

## Transcript of Washington State Real Estate Commission meeting – December 15, 2022

Baur, Sandy (DOL)  
... started?

Clawson, Jennifer (Chair)

Yes, I would.

So. Good morning. I'm Jen Clawson, and I'm the Chair of the Real Estate Commission. It's now 10:01 AM on Thursday, December 15th, and I'm calling the Commission meeting to order. This meeting is open to the public. We'll take time at the end of the meeting for a brief comment period. Participants have no more than three minutes to address the Commission. As a reminder, the Commission members are not to engage in conversation with observers when listening to the public comments.

As a courtesy, we encourage all participants to mute themselves when you're not speaking to reduce the background noise. One challenge is remembering to unmute yourself when you're speaking. Also for the Commission members, to help capture information correctly, please state your name when making comments. Thank you.

At this time, I'd like to ask Sandra to call roll call confirming attendance of all Commissioner members and staff. Once Sandra has called your name, please respond verbally by saying here or present to confirm your attendance.

Schaefer, Sandra (DOL)  
Thank you, Jen. So, Jennifer Clawson.

Clawson, Jennifer (Chair)  
Here. I muted.

Schaefer, Sandra (DOL)  
Thank you. Shelly Schmitz.

Schmitz, Shelly (Commissioner)  
Here.

Schaefer, Sandra (DOL)  
Casey Brazil.

Brazil, Casey (Commissioner)  
Here.

Schaefer, Sandra (DOL)  
Shari Song.

Song, Shari (Commissioner)  
Present.

Schaefer, Sandra (DOL)  
Thank you. Sabrina Jones-Schroeder.

Jones-Schroeder, Sabrina (Commissioner)  
Here.

Schaefer, Sandra (DOL)  
Thank you. Eddie Chang.

Chang, Eddie (Commissioner)  
Here.

Schaefer, Sandra (DOL)  
Thank you. Ruth Fabiola Macias.

Fabiola Macias, Ruth (Commissioner)  
Present.

Schaefer, Sandra (DOL)  
Did I pronounce your name correctly?

Fabiola Macias, Ruth (Commissioner)  
You did.

Schaefer, Sandra (DOL)  
Perfect. Thank you.

Fabiola Macias, Ruth (Commissioner)  
Thank you.

Schaefer, Sandra (DOL)  
I will turn it back to Jen.

Clawson, Jennifer (Chair)  
[inaudible 00:01:44].

Schaefer, Sandra (DOL)  
Oh, I'm so sorry. And now for staff, I apologize.

Clawson, Jennifer (Chair)  
That's okay.

Schaefer, Sandra (DOL)  
Debra Allen-Ba

Allen-Ba, Deb (DOL)  
Present.

Schaefer, Sandra (DOL)  
Sandy Baur.

Baur, Sandy (DOL)  
Present.

Schaefer, Sandra (DOL)  
Tanya Hessler.

Hessler, Tanya (DOL)  
Here.

Schaefer, Sandra (DOL)  
Katherine McDaniel.

Baur, Sandy (DOL)  
She'll be joining us a little bit later.

Schaefer, Sandra (DOL)  
Okay, thank you. Now I'll turn it back to Jen.

Clawson, Jennifer (Chair)  
Great. So our first order of business is our order of agenda. And due to our agenda, having a posting error, we're going to be tabling all action items from today's meeting. So we're going to schedule a special meeting for those action items in early January. So today's meeting will just be anything that we don't have to take action on. So we'll table our approval of the meeting minutes from September 22nd, 2022, and we will move into our agenda item number two: Old business. It looks like we've got a couple of updates from our program areas. So Tanya?

Hessler, Tanya (DOL)  
Good morning. So sorry, I think my Internet is a little bit slow this morning. DOL facilitated two listening sessions between PSI and real estate schools on July 7th, and then we met again on the 26th. These sessions resulted in a list of action items for both PSI and DOL. A follow-up meeting was scheduled for November 10th between DOL and PSI to discuss their progress. PSI had concluded their job analysis and is preparing to submit a packet with all documentation to ARELLO for formal accreditation. Once ARELLO approval has been granted, it will then be shared and initiate a curriculum update and PSI is going to keep DOL informed of all the progress. PSI is also in the process of changing their website language to address the broker managing broker issue, the confusion with the wording that they have on their website that was discovered during this listening session. DOL is working with our IT team to update our website to make sure it is more user friendly and include updated links to the PSI as well.

Clawson, Jennifer (Chair)  
Great, thanks Tanya. And you also have the 2.2, the phone messaging system.

Hessler, Tanya (DOL)  
Yes. So the question about having the ability to leave a voicemail. So our system, our phone system is not really conducive to having a voicemail system. Just the potential volume of voicemails would make it almost possible for staff to return calls. Like we would have to possibly hire an entire person just to return voicemails. But we are currently answering 75% of our incoming calls and we're always working to improve that number.

Clawson, Jennifer (Chair)

Julia, I know Tanya's having some Internet issues. Is there a possibility that you could share some of that information that maybe we missed?

Manley, Julia (DOL)

Sure. So what Tanya was saying is we're continually improving our call-answer rate. We're up to about 75% now. We've also been working to make sure that we don't have backlogs of work, which obviously drive calls higher. So we're seeing those call numbers drop down. We're able to answer more of the phone calls and we are working internally, basically looking at the data to figure out where do we need to shift people to make sure things run smoothly. So there are improvements coming but as Tanya said, the way that our phone systems work and right now the volume of calls, we just wouldn't be able to return voicemails. People would be waiting just as long to hear from us.

Hessler, Tanya (DOL)

Thank you Julia. I think I froze up.

Clawson, Jennifer (Chair)

Okay. Any questions on either two of the topics from the Commissioners that Tanya reported out on?

Song, Shari (Commissioner)

Sure. Can I ask, how about email responses?

Hessler, Tanya (DOL)

We are actually working an overtime project to address emails as part of the project that's starting, actually tomorrow, to get the scope of the emails under control and answered. And then also as we continue through to be answering them in real time.

Clawson, Jennifer (Chair)

Tanya, can you share where you all are as far as our processing time currently for applications and renewals?

Hessler, Tanya (DOL)

Yes. So right now processing time is just a few days. The last I heard, let's see, today being the 15th, they were working on the 9th to the 12th applications that were received.

Clawson, Jennifer (Chair)

Great, thank you. Huge improvement since our last Commission meeting.

Hessler, Tanya (DOL)

Yes.

Jones-Schroeder, Sabrina (Commissioner)

So can you address, so that's processing time of applications and renewals. Just a few days. That's awesome. Do we still have a big backlog of emails, and what is that backlog? How many months back are we still processing emails?

Manley, Julia (DOL)

Give me just a second and I can get that for you. Okay? Just a moment

Jones-Schroeder, Sabrina (Commissioner)

While she's looking for that, she said that as of today they're processing applications from, was it December 9th?

Clawson, Jennifer (Chair)

Okay. Yes. December 9th through the 12th.

Hessler, Tanya (DOL)

Yes.

Jones-Schroeder, Sabrina (Commissioner)

And that's, when you say processing applications, that's the online applications? Are you still receiving applications via mail?

Clawson, Jennifer (Chair)

Do you want to take that Tanya or Julia?

