

**Important Notice for all Real Estate Continuing Education Providers regarding the
2022-2023 Continuing Education Required Module Course**

Minnesota 2022-2023 Required Module

As part of the continuing education that is due each license year, all real estate brokers and salespersons must complete specific module training course(s) that cover topics in real estate that are significant and of current interest in the real estate market and profession. Brokers also have the additional requirement to complete a module specifically designed to address issues relevant to brokers. The Department of Commerce must publicize an outline of the topics covered by the module(s) and the number of credit hours by April 1 each year. Modules may be offered by any real estate continuing education provider approved by the Department of Commerce who has received approval for the course(s). Here are additional details:


- The Department of Commerce, in consultation with a statewide real estate trade association and a statewide private continuing education provider, determines the specific topics covered by the modules each license year and the number of credit hours allocated to each module.
- The 2022-2023 module requirement totals 3.75 hours. The course must be completed by all real estate salespersons and brokers alike. An outline of topics covered by the module (the course matrix) is part of each special general module course application, both of which are available on the Department of Commerce website <http://mn.gov/commerce/>.

The topic for this 2022-2023 module course is: **Practical Application to Inclusive Representation**

This 3.75-hour module will also satisfy the broker module training requirement as required in §82.61(i) for 2022-2023 (in other words, there will be no separate broker module course for 2022-2023). **Completion of this course will also satisfy the 1 hour of Fair Housing and 1 hour of Agency Law as required in §82.61.(c):(1) (2).**

- To get credit for the general module, the student must pass an examination taken at the end of the course (as part of the approved credit hours). The exam must not be allocated credit of more than one-sixth of the time allocated to the module. The examination will consist of 20 multiple-choice and true/false questions randomly selected from a pool of at least 50 that will be provided to you by the Department of Commerce. The passing score is 14 or more correct. The examination questions were written by subject matter experts in consultation with the Department of Commerce. When the course is offered in a traditional classroom, the examination must be administered either on paper or via computer. When the course is offered as distance learning, the examination must follow Minn. Stat. §45.306.
- A student must be allowed to remain as long as reasonably necessary to complete the test.
- After your module course application has been approved, the Department of Commerce will send you the examination question pool. You must ensure that the questions that will appear on the test form are randomly selected each time you offer the examination. You may not disclose the questions or answers to anyone other than a test administrator or other person who reasonably may need to view them to assist you with test administration (such as a clerical employee charged with physically entering the questions into a test form or database).
- The law requires the course provider to prepare, administer, score, and pay any costs related to the tests.
- A course provider may contract with a third party for scoring of the test.
- This course is part of the 15 hours of continuing education that are due each year, not in addition to them.
- *Please note that commercial-only salespersons and brokers are exempt from these module requirements and must apply for the commercial-only waiver when the broker submits verification of this between May and June 30th each year on Pulse Portal at www.pulseportal.com. Additional information can be found at <http://mn.gov/commerce/>.*
- It is likely that some licensees will not take a required module course before the deadline at the end of the license year. This will cause their licenses to become inactive. Licensees in these circumstances who wish to reactivate their licenses will be required to complete the most recent past license year's module course(s).

(NOTE: This page does NOT need to be sent in as part of the application submission.)

 <p style="text-align: center;">85 7th Place East, Suite 280, Saint Paul, MN 55101 PHONE: 651-539-1500 mn.gov/commerce</p>	<p style="text-align: center;"><u>DOC OFFICE USE ONLY</u></p> <p> <input type="checkbox"/> APPROVED <input type="checkbox"/> DENIED <input type="checkbox"/> RETURNED </p> <p>Reviewed By: _____ Date _____</p> <p> <input type="checkbox"/> CLASSROOM – Taught LIVE (Includes Concurrent LIVE Simulcast WEBINAR) <input type="checkbox"/> Distance Learning – (NOT Live) - Interactive Internet OR Self Study <input checked="" type="checkbox"/> SALESPERSON & BROKER – YEAR DUE 7/1/22-6/30/23 </p> <p>Number of required credits approved _____ 3.75 _____</p>
(Please Note: A current, correctly completed application with all required attachments and fee must be submitted at least 30 days before the initial proposed course date.)	Course Number: _____ Date Approved: _____

Important Note: (Case Study #4: Name Bias) page 9 is Amended from the original posted outline on 4.1.22.

REAL ESTATE CONTINUING EDUCATION COURSE APPROVAL APPLICATION

Course Title: 7/1/22-6/30/23 SALESPERSON & BROKER REQUIRED MODULE

Practical Application to Inclusive Representation

Initial Proposed Date(s) of Course: _____

PROVIDER/COORDINATOR INFORMATION NOTE A completed Minnesota provider application & fee must also be included with this course application <i>if provider is not already Minnesota approved</i>			
Provider Name (In Full – Do not abbreviate)			MN Provider ID # (If approved)
Provider Address:			
City:		State:	Zip:
Provider Phone Number: ()	Provider Fax: ()	Provider Toll-Free: ()	
Coordinator Name:			
Coordinator Direct Business Telephone: ()		(REQUIRED) Coordinator Direct Business Email:	
Federal Employer Identification Number (FEIN):			
Provider Website			
<u>APPLICATION FEE</u> (Only check or money order accepted)		License Type: REAL ESTATE	
New Course: \$10 per hour <u>or a fraction of an hour.</u> (Example: 1.5Hrs = \$20)		# of Hours Requested: <u>3.75</u>	
Total Fee Submitted: _____ \$40.00 _____		Check Number: _____	

Make sure that you are submitting the most current revision of this application located at www.commerce.state.mn.us. Outdated submissions will be returned without review. Requirements are based on Minn. Stat. Chapter 45 and Minn. Stat. Chapter 82

METHOD OF INSTRUCTION

Choose **ONLY ONE** method of instruction (**Live or On-Demand**) per application and fee.

