

Regulatory Analysis Form		This space for use by IRRC RECEIVED 999 NOV -3 PM 1:39 INDEPENDENT REGULATORY REVIEW COMMISSION IRRC Number: #2051	
(1) Agency Department of State, Bureau of Professional and Occupational Affairs, State Real Estate Commission		IRRC Number: #2051	
(2) I.D. Number (Governor's Office Use) 16A-567			
(3) Short Title Disclosure Summary			
(4) PA Code Cite 49 Pa. Code §§35.201 and 35.336		(5) Agency Contacts & Telephone Numbers Primary Contact: Judith Pachter Schulder, Counsel State Real Estate Commission 783-7200 Secondary Contact: Joyce McKeever, Deputy Chief Counsel, Department of State 783-7200	
(6) Type of Rulemaking (check one) Proposed Rulemaking <input checked="" type="checkbox"/> Final Order Adopting Regulation Policy Statement		(7) Is a 120-Day Emergency Certification Attached? <input checked="" type="checkbox"/> No Yes: By the Attorney General Yes: By the Governor	
(8) Briefly explain the regulation in clear and nontechnical language. <p>The regulation embodies a disclosure summary which advises consumers about agency relationships, fees, and services which a licensee may provide to the consumer. Licensees will be required to provide consumers with the disclosure at the initial interview in a real estate transaction and retain a copy of the acknowledgment following disclosure. The regulation also defines "initial interview."</p>			
(9) State the statutory authority for the regulation and any relevant state or federal court decisions. <p>The regulation is authorized under Section 608 of the Real Estate Licensing and Registration Act, 63 P.S. §455.608.</p>			

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

Yes. Act 112 of 1998 requires the Commission to promulgate a disclosure regulation containing the eleven statements listed in Section 608 by November 25, 1999.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

In addition to being mandated by the Act, the disclosure assists consumers of real estate services by explaining the various agency relationships, describing how fees can be allocated, reminding consumers that all real estate transactions must be in writing and listing the phone number for the Real Estate Recovery Fund.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Nonregulation is not an option as Section 608 requires the Commission to promulgate a disclosure by November 25, 1999.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

Consumers of real estate and the regulated community as a whole (including nonresident licensees) will benefit from the guidance to be provided by the proposed regulations. Currently, there are approximately 49,000 licensees of the Commission.

Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

There are no perceived people or groups of people who will be adversely affected by the proposed regulations.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All licensees of the Commission will be required to comply with the regulation. Currently, there are approximately 49,000 licensees of the Commission.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Notice of proposed rulemaking was published at 29 Pa. B. 4451-4454 (August 21, 1999). Publication was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Association of Realtors and Dino Bello. Following the close of the public comment period, the Board received comments from the House Professional Licensure Committee and the Independent Regulatory Review Commission.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

The only costs associated with this regulation will be in reproducing the disclosure. Licensees will be required to retain a signed acknowledgment and give a copy of the disclosure to the consumer.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

Not applicable.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

The costs to the State Real Estate Commission associated with implementation of this regulation is minimal. The Commission will be required to print disclosure forms and make them available upon request to licensees. Since only the form of the disclosure summary is proscribed by regulation, licensees would be permitted to duplicate the form for their use. In addition, the Commission also intends to post the disclosure summary on the Internet so that it may be downloaded by licensees.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated	N/A	N/A	N/A	N/A	N/A	N/A
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated	N/A	N/A	N/A	N/A	N/A	N/A
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated	N/A	N/A	N/A	N/A	N/A	N/A
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

Not applicable.

Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	(1995-96) FY -3	(1996-97) FY -2	(1997-98) FY -1	(Budgeted 1998-99) Current FY
Not applicable.				

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

There will be no adverse effects and costs associated with compliance with the regulation.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Nonregulatory alternatives were not considered because Section 608 of the Act, 63 P.S. §455.608, specifically requires that the Commission adopt the disclosure summary by regulation.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

No other regulatory schemes were considered. See 22 above.

Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

Not applicable.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

Numerous other states with agency laws require similar disclosures to be provided to consumers and utilize a similar form.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will not affect existing or proposed regulations.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

In light of the statutory mandate, the Board has scheduled no public hearings or informational meetings regarding this regulation.

Regulatory Analysis Form

(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Record keeping/paperwork requirements will change minimally in that licensees will be required to keep a copy of the signed acknowledgment.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

The Commission has perceived no special needs of any subset of its applicants or licensees for whom special accommodations should be made.

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

Act 112 of 1998 becomes effective on November 25, 1999. The regulation will be effective upon publication in the Pennsylvania Bulletin as final rulemaking.

(31) Provide the schedule for continual review of the regulation.

The Commission reviews the effectiveness of its regulations on an ongoing basis.

(2) Any State society or institute that participates in the AICPA Peer Review Program.

(b) A firm that is subject to peer review is not required to become a member of the AICPA or any other administering organization.

§ 11.84. Peer review standards.

A peer review shall be conducted in accordance with the "Standards for Performing and Reporting on Peer Reviews," including interpretations thereof, issued by the AICPA.

§ 11.85. Qualifications of peer reviewers.

(a) Except as provided in subsections (b) and (c), a peer reviewer shall possess the qualifications set forth in the "Standards for Performing and Reporting on Peer Reviews," including interpretations thereof, issued by the AICPA.

(b) A licensed public accountant who otherwise satisfies the requirements of subsection (a) shall be qualified to serve as a peer reviewer.

(c) A sole practitioner with a public accounting or auditing practice who otherwise satisfies the requirements of subsection (a) shall be qualified to serve as a peer reviewer if the practitioner is also enrolled in a peer review program.

(d) A peer reviewer shall be independent from, and have no conflict of interest with, the firm being reviewed.

