

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

\*\*\*\*\*

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 June 27, 2022

(DATE FILED) **REC'D & FILED**  
(STAMP)

**JUN 27 2022**

**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:** This rule amendment identifies the first two stages of the approval process for prelicense Instructor Applicants who want to teach salesperson prelicense, post license and broker prelicense courses. Applicants must score a grade of 70 or higher at a New Instructor Orientation to receive instructor approval. A score below 70 will require remedial instructor training and attendance at a future New Instructor Orientation session. 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 August 18, 2022, 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 September 9, 2022.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**  
September 9, 2022

**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

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.
- (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.
- (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 prerequisite 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 prior to being admitted to a mandatory orientation~~. 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~~35 points
    5. Real estate and related experience-~~10~~5 points
  - (b)            Each major category shall be comprised of subcategories thereby allowing consideration of a variety of qualifications.