

# **ARTICLE 7. MANAGING BROKER EDUCATION; POSTLICENSURE EDUCATION; CONTINUING EDUCATION; INSTRUCTOR EDUCATION**

## **Rule 1. Scope of Article**

### **876 IAC 7-1-1 Scope of article**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 1. This article establishes educational requirements for individuals who hold broker or instructor licenses. It addresses postlicensing education, managing broker education, and continuing education for brokers, managing brokers, and instructors. (*Indiana Real Estate Commission; 876 IAC 7-1-1; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

## **Rule 2. Sponsors of Courses; Approval**

### **876 IAC 7-2-1 Scope of rule**

Authority: IC 25-34.1-9-21

Affected: IC 25-1-4; IC 25-34.1-5

Sec. 1. (a) This rule establishes requirements for the approval of sponsors of courses for postlicensing education, managing broker education, and continuing education for brokers, managing brokers, and instructors.

(b) All education described in subsection (a) is generically continuing education and therefore subject to the requirements applicable to continuing education found in IC 25-1-4, IC 25-34.1, this title, and any other applicable statute or rule except to the extent that the context requires otherwise. (*Indiana Real Estate Commission; 876 IAC 7-2-1; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 7-2-2 "Continuing education year" defined**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 2. As used in this article, "continuing education year" means the one (1) year period between July 1 of one (1) calendar year and June 30 of the following calendar year. (*Indiana Real Estate Commission; 876 IAC 7-2-2; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 7-2-3 "Course" defined**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 3. As used in this article, "course" refers to approved postlicensing education, managing broker education, or continuing education provided by a sponsor. (*Indiana Real Estate Commission; 876 IAC 7-2-3; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 7-2-4 "Sponsor" defined**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 4. As used in this article, "sponsor" means any person or other entity who has been approved by the commission to provide approved courses to brokers or instructors. (*Indiana Real Estate Commission; 876 IAC 7-2-4; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 7-2-5 Sponsors; approval**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 5. Credit for fulfillment of managing broker education, postlicensing education, and continuing education will be granted only to brokers who have successfully completed courses offered by sponsors approved by the commission. (*Indiana Real Estate Commission; 876 IAC 7-2-5; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 7-2-6 Application for sponsor of continuing education courses**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 6. (a) Applicants for sponsor approval who do not conduct broker prelicensing courses under IC 25-34.1-5 shall submit the following information:

(1) The:

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

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 course sponsorship approval shall submit the following:

(1) A timed course content outline describing the subjects to be offered during the approval period to include learning objectives for the course.

(2) The name and permit number of each course instructor.

(3) A statement that the sponsor shall provide the broker 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 credit hours of continuing education, postlicensing education, and managing broker 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) The application fee established in 876 IAC 5-3-1.

*(Indiana Real Estate Commission; 876 IAC 7-2-6; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

**876 IAC 7-2-7 Significant changes**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 7. (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 of a previously approved course or request for approval of a new course 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. All requests for approval shall be submitted to the commission in electronic format.

(b) Significant changes shall include the following:

(1) Change in ownership of the sponsor.

(2) A new school director.

(3) Any change in course outline.

(4) Any new course to be added.

(c) Once a continuing education course outline has been approved through the continuing education sponsor, the course outline is 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 (c), the content of the course shall remain current with changes in law and industry trends.

*(Indiana Real Estate Commission; 876 IAC 7-2-7; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

**876 IAC 7-2-8 Course availability**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 8. All courses shall be available to all brokers. *(Indiana Real Estate Commission; 876 IAC 7-2-8; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

**876 IAC 7-2-9 Sponsor renewal**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-14

Sec. 9. Under IC 25-34.1-9-14(b), a sponsor of courses shall submit by December 1 of each even-numbered year the following to obtain approval for renewal:

(1) A letter requesting such renewal.

(2) The renewal fee provided for in 876 IAC 5-3-1.

*(Indiana Real Estate Commission; 876 IAC 7-2-9; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

**876 IAC 7-2-10 Facilities**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 10. (a) Courses shall be taught in a facility with adequate:

(1) space;

(2) seating;

(3) equipment; and

(4) instructional material;

MANAGING BROKER EDUCATION; POSTLICENSURE EDUCATION; CONTINUING EDUCATION; INSTRUCTOR EDUCATION

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to accommodate the number of students enrolled.

(b) 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 accessibility for the disabled.

(c) Any facility previously approved for broker prelicensing courses under IC 25-34.1-5 shall be deemed satisfactory. (*Indiana Real Estate Commission; 876 IAC 7-2-10; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 7-2-11 School directors**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-5

Sec. 11. (a) Each sponsor, upon application for sponsor approval, shall designate one (1) individual as its school director.

