

Title 09 DEPARTMENT OF LABOR, LICENSING, AND REGULATION

Subtitle 11 REAL ESTATE COMMISSION

Chapter 06 Continuing Education

**Authority: Business Occupations and Professions Article, §§17-208 and 17-315,
Annotated Code of Maryland**

.01 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Approved continuing education course" means a continuing education course approved by the Commission.
- (2) "Classroom instruction" means the art or science of teaching in a space:
 - (a) Exclusively used for instructing during periods of instruction;
 - (b) Which is conducive to learning; and
 - (c) Where an assigned instructor is present.
- (3) "Clock hour" means a minimum of 50 minutes of instruction per 60-minute hour.
- (4) "Commission" means the State Real Estate Commission.
- (5) "Continuing education course" means a course related to real estate taught by a qualified instructor who is experienced in the real estate industry through:
 - (a) Classroom instruction; or
 - (b) A design and delivery system for distance learning instruction.
- (6) "Course" means classroom or distance learning instruction of 1.5 clock hours, but not more than 6 clock hours.
- (7) "Course provider" means an entity that is qualified to conduct continuing education courses in accordance with Business Occupations and Professions Article, §17-315(c), Annotated Code of Maryland.
- (8) "Course related to real estate" means a course which covers one or more of the following topics:
 - (a) Federal, State, or local legislative issues;
 - (b) Antitrust law;
 - (c) Fair housing law;
 - (d) Real estate ethics or professional standards;

- (e) Disclosure;
- (f) Professional enhancement for practicing licensees;
- (g) Technology relating to real estate brokerage services;
- (h) The principles of agency and agency disclosure; and
- (i) The requirements of supervision by brokers, branch office managers, and team leaders.

(9) Distance Learning Instruction.

(a) "Distance learning instruction" means the art or science of teaching where:

- (i) The instructor and student may be separated by distance and time;
- (ii) Equipment may be needed to communicate the content; and
- (iii) The content is specifically developed for this form of instruction.

(b) Distance learning methods include:

- (i) Remote access satellite;
- (ii) Closed circuit video;
- (iii) Computer;
- (iv) Disk;
- (v) CD-ROM;
- (vi) Internet;
- (vii) World Wide Web;
- (viii) Correspondence/home study;
- (ix) Audiotape;
- (x) Videotape; and
- (xi) Any other delivery system approved by the Commission.

(10) "Instructor" means an individual engaged by a course provider to teach a continuing education course.

.02 Education Committee.

A. There is an Education Committee consisting of Commission members appointed by the Chairman. The Committee shall include at least two licensee members and one consumer member.

B. A course provider who has been denied approval of a course by Commission staff may request the Committee to review that decision. The request for review shall be filed within 10 business days of receipt of the denial notice.

C. The Committee shall review the request and issue a decision within 20 days.

D. An applicant for approval as a course provider whose application has been turned down or a course provider whose approval to offer courses has been suspended or withdrawn by Commission staff may request an informal conference with the Committee to review that decision. The request for the conference shall be filed within 10 business days of receipt of the denial, suspension, or withdrawal notice. After the conference, the Committee shall either approve the course provider or refer the matter to a hearing panel of the Commission for a hearing in accordance with Business Occupations and Professions Article, §17-326, Annotated Code of Maryland.

E. The hearing panel shall hold a hearing within 60 days of the referral from the Committee, and issue a decision within 30 days after the hearing.

F. An applicant or course provider may waive the right to a hearing and request the hearing panel to review the decision to deny, suspend, or withdraw approval based on documentary evidence.

G. The decision of the hearing panel as to suspension or withdrawal of course provider approval shall be based on the seriousness of the offense charged, the good faith of the provider, and any prior history of violations by the provider.

H. The decisions of the Committee as to course approval and the hearing panel as to approval of a course provider are the final decisions of the Commission.

I. If a course provider makes a timely request for review of a decision to suspend or withdraw its approval to offer courses, that action shall be stayed until the final decision of the Commission.

.03 Course Providers.

