

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission

Rule No. 790-X-2-01

Rule Title: Documentation Required For License Issuance.

 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

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 Services Agency.

Signature of certifying officer Vaughn T. Poe

Date July 29, 2021

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

ALABAMA REAL ESTATE COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Real Estate Commission

RULE NO. & TITLE: Rule 790-X-2-.01
Documentation Required for
License Issuance

INTENDED ACTION: Amend Rule

SUBSTANCE OF PROPOSED ACTION: This rule amendment allows the acceptance of diplomas to verify high school graduation for homeschooling, United States schools and schools in other countries. A copy of the proposed rule amendment may be found on the Commission's website, 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

Vaughn T. Poe
Executive Director

Rule 790-X-2-.01. Documentation Required For License Issuance.

The following items shall be required for documentation of licensing requirements:

(1) All applicants shall be at least 19 years of age as evidenced by a copy of a valid driver's license, U. S. passport, birth certificate or any other documentation acceptable to the Alabama Real Estate Commission.

(2) All applicants for a temporary salesperson, original salesperson, or broker's license shall certify on the appropriate application form that he or she is either a citizen of the United States, or is a permanent resident alien, or is legally present in the United States. Additionally, every applicant shall provide documentation of their status. This documentation shall be in the form of a photocopy of any one of the below listed documents, and shall be attached to the application form submitted to the commission office:

(a) Driver license or non-driver identification issued by any state of the United States; or

(b) Birth certificate issued by any state in the United States; or

(c) Permanent Resident Card, commonly known as a green card; or

(d) Any visa issued by the United States; or

(e) Any other documentation issued by the United States indicating legal presence in the United States.

(3) All applicants shall document their state of residence as evidenced by a photocopy of any one of the below listed documents:

(a) current driver's license; or

(b) car tag receipt; or

(c) deed to a home; or

(d) lease agreement on a home or residential apartment; or

(e) property tax bill; or

(f) voter's registration card; or

(g) other document acceptable to the Alabama Real Estate Commission.

(4) All applicants for a reciprocal license shall submit an official Certificate of Licensure form (license history) from the state where the applicant holds a current license. The Certification of Licensure shall be issued within the 120 day period prior to the issuance of the Alabama license. At minimum it shall show:

(a) Name and address of the licensee; and

(b) Status of the license (current, renewed, not renewed, expired, lapsed, etc.) and

(c) Type of license (salesperson, broker, etc.); and

(d) Period of time the license has been active and inactive over at least the previous 36 months; and

(e) If the applicant passed an examination; and

(f) Whether the examination consisted of the national and state portion or only the state portion; and

(g) Record of any disciplinary action against the licensee; and

(h) Any other documentation the Commission may require.

(5) All applicants who completed high school in the United States, except those applying for a reciprocal license and those who were home schooled, shall show proof of high school graduation by providing a photocopy of one of the below listed documents:

(a) High school diploma; or

(b) High school transcripts showing graduation date; or

(c) GED Certificate; or

(d) College diploma; or

(e) College transcripts showing completion of a minimum of two full terms (quarters or semesters); or

(f) Teaching certificate; or

(g) DD-214 showing verification of high school completion.

(6) All applicants who were home schooled in the United States shall provide a notarized transcript, ~~and a letter of recommendation from the home school group leader, or a diploma signifying completion of all requirements.~~ Diplomas shall not be accepted.

(7) All applicants who completed high school outside the United States shall provide one of the following:

(a) A transcript or diploma from a United States college showing that the applicant's high school education was sufficient to allow the applicant to be admitted into a post-secondary education program; or

(b) A transcript or diploma translated into English from either the high school or college the applicant attended in another country. ~~Document by Document Evaluation Report verifying the equivalence of the foreign high school graduate's education to that of an American high school education. The Document Evaluation shall be conducted through an education credential evaluation service that holds membership in the National Association of Credential Evaluation Services (NACES.)~~

Author: Alabama Real Estate Commission

Statutory Authority: Code of Ala. 1975, §§ 34-27-8, 34-27-32.

History: Filed September 30, 1982. **Amended:** Filed August 20, 1985; August 27, 1986; December 5, 1988; December 7, 1989; August 7, 1992. **Repealed:** Filed August 23, 1996; effective September 27, 1996. **New Rule:** Filed September 12, 2008; effective October 17, 2008. **Amended:** Filed _____; effective _____.