(b) A 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 that 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.

(*Indiana Real Estate Commission; 876 IAC 7-2-11; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 7-2-12 Instructors; compliance with rule required**

Authority: IC 25-34.1-2-5; IC 25-34.1-9-22

Affected: IC 25-34.1-5

Sec. 12. (a) All courses given by a sponsor must be taught by instructors who hold an instructor permit as required by IC 25-34.1-9-22 and meet the requirements of this rule.

(b) Guest speakers shall be allowed in a continuing education course. However, the instructor shall be present at all times the guest speaker is presenting and shall supervise the guest speaker. A guest speaker shall not be required to hold an instructor permit. (*Indiana Real Estate Commission; 876 IAC 7-2-12; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 7-2-13 Sponsor approval date**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 13. Sponsors of 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 7-2-13; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 7-2-14 Course outline**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 14. A course outline shall be prepared and distributed to the attendees. The outline shall state the number of hours offered as approved by the commission. (*Indiana Real Estate Commission; 876 IAC 7-2-14; filed May 22, 2014, 11:50 a.m.*)

20140618-IR-876140061FRA, eff Jul 1, 2014)

**876 IAC 7-2-15 Record retention**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 15. (a) The sponsor shall retain a record of attendance for all courses showing date, place, and attendee's name.

(b) The sponsor shall maintain for five (5) years the course records required by subsection (a) and section 6(b)(1) through 6(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 6(b)(1) through 6(b)(3) of this rule, and section 14 of this rule. (*Indiana Real Estate Commission; 876 IAC 7-2-15; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**Rule 3. Managing Broker Education and Designation**

**876 IAC 7-3-1 Scope of rule**

Authority: IC 25-34.1-2-5; IC 25-34.1-4-0.5

Affected: IC 25-34.1-3-4.1

Sec. 1. This rule establishes requirements for managing broker courses required under IC 25-34.1-4-0.5. (*Indiana Real Estate Commission; 876 IAC 7-3-1; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 7-3-2 Managing broker designation**

Authority: IC 25-34.1-2-5; IC 25-34.1-4-0.5

Affected: IC 25-34.1-3-4.1

Sec. 2. To become a managing broker, an individual must:

- (1) hold a broker license for at least two (2) years preceding the date of application;
- (2) take and pass twenty-four (24) hours of broker management courses as outlined in section 2 of this rule; and
- (3) submit to the commission proof of the courses required by subdivision (2).

(*Indiana Real Estate Commission; 876 IAC 7-3-2; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 7-3-3 Managing broker courses**

Authority: IC 25-34.1-2-5; IC 25-34.1-4-0.5

Affected: IC 25-34.1-3-4.1

Sec. 3. To comply with the requirements of section 2 of this rule to become a managing broker, a broker shall complete a total of twenty-four (24) hours of broker management courses consisting of the following instruction:

- (1) Eight (8) hours of instruction in introduction to brokerage management that includes the following:
  - (A) One-half (.5) hour in brokerage business to include:
    - (i) Primary function of the firm.
    - (ii) Residential, commercial, leasing, investment.
    - (iii) Organization structure.
    - (iv) Licensing (business).
    - (v) Services to provide.
  - (B) One-half (.5) hour of instruction in brokerage business models that includes the following:
    - (i) Franchise vs. independent.
    - (ii) Traditional model-commission split model.

- (iii) 100% commission model – desk fee model.
- (iv) Flat fee model.
- (v) Limited service model.
- (vi) Antitrust laws.
- (C) Two (2) hours of instruction in the law of agency and agency relationships that includes the following:
  - (i) Common and statutory law as basis as follows:
    - (AA) Basic terms.
    - (BB) Agent.
    - (CC) Principal.
    - (DD) Client.
    - (EE) Customer.
    - (FF) Fiduciary.
    - (GG) Subagent, prohibition.
  - (ii) Creation of relationship as follows:
    - (AA) Express or implied.
    - (BB) Implications of inadvertent implied agency.
  - (iii) Extent of authority as follows:
    - (AA) Universal.
    - (BB) General.
    - (CC) Special.
  - (iv) Compensation as follows:
    - (AA) Fee agreement vs. listing agreement.
    - (BB) Co-op fees.
    - (CC) Does not determine agency.
    - (DD) History and prohibition of subagency.
    - (EE) Duties to principal.
    - (FF) Care, including competence in particular activity.
    - (GG) Obedience.
    - (HH) Loyalty.
    - (II) Disclosure.
    - (JJ) Accounting.
    - (KK) Confidentiality.
    - (LL) Duties to third parties.
    - (MM) Duties to affiliated brokers.
    - (NN) Termination of relationship, including survival of confidentiality.
  - (v) Seller and landlord representation.
  - (vi) Buyer and tenant representation.
  - (vii) Nonagency as follows:
    - (AA) Transactional brokerage.
    - (BB) Representing a buyer with a "for sale by owner".
  - (viii) Dual/limited agency as follows:
    - (AA) Disclosed and undisclosed agency.
    - (BB) Required disclosures.
    - (CC) Written informed consent.
  - (ix) Team concept as follows:
    - (AA) Compensation.
    - (BB) Potential for confusion regarding agency.
  - (x) In-house agency as follows:

