



## Certification Page Regular and Emergency Rules

Revised September 2016

**Emergency Rules** *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

**Regular Rules**

### 1. General Information

a. Agency/Board Name <b>Wyoming Real Estate Commission</b>		
b. Agency/Board Address <b>2617 E. Lincolnway, Suite H</b>	c. City <b>Cheyenne</b>	d. Zip Code <b>82002</b>
e. Name of Agency Liaison <b>Nicole Novotny Smith</b>		f. Agency Liaison Telephone Number <b>307-777-7141</b>
g. Agency Liaison Email Address <b>nicole.novotnysmith@wyo.gov</b>		h. Adoption Date <b>February 20, 2018</b>
i. Program <b>Real Estate Commission</b>		

**2. Legislative Enactment** For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No.  Yes. Please provide the Enrolled Act Numbers and Years Enacted:

### 3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.

*(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)*

Chapter Number:	Chapter Name:	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>Chapter 1</b>	<b>General Provisions and Licensing</b>	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>Chapter 2</b>	<b>Fees</b>	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>Chapter 3</b>	<b>Forms</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>Chapter 4</b>	<b>Renewals - Education</b>	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>Chapter 5</b>	<b>Brokers' Trust Accounts</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>Chapter 6</b>	<b>Regulatory Enforcement Grounds</b>	<input checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>Chapter 7</b>	<b>Errors and Omissions Insurance</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>Chapter 8</b>	<b>Application Review, Complaints, and Hearing Procedures</b>	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were:

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General: **December 11, 2017**

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the **emergency** which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

**5. Final Filing of Rules**

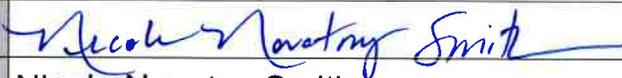
a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: **February 22, 2018**

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office: **February 22, 2018**

c.  The Statement of Reasons is attached to this certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Nicole Novotny Smith
Signatory Title	Executive Director
Date of Signature	February 22, 2018

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

**STATEMENT OF REASONS**  
**Real Estate Commission**  
**Regular Rules Promulgation**  
**December 11, 2017**

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**Overview**

Statutory authority regulating the practice of Real Estate Responsible Brokers, Associate Brokers, and Salespersons is established by W.S. § 33-28-101 through 33-28-401. The following administrative rule changes are necessary for a few reasons. Primarily, these rules are impacted by the adoption of Senate Enrolled Act 0075, which went into effect July 1, 2017. A majority of these proposed changes are for the purpose of upholding and complying with changes adopted per Senate Enrolled Act 0075 and protecting the interests of the public. The adoption of Senate Enrolled Act 0075 allows licensed Responsible Brokers to now supervise up to three (3) licensed real estate companies. Allowing a Responsible Broker to now oversee up to three (3) separate companies requires that rules be modified for clarity and to ensure the Responsible Broker is aware of the Commission's expectations with regard to disclosure, trust accounting, and company record keeping.

Other changes to these rules simply correct grammar and punctuation, as well as better establish and explain agency procedures within administrative rule. These rules are formatted to properly meet the administrative rules on rules as established by the Wyoming Secretary of State. For many years, the Commission has had procedures for accepting, reviewing, and issuing real estate licenses and continuing education approvals, but these were never articulated in rule. In the interest of transparency, the Commission believes it in the best interest of the agency, licensees, and the public to have the expectations of the Commission addressed in administrative rules plainly.

Specific changes by chapter are as follows:

**Chapter 1 – General Provisions and Licensing**

1. The entire chapter is amended so that all references to “salesman” or “salesmen” are updated to read “salesperson” or “salespersons” with regard to licensing and pre-licensing education requirements as adopted into Wyoming law with Senate Enrolled Act 0075;
2. The entire chapter is amended to correctly address proper references to licenses with capitalization (i.e. “Responsible Broker”);
3. In Section 1, the agency’s address is updated to reflect a new location so that licensees and the public can access the agency (Chapter 1, Section 1(b));
4. Section 3 is comprehensively amended to clearly explain current practices, which include the items individuals must submit to the Commission in order to formally apply for a real estate license depending on their current state of licensure, or lack thereof, in another

- jurisdiction. This area of administrative rule is currently unclear and difficult to understand. In order to uphold the practices of the agency and best protect the public, it was decided to revise this section and make it very clear and easy to understand for applicants. No new requirements are added in this revision. (Chapter 1, Section 3(a), 3(a)(i) through 3(a)(ix); Chapter 1, Section 3(b), 3(b)(i) through 3(b)(x); Chapter 1, Section 3(c), 3(c)(i) through 3(c)(iv));
5. Section 4 is amended to change the term “original” to “initial,” since an individual licensed out-of-state would have an original license from the other jurisdiction and then be granted an initial Wyoming license in real estate. Amendments to this section also disclose and explain current practices regarding the Commission’s requirement of renewal during the initial year of licensure. No new requirements are added in this revision (Chapter 1, Section 4(k)(i) and Section 4(m));
  6. Section 5 is amended to better explain and reflect the Commission’s current practice and expectation that an individual licensee must be current on all continuing education in order to activate a license. No new requirements are added in this revision. (Chapter 1 Section 5(a) and Section 5(e)); and
  7. Section 6 is amended to explain current practices regarding the Commission’s requirements for real estate companies to be legally established and licensed. Amendments also explain how a company shall renew their license during the first year of issuance. No new requirements are added in this revision (Chapter 1, Section 6(c), 6(c)(v), and 6(d)).

## **Chapter 2 -- Fees**

1. This chapter is amended so that all references to “salesman” or “salesmen” are updated to read “salesperson” or “salespersons” and references to “business” have been changed to “company” as “Real Estate Company” is the formal license title;
2. In Section 1, the following fees are added or increased in this chapter:
  - a) The national fee for examination was increased by the examination provider by \$1, making the fee \$141 instead of \$140 (Chapter 2, Section 1(a));
  - b) The fee for changing a company address was increased by \$5 per license for consistency and to support increased staff time in reviewing and re-issuing licenses when a real estate company address is changed (Chapter 2, Section 1(j));
  - c) A voluntary fee for an expedited application or transfer is added as the agency frequently receives requests for these services to be expedited by applicants (Chapter 2, Section 1(p));
3. Also in Section 1, fees for duplicate licenses and certified copies of licensing information are deleted as the Commission no longer desires to charge fees for these services (Chapter 2, Section 1(d) and 1(n)); and
4. Sections 2 and 3 are added to this Chapter, and reference is made in Section 1, to incorporate, by reference the public records fees schedule as adopted by the Wyoming

Department of Administration and Information (Chapter 2, Section 1(n), Section 2 and Section 3(a) through 3(b)).

### **Chapter 3 – Forms**

1. This chapter is amended throughout to properly title the license of “Responsible Broker,” (Chapter 3, Section 1(a), 1(b), 1(c) and 1(d)); and
2. This chapter is amended to correct previous punctuation errors (Chapter 3, Section 1(b)).

### **Chapter 4 – Renewals – Education**

1. This chapter is amended so that all references to “salesman” or “salesmen” are updated to read “salesperson” or “salespersons;”
2. Section 1 is amended to modify the license titles of Salesman, Associate Broker, and Responsible Broker, as well as to better explain that continuing education hours are applicable to all active licenses (Chapter 4, Section 1(b) and 1(c));
3. Section 3 is amended to update a chapter reference (Chapter 4, Section 3);
4. Section 4 is revised to add a new section on the renewal of a Real Estate Company license reflecting current practices administered by the agency in office procedure. No new requirements are added in this revision (Chapter 4, Section 4(a) through 4(f));
5. Section 5 is revised to add a new section to establish administrative rules for the consideration and approval of pre-licensing education courses and instructors. The consideration and approval of educators for pre-licensing courses are not currently addressed in administrative rules and the Commission believes it is time to formally add requirements into rule. These changes establish guidelines within the rules for the Commission to work with the Wyoming Department of Education in receiving and evaluating applications and proposals for the instruction of pre-licensing courses for real estate license applicants (Chapter 4, Section 5(a) through 5(f));
6. The original Section 4 is amended and renumbered as Section 6. This section includes a few minor changes to delete a rule reference that is not needed, clarify that required courses are subject to a one-time fee, and explain that required courses can only count once for required education credit within an active renewal cycle (Chapter 4, Section 6(b), 6(e), and 6(j)(i));
7. The original Section 5 is amended and renumbered as Section 7. This section includes an amendment to allow elective credit courses approval packets to be submitted to the Commission for consideration ten (10) days before the class is delivered instead of thirty (30) days which better meets industry needs at this time (Chapter 4, Section 7(a));
8. The original Section 6 is amended and renumbered as Section 8. This section includes changes to grammatically correct the term Responsible Broker to add capitalization (Chapter 4, Section 8(a) and 8(b));
9. The original Section 7 is amended and renumbered as Section 9. This section includes changes to grammatically correct the term Associate Broker to add capitalization (Chapter 4, Section 9(a) and 9(b)); and

10. Section 10 is added to the chapter to establish guidelines within administrative rule for awarding grants through the Commission's education fund to "Wyoming organizations, associations, institutions, and entities deemed qualified and eligible to provide quality elective education classes, seminars, and/or research for the Wyoming real estate industry." These rules fall within the Commission's authority as established in W.S. 33-28-206 and awarding grants will better serve the industry as organizations, institutions, and entities within Wyoming are already offering continuing education to real estate licensees in various formats and delivery methods. With these changes, the Commission can act as a sponsor of planned educational programs, saving valuable staff time and resources, rather than planning and executing educational programs from start to finish (Chapter 4, Section 10(a) through 10(d)).

#### **Chapter 5 – Broker's Trust Accounts**

1. This chapter is amended throughout to properly title the license of "Responsible Broker" (Chapter 5, Section 1 and Section 2);
2. Section 1 is amended to better explain that deposited funds must be placed in a trust account belonging to the real estate company holding a property listing. Prior to the adoption of Senate Enrolled Act 0075, a responsible broker could only manage one company, so it was implied that deposits would be made to that one account. Now that Responsible Brokers shall be allowed to manage more than one company, it is important that the Commission provide clarity on where deposits should be made per each real estate listing in order to best protect the public (Chapter 5, Section 1(e)(iv)); and
3. Section 1 is also amended to articulate that record systems shall be in place for every company managed by a responsible broker. Prior to the adoption of Senate Enrolled Act 0075, a responsible broker could only manage one company, so it was implied that record keeping would pertain only to that one account. Now that Responsible Brokers shall be allowed to manage more than one company, it is important that Responsible Brokers maintain a record keeping system for each company, not just one that covers all business across companies as that would endanger the public (Chapter 5, Section 1(e)(vi)).

#### **Chapter 6 – Regulatory Enforcement Grounds**

1. This chapter is amended throughout to properly title the license of "Responsible Broker" (Chapter 6, Section 1, 2, and 3));
2. Section 1 is amended to articulate that a Responsible Broker must disclose all names of the companies for which he is licensed as the amended law now allows a Responsible Broker to oversee more than one real estate company. This is not an enhanced regulations, but simply restates what is in law and makes the requirement grounds for regulatory enforcement (Chapter 6, Section 1(xix));
3. Section 1 is also amended to qualify falsification of documents and failure to establish agency or intermediary relationships as grounds for regulatory enforcement. These

- areas of regulation were not previously addressed in administrative rule and the Commission believes it should be added to best protect the public as falsification of documents is a serious offense and establishment of agency and intermediary relationships is necessary in writing even if individuals are represented as customers rather than clients. Both changes are drafted in the best interest of public protection and are added as they have been identified by the agency staff as gray areas in enforcement (Chapter 6, Section 1(xx) and 1(xxi));
4. Section 2 is amended to reflect the fact that a responsible broker may hold licenses for more than one real estate company and suspension or revocation extends to all real estate companies a responsible broker oversees. (Chapter 6, Section 2(a));
  5. Section 3 is amended to include reference to compensating currently licensed real estate persons to remove any potential doubt this section created regarding the propriety of such action. (Chapter 6, Section 3(b)). Section 3 is also amended to include the plural as well as the singular. (Chapter 6, Section 3(e)); and
  6. Section 4 is added and amended to provide both licensees and members of the public with clear guidelines for print and digital advertisement of real estate activity as prescribed by law. This addition adds clarity to the law and provides guidance on the Commission's expectations with regard to advertisements that involve groups or teams, a relatively new phenomenon in the real estate industry (Chapter 6, Section 4(a) and 4(b)).

#### **Chapter 7- Errors and Omissions Insurance**

1. A formal title has been added to Section 1 as it was previously missing;
2. As amended, the term "Broker" is clarified with the addition of the word "Responsible" in Section 4 (Chapter 7, Section 4(k)); and
3. Sections 10 through 14 are amended to be properly, consecutively renumbered (Chapter 4, Sections 10 through 14).

#### **Chapter 8- Application Review, Complaints and Hearing Procedures**

1. Section 3 is amended to correct a grammatical error (Chapter 8, Section 3(a));
2. Section 4 is added to clearly list the manner by which formal discipline shall be published in the agency's newsletter as is current practice by the agency (Chapter 8, Section 4(e)), and;
3. Section 7 of this chapter is amended to properly reference incorporated rules as adopted by the Office of Administrative Hearings (Chapter 8, Section 7(c)(i)).

#### **Contact Information:**

Questions regarding this Statement of Reasons regarding the Real Estate Commission's request to promulgate rules can be directed to the agency by phone at 307-777-7141 or sent in writing to [realestatecommission@wyo.gov](mailto:realestatecommission@wyo.gov)

## SUMMARY OF PUBLIC COMMENTS

Real Estate Commission  
Regular Rules Promulgation  
February 22, 2018

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### Summary

The Wyoming Real Estate Commission received one public comment regarding proposed changes to its Administrative Rules. This comment was written and submitted on February 1, 2018, by Mr. Steve Willoughby of Casper, Wyoming. In summary, Mr. Willoughby expressed the following thoughts and sentiments:

“I encourage the commission to delay the implementation and changes to Chapter 1 and 4, I have addressed in my comments, until standards for pre-license courses have been finalized.”

The Commission received a copy of these comments and formally considered them during an open, public meeting on February 20, 2018. The Commission voted to proceed in promulgating all chapters with no changes to the drafts that were circulated for public comment. A full copy of this public comment is attached to this summary.

February 1, 2018

Steve Willoughby  
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Casper, WY 82602  
307-234-8653  
[Steve@WilloughbySeminars.com](mailto:Steve@WilloughbySeminars.com)

Wyoming Real Estate Commission  
Proposed Rule Changes  
Public comment period January 2, 2018 to February 16, 2018

I would like to commend the Wyoming Real Estate Commission for addressing important issues in its proposal to amend the rules and regulations of the Commission. The proposal contains significant changes to pre-licensing education and I would like to express my opinion.

The commission has never had rules or regulations for pre-license education and I am excited that the proposal includes details for this type of education. However, the proposal is premature. It is essential that the commission develop concrete learning objectives and course goals for pre-license course 1, Wyoming law and course 2 education to insure the protection of the public. This should be done prior to the promulgation of the new rules.

Promulgating rules without a process for implementation invites confusion and possible abuses. Without specific guidance it would be difficult and possibly arbitrary for commission staff to determine if an application meets the objectives of the commission. Please consider **delaying** the implementation of the changes to Chapter 4 Renewals and Education, Section 5. Pre-Licensing Education Classes until curriculum is established.

