



July 2009

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#### Members of the Commission

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Ken Gill  
Little Rock

Jim Newell  
Little Rock

Sylvester L. Smith III  
Camden

#### Commission Staff

Bill J. Williamson  
Executive Director

Gary C. Isom  
Deputy Executive Director

# ARKANSAS REAL ESTATE COMMISSION

N E W S L E T T E R

From the Desk of . . . **Bill J. Williamson**  
Executive Director

## RENEWAL 2010

2010 Renewal notices will be mailed this month to each licensee at their home address. A copy of the renewal notice is shown on the back page of this newsletter. Instructions for renewing your license are on the renewal notice. If your license is now active and you are renewing your license as active for 2010 you must complete 6 hours of CE before the end of 2009, unless you were first licensed in 2009. (See article about Failure to Complete CE). If you fail to renew your license by the end of 2009, you will not be issued a 2010 real estate license and you can not practice as a real estate licensee since your license has expired. (See article about Failure to Renew). If you do not renew your license before September 30, 2009 you will have to pay an expired license fee.

Principal Brokers and Designated Executive Brokers make sure licensees licensed with your firms have renewed their licenses for 2010. (See article about Checking Licenses On-line). If a Principal Broker or Designated Broker allows a licensee to continue practicing real estate without a license that is cause for disciplinary action.

Renew on-line at [www.arkansas.gov/arec](http://www.arkansas.gov/arec). It is fast and easy and won't cost you any additional fee, other than your license fee, to renew.

If you have any questions contact AREC license department at 501 683-8010.

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## Failure to Complete CE could be Cause for Disciplinary Action

By Gary Isom, Deputy Executive Director

A.C.A. Section 17-42-311 (a) lists as a violation "Obtaining a license by means of fraud, misrepresentation, or concealment."

When a real estate licensee renews, they acknowledge that as an active licensee they must successfully complete six (6) classroom hours of continuing education annually. Any licensee that renews active for the upcoming year without completing the required education may be subject to disciplinary action.

**Principal Brokers:** Commission Regulation 10.4 (b) states "Principal brokers and executive brokers have the duty and responsibility to instruct those brokers and salespersons licensed under them with regard to the fundamentals of real estate practice and the ethics of the profession, and to keep them informed and abreast of all changes and developments pertaining to the Arkansas Real Estate License Law and Commission regulations. They shall also exercise strict supervision of the real estate activities of all those licensed under them and for whom they have supervisory responsibility."

One of the most basic fundamentals of holding a real estate license is to know how to comply with the requirements for properly maintaining that license. Principal Brokers should take action to ensure that all persons licensed under them understand and fulfill those requirements.

## RENEWAL 2010-Continued

### Failure to Renew Results in Disciplinary Action

By Gary Isom, Deputy Executive Director

During 2009, the Arkansas Real Estate Commission ordered that a principal broker and salesperson each pay a penalty and issued each a letter of reprimand. The principal broker paid commissions to the salesperson for real estate activities performed while the salesperson's license was expired.

Commission Regulation 6.3(c) states "A person whose license has expired shall not practice as a real estate broker or salesperson in this state."

A.C.A. Section 17-42-311(a)(12) lists as a violation "Paying a commission or valuable consideration to any person for acts or services performed in violation of this chapter, ..."

To avoid having to pay a late fee, you should renew your license for the upcoming calendar year by September 30th.

To avoid having your license expire, you must renew no later than December 31st.

**Principal Brokers:** You are advised to check the AREC on-line roster, (see detailed instructions in this newsletter) to make sure everyone licensed with your firm has renewed for the upcoming calendar year. Otherwise, you could be subject to disciplinary actions if salespersons licensed with your firm let their license expire and continue to perform licensed activities after December 31st of the current year.

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### Checking Licenses On-line

By Gary Isom, Deputy Executive Director

AREC offers a couple of sources to check real estate license information on-line.

The first is at the AREC website located at [www.arkansas.gov/arec](http://www.arkansas.gov/arec).

Click on "ROSTER" on the upper left menu screen. From there you will be taken to a search screen.

You may search for real estate licensees by name, city or firm. Once you have an individual record on screen you will have determined that the licensee is active because this on-line roster only shows active licensees. You will be also able to determine whether the **licensee has completed the six-hour continuing education** they **need** to renew for the **upcoming** calendar year.