- (AA) Role of managing broker.
- (BB) Creation of limited agency when managing broker or sales manager directly has the list or sell side.
- (xi) Written office policy on agency as follows:
  - (AA) Development.
  - (BB) Required content.
  - (CC) Implementation policy.
- (xii) Required disclosures as follows:
  - (AA) Agency.
  - (BB) IN residential seller's disclosure.
  - (CC) Lead-based paint disclosure.
  - (DD) Other environmental disclosures.
  - (EE) Caveat emptor and selling as is.
  - (FF) Civil, criminal, and regulatory implications of failing to make proper disclosure.
  - (GG) Document chain.
- (xiii) Statements as follows:
  - (AA) Opinion vs. fact.
  - (BB) Fraud.
  - (CC) Intentional and negligent misrepresentation.
  - (DD) Puffing.
  - (EE) Willful and negligent omission.
  - (FF) Latent defects.
  - (GG) Civil, criminal, and regulatory liabilities.
- (xiv) Personal buying, selling, and leasing as follows:
  - (AA) Required disclosures.
  - (BB) Possible conflicts.
- (xv) Psychologically affected properties as follows:
  - (AA) Subject properties and transactions.
  - (BB) Disclosures.
  - (CC) Implications when acting as limited agent.
- (D) One-half (.5) hours of instruction in errors and omissions insurance that includes the following:
  - (i) Basic understanding.
  - (ii) Policy coverage, including who, what, when is covered.
  - (iii) Claims-made and first dollar defense.
  - (iv) Office policy on errors and omissions insurance.
- (E) One-half (.5) hours of instruction in business insurance that includes the following:
  - (i) Types of coverage including valuable papers, records, property, loss of business.
  - (ii) General liability including worker's compensation.
  - (iii) Automobile liability.
- (F) Two (2) hours of instruction in the legal environment of real estate brokerage that includes the following:
  - (i) Antitrust laws as follows:
    - (AA) Price fixing.
    - (BB) Group boycotts.
    - (CC) Allocation of customers or markets.
    - (DD) Tie-in agreements.
  - (ii) Fair housing laws as follows:
    - (AA) Civil Rights Act of 1968.
    - (BB) Equal Credit Opportunity Act.
    - (CC) Americans with Disabilities Act.

- (iii) Real Estate Settlement Procedures Act as follows:
  - (AA) Controlled business arrangements.
  - (BB) Good faith estimate of settlement costs.
  - (CC) Uniform settlement statement (HUD-1).
- (G) Two (2) hours of instruction in Indiana license law that includes the following:
  - (i) License law as follows:
    - (AA) Responsibility for actions of associated brokers.
    - (BB) Maintenance of two (2) or more offices.
    - (CC) Partnerships, corporations, and limited liability companies.
    - (DD) Residency requirements.
    - (EE) Death of an individual managing broker or termination of a partnership.
    - (FF) Manager's role in "in-house agency relationships".
  - (ii) The commission's rules as follows:
    - (AA) Evidence of current licensure.
    - (BB) Supervision of office by licensed broker.
    - (CC) Termination of association with managing broker and broker company.
    - (DD) Splitting commissions.
    - (EE) Associating with unlicensed person.
    - (FF) Advertising requirements.
    - (GG) 876 IAC 8-2-7 Incompetent practices.
- (2) Eight (8) hours of instruction in brokerage operations that includes the following:
  - (A) Three (3) hours of instruction in office policy and procedures manuals including the following:
    - (i) Independent contractor agreements.
    - (ii) Employees.
    - (iii) Office policies.
    - (iv) Policy on social media.
    - (v) Evaluation of personnel.
  - (B) Three (3) hours of instruction in the basic financial concepts of budgeting, bookkeeping, and financial operations (internal controls) including the following:
    - (i) Revenue, costs, income, profit, fixed costs, cash flow.
    - (ii) Company dollar and profits.
    - (iii) Profit analysis.
    - (iv) Budgeting/financial controls.
    - (v) Desk cost.
    - (vi) Challenges that affect profitability.
  - (C) Two (2) hours of instruction in earnest money accounts and trust account guidelines including the following:
    - (i) General concepts and provisions, commingling, and conversion of the following:
      - (AA) Earnest monies.
      - (BB) Rent.
      - (CC) Down payments.
      - (DD) Monies received as part of settlement.
      - (EE) Nontrust funds.
    - (ii) Account requirements.
    - (iii) Record keeping systems and retention requirements.
    - (iv) Disbursements of the following:
      - (AA) Sales transaction.
      - (BB) Rental transaction.
      - (CC) Disbursement deadlines.