<input type="checkbox"/> LIVE	<p>Live course. "Live course" means any learning experience that is actively led by an instructor, either online or in a classroom setting, that offers person-to-person, real-time feedback.</p> <p>This category includes standard classroom courses and courses taught live that are concurrently simulcast to remote locations or individual students online.</p>
<input type="checkbox"/> ON-DEMAND	<p>On-demand course. "On-demand course" means a learning experience that enables a student to review learning material at time and location that is convenient for the student.</p> <p>This category includes asynchronous online courses, text-based courses, and other courses not offered live that include prerecorded videos, class recordings, documents, or other learning activities.</p>

(See page 5 regarding Required MODULE course Exams.)

Provide the following information. **SEE NEXT TWO PAGES for important notes.**

LIVE— STANDARD CLASSROOM	<input type="checkbox"/> Detailed explanation of attendance verification Does the course include an examination? No <input type="checkbox"/> Yes <input type="checkbox"/> If YES, attach a detailed explanation regarding exam presentation
LIVE— SIMULCAST TO REMOTE LOCATIONS OR INDIVIDUAL STUDENTS ONLINE	<input type="checkbox"/> Link to course, login, & password [if available] <input type="checkbox"/> Detailed explanation of the process used to authenticate the student's identity and the technology to guarantee seat time A Few Examples: <ul style="list-style-type: none"> • Provider verifies the identity and license number of all students • Multiple Random Polling Questions per course hour • Each student be required to log in to the webinar using a distinct username, password, and/or email • Provider representative, using computer-based attendance-monitoring technology, monitors 100% attendance throughout the course Will proctors be used? No <input type="checkbox"/> Yes <input type="checkbox"/> If YES, attach a detailed explanation of their use and verification Example: Group settings where a provider representative monitors students not individually logged in using a distinct username, password, and/or email. Does the course include an examination? No <input type="checkbox"/> Yes <input type="checkbox"/> If YES, attach a detailed explanation regarding exam presentation
ON-DEMAND	<input type="checkbox"/> Detailed explanation of the method of instruction/presentation Is any portion of this course online? No <input type="checkbox"/> Yes <input type="checkbox"/> If YES, attach a detailed explanation of the process used to authenticate the student's identity and the technology to guarantee seat time <input type="checkbox"/> Link to course, login, & password (<i>required</i>) Will proctors be used? No <input type="checkbox"/> Yes <input type="checkbox"/> If YES, attach a detailed explanation of their use and verification (<i>required for non-interactive courses</i>) Does the course include the (<i>required</i>) final examination? No <input type="checkbox"/> Yes <input type="checkbox"/> Attach a detailed explanation regarding exam presentation Will proctors be used? No <input type="checkbox"/> Yes <input type="checkbox"/> If YES, attach a detailed explanation of their use and verification (<i>required for non-interactive courses</i>)

NOTES REGARDING METHOD OF INSTRUCTION

Live courses offered online. A live course offered online must:

- (1) specify the minimum system requirements;
- (2) provide encryption that ensures that all personal information, including the student's name, address, and credit card number, cannot be read as it passes across the Internet;
- (3) include technology to guarantee seat time;
- (4) include the ability for the student to get technical support within a reasonable amount of time;
- (5) include a statement that the student's information will not be sold or distributed to any third party without the prior written consent of the student. Taking the course does not constitute consent; and
- (6) include a process to authenticate the student's identity.

On-demand courses offered online. An on-demand continuing education course offered online must:

- (1) specify the minimum system requirements;
- (2) provide encryption that ensures that all personal information, including the student's name, address, and credit card number, cannot be read as it passes across the Internet;
- (3) include technology to guarantee seat time;
- (4) include a high level of interactivity;
- (5) include graphics that reinforce the content;
- (6) include the ability for the student to contact an instructor within a reasonable amount of time;
- (7) include the ability for the student to get technical support within a reasonable amount of time;
- (8) include a statement that the student's information will not be sold or distributed to any third party without prior written consent of the student. Taking the course does not constitute consent;
- (9) be available 24 hours a day, seven days a week, excluding minimal down time for updating and administration;
- (10) provide viewing access to the online course at all times to the commissioner, excluding minimal down time for updating and administration;
- (11) include a process to authenticate the student's identity;
- (12) inform the student and the commissioner how long after its purchase a course will be accessible;
- (13) inform the student that license education credit will not be awarded for taking the course after it loses its status as an approved course;
- (14) provide clear instructions on how to navigate through the course;
- (15) provide automatic bookmarking at any point in the course;
- (16) provide questions after each unit or chapter that must be answered before the student can proceed to the next unit or chapter;
- (17) include a reinforcement response when a quiz question is answered correctly;
- (18) include a response when a quiz question is answered incorrectly;
- (19) include a final examination;
- (20) allow the student to go back and review any unit at any time, except during the final examination;
- (21) provide a course evaluation at the end of the course. At a minimum, the evaluation must ask the student to report any difficulties caused by the online education delivery method; and
- (22) provide a completion certificate when the course and exam have been completed and the provider has verified the completion. Electronic certificates are sufficient.