During mid July of each year, after renewal cards have been mailed, you will be able to tell whether a person has renewed for the upcoming calendar year. If their expiration date is December 31 of the current calendar year, that **licensee has not renewed** for the next calendar year. Once a licensee renews for the upcoming license year, their expiration date will change to December 31 of the next calendar year. Updates to the on-line roster occur nightly.

As September 30th approaches you can use the Search Screen to determine which licensees in your firm have or have not renewed. Do this by entering the name of your firm and selecting the Expiration Year at the bottom of the screen. If you want to see all licensees who have **not** renewed for the upcoming year, select the current calendar year for Expiration Date. If you want to see all licensees **who have** renewed in your office, select the upcoming calendar year for Expiration Date.

The other on-line tool you can use to determine whether or how a person is licensed in Arkansas is at **www.arello.com**; provided by the Association of Real Estate License Law Officials, a professional association of 96 real estate licensing and regulatory jurisdictions in the United States, Canada, and other countries. Several of these jurisdictions and NAR populate this database. This search screen will display active and inactive licensees in Arkansas. You can also use this to check whether persons are licensed in other states. This data should update nightly for Arkansas licensees. Some states update less often.

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#### **AREC STAFF SPOTLIGHT**

**Joyce Wilkerson**, License Supervisor, will retire at the end of July 2009. Joyce began her career at the Commission as receptionist in 1976 and has held numerous positions in the license department over the years. In 2001 Joyce was promoted to License Supervisor. As License Supervisor, Joyce was responsible for supervising the Commission's license department and staff. In addition to supervising the license department Joyce was also our computer technology go to person. **Thank you Joyce** for your contribution to the Commission, real estate industry and state of Arkansas. **All of us at AREC wish you a long and happy retirement.**



## FORMAL HEARING DECISIONS

The following information is extracted from Findings of Fact, Conclusions of Law and Order, and Consent Orders issued by the Commission from December 2008 through February 2009. Formal Hearing Decisions that have been appealed are not listed.



### **Richard A. Watts, Salesperson, Wynne, AR:**

By Consent Order, in Formal Hearing # 3076 the Commission ordered that "...Respondent Watts shall receive a Letter of Reprimand to be placed in his license file and pay a \$250 penalty to the Arkansas Real Estate Commission, within 90 days of the date of this Order."

Respondent Watts entered into Consent Agreements with the Arkansas Appraiser Licensing and Certification Board. Respondent did not make a written report to the Arkansas Real Estate Commission within 30 days of the sanctions as required by Commission Regulation 10.16(b).

The Commission found Respondent Watts guilty of violating Commission Regulation 10.16(b).

**Luis Vargas, Salesperson, Rogers, AR:** In Formal Hearing # 3074 the Commission ordered that "...Respondent Vargas be fined \$500.00, to be paid within thirty (30) days from the date of this Order. Respondent Vargas is to be placed on probation for a time period of twelve (12) months. Respondent Vargas must complete a minimum of six (6) hours of continuing education with the focus on ethics, to be approved in advance by the Executive Director, and those six (6) hours will not count toward the general education credit to continue the license. Before Respondent Vargas can sit for the broker's license, he must come back before the Arkansas Real Estate Commission for permission."

The Commission found Respondent Vargas guilty of violating Arkansas Code Annotated §17-42-311(a)(7) and §17-42-311(a)(13); and, Commission Regulations 10.1(b) and 10.13(a).

Respondent Vargas committed acts involving dishonesty, untruthfulness and untrustworthiness. Respondent prepared a new contract changed the term, used the signature page from the original Real Estate Contract which had been accepted by the Complainant, and submitted the new contract to the lender, without the listing agent or Complainant's knowledge or approval.

Respondent's conduct constitutes improper and dishonest dealings.

Respondent did not present the new \$178,000 Real Estate Contract to the listing agent.

Respondent acted independently of his Principal Broker by preparing the new contract without his Principal Broker's knowledge.

A Recovery Fund Hearing was held. The Commission denied the recovery fund request.

### **Lisa Nicole Chambers, Inactive**

**Salesperson, Fayetteville, AR:** In Formal Hearing # 3076 the Commission ordered to "...revoke Respondent Chambers' license."

The Commission found Respondent Chambers guilty of violating Arkansas Code Annotated §17-42-311(a)(13), and Commission Regulation 10.16(a).