§ 11.86. Confidentiality of peer review reports.

(a) All peer review reports and related information shall remain confidential except as provided in section 8.9(e) and (h)(3) of the act (63 P. S. § 9.8i(e) and (h)(3)) and subsection (b) of this section.

(b) The Board will have the right to inquire of an administering organization whether a peer review report has been accepted.

[P.A.R. Doc. No. 99-1372. Filed for public inspection August 20, 1999, 9:00 a.m.]

STATE REAL ESTATE COMMISSION

[49 PA. CODE CH. 35] Disclosure Summary

The State Real Estate Commission (Commission) proposes to add § 35.336 (relating to disclosure summary) to read as set forth in Annex A.

A. Effective Date

The proposed regulation will be effective upon publication of the final-form regulation in the *Pennsylvania Bulletin*.

B. Statutory Authority

The regulation is proposed under the authority of section 608 of the Real Estate Licensing and Registration Act (63 P. S. § 455.608) (act).

C. Background and Purpose

This proposal implements section 608 of the act of November 25, 1999 (P. L. 908, No. 112) (Act 112), which was added to the act on November 24, 1998. Act 112

permits licensees to enter into various agency relationships with consumers. Section 608 requires the Commission to adopt a disclosure summary to be provided to the consumers at the initial interview. Section 608 of the act delineates 11 items which must be disclosed:

1. The relationships in which the consumer may engage the broker.

2. A statement informing sellers and buyers of their option to have an agency relationship with a broker, that an agency relationship is not to be presumed and that it will exist only as set forth in a written agreement between the broker and the consumer.

3. A statement that a consumer has the right to enter into a negotiated agreement with the broker limiting the activities or practices that the broker will provide for on behalf of the consumer, and that the fees and services to be provided are to be determined by negotiations between the consumer and the broker.

4. A statement identifying any possibility that the broker may provide services to another consumer who may be party to the transaction and, if so, an explanation of the duties the broker may owe the other party and whether the broker may accept a fee for those services.

5. A statement identifying any possibility that the broker may designate one or more licensees affiliated with the broker to represent the separate interest of the parties to the transaction.

6. A statement of the broker's policies regarding cooperation with other brokers, including the sharing of fees.

7. A statement that a buyer's broker may be paid a fee that is a percentage of the purchase price and the buyer's broker, even if compensated by the listing broker, will represent the interests of the buyer.

8. A statement that the duration of the broker's employment and the broker's fees are negotiable.

9. The purpose of the Real Estate Recovery Fund and the telephone number of the Commission at which further information about the fund may be obtained.

10. A statement that the duration of the listing agreement or contract and the broker's commission are negotiable.

11. A statement that any sales agreement must contain zoning classification of a property except in cases where the property (or each parcel thereof, if subdivided) is zoned solely or primarily to permit single-family dwellings.

D. Description of Proposed Regulation

Proposed subsection (a) would contain the disclosure summary form. The disclosure summary is divided into four parts: introduction, duties of licensees generally, a description of the business relationships and other information about real estate transactions.

In the first part of the disclosure, the Commission attempts to make consumers aware that to be represented by a licensee, they need to enter into a written agreement. The disclosure is also intended to caution consumers that until they have entered into such an agreement, they should not disclose any confidential information to the licensee.

The second part of the disclosure lists the duties required of all licensees by section 606.1 of the act (63 P. S. § 455.608a).

The third part of the disclosure describes the business relationships delineated in Act 112: seller agency, buyer agency, dual agency, designated agency and trans-

action licensee. The proposed regulation explains that under seller agency, the licensee and all licensees in the real estate company (except where there is designated agency) work only for the seller/landlord. Associated with this relationship are the additional duties of loyalty, confidentiality, continuous good faith effort to find a buyer and disclosure. As a seller's agent, the licensee may compensate subagents, who, with the consumer's written approval, act in the same capacity as a seller's agent, and buyer's agents and transaction licensees, who with their agreement, other licensees may serve and be paid as subagents.

The proposal further explains that under buyer agency, the licensee and all licensees in the real estate company (except where there is designated agency) work only for the buyer/tenant, regardless of by whom the licensee is paid. Buyer's agents have the same additional duties to buyers as seller's agents have to sellers.

The proposal also explains that under dual agency, the licensee acts as the agent for both the buyer and the seller in the same transaction with the written consent of all of the parties. Dual agents have the additional duties of taking no action that is detrimental to either party, making a continuous and good faith effort to find a buyer for the property and a property for the buyer, and confidentiality.

In designated agency the employing broker designates one or more licensee to exclusively represent the interests of one party and other licensees to exclusively represent the interests of the other party. Designation may take place at the time the parties enter into a written agreement or when the employing broker learns that a dual agency relationship exists. Regardless of when the designation occurs the employing broker is responsible for ensuring that confidential information is not disclosed. In addition, the employing broker must take responsibility to direct and supervise the business activities of the licensees who represent the buyer and the seller while taking no action that is adverse or detrimental to either party's interest in the transaction.

The proposed regulation also explains that a transaction licensee is not an agent or advocate for the consumer. Unlike a buyer's agent, seller's agent or dual agent, the transaction licensee only has the additional duty of limited confidentiality. Confidential information should not be divulged other than the fact that the seller will accept a price lower than the asking price, that the buyer will pay a price greater than the price submitted in a written offer, or that the seller or buyer will agree to terms other than those offered.

The last part of the disclosure delineates the four items which are negotiable in a written agreement/disclosure statement, the requirements that the sales agreement contain the zoning classification of the property, and information about the Real Estate Recovery Fund.

Proposed subsection (b) would require licensees to provide all consumers with the disclosure at the initial interview.

