



# GUAM REAL ESTATE COMMISSION

Marcel Camacho

Odessa Martinez

Alice Sebastian-Cruz (Secretary)

Richard Gutierrez

Christopher Murphy (Chairman)

## MINUTES OF MEETING

Date: Tuesday, April 3, 2018

Time: 2:00 pm

Place: Director's Conference Room  
Department of Revenue and Taxation  
1240 Army Drive  
Barrigada, Guam 96913

Present: John P. Camacho, Real Estate Commissioner  
Chris Murphy, Chair  
Marcel Camacho, Vice-Chair  
Odessa Martinez, Commission Member  
Richard Gutierrez, Commission Member  
Alice Sebastian-Cruz, Commission Secretary

Other: Richard Johnson, Blair Sterling Johnson & Martinez P.C.  
John Duenas, Regulatory Examiner

Call to Order: The Chair called the meeting to order at 2:10 pm

Roll Call/

Quorum: The Chair called roll at which time quorum was established.

- Mr. Richard Johnson, representing Xome Inc. (Xome.com) is requesting the commission to make a recommendation to the Commissioner in regards to whether or not Xome will need to have a Guam licensed RE Broker or Salesman to transact business on Guam. Xome Inc. runs a web portal that lists properties for sale or for auction. Xome has brokers and salesmen in all 50 states except for Guam. Xome believes based on Guam Real Estate Law that they do not need to be licensed to transact business based on their business model. Here on Guam they will hire a broker or salesman on behalf of different parties for the transactions that they are hosting on their website whether those transactions be sales/purchases or auctions. Xome Inc. believes they are not engaging in brokerage or salesman activities on Guam but only creating a venue where something can happen. Atty Johnson urges Commission members to read his letter that he wrote the Commissioner date November 9, 2017.
- Review/Approval of the dual agency law with Senator Nelson. The Chair would like Commission members to review the law one more time so that he can submit it to Senator Nelson.



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- **Seller Disclosure Law:** Initially the Seller Disclosure was given to Senator Nelson but since no action was take, the Commission went to Senator San Agustin. Subsequently no action was taken by Senator San Agustin as the Chair for Finance and Taxation. Again the Chair went to Senator Nelson and created a relationship with the senator since she is tasked with Housing. Senator Nelson has requested the Commission to submit everything back to her so that proceed and create a relationship to work together. A packet was given to Senator Nelson with the revised seller/disclosure information. Chair will talk to her on the 8<sup>th</sup> and ask her if she has gone through it.
  - **The Chair is trying to do some piece meal bills that can stand on their own.** He stated: "the first one was the seller/disclosure law. Guam board of Realtors originally had a form but have subsequently stopped using it. We felt it was appropriate to have a seller/disclosure law in place plus a territory/state form that will be used by any licensee in representing perspective buyer/seller in a real estate transaction. It helps the realtor in terms of risk, the property owner in terms of being a marketing tool and the buyer in terms of full disclosure of the property. We've submitted that plus the proposed form and sent it to GAR, they made their comments and those have been incorporated in proposed law for the bill, and have forwarded over to the senator's office. We did that and then chapter 102, the basic definition of the commission and what its there for. To upgrade and modify the job of the commission since this is the first time it has been active in a while."
  - **Proposed education, article 2 of the law.** This incorporates continuing education and general licensing requirements. There is a proposal for a 2 year renewal in which everyone gets relicensed at the same time, as well as an increase in continuing education credit requirements. Brokers and Salesmen will have the same requirements in regards to continuing ed. Continuing education is modeled after Hawaii's program. We are looking to eliminate the ability of people to having multiple licenses (i.e. corp. broker/ associate broker). Looking at making continuing easier for realtors by offering more online classes, based off of affiliations like national association of realtors. This will encourage realtors to get designations and opportunities. But emphasis should still placed on ethics courses. Dearborn is a major educator, they are willing to work with us to establish real estate course for the general things. As long as they go to nationally recognized organizations or schools such as Kaplan to get their education. We need to establish an ethics course. No one should be exempt from continuing ed. Continuing education should consist of core real estate classes, ethics classes and realtors cannot take the same course again for continuing education for a renewal. Even courses offered by GAR need to submitted to us for the Commissioner to approve.



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- Landlord tenant code was found to need additional work. The senator has met with GAR and us separately, then merged all the comments and hopes to finalize the bill and pass it by June 2. There have been 2 public hearings. We've provided testimony. We indicated that this bill has been moving too fast. Some of the portions missing referenced evictions, abandoned property, and different things that bill has not touched upon. We've suggested that the senator meets with us to be aware of our perspective to blend it into the bill. There's no guarantee that the bill will go through but hopefully with our input it will be a meaningful bill. If bill is done that is fair to both sides there is a better chance that it will move forward. Questions have arisen if the tenant/landlord code includes the short term vacation rentals. Verbiage could be added to this bill to ensure that landlord/tenant code can be a reason for people to register their homes as B&Bs and be in compliance with Rev and Tax.
- Tricia T. Candoletta- Advise by the attorney general is that if she comes to reapply or appeal to the Board, she can do so. She has the right to appeal, but upon denial if she wants to appeal a decision, she will need to get an attorney. All options need to be exhausted before a court case can be presented. It is up to the board to make a decision of the reinstatement of her license, not the Commissioner. Details of her case can not be discussed until she attempts to come to the board for reinstatement of her license. If a vote were to be made by the board, the vote will be in private not in front of Tricia Candoletta. Tricia Candoletta would have to submit in writing, that she disagrees with DRT's position. Members of the board will only receive copies of Candoletta's case if there will be a hearing addressing her issue.
- Mr. Yu: The only update is that we finally have a hearing officer from the AG's office (Atty. Weinberg). The last time we met with him he said he would talk first to the 4 parties that are being complained about. If they can't agree to what Mr. Yu is accusing them of then Mr. Yu will be called in. If they can amicably settle it with the AG's office than we don't have to be present.
- Motion to approve minutes from previous meeting made by Marcel. Richard Gutierrez seconded the motion. Unanimously approved.
- Next meeting for the board are as follows 3<sup>rd</sup> quarter July 17, 2018 and 4<sup>th</sup> quarter October 9, 2018.
- Motion to adjourn the meeting was made at 3:25pm by Christopher Murphy. Seconded by Marcel Camacho. Meeting adjourned by Christopher Murphy.

Prepared by:

John Duenas  
Regulatory Examiner

Approved by:

  
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Alice Sebastian-Cruz  
Regulatory Examiner Supervisor

