

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-.09

Rule Title: Qualifications For Continuing Education 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 *Patricia 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-.09

Rule Title: Qualifications For Continuing Education 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.

A handwritten signature in blue ink that reads "Patricia Anderson". The signature is written in a cursive style and is positioned above a horizontal line.

Patricia Anderson
Executive Director

790-X-1-.09. Qualifications For Continuing Education Instructors.

(1) A continuing education instructor shall be defined as an instructor who is approved to teach only continuing education courses. All instructors who are approved to teach prelicense and post license courses are also approved to teach continuing education courses and shall not be required to qualify under this rule.

(2) Every continuing education instructor applicant shall apply for approval on a form prescribed by the Commission along with the appropriate fee. No instructor may begin teaching a course offered for continuing education credit until he/she has received written approval from the Commission.

(a) Continuing education instructor applicants shall 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.

(b) Continuing education instructors shall be periodically reviewed and evaluated by the Alabama Real Estate Commission.

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

(3) A person seeking approval to teach approved continuing education courses may seek approval in his/her principal occupation by possessing one of the following qualifications:

(a) Bachelor's degree in the field of instruction plus at least two years experience in the field of instruction;

(b) Teaching experience consisting of at least 75 hours in the application field within 3 years immediately preceding the date of the instructor's application plus 3 years full time experience in the field of instruction;

(c) Six years full time experience in the profession, trade or occupation in the field of instruction;

(d) Any combination of at least six years of full time experience relevant to the application field and college level education with course work in the field of instruction.

(4) All instructor applicants qualifying under (3) above shall submit documentation of qualifications and a resume outlining experience, education and/or teaching experience in the applicable field. 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) Continuing education 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 shall immediately expire and the individual shall qualify through regular application procedures as stated in paragraph (3). 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 instructors shall comply with all requirements specified in paragraph (2) above.~~

~~(6)~~ (5) Approved instructors shall not earn continuing education credit for teaching courses.

Author:

Alabama Real Estate Commission

Statutory Authority:

Code of Ala. 1975, §§ 34-27-6, 34-27-8, 34-27-35.

History:

Filed August 27, 1986. **Ed. Note:** Former Rule 790-X-1-.10 entitled "Withdrawal of Approval" was moved in its entirety to become Rule 790-X-1-.17. **Amended:** Filed August 15, 1988; January 31, 1989; December 9, 1992. **Amended:** Filed August 25, 1993; effective September 29, 1993. **Amended:** Filed January 18, 1994; effective February 22, 1994. **Amended:** Filed August 29, 2000; effective October 3, 2000 (**Ed. Note:** Former Rule 790-X-1-.10 was moved in its entirety to become 790-X-1-.09, as per this certification). **Amended:** Filed September 18, 2001; effective October 23, 2001. **Amended:** Filed November 25, 2003; effective December 30, 2003. **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.