

Louisiana Real Estate Commission
State of Louisiana

Office of the Governor

JEFF LANDRY
GOVERNOR



TAYLOR F. BARRAS
COMMISSIONER OF ADMINISTRATION

MAY 16, 2024

MEETING MINUTES

On Thursday, May 16, 2024, the Louisiana Real Estate Commission (“LREC” and/or “Commission”) conducted its regularly scheduled, monthly meeting in-person and at the Commission’s domicile office located at 9071 Interline Avenue, Baton Rouge, LA 70809 in accordance with La. R.S. 37:1430 *et seq* and other applicable law.

Commission Members Present:

Ms. Paula Duncan, Chair (Sup. Ct. Dist. 3)

Ms. Carole Horn (At-Large)

Mr. Joseph Pappalardo, Jr. Vice Chair (Sup. Ct. Dist. 7)

Ms. Doneva Halphen (Sup. Ct. Dist. 1)

Ms. Synde Devillier, Secretary (Sup. Ct. Dist. 6)

Mr. Theodore Major (At-Large)

Mr. Tony Cornner (3rd Congress. Dist.)

Mr. Matt Ritchie (Sup. Ct. Dist. 4)

Mr. Jeff Free (Sup. Ct. Dist. 2)

Ms. Gladys Smith-Coward (Sup. Ct. Dist. 5)

Commission Members Absent:

Ms. Hanna Chustz (Sup. Ct. Dist. 5)

Staff Present:

Ms. Summer S. Mire, Executive Director

Mr. Mark Gremillion

Mr. Thomas E. Devillier, Dep. Dir./Exec. Counsel

Ms. Telly Hollis

Ms. Arlene C. Edwards, General Counsel

Ms. Allison OToole

Ms. Celeste Amezcua

Ms. Courtney Stafford

Ms. Allison Burnette

Mr. Jeremy Travis

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Ms. Debbie DeFrates

Ms. Nikki Wallace

Ms. Karen Carey

Ms. Sloane Watts

Ms. Dusty Evans

Ms. Jenny Yu

Others Present:

Ms. Lisa Baker, Burk Baker School

Mr. Rodney Greenup, Fmr.
Commissioner

Mr. Raj Banik, Amoriss

Mr. Robert Hand, Louisiana
Commercial Realty

Ms. Kim Callaway, Louisiana REALTORS®

Mr. Taylor Hou, TTO

Mr. Wardell Coward

Ms. Laura Lancaster, Bob Brooks
School

Mr. Zac Derbes, USACE

Mr. Norman Morris, Louisiana
REALTORS®

Mr. Teddy Dosterbin, Amoriss

I. CALL TO ORDER

Chairman Duncan called the meeting to order at or about 10:00 a.m. A roll call was conducted in open meeting. See attendance detailed above. Commissioner Major led the invocation, and Chairman Duncan led the Pledge of Allegiance.

**II. WELCOME/PLEDGE OF SERVICE FOR NEW COMMISSIONER
CAROLE HORN**

Chairman Duncan conducted the Pledge of Service for new Commissioner Carole Horn.

**III. PRESENTATION OF PLAQUE OF SERVICE TO FORMER
COMMISSIONER RODNEY GREENUP**

Chairman Duncan presented former Commissioner Rodney Greenup with a Plaque of Service for his time on the Commission.

IV. PUBLIC COMMENTARY

None.

V. APPROVAL OF APRIL 15, 2024 REGULAR MEETING MINUTES

Secretary Devillier made a motion, which was seconded by Vice Chairman Pappalardo, and unanimously approved to adopt the minutes of the April 15, 2024 Regular Meeting (Exhibit A) as written and circulated.

VI. PERSONAL APPEARANCES (SEE OFFICIAL TRANSCRIPT/RECORD)

None.

VII. COMMITTEE REPORTS

1. Budget. Commissioner Major reported regarding the Commission's budget report (Exhibit B).

2. Education. Ms. Mire led a discussion on the 2025 Mandatory Course, reminding the Commissioners of their decision to authorize a consulting contract with Ms. Lynn Madison to develop the four-hour mandatory course on buyer brokerage. Ms. Mire stated that the Commission will work with Ms. Madison to determine dates for the "Train the Trainer" courses this fall. Ms. Mire also stated that Ms. Madison will teach additional education courses on behalf of the Commission. Those courses may be hosted throughout the state in Alexandria, Baton Rouge, Lafayette, Lake Charles, Monroe, New Orleans, and Shreveport. Commissioner Cornner also provided an update regarding a continuing education class he recently attended in Shreveport.

Ms. Mire stated that the Education Committee is currently scheduled to hold a meeting in June to discuss the continuing education approval guidelines. Ms. Mire added that she is in the process of soliciting more input from continuing education vendors, schools, and others on the current approval guidelines.

3. Legal / Legislative. Mr. Devillier provided an update regarding the 2024 regular session of the Louisiana Legislature. Regarding HB366 – a Louisiana REALTORS supported bill – Mr. Devillier directed the Commissioners to line 11 of the Senate Commerce Amendments (Exhibit C). The amendments added definitions to the following terms: "buyer agreement," "buyer," and "home." The amendment also implemented a requirement for brokers and buyers to execute a buyer agreement. The buyer agreement would need to include the amount of compensation payable to the broker or the manner in which the amount of compensation payable to the broker shall be calculated. Mr. Devillier added that this is the first statewide step in addressing issues related to the ongoing National Association of Realtors litigation. Mr. Devillier also noted that the bill has an August 19, 2024 effective date.