- (v) Acting as escrow agent.
- (3) Eight (8) hours of instruction in the role of the managing broker that includes the following:
  - (A) Two (2) hours of instruction in recruiting, training, and retention including the following:
    - (i) Recruiting agents including as follows:
      - (AA) Big office vs. small office.
      - (BB) New agents vs. experienced.
      - (CC) Recruiting ideas (career nights, advertising, sphere of influence, etc.).
    - (ii) Training agents in the following:
      - (AA) Building a client base.
      - (BB) Use of technology.
      - (CC) Contracts used in real estate.
    - (iii) Retention of agents with the following:
      - (AA) Bonus programs.
      - (BB) Office atmosphere.
  - (B) One (1) hour of instruction in the professional development of sales force that includes the following:
    - (i) Mentoring – agent training and development.
    - (ii) Industry professional designations including the following:
      - (AA) Appraisal.
      - (BB) Commercial sales.
      - (CC) Development/investment.
      - (DD) Property management.
      - (EE) REO/foreclosure.
      - (FF) Residential sales.
      - (GG) Sales management.
  - (C) One (1) hour of instruction in types of fraud that includes the following:
    - (i) Insurance fraud including the following:
      - (AA) Occupancy fraud.
      - (BB) Condition fraud.
      - (CC) Valuation fraud.
    - (ii) Mortgage fraud including the following:
      - (AA) Fraud for housing.
      - (BB) Foreclosure bailout.
      - (CC) Forensic loan audit fraud.
      - (DD) Fraud for profit.
      - (EE) Property flipping.
      - (FF) Silent second.
      - (GG) Nominee loans/straw buyers.
      - (HH) Fictitious/stolen identity.
      - (II) Inflated appraisals.
      - (JJ) Equity skimming.
      - (KK) Short sale schemes.
      - (LL) Predatory lending.
      - (MM) Rental fraud.
    - (iii) Craigslist scams.
  - (D) One (1) hour of instruction in dispute resolution that includes the following:
    - (i) Arbitration process.
    - (ii) Mediation process.
  - (E) One (1) hour of instruction in agent responsibilities and safety concerns that includes the following:

- (i) Fiduciary duties to listing clients.
- (ii) Fiduciary duties to buyer/tenant clients.
- (iii) Confidentiality issues including the following:
  - (AA) Company.
  - (BB) Client information.
- (iv) Client and personal safety.
- (v) Protecting and preserving listed properties.
- (F) One (1) hour of instruction in advertising issues and concerns that includes the following:
  - (i) Review of Indiana real estate commission rules and regulations regarding advertising.
  - (ii) Review of code of ethics articles and standard operating procedures that relate to advertising.
  - (iii) Overview of fair housing regulations regarding advertising.
  - (iv) RESPA Do's and RESPA Don'ts.
  - (v) Antitrust rules and regulations.
  - (vi) Advertising of listings.
  - (vii) Personal advertising by agents and disclosure of relationship with managing broker/company.
  - (viii) Internet advertising using websites, social media, widgets, apps, etc.
  - (ix) For sale/for lease signs.
  - (x) Can a broker sell the broker's own property?
  - (xi) The managing broker's role in assuring that all advertising is compliant.
  - (xii) Advertising case studies.
- (G) One (1) hour of instruction in business ethics that includes the REALTORS® code of ethics including the following:
  - (i) A walk through the REALTORS® code of ethics.
  - (ii) Preamble.
  - (iii) The golden rule.
  - (iv) Articles and standards of practice as follows:
    - (AA) Duties to clients and customers.
    - (BB) Duties to the public.
    - (CC) Duties to realtors.
  - (v) Best business practices - "Pathways to Professionalism" from the National Association of Realtors (NAR).
  - (vi) Business ethics case studies.

