



COMMONWEALTH of VIRGINIA
Department of Professional and Occupational Regulation

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DISCUSSION ITEMS FROM THE VIRGINIA REAL ESTATE BOARD
EDUCATION COMMITTEE

NOTE: Items listed in chronological order beginning with the most recent committee meeting.

September 27, 2017 Meeting:

Application Review: A discussion about “Other: _____.”

The Board Administrator asked the committee members for their thoughts on adding the following or similar language to the “Other” bullet on the Continuing Education Course application, “How does this course help licensee protect the public health, safety and welfare?” Because the committee has the authority to approve courses that do not fall under one of the criteria in 18VAC135-20-101.2 but won’t do so unless the course protects the public health, safety and welfare, staff believe adding this language to the application gives providers and idea as to what courses the committee will and will not approve. The committee agreed it would be good to add the language.

Agenda: “Flagging” applications in the agenda that staff have concerns about, (Course will be bolded); Condensing pages and file size.

The committee’s agenda continues to slowly increase in pages and electronic file size. Staff will explore ways to decrease the number of page and file sizes.

Proprietary schools MUST renew their school licenses before their expiration date. Student credits will not be uploaded if the school has an expired license.

Mr. Williams reminded providers and informed the committee that courses completed after a school license expired will not be accepted by the Board’s computer system.

Using a term other than “Not Real Estate Related” when denying course approvals.

Board staff asked committee members if the phrase “Course content does not fall under a continuing education category listed in 18VAC135-20-101.2 and does not protect the public health, safety, and welfare” instead of “Not Real Estate Related” when courses are denied because of their content. This language would match the update to the application (as noted above) and give the course provider more accurate information about why its course application was denied.

Video content: Drafting an instruction sheet (still in the construction phase).

Developing the Carryover Education process has been staff’s main focus the last 6 month. Now that development process is complete, staff will turn its attention to drafting an instruction sheet for submitting video content as part of a course completion.

Education provider accountability: complaint referral process.

Now that the development of the Carryover Education process is complete, staff will also turn its attention to helping schools comply with the Board’s regulations. Procedures will also be developed for referring schools that cannot come into a reasonable amount of compliance to the Department’s complaint section.

Schools and PSI checking for full names.

A significant number of initial application do not have the applicants’ full legal name. PSI and schools will asked again to get the applicants full legal name at the beginning of the process.

Carryover Education: Implementation Update.

Carryover development is complete. Staff are approving carryover credit, and issuing approval letters and denial letters. The Carryover Worksheet has gone through several versions, each one making the simpler. Unfortunately, many forms are incomplete because the licensees are not listing **ALL** of the courses they completed in their last licensure period. A denial letter issued in these instances, but the licensees are permitted to submit the form again. Several providers present for the meeting shared that licensees are contacting them asking for duplicate course completion certificates because they have misplaced their original.

July 12, 2017 Meeting:

Exam pass rate reporting (follow up from last meeting).

PSI shared with Board staff the data it collects on examinees and how the methodology it uses to produce the “pass/fail” report it provides to the Board. PSI is unable to provide the Board with a report that only shows pass/fail rates based on a determined amount of time between when an examinee takes the exam and when the examinee actually completed a pre-license education course.

PLE: Time frames.

An educational provider, seeking to help licensees in their first licensure period, sent information to licensees that caused a lot of confusion as to when post-licensing education (PLE) had to be completed. Board staff shared with committee and the education providers present a copy of the letter sent to licensees in their first year of licensure who have not completed their PLE within 6 months of first being licensed. The letter lists licensees’ initial licensure date and the date by which they need to have their PLE completed by if they want to remain active. The deadline is midnight one day prior to the actual day they were licensed the following year. For example, if an individual is licensed on July 12, 2016, the individual must complete PLE by midnight on July 11, 2017. Ms. Ferebee asked that the letter be modified to emphasize the deadline. Mr. Williams will work DPOR to modify the letter.

Education Carryover review process (overview).

Mr. Williams provided an overview of how the “carryover” process will work. Staff distributed to the education providers a carryover handout. Mr. Williams then provided a GREAT visual demonstrating how the process worked. The handout will be available on Board’s website August 1, 2017. Because the Board’s computer system is not capable of automatically calculating or determining carryover CE, Licensees must submit a worksheet and their course completion certificates to the Board if they have CE they wish to carryover. The worksheet will be available on the website September 1, 2017. Once staff determine that a licensee has CE that qualifies for carryover, the credits will be entered into the licensing system and show up on the Board’s website. Regardless of whether the licensee has carryover CE, any licensee who submits a worksheet will get a letter stating whether or not he or she has carryover CE. This process will be in place by the time the first individual actually needs to use any available carryover, which is October 1, 2017 (the first day a license that expires in November of 2017 can be renewed).

Mr. Hoover stressed that licensees need to be made aware of the carryover process. Mr. Williams stated he would work with the Executive Director to get the word out as best as possible. Mr. Hoover asked Mr. Williams to discuss the carryover process with

the full Board at its next meeting. Mr. Hoover instructed Mr. Williams to be forthcoming with expectations of potential problems with the process.

Meeting and cut-off dates for 2018 available soon.

The Board will adopt its 2018 meeting dates at its next meeting. The education application deadlines for 2018 will be updated on the Board's website after the next meeting.

Course completion certificates.

Staff discovered that at least one education provider did not provide students course completion certificates. Staff informed the provider, and reminded the other providers in the meeting, that providing course completion certificates is regulatory requirement. Staff also emphasized how importance those certificates are to the carryover approval process.