I would also like to comment on proposed changes to Chapter 1, General Provisions and Licensing, Section 3. Qualification for a license Subsection (a)(vii) which deletes the sentence *Salesman course II may not be taken by correspondence or online* and Subsection (b)(viii) that deletes the sentence *Broker course II may not be taken by correspondence or online*. It is my opinion that these changes should also be **delayed**.

I recognize the desire to provide all pre-licensing classes in a distance education format. Historically, salesman and broker course 2 was intended to provide candidates with “practical applications”, focusing on the process of a real estate transaction specific to Wyoming. The commission has not developed core topics, learning objectives or outcomes for this course. I believe that for this course to have relevance for students and ultimately the public, specific outcomes must be mandated.

The addition of Chapter 4 Renewals and Education, Section 5. Pre-Licensing Education Classes subsection (a)(iii) attempts to address my concern by referring to “Pre-license class outlines submitted with applications shall follow the outlines of study established by the commission’s

recognized testing provider”. The “detailed content outline” provided by the commission’s recognized testing provider does not address the practical applications of a real estate transaction in Wyoming instead it focuses on general real estate principles. A pre-license candidate that lacks knowledge of the specifics for a Wyoming real estate transaction does not protect the public.

Currently, all continuing education for Wyoming real estate licensees delivered online must be approved by International Distance Education Certification Center (IDECC), the proposed rules do not include this requirement for pre-license education. This requirement should be included for pre-license. Please keep in mind IDECC does not approve core topics, learning objectives or outcomes. IDECC only certifies that the provider is delivering sound educational material and not content.

I would be happy to work with the commission to establish the necessary criteria to make pre-license courses 1 and 2 meaningful and ultimately protect the public.

I encourage the commission to delay the implementation and changes to Chapter 1 and 4, I have addressed in my comments, until standards for pre-license courses have been finalized.

**CHAPTER 1  
GENERAL PROVISIONS  
AND  
LICENSING**

**Section 1. Authority and Meetings.**

(a) Pursuant to the authority vested in the Wyoming Real Estate Commission (Commission) by virtue of W.S. 33-28-101 through 33-28-401 the following rules and regulations are hereby promulgated. All Commission governing rules and regulations may be found and viewed on the Commissions web site: <https://sites.google.com/a/wyo.gov/rec/real-estate-professionals/rules-and-regulations>.

(b) The Commission shall hold its annual meeting the third Thursday of September at the Commission Office located at 2617 East Lincolnway, Suite H, Cheyenne, WY 82002, at 9:00 AM (MST).

**Section 2. Professional and occupational licensure of military spouses.** The Commission shall use the guidelines in W.S. 33-1-116 in determining licensure of military spouses and military service members.

**Section 3. Qualification for a license.**

(a) Salesperson License applicants shall submit the following items to the Commission in one packet, excluding fingerprint cards, in advance of any expiration dates as issued. All items must be postmarked or time-stamped at the time of submission before any of the following items exceed expiration. A submission of all items by postmark or time-stamp constitutes a receipt of an application by the Commission:

- (i) Completed application form with appropriate fees;
- (ii) Fingerprint cards and payment for fingerprint processing as prescribed by the Wyoming Department of Criminal Investigation;
- (iii) Recent snapshot or photograph;
- (iv) Proof of legal presence and legal name in the United States;
- (v) A copy of a valid Commission-recognized examination score report(s) per Section 4 of this Chapter;

(A) If not presently, actively holding a real estate license in another jurisdiction, copies of a passing score report(s) for the national and state real estate examinations.

(B) If presently, actively holding a real estate license in another jurisdiction, a copy of a passing score report for the state real estate examination.

(vi) If a non-resident, Service of Process forms provided by the Commission;

(vii) Evidence of completing, within one year prior to the date of application, all necessary coursework as approved by the Commission.

(A) An original applicant for a license, not holding an active real estate license in another jurisdiction, shall be required to show proof of completion of the pre-license Salesperson Course I (state and national portions) and Salesperson Course II before applying for a real estate license.

(B) An applicant for a license that presently holds an active real estate license in another jurisdiction shall be required to show proof of completion of the pre-license Salesperson Course I (state portion only) and Salesperson Course II before applying for a real estate license.

(C) In lieu of actual clock hours of education for Salesperson Course I (state and national portions), an applicant may challenge an approved course by satisfactorily passing the approved course examination and submitting certification.

(viii) Proof of errors and omissions insurance as described in W.S. 33-28-401 and Chapter 7 of these Commission rules.

(b) Associate Broker applicants shall submit the following items to the Commission in one packet, excluding fingerprint cards, in advance of any expiration dates as issued. All items must be postmarked or time-stamped at the time of submission before any of the following items exceed expiration. A submission of all items by postmark or time-stamp constitutes a receipt of an application by the Commission:

(i) Evidence that they have been actively engaged in real estate activity as a licensed Salesperson, or equivalent credential in other licensing jurisdiction, for two (2) of the four (4) years immediately preceding the application or proof that they have a degree in real estate as defined in W.S. 33-28-102(b)(xiv);

(ii) Completed application form with appropriate fees;

(iii) Fingerprint cards and payment for fingerprint processing as prescribed by the Wyoming Department of Criminal Investigation;

(iv) Recent snapshot or photograph;

(v) Proof of legal presence and legal name in the United States;

(vi) If a nonresident, signed Service of Process forms provided by the Commission;

(vii) Proof of errors and omissions insurance as described in W.S. 33-28-401 and Chapter 7 of the Commission rules;

(viii) Evidence of completing, within one year prior to the date of application, all necessary coursework as approved by the Commission.

(A) An original applicant for a license shall be required to show proof of completion of the pre-license Broker Course I (state and national portions), Broker Course II before applying for a real estate license.

(B) An applicant for a license with a degree in real estate shall be required to show proof of completion of the pre-license Broker Course I (state and national portions) and Broker Course II before applying for a real estate license.

(C) An applicant for a license that presently holds an active real estate license in another jurisdiction shall be required to show proof of completion of the pre-license Broker Course I (state portion only) and Broker Course II.

(D) In lieu of actual clock hours of education for Broker Course I (state and national portions), an applicant may challenge an approved course by satisfactorily passing the approved course examination portions and submitting certification.

(ix) Valid Commission-recognized examination score report(s) per Section 4 of this Chapter;

(A) If not presently, actively holding a real estate license in another jurisdiction, copies of passing score reports for the national and state real estate broker examinations;

(B) If presently, actively holding a real estate license in another jurisdiction, a copy of a passing score report for the state real estate broker examination,

(x) Individuals with a bachelor's degree in real estate applying for a license as an Associate Broker shall also submit, with a completed application, official college transcripts per W.S. 33-28-102(b)(xiv).

(c) Responsible Broker License applicants shall:

(i) Meet all requirements for an Associate Broker's license;

(ii) Provide evidence they have been actively engaged in real estate activity as a Salesperson or Associate Broker, or equivalent credential in other licensing jurisdiction, for two (2) of the four (4) years immediately preceding the application;

(iii) Provide proof of Wyoming trust account(s) or funds holder agreement(s);

(iv) Submit proof of completion of a Commission approved broker management course taken no more than two (2) years prior to the application.

(d) An applicant who holds a prior felony conviction may be considered for certification twelve (12) months after all sentencing/parole/probation/requirements have been completed.

#### **Section 4. Registration and examination required; failure to pass.**

(a) Every person desiring to become licensed shall register for the appropriate examination on a form provided by the testing service.

(b) Registrants for an exam shall have reached the age of majority.

(c) Candidates for licensure must take a Commission approved examination and receive a passing score as determined by the Commission in partnership with its contracted testing service provider. The scoring method used shall be published prior to the administration of the examination.

(d) Any person who registers for the examination shall select a date for taking the examination. The selected date may be changed only by submitting another fee and registration or as allowed by the testing service.

(e) Failure to take the examination on the scheduled date will result in cancellation of the registration and no refund of the examination fee will be made.

(f) A notice to a registrant that he has received a passing score does not constitute a license to engage in real estate activity. Licenses are issued only pursuant to filing the appropriate application for a license, paying all required fees and Commission approval of such application.

(g) No application for a license will be accepted until the registrant has taken and passed all applicable portions of the examination.

(h) Any registrant who takes the examination and does not attain a passing score, on a portion, shall reregister and pay the appropriate fee if they wish to retake the failed portion. Registrants passing one portion of the examination are only required to retake the portion they failed; partial examinations shall be taken within six (6) months after registrant's last test failure date. Registrants required to take more than one portion

of the examination who do not pass all portions of the examination within six (6) months shall retake the entire examination.

(j) After official notification in writing from the testing service to the registrant that he has successfully passed all the appropriate portions examination, the registrant shall within ninety (90) days of the most recent notice date, file the appropriate application for a license with all the required accompaniments. Failure to file an application for a license and proof of required education within the ninety (90) day period will cancel the application and all scores will be terminated.

(k) The Commission, upon proper certification, will accept the uniform portion of the examination as having been successfully passed by any person seeking a license in Wyoming who received a like-license in the applicant's licensing jurisdiction, provided that such like-license is currently valid and in good standing.

(i) Certification shall state when the applicant received his initial license, the status of the license, and if there has been any disciplinary action taken against the licensee, and that the licensee has served actively for two (2) of the (4) years immediately preceding the application as a like-licensed real estate Salesperson or Associate Broker, and Responsible Broker.

(l) Initial licenses will be issued for the balance of the year in which they are obtained. All initial licenses will expire on December 31 of the year in which issued. In order to maintain the license, the license must be renewed on or before December 31, however, no continuing education hours are required for initial renewal. No prorating of license fees can be made by the Commission.

#### **Section 5. Transfers, inactive licenses.**

(a) Notice of transfer of license from the sponsorship of one Responsible-Broker to another shall be indicated on a transfer form provided by the Commission.

(b) When a real estate license has been returned to the Commission, the former licensee shall not perform any real estate activity.

(c) A licensee may request the Commission to hold his license for not more than thirty (30) days on a hold for transfer basis until proper request for reissue has been made, after which time the license will automatically become inactive. A licensee whose license is inactive or on hold for transfer shall not perform any real estate activity.

(d) A licensee whose license is held by the Commission on an inactive or hold for transfer basis during the renewal period shall apply for renewal of such inactive license and pay the regular fee.

(e) A licensee whose license is on inactive status may not engage in any real estate activity. A licensee may activate his license once all required and elective education is current.

### **Section 6. Real Estate Companies.**

(a) Real Estate Company Licenses will be issued to the Responsible Broker for a real estate company engaged in real estate activity upon verification by the Secretary of State of Wyoming that the real estate company is in good standing.

(b) The Responsible Broker shall be an officer, partner or manager, or hold an ownership interest in the real estate company.

(c) Submission of the following documents is necessary before issuing a Responsible Broker's License for a real estate company engaged in real estate activity. All items must be postmarked or time-stamped before any of the following items exceed expiration:

(i) A properly executed application and fee;

(ii) A copy of the documents establishing company organization;

(iii) A copy of the bylaws of the corporation; or the operating agreement for the real estate company;

(iv) A copy of the meeting minutes of the corporation; partnership, limited liability company, or other entity indicating the name of the Responsible Broker;

(v) If establishing a home-based business, attest that establishment of the business is in accordance with county and/or city zoning and codes.

(d) Initial Real Estate Company Licenses will be issued for the balance of the year in which they are obtained. All initial Real Estate Company Licenses will expire on December 31 of the year in which issued. In order to maintain the License, the Real Estate Company License must be renewed on or before December 31. No prorating of license fees can be made by the Commission.

**CHAPTER 2  
FEES**

**Section 1. Fees.** The following nonrefundable and non-prorated fees shall be charged by the Real Estate Commission:

(a)	Examination fees	\$141
(b)	Each original Broker/Salesperson license	\$300
(c)	Each original Company/Branch Office License (except sole proprietorships)	\$300
(d)	Broker/Salesperson three (3) year renewal License	\$350
(e)	Company/Branch office three (3) year renewal license (except sole proprietorships)	\$350
(f)	Recovery fund (W.S. 33-28-201(b))	\$20
(g)	Late renewal fee	\$75
(h)	Continuing education course application fee	\$50
(j)	Each company change of address	\$30/license
(k)	Each transfer/active status request/name change	\$30
(l)	Admin fee for group program errors and omissions	\$15
(m)	Printed Certified License History	\$10
(n)	Public Information Request printing/copies	Current Rate per Section 3
(o)	Paper Processing Fee	\$25
(p)	Additional fee for expedited (two (2) business days) license issuance or transfer provided all requirements, including fingerprint results, are complete, valid, and submitted to the agency	\$150

**Section 2. Public Records Authority.** The Commission is required under W.S. 16-3-103(j)(ii) to adopt the Department of Administration and Information's uniform rules pertaining to procedures, fees, costs, and charges for inspecting, copying, and producing public records.

**Section 3. Adoption of Uniform Rules.** The Commission hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <http://realestate.wyo.gov/real-estate-professionals/rules-and-regulations>.

(b) For these rules incorporated by reference:

(i) The Commission has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length and nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section, and;

(iii) The incorporated rules are maintained at the Commission’s office and are available for public inspection and copying at that same location.

## **CHAPTER 3 FORMS**

### **Section 1. Minimum requirements, forms.**

(a) A Responsible Broker or licensee acting on his behalf shall, at the time of signing, deliver a hard or electronic copy of any document to the party or parties executing the same when such instrument has been prepared by the Responsible Broker or licensee acting on his behalf or under his supervision, or is within his control, including but not limited to instruments relating to the employment of the Responsible Broker or licensee acting on his behalf, the listing of real estate, the consummation of a lease, purchase, sale or exchange of property, or to any other type of real estate transaction in which he participates as a Responsible Broker or licensee acting on behalf of the Responsible Broker. It is the responsibility of the Responsible Broker or licensee acting on his behalf to prepare sufficient copies of such instruments in order that the above may be accomplished.

(i) Nothing herein shall be construed to permit the licensee to withhold such delivery in order to obtain other signatures on such instrument, or for any other reason.

(ii) Readily available and properly indexed copies of all unrecorded documents shall be retained by the Responsible Broker for seven (7) years.

(b) The Responsible Broker or licensee acting on his behalf shall prepare the purchase offer and acceptance form, exchange contract form or other inducement document form for the voluntary transfer of freehold or non-freehold real estate to include but not be limited to:

(i) The name and address of the real estate company;

(ii) The date of offer by offeror;

(iii) Real estate description that will adequately identify the real estate;

(iv) Enumerated and described personal property included in the transaction may be referenced by addendum;

(v) Total amount of purchase price. For a lease or rental agreement, the total amount of rent payments, if applicable, or the periodic rate;

(vi) Total amount and type of earnest money deposit, damage, security or other deposits and any understanding for the return of all or part of the deposits;

(vii) Complete and accurate description of all contractual conditions including balance of purchase price, rent or lease payments or management fees and terms or conditions of payment;

(viii) Date of actual or constructive possession and assignment of leases or referenced to closing date;

(ix) Specified date of closing;

(x) Date that offering document expires;

(xi) Signature of the Responsible Broker or his agent upon receipt of monies or other valuable property coming into his possession which belongs to others;

(xii) Date of acceptance of offer by offeree;

(xiii) All changes made to an offer or counter-offer shall be dated and initialed by all parties to the contract;

(xiv) When an offeror makes an offer which is accepted by the offeree, the licensee interacting with the offeree shall immediately notify the offeror or the licensee interacting with the offeror of the acceptance;

(xv) If contract terms are amended or extended, a written agreement form to amend or extend shall be prepared and shall be signed by all parties to the transaction;

(xvi) All offers presented by a licensee and rejected by the offeree shall be so rejected in writing upon the offer form presented. The licensee shall deliver a copy of such offer with the written rejection thereon to the offeror or the licensee working with the offeror;

(xvii) Should an offeree authorize the licensee to reject on his behalf or refuse to execute a written rejection, the licensee shall, by a written, signed statement, verify the date of offeree's oral notification to the licensee of rejection of such offer;

(xviii) A copy of the acknowledged disclosures as required by W.S. 33-28-306 and 33-28-308(f).

