REGISTRATION OF REAL ESTATE CONTINUING EDUCATION PROVIDERS

Instructions and Application

- A Continuing Education Provider shall be responsible for the development and administration of the course offerings including certification of instructors. An application shall be made to the Real Estate Commission ("Commission") **at least 45 days prior to the day of the first anticipated course offering.**

- The Continuing Education Provider shall have on file a signed Statement of Ethical Teaching Practices for each instructor who teaches for that provider, and shall certify that each instructor meets the Commission's requirements.

- Provider registration expires and must be renewed prior to the end of each even-numbered year. Failure to reregister will result in forfeiture of the provider registration. **The reregistration deadline is November 30 of each even-numbered year.**

- Review Hawaii Administrative Rules, Chapter 99, SUBCHAPTER 9 CONTINUING EDUCATION (attached). Continuing Education ("CE") providers must comply with **all** rules as outlined in this chapter.

- The Continuing Education Provider's owner or administrator is responsible for reporting and disclosing all investigations, judgments and penalties as required by Chapter 436B, Hawaii Revised Statutes ("HRS").

- 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 PROVIDER SHALL ADVERTISE, SCHEDULE CLASSES, ACCEPT APPLICATIONS OR TUITION FEES FROM PROSPECTIVE STUDENTS, OR HOLD CLASSES.

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

Instructions for "Yes" Answers on Section 10 of the Application for Continuing Education Provider Registration

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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.

Continuing Education Provider Registration
Schedule of Fees

Initial provider registration

Attach two (2) separate payments:

1.	Application fee (nonrefundable)	$150
2.	Compliance Resolution Fund (if registration to take effect in odd-numbered year)	$90
	OR	
	Compliance Resolution Fund (if registration to take effect in even-numbered year)	$45

Note: Compliance Resolution Fund refundable if registration denied.

ATTACH TWO CHECKS FOR THE AMOUNTS PAYABLE TO "COMMERCE AND CONSUMER AFFAIRS"

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:	Registration No.:
Cashier's Validation:	

APPLICATION FOR CONTINUING EDUCATION PROVIDER REGISTRATION

1.	**Provider's (School) Name (including registered trade name, if any), Business Address and Phone Number:**
2.	**School Administrator's Name, Business Address and Phone Number:** **Email:**
3.	**School Administrator's Residence Address:**
4.	**Classroom Location(s):**

5. List of courses to be offered, if known:

_____

_____

_____

_____

For Cashier's Use ONLY			
	App	$150	905
	CRF	$90/$45	583
	Serv Fee	$25.00	BCF

6. **Submit the following documents:**

a. Signed "Certification of Administrator of Continuing Educator Provider" form.

b. County certification or a statement signed by the Administrator that each classroom location complies:

( ) 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.

c. A Surety Bond in an amount based on the formula in Hawaii Administrative Rules ("HAR") §16-99-99(a)(7) 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 not acceptable.

d. School catalogue or brochure to include advertising content and media to be used.

e. Statement of School Policies and Student Disclosure Statement (see attachment) to include a copy of:

( ) Student Registration contract, or School/Student agreement giving right of cancellation within a specified time period
( ) Attendance record or other method of monitoring class attendance
( ) Policy for passing grade and for re-exams (if any) and issuance of completion certificate
( ) All textbooks and course materials owned by this provider, including course updates to materials
( ) Location of records and record keeping procedures for a minimum of 4 years

f. Signed "Consent" forms (included herein).

g. As applicable, submission of a Course Offering form and initial Course Certification application for each course to be scheduled. Initial Course Certification application must be submitted at least 45 days prior to scheduled first offering date. Subsequent Course Offering forms must be submitted to the Commission not less than 14 days before scheduled offering date.

7. **School Ownership.**

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

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 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 "**Corporation**" documents stated above.

Sole Proprietor: Name and mailing address: _____

_____

LLC: a. List names and mailing addresses of each member:

_____

_____

_____

b. Submit a "Certificate of Good Standing" issued by the Business Registration Division - see "**Corporation**" stated above.

