

APA-2

ALABAMA REAL ESTATE COMMISSION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Real Estate Commission

RULE NO. & TITLE: Rule 790-X-2-.02
Applications for Examination and Licensure

INTENDED ACTION: Amend Rule

SUBSTANCE OF PROPOSED ACTION: This rule amendment streamlines the determination of eligibility process for real estate license applicants. 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 November 18, 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 December 10, 2021.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
December 10, 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-.02. Applications for Examination and Licensure.

(1) Should any applicant for a real estate broker's or salesperson's license falsely answer any questions on either his/her examination application, request for determination of licensing eligibility, or license application or misrepresent any facts relating to either those applications, said application may be rejected by the Commission investigations staff and returned to the applicant. Any applicant whose application is not deemed acceptable may request a hearing before the Commission relative to such rejection within 30 days of the Applicant's receipt of the notice of rejection.

(2) In determining if an applicant is qualified and fit to hold a real estate license under Code of Alabama, 1975 § 34-27-32(j), the following shall apply:

a. The application or request for determination of licensing eligibility of any person whose criminal history establishes that the applicant has not been convicted of a felony or a crime of moral turpitude shall be approved by the Commission's investigation staff without the necessity of a hearing before the Commission.

b. The application or request for determination of licensing eligibility of any person whose criminal history establishes that the applicant is actively on probation or parole or owes monies for restitution, court costs, or fees pertaining to a conviction of felony or a crime of moral turpitude may be rejected by the Commission's investigation staff. Any applicant whose application is rejected may request a hearing before the Commission relative to the rejection within 30 days of the applicant's receipt of the notice of rejection.

c. The application or request for determination of licensing eligibility of a person whose criminal history establishes that the applicant has been convicted of a felony or a crime of moral turpitude and the applicant is no longer on probation or parole and no longer owes any monies for restitution, court costs, or fees will be set for a determination of eligibility hearing before the Commission.

~~(2)~~(3) Any real estate broker who knowingly signs a license application stating the applicant under his/her sponsorship is of good reputation and is trustworthy may be held liable for such statements; and should a routine investigation of the applicant's

background prove otherwise, the sponsoring broker may be subject to a fine or revocation or suspension of his/her license.

~~(3)~~(4) All temporary salesperson and original broker license applications shall contain a recent photograph.

~~(4)~~(5) The examination appointment shall be made and the examination fee paid to the testing agency as published in the Candidate Handbook. When the registration has been processed, the applicant shall be notified of the time to report to the exam center. Unscheduled candidates shall not be admitted.

~~(5)~~(6) An examination fee shall be paid for each scheduled examination whether or not the applicant takes the exam unless the applicant is rescheduled in accordance with policies as specified in the Candidate Handbook.

~~(6)~~(7) Applicants who fail the examination may retake the examination by following application procedures as outlined in the Alabama Candidate Handbook.

~~(7)~~(8) The passing grade for both the salesperson and broker examinations shall be seventy (70). A time limit of three and one-half (3 1/2) hours is hereby set and allotted for completion of the required examination.

~~(8)~~(9) All salesperson and broker applicants shall complete all required course work, including passing the course final examination, prior to taking the state examination.

~~(9)~~(10) Salesperson applicants shall show successful proof of completion of the 60 hour salesperson prelicense course in the exam provider's electronic eligibility database prior to scheduling the salesperson examination.

~~(10)~~(11) Broker applicants shall show proof of successful completion of the 60 hour broker prelicense course in the exam provider's electronic eligibility database prior to scheduling the broker examination.

~~(11)~~(12) Reciprocal salesperson and broker applicants shall show successful completion of the six (6) hours of reciprocal prelicense coursework in the exam provider's electronic eligibility database prior to scheduling the reciprocal salesperson examination or the reciprocal broker examination.

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 15, 1988; December 5, 1988; October 22, 1991. **Amended:** Filed August 25, 1993; effective September 29, 1993. **Amended:** Filed September 18, 2001; effective October 23, 2001. **Amended:** Filed August 31, 2004; effective October 5, 2004. **Amended:** Filed April 24, 2007; effective May 29, 2007. **Amended:** Filed May 27, 2009; effective July 1, 2009. **Amended:** Filed August 27, 2009; effective October 1, 2009. **Amended:** Filed _____; effective _____.