

PUBLIC NOTICE

BANKING AND INSURANCE

REAL ESTATE COMMISSION

Notice of Receipt of Petition for Rulemaking

Continuing Education Requirements

N.J.A.C. 11:5-12.3

Petitioner: Timothy M. Wyman.

Take notice that on July 23, 2015, the Real Estate Commission (Commission) within the Department of Banking and Insurance (Department) received a petition for rulemaking from the above petitioner via e-mail requesting that the Commission amend its rules regarding continuing education requirements. Specifically, the petitioner requests that the Commission amend N.J.A.C. 11:5-12.3 to allow licensed instructors to receive continuing education credit when teaching pre-licensure courses. N.J.A.C. 11:5-12.3 sets forth the continuing education requirements for real estate brokers, real estate broker-salespersons, and real estate salespersons for license renewal. Pursuant to N.J.A.C. 11:5-12.3, in order to qualify for license renewal, every individual licensed as a real estate broker and every licensed broker-salesperson or salesperson shall, during the 24-month period prior to that renewal, complete 12 hours of approved continuing education including two hours of ethics. N.J.A.C. 11:5-12.3 also outlines certain exceptions to this requirement. For example, N.J.A.C. 11:5-12.3(a)1 includes an exception such that a Commission-licensed real estate instructor or Commission-approved continuing education course instructor shall earn credit for teaching an approved continuing education course offered by an approved provider. Moreover, N.J.A.C. 11:5-12.3(a)2 provides

that a person who successfully completes one or more broker pre-licensure education courses be deemed to have fulfilled the continuing education requirement applicable to the license that such person may seek to renew upon the conclusion of the license term during which the broker pre-licensure course was completed. The petitioner requests that this rule be amended to permit New Jersey licensed real estate instructors to receive continuing education credit for teaching prelicensure courses in the following manner:

1. For a New Jersey licensed real estate instructor who teaches a real estate salesperson pre-licensure course, one core credit is earned for each hour of course instruction including two credits in ethics except that no credit is earned for ethics unless the entire 75-hour course is taught;

2. For a New Jersey licensed real estate instructor who teaches a real estate broker 90-hour pre-licensure course, one core credit is earned for each hour of course instruction including two credits in ethics except that no credit for ethics is earned unless the entire 90-hour course is taught;

3. For a New Jersey licensed real estate instructor who teaches the 30-hour real estate broker pre-licensure course for Ethics and Agency, 12 core continuing education credits are earned including two ethics credits for teaching the entire course; and

4. For a New Jersey licensed real estate instructor who teaches the 30-hour real estate broker pre-licensure course for Office Management, 12 core continuing education credits are earned for teaching the entire course including two ethics credits.

The petitioner is requesting these amendments because, according to the petition, he recognizes the value of preparing for and teaching pre-licensure courses for continuing education credit. The petitioner avers that instructors must keep up-to-date on laws, rules, regulations, and

other issues that licensees are faced with daily. The petitioner further avers that failing to recognize the work of pre-licensure instructors while rewarding non-licensed instructors of random continuing education courses is unfair and inconsistent with present regulations.

In accordance with N.J.A.C. 11:5-10.7(b), the Department shall subsequently mail to the petitioner, and file with the Office of Administrative Law, a notice of action on the petitioner's request.