

MINUTES OF MEETING
OF
LOUISIANA REAL ESTATE COMMISSION

February 21, 2019

The Louisiana Real Estate Commission held its regular meeting on Thursday, February 21, 2019, at 9:00 a.m., at 9071 Interline Ave, Baton Rouge, Louisiana, according to regular call, of which all members of the Commission were duly notified, at which meeting the following members were present:

COMMITTEE

Richman Reinauer, Chairman
Patrick Roberts, Jr., Vice Chairman
Lacy Baaheth, Secretary
Jeffrey Donnes
Jeff Free
Eloise Gauthier
Rodney Greenup
Steven Hebert
Evelyn Wolford

STAFF

Bruce Unangst, Executive Director
Arlene Edwards, Attorney
Summer Mire
Malissa Fowler
Nikki Senegal
Ryan Shaw
Mark Gremillion
Robert Maynor
Telly Hollis
Dusty Evans

GUESTS

Amy Fennell – Louisiana REALTORS®
Tim Tullos
Andrew Baker – Burk Baker School of Real Estate and Appraisal

Commissioners Norman and Ritchie were unable to attend.

Chairman Reinauer led the invocation; Commissioner Hebert led the Pledge of Allegiance.

MINUTES

Commissioner made Wolford motion, seconded by Commissioner Gauthier, to approve the minutes of the meeting of January 24, 2019. Motion passed without opposition.

(Attachment A)

PERSONAL APPEARANCES (SEE OFFICIAL COURT TRANSCRIPT FOR RECORD):

1. Tiffanie L. Lee – requesting authorization to obtain a real estate license. Commissioner Hebert made motion, seconded by Commissioner Free, to allow Ms. Lee to obtain her real estate license. Motion failed to carry 3 - 5 with Commissioners Gauthier, Roberts, Baaheth, Wolford, and Donnes voting in opposition.
2. Lee Carter – requesting authorization to obtain a real estate license. Commissioner Wolford made motion, seconded by Commissioner Hebert, to allow Mr. Carter to obtain his real estate license. Motion carried with no opposition.

COMMITTEE REPORTS:

1. Budget – Commissioner Free reviewed the budget report with the Commissioners. He stated that operating expenses and personnel services are up over the same period last year. He stated that license count is up to its highest total in the last 10 years and that the budget is in good shape.

(Attachment B)

2. Education/Research/Publication – Commissioner Gauthier stated that the Education Committee met yesterday. She stated that the recommendation from the Committee is that the Commission sends out an RFP for the Mandatory course without a Commission-generated outline. She stated that allowing the vendors to develop the outline would be beneficial due to the frequent changes in the fields of Fair Housing and Cultural Diversity. Commissioner Gauthier made motion, seconded by Commissioner Wolford, to have staff send out an RFP for Mandatory Course development. Motion carried without opposition.

Commissioner Gauthier brought the Commissioners' attention to a draft of a proposed one-time CE approval procedure. Mr. Unangst stated that this procedure would be useful for staff when approving one-time events, such as conferences, for CE credit. He stated that this would also benefit groups who host one-time events, such as guest speakers or special courses, but do not have experience with the course approval process.

(Attachment C)

Mrs. Fennell requested approval for a Louisiana Housing Corporation course. Commissioner Gauthier stated that the only thing that staff is waiting on is a decision on how course attendance will be reported. Mr. Unangst stated that the issue was that Louisiana REALTORS originally planned to have licensees self report their own attendance, which he believes could be a slippery slope. Mr. Unangst asked Mrs. Fennell why she is seeking Commission approval of the one-time event rather than going through the staff course reporting process. Mrs. Fennell stated that she

has had issues in the past with getting courses approved without having to go back and forth with staff to perfect the submission. Chairman Reinauer stated that he would prefer for staff to review and approve course submissions rather than have vendors bypass staff for Commission approval. Mrs. Fennell stated that she had planned to attend the Education Committee meeting yesterday to discuss this issue, but that she was unable to attend. She offered to attend a future Education Committee meeting to discuss the course approval process but asked that the Commission waive the process for these two events.

Commissioner Roberts made motion, seconded by Commissioner Wolford, to approve the Louisiana Housing Corporation conference for four hours of CE credit. Motion carried without opposition.

Commissioner Roberts made motion, seconded by Commissioner Donnes, to approve the CCIM conference for seven hours of CE credit pending submission of a course approval application. Motion carried without opposition.

Mr. Unangst stated that he agrees with Mrs. Fennell that she is too busy to write courses for these conferences and asked that she attend the next Education Committee meeting to help address the issues with the course approval guidelines. He stated that it is a slippery slope to start allowing course approvals to bypass staff and the guidelines that are in place because there is little to stop every vendor for asking for special treatment. Mrs. Fennell stated that she would gladly attend the next meeting to discuss how she believes the guidelines have become too restrictive and prevent good education from reaching licensees.

