REGISTRATION OF REAL ESTATE PRELICENSE EDUCATION SCHOOL

- A school shall not offer courses for the fulfillment of the educational requirement for a real estate license unless it first registers with the Real Estate Commission ("Commission") **at least ninety days prior to the opening date of the school.**

- **Each registration will expire at the end of every even-numbered year.** The provider registration will expire unless reregistered prior to the end of each even-numbered year; failure to reregister will result in forfeiture of school registration . **The reregistration deadline is November 30th of each even-numbered year.**

- Review Hawaii Administrative Rules, Chapter 99, Subchapter 5 REGISTERED REAL ESTATE SCHOOLS (see attached). Providers must comply with all rules outlined in this chapter.

- Areas of study listed in the salesperson's curriculum must be covered in the salesperson prelicense class. Areas of study listed in the salesperson's and broker's curriculum must be covered in the broker prelicense class.

- If offering Prelicense Independent Study Course, also submit the Application for Prelicense Independent Study Course.

- Complete applications will be reviewed and considered by the Commission. Incomplete applications will not be considered. Please allow 45 days for processing.

UNTIL RECEIPT OF WRITTEN NOTIFICATION OF APPROVAL FROM THE REAL ESTATE COMMISSION, NO SCHOOL SHALL ADVERTISE, SCHEDULE CLASSES, ACCEPT APPLICATIONS OR TUITION FEES FROM PROSPECTIVE STUDENTS, OR HOLD CLASSES.

This material and be made available for individuals with special needs. Please call the Senior Real Estate Specialist at 586-2643 to submit your request.

REGISTRATION OF REAL ESTATE PRELICENSE EDUCATION SCHOOL

Ensure the following are submitted:

- ❑ Completed Application for Real Estate Prelicense Education School Registration form (see attached).

- ❑ County certification or a statement signed by the school's principal that each classroom location complies (see attached):

  ( ) County Building Department – includes maximum occupant load
  ( ) Department of Health
  ( ) County Fire Department

  The Commission does not require submission of certificates of clearance; however, providers are responsible for compliance with applicable codes and regulations, including the Americans with Disabilities Act (ADA) requirements.

- ❑ A Surety Bond in an amount based on the formula in Hawaii Administrative Rules ("HAR") §16-99-53(c)(8) or an alternative form of security as described in HAR §16-99-53.1 (see attachment). Use the attached bond form. Other bond forms and re-typed versions are <u>not</u> acceptable (see attached).

- ❑ Signed Statement of Ethical Teaching Practices for each instructor who teaches for the prelicense school (including guest lecturers) (see attached).

- ❑ Signed Consent Form (see attached).

- ❑ School catalogue or brochure to include advertising content and media to be used. The school catalogue or brochure should include a statement of school policies and student disclosures pursuant to HAR §16-99-67.

- ❑ A description of the courses to be offered which contains the course title, curriculum, curriculum objectives and procedures for student evaluation of the instructor.

- ❑ A check with appropriate fee made payable to "Commerce and Consumer Affairs" (see Schedule of Fees).

- ❑ Schedule of fees tuition and all charges to be made (including any advanced deposit charged per student) and a statement of refund policies and procedures.

- ❑ Statement of advertising content and media to be used.

- ❑ Student Registration and Enrollment forms, including the following:

  ( ) Student Contract or School/Student agreement
  ( ) Attendance Record, Student Record, or other methods of recording class attendance

  Note: Based on HAR §16-99-59(a), "Tuition rates and all other charges shall be published in the school catalogue. No school shall deviate from its published tuition rates and charges." Also, HAR §16-99-59(c) states "Tuition and other charges shall be specifically set forth in the school registration form. The registration form shall expressly state in the school's policy regarding the return of tuition and other charges when a student is dismissed or withdraws voluntarily. Each student shall acknowledge acceptance of the school's tuition policies on the school's registration form."

- ❑ Anticipated Course Schedule for the first year, tuition to be charged for each course, and number of anticipated students (see Real Estate Commission Prelicensing Course Log form).

Instructions for "Yes" Answers on Section 11 of the Application for Real Estate Prelicense Education School Registration

A. The following documents must be provided at the time you apply for registration. Applications will not be considered without this material.

Question a1)
If you have applied for, been granted, or held a real estate license in Hawaii or any other jurisdiction, list the jurisdiction, license type, and license number in the space provided. Attach a separate page if more space is required.