Respondent Chambers' negotiated plea of guilty to a felony prohibits Respondent from holding a salesperson license.

Respondent's conduct constitutes improper, fraudulent and dishonest dealing.

Respondent did not notify the Commission in writing within 30 days after her negotiated plea of guilty to a felony.

### **Van H. Chapman, Principal Broker, Searcy,**

**AR:** By Consent Order, in Formal Hearing # 3059 the Commission ordered that "... the voluntary surrender of Respondent's Broker license will be accepted by the Commission." "... Respondent will not be permitted to reinstate or renew his license in the future without a formal administrative hearing on the complaint and investigation."

### **Darrell L. Titsworth, Principal Broker,**

**Mena, AR:** By Consent Order, in Formal Hearing # 3077 the Commission ordered that "...Respondent shall receive a Letter of Reprimand to be placed in his license file and pay a \$250 penalty to the Arkansas Real Estate Commission, within 90 days of the date of this Order."

The Commission found Respondent Titsworth guilty of violating Commission Regulation 10.16(b).

Respondent Titsworth did not make a written report to the Arkansas Real Estate Commission within 30 days regarding the sanctions ordered by the Arkansas Appraiser Licensing and Certification Board against his Arkansas Appraiser license.

### **David Ervin, Associated Broker,**

**Fayetteville, AR:** In Formal Hearing # 3078 the Commission ordered that "...Respondent Ervin's broker license be revoked and he be allowed to keep his salesperson license. Respondent Ervin is placed on probation for a time period of twelve (12) months. Respondent Ervin must successfully complete a minimum of six (6) hours of licensure law and ethics continuing education, to be approved in

advance by the executive director. The hours and courses are to be in addition to the annual continuing education hour's credit to renew a license. Respondent Ervin cannot sit for a broker license for a period of five (5) years, after which he must appear, before the Arkansas Real Estate Commission for permission to sit for that broker license."

The Commission found Respondent Ervin guilty of violating Arkansas Code Annotated §17-42-311(a)(13), and Commission Regulation 10.16(b).

Respondent Ervin did not make written reports to the Arkansas Real Estate Commission within 30 days regarding the sanctions ordered by the Arkansas Appraiser Licensing and Certification Board.

Respondent's conduct as described in the May 9, 2007 Consent Order and the July 16, 2008 Findings of Fact, Conclusions of Law and Order entered by the Arkansas Appraiser Licensing Board, constitutes improper, fraudulent, or dishonest dealings.

### **Mebylene Carter, Inactive Salesperson,**

**Betty J. Coney, Designated Executive Broker, Kimberly Burks, Designated Executive Broker, Maumelle, AR:** By Consent Order, in Formal Hearing # 3079 the Commission ordered that "...Respondents Designated Executive Broker's Coney and Burks and Salesperson Carter shall each receive a Letter of Reprimand to be placed in their license files and each pay a \$250 penalty to the Arkansas Real Estate Commission, within 90 days of the date of this Order.

The Commission found Respondents Coney and Burks guilty of violating Arkansas Code Annotated §17-42-311(a)(12).

The Commission found Respondent Carter guilty of violating Commission Regulation 6.3(b).

Respondents Designated Executive Broker's Coney and Burks as supervising brokers authorized commission payments to Respondent Carter for real estate acts and services performed in 2008, while Respondent Carter was not licensed.

Respondent Carter practiced as a real estate salesperson in 2008 while her license was expired.



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### Watch for: 2010 License Renewal Notice

This postcard renewal notice will be mailed to Active and Inactive Licensees at their home address mid July. Please renew online.

## **RENEW ONLINE**

[www.arkansas.gov/arec](http://www.arkansas.gov/arec)

Renewal Deadline without penalty  
September 30, 2009

### **2010 ARKANSAS REAL ESTATE LICENSE RENEWAL INSTRUCTIONS:**

**Renew your license online at**  
**[www.arkansas.gov/arec](http://www.arkansas.gov/arec)**

To be active for 2010, required CE must be completed  
before the end of 2009. For more information, visit  
AREC website, or call 501.683.8010.

**Please renew online.**

**Online payment methods**

All payment information will be handled securely and will not be stored on our systems. Secured by DigiCert SSL. Online renewal receipts will be available for printing at the time of renewal. To renew by paper, please send a written request to AREC by August 15, 2009.

