

DeLuca, William (DBR)

From: Adrienne Kirschner <hotprop21@gmail.com>
Sent: Thursday, August 22, 2019 11:05 AM
To: DeLuca, William (DBR)
Subject: [EXTERNAL] :

Although this new regulation does not affect me, I would not be in favor of it. It is a lot simpler, cleaner, user-friendly to leave it the way it is where everybody is on the same playing field and everybody knows what the expectations are. The other way it becomes very confusing. Thank you for allowing and input.

Adrienne Kirschner
Associate Broker

Sent from my iPhone

DeLuca, William (DBR)

From: Donna McGinn <donna@rirealtors.org>
Sent: Thursday, August 22, 2019 11:55 AM
To: DeLuca, William (DBR)
Subject: [EXTERNAL] : Proposed Rulemaking to amend Regulation

Hi Bill!

Thank you for sending out the proposed changes and including me on it. I wondered why the proposed change for renewal date for new licensees as of 1/1/20, is their license anniversary date rather than their birthday?

- Easier for the licensee to remember than when they received their license
- Mass. Licensing Bureau uses birthday... I believe CT does as well but not 100% sure.

I'm sure you've got reason to believe the anniversary date is better, but thought I would ask.

Thanks so much Bill! I hope you are enjoying summer!!

Warm regards,
Donna McGinn

Please note that my email address has changed to donna@RIRealtors.org



Donna McGinn
Director of MLS & Member Services
RI Association of REALTORS & State-Wide MLS, Inc.
100 Bignall Street
Warwick, RI 02888
401-432-6929 Fax: 401-941-5320
donna@rirealtors.org

DeLuca, William (DBR)

From: John Hodnett <John.Hodnett@liladelman.com>
Sent: Thursday, August 22, 2019 12:21 PM
To: DeLuca, William (DBR)
Subject: [EXTERNAL] : Amendenent comment

Mr. Deluca,

I would propose the following edit to this change.
Section 2-21 (F)

In any real estate transaction, a licensee shall, at the first point of personal contact, disclose in writing whether the Licensee has any of the following interests in the transaction unless the other party is represented by a licensed real estate salesperson:

Logic: If I am a licensed salesperson and I have an interest in purchasing a property which is listed in MLS by another broker there is no reason for me to disclose that I am a licensed agent as the public is represented by another licensed broker and is thus at no risk of being taken advantage of by an undisclosed licensed professional. The party has representation and thereby this disclosure is not necessary. In my opinion that would only be necessary if I, as a licensed sales person, approached a For Sale by owner or unlisted property where the public is not represented then it would be important to make these disclosures. It seems redundant and unnecessary to disclose when the other party has licensed representation who will be providing the same level of service to their client whether the buyer is a lawyer, a licensed real estate salesperson or a member of the general public.

If you would like to discuss further let me know.

Best,

John Hodnett
President/Broker [liladelman.com]

Lila Delman Real Estate International
Local Legacy...International Reach

CHRISTIE'S MAYFAIR INTERNATIONAL LUXURY PORTFOLIO

Direct 401-284-4800

Corporate Office
41 Ocean Rd.
Narragansett, RI 02882

DeLuca, William (DBR)

From: Christopher DePerro <christopherdeperro@gmail.com>
Sent: Thursday, August 22, 2019 12:43 PM
To: DeLuca, William (DBR)
Subject: [EXTERNAL] : Comment/New Proposed Rulemaking

~~GE. In any real estate transaction in order to take a commission, a licensee shall, at the first point of personal contact, disclose in writing whether the Licensee has any of the following interests in the transaction:~~

~~The disclosure of personal interest would be more streamlined if the above read something like "...at the point of first contact, or delivered with a formal offer to purchase..." As the later is often how it happens in reality.~~

Thank you for your continued efforts to better our industry.

