

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control 790 Department or Agency Alabama Real Estate Commission  
Rule No. 790-X-1-09  
Rule Title: Qualifications For Continuing Education 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 *Patrick Anderson*

Date June 18, 2018

(DATE FILED)  
(STAMP)

**ALABAMA REAL ESTATE COMMISSION**

**NOTICE OF INTENDED ACTION**

**AGENCY NAME:** Alabama Real Estate Commission

**RULE NO. & TITLE:** Rule 790-X-1-.09  
Qualifications For Continuing Education Instructors

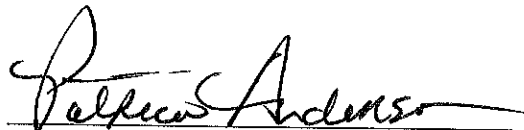
**INTENDED ACTION:** Amend Rule

**SUBSTANCE OF PROPOSED ACTION:** The proposed amendment establishes previous subsections as sections of this rule more appropriately, allows for a range of disciplinary actions rather than only revocation and specifies instructors as continuing education instructors. A copy of the proposed rule 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 July 26, 2018 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 3, 2018.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**  
August 3, 2018

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

  
Patricia Anderson  
Executive Director

**790-X-1-.09**  
**Instructors.**

**Qualifications For Continuing Education**

(1) A continuing education instructor shall be defined as an instructor who is approved to teach only continuing education courses. All instructors who are approved to teach prelicense and post license courses are also approved to teach continuing education courses and shall not be required to qualify under this rule.

(2) Every continuing education instructor applicant shall apply for approval on a form prescribed by the Commission along with the appropriate fee. No instructor may begin teaching a course offered for continuing education credit until he/she has received written approval from the Commission.

~~(a)~~ (3) Continuing education instructor applicants shall 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.

~~(b)~~ (4) Continuing education instructors shall be periodically reviewed and evaluated by the ~~Alabama Real Estate Commission.~~

~~(c)~~ (5) Continuing education instructors shall attend Commission sponsored orientation courses and seminars when directed to do so by the Commission. Failure to do so shall result in ~~instructor approval being revoked~~ the instructor being subject to disciplinary action in accordance with Rule 790-X-1-.17.

~~(3)~~ (6) A person seeking approval to teach approved continuing education courses, may seek approval in his/her principal occupation by possessing one of the following qualifications:

(a) Bachelor's degree in the field of instruction plus at least two years-experience in the field of instruction;

(b) Teaching experience consisting of at least 75 hours in the application field within 3 years immediately preceding the date of the instructor's application plus 3 years full time experience in the field of instruction;

(c) Six years full time experience in the profession, trade or occupation in the field of instruction;

(d) Any combination of at least six years of full time experience relevant to the application field and college level education with course work in the field of instruction.

~~(4)~~ (7) All continuing education instructor applicants qualifying under (3) above shall submit documentation of qualifications and a resume outlining experience, education and/or teaching experience in the applicable field. 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.

~~(5)~~ (8) Approved Continuing education instructors shall not earn continuing education credit for teaching courses.

**Author:** Alabama Real Estate Commission

**Statutory Authority:** Code of Ala. 1975, §§34-27-6, 34-27-8, 34-27-35. History: Filed August 27, 1986. **Ed Note:** Former Rule 790-X-1-.10 entitled "Withdrawal of Approval" was moved in its entirety to become Rule 790-X-1-.17. **Amended:** Filed August 15, 1988; January 31, 1989; December 9, 1992. **Amended:** Filed: August 25, 1993; effective September 29, 1993. **Amended:** Filed January 18, 1994; effective February 22, 1994. **Amended:** Filed August 29, 2000; effective October 3, 2000 (**Ed. NOTE:** Former Rule 790-X-1-.10 was moved in its entirety to become 790-X-1-.09, as per this certification). **Amended:** Filed September 18, 2001; effective October 23, 2001. **Amended:** Filed November 25, 2003; effective December 30, 2003.— **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 \_\_\_\_\_; Effective \_\_\_\_\_.