

## ARTICLE 4. REAL ESTATE CONTINUING EDUCATION

### Rule 1. Sponsors of Courses; Approval

#### 876 IAC 4-1-1 Sponsors; approval

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 1. (a) Credit for fulfillment of the continuing education requirement will be granted only to licensees who have successfully completed courses offered by sponsors approved by the commission.

(b) Continuing education course sponsor approval may be granted by the commission upon application to those schools offering approved broker or salesperson courses under IC 25-34.1-5 or to schools only offering continuing education courses. (*Indiana Real Estate Commission; 876 IAC 4-1-1; filed Dec 1, 1993, 10:30 a.m.: 17 IR 765; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

#### 876 IAC 4-1-2 Application for sponsor of continuing education courses

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 2. (a) Applicants for sponsor approval who do not conduct salesperson or broker courses under IC 25-34.1-5 shall submit the following information:

(1) The:

- (A) name;
- (B) address;
- (C) telephone number; and
- (D) facsimile (FAX) number (if any);

of the sponsor.

(2) The name, address, and resume of the school director responsible for real estate administrative matters such as the following:

- (A) Program development.
- (B) Scheduling of classes.
- (C) Advertising.
- (D) Maintaining facilities and equipment.
- (E) Record keeping.
- (F) General supervision of the instructional program.

(3) If the ownership of the sponsor is a partnership, the names and addresses of the partners.

(4) If the ownership of the sponsor is a corporation, the names and addresses of the officers and directors.

(5) If the ownership of the sponsor is a limited liability company, the names and addresses of the members and managers.

(b) All applicants for continuing education course sponsorship approval shall submit the following:

(1) A course content outline describing the subjects to be offered during the approval period.

(2) The name, address, and resume of course instructors and a statement that each instructor meets the qualifications required by section 8 of this rule.

(3) A statement that the sponsor shall provide the licensee who successfully completes an approved course, a certificate of course completion indicating the following:

- (A) The name, address, and signature of the sponsor.
- (B) The name, address, and license number of the attendee.
- (C) The title of the course.
- (D) The course location.
- (E) The date of the course.
- (F) The number of continuing education credit hours completed.

(4) A statement that:

(A) the sponsor shall conduct an instructor and course evaluation; and

(B) they shall be provided to the commission upon request.

(5) An application fee established in 876 IAC 2-18-1.

*(Indiana Real Estate Commission; 876 IAC 4-1-2; filed Dec 1, 1993, 10:30 a.m.: 17 IR 765; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; filed Feb 17, 2012, 10:40 a.m.: 20120314-IR-876110325FRA)*

#### **876 IAC 4-1-3 Significant changes**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 3. (a) Any significant changes in the operation of the approved sponsor must be approved by the commission prior to the effective date of the change. Any change in the course outline must be approved by the commission prior to the course being offered or given. The commission shall review the changes to determine whether or not the sponsor shall continue to be approved.

(b) Significant changes shall include the following:

(1) Change in ownership of the sponsor, including changes in the officers and directors of the corporation.

(2) A new school director.

(3) A new instructor.

(4) Any change in course outline.

(c) Once a continuing education instructor and course outline have been approved through the continuing education sponsor, the instructor and the course outline are approved for all continuing education sponsors. It shall be the responsibility of the continuing education sponsor to ensure that the commission has previously approved the course outline.

(d) Notwithstanding subsection (b)(3), an instructor who has already been approved under this section or section 2 of this rule for another approved sponsor shall not be considered a new instructor. *(Indiana Real Estate Commission; 876 IAC 4-1-3; filed Dec 1, 1993, 10:30 a.m.: 17 IR 766; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2790; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Aug 15, 2001, 9:50 a.m.: 25 IR 103; filed Oct 28, 2002, 12:01 p.m.: 26 IR 791; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)*

#### **876 IAC 4-1-4 Course availability**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 4. All continuing education courses shall be available to all licensees; however, a course may be limited to brokers or salespersons only. *(Indiana Real Estate Commission; 876 IAC 4-1-4; filed Dec 1, 1993, 10:30 a.m.: 17 IR 766; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)*

#### **876 IAC 4-1-5 Sponsor renewal**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-14

Sec. 5. (a) Under IC 25-34.1-9-14(a), a sponsor of a salesperson level continuing education course shall submit by December 1 of each odd-numbered year the following information to request approval renewal:

(1) A letter requesting renewal.

(2) A renewal fee established in 876 IAC 2-18-1.