A. In order to qualify as an educational institution under Business Occupations and Professions Article, §17-315(c)(1), Annotated Code of Maryland, the institution shall provide the Commission with evidence of its approval by the Maryland Higher Education Commission as a career school eligible to provide the Real Estate Principles and Practices course at the currently mandated hours for prelicensing education.

B. A completed application for approval as a course provider shall be submitted to the Commission at least 30 days prior to the first course offering date.

C. Course providers shall have the following responsibilities:

- (1) To provide instructors qualified to teach the subjects offered;
- (2) To train all instructors and course monitors in course protocol, including classroom conduct and record keeping;
- (3) To oversee all aspects of course provision and the format and content of all advertising of course offerings;
- (4) To maintain all required records; and
- (5) To respond to all inquiries from the Commission within 10 days.

D. A course provider who has not offered at least one Commission-approved course in a 12-month period shall requalify as a course provider.

E. All payments for courses shall be made directly to the approved course provider.

F. All course completion certificates shall be approved and issued, in the name of the attendee, by the course provider.

G. The course provider shall set and administer course cancellation and fee refund policies in a nondiscriminatory manner.

H. The course provider shall maintain records of course attendees including sign-in sheets, detailed course outlines, instructor information including resumes and other background information, and, if required, final grades for at least 5 years after the expiration date of each course offering.

I. The course provider shall give Commission representatives access to course records on request.

J. The following situations could form the basis on which course provider approval is denied, suspended, or withdrawn:

- (1) Submission of false information in an application for provider or course approval;
- (2) Failure of the course provider to maintain its status as a professional association or educational institution under the laws of Maryland;
- (3) Discipline by the Commission of a course provider who holds a real estate license in a matter relating to the licensee's provision of real estate brokerage services;
- (4) Repeated cancellation of scheduled courses by the course provider;
- (5) Failure of the course provider to reimburse prepaid fees to licensees after scheduled courses have been cancelled;
- (6) Issuance of blank certificates of course completion;
- (7) Repeated issuance of inaccurate certificates of course completion with regard to topic, course number, and course title;
- (8) Repeated issuance of certificates of course completion to licensees who were not entitled to them;
- (9) Failure to maintain the records required by the Commission, including rosters of attendees and sign-in sheets;
- (10) Failure to timely respond to inquiries and requests for records from the Commission; and
- (11) Failure of the course provider or any representative of the course provider, including instructors and monitors, to comply with regulations governing continuing education.

.04 Course Approval.

- A. The course provider shall submit an application for a class in a particular subject matter at least 30 days prior to the date of the first offering of the course.
- B. The Commission may request an outline of the course content as part of the approval process.
- C. The Commission shall approve or deny the application within 20 days of the submission of the completed application.
- D. The Commission may approve a course for up to 2 years from the approval date.

.05 Course Content.

A. The Commission may approve a continuing education course that meets all of the following six criteria:

- (1) The course is a mandated or elective course designed for:
 - (a) Protecting the general public in their real estate transactions;
 - (b) Enabling the licensee to serve the objectives of the consumer in a real estate transaction; or
 - (c) Enabling the licensee to develop competency and professionalism in a changing marketplace;
- (2) The course covers the topic area cited in the application;

- (3) The course is related to the activities for which a licensee has responsibility under the Real Estate Brokers Act;
- (4) The course is developed for a knowledge and ability level beyond the professional entry level;
- (5) The course has an outline detailing the sequence of topics and the amount of time allotted to each topic; and
- (6) The course consists of at least 1.5 clock hours.

B. A course provider may not materially change the content of an approved course without the prior written approval of the Commission.

.06 Advertising.

A. Advertising related only to a specific course shall be in the name of the approved course provider. The name of a course sponsor may appear in the advertising, but may not be in a font size or format that exceeds that of the approved course provider. The role of the sponsor as to the course shall be included in the advertising.

B. The course provider's name as reflected in the application form, its telephone and electronic contact information, and its office address shall appear in all course advertising.

C. Contact information for individuals or entities other than the approved course provider may not appear in the advertising material for a specific course.