(c) Cooperating Responsible Brokers or licensees acting on their behalf shall present offers and shall negotiate only through the listing Responsible Broker or licensees acting on his behalf unless the listing Responsible Broker gives written consent to contact the principal. All offers shall be presented as expeditiously as possible.

(d) A Responsible Broker shall ensure that his agents comply with minimum Commission requirements when preparing contracts and obtaining signatures.

## **CHAPTER 4 RENEWALS AND EDUCATION**

### **Section 1. Active License Renewals**

(a) Each active license shall be renewed by submission of a renewal application and all necessary fees, as prescribed in Chapter 2 of these Commission rules, three (3) years on or before December 31 of the third year it is issued. All applications must be postmarked or electronically submitted on or before December 31 to be considered for renewal.

(b) All Responsible Broker licensees submitting an active license renewal application must show proof of completion of fifty-three (53) hours of continuing education as described in Section 8 of this Chapter. All education hours for an active license must be completed during the three (3) previous years.

(c) All Associate Broker and Salesperson licensees submitting an active license renewal application must show proof of completion of forty-five (45) hours of continuing education as described in Section 9 of this Chapter. All education hours for an active license must be completed during the three (3) previous years.

(d) Any licensee that fails to renew their license on or before December 31 shall be considered inactive and shall not perform or engage in real estate activity for any reason.

(e) Any licensee that held an active license on December 31 of the third year of issuance shall be considered inactive but may submit a renewal application to the Commission from January 1 through March 1 of the following year. In order to reactivate the license that lapsed, the Commission shall charge the licensee an additional fee for processing. All applications must be postmarked or electronically submitted on or before March 1.

(f) Any license not renewed by March 1 of the year following the third year of issuance shall be canceled.

**Section 2. Inactive License Renewals.** An individual that has obtained an active license from the Commission may move their active license to inactive status with submission of the appropriate forms and payment of fees. Inactive licenses must be renewed on the regular renewal cycle with proper submission of Commission forms and payment of fees, however, completion of required and continuing education is not necessary for inactive license renewal.

**Section 3. Reactivating a License.** An individual that holds an inactive license shall submit an application, furnish proof of completion of all education prescribed by

Sections 8 and 9 of this Chapter and pay all required fees, in order to apply for an active license from the Commission.

#### **Section 4. Real Estate Company Renewals**

(a) Each active Real Estate Company License shall be renewed by submission of a renewal application and all necessary fees, as prescribed in Chapter 2 of these Commission rules, three (3) years on or before December 31 of the third year it is issued. All applications must be postmarked or electronically submitted on or before December 31 to be considered for renewal.

(b) Any real estate company that fails to renew their license on or before December 31 shall be considered inactive and shall not perform or engage in real estate activity for any reason.

(c) Any Real Estate Company License that was considered active on December 31 of the third year of issuance shall be considered inactive but may submit a renewal application to the Commission from January 1 through March 1 of the following year. In order to reactivate the license that lapsed, the Commission shall charge the real estate company an additional fee for processing. All applications must be postmarked or electronically submitted on or before March 1.

(d) Any Real Estate Company License not renewed by March 1 of the year following the third year of issuance shall be canceled.

#### **Section 5. Pre-Licensing Education Classes**

(a) The Commission shall approve schools and instructors that provide classes before individuals apply for a real estate license per Chapter 1 of these rules. These classes include, but are not limited to, Salesperson Course I, Salesperson Course II, Broker Course I and Broker Course II. In order to be considered for approval as a school that provides pre-licensing education, schools and instructors shall meet and maintain the following criteria:

(i) The school and its instructors shall be duly registered with, approved by, and in good standing with the Wyoming Department of Education as a training entity per the laws, rules, and regulations of the Wyoming Department of Education;

(ii) The school and instructors shall submit a formal application to the Commission every three years in the manner prescribed by the Commission and its forms, acknowledging that applications and forms are subject to judicial review;

(iii) Pre-Licensing class outlines submitted with applications shall follow the outlines of study established by the Commission's recognized testing provider, and;

(iv) Pre-Licensing class formats, delivery, and instruction, shall be established and executed with methodologies that support student success and practical application of the material.

(b) At the time of application, instructors for pre-licensing classes shall meet the following criteria:

(i) Instructors shall submit a professional resume or curriculum vitae showing all completed formal education, as well as, previous and current professional experience spanning no less than five (5) years;

(ii) Instructors shall have completed and furnish proof of five (5) years of professional work experience in the real estate industry;

(iii) Instructors shall submit proof of successful completion of advanced coursework in the areas of adult education and instruction.

(c) The Commission reserves the right to audit and evaluate approved pre-licensing classes at any time, allowing commissioners or staff to attend the classes free of charge.

(d) The Commission reserves the right to revoke approval of a pre-licensing school or instructors at any time with cause and with the assistance of the Attorney General. Notice of revocation shall be made public and provided to the school or instructors, and the Wyoming Department of Education within ten (10) business days of the revocation. If necessary, formal complaints may be filed with the Wyoming Department of Education and Attorney General if evidence and documentation shows consumer harm and the safety of consumers is at risk.

(e) Schools and instructors revoked of approval to provide pre-licensing education shall be granted an opportunity to petition revocation in writing and/or in person to the Commission at a public meeting.

(f) Schools and instructors denied approval to provide pre-licensing education shall be notified of denial within ten (10) business days of the Commission's decision to deny. Those denied approval shall be granted an opportunity to petition the denial in writing and/or in person to the Commission at a public meeting.

## **Section 6. Required Education Classes**

(a) The Commission and/or its staff shall approve educational seminars and classes for required education credit. Required seminars and classes may be delivered in classroom, online, distance learning and hybrid formats.

(b) Every September of the calendar year, the Commission shall elect an Education Chairman to oversee the processes articulated in these rules. This Chairman shall serve a term of one calendar year and may serve subsequent, consecutive terms.

(c) On March 1 of every calendar year, the Commission shall release and publish on its web site required course criteria and objectives to the public and solicit proposals from qualified instructors and institutions.

(d) Any institution or instructor desiring to deliver required education in the state of Wyoming shall submit the necessary forms prescribed by the Commission to the Commission office July 1 of each calendar year. All required class proposals shall be pre-approved, approved or denied by the Commission on or before September 1 of each calendar year.

(e) All approved required seminars and classes shall be deemed valid for one year starting January 1 following initial approval through December 31 of the following year. The Commission and/or its staff members may audit a class or seminar at any time free of charge. Approved classes are subject to a one-time fee for processing as set forth in Chapter 2 of these rules.

(f) The Commission reserves the right to amend and update seminar and class outlines, objectives and materials, as well as, revoke approval of any required class at any time. If a required outline and/or objective is amended, all current instructors of these classes shall be notified of the changes within ten (10) business days and changes must be implemented to coursework as soon as reasonably possible.

(g) All instructors shall adhere to the rules and policies set forth by the Commission.

(h) All instructors delivering required education classes and seminars shall furnish proof of professional work and experience in the real estate industry for at least five (5) years. Instructors that have completed coursework in adult education and instruction shall receive favorable consideration.

(j) All required seminars and classes shall meet the following criteria:

(i) Every seminar or class shall be at least three (3) clock hours in duration. Each hour of direct instruction, discussion and evaluation shall count for one (1) credit hour for continuing education. A credit hour is considered fifty (50) minutes of

instruction per clock hour. Completed required classes, by class number and/or name, shall only be counted once for required course credits during a licensee's renewal cycle.

(ii) All seminars and classes shall meet requirements of the Americans with Disabilities Act (ADA) and the promotion of any product or service is prohibited during instruction hours.

(iii) All online, distance learning and hybrid seminars and classes shall be certified by the International Distance Education Certification Center (IDECC), a subsidiary of the Association of Real Estate License Law Officials (ARELLO) after they are pre-approved or approved by the Commission.

(iv) All instructors and institutions delivering education shall keep records of attendance for each class for no less than five (5) years and submit this attendance record to the Commission within ten (10) days after each course is delivered. Attendance records shall contain the following information:

(A) The name of each participant

(B) The hours and dates each participant attended the class or seminar

(C) The title of the seminar/class

(D) The name of the seminar/class instructor

(v) All instructors and/or providers shall certify that attendees were present for at least ninety percent (90%) of the approved course. If directly observed, instructors must report any false reports of attendance to the Commission immediately.

(vi) Credit hours will not be awarded for only taking an examination.

(vii) All final attendance records and completion certificates and/or information shall be filed by the course provider with the Commission within ten (10) calendar days following each class offering.

(viii) All instructors or education providers shall provide class/seminar attendees with a class/seminar evaluation (paper or electronic) approved by the Commission. All completed evaluations shall be filed by the instructor or education provider with the Commission within ten (10) calendar days following each class offering. Evaluations shall be reviewed by the Education Chairman, the Commission and/or Commission staff.

## **Section 7. Elective Education Classes**

(a) The Commission and/or its staff shall approve educational seminars and classes for elective education credit. All seminars and classes must be relevant to the real estate industry in the areas of business management, ethics, customer relations/marketing, legal/regulatory compliance, sales, property management/leasing, financing, environmental issues/regulation, and construction. The Commission may approve other subject areas for seminars and classes when deemed appropriate. Seminars and classes may be delivered in classroom, online, distance learning and hybrid formats. Any institution or instructor desiring to deliver education in the state of Wyoming shall submit the necessary forms and fees prescribed by the Commission to the Commission office at least ten (10) days before the class is delivered.

(b) All instructors shall adhere to the rules and policies set forth by the Commission, as well as, comply with all requirements prescribed in the Commission's forms. The Commission and/or its staff members may audit a seminar or class at any time free of charge.

(c) All online, distance learning and hybrid classes shall be certified by the International Distance Education Certification Center (IDECC), a subsidiary of the Association of Real Estate License Law Officials (ARELLO).

(d) All classes shall meet the following criteria:

(i) Every course shall be at least three (3) clock hours in duration. Each hour of direct instruction, discussion and evaluation shall count for one (1) credit hour for continuing education. A credit hour is considered fifty (50) minutes of instruction per clock hour.

(ii) All courses shall be relevant to the real estate industry and adhere to the most current education policies adopted by the Commission. The Commission reserves the right to revoke approval of a continuing education class or seminar at any time.

(iii) All courses shall meet requirements of the Americans with Disabilities Act (ADA) and the promotion of any product or service is prohibited during instruction hours.

(iv) All instructors and institutions delivering education shall keep records of attendance for each class for no less than five (5) years and submit this attendance record to the Commission within ten (10) days after each course is delivered. Attendance records shall contain the following information:

- (A) The name of each participant
- (B) The hours and dates each participant attended the course
- (C) The title of the course

(D) The name of the course instructor

(v) All course providers shall certify that attendees were present for at least ninety percent (90%) of the approved course. If directly observed, instructors must report any false reports of attendance to the Commission immediately.

(vi) Credit hours will not be awarded for only taking an examination.

(vii) All final attendance records and completion certificates and/or information shall be filed with the Commission within ten (10) calendar days following each class offering.

(viii) All instructors and class providers shall provide attendees with a class/seminar evaluation (paper or electronic) approved by the Commission. All completed evaluations shall be filed with the Commission within ten (10) calendar days following each class offering. Evaluations shall be reviewed by the Commission and/or Commission staff.

### **Section 8. Responsible Broker Education Requirements**

(a) All active Responsible Brokers shall complete thirty two (32) hours of required education (to include one broker management course) and twenty one (21) hours of elective education during each renewal cycle.

(b) On March 1 of every calendar year, the Commission shall issue a list of current national designations and credentials deemed adequate to qualify for elective education hours. Active Responsible Brokers pursuing a designation or credential recognized by the Commission may apply to the Commission for elective education credit hours per current Commission policies.

### **Section 9. Associate Broker and Salesperson Education Requirements**

(a) All active Associate Brokers and Salespersons shall complete twenty four (24) hours of required education and twenty one (21) hours of elective education during each renewal cycle.

(b) On March 1 of every calendar year, the Commission shall issue a list of national designations and credentials deemed adequate to qualify for elective education hours. All active Associate Brokers and Salespersons pursuing a designation or credential recognized by the Commission may apply to the Commission for elective education credit hours per current Commission policies.

### **Section 10. Education Fund Grants**

(a) Per the authority granted in W.S. 33-28-206, the Commission may prescribe forms and establish processes to grant funds from its education fund to Wyoming organizations, associations, institutions, and entities deemed qualified and eligible to provide quality elective education classes, seminars, and/or research for the Wyoming real estate industry.

(b) Funds may be granted and expended in allotments of no less than five-hundred dollars (\$500) and no more than two-thousand dollars (\$2,000) per event. Expenditures for these grants, in sum, shall not exceed thirty thousand dollars (\$30,000) in one fiscal year. Recipients of funds shall be required to pay no less than ten percent (10%) of the total costs of the event toward the event and its components.

(c) Any educational event held using Commission education funds shall be made open to all Wyoming real estate licensees at free, reduced or reasonable rate of registration.

(d) The Commission shall be identified and named as a sponsor of any educational event held using Commission education funds.

## CHAPTER 5 BROKERS' TRUST ACCOUNTS

**Section 1. Brokers' trust accounts.** The following rules apply to trust accounts held by licensed Responsible Brokers.

(a) All money belonging to others accepted by the Responsible Broker shall be deposited with a funds holder or in a bank, financial institution or other recognized depository in this state in a trust account separate from money belonging to the Responsible Broker. A banking trust account may be any type of checking, demand, passbook, or statement account insured by an agency of the United States government. The name of each trust account shall be identified by the word "trust" or "escrow". The account shall be maintained in the name of the Responsible Broker.

(b) Money belonging to others which is received by the Responsible Broker or licensees or employees acting on his behalf includes but is not limited to money received in connection with property management contracts; rent or lease contracts; advance fee contracts; or money belonging to others received for future investment or other purposes.

(c) If the Responsible Broker does business as a real estate company, such account shall be maintained in the name of the Responsible Broker acting for such real estate company and in the name of the real estate company. The name of the Responsible Broker is to be followed by the words "Responsible Broker".

(d) Each trust bank account heading shall include a label identifying the purpose/type of such account, i.e. "sales trust," "security deposit escrow," "property management trust."