Manley, Julia (DOL)

That includes both mailed-in and online applications. We do still receive paper applications. That will just always be something that happens. Not everyone has Internet access, so we will still always receive paper applications. That does include both, and for emails right now we're sitting around 1,100 emails that haven't been answered. Those go back to October 8th.

Jones-Schroeder, Sabrina (Commissioner)

Sorry, just to follow up and just procedurally, just so I understand, if I am able to run the gauntlet and renew my license online, is there a processing piece for the DOL? Because if the system works properly then it's getting renewed online, so there isn't any staff actual processing of that. Is there?

Manley, Julia (DOL)

I believe that is right. You'll have to forgive me, we have several different license types and some of them are what we call pass throughs. So if everything is correct, the license is issued. Staff don't have to touch it. But we do have some that do require staff to review. And even those that are normally pass throughs, for instance with real estate there is a requirement, the fingerprint requirement. Every six years, you have to renew your fingerprints. Right now, because that wasn't, our old system didn't track that very well, we're catching up with a lot of the brokers that are, their fingerprints are expired. That's where we're having to touch those renewals. But other ones, Tanya, I believe those are pass throughs?

Hessler, Tanya (DOL)

Correct, yeah.

Manley, Julia (DOL)

Yeah. If everything's right, the renewals just pass right through. It's those that something is a little wonky with them that we have to touch those.

Clawson, Jennifer (Chair)

Right. I would say fingerprints are probably the biggest thing that holds things up.

Manley, Julia (DOL)

Yeah.

Jones-Schroeder, Sabrina (Commissioner)

So again, just to clarify, are you saying that if someone is having to renew with fingerprinting that requires some sort of staff manual processing or it's when there's a glitch in the fingerprinting system when that system isn't talking to this system that they're-

Manley, Julia (DOL)

No, no. It's if their fingerprints are expired, then staff do have to touch it because we have to verify that they passed the background check that goes along with the fingerprints. There's a manual process that we have to do to check the fingerprints, make sure that they're clear, and then approve the license to be renewed.

Jones-Schroeder, Sabrina (Commissioner)

Gotcha. Because when I go get my fingerprints done and the DOL gets word that background check is approved, that's sitting there in some system that then staff has to manually then update the licensing software to where then I can go in and renew my license.

Manley, Julia (DOL)

Correct.

Jones-Schroeder, Sabrina (Commissioner)

So observation, I suspect there's a bit of a backlog we're working through because the old system didn't catch all the folks that probably should have been fingerprinting, that at some point maybe we're going to catch up on that backlog and there won't be quite as much staff time dedicated to updating the licensing software with the fingerprint checks. Is that accurate?

Manley, Julia (DOL)

That is the expectation that the volume will shrink. We will always have that because anytime someone's fingerprints expire and they have to renew them, so it'll be a constant thing but it won't be the same volume.

Jones-Schroeder, Sabrina (Commissioner)

Right, but right now we're catching up on a backlog of all the folks that fell through the cracks of the old system. Right?

Manley, Julia (DOL)

Right.

Jones-Schroeder, Sabrina (Commissioner)

So, at some point, it'll just be that rolling set amount. Okay, cool.

Manley, Julia (DOL)

And the anticipation is that it would take about three years from the system launch for us to catch everyone that was in that.

Jones-Schroeder, Sabrina (Commissioner)

Well that's June, isn't it? Aren't we three years this coming June?

Manley, Julia (DOL)

Yeah, I think you're right.

Jones-Schroeder, Sabrina (Commissioner)

Hard to believe.

Manley, Julia (DOL)

Fingers crossed, yeah.

Jones-Schroeder, Sabrina (Commissioner)

Okay. Thank you.

Manley, Julia (DOL)

You're welcome.

Schmitz, Shelly (Commissioner)

And then this is Shelly. I have a question in regards to renewal of a firm. Right now I've been trying to renew my firm since December 2nd and I've been in contact with DOL, but I think they're still trying to figure out what's going on. And I don't know if anyone else is experiencing it, but I go to start that process as soon as I get to the assumed name part, it tells me I have zero assumed names, but I know I have forty-two. And so, I can't go forward if I can't say yes to all my assumed names, and also make sure I'm paying the right amount. So, I'm waiting for them to figure out what's going on. Because when I go into the firm SAW account, and I just look at my assumed names, they're all there. As soon as I go to do the renew process, that's where they don't see it.

FYI if you weren't aware, and I don't know if anybody else is experiencing this. I'm assuming we're going to be able to get this resolved before December 24th when my license does have to be renewed by, but I don't know. Is there anything else besides calling and emailing that I should be doing?

Manley, Julia (DOL)

Helps if I unmute myself. Sorry. It is a known issue in the system. They are working on it. I would say Tanya, can you look into Shelly's renewal and contact her directly?

Hessler, Tanya (DOL)

Sure.

Manley, Julia (DOL)

See if we can figure that out? Because yeah, we don't want it to go past your expiration date. We want to get that fixed for you.

Schmitz, Shelly (Commissioner)

Right. I started December 2nd. So early because I try to be on time.

Manley, Julia (DOL)

Right. Yeah. So we'll get it figured out though.

Clawson, Jennifer (Chair)

Okay, great. Any other questions for our Licensing team?

Jones-Schroeder, Sabrina (Commissioner)

I have a PSI testing scenario I'd like to just bring to the Commission's attention. Do you want me to talk about it now or under Commissioner topics?

Clawson, Jennifer (Chair)

Sandy, can we pull it in today? Yup we can go ahead and talk about it Sabrina.

Jones-Schroeder, Sabrina (Commissioner)

Okay. So again, just because I think it's important for staff to understand the practical application of the difficulties. This is not a, "I have a problem. I need help." Although that is generally the truth.

I have a broker who has been attempting to pass the managing broker exam and as we all know, lots of folks are having lots of difficulties passing. She's taken it multiple times. She passed the state portion of the exam and has been retaking the other portion of the exam. She took it recently. I want to say even a month or two ago and paid the money to PSI, took the national portion of the exam. Never got her results, never got her results, never got her results.

When she reached out, and I think I put her in contact with Michael, she was told that she would not get her results because her state exam results had expired and that when she took the exam she should have taken both the state and the national.

So problem number one is, when she registered for that exam that should have been caught. Right?

Oops. You have to take both portions. And then problem number two is she still, and this has been now a couple weeks ago. She still doesn't know if she passed the national portion of her exam. I think she's reaching out to PSI about getting her money back.

I mean it's kind of inexcusable to take an exam and not even be able to get your exam results, let alone if she passed it won't be enough to actually activate the license. This is just one example of one person who is really struggling with PSI, with the DOL to try to get her managing broker's license.

Manley, Julia (DOL)

Tanya, can you speak to this? I know you've got a little closer connection on that issue. Thank you.

Hessler, Tanya (DOL)

Yeah, this does happen occasionally. Can you give me her name again and I can do some research and find out.

Jones-Schroeder, Sabrina (Commissioner)

Sure.

Gwen. Gwen, G-W-E-N. Last name is Arrand; A-R-R-A-N-D. Again I think Michael knows a about it, but he said he'd have to be in touch with PSI.

Hessler, Tanya (DOL)

Right.



Jones-Schroeder, Sabrina (Commissioner)

For the answer to her results. Right? Obviously PSI has the results.

Hessler, Tanya (DOL)

Yes.

Jones-Schroeder, Sabrina (Commissioner)

They take the results. Or to be reimbursed. She's been reaching out to PSI via phone and email regarding the reimbursement with no response back.

