



Vermont Real Estate Commission

Newsletter

Governor

The Honorable Peter Shumlin

Secretary of State

James Condos

Office of Professional Regulation

Christopher D. Winters, Esq., Director

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Members of the Commission

Maretta Hostetler, Broker Member, Chair
 Gloria Rice, Attorney Member, Secretary
 David Raphael, Jr., Broker Member
 Claire Porter, Public Member
 Thomas Prindiville, Public Member
 Michelle Gosselin, Salesperson Member

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http://vtprofessionals.org/opr1/real_estate/

Message from the Chair

The year 2011 was one of the busiest years that we experienced at the REC in a long time. In addition to the arduous and time consuming process of revising the rules and the introduction of the new inspector program, we hired a new testing company for our Broker and Salesperson examinations.

I am happy to report that we are now out of the "horse and buggy" way of testing and into today's world. The new testing service offers centers located in convenient areas of the state and the applicant can arrange to take the test at their convenience. The best part of the process is that when the computerized test is completed by the applicant they can have their results immediately. No more waiting 3 weeks for the results. The REC members created a whole new set of questions and implemented a new format of questioning which we believe to be more effective. A special thanks to Terry Gray, our licensing administrator, for "getting things done" and a smooth transition from the old system. Please check our website for the details.

The rules committee work is still under way and we hope to have them completed by the end of this year. The inspector program is progressing nicely with several more interviews to complete the applicant process. We are planning to implement that program in April. We will keep you updated as things progress.

Web Site Information

The Commission's Web site:
http://vtprofessionals.org/opr1/real_estate/

<http://vtprofessionals.org/>
 is a great resource for information.

There you may find the current statutes and rules. You may check the status of your application, look up a licensee, change your address, review disciplinary actions, etc. You will also find our updated applications and forms and important announcements such as the ability to renew online!

**NOTICE OF RENEWAL
for Office and Broker Licenses
March 31, 2012**

**NOTICE OF RENEWAL
for all Salespeople
May 31, 2012**

Please Note: Office and Broker licenses are two separate renewals. You must renew your Office(s) and your individual Broker licenses.

March is fast approaching and it will soon be time to renew your licenses.

We will be sending you a notice with your username and password and complete step by step instructions on how to perform this easy task and submit payment through a secure website.

Easy, Easy, Easy

*****Online License Renewal Instructions*****

The renewal process should take no more than **fifteen minutes** to complete.

You will be able to authorize payment for your renewal through a secure website by Credit Card (Visa/Mastercard) or ACH (electronic check or debit).

Follow these easy step-by-step instructions to renew your license:

1. Go to www.vtprofessionals.org
2. Click "**Online Renewal**" in the Announcements box on the right
3. Click "**Login**" (upper right hand corner – blue box; scroll to the far right if not visible)
4. Enter the User ID and Password that will be mailed to you shortly.

(Retain this information for future renewals and online address changes)

User ID:	Example
Password:	Online Renewal

5. Set up three security questions (if prompted)
6. Click "**Activities**"
7. Select "**Create/Resume a Renewal**"
8. Click "**Start**"

9. Verify all required information and Answer all questions (multiple screens)
10. Click "**Review Page**" and if all data is correct.
11. Select "**Add To Invoice**"
12. Click "**Pay Invoice**" and
13. Enter payment information.
MAKE SURE to verify all information is correct.
14. The address entered on the payment screen must be the billing address for the credit card being used for payment.
15. Click "**Submit**" to complete the process.
A payment receipt will be sent to the e-mail address you entered at the bottom of the payment screen.
16. Within 3-5 business days of completion, a hard copy license will be mailed to you.

Continuing Education

When renewing your broker or salesperson license, you will be asked to verify that you have completed the necessary continuing education hours. This means that you have already completed the required hours. This does not mean that you are scheduled to take a class in the future.

Paper renewals

If you are unable to renew online, renewal forms can be found at http://vtprofessionals.org/opr1/real_estate/

**NOTICE
BROKER/OFFICE PAPER RENEWALS**

Paper renewals **must be received by** March 31, 2012 or a \$25.00 late fee will apply.

**NOTICE
SALESPERSON PAPER RENEWALS**

Paper renewals **must be received by** May 31, 2012 or a \$25.00 late fee will apply.

Prior to expiration, a licensee may request that the license be placed in an inactive status by paying the fee to transfer the license to inactive status. No continuing education is needed to become inactive. Unless a licensee requests to be placed on inactive status prior to the expiration of their license, the license shall be designated as "lapsed".

If the license of a principal broker is not renewed prior to expiration, all brokers associated with that brokerage firm shall lose authority to transact business in the firm's name. Any salesperson associated with the lapsed license shall lose all authority to practice the profession.

If the license of a broker in charge is not renewed prior to expiration, all brokers associated with that brokerage office shall lose authority to transact business in the firm's name. Any salesperson associated with the lapsed license shall lose all authority to practice the profession.