Best Regards,

Chris DePerro
Sales Associate
Teri Degnan Real Estate & Consulting
cell: 401-644-3602
teridegnan.com [teridegnan.com]

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DeLuca, William (DBR)

From: Donna McGinn <donna@rirealtors.org>
Sent: Thursday, August 22, 2019 2:18 PM
To: DeLuca, William (DBR)
Subject: [EXTERNAL] : Prop Rulemaking to amend Regulation

Hi again Bill,

I had another question regarding the proposed change to the licensee renewal date... can you add a column to the license list on your website to show the license expiration date?

National Association of Realtors® requires us, the State Association, to check our members RE licenses twice per year. We check for licensees that have not been reported to us by their Des. Broker and for expired licenses. It would help us immensely to have the license expiration date on the license list that appears in alphabetical order. Thank you again,
Donna McGinn

Please note that my email address has changed to donna@RIRealtors.org



Donna McGinn
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DeLuca, William (DBR)

From: Deniseumancini <deniseumancini6@gmail.com>
Sent: Thursday, August 22, 2019 10:36 PM
To: DeLuca, William (DBR)
Subject: [EXTERNAL] : Proposed rule making to amend Regulation

Hi

After reviewing the proposed change regarding license renewals, I think it is going to cause a lot of confusion with the renewal period being dependent upon when you get your license from this point forward. If every license had to renew 2 years from the date of issue it would make more sense. As a Associate Broker and prelicense instructor I don't understand the purpose of this change?

Out of curiosity what triggered the change? Has there been a problem with our current renewal process?

Respectfully

Denise Mancini

Sent from my iPad

DeLuca, William (DBR)

From: arthur yatsko <art_yatsko@yahoo.com>
Sent: Thursday, August 22, 2019 10:44 PM
To: DeLuca, William (DBR)
Subject: [EXTERNAL] : Re: Proposed Rulemaking to amend Regulation

Thank you Administrator DeLuca.

I've never understood why I have to disclose that I am related to the client. I owe the same fiduciary duty to my client whether they are family or not. Section 221.4 implies that a non-family member could expect less. Disclosing to the parties who I represent should be enough. The only time familiar relationships could be a problem and should be disclosed is when my family member is on the other side of the transaction. Example: My step-daughter wants to buy one of my listings. The seller should be notified and perhaps sign off. Either granting permission or creating a neutral facilitator role.

Art Yatsko
Your friend in the business.

Realtor Emeritus

Omega Tau Rho fraternity of the National Association of Realtors

2016 President,

Rhode Island
REALTORS

<http://www.salisburysearch.com/> [salisburysearch.com]

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DeLuca, William (DBR)

From: Monica Staaf <monica@rirealtors.org>
Sent: Friday, August 23, 2019 8:14 AM
To: DeLuca, William (DBR)
Cc: Phil Tedesco
Subject: [EXTERNAL] : renewal

Hi Bill:

Did DBR discuss have licenses renew on birthdays instead of anniversary dates? That's the main comment that I've heard internally. My guess is that because of increased global concern about privacy issues, DBR did not want to post birthdays of individuals on a public accessible web site. My only other guess is that using anniversary dates for corporations and birthdays for individuals as MA does would require a more complicated computer system. (Feel free to call if that's easier.)

RIAR will submit formal comments next month.

I'm not sure why Phil's email bounced back. We all have the same emails: our first name with followed by @rirealtors.org. He has seen the regulations.

My email address has changed to monica@rirealtors.org. Please update your records.



Monica Staaf
General Counsel
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State-Wide Multiple Listing Service, Inc.
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For answers to your legal questions, log into the Legal Hot Line database of frequently asked questions.
<http://www.rirealtors.org/legal-ethics/legal-hotline/> [rirealtors.org]

DeLuca, William (DBR)

From: Deborah Giannini <propertiesbydeborah@yahoo.com>
Sent: Friday, August 23, 2019 11:30 PM
To: DeLuca, William (DBR)
Subject: [EXTERNAL] : Re: Proposed Rulemaking to amend Regulation - A. All licensees shall deal fairly with all parties to a real estate transaction.

Bill:

Thank you for this opportunity - I would love an opportunity to sit with you confidentially and briefly with regard to this section - a licensees shall deal fairly with all parties to a real estate transaction.