Video content: Drafting an instruction sheet.

Staff will develop, and make available to education providers, written instructions on how to present course video content in their pdf application documents. Mr. Williams will get committee members to review the instructions prior to their public distribution to ensure the instructions capture the content committee members want to review in the course applications.

CE Waiver Request.

The committee reviewed a CE Waiver request from an individual to whom the Board granted a waiver last year. The committee recommended the waiver be granted as long as the same stipulations are placed on the licensee as previously listed in the current Agreement for Licensure (e.g., referral status for the licensee and the licensee's sole proprietorship shall not have any associated real estate agents).

Block approval for Proprietary School Applications.

Base on the motion approved at the committee's last meeting, staff presented the five proprietary school applications to the committee as a group.

May 3, 2017 Meeting:

High error rates for course completion uploads.

Section staff tracked the error rate for course completion uploads by providers in order to determine which providers have the most trouble uploading accurate data. Staff will contact providers with (1) high error rates in a single upload and (2) significant errors over an extended period. The goal is to help providers submit more accurate data, which will save time for staff and providers and reduce difficulties for licensees when renewing, activating, or staying active after their first year of licensure.

How to provide video content for review.

Prior to the meeting, staff provided committee members access to an online course with video content for review. Mr. Williams asked members how they would like to receive video content in the future. The members asked to be provided access to all the video presented in a course, but requested that the main content of video segments be provided in bulleted form. This would allow them to review the video if they desire, but would also provide an overview of the information for easier review. Mr. Williams asked the committee for patience as the section takes on this new task/procedure. The committee members agreed flexibility is needed during the early stages.

Updating of applications.

Staff presented the committee a draft update to the Pre-License Instructor application and the CE Course Approval application. The instructor application listed all the pre-license course areas, and the course approval application included all the CE course subjects listed in the continuing education regulation. It also included a new way to accurately capture additional information on how a course will be delivered.

The committee members were very pleased with these updates and believe the updates will make their job easier while also helping education providers get more of their courses approved.

Update on a consistency tool.

Because of all the improvements to the committee's processes, updates to the applications, and the development of the "Discussion Items" document, the Committee is much more consistent in its approvals and denials of education related applications. Mr. Williams asked that the committee not pursue creating a separate consistency "tool," but rather continue improving its processes and communication. The committee agreed to not pursue the creation of a separate "tool."

"Discussion Items" document posting update.

A document called "Discussion Items from Previous Committee Meetings" is now posted on the Real Estate Board's website under the "Education and Exams" tab in the "Education Providers" section. The goal is to update this document after each Board

meeting with the discussion items from the most recent Education Committee meeting and from one additional historical meeting. The current document includes discussion items as far back as the committee meeting on March 16, 2016.

“How To Apply” Handout.

Staff developed an “infographic” handout on how to apply for a Salesperson and Broker license. Staff will post the information on the Department’s website and make it available for download in a pdf format. Having the information in a pdf document will enable staff to email it to potential applicants for licensure and be a useful tool for education providers. Committee members suggested it be sent out to brokers.

March 15, 2017, Meeting:

“Livestreaming” and Video Courses: are they acceptable and how does the Committee want to review the material?.

Staff shared with the Committee that there is an increasing number of schools that want to stream their classroom courses either to a satellite location staffed by a proctor or to an individual’s home. The Committee decided that in order for this method of teaching to be acceptable as a “classroom” course, attendance must be monitored closely and accurately, the student must have the ability to interact with the instructor, and the instructor must be able to see the student(s). Only courses taken at proctored locations can count towards satisfying educational requirements placed upon a licensee by a Consent or Final Order. Staff will update the applications to include the “livestream” option. Until the applications are updated, staff can approve the use of “livestreaming” to providers who already have an approved classroom course if the providers verify they meet the requirements listed above.

Mr. Williams asked the committee members how they would like to receive the material for courses that are in a video format. After much discussion, the committee members decided that they would like to review an example of a course offered in a video format before deciding. Mr. Williams will forward them a proposed video course to review. The committee will revisit this issue at its next meeting.

Progress report on the development of a tool to help the committee and education providers determine if a course meets approval requirements, and a progress report on application updates.

Although a tool has not been developed to help the committee in the course approval process, progress has been made. Staff have been researching the issue and come up with some helpful ideas. Staff shared with the committee the “Discussion Items” document (see below) and a recent example where the Committee had been consistent in its approval process even though the provider did not initially believe that was the case. Staff will conduct more research and then forward some draft ideas to Mr. Odem. He and staff will work to draft “tool” for the Committee’s review.

“Discussion Items” document.

While doing reach on the issue of consistency in course approval, staff determined that having all the discussion items reviewed at the committee meeting in one document would be extremely helpful. Not only would it help the Committee make consistent decisions, it would also help staff and providers navigate the application process more easily and consistently. Mr. Williams provided the committee members with a draft document with the Discussion Items from the last four committee meetings. He shared that the document will hopefully be posted on the Department’s website and updated after every committee meeting with the most recent Discussion Items as well as with the items from one additional archived meeting.

January 25, 2017, Meeting:

Taking Pre-license courses at multiple Schools.

Staff shared with the Committee that there is an increasing number of individuals who complete their pre-license requirements at multiple schools. Staff recommended that when this occurs that the Board be tasked with reviewing the courses completed to ensure all the required courses were taken. If they were, the Board will issue an exam approval letter. Board staff will investigate/determine if there is a need, and/or a way, for the applicant’s picture to be uploaded to PSI. The committee approved this approach.

