

**MINUTES OF THE RHODE ISLAND
REAL ESTATE COMMISSION**

DATE: March 11, 2010

TIME: 9:00 A.M.

LOCATION: Department of Business Regulation

John O. Pastore Center

1511 Pontiac Ave. Bldg. 69-1

Cranston, RI 02920-0942

Members Present:

David Iannuccilli, Chairperson, John Silvia Vice-Chairperson, Laura Marasco, Special Assistant Attorney General, Robert Recchia, Pamela Kobrock, Brenda Marchwicki, Ellen Balasco, Legal Counsel Dept. of Business Regulation, Leslie Pratt, Licensing Aide and William J. DeLuca, Acting Real Estate Administrator for the Department of Business Regulation.

Guest present was Norma Mousseau of RI Association of Realtors.

Chairperson David Iannuccilli called the meeting to order at 9:18 AM.

Chairperson asked for a motion to accept the minutes of the last meeting. John Silvia made the motion to accept the minutes of the last meeting. Brenda Marchwicki seconded the motion. Chairperson

made correction to minutes. In reference to Property Management Companies to remove “real estate licensee” and substitute “individual”. Also Ellen Balasco made correction to “employed to not violate the law” and substitute “responsible for conducting all property management and rental business”. Chairperson made correction to discussion of continuing education by adding “with regard to” before acceptance. John Silva made motion to accept amended minutes. Seconded by Brenda Marchwicki. All were in favor.

Chairperson began discussion on the short-term rental exemption from the Rhode Island Mandatory Real Relationship Form. Chairperson read a letter from Cecile Cohen of Randall Realtors in support of an exemption for short-term rentals. John Silva stated his position that he was opposed to creating an exemption for short-term rentals. General discussion ensued. John Silva made a motion to oppose the exemption for short-term rentals by submitting a formal position from the Commission to the appropriate legislative committee hearing the proposed bill due to the time frame involved, exemption to the record keeping procedures and spirit of the overall legislation. Seconded by Brenda Marchwicki. Four votes were in favor, two votes abstained. Motion passed.

Chairperson opened discussion on review of Chapter 5-20.6 Agency Relationship in Residential Real Estate Transactions.

5-20.6-1 Legislative purpose – No change.

5-20.6-2 Definitions – Discussion on the form currently in use, particularly the use of the word neutral. Chairman requested that Monica Staaf be contacted to revise the form and eliminate the use of the word neutral in portions of the form. Ellen Balasco will contact her in this matter. (V) Removal of the phrase “in a neutral capacity” and change own to “owe”. (W) Remove “as a neutral facilitator”.

5-20.6-3 Relationships – Creation and presumption – (a) Eliminate the word neutral after are and before transactions. Also eliminate section (c) Types of relationships.

5-20.6-4 Duties owed by a transaction facilitator to a customer – (a) Eliminate the word neutral after A and before transaction.

5-20.6-5 Duties owed by a designated client representative to client - No change.

5-20.6-6 Dual facilitator – (4) Eliminate the word neutral after a and before dual transaction.

5-20.6-7 Duty to protect confidential information - No change.

5-20.6-8 Mandatory relations disclosure – (c)(9) Eliminate “acts as designated client representative in a transaction or a neutral transaction facilitator”.

5-20.6-9 Written requirements for representation of a client - No change.

5-20.6-10 Client representation contract – Minimum requirements - No change.

5-20.6-11 Relationship and compensation - No change.

5-20.6-12 Rules and regulations - No change.

5-20.6-13 Penalty for violations - No change.

Chairperson asked for public comment. Norma Mousseau inquired of classes not renewed yet having been submitted in October 2009. Leslie Pratt advised she would review her records but believed those courses were already approved and would advise her.

Brenda Marchwicki inquired on using a course twice in a renewal period. Once as a core course and once as general continuing education credit. General discussion ensued. It was determined that the second course had to be significantly different from the first. Suggestions was Part I and then Part II as examples.

Chairperson Iannuccilli advised that the next meeting would be held on Thursday, April 8, 2010 at 9:00 AM.

Chairperson Iannuccilli asked for a motion to adjourn. Motion made by Brenda Marchwicki. Pamela Kobrock seconded the motion. All in favor.

Meeting adjourned at 10:58 A.M.

Respectfully submitted,

William J. DeLuca

Acting Real Estate Administrator