

## Responses to Survey - Board of Realty Regulation

Total responses: 199 (of which 10 out-of-state, 17 dually licensed)

<p><b>Highest Compliment</b></p>	<p><b>Ability to monitor on behalf of licensees</b> - 62      <b>Ability to streamline Continuing Education process</b> - 41  <b>Ability to keep profession from criticism because of bad actors</b> - 32      <b>None</b> - 49  <b>Other:</b> - Board does a good job of monitoring the industry and identifying areas that create issues for the public and licensees. The Board and the MT Association of Realtors have done a good job cooperating to reduce misunderstandings and complaints. It serves the industry and the public quite well overall. - It continues to strive toward regulation and control of ill practices.-The powers that be are making the profession a better/higher quality. - Our board is very professional and self polices very well. -Staff are great! - Staff is easy to communicate with. - Board does a good job communicating regulation changes, trying to inform licensees.</p>
<p><b>Biggest Complaint</b></p>	<p><b>Licensing fees too high</b> - 36      <b>Lack of Information</b> - 22      <b>Board's response to unlicensed practice</b> - 24  <b>Licensing renewal timelines too rigid</b> - 17      <b>Regulations too strict</b> - 15      <b>None</b> - 61  <b>Other:</b> People on the board have no or very little experience and are supposed to be monitoring and regulating people and things they know nothing about.-- Speaking to a rep on phone is next to impossible. Are they out to lunch all the time? -- It is too hard to efficiently reach someone in the department. When you finally get someone they are 'generally' helpful. -- Disorganization -- The board's oversight of continuing education providers caused problems for one respondent who said a CE provider who has been sued a number of times was teaching a class. She was dismayed that she had to pay for a required class taught by someone described later by other RE sales people as incompetent. - Website is difficult to navigate (2). Links don't work. Data doesn't seem to be loaded. i.e., my name is not on my license though the rest of the info is correct. - People are practicing real estate without a current license. - Annual renewal of licenses and repeated CE credits that must be taken each year. - Ineffective, nonessential continuing ed. - I hold dual licenses and it is always a battle to get CE credits properly applied to both licenses even though the educational requirements are essentially identical with the exception of the new CORE.-- Core class is a waste of time and money. - information cannot be posted in a timely manner. Investigations last up to 2 years. -- Every one is very great to deal with but there doesn't seem to be a real purpose. MANY, MANY Realtors, lenders, title companies etc continually break the law because "we are a small town, and nobody looks for problems in their own back yard." So i am unsure as to the purpose of the board if it doesn't actually enforce its own regulations. Most of the people on the board really want to improve the system, but it just doesn't seem to happen. - License review and approval requirements too lax. - Realty Board is extremely heavy-handed regarding mistake in reporting continuing education. - Property management licensing isn't specific to property management - instead, they make us learn Real Estate. If they aren't going to have CE that is specific to Property Management, then it's just an excuse for them to get money. I am tired of taking expensive and time consuming CE for "real estate" and learning things that have NO BEARING on my ability/skill to manage property. If they want to "license" property management - then it should have it's OWN CE. I have no interest in square footage, mortgages and other stuff I'm being forced to learn and study to continue managing property. - Too long to take action on complaints and lack of CE subjects, we need motivation subjects for Realtors too. - 1) Board too rigid with continuing ed, won't accept enough online courses; 2) no opportunity to become broker on education alone, other states do offer that opportunity. - Multiple Listing Services and State Associations can do all of this. - Poor communications. - Difficulty renewing my license online. - When a violation is reported and documented there seems to be no response or a very slow one.- In the past a simple thing like renewing a license seemed bogged down with convoluted processes and communication. - The BRR is lacking in anything resembling customer service. Questions get ignored, personnel have superiority complex when dealing with Realtors. - Designed to protect special interests rather than the public. - Board fails to take responsibility for mistakes. If they file something wrong, it is not corrected fairly. For example, I was charged a late fee although it was their mistake. - They lack any appearance of impartiality. The one time I heard part of the discussion, it was clear that members had made up their minds about the situation before anyone was heard from. - Licensing requirements do not take into account realities of business and unreasonably restrict upward mobility. CE requirements are unreasonable and force licensees to take courses that may not be relevant and do not give licensee the ability to select courses appropriate to their educational needs.</p>