D. A course offered as part of an event such as a conference, convention, trade show, or education day may be advertised in the publication for that event. That publication may contain other information or advertising, including reference to event sponsors.

E. The advertising material for a specific course shall include the title, topic, name of approved course provider, Commission approval number, number of approved hours, and cost of the course.

F. For programs where the continuing education credits are less than the classroom hours, the course provider shall inform students in advance that the full program must be completed in order to receive the continuing education credits.

G. A course pending approval by the Commission shall be advertised as "subject to Commission approval".

H. Course provider policies on refunds and cancellations shall be available to licensees prior to payment of the course fee.

I. Advertising for all approved classroom courses offered by a course provider shall state that the course is open to all licensees based on availability.

J. Prior to enrollment, the provider of distance learning courses shall:

- (1) Provide to licensees information on course requirements, including minimum system needs for interactive programs, and availability of technical and instructor assistance; and
- (2) Notify licensees that the time for completion of a distance learning course could exceed the credit hours received for the course.

.07 Facilities.

Each classroom in which courses are given shall:

- A. Meet all fire, safety, zoning, and Americans with Disabilities Act (ADA) requirements;
- B. Be of sufficient size to comfortably accommodate all enrolled students;
- C. Provide an appropriate learning environment; and

D. Be free of distractions that would disrupt class sessions.

.08 Conduct of Courses.

A. Scheduling.

- (1) The maximum permissible class session without a break is 90 minutes.
- (2) A course scheduled for more than 4 hours in one day shall include a meal break of at least 30 minutes, but not more than 90 minutes.
- (3) A course shall begin promptly at the scheduled time.

B. Records.

- (1) The course provider shall require each licensee to show a picture ID in order to be admitted to a class for which the licensee has enrolled.
- (2) The course provider shall maintain a sign-in sheet containing:
 - (a) The printed names and the signatures of all enrolled licensees on their arrival; and
 - (b) Notation by the instructor or monitor of the beginning and end times of any absences of the licensee from the class during the instructional period.
- (3) The course provider shall give each student at check-in a copy of the continuing education student information sheet furnished to the provider by the Commission unless the sheet has previously been made available to students electronically.
- (4) The course provider shall require at the conclusion of the course that all enrolled licensees:
 - (a) Sign the sign-in sheet; or
 - (b) Verify their complete attendance through a system that includes some form of personal identification.

C. Classroom Conduct.

- (1) Students may not take reading material unrelated to the course into the classroom.
- (2) Instructors, monitors, and students may not consult any personal electronic communication devices (Blackberries or i-Phones, for example) during a class session.
- (3) Class time may not be used to promote or sell any materials or services or to solicit affiliation or membership in any business or organization.

D. Monitors.

- (1) A monitor is not required if the class consists of 25 or fewer pre-registered students.
- (2) Monitors in addition to the instructor are required under the following conditions:
 - (a) 26 to 50 preregistered students — 1 monitor;
 - (b) 51 to 100 preregistered students — 2 monitors;
 - (c) More than 100 preregistered students — 1 additional monitor for each additional 100 students.

E. Instructors. The instructor shall teach the course in substantially the same manner as that set forth in the outline submitted to the Commission.

F. Course Credit.

(1) A student may not receive credit hours for a course if:

(a) The student arrives after the classroom instruction begins or departs prior to the class being dismissed; or

(b) The student is out of the classroom during the instruction period for more than 5 minutes during a 60-minute period.

(2) A course provider, instructor, or monitor may not make an exception to the attendance requirements under any circumstances.

(3) A student may not receive partial credit for a course.

G. Certificate of Completion.

(1) A certificate of completion shall include:

(a) The full name of the student;

(b) The approved course provider's name and address, and the course approval number;

(c) The title of the course as approved by the Commission, the approved topic letter, and the number of clock hours for which it was approved;

(d) The date of completion; and

(e) An official signature or seal.

(2) A certificate of completion shall be issued by the course provider to each student who has met all the requirements for completion of the course and is entitled to receive the certificate.