If you have questions, please contact the renewal clerk at:
(802) 828-1505 or
Via email at: renewal_clerk@sec.state.vt.us.

Multiple licenses: Each licensee is responsible for his or her own renewal and must attest to its content and accuracy.

Multiple license holders will receive separate renewal notices, user IDs, and passwords for each license. You will be required to logout and log back in with each user ID and password provided for each license.

APPLIED MEASUREMENT PROFESSIONALS, INC. (AMP) NEW TESTING PROVIDER

The State of Vermont has retained the services of Applied Measurement Professionals, Inc. (AMP) to develop and administer their real estate examination program. The real estate examinations are developed through a combined effort of real estate experts and testing professionals. Real estate practitioners and educators write the questions.

Experts in the fields of both real estate and testing review the questions to ensure that they are accurate in their content and representative of good question-writing procedures.

The Vermont Real Estate Commission participated in the creation of the AMP Real Estate Examination Program and reviewed the questions to make certain that the content of the questions is accurate and relevant to real estate practices in Vermont.

EXAMINATIONS

The examination is administered by appointment only Monday through Friday at 9:00 a.m. and 1:30 p.m. Saturday appointments may be scheduled based on availability. Available dates will be indicated when scheduling your examination. Candidates are scheduled on a first-come, first-served basis.

If you contact AMP by 4:00 p.m. Eastern Standard Time on ...	Depending on availability your Examination may be scheduled as early as...
Monday	Wednesday
Tuesday	Thursday
Wednesday	Friday/Saturday
Thursday	Monday
Friday/Saturday	Tuesday

ASSESSMENT CENTER LOCATIONS

The examinations are administered by computer at AMP Assessment Centers in Vermont, New Hampshire, New York and Massachusetts.

Visit our website for specific locations at:

http://www.vtprofessionals.org/opr1/real_estate/info/Examination_Centers.pdf

EXAMINATION FEES

BOTH National and State Salesperson	\$110.00
BOTH National and State Broker	\$110.00
State Salesperson ONLY	\$110.00
State Broker ONLY	\$110.00
National Salesperson ONLY	\$110.00
National Broker ONLY	\$110.00

Payment may be made by credit card (VISA, MasterCard, American Express or Discover), cashier's check or money order made payable to AMP. **Examination registration fees are not refundable or transferrable and expire in one year.**

Credit card transactions that are declined will be subject to a \$25 handling fee. A certified check or money order for the amount due, including the handling fee, must be sent to AMP to cover declined credit card transactions.

CANDIDATE HANDBOOK

Vermont Real Estate Sales and Broker Examination candidate handbook is available at:

http://www.vtprofessionals.org/opr1/real_estate/info/AMP_Handbook.pdf

REMINDERS

1) It is your responsibility to report changes of name and/or address to this Office (See 3 V.S.A. § 129a). With your User ID and Password you may update your address online or send us a fax or E-mail with the information.

You must provide evidence of your name change (i.e., copy of marriage license, divorce decree, or other court documents) to the Office.

2) You must report within 30 days convictions, felonies, or other criminal offenses related to the profession (26 V.S.A. 129a (a) (11)).

3) Please note that all of our meetings are public and we encourage you to attend. Meetings are typically held each month. You must preregister with Judith Griffen via email: jgriffen@sec.state.vt.us if you plan to attend a meeting for continuing education credits.

ANNUAL REPORT

The Office of Professional Regulation's Annual Report is available online. It contains statistics for all professions regulated by the Secretary of State's Office. The statistics include budgets, complaints, disciplinary actions, number of licenses issued, and so on.

COMPLAINT PROCESS

We receive questions concerning disciplinary actions taken against a real estate broker, firm and/or salespeople and the complaint process. The process begins when the Office of Professional Regulation receives a complaint alleging unprofessional conduct and screens it to determine whether the complaint relates to someone licensed by the Commission. The Office notifies the licensee (Respondent) of the complaint and an Investigative Team reviews the facts of the case. The Investigative Team consists of one Commission member who serves as the expert, staff investigator, the case manager and a State Prosecuting Attorney.

The Investigative Team then recommends whether to close the case or perform further investigations into the allegations. The Investigative Team consults with a state prosecuting attorney who is responsible for deciding whether to charge the licensee with violating the laws governing professional conduct.

Often when a case is opened against a licensee, additional cases are opened against the brokerage firm and broker in charge. The purpose here is twofold. First is to alert the brokerage firm of the allegations so that they can provide any additional information needed and stop any conduct that is in violation of the statutes or rules. The second is to insure that proper supervision is followed in terms of a broker's vicarious responsibility for the professional conduct of all licensees and employees of the brokerage firm.

The Commission member is primarily a technical advisor to determine the type of information to be obtained and to review the adequacy of that information collected by the investigator.

If the complaint is not supported by the evidence, it may be closed without further action and the affected parties notified in writing. There is no public notice of cases under active review or cases which have been closed without formal prosecution.