The type and number of hours in Consent and Final Orders.

Staff shared with the Committee that there are times when licensees are unable to meet the terms of their Final Orders and Consent Orders because the course(s) they are required to complete in a classroom are not offered. Staff asked the Committee members to try and stick to general Continuing Education (CE) and Post-Licensing categories. The Committee members emphasized that they want mandated education

to relate to the licensees' offense as closely as possible, but that they will be mindful of licensees' ability to take the mandated classroom course(s).

Only approving continuing education topics as outlined in 18 VAC 135-20-101 bullet 1 (p10) vs. approving additional "discretionary" topics as referenced in bullet 2 and 54.1-2105, and "real estate related" duplicate courses.

Mr. Williams shared with the Committee the May 22, 2014, Guidance document "Continuing Education General Elective Courses," and one of the member's request for information regarding courses the Committee denied in the past because they did not fit the continuing education criteria. The Committee discussed "what is the criteria?" and received educational provider input on this issue. Mr. Williams was asked to work with Mr. Odems to construct a tool(s) to help the Committee approve and deny CE courses more consistently. The Committee also requested changes to the course application.

Teaching an expired and a mismarked course by mistake.

Staff shared a provider's request to allow approximate 18 individuals credit for completing a course that expired the previous month. The provider mistakenly taught the course, and it was not the applicants' fault. The Committee granted permission for the individuals to receive credit and gave Board staff the authority to approve similar situations in the future without bringing the situation to the Committee's attention. The Committee gave the Board Administrator the same authority to make adjustments to an individual's record when a provider mistakenly offered a "real estate related" course to a licensee instead of a "mandatory" course when the content of the courses were exactly the same.

To prevent future mistakes by providers and licensees related to taking the "real estate related" version of a course instead of the "mandatory" version, the Committee will no longer approve "real estate related" versions of "mandatory" courses. The Department's computer system will roll "mandatory" courses over to "real estate related" credit in the future when all the mandatory CE requirements are met.

Incomplete vs inadequate (e.g., transcripts for waiver, experience), and pre-license inst. application change.

Mr. Williams shared with the Committee that an increasing number of pre-license instructor applicants who request a waiver of the requirements are not able or do not provide education transcripts. After discussing the issue, the Committee and staff decided to modify the pre-license instructor application with the hopes of helping waiver applicants fully understand what the Committee will be looking for when determining if the applicant meets the pre-license instructor requirements.

October 25, 2016, Meeting:

Discussion with PSI regarding the professionalism of proctors.

Department staff contacted PSI after receiving a complaint that a PSI staff member engaged in an unprofessional conversation about a Real Estate school with one of the exam applicants. PSI contacted site proctors and reiterated its professional standards. Department staff confirmed with at least one proctor that they had been contacted by PSI management. PSI apologized for any issue(s).

Mandatory subjects being designated as “Real Estate Related”.

Staff shared with the Committee that providers will often submit the same CE course for mandatory credit as well as “real estate” related. Staff shared that this causes confusion with agents and that when they call DPOR staff about their concerns the agents are told that they need to contact the school if they have any issues with how the course they took is labeled, approved, or reported. Staff will not change scores or course numbers based on conversations with agents, only based on documentation from a provider.

“Carryover” methodology chart.

Mr. Williams provided the Committee, and at the instruction of the Committee - the audience, an initial version of a “Carryover” methodology chart for Continuing Education. After discussing the date(s) listed on the handout versus the dates the providers had in mind, staff proposed that they review and possibly revise the handout based on the feedback from the Committee and providers. Staff will report back to the Committee/Board as soon as possible on their progress. UPDATE: Mr. Williams provided the full Board, at its October 26, 2016, meeting, an updated version of the chart; which the Board approved for use and publication.

Tracking course completion upload issues: looking for patterns.

In order to help staff, providers and agents, staff tracked the number of issues with individuals’ records when their education scores were uploaded by providers. During a 20 day period, there were over 1,300 problems with individuals’ scores. The most troubling was that over 600 of those problems were duplicate scores. Staff will work with providers to improve the accuracy of the data they submit.

Payment, Education, and Affirmation: What education providers need to know about individual license renewals starting in 2017.

Mr. Williams shared with the Committee and audience that the failure of Supervising Broker of branch offices to affirm that agents work at their branch when the agents' license come up for renewal in 2017 will more than likely generate calls to the providers. There is a good chance agents will believe that there is a problem with their education if the agent has completed his or her education and paid their renewal fee on time, if their licenses do not automatically renew. They will more than likely not think to check with their Supervising Broker to see if an "affirmation" was sent to the Board. Mr. Williams encouraged the providers to ask agents if they work for a branch, and if they do encourage them to talk to their Supervising Broker. Under no circumstance should any agent's education be resubmitted to DPOR, unless a DPOR staff person instructs the provider to do so.

Acceptable documentation of teaching qualifications for "18 VAC 135-20-360. Proprietary school standards, instructor qualifications and course requirements" as they pertain to applicant 0230001409.

In the past, staff have deemed certain instructor applications incomplete if the applicant did not provide a copy of an actual teaching certificate or license from the Commonwealth of Virginia as proof of the applicant's qualifications. After further review of the regulations, it was decided that other forms of documentation are acceptable. Based on this review, an additional application was presented to the Committee for review that should have been a part of the initial agenda. The Committee reviewed and approved the application.

