

**Volume 1  
Issue 1  
\*\*\*\*  
April 1,  
2009**



Governor Brian Schweitzer

*Montana*

**Department of Labor and Industry**

**Business Standards Division**

## **BOARD OF REALTY REGULATION NEWSLETTER**

### **From the Chair:**

We currently have a very diverse Board. There are two public members, one of whom is an attorney and another who comes from service in federal and city government. The remaining five members represent the full gamut of real estate business models and agency representation. We come from Yellowstone to the Flathead, and none of us is shy about voicing our opinion about issues coming before the Board. That being said, being a board member is often difficult, often due to misunderstandings on the part of licensees about what our duties really are.

Let's be clear. The Board is charged by the Legislature with *protecting the public*—the same charge given to the Medical Board or any other regulatory Board. Although the Board of Realty Regulation is composed of industry members as well as public members, we are not sitting on the board to represent the industry Association. While every effort is made to work with the Association on issues that are of benefit to the public (and which may also benefit real estate licensees who are members of the Association), it is not the duty of the Board to serve the Association. Indeed, Federal authorities are very cognizant of the hovering possibility that the Board may make some decision which favors the industry over the public. They are not amused by anything other than transparent efforts to protect the people of the State of Montana who may come into contact with individuals licensed by the State to act as their real estate agent.

The Board makes its best efforts to carry out its duties given the available resources, and I think we do a good job at it. Of course, this doesn't mean that we can't improve or aren't open to suggestions about how to better serve the public, but please realize that we are charged with ensuring that real estate licensees adhere to the rules and regulations of the State of Montana. We are proud to serve the people of Montana and will continue to do so to the best of our ability.

Sincerely,

*Cindy Willis*

Cindy Willis, Chairperson

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**BRR HAS REVISED OUR WEBPAGE  
(HOPEFULLY TO MAKE IT MORE USER-FRIENDLY)  
REMEMBER TO CHECK IT OFTEN FOR UPDATES  
AND RULE CHANGE NOTICES**

[www.realestate.mt.gov](http://www.realestate.mt.gov)

# BRR MEMBERS, STAFF & UPDATES

## BOARD OF REALTY REGULATION Members

The Governor with Senate confirmation appoints board members. Members serve 4 year terms with a 2-term limit.

### **CINDY WILLIS BOARD CHAIR**

INDUSTRY MEMBER  
POLSON, MT  
Term Expires: 5/9/2013

### **JUDITH PEASLEY PUBLIC MEMBER**

SEELEY LAKE, MT  
Term Expires: 5/9/2010

### **SHIRLEY MCDERMOTT**

PUBLIC MEMBER  
LAUREL, MT  
Term Expires: 5/9/2011

### **LARRY MILLESS INDUSTRY MEMBER**

CORVALLIS, MT  
Term Expires:  
5/09/2011

### **C.E. "ABE" ABRAMSON**

INDUSTRY MEMBER  
MISSOULA, MT  
Term Expires: 5/9/2011

### **CONNIE WARDELL INDUSTRY MEMBER**

BILLINGS, MT  
Term Expires:  
5/09/2011

### **PAT GOODOVER INDUSTRY MEMBER**

GREAT FALLS, MT  
Term Expires: 5/9/2012

## Berger Assumes Office of ARELLO Treasurer

Grace Berger, Executive Officer for the Board of Realty Regulation, was elected Treasurer of the Association of Real Estate License Law Officials (ARELLO) at the annual meeting in Indianapolis in October. Her one-year term began in January 2009.

ARELLO is an international organization dedicated to promoting better administration and enforcement of real estate license and regulatory law by its members. ARELLO membership is organized into six districts with four comprised of the 50 states, U.S. territories, Bahamas and Bermuda; one of Canada; and one of members from Europe, Africa, Asia and the Far East

Working committees, training boards, and specialized councils carry out the organization's mission to support jurisdictions in the administration and enforcement of real estate license laws to promote and protect the public interest.

Berger has been with the Board of Realty Regulation since May 1984 and with the State of Montana for 28+ years. She is the first person from the State of Montana to be elected to an ARELLO office.