(e) Unless otherwise permitted by other subsections of this rule, all money belonging to others shall be deposited accounting to the purpose of the transaction in separate types of escrow accounts. For example, sales escrow deposits separated from property management deposits separated from security deposits as follows:

For example:

Line 1 – XYZ Realty  
Line 2 – John Doe, Responsible Broker  
Line 3 – Meadows Homeowners' Association Escrow Account

(i) The Responsible Broker shall be able to withdraw money from such trust account without the benefit of a cosigner. Other authorized signatures of licensed or unlicensed people may also appear on the account.

(ii) Money belonging to others shall not be invested in any type of account or security or certificate of deposit which has a fixed term for maturity unless the written consent of all parties to the transaction has been secured.

(iii) Money held in a trust account which is due and payable to the Responsible Broker shall be withdrawn promptly. Monies earned by licensees affiliated with a responsible broker may not be paid directly from the Responsible Broker's trust account.

(iv) All money belonging to others in the form of cash or check received shall be deposited directly into the listing Responsible Broker's real estate company trust account or with the Responsible Broker's real estate company funds holder by the listing Responsible Broker per W.S. 33-28-122(a)(i), not later than the first banking day after receipt unless all persons having an interest in the funds have agreed otherwise in writing.

(v) When trust funds are held by a funds holder, the Responsible Broker shall obtain a receipt showing the date and the amount of the funds transferred to the funds holder. The Responsible Broker, for each funds holder account maintained, shall also maintain a recordkeeping system in his place of business, consisting of at least the following: Date Received/Paid, Check number, Amount, Buyer, Seller, Escrow Agent, Date Delivered, Description of the real estate, Disposition of Transaction.

(vi) The Responsible Broker, for all money belonging to others, shall also maintain a recordkeeping system for every real estate company and/or branch location consisting of at least the following:

(A) A journal shall show the chronological sequence in which funds are received and disbursed. For funds received, the journal shall include the date, the name of the party who is giving the money, the name of the principal, address or description of the real estate, the amount. For disbursements, the journal shall also include the date, check number, amount, payee, principal, and the address or description of the real estate. The journal shall include a current running balance.

(B) A transaction ledger shall show the receipts and disbursements as they affect a particular transaction between buyer and seller or landlord and tenant, etc. The transaction ledger shall include the names of both parties to the transaction, the dates and amounts received, and the address and description of the real estate. When funds are disbursed, the date, payee, check number, and amount shall be shown.

(C) The Responsible Broker shall reconcile trust account journals and ledger liabilities monthly. The bank reconciliation shall prove agreement on the date of reconciliation by (1) the cash balance showing in the account journal; (2) the sum of the cash balances for all ledgers; and (3) the corresponding bank account balance. This worksheet shall be maintained in hard copy or electronic form for later inspection and

list each beneficiary's ledger balance on the date of reconciliation. The Responsible Broker is not required to reconcile any trust account when no banking activity has occurred.

(D) Separate trust account journals shall be reconciled with the related bank statement monthly.

(f) Money belonging to one beneficiary shall not be used for the benefit of another beneficiary.

(g) Any instrument or equity or thing of value taken in lieu of cash shall be held by the listing Responsible Broker except as otherwise agreed to by all parties to the transaction.

(h) A nonresident Responsible Broker licensed in Wyoming engaged in real estate activity in this state shall maintain such separate trust accounts with a Wyoming funds holder or in a bank or recognized depository in Wyoming.

(j) A Responsible Broker is not limited to the number of separate trust accounts or funds holder accounts he may maintain for money belonging to others.

(k) When money is collected by a Responsible Broker for performance or services or for the expenses of performing such services, or for advertising expenses in regard to the sale of real estate, and such money is collected before the advertising or services have been performed, such Responsible Broker shall deposit such money with a funds holder or in a trust account. No money may be withdrawn from such principal's funds, except for actual expenses paid on behalf of the principal, until the Responsible Broker has fully performed the services for which the principal contracted. A full and itemized accounting shall be furnished the principal within twenty (20) days of any withdrawal of such principal's funds from such principal's account.

**Section 2. Audits.** The Commission may audit the Responsible Broker's records of his trust accounts and the Responsible Broker's records of monies deposited with his funds holders to assure compliance with Commission rules and statutes.

**CHAPTER 6**  
**REGULATORY ENFORCEMENT GROUNDS**

**Section 1. Regulatory enforcement grounds.** The Commission may take disciplinary action, which includes an administrative fine, censure, probation, suspension, or revocation, including a combination thereof, with respect to a licensee, for any of the following acts or conduct:

- (a) Against a licensee and/or licensee's Responsible Broker for:
  - (i) Violating or failing to comply with any rule of the Commission or provision of the act;
  - (ii) Participating in real estate activity while a license is on inactive status;
  - (iii) Representing that a particular form or sales compensation rate has been approved by the Commission;
  - (iv) Violation or assisting in the violation of local, state or federal law or regulation;
  - (v) Using a form which does not describe the actual real estate transaction;
  - (vi) Making any false promise which influences, persuades, or induces action by another relating to a real estate transaction;
  - (vii) Failing to account for or to remit any moneys or documents coming into his possession which belong to others;
  - (viii) Commingling the money or property of others with his own;
  - (ix) Permitting the use of his license as a Responsible Broker to enable anyone to operate a real estate company without actual participations therein and control thereof by the Responsible Broker;
  - (x) Failing to provide information requested by the Commission relative to a complaint, investigation, or audit which could indicate a violation of the act;
  - (xi) Failing to disclose matters known to the licensee which are material to the real estate transaction;

(xii) Failing to notify sub-agents, multiple listing service or other interested parties when agency or non-agency has been terminated. Notice to multiple listing services shall constitute notice to all members thereof;

(xiii) Failing to remove signs and/or lock boxes after termination of a listing; continuing to advertise real estate which is no longer listed;

(xiv) Advertising and promoting another real estate company's or Responsible Broker's listings without written permission and in compliance with Section 4 of this chapter;

(xv) Failing to pay a fine imposed or comply with all requirements of a Commission settlement agreement, stipulation and order;

(xvi) Compensating any unlicensed person for performing the services of a licensee for any real estate activity except anyone arranging non-consecutive short-term rentals.

(xvii) Failing to obtain and maintain errors and omissions insurance and provide proof of insurance to the Commission.

(xviii) Falsifying attendance and/or completion of required and elective education for licensure;

(xix) Failing to disclose the names of all real estate companies within all real estate transactions if the Responsible Broker holds a license for more than one (1) real estate company, per W.S. 33-28-111(a)(xxix)(D);

(xx) Procuring a license to practice pursuant to the Wyoming Real Estate Act by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for a license or through any form of fraud or misrepresentation;

(xxi) Participating, engaging, or assisting in a real estate transaction wherein all parties to the transaction are customers and no written agency or intermediary relationship is established.

(b) Unless approved by the Commission, the voluntary surrender, expiration or lapse of a license by a licensee does not prevent the Commission from proceeding with its investigation of a complaint and taking appropriate disciplinary action against a licensee.

## **Section 2. Suspension/revocation requirements.**

(a) When a Responsible Broker's license is suspended or revoked, he shall return his license, all real estate company licenses, and the licenses of his Associate Brokers

and Salespersons to the office of the Commission. Licensees affiliated with a Responsible Broker who have had their license suspended or revoked may not perform any real estate activity until they have transferred to a new Responsible Broker.

(b) When an Associate Brokers or Salesperson license has been suspended or revoked, the licensee shall return his license to the Responsible Broker who shall return the license to the Commission.

### **Section 3. Unlawful compensation; disputes between licensees.**

(a) The Commission shall not entertain complaints between licensees regarding disputes concerning matters of compensation, the earning, splitting or the non-payment thereof.

(b) A Responsible Broker may compensate a licensed, unlicensed or inactive person for real estate activity performed if the person was actively licensed and under the Responsible Broker's supervision at the time the real estate activity was performed.

(c) W.S. 33-28-110 (a) does not apply to incentives offered or paid to persons, who on their own behalf, engage the services of a licensee to assist them with the sale or purchase of real estate, provided those persons do not perform any real estate activity. Advertising and/or paying such incentives does not violate any provision of the act or rule or regulation of the Commission.

(d) A licensee may pay their personal assistant a salary directly. The Responsible Broker shall pay a licensed personal assistant if that personal assistant is to receive a percentage of any compensation.

(e) A Responsible Broker's payment of earned real estate compensation to a corporation or LLC which is solely owned by a licensee or licensees working under the Responsible Broker shall not be considered a violation of W.S. 33-28-111(a)(xxiii), "compensating any unlicensed person." Any agreement between the Responsible Broker and the corporation or LLC does not relieve the Responsible Broker of the obligation to supervise the licensee or any other requirement of the act or Commission rules.

**Section 4. Advertising Compliance.** The following advertising criteria shall be enforced by the Commission and met by real estate companies, Responsible Brokers, Associate Brokers, and Salespersons in all advertisements, displayed digitally or in print, in which the company or licensee is conducting real estate activity:

(a) When a real estate licensee or real estate company advertises with the use of a registered trade name, group name, or team name, the advertisement shall display the name of the real estate company as licensed by the Commission concurrently with the registered trade name, team name, or group name in a conspicuous manner that the general public may easily identify;

(i) A group or team consists of one or more real estate licensees conducting real estate activity representing the same real estate company in which they are all licensed by the Commission;

(b) When real estate Responsible Broker, Associate Broker, or Salesperson uses their individual name in an advertisement, he shall use the legal name in which he is licensed, as registered with and verified by the Commission.

**CHAPTER 7**  
**ERRORS AND OMISSIONS INSURANCE**

**Section 1. Proof of Insurance.** Every Wyoming licensee shall provide proof of errors and omissions insurance which meets the criteria established by these rules.

**Section 2. Definitions.** The definitions in W.S. 33-28-102 apply.

**Section 3. Insurance required.** An applicant for issuance of a license on active status, a licensee renewing a license, or an inactive licensee activating a license shall submit proof of insurance coverage through the group plan or through certification of equivalent coverage.

**Section 4. Minimum standards.** The group policy obtained by the Commission shall provide to each individual licensee, at a minimum, the following terms of coverage:

(a) Not less than one hundred thousand dollars single-limit liability coverage for each licensee per occurrence or claim made, not including costs for investigation or defense;

(b) An annual aggregate limit of not less than five hundred thousand dollars per licensee;

(c) A deductible amount for each occurrence of not more than one thousand dollars for single-limit liability coverage and one thousand dollars maximum additional deductible for defense and investigation;

(d) An extended reporting provision of ninety days and an option to purchase an additional three years extended reporting provision for a premium not to exceed two hundred percent of the premium charged for the last year of the terminating coverage;

(e) Coverage under this section for covered acts in any state, United States territory, or Canada in which a covered individual, domiciled in Wyoming, holds a license;

(f) A conformity endorsement allowing a Wyoming resident licensee to meet the errors and omissions insurance requirement for an active license in another group mandated state without the need to purchase separate coverage in that state;

(g) Stacking of benefits;

(h) Proration of premiums for coverage that is purchased during the course of a calendar year but with no provision for refunds of unearned premiums;

(j) The ability of a licensee, upon payment of an additional premium, to obtain higher or excess coverage or to purchase additional coverages from the group carrier as may be determined by the carrier;

(k) The coverage is individual and license-specific and will cover the licensee regardless of changes in employing Responsible Broker; and

(l) Prior acts coverage shall be offered to licensees with continuous past coverage.

### **Section 5. Exceptions to coverage.**

(a) Except as provided in this section, coverage may not exclude claims brought against the insured licensee arising out of an act or failure to act by the licensee when performing a professional service for which a real estate license is required. Coverage may limit or exclude claims brought against a licensee which arise as follows:

(i) Out of claims or suits made or brought by any insured person against any other insured person within the same firm or from compensation disputes between licensees;

(ii) Out of loss assumed under contract or agreement, except for liability the insured would have had in the absence of such agreements;

(iii) From any criminal, dishonest, actual fraud, or willful act or omission. This exclusion does not apply to any insured person who did not personally participate in committing such an act or omission and who, upon having knowledge of the act or omission, reported it;

(iv) From unlawful discrimination committed by or for the insured person;

(v) From fines or penalties imposed by law;

(vi) From failure to maintain any type or amount of insurance for managed property;

(vii) From bodily injury, personal injury, advertising injury, or property damage;

(viii) From related business activities for which a license is not required under this chapter;

(ix) From involvement in any real estate investment contract or syndication as a partner, joint venture, or underwriter;

- (x) From hazardous materials, nuclear materials, or pollutants;
- (xi) From prior wrongful acts;
- (xii) From management or sale of property in which the insured or spouse has more than a ten percent financial or ownership interest. This exclusion does not apply for one year from the date a property is acquired under a guaranteed sale listing contract if the property is listed for sale during that entire period;
- (xiii) From any violation of the Securities Act of 1933, as amended through July 1, 1993, or the Securities Exchange Act of 1934, as amended through July 1, 1993, or any state blue sky or securities law or similar state or federal statutes; or
- (xiv) Other standard exclusions that are typical in the professional liability insurance industry may be permitted, subject to the approval of the Wyoming Real Estate Commission.

#### **Section 6. Group policy approval requirements.**

- (a) Any group policy to be issued shall conform to the standards and practices of the insurance industry and be approved by the Wyoming insurance department.
- (b) The administrative fee the Commission shall charge and collect as outlined in W.S. 33-28-401 may be waived by the Commission if the total number of licensees enrolled in the group program is less than two thousand (2,000).

**Section 7. Equivalent coverage.** An active licensee who chooses the option of obtaining errors and omissions insurance independently from a carrier other than the group carrier under contract with the Commission shall show evidence of coverage by providing certification of coverage on a form prescribed by the Commission. The form shall show proof that the licensee has coverage in compliance with the minimum standards established by section 9. The form shall be signed by an authorized representative of the insurance company and shall contain a cancellation notification clause as required by section 10.

#### **Section 8. Standards for equivalent coverage.**

- (a) Licensees or applicants may obtain errors and omissions coverage independent of the group plan from any insurance carrier subject to the following terms and conditions:
  - (i) The insurance carrier is licensed and authorized by the Wyoming insurance department to write policies of errors and omissions insurance in this state and is in conformance with all Wyoming statutes.

(ii) The insurance provider maintains an A.M. Best rating of "B" or better and Financial size category of class VI or higher.

(iii) The policy, at a minimum, complies with all relevant conditions set forth in this rule and the insurance carrier so certifies in an affidavit issued to the insured licensee or applicant in a form specified by the Commission and agrees to immediately notify the Commission of any cancellation or lapse in coverage. Independent coverage shall provide, at a minimum, the following:

(A) The contract and policy are in conformance with all relevant Wyoming statutory requirements.

(B) Coverage includes all acts for which a real estate license is required, except those illegal, fraudulent or other acts which are normally excluded from such coverage.

(C) Coverage cannot be canceled by the insurance provider except for nonpayment of premiums or fraud.

(D) Coverage is for not less than \$100,000 for each licensed individual and entity per covered claim, regardless of the number of licensees or entities to which a settlement or claim may apply, with an annual aggregate limit of not less than \$500,000 per licensed individual and entity.

(E) Payment of claims by the provider shall be on a first dollar basis and the provider shall look to the insured for payment of any deductible.

(F) The ability of a licensee, upon payment of an additional premium to obtain an extended reporting period of not less than 365 days.

(G) That the provider of the independent policy has executed an affidavit in a form or manner specified by the Commission attesting that the independent policy is in force and, at a minimum, complies with all relevant conditions set forth herein and that the provider will immediately notify the Commission in writing of any cancellation or lapse in coverage of any independent policy.