(b) Under IC 25-34.1-9-14(b), a sponsor of broker level continuing education courses shall submit by December 1 of each even-numbered year the following information to obtain approval renewal:

(1) A letter requesting renewal.

(2) A renewal fee established in 876 IAC 2-18-1.

*(Indiana Real Estate Commission; 876 IAC 4-1-5; filed Dec 1, 1993, 10:30 a.m.: 17 IR 766; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; filed Feb 17, 2012, 10:40 a.m.: 20120314-IR-876110325FRA)*

#### **876 IAC 4-1-6 Facilities**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 6. (a) No course shall be conducted in a facility that is also used as a broker or salesperson office, except for an approved distance learning continuing education program.

(b) Courses shall be taught in a facility with adequate:

- (1) space;
- (2) seating;
- (3) equipment; and
- (4) instructional material;

to accommodate the number of students enrolled.

(c) The premises, equipment, and facilities shall comply with all:

- (1) local;
- (2) city;
- (3) county;
- (4) state; and
- (5) federal;

regulations, such as fire, building, and sanitation codes and handicap accessibility.

(d) Any facility previously approved for broker or salesperson courses under IC 25-34.1-5 shall be deemed satisfactory.

*(Indiana Real Estate Commission; 876 IAC 4-1-6; filed Dec 1, 1993, 10:30 a.m.: 17 IR 766; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2198, errata filed Mar 7, 2006, 9:50 a.m.: 29 IR 2203; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)*

#### **876 IAC 4-1-7 School directors**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 7. (a) Each continuing education course sponsor, upon application for continuing education course sponsor approval, shall designate one (1) individual as its school director.

(b) A continuing education course sponsor is prohibited from hiring or retaining in its employ, a school director who:

- (1) has had real estate license revoked or suspended by any jurisdiction;
- (2) has been convicted of a crime which has a direct bearing on the individual's ability to competently be a school director, including, but not necessarily limited to, violations of real estate laws and abuse of fiduciary responsibilities; or
- (3) unless authorized by law, refused to appear or testify under oath at any hearing held by the commission.

(c) The designated school director must satisfy one (1) of the following qualification standards:

- (1) Hold a bachelor's degree in education, real estate, or business.
- (2) Have at least two (2) years experience within the past ten (10) years as an instructor or school administrator.

(d) School directors employed under IC 25-34.1-5 before January 1, 1989, are exempt from the requirements of subsection

(c). *(Indiana Real Estate Commission; 876 IAC 4-1-7; filed Dec 1, 1993, 10:30 a.m.: 17 IR 766; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)*

**876 IAC 4-1-8 Instructors; qualifications**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 8. (a) Continuing education course sponsors shall affirm, upon application for continuing education course sponsor approval, that the course instructors shall possess at least one (1) of the following minimum qualifications:

- (1) An instructor of real estate courses who is or has been engaged in the practice of teaching at an accredited institution of higher education.
- (2) An instructor for a broker or salesperson course approved under IC 25-34.1-5.
- (3) Possession of a bachelor's degree from a college or university in a related field to that in which the person is to teach or a comparable degree from a school of a foreign country.
- (4) Five (5) years full-time experience in a profession, trade, or technical occupation in the real estate field.
- (5) A combination of a total of five (5) years of:
  - (A) full-time experience relevant to the real estate field; and
  - (B) a college level education.

The combination may include no more than three (3) years of such education.

- (6) Member of the state bar of Indiana who is engaged in the field of real estate related law.

(b) An instructor whose professional license or certification has been limited, suspended, or revoked in any jurisdiction may not instruct in approved programs while the disciplinary action is in effect.

(c) Any substitute instructor shall meet the qualifications of this section. (*Indiana Real Estate Commission; 876 IAC 4-1-8; filed Dec 1, 1993, 10:30 a.m.: 17 IR 766; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

**876 IAC 4-1-9 Sponsor approval date**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 9. Sponsors of both salesperson or broker continuing education courses shall be considered approved as of the date of approval by the commission, and therefore courses predating the approval date do not qualify. (*Indiana Real Estate Commission; 876 IAC 4-1-9; filed Dec 1, 1993, 10:30 a.m.: 17 IR 767; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

**876 IAC 4-1-10 Course outline**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 10. A course outline shall be prepared and distributed to the attendees. The outline shall state the number of continuing education hours offered. (*Indiana Real Estate Commission; 876 IAC 4-1-10; filed Dec 1, 1993, 10:30 a.m.: 17 IR 767; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

**876 IAC 4-1-11 Record retention**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 11. (a) The sponsor shall retain a record of attendance for all courses showing date, place, and attendee's name. This record must be signed by the instructor.