Final examination. The final examination must be either an encrypted online examination or a paper examination that is monitored by a proctor who certifies that the student took the examination. The student must not be allowed to review the course content once the examination has begun.

PROCTORS

A proctor is a person who (1) verifies a student's identity, and (2) processes an affidavit testifying that the student received no outside assistance with the course or examination.

A proctor must be 18 years of age or older and must not have a financial or other conflict of interest with respect to a student's successful completion of the course or the examination.

A proctor must not be:

- a relative of the student;
- the student's supervisor at work;
- a person the student supervises at work; or
- a student who is completing the same course.

Broker & Salesperson Module EXAM Information:

- After your module course application has been approved, the Department of Commerce will send you the examination question pool of at least 50 questions. You must ensure that the 20 questions that will appear on each exam form are randomly selected each time you offer the examination. You may not disclose the questions or answers to anyone other than an exam administrator or other person who reasonably may need to view them to assist you with exam administration (such as a clerical employee charged with physically entering the questions into an exam form or database).
- The law requires the course provider to prepare, administer, score, and pay any costs related to the exam.
- A course provider may contract with a third party for scoring of the exam.
- Passing score for this Broker & Salesperson module course is 70% or 14 correct answers.
- A student must be allowed to remain as long as reasonably necessary to complete the test.

IF COURSE APPROVAL IS GRANTED YOUR APPROVAL LETTER WILL INCLUDE THE FOLLOWING IMPORTANT NOTICE

IMPORTANT NOTICE: A copy of the Exam will be sent to you separately within the next ten business days. Your providership is allowed 30 days from receipt of the Exam to make changes to the course content as needed to better instruct the licensees and match up with the exam questions. Any changes to your original course must be clearly marked and everything resubmitted to our office for additional review before the 30 days are up. The course may NOT be offered for credit to licensees before a final approval is received from our office. If no revisions are needed your providership may proceed with course offerings once you have received the exam.

Course Credit Reporting Requirements

45.43 REPORTING REQUIREMENTS.

Subdivision 1. **Course completions.** Required education must be reported in a manner prescribed by the commissioner within ten days of the course completion.

Subd. 2. **Violations and penalties.**

(a) Each failure to report an individual licensee's course completion in the manner prescribed by subdivision 1 constitutes a separate violation.

(b) The commissioner may impose a civil penalty not to exceed \$500 per violation upon an education provider that violates subdivision 1.

(This Module Satisfies the 1-Hour Fair Housing, 1-Hour of Agency Law, and the 1-Hour Broker Module Requirement)

Objectives: Upon completion of this course students will be able to:

- Apply objectives learned in the prior 2021-2022 Required module to everyday representation
- Understand the importance of promoting equitable homeownership
- Identify best practices in submitting and receiving offers to avoid discrimination
- Properly respond to common questions asked by clients and customers
- Use inclusive language in advertising and communication
- Identify communication pitfalls

3.75 hours (160 min Course Topic w/35 min Exam, + 30 min breaks = Total 225 Min)

7/1/22-6/30/23 SALESPERSON & BROKER REQUIRED MODULE

Practical Application to Inclusive Representation

REQUIRED Core Matrix Outline

Notice Regarding the Core Matrix Outline

The following material outlines the required topics that Education Providers must include when establishing their course. **ALL TOPICS MUST BE COVERED as shown in outline below.** While the module itself, the required topics in the core matrix outline, and the exam, were ultimately approved by the MN Dept. of Commerce, the development was delegated in part, as allowed by Minn. Statute Chapter 82.61 (i), to a statewide real estate trade association and a statewide private continuing education provider. This training course content, if effectively delivered, will enable real estate agents to gain a basic understanding of the required topic. All methods of instruction require verifiable passage of an end of course closed book exam

(This is a (2) Two Page Outline & Case Studies Follow)

Provider Name:	Provider #
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REQUIRED COURSE NAME			
<u>7/1/22-6/30/23 SALESPERSON & BROKER REQUIRED MODULE</u>			
<u>Practical Application to Inclusive Representation</u>			
Mandatory Curriculum for this MODULE <u>ALL TOPICS MUST BE COVERED as shown in outline below</u>	Required Time – Min per Topic	Total per Section	MATERIAL X-Ref (textbook) Page #'s
I. WELCOME AND COURSE OBJECTIVES		5 Min	
II. Access to Homeownership (20 minutes)		20 Min	
A. Real estate and social responsibility: See a definition HERE (5)	5		
B. Promoting homeownership: Learn more HERE (5)	5		
i. Minnesota Homeownership Center			
ii. Minnesota Housing Finance Agency			
C. Affordable Homeownership			
i. Down payment and closing costs assistance (5)	5		
ii. Affordable loans: non-interest-bearing financing ; low & no MI loans)(5)	5		
III. Agency (20 minutes)		20 Min	
A. How agency is created and terminated (5)	5		
i. Types of Agency (5)	5		
ii. Agency Disclosure MN Statute 82.67 (10)	10		
BREAK	10	10 min	
IV. Fiduciary Duties and Seller Representation (40 minutes)		40 Min	
A. Fiduciary Duties (15 minutes)	15		
i. Obedience: (case study #1 & #2)			
ii. Loyalty: Client comes first – Representing w/o bias			
iii. Disclosure			
iv. Confidentiality			
v. Reasonable Care			
B. Listing Representation Agreement Sec. 82.55 (10)	10		