September 6, 2016, Meeting:

What constitutes a "resumé"?

The Board received an application that it deemed incomplete and returned to the provider because the "resumé" for the instructors was insufficient. The provider stated that she had always provided "Bio's and Bar Cards" with applications and that they had been acceptable in the past. The Committee members reviewed what had been originally submitted and agreed that it was insufficient. Although the providers do not have to provide education and experience information in a resumé format, detailed information on instructors' education and experience is required.

Accepting a course taught prior to the issuance of a "pending Board approval" letter.

The Board has always informed providers that a course cannot be offered prior to the issuance of a “pending Board approval” letter. However, a provider asked permission to make an exception. A provider offered a course which was discontinued because it did not originally include “flood content;” however, the course had not expired. Although the original course outline did not include the flood content, the instructor (who is approved to offer courses with the flood content) did include the flood content. The provider does have a pending Board approval letter for a course that does include flood content and asked the Board if the 17 individuals who took the course that was discontinued could be provided credit for the course since they received the correct course content. The Committee approved the request.

Additional Instructor application change.

Mr. Williams asked a provider to use a test version of an additional instructor application based on discussions at the last Committee meeting. The Committee reviewed the test version and found it very user friendly for them. Mr. Williams will get more feedback from the providers on the proposed changes. If the feedback is good, the test version will be fully implemented in the near future and place on the Board’s website for use.

Do you have to pass an exam to get credit for a course?

An educational provider asked the Board for guidance on whether or not individuals have to pass a course; and if they do, what is a passing score? After discussion amongst the committee members and input from the educational providers, the Committee reiterated its stance that each provider, since it is the subject matter expert, should determine what is a “passing” score for a course but that an assessment must be done when an exam or test is referenced in the Board’s regulation in relation to any type of education.

§ 54.1-2105.03. Continuing education; relicensure of brokers and salespersons:.

The following language was added to § 54.1-2105.03 in July of 2016, “D. The Board may grant exemptions or waive or reduce the number of continuing education hours required in cases of certified illness or undue hardship as demonstrated to the Board.” Mr. Williams shared with the Committee that the 2 individuals have asked the Board for an exemption, and that this will be brought up at the Board meeting. The Committee and providers discussed the topic thoroughly. The Committee members had concern about a licensee’s ability to practice real estate if the individual was not able to complete the required amount of continuing education. No decisions or recommendations were made by Committee.

Procedural Updates:.

Mr. Williams shared with the Committee that providers will soon have the ability to upload applications via the same process they upload course completion information instead of emailing them. Since the application files can be very large, emailing them is often times problematic. Mr. Williams also shared that staff will be looking at ways to reduce the number of errors received during course completion uploads. Staff will start tracking the reasons for the errors (e.g., duplicate information, data format issues, etc.) and proceed accordingly (e.g., retraining, corrective action, etc.). Finally, Mr. Williams shared that a diagram will be shared in the near future showing the education “carryover” methodology. The hope is that the diagram will help the providers and licensee’s understand how carryover will work.

July 13, 2016, Meeting:

The use of pre-license instructors who are NOT certified by the Board.

The Board received a pre-license broker course application that listed 9 instructors, 4 of whom were not certified to teach a pre-license course. The Board previously approved the course for CE with the same instructors; however, the committee decided to approve the course on the condition that all its instructors be certified. The educational provider was in attendance at the committee meeting and agreed to submit pre-license instructor applications for the uncertified instructors.

Offering 15 hours of pre-license credit for attending only a portion of an approved 60 hour course.

The Board has only approved 1 pre-license education course for 15 hours of credit. Many individuals who are getting licensed by reciprocity or who were licensed when salespersons only needed 45 hours of pre-license education often times need another 15 hours of pre-license education. In the past, the Board has accepted a letter from 2 education providers who offer a 60 hour pre-license course stating that a person has attended 15 hours of a 60 hour approved course. Additional providers are starting to do this. The committee decided to honor letters from the two providers from whom it accepted in the past until the next Board meeting, if the letter states that all topics required by the Board’s regulation were covered. However, the Board will not accept any letters after September 7, 2016, the date of the next Board meeting. Since the Board has no way to determine what portion of a 60 hour course is being taught in these instances, after September 7, 2016, it will only accept 15 hours from a Board approved 15 hour pre-license course.

Modifying the Additional Instructor for CE/PLE application.

Mr. Williams proposed modifications to the additional instructor application. The goal is to help the committee members more efficiently compare an instructor's experience and expertise to the course's content. When new applications are published, the older version of the application is accepted for at least 30 days.

Electronic Proctoring

An educational provider asked the Board to approve the use of electronic proctoring. A representative from the provider presented information to the committee on the process. Committee members asked pertinent questions related to access and security. The committee is recommending to the Board that the provider be allowed to implement this process for pre-license education. Future education providers who would like to implement electronic proctoring will have their process reviewed on a case-by-case basis when the first course application is received from a provider.

Brokers from other states applying to be a salesperson in Virginia.

North Carolina has been the only state where a broker, and only a "provisional broker," can apply to be salesperson in Virginia by reciprocity. The committee discussed the pros and cons of allowing brokers from other states, and "full" brokers from North Carolina, the option of applying for a salesperson license in Virginia. After much discussion, the committee recommends all brokers from any state be allowed to apply as a salesperson in Virginia by reciprocity. This means that if a broker from another state wants to be a salesperson in Virginia, he or she would still have to provide evidence of completing 60 hours of equivalent salesperson pre-license education, but ONLY have to take the state portion of the salesperson examination.

