

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

039 REAL ESTATE COMMISSION

Chapter 360: PREREQUISITES TO LICENSURE BY INDIVIDUALS

Summary: This chapter establishes the educational guidelines which must be met by individuals in order to qualify for licensure under 32 MRSA Chapter 114.

1. Policy Statement

The Commission shall encourage the development and delivery of high quality pre-licensure courses throughout the state. In an effort to heighten professionalism within the real estate industry, the Commission shall encourage degree-granting institutions in the state to develop and deliver such courses

2. Definitions

1. Qualifying Educational Program

“Qualifying educational program” means a program or course of study which meets one or more of the minimum competencies defined in the Commission-approved models entitled “The Sales Agent Course,” “The Associate Broker Course” or “The Designated Broker Course.” These courses shall be sponsored by a degree-granting institution, a proprietary school or a public school adult education program that follows the Commission-established procedure for approval.

2. Program Sponsor

A program sponsor shall be defined as that individual, group of individuals, or organization responsible for the development, coordination, administration and delivery of a course or program.

3. Satisfactory Completion

Satisfactory completion of a course or program shall mean having met all minimum requirements established by the sponsor for the course or program and having achieved a grade of at least 75%.

~~**4. Degree Program Meeting Commission Established Guidelines**~~

~~“Degree program” means a program in business requiring a minimum of 60 credit hours of study, which shall include a minimum of 9 credit hours of real estate course work covering the minimum competencies defined in the Commission approved models “The Sales Agent Course,” “The Associate Broker Course” and “The Designated Broker Course.”~~

3. Approval of Qualifying Educational Program

1. Syllabus

The program sponsor shall submit the course syllabus, on a form furnished by the director, meeting the minimum course competencies set for each course as described in Section 5 of this chapter for each pre-licensure course offered. The syllabus, at a minimum, must contain:

- A. Name, address, phone number of the sponsor;
- B. Name, address, phone number of the instructor;
- C. Course title;
- D. Course start and end dates;
- E. Class session times;
- F. Course text titles and publishers;
- G. A class session-by-session breakdown of the content and concepts to be covered, with quiz and test dates noted;
- H. Grading policy;
- I. Attendance policy; and
- J. Final course examination and answer key.

The course sponsor shall submit the syllabus and the filing fee to the director at least 30 days prior to the first class session. A syllabus received less than 30 days prior to the first class session will be assessed a late filing fee.

2. Reporting Program Changes

The course sponsor shall report any substantial change in a submitted or approved course syllabus to the director.

3. Syllabus Review

The director, within 30 days of receipt of a complete syllabus, shall notify the sponsor, in writing, of the approval or denial of the syllabus.

4. Appeal of Denial to the Director

A sponsor who is aggrieved by denial of syllabus approval may request a hearing to appeal the decision. Such request shall be made in writing, and shall be submitted within 30 days of receipt of the denial of the syllabus.

5. Distribution of Course Guidelines and Syllabus.

At the first class session, the sponsor shall disseminate to students the course guidelines developed by the Commission and the syllabus.

6. Advance Notice to Course Participants

Upon commencement of the first class session of a pre-licensure course, the instructor shall read and distribute to the students one of the following statements. If the syllabus for the course has been approved, Statement #1 is to be read. If the syllabus for the course has not been submitted or the course has not received approval, Statement #2 is to be read.

Statement #1 – “The Maine Real Estate Commission is committed to quality real estate education. Toward this goal, the syllabus for this pre-license course has been reviewed and approved as meeting the guidelines established by the Commission. These guidelines and the syllabus have been distributed for your information. At the end of this course, you will be given an opportunity to critique this course and its delivery. The Commission welcomes your comments regarding your experience in this course.”

Statement #2 – “The Maine Real Estate Commission is committed to quality real estate education. To achieve this goal, the syllabus for each pre-license course must be submitted and approved before the course is promoted as meeting pre-licensure requirements. The syllabus for this course has not been approved. Unless and until it is approved, you may not assume that successful completion of this course will qualify you for licensure”.

7. Student Enrollment Report.

The course sponsor shall be responsible for submitting a completed enrollment report, in a format approved by the director, within 30 days of the completion of each pre-license course.

8. Evaluations Required

The course sponsor shall distribute course evaluation forms to students for their critique of the learning experience. A summary of the student evaluations shall be submitted to the director with the enrollment report.

9. Transcripts

The course sponsor shall provide a course transcript to students successfully completing the course. Such transcript shall, at a minimum, include the course title, student's name, final numerical grade, beginning and course completion date and be signed by the course sponsor.

10. Disciplinary Action

Approval of pre-license courses may be revoked or suspended for violation of this chapter.

11. Prohibition Against Recruiting

The course sponsor shall not allow anyone to use the school's premises or classroom to recruit new affiliates for any real estate brokerage company.