C. Listing Properties (15)	15		
i. Clear cooperation Policy- NAR policy 8-0 (case study #3)			
ii. inclusive language in advertising: word choice in advertising			
BREAK	10	10 min	
V. Receiving offers (30 minutes)		30 Min	
A. Discriminatory considerations			
i. Name bias (case study #4) (5)	5		
ii. Loan discrimination (case study #5)	10		
a. FHA & VA loans/Down payment assistance			
iii. multiple offers	15		
iv. multiple offers (case study #6)			
VI. Buyer Relationship and Representation (15 minutes)		15 Min	
A. Buyer Representation Agreement - MN Statutes 82.66 (5)	5		
B. Homebuyer demographics- Race and Homebuying (NAR report) (10)	10		
BREAK	10	10 Min	
VII. Showing homes and Making Offers (30)		30 Min	
A. Steering: Neighborhood selections (5)	5		
i. Providing crime and school data (10) (case study #7)	10		
B. Making offers			
i. Buyer letters (10) (case study #8)	10		
ii. Appraisal Gaps/Clause (5)	5		
VIII. EXAMINATION		35 Min	
3.75 hours (160 min Course Topic w/35 min Exam, + 30 min breaks = Total 225 Min)			
Examination: Course will include its own 20-question examination, chosen from an associated bank of <u>at least</u> 50 questions. The 70% passing score for the examination will be 14 correct answers. A student must be allowed to remain as long as reasonably necessary to complete the test. The official examination will be sent to the provider by the Commerce Department after the course is approved.			
3.75 Total Hours Required		225 Min	

(Case Studies to Follow Next 3 Pages)

2022-2023 MN Required Module Case Studies

Case Study #1: Fiduciary Duty of Obedience

According to Jewish law, driving a motorized vehicle is prohibited on Shabbat, which is observed from sundown Friday until Saturday night. Real Estate agent Mai is representing a Jewish client who requests that she finds them a house within walking distance of their synagogue in order to remain compliant with Jewish law. Real estate agent Mai declines to comply with this request because she thinks she may be in danger of performing religious discrimination. The client is upset with Agent Mai and reminds her that she has a fiduciary duty to obey their requests and by not fulfilling this request she is not truly performing the fiduciary duty to serve the client's interest. They, in turn, claim that Mai is the one who is discriminating.

Explicit forms of discrimination against a protected class is wrong if they limit the buyer's ability to buy a house. But fulfilling a buyers request to either associate with or not associate with a protected class is also wrong. According to the law there is no different between these types of discrimination. To be ethical, an agent must show the buyer a variety of houses that meet the rest of the buyer's criteria, whether the buyer's discriminatory criteria conflicts with the fiduciary duty of obedience or not. The agent may have houses on the list that the client does not like, but in order to obey the law and avoid discrimination, the agent has to show the list of these homes to the client.

Case Study #2: NAR Code of Ethics 10-5, Hate Speech

When searching real estate listings on a brokerage website, a potential homebuyer noticed a listing with the Confederate flag prominently displayed in the property photos. She filed an ethics complaint against the listing broker alleging a violation of Article 10, as interpreted by Standard of Practice 10-3 and Standard of Practice 10-5, at the local Association of REALTORS®. The complainant argued in her complaint that the Confederate flag is a symbol of racial exclusion and that the listing broker's display of the photos conveyed a preference and discrimination based on race. The local Association's Grievance Committee reviewed the complaint and forwarded it for a hearing. At the hearing, the complainant testified that she felt threatened by the display of the Confederate flag and took it to mean that she would not be welcome in the home or the neighborhood if she were to make an offer on the property. The listing broker testified that he should not be held responsible for what is displayed in a client's home and could not offer an explanation for his client's motives in displaying the Confederate flag.

The Hearing Panel concluded that the listing broker is indeed responsible for content he displays publicly when engaging in real estate brokerage. The Hearing Panel also discussed whether the display of the flag indicated an illegal preference or discrimination. Using the standard of whether a "reasonable person" would think display of the Confederate flag conveyed a discriminatory preference, the Hearing Panel determined that the listing broker's inclusion, intentional or not, of photos including the Confederate flag could be reasonably construed as indicating a racial preference or illegal discrimination based on a protected class, and therefore was a violation of Article 10, as interpreted by Standard of Practice 10-3 and Standard of Practice 10-5.

Case Study #3: Clear Cooperation Policy

Real Estate agent Boyd has taken a listing and noted in the MLS that no showings will be available on the property until Friday, when the sellers plan to go on an extended vacation. On Thursday, the sellers inform you that they have left a day early and have already vacated the house. Agent Jones in your office had previously told you that they may have a potential buyer who would be interested in the property, so you contact Agent Jones to let them know that they can now show their client the house this afternoon, a day before it is noted on the MLS that it would be open for showings.

Agent Boyd has violated the Realtor Code of Ethics and the clear cooperation policy. real estate agents are obligated under the Realtor Code of Ethics to cooperate with other brokers, unless it's not in their client's best interest. By allowing another agent in his office to show the home a day before publicly stating it would be available to see, Agent Boyd has misrepresented the availability of access to the property and has gone against their obligation to share information about the property and make it available to other brokers.

