



State of New Jersey

DEPARTMENT OF BANKING AND INSURANCE
LEGISLATION AND REGULATION
PO Box 325
TRENTON, NJ 08625-0325

CHRIS CHRISTIE
Governor

THOMAS B. CONSIDINE
Commissioner

KIM GUADAGNO
Lt. Governor

TEL (609) 984-3602
FAX (609) 292-0896

MARY C. BEAUMONT
Director

BULLETIN NO. 11-14

TO: ALL NEW JERSEY REAL ESTATE LICENSEES, SCHOOL DIRECTORS, INSTRUCTORS AND OTHER INTERESTED PARTIES

FROM: ROBERT PIMIENTA, PRESIDENT,
NEW JERSEY REAL ESTATE COMMISSION

RE: RECENT RULEMAKING ACTIONS BY THE NEW JERSEY REAL ESTATE COMMISSION AND GUIDANCE ON VARIOUS RULES REQUIRING THE RETURN OF LICENSES TO THE COMMISSION

This Bulletin is being issued to update licensees and other interested parties on recent rulemaking actions by the New Jersey Real Estate Commission (“the Commission”) and to provide guidance on the requirement to return licenses to the Commission referenced in various commission rules in light of the recent decision to no longer issue printed real estate licenses.

On January 16, 2010, P.L. 2009, c. 238 (“the Act”) was signed into law. The Act amended the New Jersey Real Estate Brokers and Salespersons Law (N.J.S.A. 45:15-1 et seq.) to require licensed real estate brokers, broker-salespersons and salespersons to complete Commission-approved continuing education courses as a condition to the biennial renewal of their real estate licenses. The Act also created a new license type designated as referral agent.

On August 1, 2011 the Real Estate Commission proposed new rules and amendments implementing the new referral agent license type. You can access the proposed rules at <http://www.state.nj.us/dobi/lrnurulz.htm>. Written comments may be submitted until September 30, 2011 to the address specified in the Notice of Proposal.

On July 18, 2011 the Commission adopted new rules and amendments implementing the new continuing education requirement. The Notice of Adoption can be accessed at <http://www.state.nj.us/dobi/adopt.htm> and the Notice of Proposal of the continuing education rule amendments and new rules can be accessed at <http://www.state.nj.us/dobi/proposed.htm>. In order to examine the new and amended rules in their entirety it is necessary to view both notices.

With respect to the return of paper licenses, [Bulletin No. 11-09](#) issued on June 29, 2011 advised that, due to current fiscal conditions, the Department of Banking and Insurance (“the Department”) would no longer print and mail real estate licenses. Consequently, no printed licenses were provided to persons and firms who renewed or reinstated their licenses for the 2011-13 license term or who recently applied and qualified for initial licensure. Through this Bulletin the Commission is advising licensees that, until appropriate rule amendments are adopted, it will not enforce the provisions in N.J.A.C. 11:5-3.9(a) and (c), 3.11(b), (c) and (d), 4.5(g), and 11.9(f) that refer to the return of paper licenses to the Commission under various circumstances. All of the other provisions in these rules and, in particular, the provisions that require brokers to notify the Commission of the cessation of their activity as a broker, the termination of licensees from their firms, and of a change of a branch office supervisor through means other than the return of a paper license to the Commission remain in effect. The rules can be accessed on-line at www.lexisnexis.com/njoal.

Brokers are also advised that N.J.A.C. 11:5-3.11(d)3. provides that, regardless of whether a licensee intends to transfer to another broker or to have their license go into inactive status, the terminating broker is, within 5 business days of his or her receipt of notification of the licensee’s intention, required to process the termination on-line, since the mailing of the license to the Commission or the delivery of it to the departing individual are no longer viable options. The rule further requires brokers to contemporaneously send to the licensee at their last known residence address written notice of the termination of the licensee’s affiliation with his/her firm having been processed on-line.

All brokers are urged to promptly disseminate this Bulletin to all persons licensed with their firms.

August 24, 2011
Date



Robert Pimienta, President,
NJREC

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