Again it's just, if they're our provider and they're not being responsive to our, and this is someone who is already a licensee. I mean she's already a paying licensee of our Department of Licensing. This isn't somebody who's trying to get licensed as a first time broker. Yeah, there you go.

Hessler, Tanya (DOL)

Yeah, let me do some research and I will reach out to her.

Jones-Schroeder, Sabrina (Commissioner)

Thank you. I appreciate that. Again, it just seems patently unfair that as a Commissioner that I can get something done or that I can get something done for my people. Or Sherry can- Shelly, sorry- can get something done for... But maybe our issues can be illustrative that we can work then with PSI to get these things resolved because it's affecting more than just the Commissioners and their people. Right?

Clawson, Jennifer (Chair)

You are spot on, Sabrina. And from the Assistant Director of this division as well as the Chair of this Commission, we take these things really seriously and we are working really hard to resolve them. You all bringing them here, makes sure that we've got attention at the right level and we are continually working on our system to fix things and make it easier for you all to be able to conduct your business. As well as, we've had some pretty big meetings with our Chief Information Officer with the state; Bill Kehoe, around our Secure Access Washington struggles that we've has as people explained, to try to get connected to our licensing types and they are working to fix some of those issues as well. We are continuing to chip away at them. I'm super proud of our team for getting to a place where we're processing applications and renewals within a few days of them coming to us. We still have some work to do on our phones and our emails for sure, but we are spending some targeted overtime money to be able to resolve some of those issues and start the new year off in a much better place and being able to be more responsive to all of you.

Cindy Maihue:

I have a question I'd like to ask about PSI also, if you don't mind. Cindy Muhle.

Clawson, Jennifer (Chair)

We might need to bring it to public comment, but let me, I'm just looking at my board team to see. So Sandy, can you help me?

Baur, Sandy (DOL)

Would help if I unmuted myself as well. Yes. We need to hold off until public comments for that.

Clawson, Jennifer (Chair)

But then we'll bring, I think it was Cindy that had a comment. We can make sure we that-

Baur, Sandy (DOL)  
Oh yes. Yes.

Clawson, Jennifer (Chair)  
Her comment is brought into public comment.

Cindy Maihue:  
Thank you

Clawson, Jennifer (Chair)  
Okay. Okay, great. So we'll move on to our next agenda item.

Song, Shari (Commissioner)  
Hi, this is Shari.

Clawson, Jennifer (Chair)  
Yep.

Song, Shari (Commissioner)  
Before we move on, can you go back to that last page for the PSI? I don't know if someone gave a full report. Okay, so I was not able to join the July 7th or the July 26th and you said that the real estate schools gave their input. I was able to listen in on the last meeting between PSI and our department staff and it seems like you guys are working on some of their issues, which is the practice test and correcting the language of broker versus salesperson, stuff like that. What I didn't see addressed, and which Sabrina and some of the other brokers are bringing up right now, is more of the customer service, right? The follow-up, the test results and those kinds of things. Was that also brought up on July 7th, July 26th or? With PSI meetings?

Hessler, Tanya (DOL)  
Yes, we did talk to them about the things that we have been given as far as people's frustration with return calls, return emails. That is something they also have on the table. I don't have a report out for that other than they are aware of it and it was something that they were discussing internally.

Song, Shari (Commissioner)  
Thank you.

Clawson, Jennifer (Chair)  
Is that something, Sandy, that we can put on the agenda to follow up with at our next meeting, the customer service?

Baur, Sandy (DOL)  
Yeah. I've captured that as an action item for our next meeting.

Clawson, Jennifer (Chair)  
Okay, great. And do you want to review our master list of action items?

Baur, Sandy (DOL)

Yes ma'am. So on the agenda for today is the Washington Center Real Estate Research Report to the Commission. I'll be covering that in a later agenda item. We've already discussed the options to leave messages on the phone. We are in the process of getting the CIU and an audit checklist prepared for a presentation to the Board. PSI progress updates is an ongoing agenda item and will continue to stay on every agenda. And we are currently in the process of researching clarification for managing broker licensing names and issues with firm assumed names, AKA teams.

Clawson, Jennifer (Chair)

Okay. Thank you, Sandy. So our next agenda, or are there any questions about our action items from anybody, any of our Chairs or Commissioners?

Jones-Schroeder, Sabrina (Commissioner)

At the risk of just sounding like a broken record and I know I am, the lack of professionalism and customer service from PSI is mind boggling. And I just want to empower staff and I don't know how to do that because I get that they are our testing partner and I know it's not like we can go to them and say, "Listen, pull it together, good customer service, get test results to our licensees, or this." I get that there doesn't seem like there's a stick consequence to give to them except to say we're going to change to a different testing vendor.

But this has been an action item. This has been a point of conversation. And we're going to have to figure out as a DOL, as a staff how to get this squared away because just the meetings were... I don't think and monitoring the chat, I know I'm not the only one that feels like we just keep having the conversation, but nothing changes on the PSI side. And at some point, we have to say to them, "This is no longer an acceptable level of service. And we will no longer pay you and support you." I mean, again, this is... Yeah, okay. Sorry.

Clawson, Jennifer (Chair)

That's okay. No, we hear you. And we are working through our contracts office. We have a lot of steps that we have to take on our end in order for us to be able to take action. So it is a continued conversation with our contracts office and getting support from our attorneys and different parts of the process. Sabrina, it takes a little bit longer than some of us would like, but it is on our radar and we are continuing to move forward to make sure that we can improve the service.

So on to our third agenda item, which is new business. The first two topics we're going to table agenda item 3.1, the calendar approval and 3.2 electing vice chair to our special meeting that we'll call in January. But our item 3.3, our annual board meeting training. I'm super excited to be presenting this to all of our Commissioners throughout and we're doing it with all of our boards at here at DOL, but an opportunity to give this training that we haven't done for a few years. So Sandy, I'm going to turn it over to you.

Baur, Sandy (DOL)

Thank you so much. I, too, am really excited to be able to give this training. And we're going to start with the OPMA, which is the Open Public Meetings Act. So the purpose of OPMA is the legislature finds, and this is a direct quote from RCW 42.30.010. The legislature finds and declares that all public commissions, boards, councils, committees, subcommittees, departments, divisions, offices, and all other public agencies of this state and subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this chapter that the actions be taken openly, that their deliberations be conducted openly. So the purpose of OPMA is to so that the people can maintain their sovereignty, they delegate the authority to the boards and the commissions and to the agencies. And they need to be able to retain

their rights in doing so. They need to be able to retain control over the instruments that they have created, the boards, the commissions, the agencies, and they have the right to be informed of the government operations and how those impacts function on how those functions impact them every day, their businesses and their lives.

So OPMA, what does it apply to? Well, it applies to every single meeting of the governing body of the public agency. It shall be open to the public and all persons shall be permitted to attend the meeting except otherwise provided in RCW 42.30. And that would be things like a closed sessions or executive sessions.

So what is a governing body? There's all these big confusing words in RCWs. So let's drill down a little bit and find out what exactly a governing body is. It means the multi-board member or the multi-member board, the commission, the committees, the councils, all of those public rulemaking bodies or public agencies. It also applies to all the committees and subcommittees of each of those boards and commissions or anything that acts on behalf of the governing body with the governing body, which is the board or the commissioner, the agency that conducts hearings, receives testimonies or receives public comment.