*(Indiana Real Estate Commission; 876 IAC 7-3-3; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

#### **876 IAC 7-3-4 Managing broker courses**

Authority: IC 25-34.1-2-5; IC 25-34.1-4-0.5

Affected: IC 25-34.1-3-4.1

Sec. 4. The twenty-four (24) hours of managing broker education described in section 3 of this rule may be taken in one (1) twenty-four (24) hour course or in three (3) separate eight (8) hour courses with one (1) course consisting of the content required in section 3(1) of this rule, a second course consisting of the content required in section 3(2) of this rule, and a third course consisting of the content required in section 3(3) of this rule. *(Indiana Real Estate Commission; 876 IAC 7-3-4; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

### **Rule 4. Postlicensing Education**

#### **876 IAC 7-4-1 Scope of rule**

Authority: IC 25-34.1-2-5; IC 25-34.1-3-10

Affected: IC 25-34.1-3-4.1; IC 25-34.1-3-10.5

MANAGING BROKER EDUCATION; POSTLICENSURE EDUCATION; CONTINUING EDUCATION; INSTRUCTOR EDUCATION

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Sec. 1. This rule establishes requirements for postlicensing education required under IC 25-34.1-3-4.1(f). (*Indiana Real Estate Commission; 876 IAC 7-4-1; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 7-4-2 Postlicensing education required**

Authority: IC 25-34.1-2-5; IC 25-34.1-3-10

Affected: IC 25-1-4; IC 25-34.1-9

Sec. 2. (a) An individual issued a broker license after June 30, 2014, must, during the first two (2) years after the license was issued, take and pass thirty (30) hours of commission approved postlicensing education as provided for in section 3 of this rule.

(b) Failure of a broker to complete the thirty (30) hours of commission approved postlicensing education required by subsection (a) will subject the broker to action under IC 25-1-4.

(c) Completion of thirty (30) hours of postlicensing education as provided for in this rule fully satisfies any continuing education that otherwise would have been required under IC 25-34.1-9 and 876 IAC 7-5 for two (2) continuing education years. The continuing education year during which the broker is initially licensed shall not count toward calculating the two (2) continuing education years. Therefore, the broker shall not be required to obtain continuing education under IC 25-34.1-9 and 876 IAC 7-5 until the third continuing education year after the continuing education year in progress when the broker is initially licensed. (*Indiana Real Estate Commission; 876 IAC 7-4-2; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

**876 IAC 7-4-3 Approved postlicensing educational courses**

Authority: IC 25-34.1-2-5; IC 25-34.1-3-10

Affected: IC 25-34.1-3-4.1; IC 25-34.1-3-10.5

Sec. 3. A broker must complete within the first two (2) years of licensure thirty (30) hours of approved postlicensing education consisting of the following:

(1) Six (6) hours of instruction in Indiana real estate transactions that includes the following:

(A) Unauthorized practice of law as follows:

(i) The dangers of unauthorized practice of law by real estate brokers.

(ii) Penalties.

(iii) Indiana State Bar Association vs. Indiana Real Estate Association, 1963.

(B) Contracts as follows:

(i) Elements of a contract.

(ii) Formation of a contract.

(iii) Issues affecting validity as follows:

(AA) Consideration.

(BB) Legal capacity of the parties.

(CC) Conditions affecting validity.

(iv) Obligations of the parties.

(v) Disputes and litigation.

(vi) License law issues.

(vii) Agency relationships.

(C) Listing/purchase agreements as follows:

(i) Listing agreements as follows:

(AA) Parties to the contract.

(BB) License law issues and agency disclosure.

(CC) Formation of the contract agreement (offer and acceptance).

(DD) Determining the listing price.

(EE) Terms of the listing agreement (length, compensation, etc).

- (FF) Types of listings.
- (GG) Permission for advertising.
- (HH) Fair housing laws.
- (II) Obligations of the parties.
- (JJ) Termination of the listing.
- (KK) Residential seller's disclosure form.
- (LL) Lead-based paint form.
- (ii) Purchase agreements as follows:
  - (AA) Parties to the contract.
  - (BB) License law and the purchase agreement.
  - (CC) Formation of the contract.
  - (DD) Property description.
  - (EE) Dealing with personal property.
  - (FF) Negotiating the price and terms.
  - (GG) Earnest money.
  - (HH) Method of payment.
  - (II) Appraisals.
  - (JJ) "Time is of the Essence".
  - (KK) Possession issues.
  - (LL) Surveys.
  - (MM) Flood insurance and homeowners insurance.
  - (NN) Environmental concerns.
  - (OO) Inspections process and issues.
  - (PP) Home warranties.
  - (QQ) Residential seller's disclosure form.
  - (RR) Lead-based paint form.
  - (SS) Title approval.
  - (TT) Real estate taxes.
  - (UU) Homeowners/condo associations.
  - (VV) Additional provisions.
  - (WW) Further conditions section.
  - (XX) Signatures of all parties.
  - (YY) Expiration.
  - (ZZ) Seller's potential responses.
  - (AAA) Brief discussion of procuring cause issues.
- (iii) Required disclosures as follows:
  - (AA) Residential seller's disclosure form.
  - (BB) Lead-based paint disclosure form.
  - (CC) Agency relationships disclosure.
- (D) Offers and counteroffers as follows:
  - (i) Presentation of offers as follows:
    - (AA) Written offers.
    - (BB) Verbal offers.
  - (ii) Owner response options/buyer or tenant response options as follows:
    - (AA) Acceptance.
    - (BB) Rejection.
    - (CC) Counter offer.
    - (DD) Letting an offer expire.