(b) The sponsor shall maintain for five (5) years the course records required by subsection (a) and section 2(b)(1) through 2(b)(3) of this rule.

(c) The sponsor may be asked to provide to the commission copies of records required by subsections (a) and (b), section 2(b)(1) through 2(b)(3) of this rule, and section 10 of this rule. (*Indiana Real Estate Commission; 876 IAC 4-1-11; filed Dec 1, 1993, 10:30 a.m.: 17 IR 767; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

## **Rule 2. Course Requirements**

### **876 IAC 4-2-1 Continuing education requirements**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-3-10; IC 25-34.1-9-11; IC 25-34.1-9-19

Sec. 1. (a) Every licensed real estate broker and salesperson who has not been granted:

- (1) an inactive license under IC 25-34.1-3-10; or
- (2) a waiver under IC 25-34.1-9-19;

must complete during each two (2) year licensure period at least sixteen (16) hours of the approved education requirements under IC 25-34.1-9-11 and this article that are given by commission-approved sponsors of courses in order to qualify for license renewal.

(b) Licensees attending continuing education courses shall present a:

- (1) government-issued photo identification; and
- (2) real estate broker or salesperson pocket card;

for inspection by the course sponsor or a person designated by the course sponsor.

(c) Measurements and reporting shall be in full hours with a fifty (50) minute instruction period equaling one (1) hour.

(d) A course shall be a minimum of a two (2) hour instruction period.

(e) A minimum of two (2) hours and not more than eight (8) hours of instruction may be offered in a one (1) day course. However, instruction for an approved distance learning continuing education program may be more than eight (8) hours of instruction in a one (1) day course.

(f) A licensee shall not be entitled to any continuing education credit for a course unless the licensee completes the entire course.

(g) There shall be no minimum requirement of numbers of credit hours to be completed in each single year of the two (2) year licensure period.

(h) Any continuing education credit accumulated above the minimum requirement for a two (2) year licensure period shall not be carried forward to the next two (2) year licensure period.

(i) A licensee who attends the same approved continuing education course more than once in the same two (2) year licensure period is only entitled to continuing education credit for one (1) course.

(j) An instructor shall be entitled to continuing education credit for courses the instructor teaches. However, an instructor may not:

- (1) be credited for more than six (6) hours of credit for instructing in any two (2) year licensure period; or
- (2) receive credit for repeated courses.

(*Indiana Real Estate Commission; 876 IAC 4-2-1; filed Dec 1, 1993, 10:30 a.m.: 17 IR 767; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Aug 15, 2001, 9:50 a.m.: 25 IR 103; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2198, errata filed Mar 7, 2006, 9:50 a.m.: 29 IR 2203; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

### **876 IAC 4-2-2 Curricula for salesperson under IC 25-34.1-9-11(a)(1)**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-11

Sec. 2. (a) This section establishes the six (6) hour continuing education requirement under IC 25-34.1-9-11(a)(1) for salespersons.

(b) To qualify for license renewal, salespersons must have two (2) hours of continuing education instruction in three (3) of

the following:

- (1) Indiana licensure and escrow law.
- (2) Indiana agency law.
- (3) Fair housing and civil rights law.
- (4) Listing contracts and purchase agreements.
- (5) Settlement procedures.
- (6) Antitrust.
- (7) Environmental issues.
- (8) Ethics and standards.

*(Indiana Real Estate Commission; 876 IAC 4-2-2; filed Dec 1, 1993, 10:30 a.m.: 17 IR 768; filed Jun 21, 1996, 10:00 a.m.: 19 IR 3112; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Nov 4, 2002, 11:42 a.m.: 26 IR 788; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)*

**876 IAC 4-2-3 Curricula for brokers under IC 25-34.1-9-11(a)(1)**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-11

Sec. 3. (a) This section establishes the six (6) hour continuing education requirement under IC 25-34.1-9-11(a)(1) for brokers.

(b) To qualify for license renewal, brokers must have two (2) hours of continuing education instruction in three (3) of the following:

- (1) Indiana licensure and escrow law.
- (2) Indiana agency law.
- (3) Fair housing and civil rights law.
- (4) Listing contracts and purchase agreements.
- (5) Settlement procedures.
- (6) Antitrust.
- (7) Environmental issues.
- (8) Ethics and standards.