So what is a meeting? A meeting is any place or anything which the public agency takes action. It doesn't have to be titled Meeting to be considered a meeting. It could apply to a retreat, a workshop, a study session. If actions are taken, then it is considered a meeting.

So what are actions? Actions are any transaction of official business that the public agency takes. And it includes things like public testimony, public comments, deliberations, discussions, considerations, reviewing topics, reviewing subjects, evaluating different reports and final actions. The requirements of OPMA are triggered whether or not a final action is taken.

So what is the final action? A final action is a collective positive or negative decision or an actual vote by the majority of the governing body or its committee. It must be taken in public. Even if all the deliberations were in an executive session, it can be given by voice. All in favor say aye. All opposed say nay. Or it can be done by roll call, having the staff call your name and whether or not you yay or nay. But secret ballot is not permitted.

So what are the requirements for having a meeting is a quorum is required to have a meeting. A quorum is defined as the majority of the members of the governing body and vacancies in the governing body do not negate the number needed to have a quorum. For instance, in a seven member board, you must have four members present in order to have that meeting whether or not there are vacancies on that board. If there is not a quorum, there cannot be any actions taken. If there is a quorum and a discussion, that's an action item and action items are doing, then that is automatically considered a meeting. Even if you just met each other at Starbucks and talk about some of the things that you would talk about in a meeting, that's considered a meeting.

So the meetings don't have to occur in person. Thank you to the pandemic for finding that out for us. They can occur over the phone, over email, or any other social media or electronic media. An exchange of email is actually, could be considered a meeting if a quorum is involved in that email exchange and business is discussed. So simply receiving that information is not a meeting, but replying all and having a quorum in your to line while you're discussing meeting business is in fact a meeting and therefore it is governed by the OPMA. So use caution when you're emailing your fellow board members and/or the staff and make sure you're not replying all and discussing board meeting business.

So separate or offline conversations between board members and/or board members and the public could be considered splintering the quorum and it is considered circumventing the OPMA. And that kind of behavior deprives the public of its right to listen to deliberations on any of the topics that you may be discussing. It removes discussions and decisions from the public view and undermines the public confidence in the decision-making process.

Likewise, comments or side conversations that occur in virtual meeting chat rooms could also constitute OPMA violations or splintering the quorum because not everyone has access to that chat feature and therefore, is not captured in the transcript and meeting minutes. They can be distracting and that they can draw the board members away from what is going on in their board meeting. And for those reasons going forward in 2023, the staff will be disabling the chat functions so that we can be able to have a better running board meeting. If we were having this meeting in person, it would not be appropriate for people to have side conversations at the corner of the room, which is what having a chat feature is like. So what type of meetings are there? Well, there's two different types of meetings. There's a regular meeting and a special meeting. Regular meetings are set forth by statute or rule and they're defined in the RCW or the WAC. For instance, this board will meet every third Thursday of July, that would be a regular meeting. All other meetings are called special meetings. And if they're not set forth in the RCW or WAC, they're a special meeting.

So dates and times that are established in the RCW or WAC is required for a regular meeting. The state public agency must file a yearly schedule with the code reviser, post a notice and agenda on the agency's website within 24 hours of the meeting, and submit regular meeting schedule changes to the state registrar at least 20 days prior to the rescheduled date of a meeting. For special meetings, the board or commission... Actually, most board or commission meetings are classified as special meetings and they're defined when they have to happen by RCW or WAC. Notice must be given 24 hours before the special meeting and the special meeting notice must specify the date and time, the location and the room number of the meeting or the link to the virtual meeting and the agenda. Notice is not required when special meetings are called to deal with an emergency. Emergency involves injury or extreme damage to persons or property or the likelihood of such an injury or damage.

So meeting agendas. Meeting agendas must include the notice of the date and time and location of the meeting. So if you notice, our agenda has the link, the Zoom link so that people can attend the meeting virtually. Only items listed on the agenda may be discussed, considered, or decided upon. If an item comes up that is not listed on the agenda, it cannot be discussed, but it can be referred to the next meeting where it can be properly listed and posted on the agenda.

Receiving public comments is really important for board and commission meetings. Public comments are required by law for regular meetings. Public body may impose a reasonable time limit and it's usually right around three minutes is what is considered a reasonable time limit. And comments from the public must pertain to matters within that board or commission's jurisdiction. So when receiving comments from the public, the board or commission can respond in a couple of different ways. They can request that the matter be referred to the next agenda for discussion. They can refer the matter to staff for further research. They can state that the comment is not within the board's jurisdiction or they can remain silent as comment from the board is not required when dealing with public comments. The board may not engage in conversations, discussions, or deliberations on any matter brought in in public comments. They may not converse with the member of the public on that matter nor may they take action on the matter that is brought in the public comment.

Meeting minutes. These are very important. Meetings of the public meetings minutes must be promptly recorded and open to the public for inspection. Meetings are not required for an executive session and there is no specific format required. So in summary, OPMA exists to ensure that the public has awareness of what's going on with your board and Commission and what business you are discussing. It applies to any meeting of the public body and its committees where deliberations and actions occur. This includes verbal discussions, electronic communications, and all amongst the quorum of the body the governing body. So the bottom line is always there on the site of conducting business as openly and as publicly as possible. Are there any questions?

Song, Shari (Chair)

This is Shari. Can you hear me?

Baur, Sandy (DOL)

Yes.

Song, Shari (Chair)

Okay, sure. So if you eliminate the chat, it will be more like when we have our in-person meetings where the public comments can happen, it will just happen at the end of the meeting. And then will it all be verbal? Or can they chat at the end when it's open to comment? Or shall we just have it just verbal?

Baur, Sandy (DOL)

I'm so glad you asked that. Because one thing that we're going to be implementing in 2023 is we have found the need for submitting comments in writing. So new for 2023, we are going to be providing a way that the public can submit their comments in writing to the staff, 500 words or less, and the staff will read out loud those comments during the public comment section. Does that answer your question?

Song, Shari (Chair)

Yes. And as a follow-up, then they have to submit that in advance of the meeting. What if they have a thought idea or comment that comes up during the meeting and they would like to say it at the end of the meeting?

Baur, Sandy (DOL)

They have the opportunity to voice at that time.

Song, Shari (Chair)

Okay. Thank you.

Baur, Sandy (DOL)

Then I don't have a way that I can capture it electronically.

Song, Shari (Chair)

Okay. And then for clarification, earlier in this presentation you said that committee meetings or action item meetings by staff, Commissioners, and so on and so on, is open to the public. Does that also include reporting? Should there be like, let's say minutes of the meeting, who attended that can come back. I mean, my question is for the PSI meetings, let's say in July and in the summer, I am curious to know who attended and who said what, just to see what was covered. And I don't know if we ever got minutes for that or if that's something that's possible. We just see like a very short summarized action items and I just don't know if that's enough clarification for us, so you don't hear the same thing over and over again from us if we know it already been addressed.

Baur, Sandy (DOL)

That's a great question, and I'll turn the time over to Deb to answer that question.

Allen-Ba (DOL)

Hi Shari. That's a really great question. This did not have a quorum of our board members. So if you recall that one of the criteria is we need to have a quorum and two, this was actually a work group. This was not a subcommittee meeting, this was a work group. I know it seems nuanced, but there is a fine

line there and therefore we did not have to take recordings of the meeting. We didn't have to make minutes afterwards that we posted. I hope that helps clarify.