Mr. Unangst stated that some other boards in the state have hired vendors to supply all education to their licensees to ensure that they are getting qualified instructors. He stated that the approval process is in place to ensure that the instructors that vendors use are qualified.

Commissioner Gauthier stated that she would like to have an Education Committee meeting prior to the April Commission meeting.

Commissioner Gauthier asked Mr. Unangst to discuss his ideas on ending the CE requirement that was discussed at the Education Committee meeting. He stated that he has seen elective CE become an attendance driver to events rather than an attempt to educate licensees in order to protect the public. He stated that the proliferation of courses available means that there are many courses that have no true benefit to the public. He stated that he believes that the objective of educating licensees to help better serve the public might be better served by only requiring a mandatory topic each year. He stated that he was not seeking a vote on the issue today, but merely bringing it up for discussion.

3. Legal/Legislative/Timeshare – No report
4. Standardized Forms – Commissioner Roberts stated that he has been encountering agents and teams attempting to violate rule 3901, Presentation of Offers. He brought two examples of teams with advertisements that state that offers received on Friday will not be responded to until Monday. He stated that this is not, in his opinion, a timely presentation of an offer. Mr. Tullos stated that he is also aware of this issue in his area of the state. He stated that he would encourage

the Commission to clarify this rule but that he also could see there being an issue with some individuals working on Sundays due to religious beliefs.

Mr. Unangst stated that staff has drafted language to clarify the definition of immediately to help licensees better adhere to the presentation of offers requirement. He stated that this staff guidance could be shared with licensees via the newsletter, email, etc.

(Attachment D)

Commissioner Hebert stated the he thinks that it is necessary to also define what constitutes a presentation of an offer. Mr. Unangst stated that he does not believe that staff has received complaints on the method of presentation. He stated that the issue has been with the timing of the presentation of these offers. Commissioner Baaheth stated that her issue with offers being held is that if other offers come in later and they are all presented at once she would be in a multi-offer situation because her offer was not presented in a timely manner.

Chairman Reinauer asked how the Commission would like to move forward on this issue. Mr. Unangst stated that staff can use social media and other channels to reach out to licensees regarding this issue.

5. Strategic Planning – Commissioner Baaheth stated that the Best Practices taskforce met yesterday and reviewed the progress achieved so far. She stated that most of the items on the chart before the Commission have been completed. She stated that deposits being held by third party needs to be addressed by the Standardized Forms Committee to consider adding a line for identification of the third party.

Commissioner Baaheth made motion, seconded by Commissioner Gauthier, to add discussion of moving the renewal date to the agenda. Motion carried without opposition.

Mr. Unangst stated that moving the renewal date earlier in the year would be beneficial to licensees because it would remove conflicts with the holiday season. He also stated that this would help prevent issues with practice after expiration cases. He stated that the biggest issue he sees with moving the date would be educating licensees as to the change.

Mrs. Fennel stated that if the Commission is looking to make a change to the law that they take a look at how the Commission of Insurance uses the licensees birthday as their renewal date.

Commissioner Wolford stated that she thinks moving the renewal date would be very helpful to cutting down on the bureaucracy by running licenses January 1 – December 31.

Mr. Tullos stated that this change would also do away with the need for delinquent affidavits.

Commissioner Wolford made motion, seconded by Commissioner Gauthier, to accept the draft of the law changes as written. Motion carried without opposition.

6. Errors & Omissions – No report

7. Technology – Commissioner Greenup asked Ms. Shaw for an update on the AT&T issue. Ms. Shaw stated that staff spoke with AT&T and Wordpress and was able to identify the issue causing access issues to the Commission website. She stated that the issue has been corrected and testing and monitoring is underway to ensure that the error does not occur again.

DIRECTORS REPORT:

Mr. Unangst introduced staff member Nikki Senegal. He stated that Ms. Senegal began her career with the LREC at the front desk before rising through the ranks to become an Investigator. He stated the Ms. Senegal was recently promoted into the supervisory position in the Investigations Division to help keep the division on track and running smoothly.

PUBLIC COMMENT:

None

UNFINISHED BUSINESS:

None

NEW BUSINESS:

None

EXECUTIVE SESSION

Commissioner Roberts made motion, seconded by Commissioner Gauthier, to enter in to executive session to discuss potential litigation. Motion carried without opposition.

Commissioner Roberts made motion, seconded by Commissioner Donnes, to return to regular session. Motion carried without opposition.

There being no further business, Commissioner Roberts made motion, seconded by Commissioner Free, to adjourn. Motion passed without opposition.

RICHMAN REINAUER, CHAIRMAN

LACY BAAHETH, SECRETARY