Proposed subsection (c) would require licensees to retain the signed acknowledgment in their files and provide a copy to the consumer. The Commission believes it is prudent to require licensees to maintain a copy of the acknowledgment as evidence that the licensee complied with section 606.1(a)(6) of the act.

E. Compliance with Executive Order 1996-1

In compliance with Executive Order 1996-1, the Commission extended an invitation to the following boards

and associations to preliminarily review and comment on the Commission's draft regulatory proposal: Pennsylvania Association of Realtors; Realtors Educational Institute; Institute of Real Estate Studies; Polley Associates; Pennsylvania Cemetery & Funeral Association; Pennsylvania Bar Association; Allegheny Highland Association; Greater Allegheny-Kiski Area Board; Allegheny Valley Board; Beaver County Association; Bradford-Sullivan County Association; Bucks County Board; Butler County Association; Cambria-Somerset Association; Carbon County Association; Carlisle Association; Central Montgomery County Association; Central Susquehanna Valley Board; Central Westmoreland Board; Centre County Association; Chester County Association; Clearfield-Jefferson Association; Delaware Valley Realtors Association; East Montgomery County Association; Elk-Cameron County Board; Greater Erie Board; Fayette County Board; Franklin County Association; Greenville Area Board; Hanover-Adams County Association; Greater Harrisburg Association; Greater Hazleton Association; Huntingdon County Board; Indiana County Board; Lancaster County Association; Lawrence County Board; Lebanon County Association; Lehigh Valley Association; McKean County Association; Greater Meadville Board; Greater Mercer County Board; Mifflin-Juniata County Board; Mon Yough Association; Monongahela Valley Board; Greater Philadelphia Association; North Central Penn Board; Pike/Wayne Association; Pocono Mountains Association; Reading-Berks Association; Realtors Association of Metropolitan Pittsburgh; Schuylkill County Board; Greater Scranton Association; Tri-State Commercial and Industrial Association; Warren County Board; Washington-Greene Association; West Branch Valley Association; Westmoreland West Association; Greater Wilkes-Barre Association; York County Association; The Pennsylvania Federation of Housing Counselors and Agencies; and The Real Estate Consumer Council.

In formulating this proposal, the Commission reviewed and considered all comments and suggestions received by these and other interested parties during the regulatory development process.

F. Fiscal Impact and Paperwork Requirements

The proposed regulation should have minimal fiscal impact on the Commonwealth. The proposed regulation would require the Commission to print the disclosure summary and make it available to all licensees. In addition to obtaining a copy from the Commission staff, the disclosure summary would be available on the Internet for downloading. This proposed regulation would also have a minimal fiscal impact on the regulated community in that licensees would incur the cost of reproducing the disclosure summary.

Additional paperwork requirements for the Commission would be limited to having copies of the disclosure summary available. Licensees would also have the additional paperwork requirement of keeping the signed acknowledgment and providing a copy of the entire disclosure to the consumer. The proposed regulation should not necessitate any legal, accounting or reporting requirements on the regulated community.

G. Sunset Date

The Commission reviews the effectiveness of its regulations on an ongoing basis. Therefore, no sunset date has been assigned.

H. Regulatory Review

Under section 5(a) of the Regulatory Review Act (71 P.S. § 745.5(a)), on August 9, 1999, the Commission submitted a copy of this proposed regulation to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the House Professional Licensure Committee and the Senate Consumer Protection and Professional Licensure Committee. In addition to submitting the proposed regulation, the Commission has provided IRRC and the Committees with a copy of a detailed regulatory analysis form prepared by the Commission in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." A copy of this material is available to the public upon request.

If IRRC has objections to any portion of the proposed regulation, it will notify the Commission within 10 days after the expiration of the Committees' review period. The notification shall specify the regulatory review criteria which have not been met by that portion. The Regulatory Review Act specifies detailed procedures for review, prior to final publication of the regulation, by the Commission, the General Assembly and the Governor of objections raised.

I. Public Comment

Interested persons are invited to submit written comments, suggestions or objections regarding the proposed regulation to Judith Pachter Schulder, Counsel, State Real Estate Commission, 116 Pine Street, P. O. Box 2649, Harrisburg, PA 17105-2649, within 30 days of publication of this proposed rulemaking. Please reference No. 16A-567 (Disclosure Summary), when submitting comments.

RITA HALVERSON,
Chairperson

Fiscal Note: 16A-567. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION REAL ESTATE DOCUMENTS

§ 35.336. Disclosure summary.

(a) The disclosure summary shall be entitled "Consumer Notice" and shall be in the following form:

CONSUMER NOTICE

THIS IS NOT A CONTRACT

Pennsylvania Law requires real estate brokers and salespersons (licensees) to advise consumers of the business relationships that a consumer may have with a licensee. This notice must be provided to the consumer at the first contact where a substantive discussion about real estate occurs.

Before you disclose any information to a licensee, be advised that unless you select a business relationship by signing a written agreement, the licensee is NOT representing you. A business relationship will NOT be presumed.

Any licensee who provides you with real estate services owes you the following duties:

- Exercise reasonable professional skill and care.

- Deal honestly and in good faith.
- Present, in a timely manner, all offers, notices, and communications to and from the parties in writing, unless waived.
- Comply with Real Estate Seller Disclosure Act.
- Account for escrow and deposit funds.
- Disclose, in a timely manner, all conflicts of interest and financial interests.
- Advise the consumer to seek expert advice on matters about the transaction that are beyond the licensee's expertise.
- Keep the consumer informed about the transaction and the tasks to be completed.

A licensee may have the following business relationships with the consumer:

Seller Agency:

Seller agency is a relationship where the licensee, upon entering into a written agreement, works only for a seller/landlord. Seller's agents owe the additional duties of:

- Loyalty to the seller/landlord by acting in the seller's/landlord's best interest.
- Confidentiality, except that a licensee has a duty to reveal known material defects about the property.
- Making a continuous and good faith effort to find a buyer for the property.
- Disclosure to other parties in the transaction that the licensee has been engaged as a seller's agent.