(b) Licensees or applicants who obtain equivalent coverage and wish to be on active status shall present the affidavit referred to in subsection (iii) of this section to the Commission:

(i) When renewing an active license, no later than at the time of renewal, or;

- (ii) Upon any request for reinstatement or activation of a license; or
- (iii) Upon application for an active license.

(c) Applicants for a license, activation, renewal and reinstatement shall certify compliance with this rule on forms or in a manner prescribed by the Commission. Any active licensee who so certifies and fails to obtain errors and omissions coverage or to provide proof of continuous coverage, either through the group carrier or directly to the Commission, shall be placed on inactive status:

(i) Immediately, if certification of current insurance coverage is not provided to the Commission; or,

(ii) Immediately upon the expiration of any current insurance when certification of continued coverage is not provided. Certification of equivalent coverage shall be filed with the Commission by 5 p.m. on the date of expiration of coverage. If the certification is not filed on time, the Commission shall place the license on inactive status on that date.

**Section 9. Nonpayment of premium.** If a licensee's insurance company or group plan notifies the Commission that a licensee has not paid a premium, the Commission shall place that license on inactive status as of the date of termination of coverage.

**Section 10. Surrender of license for failure to provide proof of insurance.** When a licensee receives notice of being placed on inactive status for failure to provide proof of insurance, the licensee shall immediately surrender the license to the Commission.

**Section 11. Notification required for cancellation.** If insurance under equivalent coverage is to lapse or not be renewed, the providing company shall notify the real estate Commission of the intent to lapse or not to renew, a minimum of thirty (30) days before the expiration date of the term.

**Section 12. Proof of insurance required to activate license.** A licensee whose license has been placed on inactive status for failure to provide proof of insurance may not conduct any activities for which a license is required until proof of insurance has been provided to the Commission and the license has been activated.

**Section 13. Authenticity of coverage.** A licensee may not willfully or knowingly cause or allow a certificate of coverage to be filed with the Commission that is false, fraudulent, or misleading.

**CHAPTER 8**  
**APPLICATION REVIEW, COMPLAINTS AND HEARING PROCEDURES**

**Section 1. Application Review Process.**

(a) Upon receipt of a completed application, the Commission office shall review the application and, if it is complete and there are no known grounds for denial of the license requested, issue the license. If there are known grounds for denial, the Commission office shall forward the application to the Application Review Committee (ARC).

(b) The ARC shall review the application and all other information available and following the review may:

(i) Approve the application if the applicant meets all requirements; or

(ii) If there are questions as to whether denial is appropriate, forward the application and the ARC report to the Assistant Attorney General assigned to the Commission for prosecution for review.

(c) If, after review, and following consultation with the Assistant Attorney General, the ARC concludes that grounds exist to recommend denial of an application:

(i) A preliminary denial letter shall be sent to applicant. The letter shall:

(A) State the basis for the denial including relevant statutes and rules; and

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial becomes final.

(iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARC, the Assistant Attorney General, and the applicant.

(iv) Following a reconsideration conference, the ARC shall either approve or deny the application and notify the applicant.

(v) If denied, the applicant shall submit a written request for a hearing before the Commission within thirty (30) days of the date of the denial letter or the denial is final.

(d) Application denial hearings

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The applicant has the burden of proving that he/she meets all requirements for the license requested.

(e) The ARC may attend hearings, but shall not take part in the consideration of any contested case.

**Section 2. Complaints.**

(a) A disciplinary action is initiated against a licensee by submitting a sworn written complaint to the Commission office. A complaint concerning an alleged violation of the Act or Commission Rules may be submitted by any person or entity, a Commission member, or a member of the Commission staff. The sworn written complaint should provide as much of the following information as may be available and applicable:

(i) The name and address of the complainant;

(ii) The name, address, place of employment, and telephone number of the licensee against whom the charges are made;

(iii) The specific conduct alleged to constitute the violation;

(iv) The name and address of any other witnesses; and

(v) The signature of the complainant.

**Section 3. Review of Sworn Written Complaint.**

(a) Sworn written complaints shall be referred to a Liaison Commission Member (LCM) selected by Commission staff from a rotating schedule. License holders against whom charges are made will be advised of the investigation, the name of the LCM, and the nature of the complaint.

(i) The LCM shall not take part in the consideration of any contested case.

(ii) The LCM shall not, by this rule, be barred from attending any disciplinary hearing.

**Section 4. Investigations and Commission Action.** The LCM and Commission staff shall investigate those written complaints received which merit further investigation.

(a) Upon completion of the investigation, the investigator for the Commission shall prepare an investigative report and submit it to the LCM.

(i) The report shall include:

(A) The findings;

(B) A list of statutes and/or Commission rules believed to have been violated; and

(C) Any relevant additional information and/or documentation.

(b) The LCM shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Commission for prosecution, and consult with the Assistant Attorney General.

(c) Following consultation with the Assistant Attorney General, the LCM may:

(i) Send the notice required by section 5;

(ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Commission;

(iii) Recommend the Commission accept an offer of conditional terms for settlement, which may include educational courses;

(iv) Recommend the Commission dismiss the complaint.

(d) The Commission may resolve a complaint at any time by:

(i) Accepting a voluntary surrender of a license;

(ii) Accepting conditional terms for settlement;

(iii) Dismissal.

(e) All discipline ratified by the Commission shall be published in the Commission newsletter following the date of formal action. Published information shall include:

(i) Licensee name and license number

(ii) Statute and rules violated

- (iii) Terms of settlement

**Section 5. Service of Notice and Opportunity to Show Compliance.** Prior to commencement of a formal hearing, the LCM shall give notice by mail to the licensee of the facts or conduct which warrants his/her intended action. The notice shall give the licensee an opportunity to show compliance with all lawful requirements for retention of the license within twenty (20) days of the mailing of the notice. Such notice shall be sent to the licensee's last known address both by certified mail with return receipt requested and by first class mail.

**Section 6. Default.** The Commission may enter an order based on the allegations in a notice of hearing or petition and notice of hearing in any case where the applicant or licensee has not answered or appeared in writing ten (10) working days before the hearing, or in any case in which the applicant or licensee or his/her representative has not appeared at a scheduled hearing for which he had notice.

**Section 7. Formal Contested Case Hearing Incorporation by Reference.**

(a) When required, Formal Contested Case Hearings shall be held in accordance with rules administered by the Office of Administrative Hearings.

(b) Any code, standard, rule or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section.

(c) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at <https://sites.google.com/a/wyo.gov/rec/real-estate-professionals/rules-and-regulations>.

**CHAPTER 1  
GENERAL PROVISIONS  
AND  
LICENSING**

**Section 1. Authority and Meetings.**

(a) Pursuant to the authority vested in the Wyoming Real Estate Commission (Commission) by virtue of W.S. 33-28-101 through 33-28-401 the following rules and regulations are hereby promulgated. All Commission governing rules and regulations may be found and viewed on the Commissions web site: <https://sites.google.com/a/wyo.gov/rec/real-estate-professionals/rules-and-regulations>.

(b) The Commission shall hold its annual meeting the third Thursday of September at the Commission Office located at ~~2020 Carey Avenue, Suite 702~~ 2617 East Lincolnway, Suite H, Cheyenne, WY 82002, at 9:00 AM (MST).

**Section 2. Professional and occupational licensure of military spouses.** The Commission shall use the guidelines in W.S. 33-1-116 in determining licensure of military spouses and military service members.

**Section 3. Qualification for a license.**

(a) ~~Salesman~~ Salesperson License applicants shall submit the following items to the Commission in one packet, excluding fingerprint cards, in advance of any expiration dates as issued. All items must be postmarked or time-stamped at the time of submission before any of the following items exceed expiration. A submission of all items by postmark or time-stamp constitutes a receipt of an application by the Commission:

(i) Completed application form with appropriate fees;

(ii) Fingerprint cards and payment for fingerprint processing as prescribed by the Wyoming Department of Criminal Investigation;

(iii) Recent snapshot or photograph;

(iv) Proof of legal presence and legal name in the United States;

~~(v) — A copy of the a Wyoming passing score(s) report~~

(v) A copy of a valid Commission-recognized examination score report(s) per Section 4 of this Chapter;

(A) If not presently, actively holding a real estate license in another jurisdiction, copies of a passing score report(s) for the national and state real estate examinations.

(B) If presently, actively holding a real estate license in another jurisdiction, a copy of a passing score report for the state real estate examination.

(vii) If a non-resident, Service of Process forms provided by the Commission;

(viii) As referenced in Chapter 4 of these rules, evidence of completing, within one year prior to the date of application, all necessary coursework as approved by the Commission. Salesman course II may not be taken by correspondence or online.

(A) An original applicant for a license, not holding an active real estate license in another jurisdiction, shall be required to show proof of completion of the pre-license ~~salesman~~ Salesperson eCourse I (state and national portions); and ~~salesman~~ Salesperson eCourse II and pass the appropriate examination before applying for a real estate license. These requirements may be accomplished in any order.

(B) An applicant for a license that presently holds an active real estate license in another jurisdiction shall be required to show proof of completion of the pre-license Salesperson Course I (state portion only) and Salesperson Course II before applying for a real estate license.

(C) In lieu of actual clock hours of education for ~~salesman~~ Salesperson eCourse I (state and national portions), an applicant may challenge an approved course by satisfactorily passing the approved course examination and submitting certification.

(viii) Proof of errors and omissions insurance as described in W.S. 33-28-401 and Chapter ~~8~~ 7 of these Commission rules.

(b) Associate ~~b~~ Broker applicants shall submit the following items to the Commission in one packet, excluding fingerprint cards, in advance of any expiration dates as issued. All items must be postmarked or time-stamped at the time of submission before any of the following items exceed expiration. A submission of all items by postmark or time-stamp constitutes a receipt of an application by the Commission:

(i) Evidence that they have been actively engaged in real estate activity as a licensed ~~salesman~~ Salesperson, or equivalent credential in other licensing jurisdiction, for two (2) of the four (4) years immediately preceding the application or proof that they have a degree in real estate as defined in W.S. 33-28-102(b)(~~xi~~ v);

(ii) Completed application form with appropriate fees;

(iii) Fingerprint cards and payment for fingerprint processing as prescribed by the Wyoming Department of Criminal Investigation;

- (iv) Recent snapshot or photograph;
- (v) Proof of legal presence and legal name in the United States;
- (vi) If a nonresident, signed Service of Process forms provided by the Commission;
- (vii) Proof of errors and omissions insurance as described in W.S. 33-28-401 and Chapter 8 7 of the Commission rules;

(viii) Evidence of completing, within one year prior to the date of application, all necessary coursework of broker course I and broker course II which shall meet the curriculum established and as approved by the Commission. ~~Broker course II may not be taken by correspondence or online;~~

(A) An original applicant for a license shall be required to show proof of completion of the pre-license ~~b~~Broker eCourse I (state and national portions), ~~b~~Broker eCourse II ~~and pass the appropriate national and state examination~~ before applying for a real estate license. ~~These requirements may be accomplished in any order.~~

(B) An applicant for a license with a degree in real estate shall be required to show proof of completion of the pre-license Broker Course I (state and national portions) and Broker Course II before applying for a real estate license.

(C) An applicant for a license that presently holds an active real estate license in another jurisdiction shall be required to show proof of completion of the pre-license Broker Course I (state portion only) and Broker Course II.

~~(BD)~~ In lieu of actual clock hours of education for ~~b~~Broker eCourse I (state and national portions), an applicant may challenge an approved course by satisfactorily passing the approved course examination portions and submitting certification.

(ix) Valid Commission-recognized examination score report(s) per Section 4 of this Chapter;

(A) If not presently, actively holding a real estate license in another jurisdiction, copies of passing score reports for the national and state real estate broker examinations;

(B) If presently, actively holding a real estate license in another jurisdiction, a copy of a passing score report for the state real estate broker examination,

~~(ix)~~ Individuals with a bachelor's degree in real estate applying for a license as an Associate Broker applicants with a degree in real estate shall be also provide: shall also submit, with a completed application, official college transcripts per W.S. 33-28-102(b)(xiv).

~~(A) A certificate of completion for broker course II;~~

~~(B) A copy of the Wyoming passing score(s) report for the state and national broker examination.~~

(c) Responsible ~~b~~Broker License applicants shall:

(i) Meet all requirements for an ~~a~~Associate ~~b~~Broker's license;

(ii) Provide evidence they have been actively engaged in real estate activity as a ~~salesman~~ Salesperson or ~~a~~Associate ~~b~~Broker, or equivalent credential in other licensing jurisdiction, for two (2) of the four (4) years immediately preceding the application;

(iii) Provide proof of Wyoming trust account(s) or funds holder agreement(s);

(iv) ~~Beginning January 1, 2013, s~~Submit proof of completion of a Commission approved broker management course taken no more than two (2) years prior to the application.

(d) An applicant who holds a prior felony conviction may be considered for certification twelve (12) months after all sentencing/parole/probation/requirements have been completed.

#### **Section 4. Registration and examination required; failure to pass.**

(a) Every person desiring to become licensed shall register for the appropriate examination on a form provided by the testing service.

(b) Registrants for an exam shall have reached the age of majority.

(c) Candidates for licensure must take a Commission approved examination and receive a passing score as determined by the Commission in partnership with its contracted testing service provider. The scoring method used shall be published prior to the administration of the examination.

(d) Any person who registers for the examination shall select a date for taking the examination. The selected date may be changed only by submitting another fee and registration or as allowed by the testing service.

(e) Failure to take the examination on the scheduled date will result in cancellation of the registration and no refund of the examination fee will be made.

(f) A notice to a registrant that he has received a passing score does not constitute a license to engage in real estate activity. Licenses are issued only pursuant to filing the appropriate application for a license, paying all required fees and Commission approval of such application.

(g) No application for a license will be accepted until the registrant has taken and passed all applicable portions of the examination.

(h) Any registrant who takes the examination and does not attain a passing score, on a portion, shall reregister and pay the appropriate fee if they wish to retake the failed portion. Registrants passing one portion of the examination are only required to retake the portion they failed; partial examinations shall be taken within six (6) months after registrant's last test failure date. Registrants required to take more than one portion of the examination who do not pass all portions of the examination within six (6) months shall retake the entire examination.

(j) After official notification in writing from the testing service to the registrant that he has successfully passed all the appropriate portions examination, the registrant shall within ninety (90) days of the most recent notice date, file the appropriate application for a license with all the required accompaniments. Failure to file an application for a license and proof of required education within the ninety (90) day period will cancel the application and all scores will be terminated.

(k) The Commission, upon proper certification, will accept the uniform portion of the examination as having been successfully passed by any person seeking a license in Wyoming who received a like-license in the applicant's licensing jurisdiction, provided that such like-license is currently valid and in good standing.

(i) Certification shall state when the applicant received his ~~original~~ initial license, the status of the license, and if there has been any disciplinary action taken against the licensee, and that the licensee has served actively for two (2) of the (4) years immediately preceding the application as a like-licensed real estate ~~salesman~~ Salesperson or ~~a~~Associate ~~b~~Broker, and Responsible Broker.

(~~ml~~) ~~Original~~ Initial licenses will be issued for the balance of the year in which they are obtained. ~~They~~ All initial licenses will expire on December 31 of the year in which issued. In order to maintain the license, the license must be renewed on or before December 31, however, no continuing education hours are required for initial renewal. Renewal license will be issued for 3-year durations. They will expire on December 31 of the third year. No prorating of license fees can be made by the Commission.

