

NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF REAL ESTATE

1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.01 Acceptable Forms of Payment

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: June 18, 1999. Revised and renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Describes the methods of payment accepted by the Department.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 32-2125.01, 32-2129, 32-2130, 32-2186, 32-2194.02, 32-2195.02, 32-2196, 32-2197.05 and 32-2198.09.

5. A statement as to whether the substantive policy statement is a new statement or a revision

This is a revision.

6. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

Name: Cindy Wilkinson
Address: Arizona Department of Real Estate
2910 N. 44th Street, Suite 100
Phoenix, AZ 85018
Telephone: (602) 468-1414, Ext. 135

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

A copy of the substantive policy statement may be downloaded from the Department's Web site (<http://www.re.state.az.us>), or it may be obtained from the Department for a fee of .25¢ per page copying charge.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF REAL ESTATE

1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.02 Attendance Requirements for Credit and Enforcement

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: June 18, 1999. Revised and renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Describes when a licensee is entitled to credit for a class.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 32-2135 and Title 4, Chapter 28, Article 4 of the Arizona Administrative Code.

5. A statement as to whether the substantive policy statement is a new statement or a revision

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1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.03 Disclosure of Licensee's Home Address

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: June 18, 1999. Revised and renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Describes circumstances under which a licensee's home address must be disclosed.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 32-2123 and 32-3801.

5. A statement as to whether the substantive policy statement is a new statement or a revision

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF REAL ESTATE

1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.04 Categories for Continuing Education Course Approval

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: May 2, 2000. Revised and renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Provides a description and examples of topics that are included for continuing education credit within the various categories.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

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A.R.S. § 32-2135 and A.A.C. R4-28-402 (A) and R4-28-404 (B)

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1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.05 Unlicensed Assistants

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: June 18, 1999. Revised and renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Clarification of tasks that can be delegated to an unlicensed assistant.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 32-2101(46), 32-2122, and 32-2121.

5. A statement as to whether the substantive policy statement is a new statement or a revision

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1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.06 Access to Arizona Real Estate Law Book on the World Wide Web

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: December 6, 1999. Renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Availability of real estate laws and rules on Department's Web page via the Internet.

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4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 32-2107.

5. A statement as to whether the substantive policy statement is a new statement or a revision

This is renumbered only.

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DEPARTMENT OF REAL ESTATE

1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.07 Electronic Recordkeeping

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: August 15, 2000. Revised and renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Conditions under which brokers may keep required records electronically.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 32-2107, 32-2151(B)(2), 32-2151.01(A), 32-2151.01(H), 32-2175(A), 32-2175(B) and 32-2194.06(A) and (B), 32-2194.03(E), 32-2108(A), 32-2175(H) and 32-2194.06(B).

5. A statement as to whether the substantive policy statement is a new statement or a revision

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DEPARTMENT OF REAL ESTATE

1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.08 Unlawful License Activity

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: September 16, 1999. Revised and renumbered: May 28, 2004.

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3. Summary of the contents of the substantive policy statement:

Describes the Department's policy concerning persons who conduct activities requiring licensure when the person is not properly licensed to the broker or who does not hold a current and active license.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 32-2130.

5. A statement as to whether the substantive policy statement is a new statement or a revision

This is a revision.

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DEPARTMENT OF REAL ESTATE

1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.09 Department Investigation of Cases Involving Civil Litigation

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: June 18, 1999. Revised and renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Investigation of complaints and pursuit of civil remedies.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 32-2108.

5. A statement as to whether the substantive policy statement is a new statement or a revision

This is a revision.

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NOTICE OF SUBSTANTIVE POLICY STATEMENT

DEPARTMENT OF REAL ESTATE

1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.10 Payment of Commission to Salesperson after License Expiration or Transfer of Employment

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the

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issuance date:

Issued: June 18, 1999. Revised and renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Department's position concerning commission payment to licensee after the licensee has changed employers or the license has expired.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 32-2155.

5. A statement as to whether the substantive policy statement is a new statement or a revision

This is a revision.

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DEPARTMENT OF REAL ESTATE

1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.11 Non-commercial Requests to Inspect Records and Fees for Copies

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: June 18, 1999. Revised and renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Availability of Department records and estimated time for production.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 39-121.03, 12-2234, 41-1740, 42 USC § 405 (c)(2)(C)(viii)(I); Rule 408, Arizona Rules of Evidence, and *Scottsdale Unified School District v. KPNX*, 191, Ariz. 297, 955 P.2d 534 (1998).

5. A statement as to whether the substantive policy statement is a new statement or a revision

This is a revision.

6. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

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DEPARTMENT OF REAL ESTATE

1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive

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policy statement is referenced:

No. 2004.12 Contract Writing Continuing Education Course Taken Before Licensure

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: June 18, 1999. Revised and renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Expresses the Department's policy of accepting for renewal credit a new licensee's attendance at the Contract Writing class that is required of new real estate salespersons even though it may have been taken before the effective date of the person's original license.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. §§ 32-2107 and 32-2124(L).

5. A statement as to whether the substantive policy statement is a new statement or a revision

This is a revision.

6. The name and address of the person to whom questions and comments about the substantive policy statement may be directed:

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1. Subject of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

No. 2004.13 Agent Responsibility to Client

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issued: June 18, 1999. Revised and renumbered: May 28, 2004.

3. Summary of the contents of the substantive policy statement:

Department's opinion on duties of a licensee acting as an agent.

4. The federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 32-2153(A)(3) and (22) and R4-28-1101(A) through (K).

5. A statement as to whether the substantive policy statement is a new statement or a revision

This is a revision.

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