Case Study #4: Name Bias --- *Amended Version:*

Important: (Case Study #4: Name Bias) has been Amended from the original posted outline on 4.1.22.

Real Estate agent Traci has listed a house and received multiple offers on the property. Upon reviewing the first page of the offers, the sellers noticed that the name on the most attractive offer was "Ebony". The sellers asked their real estate agent whether Ms. Ebony Jones was "Black". Assuming that she was, the seller further advised the agent that they would not sell their property to an African American and refused to accept the offer. In response, agent Traci informed the sellers that she could not continue discussions with them, and immediately reported the conversation to her broker. Agent Traci subsequently withdrew the listing upon the seller's request and ceased all further communication with them.

The agent's decisive and prompt actions in response to the client's fair housing violations were appropriate and helped shield the agent from liability in the lawsuit. Real estate agents who find themselves in a similar situation where a client violates the fair housing laws should be sure to follow these best practices.

- Remind clients of their obligations under the Fair Housing Act, and of your policy not to discriminate.
- Discontinue representation of any client who has made a statement or taken an action in violation of fair housing laws.
- Report the situation to your broker.
- Document the situation in writing, including what actions you took in response to your client's violations.
- If you are unsure whether a client's actions violate fair housing laws, consult with an attorney.

Case Study #5: Loan discrimination

A listing agent is representing a seller and multiple offers have been received. The listing agent advises the clients to select the best offer based on terms of the offer. The listing agent goes on to point out that one of the offers is an FHA loan and cautions the seller on accepting such financing. The listing agent explains that buyers using this type of financing may be less qualified and these types of loans tend to have more stringent requirements and if they want to sell their home with as little frustration as possible it would be best to select an offer with conventional financing.

There is nothing inherently wrong with an FHA loan. In fact, these loans are quite popular and are a great option for many home buyers. The decision to turn down an offer simply because the loan is FHA is a decision that may be based on negative assumptions about the borrower, insecurities about the property or a lack of knowledge on this type of loan. There is nothing illegal about discouraging buyers from accepting offers with certain financing, but doing so may unjustly eliminate a lot of qualified buyers.

Case Study #6: Multiple Offers

Agent A calls Agent B regarding a property that Agent A has listed, which currently has an accepted offer — with contingencies. Agent A wants to know what the status is on offers and contingencies, and Agent B curtly reply, "I'm not at liberty to discuss and it is illegal to share the terms of an offer anyways."

Agent B just committed an ethics code violation. Article 3 of the Realtor Code of Ethics states: "Realtors shall cooperate with other brokers except when cooperation is not in the client's best interest. The obligation to cooperate does not include the obligation to share commissions, fees, or to otherwise compensate another broker." And according to Standard of Practice 3-6, you're required to disclose the existence of accepted offers, including those with unresolved contingencies. As such, you're obligated to disclose if an offer has been expected and what the current status is. Additionally, MN Statute Sec. 82.71 Subd. 2 states that a licensee shall not disclose the terms of an offer to another prospective buyer or the licensee representing or assisting the buyer *prior to the presentation of the offer to the seller*. The agent CAN; however, discuss the terms of the offer once it has been presented to the seller.

Case Study #7: Providing Crime and School Data

Real estate agent Terry has received a referral from agent Joseph in another state. Agent Joseph has friends that are moving to town and has told the clients that Real estate agent Terry is an expert in the city they are moving into. Terry meets with the clients and begins showing them homes. Because they are unfamiliar with the city, they occasionally ask Terry about the safety of the neighborhoods and want to know the crime rates to help them make their homebuying decision. To assist the with this, Agent Terry generates crime reports with a variety of crime statistics on every neighborhood in the city and provide them to the new clients.

Agent Terry has committed an ethics code and fair housing violation. Engaging in practices that might potentially sway a buyer toward wanting to live in one neighborhood versus is considered steering under the Fair Housing Act and the National Association of Realtors (NAR) ethics guidelines. To avoid steering, Agent Terry can suggest listings to clients based on a home's objective features or price point and refer clients to research third parties if they have questions about things like schools, crime or demographics of a neighborhood.

Case Study #8: Buyer love letters

Agent Casey has listed a home and has received multiple offers. One of the offers is accompanied by a buyers love letter. The sellers personally connect with the letter because the buyer has revealed that they have two children the same age apart as the seller's and they are members of the same faith. Because the seller personally envisions their family growing up in the home they accept their offer. Later, a competing buyer learns that the seller accepted the offer of the other buyer because they had a family and shared the same religion.

This is a fair housing violation. When buyers give away personal details in buyer love letters that might sway sellers, it exposes the seller and the listing agent to liability in a fair housing lawsuit. Licensees should speak with their sellers about not accepting these kinds of letters because of their potential for liability. Of course, if letters only discuss the merits of the house buyers are hoping to win, that may be acceptable, but agents will not likely know the content of a love letter in advance.

SYLLABUS FOR STUDENTS

If you will not be distributing a textbook containing all of the details below, you must complete this page (or attach your own Syllabus containing all of the information below) before your application can be processed. **Syllabus must be distributed to all students, along with a copy of the detailed, timed course outline.**

Provider Name & Number: _____

Course title: **7/1/22-6/30/23 SALESPERSON & BROKER REQUIRED MODULE**
Practical Application to Inclusive Representation

Dates and times of course offerings: (if date/time unknown write TBD)

DATE & TIME	LOCATION

Required: Name and address or telephone number or direct email address of Course Coordinator and ALL Course Instructors (add pages as needed).

