

APA-1  
11/96

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission

Alabama Rule No. 790-X-1-.07

Rule Title: Qualifications For Prelicense And Post License Instructors

       New   X   Amend        Repeal        Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? **Yes**

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? **Yes**

Is there another, less restrictive method of regulation available that could adequately protect the public? **No**

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? **No**

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? **N/A**

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? **Yes**

\*\*\*\*\*

Does the proposed rule have an economic impact? **No**

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

\*\*\*\*\*

Certification of Authorized official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer *Sandra Anderson*

Date 3-19-14

DATE FILED  
(STAMP)

ALABAMA REAL ESTATE COMMISSION

NOTICE OF INTENDED ACTION

Agency Name: Alabama Real Estate Commission

Rule No: Rule 790-X-1-.07

Rule Title: Qualifications For Prelicense And Post License  
Instructors.


Intended Action: Amend Rule

Substance of Proposed Action: The proposed amendment eliminates the automatic approval of an instructor applicant based on possession of the Designation Real Estate Instructor (DREI) designation.

Date, Time, Place, Manner of Presenting Views: Comments can be presented at the public hearing scheduled at 9:00 a.m. on May 22, 2014 at the Alabama Real Estate Commission located at 1201 Carmichael Way, Montgomery, Alabama. Additionally, written comments may be addressed to Patricia Anderson, Executive Director, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. Written comments must be received in the Commission office no later than 4:30 p.m. on May 23, 2014.

Final Date For Comment and Completion of Notice: May 23, 2014

Contact Person at Agency: Chris Booth, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106. (334) 242-5544.



Patricia Anderson  
Executive Director

**790-X-1-.07. Qualifications For Prelicense And Post License Instructors.**

(1) Prelicense and post license instructor applicants shall meet the following qualifications for approval:

(a) All instructor applicants shall apply on a form prescribed by the Commission.

(b) All instructors shall have written approval from the Alabama Real Estate Commission prior to teaching an approved course.

(c) All instructor applicants of prelicense and post license courses shall hold a current broker's license in order to attain approval and must maintain a current broker's license in order to continue approval to teach prelicense and post license courses.

(d) Instructor applicants should not have been found guilty of violating any provision of the Real Estate License Law or any rule, regulation or order of the licensing authority in any state.

(e) All instructors will be periodically reviewed and evaluated by the Alabama Real Estate Commission.

(f) All instructors shall attend Commission sponsored orientation courses and seminars when directed to do so by the Commission. Failure to do so will result in instructor approval being revoked in accordance with Rule 790-X-1-.17.

(2) Full-time college and university prelicense and continuing education course instructors shall be qualified when certified by their respective educational institutions.

~~(3) Prelicense and post license instructor applicants who hold an active Distinguished Real Estate Instructor designation from the Real Estate Educators Association shall be automatically approved upon submission of an active DREI certificate or other official documentation from REEA, the appropriate instructor application, and the application fee. All instructors who are approved based on a DREI designation shall maintain an active designation in order to maintain instructor approval. If a DREI designation becomes inactive or expires, the instructor's approval immediately expires and the individual must qualify through regular application procedures as stated in paragraph (4). It shall be the instructor's responsibility to provide proof of renewal of the DREI designation within ten days of its renewal or to notify the Commission of failure to renew the designation to active status within ten days of its becoming inactive or expiring. Failure to do so shall subject the instructor to disciplinary action under Rule 790 X 1 .17. These instructor applicants shall comply with all requirements specified in paragraph (1) above.~~

(4) (3) Qualifications for all prelicense and post license instructor applicants other than those specified in paragraphs (2) and (3) above shall be:

(a) Instructor applicants shall meet the qualifications as specified by the Commission. The Commission shall rate the individual's qualifications in education, industry experience, and teaching experience. The qualifications will be evaluated using a point system. An individual shall obtain a minimum of 70 points to be approved as an instructor. The five major areas of evaluation and maximum points per category are:

1. Active real estate license experience-20 points
2. Real estate education-20 points
3. Formal education-20 points
4. Teaching experience-30 points
5. Real estate and related experience-10 points

(b) Each major category shall be comprised of subcategories thereby allowing consideration of a variety of qualifications.

(c) The Commission shall require that an instructor applicant submit appropriate documentation in order to be awarded points in any category or subcategory. No points can be awarded without supporting documents. If appropriate documentation is not received within 10 days of submission of the application, the application shall be denied and the application fee and all documentation shall be returned.

~~(5)~~ (4) Instructors cannot earn continuing education credit for courses taught.

**Author:**

Alabama Real Estate Commission

**Statutory Authority:**

*Code of Ala. 1975, §§ 34-27-6, 34-27-8.*

**History:**

Filed September 30, 1982 as Rule No 790-X-1-.09 entitled "Instructor Qualifications." **Amended:** Filed August 27, 1986 Ed. Note: Rule title changed to "Qualifications for Instructors of Prelicense Courses" and previous Rule No 790-X-1-.09 became Rule No 790-X-1-.07. Previous Rule No 790-X-1-.07 "School Advertising Requirements" was amended and moved to become Rule No 790-X-1-.15. **Amended:** Filed October 22, 1991; August 7, 1992. **Amended:** Filed August 25, 1993; effective September 29, 1993. **Amended:** Filed May 5, 1995; effective June 9, 1995. **Amended:** Filed August 29, 2000; effective October 3, 2000. **Amended:** Filed August 31, 2004; effective October 5, 2004. **Amended:** Filed August 30, 2005; effective October 4, 2005. **Amended:** Filed April 24, 2007; effective May 29, 2007. **Amended:** Filed July 11, 2008; effective August 15, 2008. **Amended:** Filed May 27, 2009; effective July 1, 2009.