A seller's agent may compensate other brokers as subagents if the seller/landlord agrees in writing. Subagents have the same duties and obligations as the seller's agent. Seller's agents may also compensate buyer's agents and transaction licensees who do not have the same duties and obligations as seller's agents.

If you enter into a written agreement, all the licensees in the real estate company owe you the additional duties identified above under seller agency. The exception is designated agency. See the designated agency section in this notice for more information.

Buyer Agency:

Buyer agency is a relationship where the licensee, upon entering into a written agreement, works only for the buyer/tenant. Buyer's agents owe the additional duties of:

- Loyalty to the buyer/tenant by acting in the buyer's/tenant's best interest.
- Confidentiality, except that a licensee is required to disclose known material defects about the property.
- Making a continuous and good faith effort to find a property for the buyer/tenant.
- Disclosure to other parties in the transaction that the licensee has been engaged as a buyer's agent.

A buyer's agent may be paid fees, which may include a percentage of the purchase price, and, even if paid by the seller/landlord, will represent the interests of the buyer/tenant.

If you enter into a written agreement, all the licensees in the real estate company owe you the additional duties identified above under buyer agency. The exception is designated agency. See the designated agency section in this notice for more information.

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Dual Agency:

Dual agency is a relationship where the licensee acts as the agent for both the seller/landlord and the buyer/tenant in the same transaction with the written consent of all parties. Should dual agency occur in your transaction, you will be informed. Dual agents owe the additional duties of:

- Taking no action that is adverse or detrimental to either party's interest in the transaction.
- Making a continuous and good faith effort to find a buyer for the property and a property for the buyer.
- Confidentiality, except that a licensee is required to disclose known material defects about the property.

Designated Agency:

In designated agency, the employing broker may, with your consent, designate one or more licensees from the real estate company to act exclusively as the agent for the seller/landlord and one or more licensees to act exclusively as the agent for the buyer/tenant. Other licensees in the company who are not designated may represent another party and should not be provided with any confidential information. The designated agent(s) shall have the duties to the seller/landlord or buyer/tenant as listed above under seller agency and buyer agency.

In designated agency, the employing broker will be a dual agent and have the additional duties of:

- Taking reasonable care to protect any confidential information disclosed to the salesperson.
- Taking responsibility to direct and supervise the business activities of the licensees who represent the seller and buyer while taking no action that is adverse or detrimental to either party's interest in the transaction.

The designation may take place at the time that the parties enter into a written agreement, but may occur at a later time. Regardless of when the designation takes place, the broker is responsible for ensuring that confidential information is not disclosed.

Transaction Licensee:

A transaction licensee is a broker or salesperson who provides communication or document preparation services or performs other acts for which a license is required WITHOUT being the agent or advocate for either the seller/landlord or the buyer/tenant. Upon signing a written agreement or disclosure statement, a transaction licensee has the additional duty of limited confidentiality in that the following information may not be disclosed:

- the seller/landlord will accept a price less than the asking/listing price.

- the buyer/tenant will pay a price greater than the price submitted in a written offer.

- the seller/landlord or buyer/tenant will agree to financing terms other than those offered.

Other information deemed confidential by the consumer should not be provided to the transaction licensee.

OTHER INFORMATION ABOUT REAL ESTATE TRANSACTIONS

The following are negotiable and shall be addressed in an agreement/disclosure statement with the licensee:

- The duration of the licensee's employment, listing agreement or contract are negotiable.
- The licensee's fees or commission are negotiable.
- The scope of the licensee's activities or practices are negotiable.
- The broker's cooperation with other brokers.

Any sales agreement must contain the zoning classification of a property except in cases where the property is zoned solely or primarily to permit single family dwellings.

Real Estate Recovery Fund exists to reimburse any person who has obtained a final civil judgment against a Pennsylvania real estate licensee owing to fraud, misrepresentation, or deceit in a real estate transaction and who has been unable to collect the judgment after exhausting all legal and equitable remedies. For complete details about the Fund, call (717) 783-3658.

ACKNOWLEDGMENT

I acknowledge that I have received this disclosure.

Date: _____

(Consumer)

(Consumer)

I certify that I have provided this document to the above consumer during the initial interview.

Date: _____

(Licensee)

*Adopted by the State Real Estate Commission at
49 Pa. Code § 35.336.*

(b) Licensees shall provide the disclosure summary to all consumers at the initial interview.

(c) Licensees shall retain the signed acknowledgment for their records and shall provide a copy of the entire disclosure to the consumer.

[Pa.B. Doc. No. 99-1373. Filed for public inspection August 20, 1999, 9:00 a.m.]

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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1999 NOV -3 PM 1:39

INDEPENDENT REGULATORY
REVIEW COMMISSION

#2051

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to
form and legality. Attorney General

Copy below is hereby certified to be a true and correct
copy of a document issued, prescribed or promulgated by:

Copy below is approved as
to form and legality.
Executive or Independent
Agencies.

BY: _____
(DEPUTY ATTORNEY GENERAL)

State Real Estate Commission
(AGENCY)

BY: *[Signature]*

DOCUMENT/FISCAL NOTE NO. 16A-567

10/27/99
DATE OF APPROVAL

DATE OF APPROVAL

DATE OF ADOPTION: _____

BY: *[Signature]*
Rita Halverson

(Deputy General Counsel
(Chief Counsel)
Independent Agency
(Strike inapplicable
title)

TITLE: Chairperson
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

[] Check if applicable
Copy not approved.
Objections attached.

