

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission

Rule No. 790-X-1-.17

Rule Title: Disciplinary Actions For Instructors And Schools/Course Sponsors

 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 *Salvador Anderson*

Date 5-18-16

DATE FILED
(STAMP)

ALABAMA REAL ESTATE COMMISSION

NOTICE OF INTENDED ACTION

Agency Name: Alabama Real Estate Commission

Rule No: Rule 790-X-1-.17

Rule Title: Disciplinary Actions For Instructors And Schools.

Intended Action: Amend Rule

Substance of Proposed Action: The proposed amendment adds Administrators to the rule title while removing Course Sponsors. The opening paragraph is removed since the information is stated in a statute.

Date, Time, Place, Manner of Presenting Views: Comments can be presented at the public hearing scheduled at 9:00 a.m. on June 23, 2016 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 July 5, 2016.

Final Date For Comment and Completion of Notice: July 5, 2016

Contact Person at Agency: Ryan Adair, 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

Rule 790-X-1-.17. Disciplinary Actions For Instructors, Administrators And Schools/~~Course Sponsors~~.

~~For instructors and administrators who also hold a real estate license the Commission may take disciplinary action against the real estate license and/or the instructor or administrator approval as provided in §34-27-36 when the instructor or administrator is found guilty of any of the provisions set out below. For instructors and administrators who do not hold a real estate license and for schools the Commission may revoke or suspend or may warn of the possibility of revoking or suspending the approval of any instructor or administrator, or the approval or license of a school found guilty of any of the provisions set out below. These shall apply when the accused:~~ The Commission may take disciplinary action against an instructor, an administrator or a school in accordance with §34-27-6 for violation of any of the following:

- (1) Is a party to any falsification of any document or other information provided to the Commission.
- (2) Publishes or causes to be published any advertising which is not in accordance with Commission rules.
- (3) Is guilty or has been found guilty of violating or disregarding any provision of the Alabama Real Estate License Law or any rule, regulation or order of the Commission.
- (4) Engages in conduct which constitutes or demonstrates dishonest dealings, bad faith or untrustworthiness.
- (5) Fails to file with the Commission, either by paper or electronically, accurate and complete records or fails to furnish any documents at the request of the Commission by the required deadlines.
- (6) Awards credit to any student who fails to comply with the student attendance participation standards as set forth in Commission rules.
- (7) Fails to obtain a license for each location where the school offers a prelicense or post license course.
- (8) Does an inadequate job of teaching the curriculum required by the Commission or submitted to be approved by the Commission as evidenced by the use of inaccurate, inappropriate and outdated teaching materials/information, student's poor performance on the state examination, student evaluations and/or Commission audits. This shall include failing to teach the content contained in the detailed content outline approved by the Commission.
- (9) Takes no action to correct problems as identified in Commission audits.
- (10) After receiving written warning from the Commission, continues to make inaccurate comments to students regarding course content or continues to offer opinions represented as being the law ~~on~~ or principles of law to students which are in conflict with any material contained in a Commission prescribed or approved course.
- (11) Engages in unprofessional behavior and/or inappropriate conduct in the classroom including but not limited to regular tardiness, disorganization, the use of profanity, ridicule, and sarcasm directed at subject matter, students or others, telling offensive jokes, and making inappropriate remarks unrelated to the subject matter.

(12) Fails to identify course objectives and display adequate knowledge of subject matter in presentation of information and answering of student questions.

(13) Fails to utilize a variety of teaching methods to accommodate visual, auditory, and tactile learning styles. Instructors shall not limit instruction to lecture, reading text material, utilizing audio-visual technology, or studying questions similar to those on the licensing examination which do not utilize interactive instructional techniques. Examples of interactive instructional techniques include but are not limited to role play, case studies, games, group work, etc.

(14) A revocation of instructor or school license or approval shall be for a period of two years. Any instructor or school whose license or approval has been suspended or revoked shall not be relicensed, reapproved, or reinstated without meeting all current instructor or school requirements and receiving approval from the Commission.

Author: Alabama Real Estate Commission

Statutory Authority: Code of Ala. 1975, §§34-27-6, 34-27-8, 34-27-33.

History: Filed November 21, 1983. **Ed Note:** Formerly Rule No 790-X-1-.12 moved in its entirety to become Rule No 790-X-1-.17 when new Rule No 790-X-1-.12 entitled "Exemptions from Continuing Education" was filed on August 27, 1986. **Amended:** Filed August 15, 1988 (Rule title changed Rule Previously entitled "Withdrawal of Approval."). **Amended:** Filed October 22, 1991. **Amended:** Filed: August 25, 1993; effective September 29, 1993. **Amended:** Filed June 9, 1994, effective July 14, 1994. **Amended:** Filed August 3, 1998; effective September 7, 1998. **Amended:** Filed August 29, 2000; effective October 3, 2000. **Amended:** Filed September 18, 2001; Effective October 23, 2001. **Amended:** Filed August 25, 2006; effective September 28, 2006. **Amended:** Filed June 21, 2007; effective July 26, 2007. **Amended:** Filed July 11, 2008; effective August 15, 2008. **Amended:** Filed May 27, 2009; effective July 1, 2009. **Amended:** Filed August 27, 2009; effective October 1, 2009. **Amended:** Filed August 27, 2009; effective October 1, 2009. **Amended:** Filed August 27, 2012; effective October 1, 2012. **Amended:** Filed September 6, 2013; effective October 11, 2013. **Amended:** Filed August 28, 2014; effective October 2, 2014.