Questions a2, a3, a4, and a5)
These questions refer to complaints, charges of unlicensed activity, or pending disciplinary actions for any profession, occupation, or license, both real estate and those other than real estate. If your answer is "yes" to one or more of these questions, read paragraph B below, and you must submit the following:

i. A statement by you explaining the circumstances;

ii. Copies of any documents from the agency, including final orders, petitions, findings of fact and conclusions of law, and any other relevant documents;

iii. A resume of any employment, business activities, and education since the date of the action; and,

iv. You may also include statements from employers, business associates, clients, and others who can attest to your reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing.

Question b)
If your application indicates a criminal conviction, read paragraph B below, and you must submit the following:

i. A statement by you explaining the circumstances leading to the conviction and detailing all activities since the conviction, including employment and business involvements. Include job title, period of employment, employer's name, description of duties, training attended, and educational courses attended;

ii. A copy of the court order, verdict, and terms of sentence;

iii. If applicable, a copy of the terms of probation and/or parole and a statement from your probation or parole officer as to your reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing; and,

iv. Statements from employers, business associates, clients, and others who can attest to your business dealings since the conviction, including a statement as to your reputation for or record of competency, honesty, truthfulness, financial integrity, and fair dealing.

Question c)
If you have any pending lawsuits, unpaid judgments, outstanding tax obligation, or any other type of involuntary liens against you, read paragraph B below, and you must submit the following:

i. A statement by you explaining the circumstances and current status, and if no payment of payment arrangement has been made, the reason;

ii. A resume of employment and business activities; and,

iii. Copies of the court complaint, judgment, documentation of payment arrangements, lien documents, records of any payments, and other relevant documents.

B. If your answer to questions a2), a3), a4), a5), b), or c) is "yes", your application will be reviewed at a monthly Real Estate Commission meeting if you have provided all applicable information and documents as described above. The Commission will not review incomplete applications. If you wish to present oral testimony at the meeting, submit a written request with your application. A courtesy notice with information on the date, time, and location of the meeting will be sent to you.

Real Estate Prelicense Education School Registration
Schedule of Fees

MAKE CHECK PAYABLE TO "COMMERCE AND CONSUMER AFFAIRS"

Initial real estate school registration

1.	Application fee (nonrefundable)	$50
2.	BROKER AND SALESPERSON CURRICULUM:	
	Registration fee* **both** a broker & salesperson curriculum	$750
	Compliance Resolution Fund:	
	If applying in even-numbered year	$45
	If applying in odd-numbered year	$90

- OR -

EITHER BROKER OR SALESPERSON CURRICULUM:	
Registration fee* for **either** a broker or salesperson's curriculum	$500
Compliance Resolution Fund:	
If applying in even-numbered year	$45
If applying in odd-numbered year	$90

Additional real estate school registration

1.	Application fee (nonrefundable)	$50
2.	Registration fee* ($250 to add a real estate broker or salesperson curriculum)	$250

* Registration fee is refundable if registration is denied.

NOTE: The application fee and the posting of a bond pursuant to this application shall not be required of a school that is an accredited State of Hawaii institution of higher education listed with the United States Department of Education as an accredited institution of higher learning. HAR §16-99-99(26)(b).

REAL ESTATE COMMISSION
State of Hawaii
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
335 Merchant Street, Room 333
Honolulu, Hawaii 96813

FOR OFFICE USE ONLY	
Approved/Date: Denied/Date:	Reg. No.
Cashier's Validation:	

APPLICATION FOR REAL ESTATE PRELICENSE EDUCATION SCHOOL REGISTRATION

1.	**School's Name:**		
2.	**Business Address:**		
3.	**Classroom Location:**		
4.	**Business Telephone:** **Public e-mail and/or URL:**		
5.	**School Principal:**		
6.	**Principal's Home Address:**	**7.**	**Principal's Home Telephone:**

8. **Indicate the curriculum for which you are applying:**

_____ Salesperson curriculum
_____ Broker curriculum
_____ Independent Study Course (see attachment)
_____ Salesperson curriculum
_____ Broker curriculum

(NOTE: If you are applying for the Independent Study Course – Salesperson and/or Broker curriculum – you must also complete the Application for Prelicense Independent Study Course and Supplemental Application for Prelicense Independent Study Course Instructor.)

9. **School Ownership**

Form of ownership:
( ) Corporation
( ) Partnership
( ) Sole Proprietorship
( ) Limited Liability Company (LLC)
( ) Limited Liability Partnership (LLP)
( ) Accredited institution of higher learning (college, university)

For Cashier's Use Only						
	App	$50	905	App	$50	905
	Regis	$500/$750	905	Add'l	$250	905
	CRF	$90/$45	583			
	Srvc Fee	$25.00	BCF			

Corporation:

a. List names and mailing addresses of all persons who own 5% or more of the corporate stock:

_____

_____

_____

b. Submit a "Certificate of Good Standing" issued by the Business Registration Division, Dept. of Commerce and Consumer Affairs, 335 Merchant Street, 2nd Floor, Honolulu, Hawaii, Phone: 586-2727. A "file-stamped" copy by the Business Registration Division of the Articles of Incorporation dated within the last 6 months may be submitted for the "Certificate of Good Standing".