**Other reasons the board is important:** - They give the public a place to go if there is a concern about a particular licensee. -- Keeping unlicensed and professionally uninformed people from acting as Property Managers for others. This is one thing they might do to help licensed managers without costing me more money, but of course I don't believe the board does much of this. -- Helps to regulate the real estate industry and provide protection to the public from unscrupulous agents. -- Each group in the state needs to have some rules and regulations. A licensing board is the best place for this to occur. -- Boards regulate and enforce standards in transactions and procedures as well as legal and ethical issues of professionalism with special regards to protection of the industry. -- Licensing boards are important to help weed out the bad so-called professionals. - Need higher standard to qualify for license. -- Enforce and implement standards and requirements. - Focal point for education on a continuing basis to update and improve skills and knowledge of licensees. -- Without propriety, clarification, oversight to professions, enterprising methodology of recent times is lopsided toward business and profits, to the expense and harm of our public's interests, as well as an increasing load on the courts, expense and government processes. -- Provides Information on new laws. - Self regulation that is done by Realtors does not really address some of the problem issues. Its important that an outside source of extra "eyes" are part of the process. Realtors need oversight because too many real estate agents have done things that bring the rest of our reputations down. Keeps standards high - or elevates standards of practice Important to be pro-active about upcoming issues/problems - important to be a part of the national group of regulators (ARELLO). -- The board protects the public from non-licensed agents with no education or understanding of the practices and laws related to the field. -- Monitors financial activities to reduce chances for misuse of funds.

<b>Public Health</b> - 0	<b>Public Welfare</b> - 76	<b>Public Safety</b> - 19	<b>None of these</b> - 55	<b>All or combination</b> - 31
<b>Scope of Practice:</b>	<b>Too Narrow</b> - 23	<b>Too Broad</b> - 23		<b>Just Right</b> - 129

**Problems with own BA or other professions' scope of practice** - None with own profession = 90 Yes. Board of Medical Examiners - 1 Own Board = 2 Board of Real Estate Appraisers = 1

-- **Comment regarding too broad a scope:** They have the power to control basically every aspect of your practice. -- Out of touch with the profession. - Too many people are practicing the profession without having a good grounding in real estate knowledge. Some people come in for a couple hours a month to check in and carry properties that need attention and quality background listing information. Real estate agents must be attentive to protect the consumers. - Real estate license qualifications are too generalized and the subject matter covered in testing does not deal with the realities of rural & remote properties. As a licensed Professional Land Surveyor I find real estate licensees' for sale signs on the wrong properties regularly; there is no reason for this with the Montana Cadastral system website & available geographic information systems. - Areas where we have become over-regulated include Agency Disclosures. - Ethics are completely ignored in dealings and nothing is done to enforce it. Property management can be done by anyone but real estate agents can get punished for not following rules. Others often are involved in real estate transactions that are not licensed. - Too wide from the stand point that the state and country need to set higher educational requirements for agents and brokers entering into this profession - We have wide variance in the type of real estate transactions (farm and ranch, natural resource leasing, residential sales, commercial activity, property management). We need an endorsement procedure that can limit or emphasize areas of expertise and keep licensees from thinking they have the ability to "do it all" because their license says they can. -The board illegally adopted 2 things making a distinction in broker licenses from supervising and nonsupervising and requiring more education than allowed by law 16 hours instead of 12 in law

-- **Comments regarding too narrow a scope:** Minimal staff cannot readily react to the needs of the people or professionals. Increase in staffing may well expedite remedial measures and oversight. - People who pass the requirements for licensing as a real estate salesperson should be allowed to practice property management on their own, WITHOUT a supervising broker. - Real Estate transactions deal with lots of money and potential liability. Part-time Realtors put themselves, their clients, and their managing Brokers at risk. Those who fail to do their job properly give all Realtors a bad name. Efforts should be made to minimize the practice of Real Estate as a casual, part-time job. - The board of realty regulation's definition of experience requirements does not follow the statute; experience other than sales experience should be considered for broker licensing. For instance attorneys with actual real estate should be able to qualify as brokers. And, the sale of personal real estate should count for sales experience.