4. Educational Requirements For Licensure

1. Real Estate Broker

A. An applicant who has ~~one year of full time practice in real estate brokerage been licensed as a licensed~~ an associate broker affiliated with a real estate brokerage agency for 2 years within the 5 years immediately preceding the date of application must submit evidence of satisfactory completion of a qualifying educational program which covers the minimum competencies defined in the Commission-approved model entitled "The Designated Broker Course." The application for licensure must be submitted within one year of completion of this educational program.

~~B. An applicant who has one year of experience as a sales agent within the 3 years immediately preceding the date of application must submit evidence of satisfactory completion of a 2-year business degree program as defined in Section 2(4) of this chapter. The license application must be submitted within 5 years of completion of the 2-year business degree program as defined in Section 2(4) of this chapter, with the exception that the Commission approved model entitled "The Designated Broker Course" must be completed within 1 year immediately preceding application for the license.~~

2. Associate Real Estate Broker

An applicant who has practiced as a real estate sales agent for 2 years within the 5 years immediately preceding the date of application must submit a course transcript confirming that the applicant successfully completed the qualifying educational program which covers the minimum competencies defined in the Commission-approved model entitled "The Associate Broker Course."

3. Real Estate Sales Agent

As a prerequisite to examination, an applicant for a sales agent license must, within one year of completion of the course, submit a course transcript confirming that the applicant successfully completed a qualifying educational program which covers the minimum competencies defined in the Commission-approved model entitled "The Sales Agent Course".

5. Commission Established Minimum Competencies

1. Generally

The Commission shall establish minimum competency requirements for all levels and types of licensure. Educational models and examinations shall be designed to satisfy these requirements.

2. Annual Review

The Commission, on an annual basis, shall review the minimum competencies required for all levels and types of licensure.

STATUTORY AUTHORITY: 32 MRSA §13065(6)

EFFECTIVE DATE:

February 1, 1988

AMENDED:

April 17, 1989 - Sections 2 & 3

April 1, 1994 - Sec. 2

April 1, 1994 - Sec 3 (added)

April 1, 1994 - Sec. 4, 5, & 6 (changed numbering only)

EFFECTIVE DATE (ELECTRONIC CONVERSION):

October 22, 1996

AMENDED:

October 4, 1999

NON-SUBSTANTIVE CORRECTIONS:

April 6, 2000 - spacing only

AMENDED:

August 5, 2002 - Sec. 3(10); Sec. 5 repealed, Sec. 6 renumbered to Sec. 5

July 1, 2006 – filing 2006-190

02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION

039 REAL ESTATE COMMISSION

Chapter 390: LICENSING PROCEDURES AND REQUIREMENTS

Summary: This chapter provides information concerning license examinations and explains the procedure for filing license applications.

1. Expiration of Sales Agent License Examination Results

An applicant qualifying for a sales agent license shall apply for licensure within one year of the date of passing the examination. In the absence of proper application for licensure, the applicant shall be required to meet all of the requirements for licensure as set forth in Chapter 360, Section 4(3) of the board's rules for new applicants, including the provisions of this Section.

2. Transcript Requirement

An applicant who seeks to qualify for licensure through educational requirements shall accompany such application for licensure with an official transcript. A transcript shall include, but shall not be limited to, the following:

1. Title of course;
2. Date of completion of course;
3. Numeric grade received; and
4. Signature of the authorized official.

3. Criminal History Records of Applicant

In determining eligibility for a license the Commission, in accordance with 5 MRSA Chapter 341, shall take into consideration criminal history records of the applicant.

4. Nonresident License Applicants

A nonresident license applicant, upon making application for license, shall furnish a certificate of licensure from each state in which he holds a real estate license, evidencing the type of license held, the date of original licensure and a statement indicating that any complaints filed against him have been resolved to the satisfaction of the licensing agency.

5. Documentation of Experience of an Applicant for Real Estate Broker License

~~An applicant for a real estate broker license who seeks licensure through one year of full-time practice as a licensed real estate associate shall submit proof that he has been engaged in the full-time occupation of real estate brokerage during the 12-month period immediately preceding application. The applicant shall submit to the director a resume documenting his real estate brokerage-related production and activity.~~

6. Reporting New Designated Brokers

An agency which changes its designated broker shall report such change to the director as required by 32 MRSA §13195.

7. Waiver to 2-Year Sales Agent License

A sales agent license may be extended, due to extenuating circumstances, for one year beyond the 2-year requirement. A request for such waiver shall be made in writing and shall include an explanation and supporting evidence of the extenuating circumstance. The request shall be accompanied by the Sales Agent fee and this fee shall be retained whether or not the waiver is granted. The request shall be evaluated by the director.

STATUTORY AUTHORITY: 32 MRSA §13065

EFFECTIVE DATE:

February 1, 1988

AMENDED:

April 17, 1989 - Section 4

April 1, 1994 - Section 4

EFFECTIVE DATE (ELECTRONIC CONVERSION):

October 22, 1996

AMENDED:

August 5, 2002 - Sections 1, 2 and 3 repealed, remaining sections renumbered.

July 1, 2006 – filing 2006-191