## 2009 BOARD MEETINGS

### **April 22**

Screening Mtg. 1:00 PM  
(Closed)  
Education Mtg. 2:00 PM

### **April 23**

Adjudication 8:30 AM  
Open Mtg 9:00 AM

### **June 4**

Screening Mtg. 1:00 PM  
(Closed)  
Education Mtg. 2:00 PM

### **June 5**

Adjudication 8:30 AM  
Open Mtg 9:00 AM

### **July 16**

Screening Mtg. 1:00 PM  
(Closed)  
Education Mtg. 2:00 PM

### **July 17**

Adjudication 8:30 AM  
Open Mtg 9:00 AM

## The Honorable Brian Schweitzer, Governor

### BOARD ADDRESS & CONTACT INFORMATION

BOARD OF REALTY REGULATION  
301 S. PARK, 4<sup>TH</sup> FLOOR/ PO BOX 200513  
HELENA, MT 59620-0513

PHONE: 406-444-2961 FAX: 406-841-2323

EMAIL: [dlibsdrre@mt.gov](mailto:dlibsdrre@mt.gov)

WEBSITE: [www.realestate.mt.gov](http://www.realestate.mt.gov)

**For real estate licensing questions and information, contact:**

Barb McAlmond, Program Manager  
Becky Zaharko, Licensing Technician

**For information regarding education, contact:**  
Stacey Fossum, Education Director

**For information regarding audits, contact:**  
Marilyn Willson, Auditor

**For information regarding complaints, contact:**  
Teri Ray, Compliance Specialist

Grace Berger, Executive Officer

# CONTINUING EDUCATION INFORMATION

During the 2008 licensing year, over half of the real estate licensees in Montana waited until the last week of October to complete their continuing education. This caused a tremendous backlog with our online class providers. Remember—course providers have 20 days to report continuing education, so if you wait until the last minute to complete your 12 hours of continuing education, this may cause delays in the licensing procedure. Here are some quick tips to ensure that your continuing education is reported in a timely and accurate manner:

- ✓ After you complete a course, go to [www.realestate.mt.gov](http://www.realestate.mt.gov) : Education: Lookup Reported CE Credits to determine whether or not your credits have been correctly reported. If there is a problem, call the course provider to inquire (just remember that they have 20 days to report the course information to us).
- ✓ Take your CE early; don't wait until the last minute. Many of our providers, especially those offering courses online, only report their CE rosters once a week. They do not have the resources to report more often, which could result in problems renewing. Keep all copies of your course completion certificates for at least two years; you may be required to provide proof of your CE hours to the Board of Realty Regulation.
- ✓ If you hold a dual license (e.g. salesperson and property manager) be sure to give your course provider BOTH license numbers. After the class has been reported, check to make sure that it was reported on both licenses.
- ✓ Make sure that you receive a signed course completion certificate from your course provider for each course you take. If you do not receive a course completion certificate, chances are that your course was not considered "completed" by your course provider.

## SUPERVISING BROKER...DID YOU KNOW?

BY: Don Harris, Prosecuting Attorney

Being a supervising broker brings its share of rewards and responsibilities. Some of those added responsibilities are specifically outlined in ARM 24.210.601. As a supervising broker it is your responsibility to take the necessary steps to ensure you are in compliance with these rules and responsibilities.

One of the responsibilities of a supervising broker is to review, sign and date all listings obtained by your salespeople. In fact, ARM, 24.210.601(8) asserts a listing "is not effective until it is reviewed, signed, and dated by the supervising broker." Failure on the part of the supervising broker to review, sign and date a listing agreement obtained by their salesperson results in an invalid listing.

Like the other rules included in this section, the rule does not allow this responsibility to be delegated to someone other than the supervising broker. It also doesn't allow for the review to be performed by someone else and the broker's signature simply stamped on the listing. It is intended that the supervising broker will carefully review and contemplate the listing, only signing when it is prepared appropriately.

I encourage all supervising brokers to review these rules and make sure your procedures ensure compliance with this, and all supervision requirements.