-- **Comments regarding scope being just right:** The current practice allows for complaints and review of complaints without unduly hindering the regular operation of companies. The current continuing education system provides a useful annual review without being burdensome. - Free market constraints do more to police bad actors than the board can.

**What laws/regulations have caused the most problems? None =**

-- Adding additional REQUIRED continuing education without giving you any credit towards the required hours. -- I have been a licensed prop. mgr. for 15 years. The realty board in that time has done nothing for me but increase the # of repetitive and ever more expensive courses I must pay for. This year they want to complicate the Trust accounts? It's always something and it always costs more money. Eventually the cost of this never ending practice must be passed along to rental tenants, so the board is forcing tenants to pay more for rent. -- Annual renewal of licensing. I am a broker in 5 other states. MT is the only one that requires licenses to be renewed every year. What a waste of time for the State and the individual. -- I'm comfortable using my computer but I get mired by the Board of Realty Regulation Website almost every time I attempt to look something up. -- Shifting education requirements -- Board was more effective when it was a stand alone board. Under the Dept of Labor and Industry, our licenses and fines subsidize other boards and we cannot receive the service that we use to receive. Promises have been made to change this, but they are slow in coming. Our professional staff members are doing clerical work that could be done by a temp and are paid their professional salary for doing this but are delayed in their professional work (audit, investigation, continuing education). -- The limit on fines. We are limited to \$1,000 fine on issues that Idaho, Wyoming and North Dakota charge from \$3000 to \$10,000 for the same violation. It is easy to become licensed in MT and then move to practice in ND, ID or WY. This is a major reason why we have revoked reciprocity of licensing.-- Increasing the credits needed for continuing education. The extra classes are picked by an arbitrary board for whatever reason they want. Yet we can sit on a computer and have someone else complete the course, so no one even knows if the licensee is actually learning anything. The brokers are required to teach and monitor their hires. I think that the intentions were good but the application has missed the mark. Waste of time. - Minimal staff cannot readily react to the needs of the people or professionals. Increase in staffing may well expedite remedial measures and oversight. A speedy process of investigation, enforcement of the law(s) and subsequent public notification of wrongdoings [is needed]. More Board/Screening scheduled meetings to address challenges may be appropriate. -- Other people are needed on the Real Estate board other than just Real Estate agents. Someone with fresh eyes with really good backgrounds in other land use professions. I know they have some but more would be better. This is all about building a really high level of professionalism within our community. No more blurring of lines ethically or otherwise. -- Too many people are practicing the profession without having a good grounding in real estate knowledge. Some people come in for a couple hours a month to check in and carry properties that need attention and quality background listing information. They need to really be attentive real estate agents to protect consumers. Anything that gives property rights too much power will always cause a problem of keeping the deals consistent and healthy for both sides of the contracts.-- -- Statutes do not take into account what the present real estate market imposes. For instance, we have the requirements for applying for a broker's license which is near impossible to achieve when there are so few sales. The recent expansion of options did not take into account that there might be a down market. There is no provision for extending the time period for sales- even temporarily, that is, give more time to gain 30 sales. At the time the change was made, the new point system seemed an ideal answer to many requests from out of state very well qualified people (attorneys, long-time brokers without current sales experience, etc. that we had had to deny. -- CE subjects. --Increasing the number of hours required to renew a license. - Financial guidelines defined by law are hard to implement with use of some accounting software systems, for example, (1) laws define data elements required for deposit, tenant, and owner/property ledgers. However nothing in current law defines any requirement for retaining proof of effort to accomplish reconciliation of bank accounts with accounting systems being used to track financial data, nor explaining any "out of balance" conditions. Although examples provided for training show how to do this, in reality the practice may not be done. (2) Standards for refunding security deposits lack objective guidelines. Tenant experiences when renting from one firm vs another vary. What one firm considers deductible, another may not, and this creates inequities in tenant rental experience. - Statutes do not take into account what the present real estate market imposes. For instance, we have the requirements for applying for a broker's license which is near impossible to achieve when there are so few sales The recent expansion of options did not take into account that there might be a down market. There is no provision for extending the period for sales- even temporarily, that is, give more time to gain 30 sales. At the time the change was made, the new point system seemed an ideal answer to many requests from out of state very well qualified people (attorneys, long-time brokers without current sales experience, etc. that we had had to deny.) - 1) The 2-year to 1- year renewal change. (And why can't the board just use the standard January to December calendar year. Why are renewals in October?) 2) The minimum sales requirements to move from salesperson to broker. - Continuing ed hours for property managers is too high; there aren't any different applicable courses to take so the same ones are taken every year which only gives money to the presenters and does nothing to enhance the pm's knowledge. - The expiration of transactional experience with respect to advanced qualification (broker status). My 22 years of experience in this field inform my practice every day. - Being forced to maintain a personal trust account when I work for a large corporation who handles all rental receipts. - Education must be ARELLO approved. That limits local courses because only a national program can afford to submit courses to a trade organization that evaluates delivery but does not look at content.