Baur, Sandy (DOL)  
Thank you for that.

Song, Shari (Chair)  
Thank you.

Baur, Sandy (DOL)

Are there any questions before we move on to our next minicourse? Okay. Next up is ethics in public service. So there are some general expectations when you become a board or commission member or work for a public agency. Board and commission members should not have a financial or other interest or engage in business or professional activities that conflict with the performance of their official duties. They should not use their state positions to secure special privileges or exemptions for themselves or any other person. They should not receive compensation from other sources other than the state of Washington for performance or non-performance of official duties. And they should not receive a gift if it could reasonably be expected that that gift would influence or reward their performance or non-performance of their duties.

So let's drill down a little bit into conflict of interest. Conflict of interest involves the concept of benefit and bias. So a couple questions to ask yourself when you're evaluating whether or not you have a potential conflict is one thing you should ask yourself, will your interest benefit as a result of your official action? And would a reasonable person conclude that a private or personal interest impairs your independent and impartial judgment in the exercise of your duties?

Some of the conflicts are clearly defined and it is as easy as acquiring a benefit or a financial interest in a contract or a transaction that is under your authority or supervision as a board or commission member. It could also be accepting compensation from someone else who has benefited from your actions as a board or commission member. But sometimes, those conflict of interests aren't quite so clearly defined. They could include non-financial interests, professional or business activities or obligations that conflict with your performance of your official duties. They could also be as gray area as using your official position to secure or convey special privileges or exemptions for yourself or others.

Some of the other conflict of interests that pop up is you cannot accept gifts, gratuities or favors if they could possibly be reasonably expected to influence the performance or non-performance of your duties. The gift, gratuity, or favor could be considered as part of a reward for action or inaction for the performance of your duties. However, there's a little bit of extra wiggle room there. You can accept the gift if the prior conditions don't apply, and you can accept gifts from one single source per year in the amount of up to \$50. And here's a quick example.

Someone with no affiliation to your profession gives everyone in your work group a holiday gift each year. The value of the gift is less than \$50. You can accept it because it's from one single source per one calendar year and has nothing to do with your position as a board or commission member.

There's another example. You can accept a gift of a value up to \$50 from multiple sources. For example, you just moved into a new neighborhood. You're so excited. Your neighbors are great and to welcome you to the neighborhood they all pitch in and give you a \$50 gift card to the local home improvement store. You may accept that because it's from multiple sources, less than \$50, and it has nothing to do with your position as a board or commission member.

So, gifts given to family members are also included in this \$50 limit unless that family member has an association, a connection, either professional or personal, other than you as a board or commission member with the gift donor.

So what happens if you do have a conflict of interest? The resolution of conflict relies with disclosure and recusal. As soon as you realize that you have a conflict of interest or might have a conflict of interest, you should probably disclose that issue as soon as possible and then recuse yourself from any discussion or voting on any matter that has to do with your conflict of interest.

So another thing that we need to be aware of in ethics and public service is using state resources. The state ethics law protects and limits the use of state resources for the conduction of state business only. Resources include office equipment, conference room space, vehicles, supplies, postage, time, and other personal items. Exemptions to this can be found in Administrative Code WAC 29.110.010.

You can, however, use it in a de minimis capacity. What does de minimis even mean? All these big fancy words. It means little or no cost to the state, the use is very brief and occurs infrequently. It doesn't interfere with any performance of any state officers or employees' official duties, and does not compromise the security, integrity of state property or information systems.

So using the personal use and the de minimis rule, you can only use it if the following conditions occur, not for the use of conducting outside business or furthering your private employment or to realize financial gain. So basically, don't use a state copier to make flyers for your business or things like that.

So, another important thing as a board or commission member is maintaining confidential information. Some board or commission members have access to a lot of different confidential information. And if you do have access to this information, make sure you keep it confidential and do not use it for personal gain or the benefit of yourself or others.

Are there any questions about ethics in public service? Awesome. Great. All right, let's keep it rolling.

Let's go on to public records disclosure for boards and commissions. Why should the boards and commissions care about public records? State agencies and boards are required to have available for inspection and copying all public records such as procedural rules, statement of general policy, other records, written or electronic, pertaining to all board business.

So what is a public record? Any writing that is prepared, owned, used, or retained by the state or local government agency which contains information and relates to the conduct of government or the performance of any governmental agency. Let's boil that down to what it actually really means. It means regular written records, like our board meeting minutes, emails between board members, audio recordings, including voicemails, text messages, photographs, online content from your website, social media account, tweets, et cetera. If it has to do with board business, it's disclosable.

Is everything disclosable? What about my address, my birthday, things like that? So PII, or personal identifying information is not disclosable. So financial information such as credit and debit card information is not disclosable. I'm sure that the board members have filled out their direct deposit information for being paid to attend meetings, et cetera. That is not disclosable. That is not something that needs to be out in the public. Emergency contact information is not disclosable, and any other type of personal information about you, employees, elected officials, with whom would violate their right to privacy.

So what happens if your records are requested? So requests are submitted in writing to the Department of Licensing. The staff coordinates the record collections with our public disclosure unit, and then we review and redact all information that is not disclosable. And then we fulfill that request.

So what happens if there's a media request? What if a KING 5 reporter calls you up, as a board member, and asks for your official opinion on things? What do you do? Well, you should communicate that request with the board and commission staff support and communicate that to us and we can coordinate input and tracking of that request. You should anticipate any types of those requests at any functions that you would go to. Not just board meetings, but it could be any public events as well.

You should keep focus on the business of the board and commission. Some of the things you shouldn't do is automatically share your personal opinion or express grievances, lobby for legislative action,



answer questions that you may not know the answer to, or risk your own personal integrity or the integrity of others, the integrity of the board or commission, and the integrity of your profession. Are there any questions about public disclosure? That was a quick one. Okay, let's move on to the very last one, parliamentary procedures.

Parliamentary procedures is a great way to get a lot of business done in an organized matter in a short amount of time and ensure that the public knows about it. So this is the typical order of a meeting utilizing Robert's Rules, which is what we are going to be moving towards. We're going to be consolidating a few agenda items and we want to make sure that our agendas are consistent across all nine boards and commissions that we support.

So this is what going forward in 2023 our meeting agendas will look like. We'll have a call to order like we normally do, the roll call, the approval of the agenda, and the approval of minutes. Then we'll have some awards or recognitions, if it's applicable, old business, new business, and then reports. The reports will also include committee work, department report outs, things like that. So we'll be consolidating all that under reports.

Then we're going to have public comments. Then following public comments, we'll have a conclusion where we have the opportunity to act upon some of those public comments. For instance, someone brings something up in the public comments that you think is really vital that we should talk about in the next meeting. We can capture that in the conclusion. We don't have to just end the meeting after public comments. So after the conclusions, which are announcements, requests for future agenda items, and review of the action items from the current meeting, then we'll move on to adjournment. So moving forward in 2023, this is what we'll be moving towards.

So motions. The life of a motion. This is so exciting. First, you'll make a motion, it will be seconded, discuss the motion, and then vote upon the motion.

