



BOUNDARY LINES

A LOUISIANA REAL ESTATE COMMISSION MONTHLY NEWSLETTER

Chairman's corner

IT'S
THAT TIME
AGAIN



Like it or not, the hectic holiday season is just around the corner. With so many distractions pulling each of us in different directions during this busy time of the year, please take a moment and make sure you have completed your required continuing education for 2012.

Not sure where you stand? You can now check your status of completed courses online at our new website! If you're in good shape with your continuing education, you can complete your 2013 license renewal with the click of a button on the same website! It's fast, secure and simple.

In this newsletter, you will see articles providing further detail on how easy it is to safeguard the status of your real estate license. You will also read a summary of the extraordinary

number of licensees who, for whatever reason, did not complete their required education or forgot to timely renew last year. The last thing any of us need is to face paying a fine or being disciplined for any violations.

But first, *here are a few tips:*

The annual continuing education requirement is 12 hours (which includes the mandatory topic). All licensees must complete the 4-hour mandatory topic to be eligible for license renewal.
The 2012 mandatory topic is Advertising Rules and Regulations: How They Relate to Social Media and Teams in General Advertising.
The post-license education requirement is 45 hours.
Post-license education must be completed within 180 days of the initial license date. If completed in 2012 the post licensing education will fulfill 8 of the 12 hours of Continuing Education. Post licensing education does not fulfill the 4 hour mandatory requirement.
December 31 remains the deadline for license renewal.
Licenses and renewal forms will only be sent via assigned email accounts and will not be sent via U.S. mail.

As a courtesy, the Commission will be sending email reminders in mid-November to all those licensees who do not have their continuing education completed for 2012. We'll also be sending friendly email reminders during the renewal season to those yet to renew.

As always, the Commission and staff stand ready to answer questions or assist in keeping your license in good standing. May you and yours have a prosperous and happy holiday season!

- Tim Flavin

HIGHLIGHTS: THIS ISSUE

Chairman's
Corner

Informal
Adjudications

October
Citations

MyLREC
Email



EDUCATION CAN BE COSTLY

Each year, hundreds of licensees wait until the last minute to renew their licenses. Often, these licensees forget to complete their continuing education as well. Licensees who fail to complete their education are required to pay a penalty of \$325 and complete the outstanding continuing education. If a licensee fails to complete the education for a second time the penalty is increased to \$575, with any subsequent violation resulting in the licensee making a personal appearance before the Commission. At the October meeting the Commission approved the consent orders of over 350 licensees who failed to satisfy the continuing education requirement.

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It's ultimately the responsibility of each and every licensee to ensure all continuing education is completed prior to renewing. As the holiday season approaches, take time to check and see if you have completed your education. Sponsoring brokers should also be mindful to verify that their licensees have completed the necessary continuing education.

Course work can be completed with live course instruction or through vendors who offer online courses. Licensees wishing to complete their continuing education should contact education vendors. You can locate a list of providers on the Commission's website.

- Robert Maynor

October Citations

Citations issued from September 1, 2012 to October 31, 2012:

The Investigation Division issued 23 advertising citations during the months of September and October. The following list details the citations that were issued (most citations are issued with multiple violations):

3

2501.B - Failure To Place Broker's Phone Number In Advertisement

10

2501.D - Failure to Advertise as Licensed (Name or Brokerage)

3

2501.G.3 - Team Advertisement

3

2509 - Advertising Violations by Franchises

2

2515 - Failure To Include Data in Internet Advertisement

4

2515.C.3 - No City, State, Country in Website Advertisement

10

2515.C.4 - No Jurisdiction Shown in Website Advertisement

Licensees advertising under the "one click away" rule need to remember that it only applies to social media outlets, such as Facebook and Twitter.

- Robert Maynor

[[CASE STUDY]] license renewal

This newsletter strives to offer great advice on the timely completion of continuing education coursework and the renewal of your license. This month's case study describes more serious consequences for a person who failed to renew his/her license:

The renewal process should be extremely important, but every year agents fail to renew timely. Perhaps an agent is experiencing a difficult time, such as dealing with a personal crisis, health issue or family problem. In the past, agents have been negligent in checking their LREC email notices to retrieve their renewal application, or they have been confused regarding the payment of their REALTOR® Association dues—incorrectly assuming that the December payment of Board dues are sent to the Commission as a renewal application fee.

A person's license expires at midnight on December 31st, and they must not practice until they renew their license. When agents conduct real estate activities after their license has expired and before they delinquently renew, they are censured and fined \$325 through an adjudicative proceeding.

After March 31st, a license that hasn't been renewed is really "dead" and cannot be revived. At that point, a person would be required to complete a second application for a new license to include taking the real estate examination, submitting fees and providing a background check to the Commission.

It is the responsibility of each licensee to renew his/her license timely; however, each sponsoring or qualifying broker must ensure that his/her sponsored licensees have completed the renewal process before representing his/her agency.

CASE STUDY:

LREC has had several complaint cases of licensees who failed to renew their license

after March 31st. Likewise, their sponsoring brokers continued to pay the unlicensed person commissions without verification of license status.

In one specific case, upon discovery of the activity and after an investigation was completed, the matter was referred to a hearing.

Both the licensee and broker were charged with violations of the law. The investigation determined the licensee had been paid substantial commissions by the broker during the time the licensee was not licensed. The manner was adjudicated by an informal hearing and the respondents were sanctioned:

The respondent was censured and fined \$1,500 for conducting real estate activity without a license. (LSA-R.S. 37: 1436. B.)

The sponsoring broker was censured and fined \$3,000 for paying a commission to an unlicensed person. (LSA – R.S. 37: 1446. A.)

Informal Adjudication: fine & censure

A licensed real estate school was censured and ordered to pay both a fine of \$2,000 and a \$75 administrative cost for false and misleading claims made in advertisements, in violation Chapter 53, Subsection 5325 A. of the Rules and Regulations of the Commission and LSA-R.S. 37: 1455. A. (2).

A licensed individual real estate broker was censured and ordered to pay both a fine of \$2,500 and a \$75 administrative cost for failure to title an escrow account properly, failure to make certain that the escrow account was properly maintained and failure to make certain that disbursements were made in accordance with the Licensing Law and the Rules and Regulations, in violation of Chapter 27, Subsection 2701 C. and 2708 B. of the Rules and Regulations and LSA-R.S. 37: 1455. A. (2).

- Marsha Stafford





ACCESSING YOUR **LREC** EMAIL ACCOUNT

Accessing your LREC-assigned email account is easy. Just complete the following steps:

1. Go to the Commission website at www.lrec.state.la.us.
2. Look for the MyLREC button.
3. Click on *My LREC Email* to view correspondence from the Commission.
4. You're in the right place when you see the email server logo.
5. Enter your assigned user ID and password and click *Login*.
6. That's it! You're finished!

If you would like to have your LREC email forwarded to your personal email account or another account that you use, that is no problem. Just complete the following steps:

1. Look for *Options* on the left side of your screen
2. Scroll down and click the *Auto Forward* button.
3. You will be prompted to enter the email address to which your LREC email will be forwarded.

REMEMBER TO CLICK SAVE!

Follow us for all the latest updates!



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