**FYI: ALL LICENSEES  
When you send in an  
application to the Board  
(renewal, broker,  
salesperson, etc.),  
please make sure that  
ALL required elements  
are included in one  
package. Do not fax part  
of your application or  
send it in separate  
mailings. This will  
ensure prompt and  
accurate processing of  
your application.**

# BRR RULE & REGULATION AMENDMENTS AND ADOPTIONS

**Notice of amendment and adoption of the following rules was posted on December 5, 2008. Full copies of the rules and regulations for the Board of Realty Regulation can be found at : [www.realestate.mt.gov](http://www.realestate.mt.gov) : Regulations: Rule Notices**

**The board has amended ARM 24.210.301 exactly as proposed.**

24.210.301 DEFINITIONS The terms used in this chapter shall have their common meaning as used in the real estate industry, and, unless the context otherwise requires, the following meanings shall also apply:

(1) through (6) remain the same.

(7) "Closed transaction" means a transaction in which parties have performed all duties in the agreement. In the case of a lease, it would be at the signing of the lease.

(7) through (20) remain the same but are renumbered (8) through (21).

(22) "Transaction" means a listing, sale, or lease.

AUTH: 37-1-131, 37-51-203, MCA  
IMP: 37-1-131, 37-1-136, 37-51-202, MCA

**REASON:** The board determined it is reasonable and necessary to amend this rule by adding definitions for the transaction activity acceptable for broker licensure. Qualifications for a broker license include completion of closed transactions and defining the term will enable applicants to determine at what point their transaction activity qualifies to obtain a broker license.

**The board has amended ARM 24.210.611 exactly as proposed.**

24.210.611 APPLICATION FOR LICENSE -- SALESPERSON AND BROKER (1) through (3) remain the same.

(4) If an applicant currently holds, or has ever held a real estate license in another jurisdiction, a certified license verification from that licensing jurisdiction is required before a Montana license will be issued.

(5) through (6)(a) remain the same.

(b) submit for the purpose of determining if a broker applicant has been "actively engaged as a licensed real estate salesperson," evidence acceptable to the board that the salesperson ~~has performed functions as a licensee as follows:~~ obtained a total of 30 points in any combination of point types within the past 36 months prior to the date of application. Point types and values are as follows:

(i) transaction points:

(A) one point for each closed residential real estate transaction, no more than five leases;

(B) three points for each closed farm, ranch, agricultural, or commercial transaction, no more than five leases; or

(C) upon furnishing evidence satisfactory to the board, an applicant may receive credit for both sides of a transaction.

(ii) education points:

(A) three points for an associate degree in real estate;

(B) three points for Certified Commercial Investment Member (CCIM) or Council of Real Estate Broker Managers (CRB);

(C) five points for a bachelor degree or higher in business management

(D) five points for a law degree; or

(E) five points for a bachelor degree or higher in real estate.

(iii) supervision points are obtained through supervision of real estate activity for any broker who has supervised real estate activity a minimum of 36 months:

(A) one point for each year of real estate brokerage supervisory experience, maximum of three points;

(B) one point for each licensed real estate full time equivalent (FTE) supervised within the last 36 months, maximum of ten points; or

(C) one point for every five transactions supervised in the last 36 months, maximum of 15 points.

(iv) educator points are obtained by being an approved real estate educator in a jurisdiction:

(A) one point for each instructor day (minimum of six hours) within the past 36 months, maximum of ten points.

~~(i) 30 closed real estate property transactions in the last three years from the date of application for a residential applicant, no more than five of which can be leases;~~

~~(ii) ten closed real estate transactions within the last three years for an agricultural, farm, ranch, or commercial applicant. No more than two commercial transactions other than listings and/or sales may be used; or~~

# BRR RULE & REGULATION AMENDMENTS AND ADOPTIONS (CONTINUED)

~~(iii) a combination of (6)(b)(i) and (ii). (iv) Upon furnishing evidence satisfactory to the board, an applicant may receive credit for both sides of a transaction.~~

(c) through (e) remain the same.

