

## **CHAPTER 70-02-04 CONTINUING EDUCATION**

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### **70-02-04-01. Continuing education defined.**

As used in this chapter, continuing education, unless the context otherwise requires, means accredited educational experience derived from participation in approved lectures, seminars, distance education, and correspondence courses in areas related to real estate, which has been approved by the commission, to maintain and improve the professional skills and upgrade the standard of all real estate licensees.

The commission considers courses in the following areas to be acceptable, but not limited to, when considering approval:

1. Real estate ethics;
2. Legislative issues that influence real estate practice;
3. The administration of licensing provisions of real estate law and the rules, including compliance and regulatory practices;
4. Real estate financing, including mortgages and other financing techniques;
5. Real estate market measurement and evaluation, including site evaluations, market data, and feasibility studies;
6. Real estate brokerage administration, including office management, trust accounts, and employee contracts;
7. Real property management, including leasing agreements, accounting procedures, and management contracts;

8. Real property exchange;
9. Land use planning and zoning;
10. Real estate securities and syndication;
11. Estate building and portfolio management;
12. Accounting and taxation as applied to real property;
13. Land development;
14. Real estate appraising;
15. Real estate marketing procedures;
16. Marketing business opportunities;
17. Business courses which relate to the practice of real estate;
18. Agency representation; and
19. Contracts.

**History:** Effective August 1, 1981; amended effective May 1, 1986; January 1, 2006.

**General Authority:** NDCC 28-32-02, 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-02. Hours required.**

To qualify for the renewal of a real estate license, each broker or salesperson must complete nine hours of continuing education in approved courses every continuing education period. The continuing education period is twelve months preceding the renewal application deadline date. The commission may require that a portion or all of the continuing education hours must be in one or more specific areas. Such areas may include the following:

1. Fair housing and antitrust.
2. Environmental issues.
3. License law and ethics.
4. Agency law and principles.
5. Contracts.

**History:** Effective August 1, 1981; amended effective January 1, 1992; October 1, 1993; December 1, 1999; July 1, 2010; October 1, 2015.

**General Authority:** NDCC 28-32-02, 43-23-08(6)

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-03. Hour defined.**

An hour of continuing education means a clock-hour. A clock-hour may be a fifty-minute hour.

**History:** Effective August 1, 1981.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-04. Exceptions and extensions.**

The commission may make exceptions and grant extensions for continuing education as follows:

1. For reasons of health, military service, or other good cause if adequate proof is provided to the commission; and
2. A nonresident licensee may be exempted from the continuing education requirements if the licensee meets the real estate licensing requirements in the state of the licensee's residence.

**History:** Effective August 1, 1981.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-05. Nonqualifying courses.**

The following course offerings will not be considered as qualifying for continuing education purposes:

1. "Cram courses" for examinations.
2. Offerings in mechanical office and business skills such as typing, speed reading, memory improvement, language, and report writing.
3. Sales promotion or other meetings held in conjunction with the general business of the attendee or the attendee's employer.
4. Time devoted to breakfast, luncheons, or dinners.
5. Any course certified by the use of a challenge examination. All students must complete the required number of classroom hours in order to receive certification.

The listing of the above offerings does not limit the commission's authority to disapprove any application which fails to meet the standards for course approval.

**History:** Effective August 1, 1981; amended effective January 1, 1992; October 1, 1993; December 1, 1999; January 1, 2006.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-06. Criteria for course approval.**

The commission may approve any course, seminar, conference, correspondence course, or equivalent that is provided by the commission, a public or private school, organization, association, person, corporation, society, or similar organization. The commission, when acting on an application for approval of a course offering, will consider, but not be limited to, the following criteria:

1. Course offerings will be eligible for approval only if the total instruction time of the offering is two hours or more.
2. A school shall certify to the best of its knowledge the attendance of each student at the offering. The school's criteria for measuring attendance shall be submitted in the application for course approval on a form prescribed by the commission.
3. The school shall maintain, for a minimum of three years, records of students successfully completing any course offering.