	Name	Address or Phone Number or Direct Email
Coordinator		
Instructor		
Instructor		
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Instructor		

When distributing this syllabus to students, you MUST attach a copy of the detailed, timed course outline.

REAL ESTATE CONTINUING EDUCATION INSTRUCTOR

QUALIFICATIONS AND CONTACT INFORMATION PAGE

(Please Print or Type – Writing Must Be Legible)

Copy and attach additional pages as needed; one for every continuing education course instructor.

MANDATORY: Attach a detailed Bio / Resume to this completed form showing dates of experience.

Instructor Full Legal Name:	
Date of Birth:	
Business Address:	
City, State, Zip:	
Phone Number:	Business Email Address:
Do you currently hold, or have you held, any Real Estate license in any state, including MN? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, attach list of license number, state, and status.	
Resident Real Estate License #	& Name of Resident State
All Non-Resident Real Estate License #(s)	& Name of Non-Resident State(s)
Do you currently hold or have you ever held any other type of occupational / professional license in any state, including MN? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, attach list of license type, number, state, and status.	
Has instructor applicant ever had any occupational / professional license in any state including Minnesota that has been suspended, revoked, or terminated, or been the subject of inquiry or investigation? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, attach documentation and detailed explanation signed & dated by instructor.	
Has instructor applicant ever been convicted of a felony or gross misdemeanor, or been a defendant in any lawsuit involving claims of fraud, misrepresentation, conversion, mismanagement of funds, breach of fiduciary duty or breach of contract? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, attach documentation and detailed explanation signed & dated by instructor.	
WHO is considered an instructor?	
Classroom: Any individual speaking to licensees during a course is considered an instructor.	
Distance Learning Interactive Internet (only for the purposes of this section) include:	
<ul style="list-style-type: none">➤ any individual used as a contact for students to answer questions regarding a course is considered an instructor.➤ any author of an internet course is considered an instructor.➤ Any presenters via video or other media	
<hr/>	
Mandatory Qualifications (Please check at least one below)	
Minn. Stat. Chapter 45.32. Subd.2. Qualified Continuing Education instructors must have one of the following qualifications.	
<input type="checkbox"/> a four-year degree in any area plus two years practical experience in the subject area being taught;	
<input type="checkbox"/> five years of practical experience in the subject area being taught; or	
<input type="checkbox"/> a college or graduate degree in the subject area being taught.	

APPLICATION COORDINATOR CERTIFICATION AND SIGNATURE

As an approved education coordinator:

I certify that all the information submitted in this application is true and complete, and that this document has not been altered in any manner from the form adopted by the MN Department of Commerce.

Title of Course:
<u>7/1/22-6/30/23 SALESPERSON & BROKER REQUIRED MODULE</u> <u>Practical Application to Inclusive Representation</u>

I certify that I have either applied for provider/coordinator approval in conjunction with this course application submission, or I am already an approved MN Coordinator/Provider for this Providership; that I am responsible for compliance with all MN education laws and regulations found in Minn. Statute Chapter 45 and Minn. Statute Chapter 82. Furthermore, I accept responsibility for instructor conduct and their compliance with course content. I declare that the information provided for the above named course on the attached education course approval application, the core matrix outline content, and all the attachments are true and correct, and that I have answered each question fully and truthfully and without any purpose of evasion or mental reservation.

Printed name of Coordinator: _____
(Mandatory)

Signature of Coordinator: _____ Submission Date: _____
(Signature & Date are Mandatory)

Full Printed name of Provider: _____ Provider #: _____
(Mandatory) (Mandatory)

Appendix A - REQUIRED ATTACHMENTS - Appendix A

The application will be processed in a timely manner, assuming it is a complete application. If your application does not include all of the mandatory items listed below, it will be considered deficient, will be returned to you, and we will be unable to process the application until it is completed. *In most cases, a deficient application will result in your course not being approved before the first offering date.* Therefore, it is in your best interest to initially submit a complete application.

A. Course Materials

1. Detailed Course Outline – timed in 15 minute increments or less (See Matrix Outline) (If multiple Instructors, identify section of outline for each Instructor).
2. Attach an in-depth explanation of your (1) Method of Instruction/Presentation, (2) Exam Presentation & the (3) Use & Verification of Proctors
3. All instructional Material for Instructors – overheads, PowerPoint, etc. (if used, you must attach them, if none are used, put it in writing)
4. All instructional Material for Students – textbooks, notebooks, guides, documents, brochures, any handouts, etc. If textbooks are not used, you must hand out a Syllabus to each student in the class. Textbooks must contain the same detailed information as the Syllabus. Please see Syllabus page for guidelines.
5. **Examination & Answer Key** – Please Note: **SPECIAL REQUIREMENT for Real Estate Module Courses:**
 - a. **A closed book end of course exam is required for all instruction methods including “Classroom”. However, Providers do not create this Exam.**
 - b. **A copy of the required MN Dept. of Commerce approved Exam will be sent to Providers upon course approval.**

B. Provider Policies

1. **Regarding Instructor Qualifications:** Attach statement that ALL instructors meet or exceed the instructor requirements as stated in Minn. Statute Chapter 45.32.

