

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission

Rule No. 790-X-1-.15

Rule Title: School And Instructor Advertising Regulations

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 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 6-19-17

APA-2

ALABAMA REAL ESTATE COMMISSION

NOTICE OF INTENDED ACTION

Agency Name: Alabama Real Estate Commission

Rule No: Rule 790-X-1-.15

Rule Title: School And Instructor Advertising Regulations

Intended Action: Amend Rule

Substance of Proposed Action: The proposed amendment allows schools to advertise their examination pass rates using information obtained from the Commission's website.

Date, Time, Place, Manner of Presenting Views: Comments can be presented at the public hearing scheduled at 9:00 a.m. on July 27, 2017 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 August 4, 2017.

Final Date For Comment and Completion of Notice: August 4, 2017

Contact Person at Agency: Ryan Adair, Alabama Real Estate Commission, 1201 Carmichael Way, Montgomery, Alabama 36106.
(334) 242-5544.

A handwritten signature in black ink, appearing to read "Patricia Anderson", written over a horizontal line.

Patricia Anderson
Executive Director

Rule 790-X-1-.15. School And Instructor Advertising Regulations

(1) No administrator and no instructor shall make, or cause to be made, any statement, or representation, oral, written, or visual in connection with the operation of a school or the offering of a course, if such person knows or reasonably should know the statement or representation to be false, inaccurate, or misleading.

(2) All school advertising shall contain the licensed or approved name of the school. A school shall not advertise in conjunction with any other business establishment unless the administrator submits a written statement to the Commission that the school will be responsible to ensure that all advertising complies with the laws and rules which govern advertising.

(3) No reference whatsoever shall be made in any newspaper, advertising brochures, etc. as to "pass/fail ratio" by any school/course sponsor or instructor approved by the Alabama Real Estate Commission with the exception that administrators and instructors may advertise that pass/fail rates can be viewed on the Alabama Real Estate Commission's website.

(4) There shall be no advertising which guarantees or alludes to a guarantee of passing the state examination.

(5) Failure by administrators and instructors to comply with advertising laws and rules shall result in disciplinary action as set forth in Commission rules.

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-.07. **Amended:** Filed August 27, 1986. **Ed Note:** By this amendment Rule No 790-X-1-.07 became Rule No 790-X-1-.15. **Amended:** August 3, 1998; effective September 7, 1998. **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.