Partnership:

a. List names and mailing addresses of each partner:

_____

_____

_____

b. Submit a "Certificate of Good Standing" issued by the Business Registration Division (see item 9 corporation b).

Sole Proprietor: List name and mailing address: _____

_____

LLC:

a. List names and mailing addresses of each member:

_____

_____

_____

b. Submit a "Certificate of Good Standing" from the Business Registration Division (see item 9 corporation b).

LLP:

a. List names and mailing addresses of each partner :

_____

_____

_____

b. Submit a "Certificate of Good Standing" from the Business Registration Division (see item 9 corporation b).

10. List Certified Instructors (if certification is pending, attach copy of Instructor Application):

Instructor	Certification

ITEM NOS. 11 – 16 REFER TO INDEPENDENT STUDY COURSES.

11. In case of transmission failure, what is your back-up plan for the course? Explain. (Who is responsible for maintaining the equipment and delivery system? Please provide the credentials and contact information for this person(s)).

_____

_____

_____

12. Whom does the student contact and how do they contact this person when they need help and clarification?

_____

_____

_____

13. Course and instructor evaluation: Provide the evaluation form you will use for student evaluation of the course and instructor. (Note: the ARELLO Distance Education Course Evaluation Form is attached as a guide to assist you in formulating your evaluation form.)

14. Submit a copy of a complete syllabus or student manual in written form. Information about admission, progression, completion criteria, dismissal, and any applicable licensing requirements must be included.

15. Submit copies of the following forms:

    a) Obtain from each student the following certification statement:

    "I certify that I have personally completed each assigned module of instruction.

    _____ _____
    Date Student's Signature"

    b) Certificate to be signed and dated by the instructor stating the student has:

    1) Completed all instructional modules required to demonstrate mastery of the material, and
    2) Passed the final examination.

16. Explain how you will provide oversight of the student's work to insure that the student who completes the work is the student who is enrolled in the course. This would include a clear policy regarding any form of cheating or misrepresenting student identity.

_____

_____

_____

_____

_____

17. CIRCLE ANSWER TO ALL QUESTIONS. An unanswered question is an incomplete application. Questions refer to all of the following: the applicant (entity), partner, officer, director of a corporation and to the principal of the school.

a. 1) Have you ever applied for, been granted, or held a real estate license in Hawaii or any other state? YES NO

If yes, what state, license type, and license number? _____

2) Has an application for license or a real estate license ever been denied, suspended, fined, involuntarily terminated, revoked, or otherwise subject to disciplinary action? YES NO

3) Have any complaints or charges ever been filed against you, regardless of outcome, with the licensing agency of any state? YES NO

4) Have any charges of unlicensed activity ever been filed against you, regardless of outcome, with the licensing agency of any state? YES NO

5) Are there any pending disciplinary actions against you? YES NO

b. During the past 20 years have you ever been convicted of a crime where there has not been an order annulling or expunging the conviction? YES NO

c. Are there any pending lawsuits, unpaid judgments, outstanding tax obligations, or any other type of involuntary liens against you? YES NO

d. Are you LESS than 18 years of age? YES NO

e. Are you an alien without authorization to work in the United States? YES NO

Explain all "Yes" responses on a separate sheet with detailed information and submit supporting documents (see instruction sheet for documents to be submitted). Any "Yes" answers to the questions in Section 11 of the application will require review by the Real Estate Commission before a decision is made regarding registration.

CERTIFICATION OF APPLICANT:

I hereby certify that the statements and answers on this application and accompanying document(s) are true and correct. I understand that any statement false or untrue, or any material misstatement of fact shall constitute grounds for refusal or subsequent revocation.

_____
Signature of officer/partner/sole proprietor

_____
Print Name and Title

CERTIFICATION OF PRINCIPAL OF PRIVATE TRADE, VOCATIONAL OR TECHNICAL SCHOOL

I, _____, whose residence address is _____, certify that I have the necessary requirements to act in the capacity of principal of _____.