AUTH: 37-1-131, 37-51-203, MCA

IMP: 37-1-131, 37-51-202, 37-51-302, MCA

**REASON:** It is reasonably necessary to amend this rule to eliminate the requirement that applicants licensed in other jurisdictions provide certified license verification from the other jurisdictions. Many states are no longer providing certified verification and are relying more on web site verification. The amendment will address problems encountered by some applicants when certified statements are not available from every jurisdiction. The board is amending this rule to identify the new method for determining if a broker applicant meets the statutory requirement of being actively engaged as a licensed real estate salesperson. Numerous broker applicants have appeared before the board with many years of sales experience but, due to Montana's rural nature, were unable to meet the requirement of 30 closed transactions. The amendment will allow applicants to combine and submit experience in transactions, supervision, and education, and will provide an alternative method for broker applicants to prove qualification as an actively engaged salesperson

**The board has adopted NEW RULE I (24.210.604) exactly as proposed.**

## NEW RULE I SUPERVISING

BROKER ENDORSEMENT (1) A supervising broker endorsement will be issued to any broker completing the supervising broker pre-endorsement course.

(2) An out-of-state broker shall complete the supervising broker pre-endorsement before being issued the supervising broker endorsement.

(3) To maintain the supervising broker endorsement, a broker shall complete four hours each licensure year of board approved education in the area of supervising broker continuing education as designated by the board. This education will be part of the overall continuing education requirement.

(4) After October 31, 2008, only brokers with the supervising broker endorsement may get credit for completing supervising broker continuing education.

(5) A supervising broker who obtains the endorsement by grandfathering may complete the supervising broker pre-endorsement education course and receive continuing education credit one time.

(6) Failure to complete the four-hour supervising broker continuing education requirement shall result in the lapsing, expiration, or termination of the supervising broker endorsement pursuant to 37-1-141, MCA.

(7) A lapsed or expired supervising broker endorsement may be renewed pursuant to 37-1-141, MCA.

AUTH: 37-1-131, 37-51-203, MCA

IMP: 37-1-131, 37-51-202, 37-51-204, 37-51-302, MCA

**REASON:** The 2007 Montana Legislature enacted Chapter 502, Laws of 2007 (Senate Bill 153), an act revising professional and occupational licensing laws and creating a license endorsement for supervising real estate brokers. The bill was signed by the Governor on May 16, 2007, and became effective October 1, 2007. The board determined it is reasonably

necessary to propose this new rule to implement the legislation by setting forth the qualifications for obtaining initial supervising broker endorsement and for maintaining the endorsement. course before being issued the supervising broker endorsement.

**The board has adopted NEW RULE II (24.210.643) exactly as proposed.**

## NEW RULE II CITATIONS AND

FINES (1) Citations issued by the department may be presented to the broker or property manager responsible for the maintenance of the trust account personally or mailed by certified mail.

(2) A broker or property manager who receives a citation has five business days from the receipt of the citation to either pay the fee or file a written dispute. Failure to either pay the fine or file a written dispute within five business days is unprofessional conduct and subject to board discipline.

(3) Significant violations shall be forwarded to the complaint screening panel.

Significant violations may include:

(a) an excessive number of violations in a single audit;

(b) repeat violations; or

(c) a single, severe

violation.

AUTH: 37-1-319, 37-51-203, MCA

IMP: 37-51-324, MCA

**REASON:** The board is proposing this new rule to implement 37-51-324, MCA, as enacted by the 2007 Montana Legislature, providing for department employees to issue citations for trust account violations found during compliance audits. The rule specifies the issuance of citations, the licensee's options upon receipt of a citation, and the board's ability to address significant trust account violations.

# ROOKIE AND SUPERVISING BROKER PRE-ENDORSEMENT CLASS SCHEDULE

**Rookie:** This 12 hour course must be taken by all new real estate salespeople licensed after October 31, 2008 and must be completed by October 31, 2009. The cost for this class is \$100.00.

Registration forms can be found at [www.realestate.mt.gov](http://www.realestate.mt.gov) : Education: Forms

The 2009 dates of these classes are as follows:

May 21-22: Bozeman  
June 25-26: Whitefish  
August 20-21: Missoula  
September 17-18: Billings  
October 15-16: Helena

Some of these classes do fill, so please register early in order to get your first choice of classes.