**What laws/regulations have caused the most problems?** (continued) -- I am a licensed real estate broker in 6 states and continuously licensed since 1973. The licensing boards serve very little benefit. I have witnessed crooks continue to be licensed while others were punished for minor mistakes. Continuing education is a waste of time. The only benefit is "barriers to entry" to limit dabblers in real estate. However, since 80% of licensees fail and quit, it really doesn't matter that much. We would be better off without any real estate licensing. That won't happen, so I definitely think that the less regulation, the better. I would like to see continuing education be dropped altogether. It is okay to have laws regarding real estate agents committing fraud, how to handle trust funds, and basic contracts. Areas that are over-regulated include Agency Disclosures. I am annoyed the most with commercial transactions requiring potential purchasers to sign Agency Disclosures. In California those forms are exempt from commercial transactions and only required on 1-4 residential units. It is extremely annoying for the clients to have sign those forms over and over again. The only problem I have ever had in 38 years of multi-state licenses is Montana when I accidentally renewed my license mistakenly thinking that I had taken the continuing education classes when I actually had not. I was severely punished for it rather than merely reminded that I had made a mistake. There is a HUGE difference between mistake and negligence. Montana's system provided no clues as a reminder or a double check which could have triggered me to realize my mistake. Those double checks are provided in every other state where I am licensed. Therefore, I strongly think that Montana's licensing board intentionally set up an entrapment to lure busy licensees into making the same mistake I did. Since I am an out-of-state commercial agent, it sure is bad publicity for Montana!!!! We are wondering why we are even bothering to be licensed in Montana and it sure doesn't make us want to go there as tourists. Designating that real estate agents have to be some sort of designated agent is really superimposing the adversarial way attorneys do business onto a win-win business. The best agents bring people together and there are advantages to having one person represent both sides. We are over-regulated by having huge multi-page forms that don't fit most transactions but try to cover every contingency. The big forms are because we have given into attorneys saying that real estate agents can only fill in forms and don't have the brains to write their own paragraphs regarding details of a transaction. I strongly urge dropping continuing education as a requirement of license renewal. Short of that, I strongly urge agents be required to fill in a form listing the continuing education they have taken prior to each renewal, or for on-line renewals not allow it to open unless enough courses are credited in their individual account. Also, Agency Disclosure forms should not be required for other than 1-4 residential units.-

<p><b>Consumer complaint filed?</b></p>	<p>No = 171          Yes = 12 One pending. Two in other states. Board was effective = 3 (one of which in other state). In one involving illegal property management activity by an unlicensed person, the Board sent a Cease-and-Desist letter and the individual stopped. They did not know that they could not practice property management without a license.          Board was not effective. = 7 (1) One respondent brought an issue of a bait-and-switch scheme with a property manager. Had significant anecdotal evidence of the agent cutting corners and not acting professionally. A letter of reprimand would have easily written, but the case was discarded. (2) Two -dropped the matter. (3) The issue was never addressed at all ... or if it was, I certainly never heard about it. The individual about whom I filed the complaint was never even contacted by anyone from the board. As I mentioned, worthless. (4) Filed a court case. 5) Used word-of-mouth because did not realize could file a court case. 6) Never heard back from board/staff on inquiry into potential violation.</p>
<p><b>Nonlicensee comments</b></p>	<p>Saying Board of Realty Regulation:          Necessary for Public Health - 110 , Public Safety - 110, Public Welfare - 111 Some respondents marked all or a combination.</p>