There is a gross abuse by a particular agent (known by all) - that even when brought to the brokers attention, the brokers response is to just file a complaint to DBR so that this party can just pay the fine. ***I believe a fine is imposed to teach or correct a licensee - not to allow them to just run rampant and pay fines.*** I serve on every committee and I am on the GPBOR and I am the National Chair for RPAC. I believe if you afford me an confidential opportunity to discuss this, it will have a great impact on the real estate experience for buyers, sellers, realtors, appraisers and lenders.

My recommendation would be that if a licensee is imposed a fine for an infraction, on the 3rd fine there will be a stronger consequence.

This change would seriously improve the real estate experience for all parties involved and would provide a better opportunity for buyers and sellers, which should ultimately be the focus of this business.

The abuse is with the very basic expectation - I AM IN THE FIELD -- this behavior seriously needs to be corrected.

~~A. All licensees shall deal fairly with all parties to a real estate transaction.~~

THANK YOU FOR THIS OPPORTUNITY.

2.22 General Obligations of Licensees

- A. All licensees shall deal fairly with all parties to a real estate transaction.
- B. Every licensee shall make a diligent effort to ascertain all pertinent information and facts, including but not limited to lot size, zoning, presence or absence of

town water or sewer connection, and in the course of a new dwelling, municipal acceptance of the plat and certificate of occupancy, concerning every property in a real estate transaction in which he or she acts as a client representative. The client representative shall reveal, in writing, all information and facts material to any transaction to his or her client and when appropriate to any other party. This information shall include any actual or potential conflicts of interest that the licensee may reasonably anticipate.

Deborah Giannini, Realtor, GRI, SRS, ABR
HOMESMART PROFESSIONALS REAL ESTATE
Commitment to Excellence ~ Multi-million Dollar Producer

DeLuca, William (DBR)

From: Linda Dewing <linda@placesandspacesrealtyri.com>
Sent: Saturday, August 24, 2019 10:02 AM
To: DeLuca, William (DBR)
Cc: Agueda Del Borgo
Subject: [EXTERNAL] : New regs

God morning.

I have a question about 2.26.

Do A and B mean that the printed versions of the exclusive right to list are being changed and will no longer permit the commission amount to be included? Or the commission split?

It's a little confusing. Would it be clearer to state that those % MUST be inserted before signing by buyer and seller?

Sincerely
Linda Dewing

Linda Dewing
Broker Associate
Places & Spaces Realty
35 South Angell Street
Providence RI 02906
Cell 401 727 4700

Sent from my iPhone-have a wonderful day!

DeLuca, William (DBR)

From: Tammy Pelletier <tjpeltier1@gmail.com>
Sent: Saturday, August 24, 2019 10:21 AM
To: DeLuca, William (DBR)
Subject: [EXTERNAL] : Proposed Rulemaking to Amend Regulation

Good morning!

Does this change affect all of the Realtors across the board? I really don't like having to fill out a whole renewal application every two years. What would this renewal application look like? It's slow going just sending the money and waiting for the new license. Never mind having to have a company review each and every application. Or am I reading too much into it? I do agree, however, that our licenses should be renewed on the date that we received our license to begin with. This horrible rush at the last minute for everyone to get the continuing education and money in is ridiculous.

On a completely different note:

Puffing! We are not allowed, by law, to "puff up" a property. I have noticed that there is this trend by a lot of the agencies to put up professional pictures on their listings.

I had a buyer with me yesterday. She's an investor. We went to look at a house in Warren. Online, the house was beautiful. We couldn't figure out what the house needed. The rooms look wonderfully large and CLEAN. When we got to the house, we couldn't see it from the street. The person who took the picture, obviously retouched an older picture and said it was taken in April. Okay, we could buy that. When we went inside the house, the rooms were so small. In no way, were these anything that these professional pictures depicted on the listing sheet.

Going through the house, you could see where obviously the pictures were taken at certain angles with lenses to make it appear bigger. Even dirty walls and floors appeared clean. Obviously touched up.