If the complaint is supported by the investigation findings, the Investigative Team, including the State Prosecuting Attorney, will determine the proposed course of action and attempt to resolve the matter with the licensee. Often this takes the form of a written stipulation or agreement, to discontinue the offending activity, ensure that corrective measures are put in place to avoid future problems, and may include a reprimand or other action to prevent such infractions in the future. If the parties do not agree, the Commission will hold a hearing to take testimony and review the evidence. The Commission member who served

on the Investigative Team may assist in presenting evidence, but does not participate in the decision or vote on the outcome of the hearing. Disciplinary actions taken against a licensee become public information. The process is more fully described on our Web site. A summary of disciplinary actions is contained in the annual report issued by the Secretary of State.

The Commission must investigate all allegations of unprofessional conduct submitted. What follows is a composite of some of the issues that may result in the filing of a complaint against a practitioner.

Having a complaint filed against you can be extremely disruptive and upsetting. If a case alleges unprofessional conduct, as defined by the Commission's laws and rules, the Office will order an investigation.

Although many complaints do not result in disciplinary action, they are still investigated. Many of those complaints that are closed without prosecution might have been avoided altogether had the practitioner better communicated with the customer or client.

If a complaint is filed and the Investigative Team believes the evidence warrants unprofessional conduct, the Commission may hold a hearing and may take disciplinary action. We hope that you will read this carefully. It does not cover every possible scenario, but it may help you avoid common pitfalls that result in a complaint, and/or disciplinary action.

- 1) Poor communication. Be sure to communicate well with your customers and clients, your colleagues, and with your employees.
- 2) Unauthorized Practice. Working without proper registration or license to do so, or allowing unlicensed or unregistered persons to practice.
- 3) Inactive/Expired License. Failing to renew and continuing to practice with an inactive license is unprofessional conduct.
- 4) Brokerage Firms or Offices. Whether sole proprietor or a firm with many brokers and salespersons, each firm must be licensed and must have a principal broker (or broker in charge) who is licensed and responsible for the firm. **A broker or salesperson cannot practice unless he or she is associated with a brokerage firm.**
- 5) Attitude. The Investigative Teams find that many complaints are filed with the Office of Professional Regulation because the professional appears to have had an "attitude" that was flippant or seen as condescending.

DISCIPLINARY ACTIONS

The Office of Professional Regulation issues Press Releases of all disciplinary actions taken during the month. The full text of decisions can be accessed for reading or printing from the OPR Web site noted below.

The direct link to the search page is:

<http://vtprofessionals.org/opr1/searchdiscipline.htm>.

Disciplinary actions range from warnings, a finding of no unprofessional conduct with an administrative penalty, to revocation.

Licenses as of February, 2012

Type of License	Total
Broker	1150
Salesperson	1180
Office	779

**Unprofessional Conduct Activity
As of January 26, 2012**

Total cases	112
Cases recommended for closure without action	14
Cases ready for I-Team	69
Cases pending charges filed	15
Cases under investigation	14

To view all disciplinary actions:

http://vtprofessionals.org/conduct/decisions.asp#Brokers_Salespersons

Complaints of Unprofessional Conduct

The Commission follows Office procedure for receiving, investigating and acting on complaints of unprofessional conduct. Copies of the procedure, complaint forms and more information about the complaint process may be obtained from the Office or via the Office of Professional Regulation web site,

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

Commission and Committee/Workgroup Meetings

We encourage anyone who has an interest to attend. Meetings are open to the public. We also post the upcoming meeting Agenda, and Minutes on the Commission's web page.

**Disciplinary Actions Taken
2009-Current**

Hawthorne, Robert	REC26-0407	4/28/2009
Aiken, Susan	REC10-1008	12/18/2009
Wagoner, Giles	2009-486	12/18/2009
Derobertis, Kristy	2009-519	2/2/2010
Chase, Mildred	REC15-1206	5/3/2010
Hart, Herbert	REC18-1208	6/25/2010
Bollman, Scott	REC11-1008	8/27/2010
Provost, Robert	2009-327	8/27/2010
Elwood, Christine	2009-139	9/24/2010
Swanson, Ann	REC41-0206	11/2/2010
Wyman, Vickie	2009-551	1/14/2011
McPadden, Bonnie	M2011-29	2/24/2011
Wyman, Vickie	M2011-21	2/24/2011
Swanson, Ann	2009-482	5/3/2011
Treadway, Wade	M2009-207	6/24/2011
Hickok, Barry	2008-332	7/18/2011
Chamberlin, James	2009-490	8/25/2011
Provost, Robert	M2011-30	8/25/2011
Jonas, Jeffrey	2010-734	10/27/2011
Miller, Gordon	2010-743	12/23/2011

Disciplinary Actions

The complete text of any disciplinary actions taken can be found on the web at:

<http://vtprofessionals.org/opr1/searchdiscipline.htm>

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