## **Supervising Broker Pre-Endorsement:**

Completion of this 8 hour course gives the broker a "Supervising Broker" endorsement, which allows them to have salespeople working directly under them. In addition, existing Supervising Brokers can take this course *one time only* for CE credit (8 hours of mandatory education which would also fulfill the 4 hour Supervising Broker CE requirement). The cost is \$100.00.

Registration forms for this class can be found at [www.realestate.mt.gov](http://www.realestate.mt.gov) : Education: Forms

The 2009 dates of these classes are as follows:

January 30: Missoula  
May 22: Bozeman  
September 18: Billings

Some of these classes do fill, so please register early in order to ensure registration.

# RECIPROCITY NO LONGER IN EFFECT

If you are licensed by reciprocity in Utah, Oregon, Idaho, Colorado, Georgia, Iowa, New Mexico, North Dakota, South Dakota, Tennessee, or Wyoming, please be aware that Montana's reciprocity agreements with those states have been terminated. Reciprocity agreements for Utah, Oregon, and Idaho were terminated on February 15, 2009. All agreements for Colorado, Georgia, Iowa, New Mexico, Nebraska, North Dakota, South Dakota, Tennessee, and Wyoming were terminated as of December 17, 2008. Reciprocity agreements are still in effect with Alberta, Canada.

What does this mean for Montana real estate salespeople and brokers licensed by reciprocity in those states? Unfortunately, no quick or easy answer to this question exists. It is up to each licensee to contact the state(s) in which they are licensed by reciprocity and determine what they must do in order to maintain their license in that state. Yes, this may entail extra continuing education or other requirements, most of which must be determined on a state by state basis.

Many people have asked why the Board chose to cancel their reciprocity agreements. Basically, the law requires a state to have substantially equivalent requirements. As the real estate licensing standards in different states became more and more disparate, it became increasingly difficult to track those differences and, in the end, to justify maintaining reciprocity. Montana was not the only state to make this decision; several other states have also cancelled their reciprocity agreements, and many other states are also moving in this direction for the same reasons.

**HAVE YOU MOVED?  
MAKE SURE TO GET YOUR  
CHANGE OF ADDRESS TO US!**  
[www.realestate.mt.gov](http://www.realestate.mt.gov) :  
**Forms: General Forms: Change**

# DISCIPLINARY ACTION

\*\*\*ALL DISCIPLINARY ACTION IS NOW POSTED IN THE NEWSLETTER\*\*\*

## Michael Osler – Broker

A complaint was filed by a seller. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Mr. Osler had violated the following statutes and/or rules: MCA 37-1-316(18) MCA 37-51-313(2)(a); (b); and (c) MCA 37-51-321(1)(a) MCA 37-51-321(1)(q) ARM 8.58.419(l)

Mr. Osler did not request a hearing. The Adjudication Panel accepted the Order Granting Entry of Default and Final Order. Mr. Osler was ordered to complete 6 hours of continuing education over and above the hours normally required for continuing education purposes and pay an administrative fine of \$1000. Mr. Osler completed the continuing education but did not pay the administrative fine.

The Screening Panel then voted to file a complaint against Mr. Osler for failure to comply with a previous final order. Mr. Osler did not respond to the complaint as requested. The Board was concerned about Mr. Osler's disregard for the statutes and rules governing the profession and voted to summarily suspend Mr. Osler's license for failing to respond to the new complaint.

Mr. Osler again did not request a hearing. The Adjudication Panel accepted the Order Granting Entry of Default and Final Order on the second complaint. Mr. Osler was ordered that prior to petitioning for reinstatement or application for a license, Mr. Osler must pay the \$1000 administrative fine from the original complaint and an additional \$500 administrative fine.

## Ron Marquardt – Salesperson

The Board filed a board generated complaint against Mr. Marquardt. Each licensee was required to complete 12 hours of continuing education prior to December 31, 2006. Continuing education providers and instructors were required to provide the names of all licensees attending their continuing education courses. On the basis of attendance information submitted to the board, Mr. Marquardt's record did not demonstrate completion of 12 hours of real estate continuing education during the reporting period.