HB954 seeks to remove the authority of occupational licensing boards and commissions to deny applications or adjudicate disciplinary actions based on "moral turpitude." Mr. Devillier explained to the Commissioners that "moral turpitude" is not relied upon by the Commission when conducting felony hearings. Mr. Devillier also added that the Commission did make an appearance at Senate Commerce Committee to offer up technical amendments as the proposed bill would have left incomplete sentences in the LA Real Estate License Law. Mr. Devillier reported that those

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technical amendments were formally adopted by the Senate Commerce Committee.

HB155 is a LREC-sponsored bill. Mr. Devillier reported that HB155 is still awaiting Senate Floor final passage. Mr. Devillier stated he expects no opposition.

Mr. Devillier reported that HB109 has already passed the House and Senate. The bill would require the Louisiana Register's office to create and maintain an online portal for public commentary regarding state agency rules. Mr. Devillier explained that once the online portal is created, members of the public would be able to complain about rules as they see fit. If a complaint is filed against a Commission rule, the Commission will receive notification and have 90 days to respond. The bill would also require all state agencies to review 100 percent of its rules, over a five-year period, and prepare summary reports for annual reporting to its legislative oversight committees. For each rule reviewed in open meeting during a calendar year, the Commission will be required to report how the rule was reviewed, its costs and benefits, etc.

Mr. Devillier provided an update regarding SB462. Mr. Devillier stated that SB 462 essentially would allow the governor to appoint the chairman of boards and commissions. Mr. Devillier stated that an additional amendment had been added that would make the terms of board members and commissioners concurrent with the term of the governor. Mr. Devillier also delivered an update regarding SB462, which seeks to repeal the Occupational License Review Commission (OLRC). Mr. Devillier explained that the Commission has been a participant of the OLRC and provided an overview of both the OLRC and the Louisiana Department of Justice's alternate option – the Occupational License Review Program (OLRP).

With the OLRC becoming repealed with the passage of SB462, Mr. Devillier concluded his overview of both programs by encouraging the Commissioners to make the decision to join the OLRP. Mr. Devillier directed the Commissioners to information regarding the OLRP and explained that joining the program would come at a cost of \$3.89 per licensee. With the current license count, that cost would be around \$95,000 annually. Ms. Mire added that she agrees with Mr. Devillier and that the Commission should make the decision to join the OLRP in consideration of litigation risk management and the agency's prospective defense and indemnification of antitrust claims litigation. Commissioner Ritchie made a motion, which was seconded by Secretary Devillier, to authorize Ms. Mire to execute the relevant, proposed Louisiana Department of Justice's interagency agreement, to pay the annual enrollment premium, and to enroll the Commission in the Occupational Licensing Review Program. A roll call vote was conducted, and the motion passed unanimously.

Ms. Kim Calloway provided an update on HB440 which provides relative to association documents of planned communities.

4. Standardized Forms. Commissioner Cornner asked to create a taskforce to edit the purchase agreement in response to the National Associations of Realtors settlement. Mr. Norman Morris provided additional details on the request. Ms. Mire stated she agreed with the creation of the taskforce as the Commission is scheduled to review changes to the purchase agreement in the upcoming year. Ms. Mire noted that she will continue discussions of the taskforce with Forms Subcommittee chair, Commissioner Halphen.

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5. Technology. None.

VIII. EXECUTIVE DIRECTOR REPORT

1. Conference / Hearing Room Upgrades. Ms. Mire provided details regarding the proposals received related to audio and visual technology upgrades for the Commission's conference / hearing room. Ms. Mire informed the Commissioners that staff have received proposals to perform the necessary upgrades and that she is currently working with the Louisiana Office of State Procurement to move forward with purchasing and installation.

2. Budget. Ms. Mire informed the Commissioners that she, along with Mr. Devillier and Ms. Jenny Yu, will begin work on the budget for the next fiscal year. Ms. Mire stated that a draft will be available for the Commissioners at the July 2024 meeting.

3. Online Applications. Ms. Mire informed the Commissioners that she will be meeting with the ARLS software developer to move forward with making initial license applications and certified license history requests available for online submission.

4. Updates to Salespersons Applications. Ms. Mire informed the Commissioners of updates to the initial salesperson license application and stated that those updates should be online soon.

IX. UNFINISHED BUSINESS

None.

X. NEW BUSINESS

1. Discussion of Commercial Real Estate Activity and Related Training. Mr. Robert Hand appeared and led a discussion proposing that the Commission adopt a commercial real estate license and a commercial real estate training program. Commissioner Ritchie noted that similar proposals had been considered by a statewide Commission taskforce in 2019 but that ultimately the taskforce recommended against attempting to legislatively enact a commercial real estate license and agreed to pursue more commercial real estate education alternatives.

2. NAR Legislative Conference Update. Commissioner Halphen provided an overview of the most recent NAR Legislative Conference.

XI. EXECUTIVE SESSION

None.

XII. ADJOURNMENT

Vice Chairman Pappalardo made a motion to adjourn, which was seconded by

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Commissioner Ritchie, and unanimously approved.