I shall be responsible for the following:

a. Compliance with the Real Estate Commission's ("Commission") rules relating to real estate prelicensing schools.

b. Providing reports and information as may be required by the Commission.

c. Informing the Commission of changes in real estate school policies, programs, personnel, facilities, fees, calendar, and all other matters changing the status of the prelicensing real estate school as originally registered.

d. Advertising by the prelicensing real estate school.

e. Directing and supervising the staff and instructors of the prelicensing real estate school.

f. Assuring that the room in which each course is given complies with county building department, county fire department and state health department requirements at the time the course is given.

g. Maintaining on file a signed Statement of Ethical Teaching Practices for each instructor who teaches for the prelicensing real estate school.

The above statements made by me are true, complete and correct to the best of my knowledge and belief and are made in good faith. My qualifications to serve as principal are confirmed by the owner or an authorized agent of the prelicensing real estate school.

_____
Principal's Signature

Confirmed:

_____
Owner or Agent's Signature

STATEMENT OF ETHICAL TEACHING PRACTICES

Prelicensing Education Instructor

I, _____, as a prelicensing education instructor for _____, do hereby promise, attest to, and affirm that I shall adhere to the highest standards of ethical practices in the performance of my instructional duties including but not limited to:

1. Teaching only course subjects, the command knowledge of which I have acquired either by training, experience or education or by combinations thereof;

2. Taking all reasonable steps to update the prelicensing education course materials and information;

3. Giving out, to the best of my knowledge and belief, current and accurate course information and materials;

4. Conducting fair and reasonable discussions, presenting alternative viewpoints, and identifying clearly an instructor's opinion of any controversial course issues within the time allotted to the topic;

5. Advising students that each should research and update any course information and materials prior to using the course information and materials in the practice of real estate;

6. Taking reasonable steps to prevent the unlicensed, unauthorized and unintended practice of any licensed profession, for example, the unlicensed practice of giving legal, accounting, or tax advice;

7. Using reasonable efforts to keep current with the state of the art teaching techniques and skills as it relates to the teaching of prelicensing education to adult learners;

8. Informing students prior to the start of class what the students can expect to learn from the course;

9. Taking reasonable steps to evaluate whether indeed the students have learned what I taught;

10. Refraining from limiting course instructions to exclusively train students to pass the licensing exam;

11. Obtaining appropriate consents and permissions before using copyrighted or patented instructional materials, products or presentations;

12. Taking reasonable steps to maintain appropriate classroom decorum and language conducive to academic learning, inquiry and research;

13. Refraining from active solicitation and advertising for, during any scheduled prelicensing education class, other businesses and products which the instructor owns or has any direct or indirect interest in; "active solicitation and advertising for" excludes a business, professional or product presentation to students listing the instructor's expertise, work experience, publications, and affiliations as part of an introductory resume;

14. Performing diligently all other duties and responsibilities required of a prelicensing education instructor as set forth in Hawaii Revised Statutes, Chapter 467 and Commission rules embodied in Hawaii Administrative Rules, Chapter 99, "Real Estate Brokers and Salespersons."

As a prelicensing education instructor, I acknowledge that failure to conform to the standards, duties and responsibilities enumerated and referred to above may be grounds for loss of certification as an instructor.

As the principal of the prelicensing education school named above, I acknowledge and agree that my omission of, intentional or negligent conduct and acts which aid and abet the prelicensing education instructor signing below to perform otherwise as the instructor has promised, attested to and affirm, and adhere to but not limited to herein, may be grounds for loss of the prelicensing real estate school's registration.

Instructor's Signature	Principal's Signature
Print Name	Real Estate School
Date	Date

d:\applications\ethical prelicense 502R

REAL ESTATE COMMISSION PRELICENSING COURSE LOG

SCHOOL: _____

SCHOOL CODE: _____

Any changes/cancellations must be reported in writing to the Commission immediately.

FIRST CLASS DATE	LAST CLASS DATE	BROKER (B) SALES (S)	EVENING(E) DAY (D)	EXPECTED ENROLLMENT	PHYSICAL ADDRESS (St. Address, Bldg., Room no.)	CITY	ISLAND	INSTRUCTOR

PRINCIPAL'S NAME: _____ **PRINCIPAL'S SIGNATURE:** _____ **DATE:**

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Bond No. _____

STATE OF HAWAII

BOND

PRELICENSE REAL ESTATE SCHOOL AND CONTINUING EDUCATION PROVIDER

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, _____

of the County of _____, State of Hawaii, as Principal, and

_____, as Surety, are held and firmly bound unto the State of Hawaii,

in the full and just sum of _____ ($_____) lawful money of the United States of America, for the just and full payment of which we hereby jointly and severally bind ourselves, and our respective heirs, executors and administrators, and successors.