- (iii) Confidentiality issues.
  - (iv) When does an offer become a contract?
- (E) Closing process as follows:
  - (i) Learn your office policies and procedures.
  - (ii) The role of the title company.
  - (iii) The role of the lender.
  - (iv) The role of the listing broker.
  - (v) The role of the buyer/tenant broker.
  - (vi) The role of the limited agent.
  - (vii) The inspections process.
  - (viii) Surveys.
  - (ix) Zoning issues.
  - (x) Co-brokerage relationships.
  - (xi) Depositing the earnest money.
  - (xii) Closing documents.
  - (xiii) The closing statement.
  - (xiv) Broker's role at the actual closing.
  - (xv) After the closing.
- (2) Six (6) hours of instruction in financing that includes the following:
  - (A) Financing and lending markets as follows:
    - (i) Primary mortgage market.
    - (ii) Secondary mortgage market.
  - (B) Mortgage fraud.
  - (C) Loan types as follows:
    - (i) Conventional and insured conventional loans.
    - (ii) FHA loans.
    - (iii) VA loans.
    - (iv) Land contracts.
    - (v) Other financing techniques.
  - (D) Good faith estimate (GFE) processing.
  - (E) Credit scoring as follows:
    - (i) The three (3) credit bureaus.
    - (ii) How credit scores are determined.
    - (iii) Rebuilding credit.
- (3) Ten (10) hours of instruction in business planning/sales and marketing that includes the following:
  - (A) Business planning as follows:
    - (i) Contact database.
    - (ii) Budgeting.
    - (iii) Lead cultivation.
    - (iv) Buyer systems.
    - (v) Seller systems.
  - (B) Goal setting/time management as follows:
    - (i) Education.
    - (ii) Lead generation.
    - (iii) Networking.
    - (iv) Lead follow-up.
    - (v) Working with active buyers and sellers.
  - (C) Methods of growing business as follows:

MANAGING BROKER EDUCATION; POSTLICENSURE EDUCATION; CONTINUING EDUCATION; INSTRUCTOR EDUCATION

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- (i) Prospecting.
  - (ii) Marketing.
- (4) Five (5) hours of instruction in negotiating and counseling skills that includes basic negotiation styles of competing, collaborating, accommodating and the following:
  - (A) Negotiation principles and the phases of negotiation.
  - (B) Factors affecting the negotiation process.
  - (C) Cultural differences, language barriers, emotions, values/morals.
  - (D) Difficult situation or people, or both, as follows:
    - (i) Outcomes in negotiating.
    - (ii) Real estate counseling.
  - (E) Fee or free.
  - (F) Confidential advice to clients.
  - (G) Professional opinion vs. personal opinion.
  - (H) Counselors of real estate (CRE).
- (5) One (1) hour of instruction in cultural diversity and fair housing that includes the following:
  - (A) Definitions.
  - (B) State and federal laws.
  - (C) Protected classes.
  - (D) Blockbusting.
  - (E) Prohibited practices.
  - (F) Enforcement.
  - (G) Diversity.
- (6) Two (2) hours of instruction in construction that includes the following:
  - (A) Site preparation.
  - (B) Building codes.
  - (C) Building permits.
  - (D) Blueprints.
  - (E) Types.
  - (F) Styles.
  - (G) Foundation.
  - (H) Flooring.
  - (I) Framing (building envelope).
  - (J) Roof.
  - (K) Windows.
  - (L) Exterior doors.
  - (M) Interior finish work.
  - (N) Ventilation and moisture control.
  - (O) Heating and cooling.
  - (P) Plumbing.
  - (Q) Electrical.
  - (R) Building inspections/defects.
  - (S) Green building concepts.

