

8/3/05

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2 Summary:

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4 Changes implement ACT 657 of 2005 which authorizes AREC to
5 require State and Federal FBI criminal history background checks for
6 applicants for a real estate license.

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8 The Criminal Background check will require the taking of fingerprints
9 and the applicant will be responsible for payment of any fee.

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11 If an Applicant is denied a license based on a Criminal Conviction the
12 Applicant can request a hearing before the Commission.

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15 **4.1 Applications; Education; Experience.**

16 Applicants for original licensure as a broker or salesperson must apply on
17 forms provided by the commission, pay the application fee established by these
18 regulations, and meet the following requirements:

19 (a) Broker applicants must provide proof of the following:

20 (1) Attainment of the age of majority, which proof may consist of a birth certificate
21 or copy thereof, driver's license, or other document or proof of age which is
22 satisfactory to the commission;

23 (2) Successful completion within thirty six (36) months immediately preceding
24 the date of the application of a course or courses of instruction in real estate
25 principles, license law, and commission regulations by actual classroom
26 attendance or completion of approved correspondence courses for not less than
27 sixty (60) classroom hours. Applicants who are retaking only one part of the
28 examination pursuant to Regulation 4.2 (c), shall remain subject to the
29 requirement which was in effect at the time the applicant passed the other part of
30 the examination. Proof of completion of such education requirement shall consist
31 of the original certificate(s), or certified copies thereof, from the school or

8/3/05

1 organization or other documentation satisfactory to the commission; [Amended
2 effective 1-1-02]

3 (3)(A) Service by the applicant of an active bona fide apprenticeship by holding a
4 valid real estate salesperson's license issued by the commission, or by holding a
5 valid real estate salesperson's license or broker's license issued by the
6 appropriate licensing agency of another state, for a period of not less than twenty
7 four (24) months within the previous forty eight (48) month period immediately
8 preceding the date of application, which proof may consist of the official license
9 records of the commission or certified copies of licensure records of the
10 appropriate licensing agency of another state, or such other documentation as
11 the commission deems satisfactory;

12 (B) However, pursuant to Section 17-42-303 (b) the commission may waive such
13 experience requirement for a real estate broker applicant who has held an active
14 real estate broker's license for a period of not less than eighteen (18) months.
15 Each request for such waiver shall be in writing and shall include such proof as
16 necessary to establish the applicant's eligibility for the waiver. Such proof may
17 consist of the official license records of the commission, certified copies of
18 license records of the appropriate licensing agency of another state, or such
19 other documentation as the commission deems satisfactory;

20 (4) The applicant's affidavit that he/she has no record of unprofessional conduct;

21 (5) The statements of three (3) adults who have known the applicant for at least
22 one (1) year that the applicant has a good reputation for honesty, trustworthiness
23 and integrity sufficient to safeguard the interests of the public;

24 (6) Any other information or documents required by the commission.

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26 (b) Salesperson applicants must provide proof of the following:

27 (1) Attainment of the age of majority, which proof may consist of a birth
28 certificate or copy thereof, driver's license, or other document or proof of age
29 which is satisfactory to the commission;

30 (2) Successful completion of a course or courses of instruction in real estate by

8/3/05

1 actual classroom attendance or completion of approved correspondence courses
2 of not less than sixty (60) classroom hours, of which at least thirty (30) hours
3 must be in the basic principles of real estate; which proof shall consist of the
4 original certificate(s), or certified copies thereof, from the school or other
5 organization or other documentation satisfactory to the commission;

6 (3) The applicant's affidavit that he/she has no record of unprofessional conduct;

7 (4) The statements of three (3) adults who have known the applicant for at least
8 one (1) year that the applicant has a good reputation for honesty, trustworthiness
9 and integrity sufficient to safeguard the interests of the public;

10 (5) Any other information or documents required by the commission.

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12 (c) (1) Effective January 1, 2006 , the Commission may require each original
13 applicant for a salesperson or broker license, including nonresident applicants
14 applying pursuant to ACA § 17-42-305, using forms furnished by and pursuant to
15 instructions provided by the Commission to apply for a state and federal criminal
16 background check to be conducted by the Identification Bureau of the
17 Department of Arkansas State Police and the Federal Bureau of Investigation
18 pursuant to Arkansas Code Ann. § 17-42-315.

