

# ARKANSAS REGISTER

## Transmittal Sheet



Sharon Priest  
Secretary of State  
State Capitol Rm. 01  
Little Rock, Arkansas 72201-1094

For Office Use Only: Effective Date 7/1/98 Code Number 076.00.98--0a1

Name of Agency Arkansas Real Estate Commission

Department \_\_\_\_\_

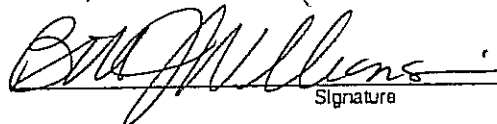
Contact Person Bill J. Williamson Phone 682-2732

Statutory Authority for Promulgating Rules AR Code Annotated §17-42-203 (a)

	Date
Intended Effective Date	Legal Notice Published . . . . . <u>2/6-2/12/98</u>
<input type="checkbox"/> Emergency	Final Date for Public Comment . . . . . <u>3/11/98</u>
<input type="checkbox"/> 10 Days After Filing	Filed With Legislative Council . . . . . <u>2/4/98</u>
<input checked="" type="checkbox"/> Other	Reviewed by Legislative Council . . . . . <u>4/1/98</u>
<u>July 1, 1998</u>	Adopted by State Agency . . . . . <u>3/11/98</u>

### CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted  
In Compliance with Act 434 of 1967 As Amended.

  
Signature

(501) 682-2732  
Phone Number

Executive Director  
Title

April 6, 1998  
Date

FILED  
REGISTER DIV.  
98 APR 6 PM 2:09  
STATE OF ARKANSAS

1 **4.1 Applications; Education; Experience.**  
2  
3

4 a) Amendments to existing regulation are underlined on page 3, lines 1-25.  
5

6 *Summary of Substantive Changes: The proposed amendments to*  
7 *Regulation 4.1 establish a procedure to obtain reports of any criminal*  
8 *conviction information regarding applicants who apply for real estate*  
9 *licenses from the Arkansas State Police Identification Bureau.*  
10

11  
12  
13 Applicants for original licensure as a broker or salesperson must apply on forms provided  
14 by the commission, pay the application fee established by these regulations, and meet the  
15 following requirements:

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

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

20 (2) Successful completion within thirty six (36) months immediately preceding  
21 the date of the application of a course or courses of instruction in real estate by actual  
22 classroom attendance or completion of approved correspondence courses for not less than  
23 sixty (60) classroom hours. For applicants who make application for the examination  
24 after June 1, 1997, the education requirement as stated shall not be less than ninety (90)  
25 classroom hours, at least thirty (30) classroom hours of which shall be in basic broker  
26 courses. Applicants who are retaking only one part of the examination pursuant to  
27 Regulation 4.2 (c), shall remain subject to the requirement which was in effect at the time  
28 the applicant passed the other part of the examination. Proof of completion of such  
29 education requirement shall consist of the original certificate(s), or certified copies  
30 thereof, from the school or organization or other documentation satisfactory to the  
31 commission;

32 (3)(A) Service by the applicant of an active bona fide apprenticeship by holding a  
33 valid real estate salesperson's license issued by the commission, or by holding a valid  
34 real estate salesperson's license or broker's license issued by the appropriate licensing  
35 agency of another state, for a period of not less than twenty four (24) months within the  
36 previous forty eight (48) month period immediately preceding the date of application.

1 which proof may consist of the official license records of the commission or certified  
2 copies of licensure records of the appropriate licensing agency of another state, or such  
3 other documentation as the commission deems satisfactory;

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

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

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

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

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

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

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

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

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

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

1           (c) (1) For each salesperson and broker applicant, the Commission may obtain a  
2 report of any criminal convictions from the State Identification Bureau pursuant to  
3 Arkansas Code Ann. §12-12-1009 (a)(1).

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

10           (3) Should an applicant challenge his/her conviction report, he/she shall notify the  
11 Commission in writing. After receipt of such notice, the Commission shall not determine  
12 whether an applicant is qualified for the license applied for until the applicant has had  
13 reasonable opportunity to challenge said conviction report. The applicant shall notify the  
14 Identification Bureau to forward to the Commission changes in the applicant's report as a  
15 result of any such challenge. An applicant shall be offered the opportunity for a hearing  
16 before the Commission pursuant to Arkansas Code Ann. §17-42-314(a) before being  
17 denied a license because of a criminal conviction.

18           (4) The Commission may determine that an applicant who has been convicted of  
19 a crime as set forth in Arkansas Code Ann. §17-42-311 (a)(3) does not meet the  
20 requirements of Arkansas Code Ann. §17-42-302 (a)(5) or (6) to be qualified to be  
21 licensed as a real estate broker or salesperson. Said determination ordinarily shall be  
22 made before the applicant sits for the licensing examination; however, failure to do so  
23 shall not preclude the Commission from considering such a conviction which  
24 inadvertently or for other reasons was not considered before an applicant was issued a  
25 license.

26  
27           (d) All classroom hours required by Regulation 4.1(a) and (b) shall be conducted  
28 by:

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

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

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

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

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

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

17          (i) Application fees are non-refundable.

DEPARTMENT AR Real Estate Commission  
 DIVISION \_\_\_\_\_  
 PERSON COMPLETING THIS STATEMENT Bill J. Williamson  
 TELEPHONE NO. (501) 682-2732 FAX NO. (501) 682-2729

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Regulation 4.1 Applications; education; experien

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes X No \_\_\_\_\_
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

<u>1997-98 Fiscal Year</u>	<u>1998-99 Fiscal Year</u>
General Revenue _____	General Revenue _____
Federal Funds _____	Federal Funds _____
Cash Funds _____	Cash Funds _____
Special Revenue _____	Special Revenue _____
Other _____	Other _____
Total _____	Total _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?

<u>1997-98 Fiscal Year</u>	<u>1998-99 Fiscal Year</u>
n/a	n/a

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

<u>1997-98 Fiscal Year</u>	<u>1998-99 Fiscal Year</u>
None	\$18,000

FILED  
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 DEPARTMENT OF STATE  
 OFFICE OF THE CLERK  
 JUNE 13, 1995  
 July 28, 1995