[] Check if
applicable. No Attorney
General approval or
objection within 30 day
after submission.

FINAL RULEMAKING

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE REAL ESTATE COMMISSION
49 Pa. Code, Chapter 35
Disclosure Summary

The State Real Estate Commission (Commission) amends 49 Pa. Code, Chapter 35 by amending Section 35.201 and adding Section 35.336 as set forth in Annex A.

This regulation implements Section 608 of Act 112 of 1998, which was added to the Real Estate Licensing and Registration Act on November 24, 1998. Act 112 permits licensees to enter into various agency relationships with consumers. Section 608 requires the Commission to adopt a disclosure summary, containing eleven enumerated provisions, to be provided to the consumers at the initial interview.

Notice of proposed rulemaking was published at 29 Pa. B. 4451-4454 (August 21, 1998). Publication was followed by a 30-day public comment period during which the Board received comments from the Pennsylvania Association of Realtors (PAR) and Dino Bello, a broker. Following the close of the public comment period, the Board also received comments from the House Professional Licensure Committee (HPLC) and the Independent Regulatory Review Commission (IRRC). The amendments reflected in Annex A are responsive to the comments and suggestions received by all commentators.

For ease of reference, the Board will address the comments in the order in which the amendments appear.

Subsection (a)

Subsection (a) requires the Consumer Notice be in the form set forth in the regulation. IRRC recommended that the regulation include specific minimum standards for typeset size and format. The Commission acknowledges IRRC's concern and modified the subsection to indicate that licensees must use the form the Consumer Notice developed by the Commission. Licensees will be able to obtain the form by fax or mail from the Commission office, or from the Commission's web page at realesta@pados.dos.state.pa.us. Licensees may reproduce the form provided it remains in the same format as the original.

The Commission believes that requiring all licensees to use the same form will ensure that every consumer receives the same information. It also places licensees on equal footing with regard to use of the form.

Paragraph 1

IRRC raised the concern that the term "licensee" in the Consumer Notice refers only to brokers and salespersons while Section 301 of the Act, 63 P.S. §455.301, defines licensee as including all individuals licensed by the Commission. IRRC recommended that the term "licensee" be defined in the Notice. The Commission agrees with this suggestion and has inserted a definition as requested.

Paragraph 2

The HPLC, IRRC and PAR recommended that paragraph 2 be amended to clarify that in order to enter into an agency relationship there must be a written agreement between the consumer and the broker. Additionally they recommended that the Commission clarify that in the absence of a written agreement, no business relationship will be presumed. The Commission agrees with this suggestion and amended the provision to reflect the suggested language.

Paragraph 3

IRRC suggested that the duties of licensees generally contained in paragraph 3 of the Notice should mirror Section 606.1 of the Act, 63 P.S. §455.606a, rather than summarize the provision. The Commission has amended this paragraph accordingly.

PAR recommended that the Commission delete the list of duties. PAR suggested that this information is redundant since it is contained in agreements of sale and other real estate-related standard forms. The Commission disagrees. Section 608, 63 P.S. §455.608 requires that consumers to be advised about the various agency relationships. As part of that advice, consumers are informed of the additional duties imposed under seller's agency, buyer's agency, dual agency, designated agency and transaction licensee. In order for consumers to understand the additional duties, the Commission believes it is necessary to explain the general duties. Accordingly, the Commission had not amended paragraph 3.

Various Agency Relationships

IRRC recommended that the exceptions to the additional duties on licensees arising from an agency relationship found in Sections 606.2(2), 606.3(2), 606.4(b)(3) and 606.5(b)(2), 63 P.S. §§455.606b(2), 455.606c(2), 455.606d(b)(3) and 455.606e(b)(2) be added to the Consumer Notice. The Commission has made this change to the seller agency, buyer agency and dual agency sections.

Paragraph 6 - Dual Agency

IRRC recommended that the second sentence in paragraph 6 be deleted in that it repeats the notice requirement in the first sentence. The Commission agrees with this recommendation and has deleted the second sentence.

Paragraph 7--Designated Agency

PAR suggested that paragraph 7, relating to designated agency, be amended by

deleting the phrase "to act exclusively as the agent for the seller/landlord and one or more licensees to act exclusively as the agent for the buyer/tenant" be deleted and replaced with "to represent you." The Commission finds this suggestion acceptable since it clarifies the provision without changing the original provision.

PAR also suggested that the second sentence be amended by deleting "may represent another party and should not be provided with any confidential information" and replacing it with "do not represent you and may in fact be designated by the broker to represent the party with whom you eventually enter into a real estate transaction." Given the amendment to the first sentence, the Commission does not believe that PAR's second amendment is warranted. However to improve clarity, the Commission has removed the words "who are not designated" from the second sentence and "to the seller/landlord or buyer/tenant" from the third sentence.

IRRC suggested that the first word of the clause regarding confidential information be changed from "should" to "shall." The Commission agrees and has replaced the word should in this paragraph as well as in paragraph 8 regarding transaction licensees.

Other information about real estate transactions

IRRC recommended that the first paragraph regarding negotiability be amended to remove the words "are negotiable" from each of the bulleted paragraphs. IRRC also recommended that the fourth bulleted paragraph include a reference to sharing of fees. The Commission has made both recommended changes.

Acknowledgment

Both the HPLC and PAR recommended that the consumer print as well as sign the acknowledgment section of the form and include the address and phone number. IRRC has questioned the rationale for requiring the address and phone number. The Commission believes that the addition of the printed name will ensure more accurate documentation for licensees and consumers. However, the Commission believes that the addition of the address and telephone number should be optional instead of mandatory. In the Commission's collective experience, consumers engaged in initial discussions with licensees are reluctant and wary of providing personal information. The Commission believes that making such information optional will help ensure consumer compliance.