Another house we went to, the front of the picture showed a huge front yard with a walkway up to the house. That's different for Warwick and she had to see that house right away. She's from New Hampshire so she couldn't drive by these houses. When we got to the house, the front yard was only a few yards from the street. The picture had been taken at such an angle, that it looked huge. When you looked closely at the walkway after being there, you could see the distortions in the walkway.

The pictures of the kitchen looked like a gourmet's delight only to find out, it was only a glorified galley kitchen that only took 10 steps to walk through.

I can understand taking wide angle shots to get all of the room in, but some of these go far beyond that.

My buyer is so disgusted!

In my opinion, pictures like this are considered "puffing." They do not represent the true home. Between filters and angle shots, it looks like we have a lot of Snapchat houses. I'm waiting to see the first "duck face" shot of a house.

Thank you for your time!

Tammy J. Pelletier



DeLuca, William (DBR)

From: Bob Candon <rcw5900@gmail.com>
Sent: Saturday, August 24, 2019 10:56 AM
To: DeLuca, William (DBR)
Subject: [EXTERNAL] : Comment about Regulation changes

Many thanks for the request for comments on the proposed regulation changes. Regarding 2.7 D, I don't understand why future licensees should have to renew on the anniversary date instead of May 1. Isn't this an unnecessary complication? Why make the conduct of business more difficult? How does this serve the public interest? As far as I know, the present system works fine. Why change it?

I noticed 2.7 D says online pre-license courses are not allowed. This seems unnecessary--out of step with the times. Maybe I'm wrong but, in a time when law students take on line courses, why not people who want to sell houses?

I think all the other changes look good. I appreciate all your efforts. Have a good day!

Bob Candon
401-339-6654
rcw5900@gmail.com

DeLuca, William (DBR)

From: Ginny Lacey Gorman <ribythebay@gmail.com>
Sent: Thursday, August 29, 2019 7:40 AM
To: DeLuca, William (DBR)
Subject: [EXTERNAL] : Comments On Proposed Sales Person Rule Making Change For Real Estate Salespersons

Mr. Delucca,

My comments are in response to the proposed new regulations for RI Real Estate salespersons which we are all assuming are for the new period 2020-2022 (it is unclear). To have it be the current period (2018-2020) when we are nearly three quarters of the way through the cycle period is somewhat unjust to change the regulations in 'mid stream'.. It would certainly make sense to have it in the 2020-2022 cycle period for renewal licenses.

Education is at the forefront of salespersons in real estate when they learn something new. The amount of credit increases seems extreme from the current 24 CEU level. As a real estate agent for 14 years in RI, I do not believe this increase in Education helps with new sales people in this field which I am seeing in the last 1.5 years especially. It has to do with *intelligence* which real estate courses do not teach. I do believe a whole restructuring of the licensing test to become a salesperson is in order and I really do not understand how many of these associates pass the test. This is not critical but an accurate observation, unfortunately from a being in the field perspective. Focusing on that test needs to be broadened to weed people out who also lack social skills and courtesy which the Brokers can not seem to control either.

It seems worthwhile to increase the CEU's for sales people but please explain to me how that changes 'behavior' of salespersons in the field of real estate? Perhaps a graduated step up in the 2020-2022 period would work better. Many sales people are part time, single family parents or away part of the year and the large increases in cost to them is a burden, time impacts their home life too. I do not have an answer to the right number of CEU's and feel 45 credits was picked as a 'number'. Again will this increase in CEU's reduce the number of complaints to the Department of Business Regulation? I tend to doubt it.

Perhaps the Grievance Boards for each of the RI real estate boards needs to step up their penalties on sales persons when grievances come before them? Set the tone at the Board level, level more burdens monetarily on the Broker of the salesperson who have qualified complaints by the consumer may help to stem how the lack of training & conduct of agents. Something to consider as another avenue to pursue with Brokers..