The Screening Panel of the Board found reasonable cause that Mr. Marquardt had violated the following statutes and/or rules: ARM 24.210.667(1) ARM 24.210.641(3)(ae)

Mr. Marquardt's license is currently expired. The Adjudication Panel voted to accept the Order Granting Default and Final Order. It was ordered that a public censure, in the form of a letter of reprimand, be placed in Mr. Marquardt's file. In the event Mr. Marquardt applies for a new Montana real estate license or petitions the board for reinstatement of his license to practice real estate in the State of Montana he shall be required to submit sufficient proof and comply with certain conditions as may be required by the Board in its discretion at the time of application or petition for reinstatement.

## Natasha Fraker – Property Manager

The Board of Realty Regulation auditor conducted a routine trust account audit of Ms. Fraker's property management trust account.

Irregularities were discovered during the course of the audit. Ms. Fraker was notified of those irregularities. The Board later requested another audit of the trust account.

During the second audit, the auditor found many of the same irregularities as were found in the first audit. Specifically, the auditor found: that:

- Records for the licensee's savings account for the past five years were not complete.
- Interest was not properly accounted for; i.e. interest that had accrued on the licensee's savings account was not shown on the licensee's register.
- Licensee's trust account did not show a current running balance.
- Licensee did not have a personal funds ledger for checking and savings trust accounts.
- Deposit slips did not identify the source of deposits.
- The licensee's trust account had not been reconciled for the preceding three months.
- At the time of audit, the licensee could not provide a property ledger with a running balance.
- The licensee had paid the mortgage for one of the properties with funds attributable to other properties.

(continued on Page 9)

HAVE QUESTIONS?

GO TO [www.realestate.mt.gov](http://www.realestate.mt.gov)

# COURT DECISIONS

Reprinted with permission from  
ARELLO 2007-2008 Law  
Committee Report

## **Misrepresentation: Broker Had Duty to Disclose Prior Meth Lab Operation**

Bloor vs. Fritz, et al., 143 Wash.  
App. 718, 180 P.3d 805, 2008  
Wash. App. LEXIS (2008)

Court of Appeals of the State of  
Washington, Division II

**Facts:** The Fritzes hired LAM Management, Inc. (LAM) to manage a home they owned. LAM was operated by Washington real estate licensees Lance Miller and Jayson Brudvik, who were also associated with LC Realty, Inc. After the home was leased to tenants, a narcotics task force raided the property and uncovered a marijuana growing operation and implements for methamphetamine manufacturing. After learning of the raid, Ms. Fritz contacted law enforcement officials who told her what had been discovered. Ms. Fritz shared this information with Miller, who received similar information from law enforcement. LAM initiated eviction proceedings against the tenants and the Fritzes decided to sell the property. The Fritzes made repairs including cleaning, painting and new floor coverings. Neighbors told Ms. Fritz that it was lucky that the tenants had only “cooked meth” on the back porch and not inside the house. The Bloors purchased the home and Miller represented both parties. During the transaction, Mr. Fritz completed a seller’s disclosure statement representing that the property had never been used for illegal drug manufacturing.

Miller reviewed the disclosure statement with the Bloors, but said nothing about what he knew. After the closing, the Bloors found out about the previous drug raid and contacted law enforcement and Health Department officials. The Department investigated the property, found it to be contaminated and uninhabitable and posted an order prohibiting its use. The Bloors could not remove their personal property and were deemed responsible for the cost of remediation. The Bloors sued the Fritzes, Miller, LAM Management, LC Realty and Cowlitz County. The trial court awarded damages to the Bloors for emotional distress, loss of personal property, loss of income, loss of use of the property, credit damage, punitive damages, and attorney fees. The Court also ordered the purchase contract rescinded.

**Issues:** (1) Was there sufficient evidence to support the findings that Miller knew about the meth lab activities and failed to disclose those facts? (2) Was there sufficient evidence to support the finding that Miller failed to disclose the sellers’ misrepresentations on the property disclosure statement? (3) Were the Bloors actually damaged, since the contract provided for a neighborhood inspection and information about the drug raid was readily available in public records?