*(Indiana Real Estate Commission; 876 IAC 7-4-3; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

**876 IAC 7-4-4 Postlicensure education required**

Authority: IC 25-34.1-2-5; IC 25-34.1-3-10

Affected: IC 25-34.1-3-4.1; IC 25-34.1-3-10.5

Sec. 4. The thirty (30) hours of postlicensing education described in section 3 of this rule may be taken in one (1) thirty (30) hour course or in five (5) separate courses with:

- (1) one (1) course consisting of the content required in section 3(1) of this rule;
- (2) a second course consisting of the content required in section 3(2) of this rule;
- (3) a third course consisting of the content required in section 3(3) of this rule;
- (4) a fourth course consisting of the content required by section 3(4) of this rule;
- (5) a fifth course consisting of the content required by section 3(5) of this rule; and
- (6) a sixth course consisting of the content required by section 3(6) of this rule.

*(Indiana Real Estate Commission; 876 IAC 7-4-4; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

## **Rule 5. Broker Continuing Education; Managing Broker Continuing Education; Instructor Continuing Education**

### **876 IAC 7-5-1 Continuing education requirements**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 1. (a) Every licensed real estate broker 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 at least twelve (12) hours per continuing education year of approved education courses under IC 25-34.1-9-11 and this article that are given by commission-approved sponsors.

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

- (1) government-issued photo identification; and
  - (2) proof of licensure as a real estate broker 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 under 876 IAC 7-6 may be more than eight (8) hours of instruction in a one (1) day course.

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

(g) Any continuing education hours accumulated above the minimum requirement for a continuing education year shall not be carried forward to the next continuing education year.

(h) A broker who attends the same approved continuing education course more than once in the same continuing education year is only entitled to continuing education credit for one (1) course.

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

- (1) be credited for more than twelve (12) hours of continuing education for instructing in any three (3) year licensure period;
- (2) receive credit for repeated courses; or
- (3) count instruction credit toward the continuing education specific to providing real estate instructors as required by IC 25-34.1-5-13 and IC 25-34.1-9-22.

*(Indiana Real Estate Commission; 876 IAC 7-5-1; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

### **876 IAC 7-5-2 Continuing education requirements for managing brokers**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9-11

Sec. 2. (a) Under IC 25-34.1-9-11, at least four (4) hours of the twelve (12) hours a broker that holds a managing broker

## MANAGING BROKER EDUCATION; POSTLICENSURE EDUCATION; CONTINUING EDUCATION; INSTRUCTOR EDUCATION

---

designation is required to obtain in a continuing education year must be dedicated to the necessary business and management skills and legal knowledge needed by a managing broker.

(b) The four (4) hour requirement under subsection (a) shall apply in any continuing education year that the broker functions as a managing broker for any period of time. (*Indiana Real Estate Commission; 876 IAC 7-5-2; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 7-5-3 Continuing education requirements for instructors**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 3. (a) As provided for by IC 25-34.1-5-13 and IC 25-34.1-9-12, an individual who holds a prelicensing instructor permit under IC 25-34.1-5-13 or a continuing education instructor permit under IC 25-34.1-9-22 shall complete a minimum of four (4) hours per continuing education year of continuing education specific to providing real estate instruction.

(b) Continuing education completed to satisfy this section shall also count toward the continuing education requirement for a broker under IC 25-34.1-9-11.

(c) Provisions in 876 IAC 7-2, this rule, and 876 IAC 7-6 that apply to broker continuing education shall apply to instructor continuing education unless the context clearly requires otherwise. (*Indiana Real Estate Commission; 876 IAC 7-5-3; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 7-5-4 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. 4. (a) This section establishes the twelve (12) hour per continuing education year continuing education requirement under IC 25-34.1-9-11(a)(1) for brokers.

(b) To qualify for license renewal, brokers must have completed continuing education courses approved by the commission in any of the following subjects:

(1) The subjects listed in IC 25-34.1-9-11(a).

(2) Environmental issues.

(3) Ethics and standards.

(4) Time-shares, condominiums, and cooperatives.

(5) Investment real estate analysis.

(6) Any other course approved by the commission relating to real estate practices that is designed to directly enhance the broker's knowledge and skill in providing real estate services.

(c) Agency law under IC 25-34.1-9-11 shall be agency law applicable in Indiana.

(d) License and escrow law under IC 25-34.1-9-11 shall be licensure and escrow law applicable in Indiana. (*Indiana Real Estate Commission; 876 IAC 7-5-4; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 7-5-5 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 by being designed to directly enhance the broker's knowledge and skill in providing real estate services.

(b) The following courses do not qualify:

(1) Examination preparation.

(2) Sales meetings.

(3) In-house training sessions.



(4) Correspondence.

(5) Motivational classes or seminars.

