

# School Files

Hawaii Real Estate Commission

October 2009

<http://www.hawaii.gov/hirec>

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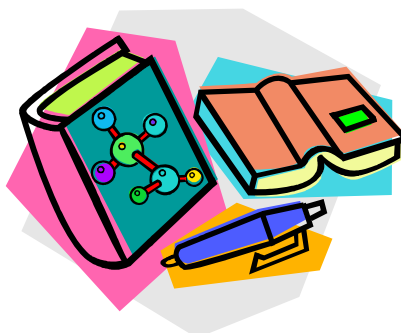


## DUPLICATE CE COURSE CREDIT

Hawaii Administrative Rules (HAR), section 16-99-95, Duplicate continuing education hours. “Except as provided by the commission or by this subchapter, a licensee shall not take a continuing education course that is substantially similar to a course for which the licensee has already received a certificate. A continuing education provider shall not issue to a licensee a certificate for substantially the same course completed by the licensee. “Substantially similar” as used in this section means that at minimum, seventy-five per cent of the course content of a course is repeated in another course offering.”

What does this mean?

- 1) A licensee may not receive CE credit for the same course, period. The rule does not give a time frame such as in the same biennium, or in the prior four years, etc.
- 2) A licensee may take the same course, but the licensee will only receive CE credit one time for a particular course.
- 3) Continuing education history goes back to 1995 in the Commission’s Online CE System. Any CE course taken since 1995 by a licensee will be in the system, and duplication of the same CE course will be flagged.
- 4) If the author of a CE course revises the course so that **more than 25%** of the course is different from the original course, the amended course must be submitted for CE certification, along with the appropriate application fee. A revised title would be appropriate.



## COURSE COMPLETION CERTIFICATES

At its Wednesday, August 12, 2009, monthly meeting, the Education Review Committee (ERC) approved the issuance of continuing education course completion certificates by providing electronic access to a link where the course completion certificate may be downloaded and printed. Providers must provide a hard copy of the course completion certificate to those students who do not have computer access.



The Commission's Online Continuing Education System debuted in August 2008, and reports from providers have been extremely positive. The Commission hopes to next develop an online prelicense education system.



## CORE COURSE PART A

As of September 18, 2009, 1,975 licensees have completed the core course, Part A, in a live-classroom format. Only five (5) licensees have taken Part A of the core course online. While the number of licensees completing Part A this early is vastly better compared to the measly 372 licensees who completed Part A of the 2007-2008 core course in 2007, there are still about 14,000\* licensees who must take Part A.

**Come January 1, 2010, licensees will only be able to take Part A of the 2009-2010 core course in an ONLINE format.** This is the second biennium where the Commission's mandatory core course is being offered in two parts, Part A and Part B. The intent of splitting the core course into two parts is to provide more timely access to the legislative update for each year of the biennium.

\*According to the DCCA's Geographical Report as of August 6, 2009, there are 16,071 individual real estate licensees in the State, and a total of 18,729 real estate licensees, which includes corporations, partnerships, sole proprietors, and Limited Liability Companies and Limited Liability Partnerships.



## PSI – TEST ADMINISTRATOR



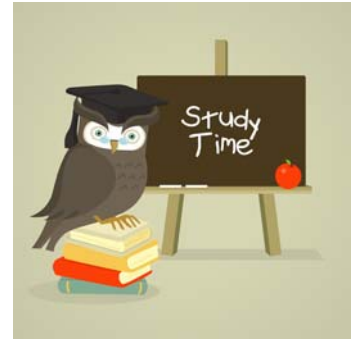
Reminder to all prelicense schools: Please update the information on your website, and on any handouts given to prelicense students to reflect that PSI is now the Commission's test administrator. Delete any references to Pearson VUE, the old test administrator.

The Real Estate Branch received a call from a student who was given outdated test information, including the name of Pearson VUE.

If students provide you with concrete feedback on the test experience with PSI, please forward comments to the Real Estate Branch. Comments will be recorded and discussed with PSI.