*(Indiana Real Estate Commission; 876 IAC 4-2-3; filed Dec 1, 1993, 10:30 a.m.: 17 IR 768; filed Jun 21, 1996, 10:00 a.m.: 19 IR 3112, eff Jan 1, 1997; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Nov 4, 2002, 11:42 a.m.: 26 IR 788; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)*

**876 IAC 4-2-3.1 Curricula for brokers under IC 25-34.1-9-11.1**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-11.1

Sec. 3.1. (a) This section establishes requirements for the eight (8) hours of continuing education that real estate brokers are required by IC 25-34.1-9-11.1 to obtain between July 1, 2013, and June 30, 2014.

(b) At least two (2) hours of the eight (8) hours of continuing education required by IC 25-34.1-9-11.1 shall be in Indiana real estate licensure law. Those two (2) hours must address the legislative changes enacted in P.L.127-2012 (Senate Enrolled Act No. 275). *(Indiana Real Estate Commission; 876 IAC 4-2-3.1; filed Aug 7, 2013, 2:45 p.m.: 20130904-IR-876120612FRA)*

**876 IAC 4-2-3.5 Outline for curricula for salespersons and brokers under IC 25-34.1-9-11(a)(1)**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-11

Sec. 3.5. (a) Except as allowed by subsection (b), the subject areas required in sections 2 and 3 of this rule shall be taught

under the following recommended outlines:

- (1) The following under the Indiana licensure and escrow law:
  - (A) Purpose and basic provisions of licensing statutes and administrative rules.
  - (B) Real estate broker and salesperson licensure requirements.
  - (C) Educational requirements.
  - (D) Enforcement of statutes and rules.
  - (E) Seller agency.
  - (F) Buyer agency.
  - (G) Limited agency.
  - (H) Disclosure issues.
  - (I) Unlicensed assistants.
  - (J) Current topics of importance.
- (2) The following under the agency law:
  - (A) General agency law.
  - (B) Agency relationships, including agent's duty to the following:
    - (i) Principal.
    - (ii) Third parties.
  - (C) Creation of an agency.
  - (D) Enforcement of agency, including the following:
    - (i) Intentional misrepresentation.
    - (ii) Negligent misrepresentation.
    - (iii) Fraud.
  - (E) Liabilities and consequences of breach of duties, including the following:
    - (i) Disciplinary action by the Indiana real estate commission.
    - (ii) Civil liability.
    - (iii) Criminal liability.
  - (F) Seller agency.
  - (G) Buyer agency.
  - (H) Limited agency.
- (3) The following under the fair housing and civil rights laws:
  - (A) Historical context of legislation.
  - (B) Discriminatory acts and penalties, including the following:
    - (i) Theories of discrimination.
    - (ii) Items of specific prohibition.
    - (iii) Definitions.
  - (C) Exemptions.
  - (D) Enforcement.
  - (E) Testing for compliance.
  - (F) Advertising.
  - (G) Protected classes.
  - (H) Record keeping.
  - (I) Fair housing procedures.
- (4) The following under the listing contracts and purchase agreements:
  - (A) Basic contract law.
  - (B) Statute of frauds.
  - (C) Indiana license law.
  - (D) Essential elements of a contract.
  - (E) Enforcement and defenses to enforcement of contracts.
  - (F) Listing contracts, including the following:

- (i) Types.
  - (ii) Seller disclosure.
  - (iii) Duties and responsibilities of both parties.
  - (iv) Extension/protection clause.
- (G) Purchase agreement, including the following:
  - (i) Duties and responsibilities of both parties.
  - (ii) Contingencies.
  - (iii) Real property and personal property issues.
- (5) The following under the settlement procedures:
  - (A) Principles and sources of contract law.
  - (B) Contract terms and definitions.
  - (C) Contract essentials.
  - (D) Legal objective.
  - (E) Performance and nonperformance.
  - (F) Sources of contract law.
  - (G) Listing contract and purchase agreements.
  - (H) Agent's role in closing, including the following:
    - (i) Financing.
    - (ii) Inspections.
    - (iii) Environmental.
    - (iv) Insurance.
    - (v) Appraisal and survey.
    - (vi) Title.
    - (vii) Closing and possession.
  - (I) Escrow deposits and disbursement.
  - (J) Controlling problems.
- (6) The following under antitrust laws:
  - (A) Sherman Act.
  - (B) Clayton Act.
  - (C) Federal Trade Commission.
  - (D) Indiana act.
  - (E) Penalties for antitrust violations.
  - (F) Potential violations with clients and customers.
  - (G) Potential violations with competitors.
  - (H) Potential violations with providers and other organizations.
  - (I) Enforcement.
  - (J) Compliance policies.
- (7) The following under environmental issues:
  - (A) Historical perspective.
  - (B) Federal environmental laws.
  - (C) Indiana environmental laws, including the following:
    - (i) Insecticide and pesticide.
    - (ii) Wells.
    - (iii) Water quality.
    - (iv) Sewage disposal systems.
    - (v) Radon.
    - (vi) Asbestos.
    - (vii) Lead.
    - (viii) Storage tanks.



