

MARYLAND REGISTER

Proposed Action on Regulations

| | | |
|--|---|--|
| Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations | Date Filed with AELR Committee | TO BE COMPLETED BY DSD |
| | 08/12/2014 | Date Filed with Division of State Documents |
| | | Document Number |
| | | Date of Publication in MD Register |
| | | |

1. Desired date of publication in Maryland Register: 9/19/2014

2. COMAR Codification

Title Subtitle Chapter Regulation

09 11 02 02

3. Name of Promulgating Authority

Department of Labor, Licensing, and Regulation

4. Name of Regulations Coordinator Telephone Number
Donnice M Turner 410-230-6008

Mailing Address

500 N. Calvert Street, 4th Floor

City State Zip Code
Baltimore MD 21202

Email
donniturner@dllr.state.md.us

5. Name of Person to Call About this Document Telephone No.
Katherine Connelly 410-230-6227

Email Address
kathie.connelly@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: 8/8/14.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Elizabeth Trimble, Assistant Attorney General, (telephone #410-230-6110) on August 12, 2014. A written copy of the approval is on file at this agency.

Name of Authorized Officer

Katherine Connelly

Title

Executive Director

Telephone No.

410-230-6227

Date

August 12, 2014

Title 09
DEPARTMENT OF LABOR, LICENSING, AND
REGULATION

Subtitle 11 REAL ESTATE COMMISSION

09.11.02 Code of Ethics

Authority: Business Occupations and Professions Article, §17-207, Annotated Code of Maryland

Notice of Proposed Action

[]

The Real Estate Commission proposes to amend Regulation .02 under COMAR 09.11.02 Code of Ethics.

This action was considered at a public meeting held on July 16, 2014, notice of which was given by publication in 41:13 Md. R. 781 (June 27, 2014), pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

Statement of Purpose

The purpose of this action is to require real estate licensees to provide the owner of a specific property with a full copy of each formal offer received by the licensee prior to acceptance of an offer by the owner, instead of selected portions of the offer. This allows the owner to make a fully informed decision regarding which offer to accept.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Katherine Connelly, Executive Director, Real Estate Commission, 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202, or call 410-230-6227, or email to kathie.connelly@maryland.gov, or fax to 410-333-0023. Comments will be accepted through October 31, 2014. A public hearing has not been scheduled.

Open Meeting

Final action on the proposal will be considered by the Real Estate Commission during a public meeting to be held on November 19, 2014 at 10:30 a.m., at 500 N. Calvert Street, 3rd Floor, Baltimore, MD 21202.

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2015

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

Real Estate Special Fund

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The regulation clarifies the licensee's obligation to provide the owner with a full copy of each formal offer. If licensees are not currently providing the full document, they are providing significant portions of it, so there is little additional work for them to do. Many offers are provided to the owner in electronic form so the regulation would require only that additional pages are scanned.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

The regulation clarifies the licensee's obligation to provide the owner with a full copy of each formal offer. If licensees are not currently providing the full document, they are providing significant portions of it, so there is little additional work for them to do. Many offers are provided to the owner in electronic form so the regulation would require only that additional pages are scanned.

G. Small Business Worksheet:

Attached Document:

**Title 09 DEPARTMENT OF LABOR, LICENSING, AND
REGULATION**

Subtitle 11 REAL ESTATE COMMISSION

09.11.02 Code of Ethics

Authority: Business Occupations and Professions Article, §17-207, Annotated Code of Maryland

.02 Relations to the Client.

A. – G. (text unchanged)

H. *Presentation of Offers.*

(1) If more than one formal written offer on a specific property is made before the owner has accepted an offer, all formal written offers presented to the licensee, whether by a prospective purchaser or another broker, shall be transmitted to the owner for a decision.

(2) *All formal offers presented to the owner in accordance with §H(1) of this Regulation shall be presented in full, in hard copy or electronic format.*

I. (text unchanged)

J. Nicholas D'Ambrosia
Chairman, Real Estate Commission