## **Section 5. Transfers, inactive licenses.**

(a) Notice of transfer of license from the sponsorship of one ~~Responsible~~ ~~Broker~~ to another shall be indicated on a transfer form provided by the Commission, ~~and shall be accompanied by a transfer fee.~~

(b) When a real estate license has been returned to the Commission, the former licensee shall not perform any real estate activity.

(c) A licensee may request the Commission to hold his license for not more than thirty (30) days on a hold for transfer basis until proper request for reissue has been made, after which time the license will automatically become inactive. A licensee whose license is inactive or on hold for transfer shall not perform any real estate activity.

(d) A licensee whose license is held by the Commission on an inactive or hold for transfer basis during the renewal period shall apply for renewal of such inactive license and pay the regular fee.

~~(e)~~ A licensee whose license is on inactive status may not engage in any real estate activity. A licensee may activate his license once all required and elective education is current.

## **Section 6. Real Estate Companies.**

(a) Real ~~Estate~~ ~~Company~~ ~~Licenses~~ will be issued to the ~~Responsible~~ ~~Broker~~ for a real estate company engaged in real estate activity upon verification by the Secretary of State of Wyoming that the real estate company is in good standing.

(b) The ~~Responsible~~ ~~Broker~~ shall be an officer, partner or manager, or hold an ownership interest in the real estate company.

(c) Submission of ~~The~~ following documents ~~are~~ is necessary before issuing a ~~Responsible~~ ~~Broker's~~ ~~License~~ ~~to~~ for a real estate company engaged in real estate activity. All items must be postmarked or time-stamped before any of the following items exceed expiration:

- (i) A properly executed application and fee;
- (ii) A copy of the documents establishing company organization;
- (iii) A copy of the bylaws of the corporation; or the operating agreement for the real estate company;
- (iv) A copy of the meeting minutes of the corporation; partnership, limited liability company, or other entity indicating the name of the ~~Responsible~~ ~~Broker~~;

(v) If establishing a home-based business, attest that establishment of the business is in accordance with county and/or city zoning and codes.

(d) Initial Real Estate Company Licenses will be issued for the balance of the year in which they are obtained. All initial Real Estate Company Licenses will expire on December 31 of the year in which issued. In order to maintain the License, the Real Estate Company License must be renewed on or before December 31. No prorating of license fees can be made by the Commission.

**CHAPTER 2  
FEES**

**Section 1. Fees.** The following nonrefundable and non-prorated fees shall be charged by the ~~Real Estate Commission~~:

<u>(a)</u>	Examination fees	<del>\$140</del> <u>\$141</u>
<u>(b)</u>	Each original <del>Broker/salesman</del> <u>Salesperson</u> license	\$300
<u>(c)</u>	Each original <del>business entity/Company/branch</del> <u>Office</u> <u>License</u> (except sole proprietorships)	\$300
<del>(d)</del>	<del>Duplicate license (lost original)</del>	<del>\$20</del>
<u>(d)</u>	Broker/ <del>Salesman- Salesperson</del> <u>three (3) year</u> renewal <u>License</u>	\$350
<u>(e)</u>	<del>Business entity/Company/</del> Branch office <u>three (3) year</u> renewal license (except sole proprietorships)	\$350
<u>(f)</u>	Recovery fund (W.S. 33-28-201(b))	\$20
<u>(g)</u>	Late renewal fee	\$75
<u>(h)</u>	Continuing education course application fee	\$50
<u>(j)</u>	Each <del>business company</del> change of address	<del>\$25</del> <u>\$30/license</u>
<u>(k)</u>	Each transfer/active status request/name change	\$30
<u>(l)</u>	Admin fee for group program errors and omissions	\$15
<u>(m)</u>	<u>Printed</u> Certified License History	\$10
<del>(n)</del>	<del>Certified copies of documents</del>	<del>\$10</del>
<u>(n)</u>	Public Information Request <u>printing</u> /copies	<del>\$0.50/page</del> Current Rate per Section 3
<u>(o)</u>	Paper Processing Fee	\$25

- (p) Additional fee for expedited (two (2) business days) \$150 license issuance or transfer provided all requirements, including fingerprint results, are complete, valid, and submitted to the agency

**Section 2. Public Records Authority.** The Commission is required under W.S. 16-3-103(j)(ii) to adopt the Department of Administration and Information's uniform rules pertaining to procedures, fees, costs, and charges for inspecting, copying, and producing public records.

**Section 3. Adoption of Uniform Rules.** The Commission hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <http://realestate.wyo.gov/real-estate-professionals/rules-and-regulations>.

(b) For these rules incorporated by reference:

(i) The Commission has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length and nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section, and;

(iii) The incorporated rules are maintained at the Commission's office and are available for public inspection and copying at that same location.

## CHAPTER 3 FORMS

### Section 1. Minimum requirements, forms.

(a) A **Responsible Broker** or licensee acting on his behalf shall, at the time of signing, deliver a hard or electronic copy of any document to the party or parties executing the same when such instrument has been prepared by the **Responsible Broker** or licensee acting on his behalf or under his supervision, or is within his control, including but not limited to instruments relating to the employment of the **Responsible Broker** or licensee acting on his behalf, the listing of real estate, the consummation of a lease, purchase, sale or exchange of property, or to any other type of real estate transaction in which he participates as a **Responsible Broker** or licensee acting on behalf of the **Responsible Broker**. It is the responsibility of the **Responsible Broker** or licensee acting on his behalf to prepare sufficient copies of such instruments in order that the above may be accomplished.

(i) Nothing herein shall be construed to permit the licensee to withhold such delivery in order to obtain other signatures on such instrument, or for any other reason.

(ii) Readily available and properly indexed copies of all unrecorded documents shall be retained by the **Responsible Broker** for seven (7) years.

(b) The **Responsible Broker** or licensee acting on his behalf shall prepare the purchase offer and acceptance form, exchange contract form or other inducement document form for the voluntary transfer of freehold or non-freehold real estate to include but not be limited to:

(i) The name and address of the real estate company;

(ii) The date of offer by offeror;

(iii) Real estate description that will adequately identify the real estate;

(iv) Enumerated and described personal property included in the transaction may be referenced by addendum;

(v) Total amount of purchase price. For a lease or rental agreement, the total amount of rent payments, if applicable, or the periodic rate;

(vi) Total amount and type of earnest money deposit, damage, security or other deposits and any understanding for the return of all or part of the deposits;

(vii) Complete and accurate description of all contractual conditions including balance of purchase price, rent or lease payments or management fees and terms or conditions of payment-;

(viii) Date of actual or constructive possession and assignment of leases or referenced to closing date-;

(ix) Specified date of closing-;

(x) Date that offering document expires-;

(xi) Signature of the ~~R~~esponsible ~~b~~roker or his agent upon receipt of monies or other valuable property coming into his possession which belongs to others-;

(xii) Date of acceptance of offer by offeree-;

(xiii) All changes made to an offer or counter-offer shall be dated and initialed by all parties to the contract-;

(xiv) When an offeror makes an offer which is accepted by the offeree, the licensee interacting with the offeree shall immediately notify the offeror or the licensee interacting with the offeror of the acceptance-;

(xv) If contract terms are amended or extended, a written agreement form to amend or extend shall be prepared and shall be signed by all parties to the transaction-;

(xvi) All offers presented by a licensee and rejected by the offeree shall be so rejected in writing upon the offer form presented. The licensee shall deliver a copy of such offer with the written rejection thereon to the offeror or the licensee working with the offeror-;

(xvii) Should an offeree authorize the licensee to reject on his behalf or refuse to execute a written rejection, the licensee shall, by a written, signed statement, verify the date of offeree's oral notification to the licensee of rejection of such offer-;

(xviii) A copy of the acknowledged disclosures as required by W.S. 33-28-306 and 33-28-308(f).

(c) Cooperating ~~R~~esponsible ~~b~~rokers or licensees acting on their behalf shall present offers and shall negotiate only through the listing ~~R~~esponsible ~~b~~roker or licensees acting on his behalf unless the listing ~~R~~esponsible ~~b~~roker gives written consent to contact the principal. All offers shall be presented as expeditiously as possible.

(d) A ~~R~~esponsible ~~b~~roker shall ensure that his agents comply with minimum Commission requirements when preparing contracts and obtaining signatures.

**CHAPTER 4**  
**RENEWALS AND EDUCATION**

**Section 1. Active License Renewals**

(a) Each active license shall be renewed by submission of a renewal application and all necessary fees, as prescribed in Chapter 2 of these Commission rules, three (3) years on or before December 31 of the third year it is issued. All applications must be postmarked or electronically submitted on or before December 31 to be considered for renewal.

(b) All ~~r~~Responsible ~~b~~Broker licensees submitting an active license renewal application must show proof of completion of fifty-three (53) hours of continuing education as described in Section ~~5~~ 8 of this Chapter. All education hours for an active license must be completed during the three (3) previous years ~~under which the licensee maintained an active license.~~

(c) All ~~a~~Associate ~~b~~Broker and ~~salesmen~~ Salesperson licensees submitting an active license renewal application must show proof of completion of forty-five (45) hours of continuing education as described in Section ~~6~~ 9 of this Chapter. All education hours for an active license must be completed during the three (3) previous years ~~under which the licensee maintained an active license.~~

(d) Any licensee that fails to renew their license on or before December 31 shall be considered inactive and shall not perform or engage in real estate activity for any reason.

(e) Any licensee that held an active license on December 31 of the third year of issuance shall be considered inactive but may submit a renewal application to the Commission from January 1 through March 1 of the following year. In order to reactivate the license that lapsed, the Commission shall charge the licensee an additional fee for processing. All applications must be postmarked or electronically submitted on or before March 1.

(f) Any license not renewed by March 1 of the year following the third year of issuance shall be canceled.

**Section 2. Inactive License Renewals.** An individual that has obtained an active license from the Commission may move their active license to inactive status with submission of the appropriate forms and payment of fees. Inactive licenses must be renewed on the regular renewal cycle with proper submission of Commission forms and payment of fees, however, completion of required and continuing education is not necessary for inactive license renewal.

**Section 3. Reactivating a License.** An individual that holds an inactive license shall submit an application, furnish proof of completion of all education prescribed by Sections ~~6 and 7~~ 8 and 9 of this Chapter and pay all required fees, in order to apply for an active license from the Commission.

#### **Section 4. Real Estate Company Renewals**

(a) Each active Real Estate Company License shall be renewed by submission of a renewal application and all necessary fees, as prescribed in Chapter 2 of these Commission rules, three (3) years on or before December 31 of the third year it is issued. All applications must be postmarked or electronically submitted on or before December 31 to be considered for renewal.

(b) Any real estate company that fails to renew their license on or before December 31 shall be considered inactive and shall not perform or engage in real estate activity for any reason.

(c) Any Real Estate Company License that was considered active on December 31 of the third year of issuance shall be considered inactive but may submit a renewal application to the Commission from January 1 through March 1 of the following year. In order to reactivate the license that lapsed, the Commission shall charge the real estate company an additional fee for processing. All applications must be postmarked or electronically submitted on or before March 1.

(d) Any Real Estate Company License not renewed by March 1 of the year following the third year of issuance shall be canceled.

#### **Section 5. Pre-Licensing Education Classes**

(a) The Commission shall approve schools and instructors that provide classes before individuals apply for a real estate license per Chapter 1 of these rules. These classes include, but are not limited to, Salesperson Course I, Salesperson Course II, Broker Course I and Broker Course II. In order to be considered for approval as a school that provides pre-licensing education, schools and instructors shall meet and maintain the following criteria:

(i) The school and its instructors shall be duly registered with, approved by, and in good standing with the Wyoming Department of Education as a training entity per the laws, rules, and regulations of the Wyoming Department of Education;

(ii) The school and instructors shall submit a formal application to the Commission every three years in the manner prescribed by the Commission and its forms, acknowledging that applications and forms are subject to judicial review;

(iii) Pre-Licensing class outlines submitted with applications shall follow the outlines of study established by the Commission's recognized testing provider, and;

(iv) Pre-Licensing class formats, delivery, and instruction, shall be established and executed with methodologies that support student success and practical application of the material.

(b) At the time of application, instructors for pre-licensing classes shall meet the following criteria:

(i) Instructors shall submit a professional resume or curriculum vitae showing all completed formal education, as well as, previous and current professional experience spanning no less than five (5) years;

(ii) Instructors shall have completed and furnish proof of five (5) years of professional work experience in the real estate industry;

(iii) Instructors shall submit proof of successful completion of advanced coursework in the areas of adult education and instruction.

(c) The Commission reserves the right to audit and evaluate approved pre-licensing classes at any time, allowing commissioners or staff to attend the classes free of charge.

(d) The Commission reserves the right to revoke approval of a pre-licensing school or instructors at any time with cause and with the assistance of the Attorney General. Notice of revocation shall be made public and provided to the school or instructors, and the Wyoming Department of Education within ten (10) business days of the revocation. If necessary, formal complaints may be filed with the Wyoming Department of Education and Attorney General if evidence and documentation shows consumer harm and the safety of consumers is at risk.

(e) Schools and instructors revoked of approval to provide pre-licensing education shall be granted an opportunity to petition revocation in writing and/or in person to the Commission at a public meeting.

(f) Schools and instructors denied approval to provide pre-licensing education shall be notified of denial within ten (10) business days of the Commission's decision to deny. Those denied approval shall be granted an opportunity to petition the denial in writing and/or in person to the Commission at a public meeting.

## **Section 46. Required Education Classes**

(a) The Commission and/or its staff shall approve educational seminars and classes for required education credit. Required seminars and classes may be delivered in classroom, online, distance learning and hybrid formats.

(b) Every September of the calendar year, the Commission shall elect an Education Chairman to oversee the processes articulated in [Section 45](#) of these rules. This Chairman shall serve a term of one calendar year and may serve subsequent, consecutive terms.

(c) On March 1 of every calendar year, the Commission shall release and publish on its web site required course criteria and objectives to the public and solicit proposals from qualified instructors and institutions.

(d) Any institution or instructor desiring to deliver required education in the state of Wyoming shall submit the necessary forms prescribed by the Commission to the Commission office July 1 of each calendar year. All required class proposals shall be pre-approved, approved or denied by the Commission on or before September 1 of each calendar year.

(e) All approved required seminars and classes shall be deemed valid for one year starting January 1 following initial approval through December 31 of the following year. The Commission and/or its staff members may audit a class or seminar at any time free of charge. [Approved classes are subject to a one-time fee for processing as set forth in Chapter 2 of these rules.](#)

(f) The Commission reserves the right to amend and update seminar and class outlines, objectives and materials, as well as, revoke approval of any required class at any time. If a required outline and/or objective is amended, all current instructors of these classes shall be notified of the changes within ten (10) business days and changes must be implemented to coursework as soon as reasonably possible.

(g) All instructors shall adhere to the rules and policies set forth by the Commission.

(h) All instructors delivering required education classes and seminars shall furnish proof of professional work and experience in the real estate industry for at least five (5) years. Instructors that have completed coursework in adult education and instruction shall receive favorable consideration.