Read Minn. Law Chapter 45.32 *before submitting your application.*

Classroom: Any individual speaking to licensees during your course is considered an instructor.

Distance Learning: Any individual speaking at a “live” distance learning course is considered an instructor.

Interactive Internet: For the purposes of this section **any author** of an internet course is considered an instructor.

Distance Learning & Interactive Internet: For the purposes of this section **any** individual used as a contact for students to answer questions regarding a course is considered an instructor.

ALL Methods: Any individual speaking via a VIDEO or other pre-recorded method as part of the course is considered an instructor.

2. Attendance:

- How do you verify attendance throughout the course for Classroom &/or Webinar? How do you physically monitor the students? Include a description.
- How do you verify attendance throughout the course for Distance Learning? Certification is required. What type of certification method do you use? Include a description.

3. **Cancellation & Refund** – Attach a copy of your required course cancellation and refund procedures. *Note:* If no fees are charged attach details as to who pays the fee.

C. Assorted Attachments - Attach copy of:

1. Internet Address, Login & Password for any Distance Learning course.
2. Students’ Course and Instructor Evaluation Form (Required)
3. ALL Course Instructors’ Resumes or Bios (Note: See above regarding Instructors.)
4. Course Schedule
5. Proposed Advertising – if there is no advertising, you must state that.

(NOTE: This page does NOT need to be sent in as part of the application submission.)

Minnesota Basic Requirements Regarding Proctors and Electronic Signatures

➤ **Acceptable Proctors and Proctor Forms for Exams and/or Courses:**

Minnesota Proctor Requirements are as follows:

PROCTORS

A proctor is a person who (1) verifies a student's identity, and (2) processes an affidavit testifying that the student received no outside assistance with the course or examination.

A proctor must be 18 years of age or older and must not have a financial or other conflict of interest with respect to a student's successful completion of the course or the examination.

A proctor must not be:

- a relative of the student;
- the student's supervisor at work;
- a person the student supervises at work; or
- a student who is completing the same course.

➤ **In Response to Questions Regarding the Use of Electronic Signatures:**

Electronic signatures are allowed to be used on license education application forms per 325L.07 (below).

325L.07 LEGAL RECOGNITION OF ELECTRONIC RECORDS, ELECTRONIC SIGNATURES, AND ELECTRONIC CONTRACTS.

(a) A record or signature may not be denied legal effect or enforceability solely because it is in electronic form.

(b) A contract may not be denied legal effect or enforceability solely because an electronic record was used in its formation.

(c) If a law requires a record to be in writing, an electronic record satisfies the law.

(d) If a law requires a signature, an electronic signature satisfies the law.

CE Course &/or Exam Proctor Affidavit

Student / Licensee Name and Certification

(Please Print or Type – Writing Must Be Legible)

Course# _____

Title of Course & Exam:

7/1/22-6/30/23 SALESPERSON & BROKER REQUIRED MODULE - Practical Application to Inclusive Representation

Date & Time of Course & Exam Completion _____

Company & Address where course &/or exam was completed _____

City _____ State _____ Zip Code _____

Student’s Full Legal Name, License Number, & DOB

(Please Print or Type – Writing Must Be Legible)

(Name) (License #) (Date of Birth)

Business Address _____

City _____ State _____ Zip Code _____

Mailing Address (if different than above) _____

City _____ State _____ Zip Code _____

Daytime Phone _____ E-mail _____

I certify that I personally completed the above-named course &/or exam **without outside assistance of any kind.**

Student Signature _____ Date (____/____/____)
(Must match course &/or exam)

Proctor Name and Certification

Proctor’s Full Legal Name

(Please Print or Type – Writing Must Be Legible)

Note any relationship to the student. _____

I certify that I am a disinterested third party **with no conflict of interest.** I verified the identity of the student listed above on this form (i.e. valid photo ID), and I ensured that:

- the course was completed in its entirety and that I physically monitored the student throughout the entire course process.
- the exam was completed without outside assistance of any kind (i.e. human, study material, notes, computer, cell phone, etc.), and that I physically monitored the student throughout the entire exam process.

Proctor Signature _____ Date (____/____/____)
(Must match course &/or exam)

Employer & Job Title _____

Business Address _____

City _____ State _____ Zip Code _____

Business/Daytime Phone _____ E-mail _____
(Rev 6.16.20) (Please Print or Type – Writing Must Be Legible)

Student / Licensee Name and Certification Page

TO BE ATTACHED TO

CE Course &/or Exam Proctor Affidavit

(Please Print or Type – Writing Must Be Legible)

(Use this **two-page** form only when there are **multiple** students in one location.)

Notice: One of these forms must be completed & signed by each student. The completed form **MUST be attached to the multiple student Proctor Affidavit form** completed by the Proctor. Both completed forms must be kept on file by the Education Provider for 3 years from the date of course completion.

Course# _____ Title of Course & Exam:
7/1/22-6/30/23 SALESPERSON & BROKER REQUIRED MODULE - Practical Application to Inclusive Representation

Date & Time of Course & Exam Completion _____

Company & Address where course &/or exam was completed _____

City _____ State _____ Zip Code _____

Student's Full Legal Name, License Number, & DOB (Please Print or Type – Writing Must Be Legible)

(Name) (License #) (Date of Birth)

Business Address _____

City _____ State _____ Zip Code _____

Mailing Address (if different than above) _____

City _____ State _____ Zip Code _____

Daytime Phone _____ E-mail _____

I certify that I personally completed the above-named course &/or exam **without outside assistance of any kind.**

Student Signature _____ Date (____/____/____)
(Must match date of course &/or exam & Proctor form)

(Please Print or Type – Writing Must Be Legible)

CE Course &/or Exam Proctors (Multiple Student) Affidavit Form

(Please Print or Type – Writing Must Be Legible)

(Use only when there are **multiple** students in one location.)