LLP: a. Name and mailing addresses of each partner:

_____

_____

_____

b. Submit a "Certificate of Good Standing" issued by the Business Registration Division - see "**Corporation**" stated above.

8. Have owner(s) ever applied for/held/been granted a certification/registration/license for teaching or instruction in this state or any other state? Yes _____ No _____

If "YES", provide name of institution/state, effective dates, and a copy of the certificate/registration/license: _____

_____

9. List the **name, real estate license number, and license status** of all owners, administrators, employees or general partners who hold a Hawaii real estate license:

Name	Real Estate License Number	License Status

10. CIRCLE ANSWERS TO ALL QUESTIONS AND EXPLAIN ALL "YES" RESPONSES ON A SEPARATE SHEET.

Questions refer to the applicant (i.e., individual or entity) **and** to the administrator of the provider:

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 that 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 10 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:

1) Each instructor that teaches for the Provider meets the Real Estate Commission's requirements and that the Provider has on file a signed Statement of Ethical Teaching Practices for each instructor who teaches for the Provider.
2) 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 misstatements of fact shall constitute grounds for refusal or subsequent revocation of registration.

_____	_____
Signature of Administrator	Signature of Officer/Member/Partner/Sole Proprietor
_____	_____
Print Name	Print Name
_____	_____
Date	Date

CERTIFICATION OF ADMINISTRATOR OF CONTINUING EDUCATION PROVIDER

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

I shall be held responsible for the following:

a. Complying with the Real Estate Commission's ("Commission") rules relating to continuing education providers.

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

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

d. Advertising by the provider.

e. Directing and supervising the staff and instructors of the provider.

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

g. Ensuring that each instructor that teaches for the provider meets the Real Estate Commission's requirements.

h. Maintaining on file a signed Statement of Ethical Teaching Practices for each instructor who teaches for the provider.

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 administrator is confirmed by the owner of the provider or an authorized agent of the provider.

_____
Administrator's Signature

_____
Date

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

_____
Print Name

_____
Date

COURSE OFFERING

This form is to be submitted to the Real Estate Commission by the Provider for each class to be offered at least **14 days before** the date of the class. **(45 days before 1st offering of a new elective course)**

Provider: _____

Provider Code: _____

Course: _____

Classroom Location:

_____

_____

_____

Date of Class: _____ Time: _____

Instructor: _____ Instructor Code: _____

Classroom maximum capacity: _____ Anticipated enrollment: _____

Fee to be charged: _____

Describe the method of presentation for the course:

_____

_____

_____

Indicate the total course time, including time for breaks and any required examinations:

_____

Certification of Administrator:

I hereby certify that the above-named instructor meets the Real Estate Commission's requirements as a continuing education instructor, and that the Provider has on file a signed Statement of Ethical Teaching Practices for that instructor.

_____
Administrator's Signature

_____
Date

Course No.:
p/c:
initials:

STATEMENT OF ETHICAL TEACHING PRACTICES

Continuing Education Instructor

I, _____, as a continuing 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, "command knowledge of" as defined in §16-99-104(f), Hawaii Administrative Rules, Real Estate Brokers and Salespersons;

2. Taking all reasonable steps to update the continuing 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 continuing 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 a course exam where one is given;

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. Taking necessary steps to ensure that the Real Estate Commission receives all anticipated material changes to the course objectives, curriculum, materials and information thirty days prior to the anticipated change; except changes reflecting new federal and state legislation and administrative agency rules;

14. Refraining from active solicitation and advertising for, during any scheduled continuing 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; and

15. Performing diligently all other duties and responsibilities required of a continuing 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 continuing 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 the continuing education provider’s registration.

As the administrator of the continuing education provider named above, I acknowledge and agree that my omission of, intentional or negligent conduct and acts which aid and abet the continuing 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 continuing education provider's registration.

Instructor's Signature	Administrator's Signature
Print Name	Continuing Education Provider
Date	Date

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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