Subsection (b)

IRRC raised the concern that Subsection (b) requires licensees to provide the Consumer Notice at the initial interview, but the regulations do not define initial interview. The Commission believes this suggestion has merit and has added a definition for "initial

interview” in Section 201 of the regulations, 49 Pa. Code §35.201, relating to definitions. The definition clarifies that where conversations extend beyond objective data about the property, the Consumer Notice, in Section 336 of the regulations, 49 Pa. Code §35.336, must be provided to and be acknowledged by consumers. These discussions may take place at open houses, in e-mail requests and during phone calls to licensees.

IRRC also suggested that Subsection (b) should be amended to guide licensees where consumers refuse to sign the acknowledgment. In response to this suggestion, the Commission has added Subsection (d). The new provision advises that the licensee shall note the refusal on the Consumer Notice and retain a copy of the acknowledgment for their records as specified in Subsection (c).

Subsection (c)

IRRC questioned the need for licensees to retain the signed acknowledgments. Section 608 of the Act, 63 P.S. §455.608, requires licensees to give the Consumer Notice to all consumers. The Notice is the first document in a real estate transaction. As such, the acknowledgment would be one of the records of a real estate office subject to inspection under 49 Pa. Code §35.246. The Commission believes that retention of the signed acknowledgments evidences compliance with Section 608 of the Act and therefore will assist both licensees and inspectors on behalf of the Commission during these inspections.

IRRC also noted that if retention is required the regulation should set a retention period. The regulations at 49 Pa. Code §35.286(a) requires brokers to retain copies of records *pertaining to real estate transactions* for at least 3 years following consummation of the transaction. Owing to concerns regarding the expense of retention and storage, the Commission has determined that where the broker and the consumer have not entered into a business relationship, a licensee need only keep the signed acknowledgments for six months. Where the consumer and the broker have entered into a business relationship, the three year requirement in Section 35.286(a) of the regulations, 49 Pa. Code §35.286(a), would apply inasmuch as the Consumer Notice is a record of the transaction.

Generally

Mr. Bello suggested that the Consumer Notice is insufficient as drafted because of does not define the term “fiduciary” and does not provide an explanation of the fiduciary duties owed to consumers who enter into agency relationships. The Commission believes that further amendment is not necessary because the amendments to the Act do not contain a definition of the term “fiduciary.” Fiduciary duties encompass the general duties plus the additional agency duties as appropriate.

Compliance with Executive Order 1996-1, Regulatory Review and Promulgation

The Board reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Fiscal Impact and Paperwork Requirements

The amendments will have minimal fiscal impact on the Commonwealth. The proposed amendment will require the Commission to print the disclosure summary and make it available to all licensees. In addition to obtaining a copy from the Commission staff, the disclosure summary will be available on the Internet for downloading. This regulation will also have a minimal fiscal impact on the regulated community in that licensees will incur the cost of reproducing the disclosure summary.

Additional paperwork requirements for the Commission will be limited to having copies of the disclosure summary available. Licensees will also have the additional paperwork requirement of keeping the signed acknowledgment and providing a copy of the entire disclosure to the consumer. The proposed amendments will not necessitate any legal, accounting, or reporting requirements on the regulated community.

Statutory Authority

The amendments are authorized by Section 608 of the Act (63 P.S. §455.608).

Sunset Date

The Board continually monitors the effectiveness of its regulations through communications with the regulated population; accordingly, no sunset date has been set.

Regulatory Review

Under Section 5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19), (71 P.S. §§745.1 -745.15), the agency submitted a copy of the Notice of Proposed Rulemaking, published at 29 Pa. B. 4451-4454, on August 21, 1999, to the IRRC and the Chairmen of the HPLC and the Senate Consumer Protection and Professional Licensure Committee (SCP/PLC) for review and comment. In compliance with Section 5(b.1), the agency also provided the IRRC and the committees with copies of all comments received, as well as other documentation.

In preparing this final form regulation the agency has considered all comments received from the IRRC and the public.

This final form regulation was (deemed) approved by the HPLC on _____ and (deemed) approved by the SCP/PLC on _____. The IRRC met on _____ and (deemed) approved the regulation in accordance with Section 5(c) of the Act.

Contact Person

Further information may be obtained by contacting Deborah A. Sopko, Administrative Assistant, State Real Estate Commission, at P. O. Box 2649, Harrisburg, PA 17105-2649; telephone (717) 783-7155.

Findings

(1) Public notice of proposed rulemaking was given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769) (45 P.S. §§1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments were considered.

(3) This amendment does not enlarge the purpose of proposed rulemaking published at 29 Pa. B. 4451-4454.

(4) This amendment is necessary and appropriate for administration and enforcement of the Board's authorizing statute.

Order

The Board, acting under its authorizing statute, orders that:

(1) The regulations of the Board, 49 Pa. Code Chapter 35, are amended as set forth in Annex A.

(2) The Board shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General as required by law.

(3) The Board shall certify this Order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

- (4) This order shall take effect upon publication in the Pennsylvania Bulletin.

ANNEX A
TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS
PART I. DEPARTMENT OF STATE
SUBPART A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS
CHAPTER 35. STATE REAL ESTATE COMMISSION
Subchapter B. GENERAL PROVISIONS

§35.201. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

...

INITIAL INTERVIEW - THE FIRST COMMUNICATION BETWEEN A BROKER OR SALESPERSON AND A CONSUMER INVOLVING THE PERSONAL/BUSINESS OR FINANCIAL NEEDS AND MOTIVATIONS OF THE CONSUMER. A DISCUSSION OF THE OBJECTIVE FACTS ABOUT THE PROPERTY, INCLUDING DIMENSIONS, ZONING CLASSIFICATION, AGE, DESCRIPTION OR LIST PRICE/LEASE AMOUNT, IS NOT BY ITSELF A SUBSTANTIVE DISCUSSION.