(j) All required seminars and classes shall meet the following criteria:

(i) Every seminar or class shall be at least three (3) clock hours in duration. Each hour of direct instruction, discussion and evaluation shall count for one (1) credit

hour for continuing education. A credit hour is considered fifty (50) minutes of instruction per clock hour. Completed required classes, by class number and/or name, shall only be counted once for required course credits during a licensee's renewal cycle.

(ii) All seminars and classes shall meet requirements of the Americans with Disabilities Act (ADA) and the promotion of any product or service is prohibited during instruction hours.

(iii) All online, distance learning and hybrid seminars and classes shall be certified by the International Distance Education Certification Center (IDECC), a subsidiary of the Association of Real Estate License Law Officials (ARELLO) after they are pre-approved or approved by the Commission.

(iv) All instructors and institutions delivering education shall keep records of attendance for each class for no less than five (5) years and submit this attendance record to the Commission within ten (10) days after each course is delivered. Attendance records shall contain the following information:

- (A) The name of each participant
- (B) The hours and dates each participant attended the class or seminar
- (C) The title of the seminar/class
- (D) The name of the seminar/class instructor

(v) All instructors and/or providers shall certify that attendees were present for at least ninety percent (90%) of the approved course. If directly observed, instructors must report any false reports of attendance to the Commission immediately.

(vi) Credit hours will not be awarded for only taking an examination.

(vii) All final attendance records and completion certificates and/or information shall be filed by the course provider with the Commission within ten (10) calendar days following each class offering.

(viii) All instructors or education providers shall provide class/seminar attendees with a class/seminar evaluation (paper or electronic) approved by the Commission. All completed evaluations shall be filed by the instructor or education provider with the Commission within ten (10) calendar days following each class offering. Evaluations shall be reviewed by the Education Chairman, the Commission and/or Commission staff.

## Section 57. Elective Education Classes

(a) The Commission and/or its staff shall approve educational seminars and classes for elective education credit. All seminars and classes must be relevant to the real estate industry in the areas of business management, ethics, customer relations/marketing, legal/regulatory compliance, sales, property management/leasing, financing, environmental issues/regulation, and construction. The Commission may approve other subject areas for seminars and classes when deemed appropriate. Seminars and classes may be delivered in classroom, online, distance learning and hybrid formats. Any institution or instructor desiring to deliver education in the state of Wyoming shall submit the necessary forms and fees prescribed by the Commission to the Commission office at least ~~thirty ten (30)~~ (10) days before the class is delivered.

(b) All instructors shall adhere to the rules and policies set forth by the Commission, as well as, comply with all requirements prescribed in the Commission's forms. The Commission and/or its staff members may audit a seminar or class at any time free of charge.

(c) All online, distance learning and hybrid classes shall be certified by the International Distance Education Certification Center (IDECC), a subsidiary of the Association of Real Estate License Law Officials (ARELLO).

(d) All classes shall meet the following criteria:

(i) Every course shall be at least three (3) clock hours in duration. Each hour of direct instruction, discussion and evaluation shall count for one (1) credit hour for continuing education. A credit hour is considered fifty (50) minutes of instruction per clock hour.

(ii) All courses shall be relevant to the real estate industry and adhere to the most current education policies adopted by the Commission. The Commission reserves the right to revoke approval of a continuing education class or seminar at any time.

(iii) All courses shall meet requirements of the Americans with Disabilities Act (ADA) and the promotion of any product or service is prohibited during instruction hours.

(iv) All instructors and institutions delivering education shall keep records of attendance for each class for no less than five (5) years and submit this attendance record to the Commission within ten (10) days after each course is delivered. Attendance records shall contain the following information:

(A) The name of each participant

(B) The hours and dates each participant attended the course

(C) The title of the course

(D) The name of the course instructor

(v) All course providers shall certify that attendees were present for at least ninety percent (90%) of the approved course. If directly observed, instructors must report any false reports of attendance to the Commission immediately.

(vi) Credit hours will not be awarded for only taking an examination.

(vii) All final attendance records and completion certificates and/or information shall be filed with the Commission within ten (10) calendar days following each class offering.

(viii) All instructors and class providers shall provide attendees with a class/seminar evaluation (paper or electronic) approved by the Commission. All completed evaluations shall be filed with the Commission within ten (10) calendar days following each class offering. Evaluations shall be reviewed by the Commission and/or Commission staff.

#### **Section ~~68~~. Responsible Broker Education Requirements**

(a) All active ~~r~~Responsible ~~b~~Brokers shall complete thirty two (32) hours of required education (to include one broker management course) and twenty one (21) hours of elective education during each renewal cycle.

(b) On March 1 of every calendar year, the Commission shall issue a list of current national designations and credentials deemed adequate to qualify for elective education hours. Active ~~r~~Responsible ~~b~~Brokers pursuing a designation or credential recognized by the Commission may apply to the Commission for elective education credit hours per current Commission policies.

#### **Section ~~79~~. Associate Brokers and ~~Salesmen~~ Salesperson Education Requirements**

(a) All active ~~a~~Associate ~~b~~Brokers and ~~salesmen~~ Salespersons shall complete twenty four (24) hours of required education and twenty one (21) hours of elective education during each renewal cycle.

(b) On March 1 of every calendar year, the Commission shall issue a list of national designations and credentials deemed adequate to qualify for elective education hours. All active ~~a~~Associate ~~b~~Brokers and ~~salesmen~~ Salespersons pursuing a designation or credential recognized by the Commission may apply to the Commission for elective education credit hours per current Commission policies.

## **Section 10. Education Fund Grants**

(a) Per the authority granted in W.S. 33-28-206, the Commission may prescribe forms and establish processes to grant funds from its education fund to Wyoming organizations, associations, institutions, and entities deemed qualified and eligible to provide quality elective education classes, seminars, and/or research for the Wyoming real estate industry.

(b) Funds may be granted and expended in allotments of no less than five-hundred dollars (\$500) and no more than two-thousand dollars (\$2,000) per event. Expenditures for these grants, in sum, shall not exceed thirty thousand dollars (\$30,000) in one fiscal year. Recipients of funds shall be required to pay no less than ten percent (10%) of the total costs of the event toward the event and its components.

(c) Any educational event held using Commission education funds shall be made open to all Wyoming real estate licensees at free, reduced or reasonable rate of registration.

(d) The Commission shall be identified and named as a sponsor of any educational event held using Commission education funds.

## CHAPTER 5 BROKERS' TRUST ACCOUNTS

**Section 1. Broker's trust accounts.** The following rules apply to trust accounts held by licensed Responsible Brokers.

(a) All money belonging to others accepted by the Responsible Broker shall be deposited with a funds holder or in a bank, financial institution or other recognized depository in this state in a trust account separate from money belonging to the Responsible Broker. A banking trust account may be any type of checking, demand, passbook, or statement account insured by an agency of the United States government. The name of each trust account shall be identified by the word "trust" or "escrow". The account shall be maintained in the name of the Responsible Broker.

(b) Money belonging to others which is received by the Responsible Broker or licensees or employees acting on his behalf includes but is not limited to money received in connection with property management contracts; rent or lease contracts; advance fee contracts; or money belonging to others received for future investment or other purposes.

(c) If the Responsible Broker does business as a real estate company, such account shall be maintained in the name of the Responsible Broker acting for such real estate company and in the name of the real estate company. The name of the Responsible Broker is to be followed by the words "Responsible Broker".

(d) Each trust bank account heading shall include a label identifying the purpose/type of such account, i.e. "sales trust," "security deposit escrow," "property management trust."

(e) Unless otherwise permitted by other subsections of this rule, all money belonging to others shall be deposited accounting to the purpose of the transaction in separate types of escrow accounts. For example, sales escrow deposits separated from property management deposits separated from security deposits as follows:

For example:

Line 1 – XYZ Realty  
Line 2 – John Doe, Responsible Broker  
Line 3 – Meadows Homeowners' Association Escrow Account

(i) The Responsible Broker shall be able to withdraw money from such trust account without the benefit of a cosigner. Other authorized signatures of licensed or unlicensed people may also appear on the account.

(ii) Money belonging to others shall not be invested in any type of account or security or certificate of deposit which has a fixed term for maturity unless the written consent of all parties to the transaction has been secured.

(iii) Money held in a trust account which is due and payable to the ~~r~~Responsible ~~b~~Broker shall be withdrawn promptly. Monies earned by licensees affiliated with a responsible broker may not be paid directly from the ~~r~~Responsible ~~b~~Broker's trust account.

(iv) All money belonging to others in the form of cash or check received shall be deposited directly into the listing ~~r~~Responsible ~~b~~Broker's real estate company trust account or with the ~~r~~Responsible ~~b~~Broker's real estate company funds holder by the listing ~~r~~Responsible ~~b~~Broker per W.S. 33-28-122(a)(i), not later than the first banking day after receipt unless all persons having an interest in the funds have agreed otherwise in writing.

(v) When trust funds are held by a funds holder, the ~~r~~Responsible ~~b~~Broker shall obtain a receipt showing the date and the amount of the funds transferred to the funds holder. The Responsible ~~b~~Broker, for each funds holder account maintained, shall also maintain a recordkeeping system in his place of business, consisting of at least the following: Date Received/Paid, Check number, Amount, Buyer, Seller, Escrow Agent, Date Delivered, Description of the real estate, Disposition of Transaction.

(vi) The ~~r~~Responsible ~~b~~Broker, for all money belonging to others, shall also maintain a recordkeeping system in his place of business for every real estate company and/or branch location consisting of at least the following:

(A) A journal shall show the chronological sequence in which funds are received and disbursed. For funds received, the journal shall include the date, the name of the party who is giving the money, the name of the principal, address or description of the real estate, the amount. For disbursements, the journal shall also include the date, check number, amount, payee, principal, and the address or description of the real estate. The journal shall include a current running balance.

(B) A transaction ledger shall show the receipts and disbursements as they affect a particular transaction between buyer and seller or landlord and tenant, etc. The transaction ledger shall include the names of both parties to the transaction, the dates and amounts received, and the address and description of the real estate. When funds are disbursed, the date, payee, check number, and amount shall be shown.

(C) The ~~r~~Responsible ~~b~~Broker shall reconcile trust account journals and ledger liabilities monthly. The bank reconciliation shall prove agreement on the date of reconciliation by (1) the cash balance showing in the account journal; (2) the

sum of the cash balances for all ledgers; and (3) the corresponding bank account balance. This worksheet shall be maintained in hard copy or electronic form for later inspection and list each beneficiary's ledger balance on the date of reconciliation. The ~~f~~Responsible ~~b~~Broker is not required to reconcile any trust account when no banking activity has occurred.

(D) Separate trust account journals shall be reconciled with the related bank statement monthly.

(f) Money belonging to one beneficiary shall not be used for the benefit of another beneficiary.

(g) Any instrument or equity or thing of value taken in lieu of cash shall be held by the listing ~~f~~Responsible ~~b~~Broker except as otherwise agreed to by all parties to the transaction.

(h) A nonresident ~~f~~Responsible ~~b~~Broker licensed in Wyoming engaged in real estate activity in this state shall maintain such separate trust accounts with a Wyoming funds holder or in a bank or recognized depository in Wyoming.

(j) A ~~f~~Responsible ~~b~~Broker is not limited to the number of separate trust accounts or funds holder accounts he may maintain for money belonging to others.

(k) When money is collected by a ~~f~~Responsible ~~b~~roker for performance or services or for the expenses of performing such services, or for advertising expenses in regard to the sale of real estate, and such money is collected before the advertising or services have been performed, such ~~f~~Responsible ~~b~~Broker shall deposit such money with a funds holder or in a trust account. No money may be withdrawn from such principal's funds, except for actual expenses paid on behalf of the principal, until the ~~f~~Responsible ~~b~~Broker has fully performed the services for which the principal contracted. A full and itemized accounting shall be furnished the principal within twenty (20) days of any withdrawal of such principal's funds from such principal's account.

**Section 2. Audits.** The Commission may audit the ~~f~~Responsible ~~b~~Broker's records of his trust accounts and the ~~f~~Responsible ~~b~~Broker's records of monies deposited with his funds holders to assure compliance with Commission rules and statutes.

## CHAPTER 6 REGULATORY ENFORCEMENT GROUNDS

**Section 1. Regulatory enforcement grounds.** The Commission may take disciplinary action, which includes an administrative fine, censure, probation, suspension, or revocation, including a combination thereof, with respect to a licensee, for any of the following acts or conduct:

- (a) Against a licensee and/or licensee's **¶R**esponsible **¶B**roker for:
  - (i) Violating or failing to comply with any rule of the Commission or provision of the act;
  - (ii) Participating in real estate activity while a license is on inactive status;
  - (iii) Representing that a particular form or sales compensation rate has been approved by the Commission;
  - (iv) Violation or assisting in the violation of local, state or federal law or regulation;
  - (v) Using a form which does not describe the actual real estate transaction;
  - (vi) Making any false promise which influences, persuades, or induces action by another relating to a real estate transaction;
  - (vii) Failing to account for or to remit any moneys or documents coming into his possession which belong to others;
  - (viii) Commingling the money or property of others with his own;
  - (ix) Permitting the use of his license as a **¶R**esponsible **¶B**roker to enable anyone to operate a real estate company without actual participations therein and control thereof by the **¶R**esponsible **¶B**roker;
  - (x) Failing to provide information requested by the Commission relative to a complaint, investigation, or audit which could indicate a violation of the act;
  - (xi) Failing to disclose matters known to the licensee which are material to the real estate transaction;

(xii) Failing to notify sub-agents, multiple listing service or other interested parties when agency or non-agency has been terminated. Notice to multiple listing services shall constitute notice to all members thereof;

(xiii) Failing to remove signs and/or lock boxes after termination of a listing; continuing to advertise real estate which is no longer listed;

(xiv) Advertising and promoting another real estate company's or ~~r~~Responsible ~~b~~Broker's listings without written permission and in compliance with Section 4 of this chapter;

(xv) Failing to pay a fine imposed or comply with all requirements of a Commission settlement agreement, stipulation and order;

(xvi) Compensating any unlicensed person for performing the services of a licensee for any real estate activity except anyone arranging non-consecutive short-term rentals.

(xvii) Failing to obtain and maintain errors and omissions insurance and provide proof of insurance to the Commission.

(xviii) Falsifying attendance and/or completion of required and elective education for licensure-;

(xix) Failing to disclose the names of all real estate companies within all real estate transactions if the Responsible Broker holds a license for more than one (1) real estate company, per W.S. 33-28-111(a)(xxix)(D);

(xx) Procuring a license to practice pursuant to the Wyoming Real Estate Act by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for a license or through any form of fraud or misrepresentation;

(xxi) Participating, engaging, or assisting in a real estate transaction wherein all parties to the transaction are customers and no written agency or intermediary relationship is established.

(b) Unless approved by the Commission, the voluntary surrender, expiration or lapse of a license by a licensee does not prevent the Commission from proceeding with its investigation of a complaint and taking appropriate disciplinary action against a licensee.

## **Section 2. Suspension/revocation requirements.**

(a) When a ~~r~~Responsible ~~b~~Broker's license is suspended or revoked, he shall return his license, all real estate company licenses, and the licenses of

his ~~a~~Associate ~~b~~Brokers and ~~salesmen~~ Salespersons to the office of the Commission. Licensees affiliated with a ~~r~~Responsible ~~b~~Broker who have had their license suspended or revoked may not perform any real estate activity until they have transferred to a new ~~r~~Responsible ~~b~~Broker.