## CONTINUING EDUCATION COURSES

Continuing education elective courses must be “beyond professional entry.” “Beyond professional entry” means the course objectives involve learning outcomes which help the licensee develop more than minimal entry level competency in the subject matter of the course including consumer protection in real estate transactions.” (Hawaii Administrative Rules (HAR), section 16-99-87)



This same HAR section defines “continuing education” as “. . . clock hours of core courses and elective courses that involve areas designed to improve a licensee’s competency or professional standards and practice, and which courses are determined by the commission to exceed minimum entry level competency in the subject matter of the course, including consumer protection in real estate transactions.”

If you are submitting an application for continuing education elective course certification, and you are the author of the course, keep in mind the above two definitions of “beyond professional entry” and “continuing education.” The course content should reflect a “beyond professional entry” level of information. If the topic is included in the prelicense curriculum, how can it be elevated so that it begins to delve into practical issues encountered in real estate practice in the real world?

Prelicense students are normally focused on passing the license exam. The prelicense curriculum for salespersons and brokers covers topics from basic historical information of land ownership in Hawaii to the purchase contract form to zoning in Hawaii. Specific topics may be studied but once the student has passed the licensing exam, the real world calls, and prelicense information pretty much goes out the window.

All licensees need refreshers on information presented in the prelicense course, but it should be elevated topical information that will enhance their real estate practice. For example, instead of a basic course on the settlement statement, elevate the course material by including red flags of settlement statements, what are common mistakes made on settlement statements, what to watch for in the HUD-1 form, and yes, go over the statement line by line. Too often in a prelicense course, there is not enough time to do a line-by-line analysis.

Always part of a good continuing education course is subject matter that speaks to consumer protection in a real estate transaction. If a well-informed licensee may assist his or her client by referring the client to an expert in the areas that are of direct concern to the success of a transaction, then the licensee should do so. Courses that speak to other areas of expertise are not necessarily denied. Always include in the introduction and conclusion of the course a statement that the course is not meant to provide legal, tax, accounting or other technical advice. Students must consult the appropriate expert for specific information and guidance as to how the course materials may apply to a specific circumstance. **READ THIS DISCLAIMER ALOUD TO THE CLASS.**

Too often, students will think they “hear” certain things in a class, and then, will provide advice to clients in areas beyond their expertise. Licensees need to assess the situation first, and determine the appropriate expert to refer the client to.

The continuing education provider is responsible to use qualified continuing instructors for the courses offered. Hawaii Administrative Rules, section 16-99-104, states, "Every continuing education provider shall determine that each instructor evidences an ability to teach and command knowledge of the subject matter of the course . . . ." If the requirements listed in HAR, section 16-99-104 are reviewed, the continuing education instructor must have some type of teaching experience, or a bachelor's degree or higher in education.






There is a catch-all category in HAR, section 16-99-104(b)(7) which reads, "Other experience or credentials as the commission may approve." This means that the experience and credentials of a potential continuing education instructor must be submitted to the Commission for their decision.



## 2009 REAL ESTATE COMMISSION - MEETING SCHEDULE

<b>Laws &amp; Rules Review Committee – 9:00 a.m.</b> <b>Education Review Committee – Upon adjournment of the</b> <b>Laws &amp; Rules Review Committee Meeting</b> <b>Condominium Review Committee – Upon adjournment of the</b> <b>Education Review Committee Meeting, which is upon the</b> <b>adjournment of the</b> <b>Laws &amp; Rules Review Committee Meeting, which convenes</b> <b>at 9:00 a.m.</b>	<b>Real Estate Commission</b> <b>9:00 a.m.</b>
Wednesday, October 14, 2009	Friday, October 30, 2009
Wednesday, November 4, 2009	Friday, November 20, 2009
Wednesday, December 9, 2009	Friday, December 18, 2009

All meetings will be held in the Queen Liliuokalani Conference Room of the King Kalakaua Building, 335 Merchant Street, First. *Meeting dates, locations and times are subject to change without notice. Please visit the Commission's website at [www.hawaii.gov/hirec](http://www.hawaii.gov/hirec) or call the Real Estate Commission Office at (808) 586-2643 to confirm the dates, times and locations of the meetings. This material can be made available to individuals with special needs. Please contact the Executive Officer at (808) 586-2643 to submit your request.*

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SCHOOL FILES

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