(3) The certificate of completion may be distributed by the instructor at the end of the class, or mailed or electronically transmitted to the student at a later date.

(4) A course provider or instructor may not issue:

(a) A blank certificate of completion to a student; or

(b) A certificate of completion to a student who has not complied with all regulations governing the conduct of the course, including the timeliness and attendance requirements.

(5) A licensee who completes an approved continuing education course to qualify for license renewal shall submit the certificate of completion to the Commission on request.

H. Cancellation of Course. In the event of a course cancellation, the course provider shall:

(1) Make reasonable efforts to notify preregistered students of the cancellation; and

(2) Refund all prepaid fees within 30 days of the date of cancellation or, with the permission of the student, apply the fees to another course.

.09 Licensee Credit Hours.

A. Pre-approval. A course will qualify for continuing education credit only if the Commission has approved the form, substance, and subject matter of the course before the course is given.

B. Prelicensing Courses. An instruction program for prelicensing examination preparation does not constitute qualifying credit hours for the continuing education requirement.

C. Technology. A licensee may only use continuing education credits that total 3 clock hours on the topic of technology relating to real estate brokerage services toward license renewal during a 2-year licensing period.

D. Licenses Originating in Other Jurisdictions.

(1) Subject to §D(2) of this regulation, unless a licensee originally licensed in another jurisdiction has received the Maryland license pursuant to a written reciprocity agreement, the licensee shall meet all Maryland continuing education requirements.

(2) A licensee may receive credit for an elective course taken in a jurisdiction where the licensee holds a license if that course was approved for continuing education credit by the real estate licensing authority in that jurisdiction, and the course meets the requirements of Maryland law and regulation.

(3) All courses in subject areas mandated by Maryland law shall be taken from a course provider approved by the Commission.

(4) A licensee holding a reciprocal category license based on a reciprocity agreement with another jurisdiction is required to complete only the continuing education requirements set forth in the agreement.

E. Legislators. A member of the General Assembly who holds a current real estate license may receive credit for the 3-hour continuing education requirement for legislative update based on service in the General Assembly during that 2-year licensing period.

F. Disciplinary Action. A licensee may not use continuing education course hour credit for course hours completed as part of the resolution of a Commission disciplinary action as credit hours toward renewal of license requirement.

G. Instructors and Monitors. A course instructor and a monitor may receive continuing education credit for the first time an approved course is taught or monitored during each licensing cycle.

H. Mandated Agency and Supervision Courses. Agency and supervision courses mandated by Business Occupations and Professions Article, §17-315(b)(2)(v) and (vi), Annotated Code of Maryland, must include the curriculum approved by the Commission and must be taught by course instructors who have completed the related training course provided by the Commission.

.10 Distance Learning.

A. The provider of a distance learning course shall obtain approval of the technical aspects of a course from an entity recognized by the Commission in the field of technical expertise before submitting the course to the Commission for review of its substance and subject matter.

B. In a distance learning course, if the course provider and the student are separated by space and time:

(1) The provider's technical staff:

(a) May answer student questions about technical support and delivery method; but

(b) May not answer questions about content; and

(2) The assigned instructor shall respond to questions from students about course content within 2 business days.

C. The course provider shall be responsible for establishing guidelines for the completion of a distance learning course and any specific components of the course.

D. A distance learning instruction course shall include the following requirements:

(1) The student shall complete the instructional module or modules and receive a passing grade on a final examination administered and graded by the approved provider;

(2) The passing grade shall be 70 percent or higher; and

(3) If a student fails initially to achieve a passing score on a final examination, the student shall successfully pass the examination within a time frame set by the course provider in order to use the course for credit toward the continuing education requirement.

E. The course provider shall be responsible for obtaining from students who have completed a distance learning course the following affirmation: "I (name of student) affirm that I have personally completed every requirement of the course and that I have not provided any aspect of the course to others."

F. Notwithstanding Regulation .03E of this chapter, payment for a distance learning course may be made to the course developer.

Administrative History

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