THE CONDITION OF THIS OBLIGATION IS SUCH, that

WHEREAS, the Principal desires to obtain, or to renew, a certificate or certificates of registration to offer real estate prelicense courses, or real estate continuing education courses, or both, under and pursuant to Section 467-25.5, Hawaii Revised Statutes, and to the provisions of Chapter 99, Title 16, Hawaii Administrative Rules, appertaining thereto;

NOW, THEREFORE, if such certificate or certificates shall be issued and if the above bounden Principal shall fully and faithfully comply with the provisions of the statute hereinabove mentioned and the Rules of the Real Estate Commission, Department of Commerce and Consumer Affairs, then this obligation shall be void, otherwise, it shall be and remain in full force and effect;

AND every person suffering loss or damage because of failure of the Principal to fully and faithfully comply with said statute or said Rules or because of failure of the Principal to fully and faithfully provide instruction and training as represented by said Principal or required by said statute or Rules, may sue the Surety for the recovery of any loss or damage and for the proportionate recovery of tuition, fees and other charges paid in advance as provided in said statute or Rules.

IT IS HEREBY stipulated and agreed that suit on this bond may be brought before a court of competent jurisdiction without a jury.

AND, this bond shall remain in full force and effect and shall run concurrently with the respective certificate period or periods and for any renewals thereof, unless terminated, cancelled, or not renewed by the Surety. Such termination, cancellation, or non-renewal shall not be effective, however, unless written notice thereof is delivered by the Surety to the Department of Commerce and Consumer Affairs at least thirty (30) days prior to the date of termination, cancellation, or non-renewal.

IN WITNESS WHEREOF, we the said Principal and the said Surety, have hereunto set our hands and seals this _____ day of _____, 20_____.

_____
Principal

_____
Surety

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CONSENT

The Real Estate Commission may use the following methods to evaluate the prelicense education / continuing education programs and to monitor compliance with prelicense education / continuing education rules.

1. Evaluations. The Commission may require that participant evaluation forms, provided by the Commission, be distributed to participants for purposes of evaluating the school / provider, instructor, and course. Schools / Providers will be responsible for obtaining, distributing, collecting, and returning the forms.

2. Drop-In Monitoring. Representatives of the Commission may attend courses on a drop-in basis. They will not register and no fees or reimbursements will be involved.

3. Investigative Monitoring. Representatives of the Commission may attend courses as a regular participant for the purpose of determining if the courses are being presented under statute, regulation, and Commission requirements. These representatives will not identify themselves as Commission representatives and will pay the required fees.

4. The Commission may, from time to time, request information regarding course offerings, attendance, examinations, and record keeping.

The undersigned acknowledges receipt and understanding of the procedures outlined above which relate to all approved prelicense education / continuing education course offerings.

I consent to inspection or monitoring by representatives of the Real Estate Commission. I agree to report any material changes in the information submitted at least 30 days prior to proposed use. I agree to retain complete records for at least three years for prelicense schools and at least four years for continuing education providers from the date of each course offering.

_____
Signature of Administrator/Principal

_____
Print Name

_____
Date

ARELLO

Distance Education Course Evaluation Form

This form can be used as a guide for creating your own evaluation form. Please note that ALL the items on this form will be considered at recertification. This evaluation form is meant to represent the minimum requirements for what needs to be on your organization's course evaluation form.

Name: _____

Course:_____ Completion Date: _____

School: _____ Delivery Method: _____

Instructor: _____

Instructor:	low				high	
Orientation was thorough and clear	1	2	3	4	5	
Demonstrated knowledge of course content	1	2	3	4	5	
Encouraged feedback and questions	1	2	3	4	5	
Responded to my questions quickly	1	2	3	4	5	
Instructor's support of student	1	2	3	4	5	
Instructor/student interaction	1	2	3	4	5	
Content/Materials:						
Organization of content	1	2	3	4	5	
Course objectives clearly stated	1	2	3	4	5	
Content was what I expected	1	2	3	4	5	
Value of resource materials	1	2	3	4	5	
Ease of use of software if CBT	1	2	3	4	5	n/a
Delivery Method:						
Satisfied with my learning experience	1	2	3	4	5	
Course provided interactivity with instructor	1	2	3	4	5	
Course provided interactivity with other students	1	2	3	4	5	
Program met my needs	1	2	3	4	5	
Degree of problems with self paced instruction	1	2	3	4	5	
If this course utilized any technologies, such as the Internet or TV, please rate your satisfaction with the technologies.	1	2	3	4	5	n/a

How was the orientation session accomplished?

If this was a pre or post license course, were you given either state exam information or original licensing information in the orientation session?

Who answered your questions regarding course content?

Were they able to sufficiently help you? If not, please explain.

What suggestions do you have to improve this program?

Signed: _____Date: _____

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SAMPLE