New Mexico Regulation and Licensing Department
BOARDS AND COMMISSIONS DIVISION
New Mexico Real Estate Commission
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Education Steering Committee
Meeting of August 19, 2015
Greater Albuquerque Association of Realtors
1635 University Blvd. NE
Albuquerque, New Mexico

MINUTES

Members Present: **Marketta Damonte**
Bill Hallett
Roberta Hayes
Commissioner Gretchen Koether (Commission Liaison)
Bill McCoy
Kathy Segura
David Steele
Al Winkeljohn

Staff Present: **Claire Conrad, Education Administrator**

Call to Order – David Steele

A. **Mr. Steele called the meeting to order at approximately 10:00 a.m.**

B. **Approval of the Agenda for the August 19, 2015 meeting of the Education Steering Committee (ESC)**

Al Winkeljohn made a motion to approve the agenda. Roberta Hayes seconded the motion. After discussion, the motion carried.

C. **One-Time Course Approvals**

1. Kendra Yevoli representing Commercial Association of REALTORS of New Mexico (CARNM) presented the "Applied Professional Standards Training 101" course for one-time credit. After the presentation, Bill McCoy made a motion to approve the course for 2 hours of education category credit. Al Winkeljohn seconded the motion. After discussion, the motion carried. Marketta Damonte recused herself stating she felt she had a conflict of interest. This course is the third out of 4 possible one-time courses for CARNM in 2015.
2. Kendra Yevoli representing the SIOR New Mexico Chapter presented the "2015 SIOR Fall World Conference" course for one-time credit. After the presentation, Bill McCoy made a motion to approve the course for 4 hours of education category credit. Roberta Hayes seconded the motion. After discussion, the motion carried. Marketta Damonte recused herself from the voting. This course is the first out of 4 possible one-time courses for the SIOR New Mexico Chapter in 2015.

3. Orlando Lucero representing the National Business Institute (NBI) presented the "Commercial Real Estate Leases from Start to Finish" and "Surveys, Plats, Historical Records, Legal Descriptions and Title Insurance" courses for one-time credit. After the presentations, Roberta Hayes made a motion to approve "Commercial Real Estate Leases . . .) for 6 hours education CE. Bill McCoy seconded the motion. After discussion, the motion carried. Bill McCoy made a motion to approve "Surveys, Plats . . .) for 10 hours education CE. Al Winkeljohn seconded the motion. After discussion, the motion carried. Marketta Damonte recused herself from the voting. These courses are the 2-3 out of 4 possible one-time courses for NBI in 2015.

D. Permanent Course Approval Presentations

1. Mike Carter presented an instructor and course application for "Super Charge Your Sphere of Influence." After the presentation, Al Winkeljohn made a motion to approve the course application for 1 hour of training category CE. Kathy Segura seconded the motion. After discussion, the motion carried. Bill McCoy made a motion to approve Mr. Carter's instructor application. Roberta Hayes seconded the motion. After discussion, the motion carried. Marketta Damonte recused herself from the voting.

E. Minutes and Project Updates

1. July 20th Real Estate Commission Meeting

Claire Conrad shared that a draft of the Commission Meeting minutes must appear on the website 10 days after the meeting. She distributed a motion that was approved at the July 20th Commission Meeting pertaining to the ESC. (See attached) Committee members expressed that there was confusion regarding the definition of conflict of interest. David Steele asked ESC members to email their comments regarding the definition and any other questions they had about the motion to him. Commissioner Gretchen Koether (ESC Liaison) agreed to submit the ESC members' concerns to the Commission for further clarification.

2. ESC Applications

Claire Conrad said that she had received 25 applications from people interested in serving on the ESC. There will be a special meeting of the Real Estate Commission to interview applicants.

There being no further business. The meeting was adjourned at 12:00 p.m.

Claire E. Conrad

Claire E. Conrad, Education Administrator
New Mexico Real Estate Commission

I hereby move, in part to ensure that the Open Meetings Act does not apply to the Education Steering Committee (ESC), and in part for transparency and avoidance of conflicts of interest, potential conflicts of interest or the appearance of conflicts of interest, through clarification of the authorities and modification to the activities of the ESC, a Committee appointed by the New Mexico Real Estate Commission; the ESC:

1. Shall engage solely in fact-finding, for execution of policy decisions or final actions by the Commission and shall not otherwise act as a policymaking body.
2. Member's authority extends to the review and evaluation of prospective applicants for sponsors, courses and instructors, and to making recommendations to the Commission for approval or disapproval which the Commission may or may not adopt. The ESC shall not explicitly or implicitly give final approval or disapproval of sponsors, courses or instructors.
3. Members are required to inform all applicants (in writing and orally during the applicant's presentation) that the ESC makes recommendations but the Commission makes the final decision approval or disapproval, and that the applicants should not offer the course or act as a sponsor or instructor unless they have received an approval letter from the Commission. The ESC will notify applicants of the date of the Commission meeting during which the Commission will consider final approval or disapproval of the applications for sponsors, courses, and instructors.
4. Members will avoid all potential conflicts of interest and / or the appearance of conflicts of interest and shall not vote on their own applicants, or applications in which the ESC member has any financial interest and the ESC member shall clearly recuse himself / herself from considering, hearing or voting on the application. Members shall not vote on any applicants, sponsors, or applications for a course which the member instructs to avoid a potential financial conflict of interest. Members shall not vote on any applicants or applications for a course in which the member has any ownership in any school, is employed by, or teaches for any school that offers said sponsorship or course to avoid a potential financial conflict of interest.
5. Members shall ensure that the ESC minutes reflect that member(s) disclosed all conflicts of interests or potential conflicts of interest, any financial interest the member had in any application considered by the Committee, that the member recused himself / herself from the meeting, and did not listen to the applicants presentation, nor consider or vote on the applicant or application of a sponsor, course, or instructor where a conflict of interest or potential conflict of interest existed.

Additionally, the Commission will add an agenda item to the Commission meetings for final review and approval / disapproval of the ESC's recommendation for each application of sponsors, courses and instructors. The ESC shall provide the Commission with their recommendation for each applicant, all written information received by the ESC for each applicant, together with a Rubric completed by each recommending or dissenting ESC member. ESC members shall feel free to agree or disagree with the ESC's majority recommendation, and the minutes shall reflect same. The Commission shall conduct a robust review of each recommendation, including a review of all written information received by the ESC for each applicant together with a Rubric completed by each recommending or dissenting ESC member. Commission members shall feel free to agree or disagree with the Committee's recommendation.