(b) When an ~~a~~Associate ~~b~~Brokers or ~~salesman~~ Salesperson license has been suspended or revoked, the licensee shall return his license to the ~~r~~Responsible ~~b~~Broker who shall return the license to the Commission.

### **Section 3. Unlawful compensation; disputes between licensees.**

(a) The Commission shall not entertain complaints between licensees regarding disputes concerning matters of compensation, the earning, splitting or the non-payment thereof.

(b) A ~~r~~Responsible ~~b~~Broker may compensate ~~an~~ a licensed, unlicensed or inactive person for real estate activity performed if the person was actively licensed and under the ~~r~~Responsible ~~b~~Broker's supervision at the time the real estate activity was performed.

(c) W.S. 33-28-110 (a) does not apply to incentives offered or paid to persons, who on their own behalf, engage the services of a licensee to assist them with the sale or purchase of real estate, provided those persons do not perform any real estate activity. Advertising and/or paying such incentives does not violate any provision of the act or rule or regulation of the Commission.

(d) A licensee may pay their personal assistant a salary directly. The ~~r~~Responsible ~~b~~Broker shall pay a licensed personal assistant if that personal assistant is to receive a percentage of any compensation.

(e) A ~~r~~Responsible ~~b~~Broker's payment of earned real estate compensation to a corporation or LLC which is solely owned by a licensee or licensees working under the ~~r~~Responsible ~~b~~Broker shall not be considered a violation of W.S. 33-28-111(a)(xxiii), "compensating any unlicensed person." Any agreement between the ~~r~~Responsible ~~b~~Broker and the corporation or LLC does not relieve the ~~r~~Responsible ~~b~~Broker of the obligation to supervise the licensee or any other requirement of the act or Commission rules.

**Section 4. Advertising Compliance.** The following advertising criteria shall be enforced by the Commission and met by real estate companies, Responsible Brokers, Associate Brokers, and Salespersons in all advertisements, displayed digitally or in print, in which the company or licensee is conducting real estate activity:

(a) When a real estate licensee or real estate company advertises with the use of a registered trade name, group name, or team name, the advertisement shall display the name of the real estate company as licensed by the Commission concurrently with the

registered trade name, team name, or group name in a conspicuous manner that the general public may easily identify;

(i) A group or team consists of one or more real estate licensees conducting real estate activity representing the same real estate company in which they are all licensed by the Commission;

(b) When real estate Responsible Broker, Associate Broker, or Salesperson uses their individual name in an advertisement, he shall use the legal name in which he is licensed, as registered with and verified by the Commission.

**CHAPTER 7**  
**ERRORS AND OMISSIONS INSURANCE**

**Section 1. Proof of Insurance.** Every Wyoming licensee shall provide proof of errors and omissions insurance which meets the criteria established by these rules.

**Section 2. Definitions.** The definitions in W.S. 33-28-102 apply.

**Section 3. Insurance required.** An applicant for issuance of a license on active status, a licensee renewing a license, or an inactive licensee activating a license shall submit proof of insurance coverage through the group plan or through certification of equivalent coverage.

**Section 4. Minimum standards.** The group policy obtained by the Commission shall provide to each individual licensee, at a minimum, the following terms of coverage:

- (a) Not less than one hundred thousand dollars single-limit liability coverage for each licensee per occurrence or claim made, not including costs for investigation or defense;
- (b) An annual aggregate limit of not less than five hundred thousand dollars per licensee;
- (c) A deductible amount for each occurrence of not more than one thousand dollars for single-limit liability coverage and one thousand dollars maximum additional deductible for defense and investigation;
- (d) An extended reporting provision of ninety days and an option to purchase an additional three years extended reporting provision for a premium not to exceed two hundred percent of the premium charged for the last year of the terminating coverage;
- (e) Coverage under this section for covered acts in any state, United States territory, or Canada in which a covered individual, domiciled in Wyoming, holds a license;
- (f) A conformity endorsement allowing a Wyoming resident licensee to meet the errors and omissions insurance requirement for an active license in another group mandated state without the need to purchase separate coverage in that state;
- (g) Stacking of benefits;
- (h) Proration of premiums for coverage that is purchased during the course of a calendar year but with no provision for refunds of unearned premiums;

(j) The ability of a licensee, upon payment of an additional premium, to obtain higher or excess coverage or to purchase additional coverages from the group carrier as may be determined by the carrier;

(k) The coverage is individual and license-specific and will cover the licensee regardless of changes in employing Responsible bBroker; and

(~~ml~~) Prior acts coverage shall be offered to licensees with continuous past coverage.

### **Section 5. Exceptions to coverage.**

(a) Except as provided in this section, coverage may not exclude claims brought against the insured licensee arising out of an act or failure to act by the licensee when performing a professional service for which a real estate license is required. Coverage may limit or exclude claims brought against a licensee which arise as follows:

(i) Out of claims or suits made or brought by any insured person against any other insured person within the same firm or from compensation disputes between licensees;

(ii) Out of loss assumed under contract or agreement, except for liability the insured would have had in the absence of such agreements;

(iii) From any criminal, dishonest, actual fraud, or willful act or omission. This exclusion does not apply to any insured person who did not personally participate in committing such an act or omission and who, upon having knowledge of the act or omission, reported it;

(iv) From unlawful discrimination committed by or for the insured person;

(v) From fines or penalties imposed by law;

(vi) From failure to maintain any type or amount of insurance for managed property;

(vii) From bodily injury, personal injury, advertising injury, or property damage;

(viii) From related business activities for which a license is not required under this chapter;

(ix) From involvement in any real estate investment contract or syndication as a partner, joint venture, or underwriter;

- (x) From hazardous materials, nuclear materials, or pollutants;
- (xi) From prior wrongful acts;
- (xii) From management or sale of property in which the insured or spouse has more than a ten percent financial or ownership interest. This exclusion does not apply for one year from the date a property is acquired under a guaranteed sale listing contract if the property is listed for sale during that entire period;
- (xiii) From any violation of the Securities Act of 1933, as amended through July 1, 1993, or the Securities Exchange Act of 1934, as amended through July 1, 1993, or any state blue sky or securities law or similar state or federal statutes; or
- (xiv) Other standard exclusions that are typical in the professional liability insurance industry may be permitted, subject to the approval of the Wyoming Real Estate Commission.

#### **Section 6. Group policy approval requirements.**

- (a) Any group policy to be issued shall conform to the standards and practices of the insurance industry and be approved by the Wyoming insurance department.
- (b) The administrative fee the Commission shall charge and collect as outlined in W.S. 33-28-401 may be waived by the Commission if the total number of licensees enrolled in the group program is less than two thousand (2,000).

**Section 7. Equivalent coverage.** An active licensee who chooses the option of obtaining errors and omissions insurance independently from a carrier other than the group carrier under contract with the Commission shall show evidence of coverage by providing certification of coverage on a form prescribed by the Commission. The form shall show proof that the licensee has coverage in compliance with the minimum standards established by section 9. The form shall be signed by an authorized representative of the insurance company and shall contain a cancellation notification clause as required by section 10.

#### **Section 8. Standards for equivalent coverage.**

- (a) Licensees or applicants may obtain errors and omissions coverage independent of the group plan from any insurance carrier subject to the following terms and conditions:
  - (i) The insurance carrier is licensed and authorized by the Wyoming insurance department to write policies of errors and omissions insurance in this state and is in conformance with all Wyoming statutes.

(ii) The insurance provider maintains an A.M. Best rating of "B" or better and Financial size category of class VI or higher.

(iii) The policy, at a minimum, complies with all relevant conditions set forth in this rule and the insurance carrier so certifies in an affidavit issued to the insured licensee or applicant in a form specified by the Commission and agrees to immediately notify the Commission of any cancellation or lapse in coverage. Independent coverage shall provide, at a minimum, the following:

(A) The contract and policy are in conformance with all relevant Wyoming statutory requirements.

(B) Coverage includes all acts for which a real estate license is required, except those illegal, fraudulent or other acts which are normally excluded from such coverage.

(C) Coverage cannot be canceled by the insurance provider except for nonpayment of premiums or fraud.

(D) Coverage is for not less than \$100,000 for each licensed individual and entity per covered claim, regardless of the number of licensees or entities to which a settlement or claim may apply, with an annual aggregate limit of not less than \$500,000 per licensed individual and entity.

(E) Payment of claims by the provider shall be on a first dollar basis and the provider shall look to the insured for payment of any deductible.

(F) The ability of a licensee, upon payment of an additional premium to obtain an extended reporting period of not less than 365 days.

(G) That the provider of the independent policy has executed an affidavit in a form or manner specified by the Commission attesting that the independent policy is in force and, at a minimum, complies with all relevant conditions set forth herein and that the provider will immediately notify the Commission in writing of any cancellation or lapse in coverage of any independent policy.

(b) Licensees or applicants who obtain equivalent coverage and wish to be on active status shall present the affidavit referred to in subsection (iii) of this section to the Commission:

(i) When renewing an active license, no later than at the time of renewal, ~~or~~ or

- (ii) Upon any request for reinstatement or activation of a license; or
- (iii) Upon application for an active license.

(c) Applicants for a license, activation, renewal and reinstatement shall certify compliance with this rule on forms or in a manner prescribed by the Commission. Any active licensee who so certifies and fails to obtain errors and omissions coverage or to provide proof of continuous coverage, either through the group carrier or directly to the Commission, shall be placed on inactive status:

(i) Immediately, if certification of current insurance coverage is not provided to the Commission; or,

(ii) Immediately upon the expiration of any current insurance when certification of continued coverage is not provided. Certification of equivalent coverage shall be filed with the Commission by 5 p.m. on the date of expiration of coverage. If the certification is not filed on time, the Commission shall place the license on inactive status on that date.

**Section 10 9. Nonpayment of premium.** If a licensee's insurance company or group plan notifies the Commission that a licensee has not paid a premium, the Commission shall place that license on inactive status as of the date of termination of coverage.

**Section 11 10. Surrender of license for failure to provide proof of insurance.** When a licensee receives notice of being placed on inactive status for failure to provide proof of insurance, the licensee shall immediately surrender the license to the Commission.

**Section 12 11. Notification required for cancellation.** If insurance under equivalent coverage is to lapse or not be renewed, the providing company shall notify the real estate Commission of the intent to lapse or not to renew, a minimum of thirty (30) days before the expiration date of the term.

**Section 13 12. Proof of insurance required to activate license.** A licensee whose license has been placed on inactive status for failure to provide proof of insurance may not conduct any activities for which a license is required until proof of insurance has been provided to the Commission and the license has been activated.

**Section 14 13. Authenticity of coverage.** A licensee may not willfully or knowingly cause or allow a certificate of coverage to be filed with the Commission that is false, fraudulent, or misleading.

**CHAPTER 8**  
**APPLICATION REVIEW, COMPLAINTS AND HEARING PROCEDURES**

**Section 1. Application Review Process.**

(a) Upon receipt of a completed application, the Commission office shall review the application and, if it is complete and there are no known grounds for denial of the license requested, issue the license. If there are known grounds for denial, the Commission office shall forward the application to the Application Review Committee (ARC).

(b) The ARC shall review the application and all other information available and following the review may:

(i) Approve the application if the applicant meets all requirements; or

(ii) If there are questions as to whether denial is appropriate, forward the application and the ARC report to the Assistant Attorney General assigned to the Commission for prosecution for review.

(c) If, after review, and following consultation with the Assistant Attorney General, the ARC concludes that grounds exist to recommend denial of an application:

(i) A preliminary denial letter shall be sent to applicant. The letter shall:

(A) State the basis for the denial including relevant statutes and rules; and

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial becomes final.

(iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARC, the Assistant Attorney General, and the applicant.

(iv) Following a reconsideration conference, the ARC shall either approve or deny the application and notify the applicant.

(v) If denied, the applicant shall submit a written request for a hearing before the Commission within thirty (30) days of the date of the denial letter or the denial is final.

(d) Application denial hearings

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The applicant has the burden of proving that he/she meets all requirements for the license requested.

(e) The ARC may attend hearings, but shall not take part in the consideration of any contested case.

**Section 2. Complaints.**

(a) A disciplinary action is initiated against a licensee by submitting a sworn written complaint to the Commission office. A complaint concerning an alleged violation of the Act or Commission Rules may be submitted by any person or entity, a Commission member, or a member of the Commission staff. The sworn written complaint should provide as much of the following information as may be available and applicable:

(i) The name and address of the complainant;

(ii) The name, address, place of employment, and telephone number of the licensee against whom the charges are made;

(iii) The specific conduct alleged to constitute the violation;

(iv) The name and address of any other witnesses; and

(v) The signature of the complainant.

**Section 3. Review of Sworn Written Complaint.**

(a) Sworn written complaints shall be referred to ~~an~~ a Liaison Commission Member (LCM) selected by Commission staff from a rotating schedule. License holders against whom charges are made will be advised of the investigation, the name of the LCM, and the nature of the complaint.

(i) The LCM shall not take part in the consideration of any contested case.

(ii) The LCM shall not, by this rule, be barred from attending any disciplinary hearing.

**Section 4. Investigations and Commission Action.** The LCM and Commission staff shall investigate those written complaints received which merit further investigation.

(a) Upon completion of the investigation, the investigator for the Commission shall prepare an investigative report and submit it to the LCM.

(i) The report shall include:

(A) The findings;

(B) A list of statutes and/or Commission rules believed to have been violated; and

(C) Any relevant additional information and/or documentation.

(b) The LCM shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Commission for prosecution, and consult with the Assistant Attorney General.

(c) Following consultation with the Assistant Attorney General, the LCM may:

(i) Send the notice required by section 5;

(ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Commission;

(iii) Recommend the Commission accept an offer of conditional terms for settlement, which may include educational courses;

(iv) Recommend the Commission dismiss the complaint.

(d) The Commission may resolve a complaint at any time by:

(i) Accepting a voluntary surrender of a license;

(ii) Accepting conditional terms for settlement;

(iii) Dismissal.

(e) All discipline ratified by the Commission shall be published in the Commission newsletter following the date of formal action. Published information shall include:

(i) Licensee name and license number

(ii) Statute and rules violated

(iii) Terms of settlement

**Section 5. Service of Notice and Opportunity to Show Compliance.** Prior to commencement of a formal hearing, the LCM shall give notice by mail to the licensee of the facts or conduct which warrants his/her intended action. The notice shall give the licensee an opportunity to show compliance with all lawful requirements for retention of the license within twenty (20) days of the mailing of the notice. Such notice shall be sent to the licensee's last known address both by certified mail with return receipt requested and by first class mail.

**Section 6. Default.** The Commission may enter an order based on the allegations in a notice of hearing or petition and notice of hearing in any case where the applicant or licensee has not answered or appeared in writing ten (10) working days before the hearing, or in any case in which the applicant or licensee or his/her representative has not appeared at a scheduled hearing for which he had notice.

**Section 7. Formal Contested Case Hearing Incorporation by Reference.**

(a) When required, Formal Contested Case Hearings shall be held in accordance with rules administered by the Office of Administrative Hearings.

(b) Any code, standard, rule or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section.

(c) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on ~~October 17, 2014~~ July 20, 2017, found at <https://sites.google.com/a/wyo.gov/rec/real-estate-professionals/rules-and-regulations>.