*(Indiana Real Estate Commission; 876 IAC 7-5-5; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

#### **876 IAC 7-5-6 Renewal applications**

Authority: IC 25-34.1-9-21

Affected: IC 25-1-4; 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 for each continuing education year during the three (3) year licensure period that ends on the expiration date of the license if it were not renewed.

(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 broker to retain sponsor course attendance verification to support the courses taken by the broker for three (3) years after the end of the three (3) year licensure 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 broker to the action under IC 25-1-4. *(Indiana Real Estate Commission; 876 IAC 7-5-6; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

#### **876 IAC 7-5-7 Commission review of continuing education compliance**

Authority: IC 25-34.1-9-21

Affected: IC 25-1-4; 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 the continuing education hours a broker has claimed do not meet the requirements of IC 25-34.1-9 and this article, the commission may take action under IC 25-1-4.

(b) A broker who submits false information under section 6 of this rule or this section shall be subject to action under IC 25-1-4 or sanctions provided for under IC 25-1-11, or both, as appropriate. *(Indiana Real Estate Commission; 876 IAC 7-5-7; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

#### **876 IAC 7-5-8 Inactive license**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-3-10

Sec. 8. (a) A broker applying 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 broker license.

(b) Brokers, both assigned and unassigned, 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 7-5-8; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

#### **876 IAC 7-5-9 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 broker must have obtained all 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 three (3) year licensure period, the broker must obtain the twelve (12) hours for the current continuing education year and pay the activation fee established in 876 IAC 5-3-1.

## MANAGING BROKER EDUCATION; POSTLICENSURE EDUCATION; CONTINUING EDUCATION; INSTRUCTOR EDUCATION

---

(c) A broker who has reactivated the broker's license during a three (3) year licensure period under subsection (b) must obtain the twelve (12) hours of continuing education for each full continuing education year remaining in the licensure period. (*Indiana Real Estate Commission; 876 IAC 7-5-9; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 7-5-10 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. To reinstate an expired license, a broker must have obtained thirty-six (36) hours of continuing education within the three (3) years prior to applying for reinstatement. However, if the application for reinstatement is filed three (3) years or less after the expiration of the license, any continuing education obtained during the last licensure period the broker was licensed may count toward this requirement. (*Indiana Real Estate Commission; 876 IAC 7-5-10; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

## **Rule 6. Distance Learning Continuing Education**

### **876 IAC 7-6-1 "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 choose to complete continuing education outside the normal classroom setting as allowed by this rule. 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 7-6-1; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 7-6-2 Distance learning continuing education requirements**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 2. Distance learning courses must be approved by the commission and meet the requirements of section 3 of this rule. (*Indiana Real Estate Commission; 876 IAC 7-6-2; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014*)

### **876 IAC 7-6-3 Distance learning continuing education courses**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1-9

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 brokers to the public.
- (2) An appropriate and complete application has been filed with the commission.

MANAGING BROKER EDUCATION; POSTLICENSURE EDUCATION; CONTINUING EDUCATION; INSTRUCTOR EDUCATION

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- (3) The distance learning continuing education course meets the content requirements as prescribed in 876 IAC 7-5-4.
- (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 7-6-3; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

**876 IAC 7-6-4 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 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.

MANAGING BROKER EDUCATION; POSTLICENSURE EDUCATION; CONTINUING EDUCATION; INSTRUCTOR EDUCATION

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- (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. For the purposes of this clause, "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 7-6-4; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

**876 IAC 7-6-5 Distance learning continuing education courses by correspondence**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 5. Brokers 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 7-6-5; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

**876 IAC 7-6-6 Video instruction distance learning continuing education**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

Sec. 6. Brokers 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 7-6-6; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

**876 IAC 7-6-7 Internet distance learning continuing education**

Authority: IC 25-34.1-9-21

Affected: IC 25-34.1

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

(1) Courses shall be timed so that brokers taking the course must be engaged for the entire length of time for which the course is approved. A broker shall not be able to fast forward or speed through a course in less time. This subdivision does not alter the time calculation for courses of fifty (50) minute hours as provided for in 876 IAC 7-5-1(c).

(2) 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.

(3) 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.

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

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

*(Indiana Real Estate Commission; 876 IAC 7-6-7; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

## **Rule 7. Continuing Education; Waiver**

### **876 IAC 7-7-1 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. 1. (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 at least one (1) year of the three (3) 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 three (3) year licensure period.

(c) Waivers from the continuing education requirement are also available under IC 25-34.1-9-19(2) for brokers who are affiliated with a broker company for the sole purpose of making referrals to a licensed 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 7-7-1; filed May 22, 2014, 11:50 a.m.: 20140618-IR-876140061FRA, eff Jul 1, 2014)*

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