How are motions presented? First, you must obtain the floor, speak clearly and concisely. State your name for the record so we can know who's making the motion. And it's a good practice to state your motion in the affirmative. For instance, "I move that we do this", rather than "I move that we don't do this". Avoid personalities and stay on subject. Wait for someone to second your motion. If there isn't a second right away, then the Chair will ask for a second for your motion.

Once there's a second on the motion, then the Chair can open it up for discussion, debate. You must keep it established within the confines of that motion. And then once the discussion is concluded, the Chair will put it forth to the membership by asking, "Are you ready to vote for the motion?" If there is no more discussion, then a vote is taken. So it's either by voice, which we covered earlier, or by roll call, which we covered earlier.

There are two things that can happen at this point. You can make a motion to table it, table that motion if it's not quite ready to be voted on and you can do some more research and bring it back to the next meeting for some more discussion and another vote, or you can move to postpone it indefinitely, which will pretty much kill the motion.

In summary, parliamentary procedure is the best way to get things done at your meetings, but it will only work if you use it properly. Allow motions that are in order and within your board's or commission's jurisdiction, have members obtain the floor properly, speak clearly and concisely, obey the rules of debate, and most importantly, be courteous and kind to each other.

Are there any questions?

Well, thank you so much for your attention. That concludes the annual training.

Song, Shari (Commissioner)

Sandy, this is Shari.

Baur, Sandy (DOL)

Yes.

Song, Shari (Commissioner)

And I just want to say thank you for the presentation. I know it could be very dry, but you made it fun. You have a very nice voice and that was a very nice presentation. Thank you.

Baur, Sandy (DOL)

Thank you so much for the feedback. I really appreciate it.

Song, Shari (Commissioner)

Okay. I do have a question. Because when we did in-person meetings, the Chair ran the meetings and as you to share the procedures, it addressed it as the Chair running it. Since we moved to Zoom, the staff has been running the meetings. So will we be moving back to a format where the Chair would be running the meetings?

Baur, Sandy (DOL)

Yes. Yes, we will. I think the challenge of going Zoom and being electronic was just a brand-new environment and we just had to adapt. But moving forward, we are going to be moving back towards Robert's Rules and established parliamentary procedures. All right. That concludes the, if there aren't any other questions, that concludes the annual training. Thank you.

Clawson, Jennifer (Chair)

Thank you, Sandy. I think that was a great way for us to all be back on the same page of how we're going to move forward into 2023. We'll move on to our agenda item five, the staff report, 5.1 program operations.

And Sandy, it looks like it's back to you.

Baur, Sandy (DOL)

Thank you so much. So we have the licensee count. And, as you can see, we have some really great numbers here. Real estate brokers age 65 and above are totaling over 10,000, between 55 and 64, over 11,000, between 45 and 54, over 12,000, between 35 and 44, over 13,000, between 25 and 34, over 8,000, less than 25, just over 1,000, for a grand total of over 58,000. Are there any questions about the total licensee counts?

Fantastic.

Clawson, Jennifer (Chair)

Okay, great. We will move on to our agenda item 5.2 and a report out from the Department. And this is from our regulatory compliance section that also takes care of our UCC and Firearms. So Kathy McDaniel, I'll turn it over to you.

McDaniel, Katherine (DOL)

Hi, good morning. Thank you, Jen. Good morning, everybody. Well, I am Kathy McDaniel. I'm the Assistant Administrator for Regulatory Compliance, UCC, and Firearms. And I'm here today to share with you a little bit about what we do.

So we support, we basically have three primary efforts. So the regulatory compliance team supports the 39 businesses and professional licensing programs through managing the legal processes and administrative actions for the division while working with case managers, staff, and AAGs to ensure that

actions taken are fair, equitable and consistent, and due process was afforded for all respondents. This team also participates in the legislative processes, implements new legislation, and responds to public records requests.

The Firearms program supports firearms record data entry, collection, and retention for concealed pistol licenses, alien firearm licenses, and firearm dealer licenses. Oddly enough, DOL does not issue these licenses. We are strictly the recordkeepers of all this data. All licenses are issued by law enforcement agencies. The program also maintains records for pistol transfers and sales from licensed firearm dealers throughout the state of Washington.

Then we have our Uniform Commercial Code Program, UCC, and it's a central repository for financing statements on liens and personal property that is used as collateral for loans by individuals and businesses located throughout Washington. UCC filings allow creditors to notify other creditors about a debtor's assets that are used for secure transactions. These filings, these statements act as a public record notice by the creditor of the creditor's interest in the property.

The program also conducts certified record searches for the public. And both Firearms and UCC do participate in public records research and responses as well as legislation implementation.

So as you see, the scope of our services are statewide, impacting many businesses and licensees. And although the UCC and Firearms don't specifically support your programs, we did want to share how we operate within BPD.

Are there any questions?

Well, thank you so much for allowing me to come and visit with you today and share. Hope you have a wonderful day. Bye.

Clawson, Jennifer (Chair)

Thanks, Kathy. We will move on to our 5.3, other items. And that is an update from Deb.

Baur, Sandy (DOL)

I'm going to go ahead and take this for Deb.

Clawson, Jennifer (Chair)

Oh. Okay. Thanks, Sandy.

Baur, Sandy (DOL)

You're welcome. So we just wanted to let you all know that Steven Bourassa is the new director of the Washington Center for Real Estate Research. Enclosed in this packet is a complete apartment market report for the fall of 2022. Now, they have redesigned and reorganized this report and added a lot more information. So it's really meaty and it's really an interesting read.

The release of the actual housing market report is going to be delayed due to issues in receiving data from some of the counties, as well as the timing of the Census Bureau's release of building permit data in September. As soon as we have access to that housing market report, we will be sharing it with the board.

So enclosed is, I'm not going to scroll through the whole thing, so go ahead and feel free to read through that report on your own. Thank you.

Are there any questions?

Great.

Clawson, Jennifer (Chair)

Okay. Thanks, Sandy. So we'll head into our agenda item six, our other business. So 6.1, is there any other business from the Commissioners?

Jones-Schroeder, Sabrina (Commissioner)

I just have one, and I'm so sorry, I should have sent it earlier. I had brought it up a couple of meetings ago and then realized that it still hasn't been resolved when I went to invite the newest broker to my office. And this has to do with, it's just a simple little thing, but when I go to add a licensee to my firm, I pull up the... When you go to add a licensee, you choose the broker type and then you type in their license number. And again, once upon a time, it used to then pull up, before you clicked on the official invite them to join, their name. So you knew that the license number you pulled up was, oh yeah, that's that person.

Now, you choose the child license type, broker, type in their license number. You have to choose their license type again. And you click okay, hoping you didn't transpose a number or something. But you have to wait until you get an email confirming that you've invited John Doe to join your firm. And I know that was going to be looked at at some point. But it would be really helpful as a DB when you're inviting someone to join your firm, that when you're typing in that license number, it would pull up the name so that you know you're inviting the correct person.

Baur, Sandy (DOL)

I've captured that as an action item.

Jones-Schroeder, Sabrina (Commissioner)

Thank you. I know we talked about it before, but it's still...

Allen-Ba, Deb (DOL)

Sabrina, can I ask a quick clarifying question?

Jones-Schroeder, Sabrina (Commissioner)

Yeah.

Allen-Ba, Deb (DOL)

At one point, it did bring up the name when you would type it in, is that correct?

Jones-Schroeder, Sabrina (Commissioner)

Correct.