LICENSEE - AN INDIVIDUAL OR ENTITY LICENSED UNDER THE ACT. FOR PURPOSES OF THE CONSUMER NOTICE IN SECTION 35.336(A) (RELATING TO DISCLOSURE SUMMARY) THE TERM LICENSEE SHALL MEAN BROKER OR SALESPERSON.

REAL ESTATE DOCUMENTS

§35.336. Disclosure Summary.

(a) The Disclosure Summary shall be entitled "Consumer Notice" and shall be in the following form AT AVAILABLE FROM THE COMMISSION OFFICE UPON REQUEST BY PHONE, FAX OR INTERNET:

CONSUMER NOTICE
THIS IS NOT A CONTRACT

Pennsylvania Law requires real estate brokers and salespersons (licensees) to

advise consumers of the business relationships that a consumer may have with a licensee PERMITTED BY THE REAL ESTATE LICENSING AND REGISTRATION ACT. This notice must be provided to the consumer at the first contact where a substantive discussion about real estate occurs.

Before you disclose any information to a licensee, be advised that unless you select a business AN AGENCY relationship by signing a written agreement, PROVIDING FOR SUCH A RELATIONSHIP the licensee is NOT REPRESENTING YOU. A business relationship OF ANY KIND will NOT be presumed BUT MUST BE ESTABLISHED BETWEEN THE CONSUMER AND THE LICENSEE.

Any licensee who provides you with real estate services owes you the following duties:

- Exercise reasonable professional skill and care WHICH MEETS THE PRACTICE STANDARDS REQUIRED BY THE ACT.
- Deal honestly and in good faith.
- Present, in a timely manner, all offers, COUNTEROFFERS, notices, and communications to and from the parties in writing, unless waived. THE DUTY TO PRESENT WRITTEN OFFERS AND COUNTEROFFERS MAY BE WAIVED IF THE WAIVER IS IN WRITING.
- Comply with Real Estate Seller Disclosure Act.
- Account for escrow and deposit funds.
- Disclose, in a timely manner, all conflicts of interest and financial interests IN A TIMELY MANNER.
- PROVIDE ASSISTANCE WITH DOCUMENT PREPARATION AND ADVISE THE CONSUMER REGARDING COMPLIANCE WITH LAWS PERTAINING TO REAL ESTATE TRANSACTIONS.
- Advise the consumer to seek expert advice on matters about the transaction that are beyond the licensee's expertise.
- Keep the consumer informed about the transaction and the tasks to be completed.
- DISCLOSE FINANCIAL INTEREST IN A SERVICE, SUCH AS FINANCIAL, TITLE TRANSFER AND PREPARATION SERVICES, INSURANCE, CONSTRUCTION, REPAIR OR INSPECTION, AT THE TIME SERVICE IS RECOMMENDED OR THE FIRST TIME THE LICENSEE LEARNS THAT THE SERVICE WILL BE USED.

A licensee may have the following business relationships with the consumer:

Seller Agency:

Seller agency is a relationship where the licensee, upon entering into a written agreement, works only for a seller/ landlord. Seller's agents owe the additional duties of:

- Loyalty to the seller/landlord by acting in the seller's/landlord's best interest.
- Confidentiality, except that a licensee has a duty to reveal known material defects about the property.
- Making a continuous and good faith effort to find a buyer for the property, EXCEPT WHILE THE PROPERTY IS SUBJECT TO AN EXISTING AGREEMENT.
- Disclosure to other parties in the transaction that the licensee has been engaged as a seller's agent.

A seller's agent may compensate other brokers as subagents if the seller/landlord agrees in writing. Subagents have the same duties and obligations as the seller's agent. Seller's agents may also compensate buyer's agents and transaction licensees who do not have the same duties and obligations as seller's agents.

If you enter into a written agreement, all the licensees in the real estate company owe you the additional duties identified above under seller agency. The exception is designated agency. See the designated agency section in this notice for more information.

Buyer Agency:

Buyer agency is a relationship where the licensee, upon entering into a written agreement, works only for the buyer/tenant. Buyer's agents owe the additional duties of:

- Loyalty to the buyer/tenant by acting in the buyer's/tenant's best interest.
- Confidentiality, except that a licensee is required to disclose known material defects about the property.
- Making a continuous and good faith effort to find a property for the buyer/tenant, EXCEPT WHILE THE BUYER/TENANT IS SUBJECT TO AN EXISTING CONTRACT.
- Disclosure to other parties in the transaction that the licensee has been engaged as a buyer's agent.

A buyer's agent may be paid fees, which may include a percentage of the purchase price, and, even if paid by the seller/landlord, will represent the interests of the buyer/tenant.

If you enter into a written agreement, all the licensees in the real estate company owe you the additional duties identified above under buyer agency. The exception is designated agency. See the designated agency section in this notice for more information.

Dual Agency:

Dual agency is a relationship where the licensee acts as the agent for both the

seller/landlord and the buyer/tenant in the same transaction with the written consent of all parties. Should dual agency occur in your transaction, you will be informed. Dual agents owe the additional duties of:

- Taking no action that is *adverse or detrimental* to either party's interest in the transaction.
- Making a *continuous and good faith* effort to find a buyer for the property and a property for the buyer, UNLESS EITHER ARE SUBJECT TO AN EXISTING CONTRACT.
- *Confidentiality*, except that a licensee is required to disclose known material defects about the property.