- (ix) Electric and magnetic fields.
- (x) Wet lands.
- (xi) Mold and other biological contaminants.
- (8) The following under ethics and standards:
  - (A) Ethics, standards, regulations, and laws.
  - (B) Business versus personal ethics.
  - (C) Ethical considerations, including the following:
    - (i) Management.
    - (ii) Record keeping.
    - (iii) Confidentiality.
  - (D) Standards discussions.
  - (E) Duties and responsibilities of parties involved.
  - (F) Mediation.
  - (G) Arbitration.
  - (H) Litigation with regulations.

(b) As an alternative to following the outlines in subsection (a), the subject areas required in sections 2 and 3 of this rule may be taught under outlines substantially similar under subsection (a). (*Indiana Real Estate Commission; 876 IAC 4-2-3.5; filed May 27, 2003, 11:01 a.m.: 26 IR 3342, eff Jan 1, 2004; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

**876 IAC 4-2-4 Curricula under IC 25-34.1-9-11(2)**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-11

Sec. 4. In addition to the subjects listed in IC 25-34.1-9-11(2), the following course subjects shall be allowed toward meeting the required ten (10) hours of course work:

- (1) Subjects listed in IC 25-34.1-9-11(1).
- (2) Property management, including lease agreements, accounting procedures, and management contracts.
- (3) Timeshares, condominiums, and cooperatives.
- (4) Industrial brokerage and leasing.
- (5) Investment real estate analysis.
- (6) Any course approved by the commission relating to real estate practices.

(*Indiana Real Estate Commission; 876 IAC 4-2-4; filed Dec 1, 1993, 10:30 a.m.: 17 IR 768; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Aug 15, 2001, 9:05 a.m.: 25 IR 104; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

**876 IAC 4-2-5 Course qualifications**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 5. (a) All courses must be instructional and contribute to professional competence in the practice of real estate.

(b) The following courses do not qualify:

- (1) Real estate broker or salesperson preclicensing courses under IC 25-34.1-5.
- (2) Examination preparation.
- (3) Sales meetings.
- (4) In-house training sessions.
- (5) Correspondence.
- (6) Motivational classes or seminars.

(*Indiana Real Estate Commission; 876 IAC 4-2-5; filed Dec 1, 1993, 10:30 a.m.: 17 IR 768; readopted filed Jun 29, 2001, 9:56*

a.m.: 24 IR 3824; filed Aug 15, 2001, 9:05 a.m.: 25 IR 104; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA)

**876 IAC 4-2-6 Renewal applications**

Authority: IC 25-34.1-9-21

Affected: IC 25-1-11; IC 25-34.1

Sec. 6. (a) An applicant for license renewal shall certify on the application that the applicant has complied with the continuing education requirements under IC 25-34.1 and this article.

(b) The commission may request verification of any information submitted by the applicant and may request the applicant to submit evidence supporting the course credit claimed.

(c) It is the responsibility of each licensee to retain sponsor course attendance verification to support the courses taken by the licensee for four (4) years after the end of the biennial period for which the continuing education is claimed.

(d) The commission may request applicants to prove information as provided in subsection (c) in order to verify continuing education hours claimed in the application. Failure to do so shall subject a licensee to the sanctions provided for under IC 25-1-11. (*Indiana Real Estate Commission; 876 IAC 4-2-6; filed Dec 1, 1993, 10:30 a.m.: 17 IR 768; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

**876 IAC 4-2-7 Commission review of continuing education compliance**

Authority: IC 25-34.1-9-21

Affected: IC 25-1-11; IC 25-34.1-9

Sec. 7. (a) If, as the result of an audit or other review, the commission determines that continuing education hours a licensee has claimed do not meet the requirements of IC 25-34.1-9 and this article, the commission shall notify the licensee of that determination.

(b) A licensee, who has been notified under subsection (a), may within thirty (30) days submit information to the commission giving all the substantive reasons in support of the licensee's position that an adequate number of hours has been obtained.

