

MARYLAND REAL ESTATE COMMISSION
500 North Calvert Street
Baltimore, MD 21202

Mission: Protecting the health, safety, and welfare of the public
through examination, licensing, and regulatory activities regarding real estate

BUSINESS MEETING MINUTES
October 19, 2016 10:30 a.m.

Highlights from the meeting:

- Current license count is 41, 884
- Guaranty fund balance for August - \$933,268.26
- Annual reports for FY 2015 and 2016 completed

PRESENT:

Commissioner J. Nicholas D'Ambrosia, Chair (Industry)
Commissioner Marla Johnson (Industry)
Commissioner James Reeder (Consumer)
Commissioner Jeff Wright (Industry)
Commissioner Robin Pirtle (Consumer)
Commissioner Anne Cooke (Industry)
Brian Weeks, AAG
Katherine F. Connelly, Executive Director
Charlene Faison, Education Administrator, Session Recorder
Commissioner Karen Baker (Consumer)

ABSENT:

PUBLIC IN ATTENDANCE:

Mark Feinroth, MAR
Robert Johnston, AACAR
James Clemonts
Demetria Scott

CALL TO ORDER:

J. Nicholas D'Ambrosia, Chair, called the meeting to order at 10:33 a.m.

APPROVAL OF MINUTES:

Motion (made by Karen Baker, seconded by Robin Pirtle) **To approve the minutes of the August 17, 2016 business meeting. Unanimous approval.**

REPORT OF COMPLAINTS/ADMINISTRATIVE DISMISSALS:

Motion (made by Anne Cooke, seconded by Jeff Wright) **To approve the Administrative Dismissals for the month of October 2016. Motion carried.**

COMMITTEE REPORTS:

1. Education – Jeff Wright

- For the month of August 2016 PSI administered 971 salesperson and 48 broker exams, compared to 834 salesperson and 45 broker exams in August 2015.

- For the month of September 2016 PSI administered 901 salesperson and 50 broker exams, compared to 738 salesperson and 61 broker exams in September 2015.

2. Legislative – Marla Johnson, Legislative Chair

- Commissioner Johnson had meeting with Secretary Schulz to discuss need for property management guidelines in Maryland.
- **Motion** (made by Marla Johnson, seconded by Anne Cooke) **To reaffirm previously approved fee reduction, from \$50 to \$25, for reactivation of a license and for the new fee to take effect January 1, 2017. Also reaffirmed elimination of duplicate license fee. Motion carried.**
- Case of interest regarding dual agency in California was briefly mentioned.

COMMENTS FROM EXECUTIVE DIRECTOR: Katherine F. Connelly

1. Current license count totals 41,884, of which 4,341 are brokers, 3,048 are associate brokers, 33,077 salespersons. Of the total count, 1,605 are inactive.
2. Guaranty fund balance for August - \$933,268.26 and we paid \$0 in claims for the month.
3. Agency training was all completed in September. Lots of classes are being held. Lots of discussion on changes being noted.
4. Annual reports for 2015 and 2016 have been completed. The reports cover items such as license and complaint counts, expenditures, guaranty fund balances and other items related to the Commission's operation.
5. Ms. Connelly pointed out the need for a review of the Understanding Whom Real Estate Agents Represent form as it needs to be changed. **Motion** (made by Jeff Wright, seconded by Robin Pirtle) **To remove the line of the form that reads *intra-company agent/dual agent (CHECK BOX ONLY IF CONSENT FOR DUAL AGENCY FORM HAS BEEN SIGNED)*. Motion carried.**
6. Question was raised as to whether the notice to consumers would be published in Spanish or any other language. Brian will look into if regulation regarding the matter exists.
7. Ms. Connelly will be teaching the broker supervision class on Thursday at GBBR fair. Also, she will be heading to the NAR convention in November. Final meeting as part of the Executive Committee of ARELLO will be in December.
8. Need to hold a test question writing session in the very near future to add to our data bank of questions. We are looking at dates in December. Volunteers, not affiliated with a school, are needed. Representatives from PSI will be in town to assist.
9. Also will be setting up a meeting for all directors of schools and their right hand persons to attend in January. We need to review their procedures on uploading information to PSI, uploading to us, etc.

COMMENTS FROM COUNSEL: Brian Weeks

1. Brian looked into whether a checkbox to the disclosure/disclaimer form to indicate there are no latent defects could be added without regulation. Brian authorizes the change to be made. Ms. Connelly will update the form and send it out to the Commissioners for review.
2. Governor's regulation review – draft was circulated; Governor's office approved all but two of the proposed items; one of which being the requirement that agency instructors teach at least once every six months.
3. Mr. Weeks informed the Commission that Paulette Wirsching will be retiring.

COMMENTS FROM CHAIR: J. Nicholas D'Ambrosia

- Chair D'Ambrosia went over some key points from the California dual agency case previously discussed.
- Discussed the changing of hats during a transaction and later signing of buyer/agency form. The question raised was can you change from being a seller's agent to a buyer's agent?

UNFINISHED BUSINESS:

- None

NEW BUSINESS:

- Commissioner Wright brought up issues of title companies holding deposit money.

ADJOURNMENT:

There being no further business, the meeting adjourned at 12:04 P.M. The next monthly business meeting is Wednesday, November 16, 2016.

APPROVED AS PRESENTED _____
J. Nicholas D'Ambrosia, Chairperson

APPROVED AS AMENDED _____
J. Nicholas D'Ambrosia, Chairperson