Designated Agency:

In designated agency, the employing broker may, with your consent, designate one or more licensees from the real estate company to act exclusively as the agent for the seller/landlord and one or more licensees to act exclusively as the agent for the buyer/tenant REPRESENT YOU. Other licensees in the company who are not designated may represent another party and should SHALL not be provided with any confidential information. The designated agent(s) shall have the duties to the seller/landlord or buyer/tenant as listed above under seller agency and buyer agency.

In designated agency, the employing broker will be a dual agent and have the additional duties of:

- Taking reasonable care to protect any confidential information disclosed to the LICENSEE salesperson.
- Taking responsibility to direct and supervise the business activities of the licensees who represent the seller and buyer while taking no action that is *adverse or detrimental* to either party's interest in the transaction.

The designation may take place at the time that the parties enter into a written agreement, but may occur at a later time. Regardless of when the designation takes place, the EMPLOYING broker is responsible for ensuring that confidential information is not disclosed.

Transaction Licensee:

A transaction licensee is a broker or salesperson who provides communication or document preparation services or performs other acts for which a license is required WITHOUT being the agent or advocate for either the seller/landlord or the buyer/tenant. Upon signing a written agreement or disclosure statement, a transaction licensee has the additional duty of limited confidentiality in that the following information may not be

disclosed:

- the seller/landlord will accept a price less than the asking/listing price.
- the buyer/tenant will pay a price greater than the price submitted in a written offer.
- the seller/landlord or buyer/tenant will agree to financing terms other than those offered.

Other information deemed confidential by the consumer should SHALL not be provided to the transaction licensee.

Other Information about Real Estate Transactions

The following are negotiable and shall be addressed in an agreement/disclosure statement with the licensee:

- The duration of the licensee's employment, listing agreement or contract are negotiable.
- The licensee's fees or commissionS are negotiable.
- The scope of the licensee's activities or practices are negotiable.
- The broker's cooperation with other brokers, INCLUDING THE SHARING OF FEES.

Any sales agreement must contain the zoning classification of a property except in cases where the property is zoned solely or primarily to permit single family dwellings.

Real Estate Recovery Fund exists to reimburse any person who has obtained a final civil judgment against a Pennsylvania real estate licensee owing to fraud, misrepresentation, or deceit in a real estate transaction and who has been unable to collect the judgment after exhausting all legal and equitable remedies. For complete details about the Fund, call (717) 783-3658.

ACKNOWLEDGMENT

I acknowledge that I have received this disclosure.

Date:

PRINT (Consumer)

PRINT (Consumer)

SIGNED (CONSUMER) SIGNED (CONSUMER)

ADDRESS (OPTIONAL): ADDRESS (OPTIONAL):

PHONE NUMBER (OPTIONAL): PHONE NUMBER (OPTIONAL):

I certify that I have provided this document to the above consumer during the initial interview.

Date:

PRINT (Licensee)

SIGNED (LICENSEE)

Adopted by the State Real Estate Commission at 49 Pa. Code §35.336.

(b) Licensees shall provide the disclosure summary to all consumers at the initial interview.

(c) Licensees shall PROVIDE A COPY OF THE ENTIRE DISCLOSURE TO THE CONSUMER AND SHALL retain the signed Acknowledgment for their records FOR SIX MONTHS, UNLESS THE CONSUMER AND THE BROKER HAVE ENTERED INTO A BUSINESS RELATIONSHIP WHEREBY THE RECORDS SHALL BE RETAINED PURSUANT TO §35.286 (RELATING TO RETENTION AND PRODUCTION OF RECORDS) and shall provide a copy of the entire disclosure to the consumer.

(D) IF A CONSUMER REFUSES TO SIGN THE ACKNOWLEDGMENT, LICENSEES SHALL NOTE THE REFUSAL ON THE ACKNOWLEDGMENT AND RETAIN IT FOR THEIR RECORDS AS SPECIFIED IN SUBSECTION (C).



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
STATE REAL ESTATE COMMISSION

(717) 783-3658

116 PINE STREET
P. O. BOX 2649
HARRISBURG, PA
17105-2649

November 3, 1999

The Honorable John R. McGinley, Chairman
Independent Regulatory Review Commission
14th Floor, Harristown 2
333 Market Street
Harrisburg, PA 17101

RE: Final Regulation
State Real Estate Commission
Disclosure Summary: 16A-567

Dear Chairman McGinley:

Enclosed is a copy of a final rulemaking package of the State Real Estate Commission pertaining to disclosure summary.

The Commission will be pleased to provide whatever information your Committee may require during the course of its review of the rulemaking.

Sincerely,


Rita Halverson, Chairperson
State Real Estate Commission

RH:JPS:apm
Enclosures

c: Steven V. Turner, Chief Counsel
Department of State
Dorothy Childress, Commissioner
Bureau of Professional and Occupational Affairs
Joyce McKeever, Deputy Chief Counsel
Department of State
Gerald S. Smith, Senior Counsel in Charge
Bureau of Professional and Occupational Affairs
Judith Pachter Schulder, Counsel
State Real Estate Commission
State Real Estate Commission

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT**

I.D. NUMBER: 16A-567
 SUBJECT: State Real Estate Commission - Disclosure Summary
 AGENCY: DEPARTMENT OF STATE

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
 - a. With Revisions
 - b. Without Revisions

RECEIVED
 1999 NOV -3 PM 1:39
 INDEPENDENT REGULATORY
 REVIEW COMMISSION

FILING OF REGULATION

DATE	SIGNATURE	DESIGNATION
11-3-99	<i>Mark Willy</i>	HOUSE COMMITTEE ON PROFESSIONAL LICENSURE
11-3-99	<i>Mardene Farnow</i>	SENATE COMMITTEE ON CONSUMER PROTECTION & PROFESSIONAL LICENSURE
11/3/99	<i>Tim Eckert</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL
		LEGISLATIVE REFERENCE BUREAU

October 27, 1999