

**Mark-up**

**Summary:**

**Change to 4.1(a)(3)(A) clarifies experience requirement to qualify for a real estate broker license. Change clarifies serving an active, bona fide apprenticeship experience requirement in determining applicant qualifications.**

**4.1 Applications; education; experience.**

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

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

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

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

(3)(A) Service by the applicant of an active bona fide apprenticeship by holding a valid real estate salesperson's license issued by the Commission, or by holding a valid real estate salesperson's license or broker's license issued by the appropriate licensing agency of another state, for a period of not less than twenty four (24) months within the previous forty eight (48) month period immediately preceding the date of application, which proof may consist of the official license records of the Commission or certified copies of licensure records of the appropriate licensing agency of another state, ~~or plus~~ such other documentation as the Commission deems satisfactory to demonstrate that the applicant has gained experience in all aspects of the real estate business equal to that which would be gained by a person engaged in the real estate business on a full time basis during a minimum two year period of time; Listings, sales or other licensed activities may be considered by the commission in determining whether the applicant meets this qualification;

(B) However, pursuant to Section § 17-42-303 (b)(2) the Commission may waive such experience requirement for a real estate broker applicant who has held an active real estate broker's license for a period of not less than eighteen (18) months or who has experience acceptable to the commission in a field considered real estate related for a period of not less than twenty-four months within the previous forty-eight-month period immediately preceding the date of application. Each request for such waiver shall be in writing and shall include such proof as necessary to establish the applicant's eligibility for the waiver. Such proof may consist of the official license records of the Commission, certified copies of license records of the appropriate licensing agency of another state, or such other documentation as the Commission deems satisfactory;

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

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

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

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

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

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

(4) Any other information or documents required by the Commission.

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

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

(3) Each such applicant shall submit, prior to or with the Application for Real Estate Examination, the form furnished by the Commission authorizing the release of the applicant's criminal background check report to the Commission and shall pay any applicable fees, associated with the State and Federal criminal background checks, pursuant to written instructions provided by the Commission. The release form shall authorize the Identification Bureau of the Arkansas State Police to forward all criminal history information obtained concerning the applicant in regard to any offense referred to in Arkansas Code Ann. § 17-42-315 to the Commission.

74 (4) The criminal background check shall be completed within six months immediately preceding the  
75 date the Application for Real Estate License Examination is received in the Commission's office, and if  
76 not, the application shall be returned to the applicant.  
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78 (5) Upon request and proof of identification satisfactory to the Commission the Commission may  
79 make the report of any criminal information available to the applicant who is the subject of the report and  
80 shall provide the applicant a reasonable time to challenge the accuracy or completeness of the information  
81 therein, through the State Identification Bureau pursuant to Arkansas Code Ann. § 12-12-211 and  
82 Arkansas Crime Information Center Regulation 7(F).  
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84 (6) Should an applicant challenge his/her conviction report, he/she shall notify the Commission in  
85 writing. After receipt of such notice, the Commission shall not determine whether an applicant is  
86 qualified for the license applied for until the applicant has had reasonable opportunity to challenge said  
87 conviction report and shall not process the application until the challenge of said report is resolved by the  
88 State Identification Bureau and/or Arkansas Crime Information Center. The applicant shall notify the  
89 Identification Bureau to forward to the Commission changes in the applicant's report as a result of any  
90 such challenge.  
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92 (7) Except as provided in Arkansas Code Ann. § 17-42-315 (g), no person shall receive or hold a  
93 license issued by the Commission if the person has been convicted by any court in the State of Arkansas  
94 or of any similar offense by a court in another state or of any similar offense by a federal court of an  
95 offense identified in Ark. Code Ann. § 17-42-315 (f).  
96

97 (8) After a hearing the Commission may waive a conviction identified in the preceding paragraph,  
98 upon application of the applicant, pursuant to the provisions of Ark. Code Ann. § 17-42-315 (g).  
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100 (d) All classroom hours required by Regulation 4.1(a) and (b) shall be conducted by:

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

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

103 (3) A school or organization approved by a real estate licensing jurisdiction deemed equivalent by the  
104 Commission.

105 (e) The course or courses of instruction requirements of Regulation 4.1(a) and (b) may be satisfied by  
106 successful completion of such distance education courses as the Commission may by regulation require,  
107 giving due consideration to the number of hours necessary to provide instruction in basic competencies  
108 required for a broker's license or salesperson's license, as the case may be, and to the advice and  
109 recommendations of the State Board of Private Career Education.

110 (f) Both broker and salesperson applicants shall also answer all questions and provide all information  
111 requested on the examination application, and shall provide such other information or documentation as  
112 the Commission may require.

113 (g) Applicants that have provided all requirements of Regulation 4.1, may sit for the real estate  
114 examination, provided that a state and federal criminal background check, as required by ACA § 17-42-  
115 315, has been sent to the Identification Bureau of the Department of Arkansas State Police for a state and  
116 federal criminal background check. However no license shall be issued upon successful completion of the

117 examination, until receipt and approval by the Commission of the state and federal criminal back ground  
118 check.

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

124 (i) Application fees are non-refundable.

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