(c) A licensee who submits false information under section 6 of this rule or this section shall be subject to the sanctions provided for under IC 25-1-11. (*Indiana Real Estate Commission; 876 IAC 4-2-7; filed Dec 1, 1993, 10:30 a.m.: 17 IR 768; errata filed May 3, 1999, 4:10 p.m.: 22 IR 2884; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

**876 IAC 4-2-8 Inactive license**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-3-10

Sec. 8. (a) An applicant for license renewal may request an inactive license under IC 25-34.1-3-10 by complying with that section and certifying under penalty of perjury that the applicant will not perform and does not intend to perform an act that requires a salesperson license or broker license.

(b) Brokers who are broker salespersons and both assigned and unassigned salespersons may request an inactive license under subsection (a). By doing so, they are removed from their previous status and become holders of inactive licenses. (*Indiana Real Estate Commission; 876 IAC 4-2-8; filed Dec 1, 1993, 10:30 a.m.: 17 IR 769; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

**876 IAC 4-2-9 License activation**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-11

Sec. 9. (a) In order to reactivate an inactive license at the time of license renewal, the licensee must have obtained all sixteen (16) hours of continuing education that would have been required for renewal had the license been active.

(b) In order to reactivate an inactive license during a two (2) year licensure period, the licensee must obtain the six (6) hours of continuing education required by IC 25-34.1-9-11(a)(1) for that two (2) year licensure period and pay the transfer fee established in 876 IAC 2-18-1.

(c) A licensee who has reactivated the licensee's license during a two (2) year licensure period under subsection (b) must obtain the ten (10) hours of continuing education required by IC 25-34.1-9-11(a)(2) in order to renew the license at the end of the two (2) year licensure period. (*Indiana Real Estate Commission; 876 IAC 4-2-9; filed Dec 1, 1993, 10:30 a.m.: 17 IR 769; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; filed Aug 15, 2001, 9:05 a.m.: 25 IR 104; filed Nov 4, 2002, 11:42 a.m.: 26 IR 788; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; filed Feb 17, 2012, 10:40 a.m.: 20120314-IR-876110325FRA*)

#### **876 IAC 4-2-10 License reinstatements; continuing education requirements**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-3-3.1; IC 25-34.1-3-4.1

Sec. 10. A licensee who does not obtain the required continuing education hours during a two (2) year licensure period does not qualify for renewal of the license unless the licensee has a waiver under section 8 of this rule. However, such licensee may cure that deficiency by obtaining the continuing education hours in the next two (2) year licensure period and applying for reinstatement of the license under the provisions of IC 25-34.1-3-3.1(f) or IC 25-34.1-3-4.1(h). Continuing education hours obtained to cure a deficiency in a prior two (2) year licensure period shall not be double counted by also being included in the licensing period in progress when they are obtained. (*Indiana Real Estate Commission; 876 IAC 4-2-10; filed Dec 1, 1993, 10:30 a.m.: 17 IR 769; errata filed Feb 3, 1998, 9:45 a.m.: 21 IR 2130; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

#### **876 IAC 4-2-11 Waiver of continuing education requirements due to hardship**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-11; IC 25-34.1-9-19

Sec. 11. (a) An applicant for license renewal who was unable to fulfill the continuing education requirements under IC 25-34.1-9-11 may be granted a waiver of the continuing education requirement by the commission under IC 25-34.1-9-19(1).

(b) An applicant requesting a waiver of continuing education requirements under subsection (a) shall certify under penalty of perjury that the applicant was unable to fulfill the continuing education due to a hardship resulting from the following:

(1) Service in the armed forces of the United States for one (1) year or more of the two (2) year licensure period.

(2) An incapacitating illness which has prevented either part-time or full-time employment for at least twelve (12) months of the two (2) year licensure period.

(c) Waivers from the continuing education requirement are also available under IC 25-34.1-9-19(2) for licensees who are affiliated with a principal broker for the sole purpose of making referrals to a licensed salesperson or broker.

(d) An individual with a waiver is required to pay the license renewal fee.

(e) An applicant who applies for waiver of the continuing education requirements shall request the waiver in writing.