As you know the average age of a sales person is nearing 60 years old based on National Association statistics. Dismissing online Education courses just does not work at all for so many. Many get sick and remain home bound for awhile, surgeries are happening left and right to sales persons (mostly experienced agents too) or some are away for 5-6 months a year from RI, single parents do not have the time to be away from family & need the night to take the online course load,. Taking online courses away is a true hardship for agents to do their business too. Please reconsider this change.

Looking forward to a middle ground in your decision as you get feedback from salespersons & brokers.

Respectfully,

Virginia Gorman, RI Real Estate Services, 6454 Post Rd., North Kingstown, RI 02852

RI License # S32311



September 13, 2019

William J. DeLuca
Administrator Real Estate
Department of Business Regulation
Building 68-1
John O. Pastore Complex
1511 Pontiac Avenue
Cranston, RI 02920

by email: william.deluca@dbr.ri.gov

RE: Comments on proposed amendments to 230-RICR-30-20-2 – Real Estate Brokers and Salespersons

Dear Mr. DeLuca:

On behalf of the Rhode Island Association of REALTORS® (RIAR), thank you for providing us with the opportunity to comment on the amendments to the above regulations that the Rhode Island Department of Business Regulation has proposed.

Section 2.9 License Renewal Term: RIAR supports the proposal to require individuals who are licensed on or after January 1, 2020 to renew their real estate license every two years on the anniversary date of the issuance of the license instead of requiring all licensees to renew on the same date. The current system results in many licensees scrambling to register for classes at the same time. Shifting to a staggered renewal system would ease the burden on real estate schools, DBR staff, and real estate licensees over time.

In order to help real estate licensees, principal brokers, and RIAR track renewal deadlines, RIAR recommends that DBR send a minimum of one renewal notice to each licensee and create columns for the renewal deadline and status (i.e. active, expired, suspended, etc.) of each licensee along with his or her name and brokerage affiliation on the DBR site.

Section 2.25 Advertising:


(I) RIAR supports removing the reference to a branch office.

2.21 Commissions: (F) RIAR supports DBR's proposal to change the penalty for failing to disclose in writing in advance that he or she has a familial or personal interest in a transaction. The existing regulation could and has resulted in a real estate licensee forfeiting his or her commission, which could exceed the statutory maximum fine by thousands of dollars and result in excessive penalties. The proposed revision would impose a maximum of \$2,000 per offense and make this section of the regulation consistent with R.I.G.L. § 5-20.5-14.

RIAR also supports DBR's proposal to expand the regulation to require disclosure of potential conflicts of interest involving household members. A transaction involving a cohabiter can pose as much as a conflict of interest as a spouse. This amendment would make the regulation consistent with ethics rules.

Thank you for your consideration.

Sincerely,



Philip B. Tedesco, RCE, CAE, CIPS
Chief Executive Officer

ONLINE PUBLIC COMMENTS FOR REVIEW

Date: 09/06/2019

Regulation: 230-RICR-30-20-2

Title: Real Estate Brokers and Salespersons

Reviewed Comments

Comment ID: 10850-39

Comment By: Fred Richenderfer **On:** 08/22/2019

This comment is currently enabled for public display

Comment:

All proposed changes seem well conceived and offer much better work flow conditions by not having every Realtor on the same schedule.

I did not see any description of how the transition time frame will occur. For example, if my new renewal date is September 31, rather than April 30, will my expiring term be 29 months rather than 24 months in order to accommodate the transition?

Reviewed by: Amy Stewart **On:** 09/06/2019

Comment ID: 10850-40

Comment By: Nancy Crawley **On:** 08/23/2019

This comment is currently enabled for public display

Comment:

Thank you for this proposal. I found it to be clear, precise and easy to discern. Thank you

Reviewed by: Amy Stewart **On:** 09/06/2019

Comment ID: 10850-41

Comment By: Jean Kusiak **On:** 08/30/2019

This comment is currently enabled for public display

Comment:

I understand the reasoning behind scattering the renewal dates throughout the year. I agree. Would it not make more sense to renew licenses on a person's birthday instead?

Reviewed by: Amy Stewart **On:** 09/06/2019