May 4, 2016, Meeting:

Review of Mississippi's Broker Pre-License Education Requirements

After reviewing Mississippi's pre-license education requirements, the committee decided to grant Mississippi brokers 45 hours of pre-license education credit towards Virginia's 180 hour requirement. In order to meet the remaining 135 hours of Virginia's broker pre-license education requirement, a Mississippi broker must complete a Board-approved 45-hour broker pre-license education course in "Real Estate Brokerage" and two other Board-approved 45-hour broker pre-license education courses.

Accurate Reporting of Data

Board staff is working with schools to ensure they accurately report information to PSI and the Board. Proprietary school staff shared concerns about the photograph upload process to PSI and the difficulties they were having. Board staff will investigate the issue.

Agenda Lay Out and Application Updates

Mr. Williams discussed modifications to the agenda layout and asked for feedback from the Committee. Education applications are under review for updates. Staff will get provider feedback to ensure the applications are complete and clear. Committee members shared some suggestions on improvements to the agenda formatting and providers shared some suggestions for improving the applications.

“Expired/Active”

An educational provider stated there is confusion regarding the Department’s website listing a licensee as “Expired/Active” when the individual’s license is expired for less than 30 days. Board staff shared that the regulation states an individual cannot practice licensed real estate if the individual’s license is expired, but that the Department’s system does not place a licensee “inactive” until the license has been expired for 30 days.

March 16, 2016, Meeting:

Carryover CE Credits for New Salesperson

Brenda Heffernan addressed the Committee on carryover CE credits for new salespersons. After discussion, the Committee made the following recommendation:

If a new salesperson completes all of the required 30 hours of post-licensing education, and then completes any continuing education courses in the last 6 months of his first licensure period, the continuing education hours can be carried over into the next two-year renewal period.

Test-Out Option for Continuing Education Requirement

Ms. Martine shared information on implementing a test-out option with the Committee. After discussion, the Committee decided not to pursue the option further.

Principal Broker Accountability

The Committee asked staff to investigate adding language to the self-audit form and/or to the Broker Management/Supervision course regarding specific regulations concerning Broker supervision and management.

January 20, 2016, Meeting:

Test-out Option for Continuing Education (CE) Requirement

Chairman Hoover asked for input from education providers on this subject. Mark Courtney indicated that one school of thought is to provide licensees with an assessment of their subject knowledge and then design the CE test-out requirement based on meeting the deficiencies revealed through the assessment. Kevin McGrath of Long and Foster Real Estate opposes a test-out option as it would fail to meet the needs of the constantly changing real estate industry. Barbara Castillo of the Fredericksburg Association of Realtors® opposes an online test-out option but indicated a correspondence test-out option may work. Mr. Hoover asked Board staff to provide the Committee with the best viable CE test-out option for its next meeting.

Principal Broker Accountability

Mr. Hoover then asked for input from education providers on the subject of principal broker accountability. He indicated that principal brokers failing to exercise adequate responsibility is a major nationwide problem, and he would like the Board to come up with solutions to address this problem in Virginia. Deana Wilson of Alpha College of Real Estate suggested the Board develop two to three hours of mandatory content to include in eight-hour Board-approved Broker Management and Agent Supervision courses. By doing this the Board can provide principal brokers with instruction designed to improve broker accountability. Mr. Hoover asked Board staff to determine how this can be accomplished and report back to the Committee at its next meeting.

Senior Director Mark Courtney then introduced Shannon Webster, the new DPOR Director of Examinations, and updated the Committee on the progress that the Board's examination vendor (PSI Exams) has made in updating the real estate salesperson and broker license examinations. PSI Exams will convene a panel of subject matter experts to draft a survey that will be sent to all real estate licensees in late February-early March. The panel of subject matter experts will then reconvene in Spring 2016 to evaluate the survey responses, and will then complete their work in Summer 2016.

The Committee then discussed an email from real estate licensee Max Williams who expressed concern on how the subject of "Preferential Advertising" was covered in a

Board-approved Fair Housing Continuing Education course. Fair Housing Director Liz Hayes advised the Committee that real estate advertising is problematic if used in a discriminatory manner, and it is best for education providers to use general, rather than specific, terms when referring to property types or landmarks such as schools or places of worship.

November 4, 2015, Meeting:

Guidance Document on Continuing Education Real Estate Elective Courses

Chairman Hoover asked for input from education providers on this subject. Deana Wilson of Alpha College of Real Estate and Barbara Castillo of the Fredericksburg Association of Realtors® requested that “Business Planning” be added to the list of approved subjects. Mr. Odems commented that the purpose of continuing education is to protect the public rather than providing licensees with a competitive advantage, and it is the obligation of education providers to show how a new subject for approval would protect the public. After discussion, the Committee affirmed the current guidance document.

Subjective vs. Objective Questions and Answers in Course Examinations.

After discussion, the Committee concluded that subjective questions and answers in course examinations are acceptable as they generally lead licensees to greater thought, contemplation and discussion on the possible outcomes and consequences associated with any particular question and its answer(s).

Flood Instruction Course Completion Prior to January, 1, 2016

Mr. Hoover asked Board staff to explain whether a licensee who completed a Legal Updates with Flood Instruction CE course prior to January 1, 2016, and whose license expires prior to January 1, 2016, will receive Legal Updates CE credit for that course. Kevin Hoeft affirmed that the licensee in the example given will receive Legal Updates CE credit for completing a Legal Updates with Flood Instruction CE course.