(f) The commission may seek verification of the applicant's request for waiver of continuing education requirements under this section. (*Indiana Real Estate Commission; 876 IAC 4-2-11; filed Dec 1, 1993, 10:30 a.m.: 17 IR 769; readopted filed Jun 29, 2001, 9:56 a.m.: 24 IR 3824; readopted filed Jul 19, 2007, 12:57 p.m.: 20070808-IR-876070067RFA; readopted filed Nov 25, 2013, 9:21 a.m.: 20131225-IR-876130283RFA*)

### **Rule 3. Distance Learning Continuing Education**

**876 IAC 4-3-1 "Distance learning continuing education" defined**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 1. "Distance learning continuing education" means education designed for licensed professional learners who live at a distance from the teaching institution or education provider. The term includes enrollment and study with an educational institution that provides organized, formal learning opportunities for professionals seeking to remain current on the high standards of their profession and abreast of the changes in their field. Presented in a sequential and logical order, the instruction:

- (1) is offered wholly or primarily by distance study, through virtually any media; and
- (2) may incorporate or make use of various media formats, including, but not limited to:
  - (A) printed materials;
  - (B) communication technologies; and
  - (C) Internet based delivery systems.

*(Indiana Real Estate Commission; 876 IAC 4-3-1; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2199; readopted filed Nov 9, 2012, 11:31 a.m.: 20121205-IR-876120391RFA)*

**876 IAC 4-3-2 Distance learning continuing education requirements**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 2. (a) Distance learning courses must meet the requirements of section 3 of this rule and at least one (1) of the following:

- (1) Courses that meet the requirements of section 4 of this rule.
- (2) Courses for which the applicant provides satisfactory documentation that the continuing education course offered has been certified by a national accrediting organization. Any commission approval based on such certification will cease immediately upon notice from the accrediting organization that certification of the continuing education course has been discontinued for any reason.
- (3) Courses completed for academic credit at an accredited university or college.
- (b) A student must complete the distance learning continuing education course or courses within one (1) year of the date of enrollment.

(c) Mandatory and nonmandatory classes may be taken through distance learning continuing education courses. *(Indiana Real Estate Commission; 876 IAC 4-3-2; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2199; readopted filed Nov 9, 2012, 11:31 a.m.: 20121205-IR-876120391RFA)*

**876 IAC 4-3-3 Distance learning continuing education courses**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 3. The commission shall approve a distance learning continuing education course if the commission determines to its satisfaction the following:

- (1) The distance learning continuing education course serves to protect the public by contributing to the maintenance and improvement of the quality of the real estate services provided by the real estate licensees to the public.
- (2) An appropriate and complete application has been filed with the commission.
- (3) The distance learning continuing education course meets the content requirements as prescribed in 876 IAC 4-2-2 and 876 IAC 4-2-3.
- (4) The course complies with sections 5 through 7 of this rule as applicable.
- (5) The distance learning continuing education course meets all other requirements as prescribed in IC 25-34.1-9 and this article.

*(Indiana Real Estate Commission; 876 IAC 4-3-3; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2199; readopted filed Nov 9, 2012, 11:31 a.m.: 20121205-IR-876120391RFA)*

**876 IAC 4-3-4 Approval of distance learning continuing education**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 4. In order for a distance learning continuing education course to meet the requirements of section 2(a)(1) of this rule, the provider shall submit the following information:

- (1) Mission and objectives, as follows:
  - (A) A statement that clearly defines the mission of the provider's educational programs.
  - (B) The specific curricular objectives for the course.
  - (C) A plan for periodic review of the following:
    - (i) The mission statement.
    - (ii) Curricular objectives.
- (2) Course design, as follows:
  - (A) A course outline that clearly states the following:
    - (i) The course objectives.
    - (ii) The desired student outcomes.
  - (B) A plan to ensure that the course content is:
    - (i) updated in a timely manner; and
    - (ii) distributed to:
      - (AA) students who are currently enrolled; and
      - (BB) future registrants.
  - (C) A plan for submitting substantial changes in the course to the commission. Substantial changes include, but are not limited to, the following:
    - (i) Expanded or reduced course content.
    - (ii) Changes in the time allotments for portions of the course.
    - (iii) Changes or redirected learning objectives.
    - (iv) A change of instructor.
    - (v) Changes in the course delivery method.
  - (D) The course disk or CD-ROM, if applicable.
  - (E) A list of reference materials provided to the students.
  - (F) A list of any prerequisites for the course and evidence that students are properly advised of the prerequisites before registration.
  - (G) Evidence that the course is structured in a mastery learning format that ensures mastery accomplishment.
  - (H) Evidence that the number of hours claimed is the number of hours it takes the average student to complete the course. This requirement can be met by submitting the results of the studies or field tests, or both, that will verify the claims.
- (3) Interactivity, as follows:
  - (A) A description of how interaction is accomplished in the course.
  - (B) An explanation of how:
    - (i) interactivity is evaluated; and
    - (ii) feedback is gathered from students;throughout the course.
- (4) Course delivery, as follows:
  - (A) A plan that shows evidence that technical support will be available when needed.
  - (B) Evidence that instructor-student ratios are acceptable for the delivery method used.
  - (C) The name or names and qualifications of the instructor or instructors of the course, submitting their credentials, including any specific training for teaching, via the specified delivery method, and a plan for their continued professional development.
  - (D) A list of remote sites if applicable. "Remote site" means one that receives a broadcast whether by:

- (i) satellite; or
  - (ii) teleconferencing.
- (E) A list of any site facilitators and the qualifications and credentials for each.
- (5) Equipment and learning environment, as follows:
  - (A) A list of equipment that the student will need and evidence that this information is made available to the student before registration.
  - (B) An acceptable plan for dealing with equipment failures.
- (6) Student support services, as follows:
  - (A) A copy of a student information package that contains all the necessary information about the course. This information includes, but is not limited to, the following:
    - (i) Information about broadcasts and distance site locations.
    - (ii) Faculty contact information.
    - (iii) The course outline and learning objectives.
    - (iv) Guidelines regarding what constitutes successful completion of the course.
    - (v) Deadlines.
    - (vi) Fees and refunds.
    - (vii) Prerequisites.
    - (viii) Illness policy.
    - (ix) A list of required student materials, including required software.
  - (B) An explanation of how student orientation sessions are accomplished. Each student is required to have an orientation before the student begins the course.
  - (C) An acceptable list of other support services made available to the students.
- (7) Evaluation and assessment, as follows:
  - (A) An evaluation form that solicits student feedback on the following:
    - (i) The delivery approach.
    - (ii) The equipment.
    - (iii) Suggestions for class improvement.
    - (iv) The student's overall satisfaction with the course.

An evaluation form is required to be given to every student in a distance learning continuing education course at the conclusion of the course.

  - (B) A plan for verifying student identity. The provider of any distance learning continuing education course must have an acceptable plan in place that verifies that the student enrolled in the course is the one that completes the following:
    - (i) The course.
    - (ii) Any required tests.
- (8) Commitment to support, as follows:
  - (A) A copy of the provider's business plan that shows ongoing commitment to provide adequate financial and technical resources to support the distance learning continuing education course.
  - (B) A statement of how long the provider has been offering distance learning continuing education courses.

*(Indiana Real Estate Commission; 876 IAC 4-3-4; filed Mar 2, 2006, 4:10 p.m.; 29 IR 2199; readopted filed Nov 9, 2012, 11:31 a.m.; 20121205-IR-876120391RFA)*

#### **876 IAC 4-3-5 Distance learning continuing education courses by correspondence**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 5. Licensees may take distance learning continuing education courses by correspondence so long as the courses meet the following criteria:

- (1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.

(2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:

(A) True or false.

(B) Essay.

(3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.

(4) Correspondence courses must have sufficient security to assure against fraudulent practices.

*(Indiana Real Estate Commission; 876 IAC 4-3-5; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2201; readopted filed Nov 9, 2012, 11:31 a.m.: 20121205-IR-876120391RFA)*

#### **876 IAC 4-3-6 Video instruction distance learning continuing education**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 6. Licensees may take distance learning continuing education courses by video instruction so long as the courses meet the following criteria:

(1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.

(2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:

(A) True or false.

(B) Essay.

(3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.

(4) Video instruction classes must have a monitor in the room at all times to assure proper attendance.

*(Indiana Real Estate Commission; 876 IAC 4-3-6; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2201; readopted filed Nov 9, 2012, 11:31 a.m.: 20121205-IR-876120391RFA)*

#### **876 IAC 4-3-7 Internet distance learning continuing education**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 7. Licensees may take continuing education courses via the Internet so long as the courses meet the following criteria:

(1) All courses must provide a test, and the participant must score at least seventy-five percent (75%) to pass and receive credit for the course.

(2) Tests must have multiple choice questions with at least twenty (20) questions per two (2) hours of instruction. The following types of questions are not allowed:

(A) True or false.

(B) Essay.

(3) The organization and presentation of the instructional materials shall be in accord with sound principles of learning.

(4) Internet courses must have sufficient security to assure against fraudulent practices.

*(Indiana Real Estate Commission; 876 IAC 4-3-7; filed Mar 2, 2006, 4:10 p.m.: 29 IR 2201; readopted filed Nov 9, 2012, 11:31 a.m.: 20121205-IR-876120391RFA)*

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