Allen-Ba, Deb (DOL)

I think this may have something to do with our license lookup being disabled, and it probably will be coming back online when that functionality returns.

Jones-Schroeder, Sabrina (Commissioner)

The license lookup is...

Clawson, Jennifer (Chair)

The license, it is up, but you have to go through SAW versus when it was the anonymous license lookup. And that should be back up no later than the end of January.

Jones-Schroeder, Sabrina (Commissioner)

Cool. If that solves the problem....

Clawson, Jennifer (Chair)

We can double-check.

Jones-Schroeder, Sabrina (Commissioner)

... then that will be awesome, that'll be awesome. But let's just not lose sight of it so we can check on that again at the next Commission meeting. But I'm just always nervous that I'm inviting someone to join my firm and I never know until I get that confirmation email if it's the right person.

Clawson, Jennifer (Chair)

Yeah, that's great. We can definitely double-check that. So the anonymous license lookup as well as the complaint filing portion of our system that's not behind SAW. And the education pieces that have not been as available since our system issue should be back up and as they were before the end of January or by the end of January.

Jones-Schroeder, Sabrina (Commissioner)

And I'm curious about this, and I know I'm probably not supposed to be looking at the chat and there won't be one after next year, but Natalie brought up a question and it was actually a question I had when we were looking at our licensee numbers. Why do we look at the age breakdown? I don't remember seeing that before, but why?

Allen-Ba, Deb (DOL)

Well, I can.

Jones-Schroeder, Sabrina (Commissioner)

Care about that.

Allen-Ba, Deb (DOL)

Yeah.

Jones-Schroeder, Sabrina (Commissioner)

Why do we look at it?

Allen-Ba, Deb (DOL)

So let me just say that part of what we've been working on, Sabrina, is that we're trying to get all of our nine boards and commissions a little more consistently. And part of that is in our reporting. Some of our industries are really curious about the age of their licensees because they have industries that they're struggling with, a population that is retiring, if you will, and struggling to get new licensees to want to come into the profession. A lot of those are our design professions, geology, for instance. Real estate doesn't seem to have the same issue, but we are trying to get consistent reports. So if you have suggestions of what you would like to see that we can kind of standardize and share with the Commission, please feel free. Drop me a line, let me know. We are really open to suggestions of what you would like to see.

Clawson, Jennifer (Chair)

Okay, great. Any other business before we move on to our next agenda item?

Okay, 6.2 action items from this meeting, Sandy?

Baur, Sandy (DOL)

Sure. The action items that I have collected from this meeting is we'll be adding the customer service piece from PSI to our action item list for the next meeting. And also I've gotten that we will touch base about the adding a licensee to a firm process so that we can see if that was the issue for the next meeting.

Did I miss anything?

Schaefer, Sandra (DOL)

I have one. I may have not captured it correctly, but I have the Julia Manley will look into Ms. Erin's situation and reach out to her regarding the PSI.

Baur, Sandy (DOL)

Thank you, Sandra.

Clawson, Jennifer (Chair)

And also on there, Sandra, can you or can one of you make sure that we have, I'd like to follow up on our contract side of PSI and what actions we are taking to ensure that our service levels are being taken care of.

Schaefer, Sandra (DOL)

Yes. And just for clarification, did you say contract site or contract side?

Clawson, Jennifer (Chair)

Oh, the contract side of... Our PSI contract. I've got some concerns I'd like to follow up with.

Schaefer, Sandra (DOL)

Thank you.

Baur, Sandy (DOL)

All right. Were there any other action items that we missed? Okay.

Clawson, Jennifer (Chair)

6.3 agenda items for our next meeting.

Baur, Sandy (DOL)

So the agenda items for the next meeting that we will be scheduling in early January will be the 2023 calendar, the election of the vice chair, and then approval of the minutes from our prior meeting. Are there any other specific agenda requests from the board?

Clawson, Jennifer (Chair)

Okay, great. So you'll be sending out a schedule... Some options for a January special meeting, correct? So now we'll head into the public comment portion of our agenda. So we'll now take time for a brief public comment period. The Board may only direct staff to study the matter further or to reschedule the matter for discussion at a later time. Individual comments will be limited to three minutes each. If you'd like to make a comment, please unmute your line, state your name for the record, enter your comment with the Board. As a reminder, just please mute once you have finished. So at this time we'll open up for public comment.

Hartman, Anne

This is Anne Hartman from Evergreen Professional Training. And you may have spoken of this and I missed it, but do you have the Commission meeting dates for 2023?  
Are they set yet?

Clawson, Jennifer (Chair)

They will be set at our January special meeting.

Hartman, Anne

Okay. And you'll be sending notices out to everybody on the ListServ?

Clawson, Jennifer (Chair)

Yes.

Hartman, Anne

Okay, thank you.

Clawson, Jennifer (Chair)

Any other public comment?

Cindy

I do have a question I never got to answer.

Clawson, Jennifer (Chair)

Okay, Cindy.

Cindy

Yeah, it's about PSI. I have a broker that's been taking the managing broker test a few times and she was told that the test was incorrect, that the answers were incorrect. That's why she kept failing the test. I didn't see anything in the, I didn't look in the meetings, the minutes from last meeting. But was that ever discussed in your group about the answers actually being incorrect for the managing broker test?

Hessler, Tanya (DOL)

This is Tanya. So in the PSI meeting they went through the whole process that they used to vet out the questions and verify them and that is not something I have heard that questions are incorrect on the test. There's layers of things that it goes through before the test.

Cindy

Okay, thank you.

Schaefer, Sandra (DOL)

And we also have a Natalie Danielson who wants to speak.

Danielson, Natalie

Can you hear me?

Clawson, Jennifer (Chair)

Yep.

Danielson, Natalie

Okay. So I have number one I've brought up for two years and it's never been addressed. And even with your PSI thing, there's no sample test and the RCW for Washington State says the DOL is supposed to provide a sample test for the managing broker's exam and it has yet been done. He kind of started talking about, "Oh, the broker versus managing broker". No, no. The broker test that's on their website is the same one that was there four years ago. They just eliminated the managing broker one. There is no managing broker sample test.

Number two, you just asked about incorrect question. Tanya Hasler did get one that is on the broker, their sample test for broker that's incorrect about fair housing. I've never gotten any feedback back from that though. I did send it to Tim Allen.

Number, I brought up last, the last four minutes of the last meeting, the sample test issue, which I bring up every Commission meeting for two years, the fact that Gwen is not the only one whose test has been lost because I brought that up every Commission meeting and the pass rate is only 30% and that there's no customer service. That's what I brought up last Commission meeting. And lastly, yes, Gwen's test was lost. I have a workshop where I work with people that are trying to pass the test, but I think not just Gwen and not against Gwen because I do everything I can to help and everything, but there are other people's whose tests have been lost. There are other firms that are having problems on getting their stuff in the SAW account. There are other, I don't think, this is my personal thing, I think that Commissioners shouldn't have any one of your action items you just put as one is your action items that you're going to help Gwen, you're going to help Gwen. And I think, well what about all these other people right now whose tests have been lost from PSI? I don't understand. We shouldn't be like have...

Ruth:

[foreign language 01:18:06].

Danielson, Natalie

So I think that if any, that just because you guys are Commissioners, you shouldn't have any better access to the Department of License help. I don't.

Ruth:

[foreign language 01:18:30]

Jones-Schroeder, Sabrina (Commissioner)

Ruth, you need to mute yourself.