Interpretation of “Business Day”

Mr. Hoover asked for clarification on the definition of a “Business Day” especially as it relates to an earnest money deposit. Mr. DeBoer directed the Committee to § 1-210 of the Code of Virginia (Computation of Time).

Continuing Education Carry Over Question

Lisia Amburn of the Southwest Virginia Association of Realtors® inquired whether a licensee will receive Continuing Education (CE) credit under the CE carry over provision if the licensee takes the same approved course during the licensee's two-year license term. Under the former system the licensee did not receive credit for taking the same CE course twice during one two-year license term. However, under the CE carry over system, the licensee could take, for example, Board-approved three-hour continuing education course (Ethics 101 – Course Number 12345) for three hours of Ethics and Standards of Conduct CE credit early in the two-year term. The licensee could then take the same Board-approved course during the last six months of the same two-year term. If this three-hour course is surplus CE, should the licensee receive three hours of Ethics and Standards of Conduct CE credit for the upcoming next two-year term? [At its November 5, 2015, meeting, the Real Estate Board determined that the licensee in the above example will receive CE carry-over credit for taking the same approved course twice in the licensee's two-year license term as long as the course completed for the second time is surplus and is completed within the last six months prior to the license expiration date].

Hoarding Instruction as a Requirement for Fair Housing Course Approval

Virginia Fair Housing Office Director Liz Hayes addressed the Committee concerning the requirement that all Board-approved Fair Housing courses must include instruction on Hoarding. Ms. Hayes informed the Committee that the Fair Housing Office is going to be submitting a number of Fair Housing-related courses for CE credit and stated that the mandatory Hoarding instruction is not necessary for these Fair Housing-related courses, and the required Hoarding instruction usually serves to detract the class from the course's intended subjects to a discussion on Hoarding. After discussion, the Committee approved the Fair Housing Office's Fair Housing-related course, "Assistance, Emotional Support and Companion Animals under the Fair Housing Law" for Real Estate Related CE credit, and Ms. Hayes will submit an amended course timed course outline to staff to reflect the removal of Hoarding from this course. The Committee affirmed the importance of Hoarding instruction in Fair Housing courses.

Instructor Evaluations

After discussion with education providers, the Committee directed staff to amend the course applications and inform education providers that all course applications will need to include a copy of the instructor evaluation form that the school provides to its students to measure the effectiveness of each course instructor.

High Quality Application Submissions

Mr. Odems requested that staff remind education providers to only submit applications that are well organized and with clearly readable text since the Committee agenda almost always consists of more than 10,000 pages.

September 30, 2015, Meeting:

Suggestions on Simplifying the Course Approval Process and Course Offerings

Chairman Hoover explained several initiatives the Board has accomplished in the past two years to simplify the course approval process and the course offerings such as eliminating the requirement for ARELLO distance education certification, limiting the content area for elective continuing education courses, and replacing the post license education three-track program with a single track program. He then asked the education providers in attendance for suggestions on how the process and course offerings can be improved.

Deana Wilson of Alpha College of Real Estate informed the Committee that when the General Assembly or the Board makes changes to the Board's education program it often requires education providers to make significant adjustments to comply with the new requirements. Ms. Wilson suggested that infrequent changes are best and that education providers be given much time and notice to comply with any new requirements.

Mr. Hoover then asked the education providers their thoughts about the new "Flood Content" education requirement pursuant to HB 2295 of the 2015 General Assembly that goes into effect on January 1, 2016.

Billy Reid of Moseley-Flint Schools of Real Estate commented that it was a lot of work for his school to resubmit 15 course applications to include the Flood Content instruction. He requested that if similar future changes are made that the schools would be able to add the new information to the existing courses without having to submit completely new applications.

Barbara Castillo of the Fredericksburg Area Association of Realtors informed the Committee that her school submitted a one-hour Legal Updates course application that consisted only of Flood Content instruction, and her school submitted another Legal Updates course application that included about 15 minutes of Flood Content instruction.

Mr. Hoover asked how much latitude the Board has in approving course applications with Flood Content. Kevin Hoeft informed the Committee that the Flood Content law

and regulation is silent on how much Flood Content instruction time is required for a course, so the Board has great latitude in approving courses with Flood Content instruction.

Senior Director Mark Courtney updated the Committee on the progress that the Board's Examination Vendor (PSI Exams) has made in starting and setting its timeline for conducting a job analysis for updating the real estate salesperson and broker license examinations. PSI Exams will convene a panel of subject matter experts in late Fall to draft a survey that will be mailed to as many real estate licensees as possible in early 2016. The panel of subject matter experts will then reconvene in Spring 2016 to evaluate the survey responses, and will then complete their work in Summer 2016.

May 6, 2015, Meeting:

Pre-license Education Course Providers' New Requirement to Send Digital Photographs of Exam Candidates to PSI Exams

At the March 18, 2015, Education Committee meeting, several education providers expressed concern with the directions they received from PSI Exams on how to comply with the new requirement of sending PSI a digital photograph, with the other already required information, for students who complete a Board-approved pre-license education course. The schools needed to comply with this requirement by April 1, 2015, and some schools were uncertain whether they would be able to send the digital photographs to PSI Exams by this date. Since the requirement was not yet in effect, Mr. Hoover asked that this discussion item be added to the May 6, 2015, Committee meeting agenda and invited the education providers to provide input on this matter at that meeting.