4. Credit will be earned on the basis of attendance, or in the case of correspondence courses, completion of the course.
5. Each course of study shall have a coordinator or administrator supervising the program. The coordinator shall be qualified, either through previous education or experience, to administer a real estate course of study, to evaluate course content and instructors, and to analyze examinations.
6. All instructors in a real estate course of study shall file with the commission credentials showing the necessary specialized preparation, training, and experience to ensure competent instruction. Approval of each instructor will be on an individual basis, and approval must be obtained from the commission prior to the instructor's lecture in an approved course of study. Instructors, lecturers, seminar leaders, and others who present a continuing education requirement course offering must meet at least one of the following qualifications:
  - a. A bachelor's degree in the field in which the person is to teach.
  - b. A valid teaching credential or certificate from North Dakota or another state authorizing the holder to teach in the field of instruction being offered.
  - c. Five years' full-time experience in a profession, trade, or technical occupation in the applicable field.
  - d. Any combination of at least five years of full-time applicable field and college level education.

**History:** Effective August 1, 1981; amended effective October 1, 1993.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

#### **70-02-04-07. Application for approval of course offerings.**

A school shall apply for approval of course offerings on a form prescribed by the commission. The application form shall include, but not be limited to, the following information and enclosures:

1. The name, address, and telephone number of the school.
2. The title of the course offering.
3. A complete description or copies of all materials to be distributed to the participants.
4. The date and exact location of each presentation of the course offering.
5. The duration and time of course offering.
6. A comprehensive, detailed outline of the subject matter together with the time sequence of each segment, faculty for each segment, and teaching technique used in each segment.
7. A sample of any proposed advertising used for promotional purposes.
8. The method of evaluation of the program.
9. The procedure for measuring attendance.
10. A description of the faculty, including name, professional background, and practical or teaching experience. A complete resume may be furnished.

**History:** Effective August 1, 1981.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-08. Filing deadline for course approvals.**

Application for course approvals must be filed thirty days preceding the proposed public offering.

**History:** Effective August 1, 1981.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-09. Application for post course approval.**

A school may seek approval of a course subsequent to a course offering by submitting all information requested on the commission's application forms.

**History:** Effective August 1, 1981.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-10. Material change.**

The school's coordinator or instructor of each approved real estate offering shall promptly notify the commission of any material changes contained in the application for approval or attached exhibits. Changes shall be deemed acceptable to the commission if no action has been taken after fourteen days from the date received by the commission.

**History:** Effective August 1, 1981.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-11. Suspension, revocation, or denial of course approval.**

The commission may deny, suspend, or revoke approval of a real estate course offering, coordinator, or instructor if it is determined that it is not in compliance with the statute or rules and regulations. If disciplinary action is taken a written order of suspension, revocation, or denial of approval will be issued.

**History:** Effective August 1, 1981.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-12. Correspondence programs.**

The amount of credit to be allowed for correspondence programs shall be recommended by the program sponsor based upon the average completion time calculated by the sponsor after it has conducted "field tests". Although the program sponsor must make recommendations concerning the number of credit hours that should be granted, the number of credit hours that will be granted shall be determined by the commission.

**History:** Effective August 1, 1981; amended effective January 1, 1992; January 1, 2006.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-13. Substantively identical offerings.**

Courses may not be taken for continuing education more than once during any continuing education period, unless material has been significantly changed, or updated, or both.

**History:** Effective August 1, 1981; amended effective December 1, 1999; July 1, 2010.

**General Authority:** NDCC 28-32-02, 43-23-08(6)

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-14. Maximum hours of accreditation per day.**

The commission will allow a maximum of eight hours of accreditation per day for prelicensing, postlicensing, and continuing education.

**History:** Effective August 1, 1981; amended effective October 1, 2015.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-15. Exemptions from continuing education requirement.**

Any salesperson applicant, upon successful completion of the required postlicensing education requirement, evidence of which has been furnished to the commission by the salesperson applicant's broker, is exempt from the continuing education requirement for only the continuing education period during which the salesperson applicant successfully completed the postlicensing education. Any broker applicant, upon successful completion of the real estate licensing examination is exempt from the continuing education requirement for only the continuing education period during which the broker applicant successfully completed said examination.

**History:** Effective August 1, 1981; amended effective January 1, 1992; December 1, 1999; January 1, 2006; July 1, 2010.