19 (2) "Criminal background check" means a state and nation-wide criminal
20 records check conducted by the Arkansas State Police and Federal Bureau of
21 Investigation, including the taking of fingerprints.

22 (3) Each such applicant shall submit, prior to or with the Application for Real
23 Estate Examination, the form furnished by the Commission authorizing the
24 release of the applicant's criminal background check report to the Commission
25 and shall pay any applicable fees, associated with the State and Federal criminal
26 background checks, pursuant to written instructions provided by the Commission.
27 The release form shall authorize the Identification Bureau of the Arkansas State
28 Police to forward all criminal history information obtained concerning the

8/3/05

1 applicant in regard to any offense referred to in Arkansas Code Ann. § 17-42-315
2 to the Commission.

3 (4) The criminal background check shall be completed within six months
4 immediately preceding the date the Application for Real Estate License
5 Examination is received in the commission's office, and if not, the application
6 shall be returned to the applicant.

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8 (5) Upon request and proof of identification satisfactory to the Commission
9 the Commission may make the report of any criminal information available to the
10 applicant who is the subject of the report and shall provide the applicant a
11 reasonable time to challenge the accuracy or completeness of the information
12 therein, through the State Identification Bureau pursuant to Arkansas Code Ann.
13 §12-12-211 and Arkansas Crime Information Center Regulation 7(F).

14 (6) Should an applicant challenge his/her conviction report, he/she shall notify the
15 Commission in writing. After receipt of such notice, the Commission shall not determine
16 whether an applicant is qualified for the license applied for until the applicant has had
17 reasonable opportunity to challenge said conviction report and shall not process the
18 application until the challenge of said report is resolved by the State Identification
19 Bureau and/or Arkansas Crime Information Center. The applicant shall notify the
20 Identification Bureau to forward to the Commission changes in the applicant's report as a
21 result of any such challenge.

22 (7) Except as provided in Arkansas Code Ann. § 17-42-315 (g), no person shall
23 receive or hold a license issued by the Commission if the person has been convicted by
24 any court in the State of Arkansas or of any similar offense by a court in another state or
25 of any similar offense by a federal court of an offense identified in Ark. Code Ann. § 17-
26 41-315 (f).

27 (8) After a hearing, the Commission may waive a conviction identified in the
28 preceding paragraph, upon application of the applicant, pursuant to the provisions of
29 Ark. Code Ann. § 17-42-315 (g).

8/3/05

1 (d) All classroom hours required by Regulation 4.1(a) and (b) shall be conducted
2 by:

3 (1) An accredited postsecondary school wherever situated; or

4 (2) A school or organization licensed by the State Board of Private Career
5 Education or

6 (3) A school or organization approved by a real estate licensing jurisdiction
7 deemed equivalent by the Commission. [Amended effective 1-1-05]

8 (e) The course or courses of instruction requirements of Regulation 4.1(a) and
9 (b) may be satisfied by successful completion of such correspondence courses
10 as the commission may by regulation require, giving due consideration to the
11 correspondence conversion from the number of hours necessary to provide
12 instruction in basic competencies required for a broker's license or salesperson's
13 license, as the case may be, and to the advice and recommendations of the
14 State Board of Private Career Education.

15 (f) Both broker and salesperson applicants shall also answer all questions and
16 provide all information requested on the examination application, and shall
17 provide such other information or documentation as the commission may require.

18 (g) All requirements of Regulation 4.1 shall be completed before the applicant
19 will be entitled to take the examination.

20 (h) All applications expire one (1) year after the date of the application or upon
21 successful completion of the examination, whichever first occurs. Provided,
22 however that the application of an applicant who takes and passes either part of
23 the examination within one (1) year from the date of his application shall not
24 expire until the six (6) months allowed for retaking the failed portion pursuant to
25 Regulation 4.2(c) has expired.

26 (i) Application fees are non-refundable.

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8/3/05

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