

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission  
Rule No. 790-X-1-07  
Rule Title: Qualifications For Prelcense and Post License Instructors.  
         New           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 action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

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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.

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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 Services Agency.

Signature of certifying officer Vaughn T. Poe

Date July 29, 2021

REC'D & FILED  
(DATE FILED)  
(STAMP) JUL 29 2021

APA-2

**ALABAMA REAL ESTATE COMMISSION**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Real Estate Commission

**RULE NO. & TITLE:** Rule 790-X-1-.07  
Qualifications For Prelicense And Post License Instructors

**INTENDED ACTION:** Amend Rule

**SUBSTANCE OF PROPOSED ACTION:** The rule amendment provides the right for instructor applicants, who have a previous License Law violation, to request approval for Instructor status from the Commission. A copy of the proposed rule amendment may be found on the Commission's website, [www.arec.alabama.gov](http://www.arec.alabama.gov).

**TIME, PLACE, MANNER OF PRESENTING VIEWS:** Comments can be presented at the public hearing scheduled at 9:00 a.m. on September 23, 2021 during the regularly scheduled Commission Meeting to be held at the Alabama Real Estate Commission located at 1201 Carmichael Way, Montgomery, Alabama. Additionally, written comments may be addressed to Vaughn Poe, 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 October 8, 2021.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**  
October 8, 2021

**CONTACT PERSON AT AGENCY:** Barbi Lee, Alabama Real Estate Commission,  
1201 Carmichael Way, Montgomery, Alabama 36106. (334) 242-5544.

*Vaughn T. Poe*

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Vaughn T. Poe  
Executive Director

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

(1) In order to be approved to instruct real estate coursework, all real estate prelicense and post license instructor applicants shall:

(a) Apply on a form prescribed by the Commission.

(b) 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.

~~(c) 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.~~

(2) If a prelicense and post license instructor applicant has previously 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, the applicant shall first gain approval of the Commission through a hearing.

~~(2)~~ (3) Additional qualifications for all prelicense and post license instructor applicants, with the exception of full-time college and university prelicense and continuing education course instructors, shall be evaluated as follows:

(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.

~~(3)~~ (4) Full-time college and university prelicense and continuing education course instructors shall be qualified when certified by their respective educational institutions.

~~(4)~~ (5) All prelicense and post license instructors shall have written approval from the Commission prior to teaching an approved course.

~~(5)~~ (6) All prelicense and post license instructors will be periodically reviewed and evaluated by the Commission.

~~(6)~~ (7) All prelicense and post license 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 subject to disciplinary action in accordance with Rule 790-X-1-.17.

~~(7)~~ (8) Prelicense and post license instructors shall not 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 04, 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. **Amended:** Filed August 28, 2014; effective October 2, 2014. **Amended:** Filed August 17, 2016; effective October 1,

2016. **Amended:** Filed August 27, 2018; effective October 11,  
2018. **Amended:** Filed \_\_\_\_\_; effective \_\_\_\_\_.