Mr. Hoover asked Senior Director Mark Courtney to provide the Committee with a summary of why the new requirement is needed. Mr. Courtney explained that the Board, at its November 2014 meeting, approved modifying its examination contract with PSI to add the photograph requirement as an increased security measure. Exam candidates must have their photograph taken by their pre-license education provider, who then submits that same photograph to PSI prior to the candidate taking the license exam to verify that the person who completed the pre-license course is the same person who takes the license exam.

This new requirement came about as a result of systemic fraud across several professions regulated by the DPOR. The scheme was highly organized and coordinated

primarily by a few individuals in Northern Virginia. In general terms, the scam consisted of identity fraud, as well as false verification of education and experience by real estate professionals, cosmeticians, contractors, tradesmen, and others. In some cases, another individual took a license exam on behalf of the candidate.

Effective April 1, 2015, the Board requires that candidates for initial licensure by examination in Virginia submit a 2" x 2" passport compliant photograph taken by the Board-approved pre-license education provider with whom the candidate completes the course. The Board-approved pre-license education provider then submits the digital photograph to PSI Exams along with the other course completion information they upload for each student/candidate.

Mr. Hoover asked for input from the education providers on the new photograph requirement.

Teresa Neff of the Richmond Association of Realtors said that her school has not yet held a pre-license course since the new requirement went into effect, but they are prepared to meet the new requirement when they next send student course completion information to PSI.

Brenda Heffernan of the Northern Virginia Association of Realtors also said that her school has not yet held a pre-license course since the new requirement went into effect, but they are prepared to meet the new requirement when they next send student course completion information to PSI.

Billy Reid of Moseley-Flint Schools of Real Estate said that his school has complied with the new requirement by sending digital photographs of students who completed their pre-license course to PSI along with sending in the other required student information. Mr. Reid added that it took school staff about four-to-six hours to comply with the new requirement for a class of 25 pre-license education students. He suggested that the Board consider having the student/license applicant send in the photograph to PSI instead of the school as the new requirement is somewhat burdensome for his school.

Lili Paulk of the Virginia Association of Realtors stated that her school does not offer pre-license education courses.

Additional e-mail comments on this matter were received from Board-approved education providers by Board staff and were considered by the Committee (Comments attached).

Education Administrator Kevin Hoeft informed the Committee that PSI Exams staff informed him that not all Board-approved pre-license education providers have

complied with the photograph requirement that other required went into effect on April 1, 2015.

After discussion, a motion was made and seconded that the Committee recommend that the Board require all Board-approved pre-license education course providers comply with the new photograph requirement immediately and that PSI Exams provide the Board with a school compliance status report on at least a quarterly basis.

March 18, 2015, Meeting:

Broker Townhall Meetings

The Committee continued its discussion on this subject that it first brought up at its January 21, 2015, meeting, when the Committee received input from Board-certified education providers on whether the Board should conduct mandatory townhall meetings for brokers similar to the townhall meetings conducted by the Maryland Real Estate Commission in 2014. The primary purpose of the townhall meetings would be to provide Virginia brokers with instruction on the new regulations after they go into effect.

The following points were made at the January meeting: 1) the Board does not have the authority to force its brokers to attend mandatory broker townhall meetings; 2) a statutory change would be needed to authorize the Board to conduct mandatory townhall meetings and award Continuing Education (CE) credit to brokers who attend; and 3) The Virginia Association of Realtors Board of Directors recommends that if mandatory broker townhall meetings are conducted by the Board, then brokers who attend should receive two hours of CE credit.

Mr. Hoover continued the discussion by asking what would be the best way to encourage brokers to attend a townhall meeting if the Board cannot require their attendance?

Kevin McGrath of Long and Foster stated that although offering CE to brokers who attend a meeting is an incentive for some brokers, there are many brokers who may not attend for this incentive because they complete all their CE online.

Barbara Castillo of the Fredericksburg Area Association of Realtors said her association would be happy to allow the Board to use its large meeting room to host a townhall meeting. Ms. Grimsley and Deana Wilson of Alpha College of Real Estate indicated that the Hampton Roads Realtors Association may be able to host as many as 300 meeting attendees in its meeting rooms.

Ms. Wilson asked if adding a question to the Board's "Real Estate Firm Audit Form" asking whether a broker attended a townhall meeting would encourage more brokers to attend.

Mr. Hoover stated that another important reason for holding these meetings would be to encourage brokers to take greater responsibility for the real estate licensees under their authority. A problem exists when brokers are in no way held accountable for the violations of the licensees under their authority.

Ms. Ferebee noted the distinction between principal and supervising brokers who actually manage real estate firms and other real estate licensees, and the many associate brokers who, although are considered brokers by Virginia law, do not, in practice, manage firms or other licensees. The instruction provided in the prospective townhall meetings should address this distinction.

Mr. DeBoer added that a requirement would need to be added for the principal broker to name the supervising or managing broker in each firm so that the Board can know clearly which brokers manage licensees and which brokers do not manage licensees.

January 21, 2015, Meeting:

Salesperson Pre-License Education & Examination Topics & Content

At its November 19, 2014, meeting, the Real Estate Board (REB) Education Committee asked Board staff to put together a comparison of the real estate salesperson education content areas from the following sources: 1) Virginia Association of Realtors' (VAR) 17 Suggested Examination Topics; 2) The 17 Question Content Areas on the PSI Exams' Salesperson License Examination; and 3) The 25 Required Pre-license Education Subjects in the Board's Regulations. The attached chart provides this comparison.