Notice: This form must be completed & signed by the qualifying Proctor. This completed form **MUST be attached to a completed student Affidavit form** for each student listed below. (Up to 24 student forms per Proctor form.) All completed forms must be kept on file by the Education Provider for 3 years from the date of course completion.

Course# _____

Title of Course & Exam: _____

7/1/22-6/30/23 SALESPERSON & BROKER REQUIRED MODULE - Practical Application to Inclusive Representation

Date & Time of Course & Exam Completion _____

Company & Address where course &/or exam was completed _____

City _____ State _____ Zip Code _____

Student’s Full Legal Name & License Number – (One Per Box) (Please Print or Type – Writing Must Be Legible)

1	13
2	14
3	15
4	16
5	17
6	18
7	19
8	20
9	21
10	22
11	23
12	24

Proctor Name and Certification

Proctor’s Full Legal Name _____

(Please Print or Type – Writing Must Be Legible)

Note any relationship to any student on above list. _____

I certify that I am a disinterested third party **with no conflict of interest**. I verified the identity of each and every student listed above on this form (or attached on additional pages) (i.e. valid photo ID), and I ensured that:

- the **course** was completed in its entirety and that I physically monitored each and every student throughout the entire **course** process.
- the **exam** was completed without outside assistance of any kind (i.e. human, study material, notes, computer, cell phone, etc.), and that I physically monitored the student throughout the entire **exam** process.

Proctor Signature _____ Date (____/____/____)

(Must match date of course &/or exam & Students form)

Employer & Job Title _____

City _____ State _____ Zip Code _____

Business/Daytime Phone _____ E-mail _____

Minnesota General Webinar Guidelines

Please note that when we use the term (webinar), we mean Internet-Synchronous, which is a virtual, webinar, Zoom type method of instruction.

Webinar Guidelines

1. These guidelines are intended to apply to courses conducted and viewed in real time (live) in all locations and are not intended to apply when courses have been recorded and are viewed at a later time or to other online courses.
2. Each student must be required to log in to the webinar using a distinct username, password, and/or email.

[Note: multiple students in one remote location, without an online individual process to authenticate student's identity and technology to guarantee seat time, requires proctor certifications. Two page proctor forms are located at the end of each course application or at <http://mn.gov/commerce-stat/pdfs/exam-proctor-affidavit.pdf>]
3. The provider must verify the identity and license number of all students.
4. A provider representative, using computer-based attendance-monitoring technology, must monitor 100% attendance throughout the course.
5. The provider must have a process to determine when a participant is inactive or not fully participating, such as when the screen is minimized, or the participant does not answer the polling questions and/or verification codes.
6. The provider must maintain an electronic roster to include records for each participant's log-in/log-out times. Chat history and polling responses must be captured as part of the electronic record.
7. *No less than two polling questions and/or attendance verification codes must be asked, with appropriate response provided, at unannounced intervals during each one-hour webinar session to determine participant attentiveness.
8. *When a student is deemed inactive or not fully participating in the course by the course monitor of failure to enter appropriate polling question response or verification codes, continuing education (CE) credit is denied.
9. Students in all locations must be able to interact in real time with the instructor. Students must be able to submit questions or comments at any point during the webinar session.
10. The course pace must be set by the instructor and does not allow for independent completion.
11. Instruction time is considered the amount of time devoted to the actual course instruction and does not include breaks, lunch, dinner or introductions of speakers.
12. One credit will be awarded for each 50 minutes of webinar/webcast instruction, and the minimum number of Continuing Education credits that will be awarded for webinar courses is one credit. **Note#1: Appraiser** Continuing Education courses cannot be less than **two**, 50-minute hours. **Note#2: Pre-License Education** courses cannot be less than the statutorily required number of 50-minute hours for each specific license type.
13. The provider must have a procedure that informs each student in advance of course participation requirements and consequences for failing to actively participate in the course.
14. An end of course exam is not required for *Continuing Education* if the course is live and meets the requirements in Minn.Statutes.Chap.45.25. Subd. 2a. (1), (2), and (3).
 - ▶ **However**, a closed-book, proctored, end of course exam is ALWAYS required for **Pre-License Education** regardless of the method of instruction.
15. Compliance with the procedures outlined above are subject to audit by the Commerce Department.

*Regarding #7 & #8 above: Minnesota, like the NAIC guidelines, requires at least 2 questions per one-hour of webinar. However, if the education provider asks more than 2 questions, *ALL questions must be responded to for a Minnesota licensee to receive any CE credit*. Otherwise students are not attending or paying attention throughout 100% of the course.

45.30 CONTINUING EDUCATION.

Subd. 4. Credit earned.

(a) Upon completion of approved courses, students must earn one hour of continuing education credit for each hour approved by the commissioner. Continuing education courses must be attended in their entirety in order to receive credit for the number of approved hours.

Additionally, Minnesota does not allow partial course credits. Courses must be attended in their entirety (including responding to all random poll questions) to obtain any credit.