Danielson, Natalie

There. I don't think the Commissioner should have any better access to DOL and problems than anyone else because I sat in an office with a firm that had problems with DOL and calling, calling, calling, emailing. It was a disaster. And she couldn't come on here as a Commissioner and get help and neither can all these other, I think I have three other people whose tests have been lost and I think the way that they do the deadline where the thing expires is incorrect. I don't think it's based on PSI. I think it's based on, I don't know, but I remember I have to go to my notes that it's incorrect that it shouldn't have been expired for. And you shouldn't be using that, they don't, don't even get the test. They don't get credit right away. They try to call DOL, they try to call PSI, they try to get their money back, they try to reschedule. This, this Gwen is not the only one.

If you're not sure, go to my, come to my workshops and there's nobody at the DOL nobody. Nobody at the DOL who will help somebody because Tanya also just said that there's no wrong questions. Yes, you



just got one. And there's nobody that's helping Gwen. And this is not a new problem with Gwen. This is months ago. So I just think we need to have somebody at the DOL who's helping with communication with them and with PSI because this has just gone on too long. And nobody's listening to me. They never, every Commission meeting, so whatever.

Clawson, Jennifer (Chair)

Okay, thanks Natalie.

DJ?

DJ:

I'm going to put on my Evergreen professional training hat for a second. In the process of scheduling fair housing courses, the six-hour course, talking to different associations, there seems to be a misunderstanding that everybody has to take the class by June. And I don't think that's entirely accurate. I think they just need to take it before their next renewal. Might consider adding something on a ListServ notice or something further clarifying when and how they need to take their six-hour fair housing course before their renewal. I've got a lot of people trying to schedule it before June. Not that that's a bad thing. We want them all to take the class, but I'm having difficulty trying to schedule the classes for after June because people think it's irrelevant and they won't be needing to take the class again. Thank you.

Clawson, Jennifer (Chair)

Thank you, DJ.

Any other questions or comments?

Gorthi, Sreeni

Hi, recently I tried to take the managing broker test after I passed the test and not the test. After I completed the course, when I call PSI, they said the school needs to upload the certificate information. When I call the school for the managing broker, schools doesn't need to send, it's the candidate who upload to the DOL website directly and DOL sends it to PSI. So there is a miscommunication. It'll be good if you can address with PSI.

Clawson, Jennifer (Chair)

Thank you.

Any other comments for public comment?

Sabrina?

Jones-Schroeder, Sabrina (Commissioner)

Sorry, just to follow up on all of these PSI comments and because I don't know that I, we've suggested this, but could we reach out to our neighboring states? Could you reach out to the Idaho Real Estate Commission to Oregon? Who are they using for their testing? Because are we alone in this? Is this PSI problem? I mean hope that you as staff are really hearing that how deep and wide this problem is. It's just such a huge problem. I know that you know that, but maybe we can glean some solutions talking to our neighboring licensing colleagues.

Clawson, Jennifer (Chair)

So Sabrina, you're spot on and it is some work that we have done. It's also been brought up to, I believe some of the conferences we've attended. But I will double-check with our team and see if to ensure that we've looked at our neighboring states that we've had some other conversations and we will have a report out at the next Commission meeting.

Brazil, Casey (Commissioner)

Hi, this is Casey Brazil. Would it be possible to get the passing rates for the test for the last 10 years?

Clawson, Jennifer (Chair)

I'm looking to my team.

Brazil, Casey (Commissioner)

I just keep hearing that we're at 30% passing and I'd like to see if that's a trend, if it's something that's come up. I mean, how long have we been with PSI? I don't know the answer to that, but...

Baur, Sandy (DOL)

I've captured [inaudible 01:24:21] and we can report on that.

Clawson, Jennifer (Chair)

Sandy? I'm sorry.

Baur, Sandy (DOL)

I've captured that also and we can report on that for the next meeting.

Brazil, Casey (Commissioner)

Okay.

Clawson, Jennifer (Chair)

Okay.

Jones-Schroeder, Sabrina (Commissioner)

Just a high level overview. Casey of that was when the testing changed, if I remember correctly here, a couple years ago, it went to the scenario-based testing. It went down significantly. So it had, I think less to do with who was giving the test, administering the test as the change to the test. But it would still be helpful to see that information again. Is the special meeting that's going to be called in January, is that going to be a public, it will be a public meeting because it'll be a meeting, right?

Clawson, Jennifer (Chair)

Yes.

Jones-Schroeder, Sabrina (Commissioner)

So the date will be published. It'll be open to the public. It'll be a Zoom meeting, just like this one. It'll just be a specially scheduled one, right? Yeah.

Clawson, Jennifer (Chair)

Yes.

Allen-Ba, Deb (DOL)

Sabrina, everything except Zoom. We will be moving off of the Zoom platform. We're having a lot of difficulties with it. So all meetings going forward in 2023 will be in Microsoft Teams, but everything else pertains. It will be public open. We will post it to our website and send it out on ListServ.

Jones-Schroeder, Sabrina (Commissioner)

So just in anticipation of that, Deb, what's, I don't know that I've done a Google teams platform meeting. I'm more familiar with Zoom. Will I have to download a special app for that? Is that just logging in through a browser?

Allen-Ba, Deb (DOL)

It's just clicking on the link and it takes you straight in. It's been, we've utilizing it in all of our other board meetings without very much difficulty. So a lot less problems in that platform.

Jones-Schroeder, Sabrina (Commissioner)

Perfect.

Clawson, Jennifer (Chair)

And it's the state's preferred, it's our preferred virtual meeting software that we're supposed to be using all of our meetings through. So we'll move there in January. We will make sure that all of our public notices have been made of that special meeting.

Any other comments from the public?

Okay. I'm not seeing any from my... staff, board staff, are you seeing any other hands or anything?

Willhite, Rachelle

I just had a question real quick. It's Rachelle Willhite, Best Choice Realty. I am very interested in hearing the direction of the teams. I run a very large brokerage in the state of Washington and that's an agenda item that's been on the Commission meeting for almost six years now. So I'm curious to know what is the plan for that as far as the agendas into next year. And have you considered the assume names DBAs as well in conjunction with that team conversation?

Clawson, Jennifer (Chair)

And Deb, you're on mute if you are talking.

Allen-Ba, Deb (DOL)

Yes, that is one of the action items that Sandy read out as we were going through. She put it on something that we need to work on and bring back next year to the Commission. And it's the team names and assumed names. Which for DOL, we do not call them team names. We call them assumed names, but it's the same.

Willhite, Rachelle

Okay, wonderful. So is that a special meeting that's being done or is that a general Commissioner meeting that I'll need to participate in?

Allen-Ba, Deb (DOL)

That's an action item that we will continue to be working on next year.

Willhite, Rachelle

Okay, thank you very much.

Allen-Ba, Deb (DOL)

Mm-hmm.

Clawson, Jennifer (Chair)

Okay, it looks like that ends our public comment and we'll move on to our agenda item number eight, which is our adjournment. So it's now 11:30 on Thursday, December 15th, and we will adjourn our Commission meeting.

Our next meeting will be sent out for January, a special meeting, and then we'll move into our regular timeframes after the meetings are set for 2023. So thank you all.

Jones-Schroeder, Sabrina (Commissioner)

Bye everyone. Happy holidays.