The Committee noted, as would be expected, there is much overlap in the three content areas. Mr. Courtney summarized the standard license examination development process. First, the license examination vendor sends out a job survey to much or all of the regulated community. Second, the survey responses are categorized into quadrants by their frequency and risk level – that is how often does a licensee perform a certain task and how does a certain task affect the public health, safety and welfare? High frequency and high risk responses result in a large number of license examination questions, while low frequency and low risk responses result in few license examination questions. Third, the license examination vendor then reviews reference materials to determine which reference materials are required to ensure that prospective

salespersons are receiving pre-license instruction that not only covers the high frequency and high risk job tasks, but is more in-depth to provide students with a broad understanding of the profession.

The Committee will continue to examine this subject in future meetings.

Broker Townhall Meetings

At its November 19, 2014, meeting, the Real Estate Board (REB) Education Committee asked for input from Board-certified education providers on whether the Board should conduct mandatory townhall meetings for brokers similar to the townhall meetings conducted by the Maryland Real Estate Commission (MREC). The meetings would be conducted after the new regulations go into effect, and the purpose of the meetings would be to provide Virginia brokers with instruction on the new regulations.

There was some question as to whether the MREC had the authority to make its brokers attend these townhall meetings, but the MREC directed its staff to send all Maryland brokers a letter in March 2014 stating that the meetings were mandatory. MREC staff received many responses from brokers disputing that the meetings were mandatory. The Office of the Virginia Attorney General advised that the Virginia REB does not have the authority to force its brokers to attend mandatory broker townhall meetings.

The MREC held 15 meetings over a period of 15 weeks (one a week) at Maryland community colleges. Maryland has 4300 brokers. About 1500 of these brokers are out-of-state and did not attend a meeting. About 2200 of the 4300 brokers attended one of the 15 town hall meetings. The MREC took no disciplinary action against brokers who did not attend a meeting. The mandatory townhall meeting lasted about two hours and brokers were given three hours of CE credit for attending. It appears these meetings were received well by the brokers who attended.

The Virginia Association of Realtors Board of Directors recommends that if mandatory broker townhall meetings are conducted by the REB, then brokers who attend should receive two hours of Continuing Education (CE) credit.

The Committee agreed that the REB conducting broker townhall meetings would be a good idea and generally helpful, but the REB lacks the authority to require brokers to attend such meetings. Mr. DeBoer explained that a statutory change would be needed to authorize the REB to conduct mandatory townhall meetings and award CE credit to brokers who attend.

The Committee may continue to examine this subject at future meetings.

Instructor Input for License Examination Review

At its November 19, 2014, meeting, the Real Estate Board (REB) Education Committee asked for input from Board-certified education providers on how the Board can receive input from Board-certified and Board-approved instructors for the purpose of license examination review.

DPOR Examinations Policy #600-03, "Restricted Participation in Examination Development and Review," prohibits instructors regulated by a DPOR policy board from participating in the development or review of examinations used by DPOR – such as the real estate licensing examinations. This restriction helps ensure examination security and integrity, and the DPOR Director may waive this restriction for good cause shown.

The Committee inquired as to whether a Board-certified or Board-approved instructor, although unable to actually participate in license examination workshops, could somehow provide input to the workshop. Mr. Courtney stated that the Board needs to exercise extreme caution so as to ensure that license examination question content would not inappropriately make its way back to an instructor and then into a classroom.

The VAR Board of Directors considered this request and has directed its Professional Development Committee to provide feedback to the REB on this matter.

Guidance Document on "Necessity for Written Brokerage Agreements" Changes

At its November 19, 2014, meeting, the Real Estate Board tasked the Education Committee, Board staff and the Attorney General's Office to review and possibly clarify its Guidance Document on the Necessity of Brokerage Agreements.

Board staff met with Attorney General Office staff and Virginia Association of Realtors' (VAR) staff on January 13, 2015, to consider input received from Board members and to discuss this matter.

Mr. Hoover asked Mr. DeBoer to summarize the meeting's results. Mr. DeBoer said that the consensus from the meeting was that it would not be best to make any changes to the Guidance Document at this point. The new agency law has been in place for over two years now, and, for the most part, licensees understand and are complying with the requirements of the law. There are examples of non-compliance with the new law, but the Board has received very few complaints that licensees are not in compliance with the requirements of the new agency law. Making changes to the Guidance Document now may have the unintended consequence of adding confusion among the licensed population where little confusion currently exists. In addition, one of VAR's top priorities this year is to review comprehensively the Virginia agency law with the outcome possibly being making recommendations for significant changes to agency law for next year's General Assembly session.

The Committee agreed the Guidance Document generally is clear and that licensees across the Commonwealth are complying with its provisions. Changes that could be made to clear up any misunderstanding or misapplication of the Guidance Document would best be done statutorily rather than by the Board.

Deana Wilson of Alpha College of Real Estate indicated that the instructors at her school do not find the Guidance Document to be confusing, but they have found that some brokers disagree with its content and influence their salespersons to this end. Instructors are at times receiving push-back from some brokers and are left in a difficult situation in the classroom.

Other representatives of Board-approved schools indicated that understanding and teaching the Guidance Document is not difficult, but it can be difficult to understand and apply for those licensees who don't already have a firm grasp of agency.

THE DISCUSSION ITEMS FROM PREVIOUS REAL ESTATE BOARD COMMITTEE MEETINGS WILL BE ADDED TO THIS DOCUMENT IN THE FUTURE.