**General Authority:** NDCC 28-32-02, 43-23-08(6)

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-16. Service as a lecturer, discussion leader, or speaker.**

For those persons who serve as a lecturer, discussion leader, or speaker regarding a real estate continuing education program, the commission will grant one-hour credit for every hour of service as an instructor or speaker. Requests for credit must be accompanied by an outline of the instruction, discussion, or speech. No credit shall be given for the teaching of a course which is the same or substantially the same as one taught for credit within the same continuing education period. The maximum credit given for service as a lecturer, discussion leader, or speaker will not exceed fifty percent of the continuing education requirement for any continuing education period.

**History:** Effective August 1, 1981; amended effective December 1, 1999; July 1, 2010.

**General Authority:** NDCC 28-32-02, 43-23-08(6)

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-17. Responsibilities of program sponsors.**

In addition to other responsibilities imposed on program sponsors, they must comply with the following:

1. Disclose to prospective participants the prerequisites, course content, and number of continuing education hours in the program.
2. Selection and review of instructors. The program sponsor or coordinator has the obligation for selecting and assigning qualified instructors for the continuing education program. Sponsors are required to evaluate the performance of the instructors at the conclusion of each program to determine their suitability for continuing to serve as instructors in the future.

**History:** Effective August 1, 1981.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-18. Facilities.**

Each course offering shall have classrooms, facilities, and personnel necessary to implement the offerings adequately.

**History:** Effective August 1, 1981.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-19. Certificate of accreditation.**

A certificate of accreditation shall be granted for each course of study approved by the commission. This certificate shall remain valid for a two-year period at which time the course will be reviewed and, if approved, will continue valid for the next two-year period unless suspended or revoked.

**History:** Effective August 1, 1981; amended effective December 1, 1999.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-20. Inspections.**

By applying for the commission's approval of any course in real estate, the sponsor or coordinator agrees to permit periodic inspections and monitoring by the commission or its authorized representative for the purpose of evaluating facilities, course content, instructor performance, or any other relevant aspect of the administration and conduct of such course.

**History:** Effective August 1, 1981.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-21. Continuing education certificate of attendance.**

All schools, seminars, and workshops shall provide an individual certificate of attendance to each licensee upon completion of the educational program or training session under the following conditions:

1. No certificate of attendance shall be issued to a licensee who is absent for more than ten percent of the classroom hours.
2. The certificate shall contain information as to the licensee's name, course title, date, location of course, number of approved credit hours, and signature of course sponsor or instructor.
3. The licensee shall retain the attendance certificate. The responsibility for recordkeeping will remain with the licensee.
4. The North Dakota real estate commission shall not be required to maintain a list of licensees and their completed courses of education.

**History:** Effective August 1, 1981; amended effective December 1, 1999; January 1, 2006.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-22. Distance education courses must be approved.**

Courses of study offered in a distance education format must be approved by the real estate commission and certified by the association of real estate license law officials. A student must complete the distance education course within one year of the date of enrollment.

**History:** Effective December 1, 1999.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2

**70-02-04-23. Model rule for distance education.**

Distance education is defined as courses in which instruction does not take place in a traditional classroom setting but rather through other media if the teacher and student are separated by distance and sometimes by time.

1. A distance education course shall be approved if the real estate commission determines to its satisfaction that:
  - a. The distance education course serves to protect the public by contributing to the maintenance and improvement of the quality of real estate services provided by real estate licensees to the public;
  - b. An appropriate and complete application has been filed and approved by the real estate commission;
  - c. The information specified in the guidelines for distance education as adopted by the real estate commission has been submitted and approved; and
  - d. The distance education course meets the content and all other requirements prescribed in North Dakota Administrative Code chapter 70-02-02 for prelicensing education required by subsection 4 of North Dakota Century Code section 43-23-08 or the requirements prescribed in North Dakota Administrative Code chapter 70-02-04 for continuing education required by North Dakota Century Code section 43-23-08.2.
2. Courses which are presently ARELLO-certified will be approved under this rule upon provision of appropriate documentation that the ARELLO certification is in effect and that the course meets the content requirements of the rules and statutes listed in subsection 1 and any other requirements of the real estate commission. Approval under this subsection will cease immediately should ARELLO certification be discontinued for any reason.

**History:** Effective May 1, 2000.

**General Authority:** NDCC 43-23-08.2

**Law Implemented:** NDCC 43-23-08.2