vote, it was**

**RESOLVED to having a second heading (a separate section) under representation that says “Assisting Unrepresented Parties”.**

**On a motion by Stuckart, seconded by Somers and passed unanimously, it was**

**RESOLVED to modify section 2 to read Assisting Unrepresented Parties, “A licensee who represents a party to a real estate transaction may provide specific assistance (as described on page 2 under definitions) to an unrepresented party after disclosing in writing to the unrepresented party.**

**On a motion by Somers, seconded by Bauer and passed unanimously, it was**

**RESOLVED to add another sentence to the representation section, “A licensee who represents a party to a real estate transaction may also provide specific assistance to an unrepresented party in the same transaction.”**

**Break 4:45 p.m.**

**Reconvene 4:50 p.m.**

**On a motion by Somers, seconded by Stuckart and passed unanimously, it was**

**RESOLVED to remove “real estate services” definition from the definition section.**

**AMENDMENT TO THE MOTION by Somers, to add a note referring to additional definitions found at AS 08.88.695.**

**On a motion by Somers, seconded by Stuckart and passed unanimously, it was**

**RESOLVED to remove supervision of licensees from this pamphlet.**

**On a motion by Bauer, seconded by Stuckart and passed unanimously, it was**

**RESOLVED it keep it where its at in upper cap lettering, separate and reverse order, separating the two sentences/paragraphs, first sentence will be "A licensee does have the duty ..etc., the next sentence/paragraphs would be, space between the two, "the above duty does not include a duty...etc.**

**On a motion by Ramsey, seconded by Somers and passed unanimously, it was**

**RESOLVED to have the "duration paragraph" above the "I hereby acknowledge paragraph" that has the three options; representing the seller, representing the buyer and has preauthorized neutral licensee.**

**Waiver of Right to be Represented Draft**

**On a motion by Somers, seconded by Stuckart and passed unanimously, it was**

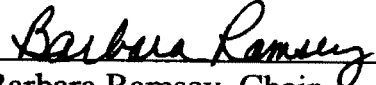
**RESOLVED to accept the Waiver of Right to be Represented to read "I (blank) seller, buyer, lessor, lessee, the following sentence, corrected Alaska Real Estate Commission Consumer Pamphlet, all the way down to the end, striking the last sentence there, striking all of the check boxes all the way down, and another paragraph regarding written consent AS 08.88.64(b)(1-3), then having "I hereby acknowledge receiving and reading this waiver of right to be represented. I accept that (blank) will be providing specific assistance and I am waiving my right to be represented, date, time, and four signature lines.**

Meeting adjourned at 6:05 p.m.

Respectfully submitted:

  
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Sharon Walsh, Executive Administrator

Approved:

  
\_\_\_\_\_  
Barbara Ramsey, Chair  
Real Estate Commission

Date: 12/3/04