**Held:** Affirmed (1) Brudvik read the newspaper article about the raid on the property, contacted the Fritzes to discuss evicting the tenants and discussed with Miller and Charmaine Fritz had learned from the task force. Although Miller testified that law enforcement officers told him that no meth manufacturing had occurred on the property, officers testified that they would not have said that when

drug manufacturing implements had been confiscated. (2) Miller admitted at the trial that he saw that Robert Fritz had marked “no” on the seller’s property disclosure statement, in response to the question about previous illegal drug manufacturing. Along with Miller’s other knowledge of the events, the evidence was sufficient to show that Miller unlawfully failed to disclose what drug manufacturing implements had been confiscated. (2) Miller admitted at the trial that he saw that Robert Fritz had marked “no” on the seller’s property disclosure statement, in response to the question about previous-illegal drug manufacturing. Along with Miller’s other knowledge of the events, the evidence was sufficient to show that Miller unlawfully failed to disclose what he knew to the Bloors. (3) Eva Bloor testified that, had she known about the illegal drug activities, she might have changed her mind about buying the property and would have asked questions about the previous events.



**Disciplinary Action  
(cont. from Page 7)**

The Adjudication Panel found reasonable cause to believe that Ms. Fraker had violated the following statutes and/or rules:

MCA 37-1-316(14)

MCA 37-1-316(18)

ARM 24.210.805(3)(a) and (b)

ARM 24.210.805(9)(a); (b); (d); (d)(i);

(d)(ii); and (d)(iii)

ARM 24.210.805(10)

ARM 24.210.805(11)

ARM 24.210.805(12)

ARM 24.210.828(1)

Ms. Fraker requested a hearing.

A hearing was held. The hearing examiner noted in his Finding of Fact that most of the problems found during the original audit still existed at the time of the second audit. Additionally, new problems were identified. He issued a Recommended Order that called for Ms. Fraker's property management license to be suspended for six months followed by probation for 12 months. He also recommended that Ms. Fraker be required to complete an additional 8 hours of board approved continuing education.

Currently Ms. Fraker's property management license is expired.

**PLEASE DO NOT  
BOTH FAX AND  
MAIL CREDIT  
CARD PAYMENT  
FORMS.**

**YOUR CREDIT  
CARD MAY BE  
CHARGED TWICE.**

# **BRR NEWSLETTER IS GOING ELECTRONIC!**

**THIS IS THE ONLY COPY  
OF THE NEWSLETTER  
YOU WILL RECEIVE VIA  
REGULAR MAIL.**

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EMAIL**

**[sfossu@mt.gov](mailto:sfossu@mt.gov)**

# BOARD OF REALTY REGULATION UPCOMING EVENTS CALENDAR

## APRIL

### **22nd: BRR Committee/Panel Meetings**

- 1:00 PM Screening Panel (Closed)
- 2:00 PM Education Committee

### **23<sup>rd</sup>: BRR Board Meeting**

- 8:30 Adjudication
- 9:00 Open Meeting

**ONLY SIX MONTHS UNTIL RENEWAL...BE SURE TO TAKE YOUR CE EARLY!**

## MAY

### **21<sup>ST</sup>-22<sup>ND</sup>: Rookie Class Bozeman, MT**

(Be sure to register early, as the class may fill)

### **22<sup>nd</sup>: Supervising Broker Pre-Endorsement Class Bozeman, MT**

(Be sure to register early, as the class may fill)

**REGISTRATION FORMS CAN BE FOUND ONLINE AT [www.realestate.mt.gov](http://www.realestate.mt.gov) :  
Education: Forms**

## JUNE

### **4<sup>th</sup>: BRR Committee/Panel Meetings**

- 1:00 PM Screening Panel (Closed)
- 2:00 PM Education Committee

### **5<sup>th</sup>: BRR Board Meeting**

- 8:30 Adjudication
- 9:00 Open Meeting

### **25<sup>th</sup>-26<sup>th</sup>: Rookie Class Whitefish, MT**

(Be sure to register early, as the class may fill)

**Board of Realty Regulation  
301 S. Park Ave.  
PO Box 200513  
Helena, MT 59620**

**ADDRESSEE NAME  
MAILING ADDRESS  
CITY, STATE, ZIP**