



GUAM REAL ESTATE COMMISSION MEETING

MINUTES OF THE MEETING VIA ZOOM

December 15, 2020, Tuesday, 2 pm

Present: Christopher Murphy, Commission Chairman
Alice Sebastian-Cruz, Commission Secretary
Richard Gutierrez, Commission Member
Frank Pangelinan, Commission Member
Marsil Johnson, Commission Member

Also Present: Nemencio David Briones, Regulatory Examiner II
Timothy CSA. Lujan, Special Projects Coordinator
Francine Salas, Senator Sabina Perez's Representative

Absent: Odessa Martinez, Commission Member
Ramon Puangco, Commission Member

- Call to Order: The Chairman called the meeting to order at 2:03pm.
The Chairman confirmed the number of attendees, a quorum is acknowledged.
- Approval of minutes of the meetings held November 12, 2019 and January 23, 2020. Motion made to approve and accept the November 12, 2019 minutes by Frank Pangelinan. Richard Gutierrez 2nd the motion. Motion carried with unanimous vote. Motion made to approve and accept the January 23, 2020 minutes by Frank Pangelinan. Alice Sebastian-Cruz 2nd the motion. Motion carried with unanimous vote.
- New Business
 - a. Introduction of Bill 383-35: Seller Disclosure Statement
The Chairman stated that in November 2019, the legislature held a public meeting and appeared in favor of the draft and was forwarded to Senator San Agustin's office. Senator San Agustin advised that the draft will not go on the floor until January of 2021. It appears that everyone is in favor of having this disclosure law – as of now, it is a question of getting it routed to the senator's office and getting it ready to be voted on by the Legislature..

Mr. Chairman informed that he drafted it in part by himself and some members of GAR had input as well. It was primarily taken from Hawaii's seller disclosure law and California, and Washington. Mr. Johnson stated that his understanding is that all states have mandatory disclosure laws.

Mr. Chairman stated that the majority of the States do have some form of required disclosure law. Mr. Johnson suggested a redrafting of the law due to confusion.

Mr. Chairman stated that the reason we need a disclosure law is to level the playing field by placing more requirements on those selling residential property to offset the undue burden of those buyers who may not be well versed in the real estate process. He also stated that this was presented over the last two years to Guam Association of Realtors, who is in support of the proposed law. If the seller knows something about the property that is material, that information should be made available to the buyer.

Mr. Chairman explained that by signing the seller disclosure form, the seller is addressing all material and relevant issues and seller is responsible for being honest. If they don't know the answer to a question, their answer will reflect that.

Mr. Pangelinan wanted to get clarification regarding murder that occurred on the property and was wondering if a statement regarding any deaths or paranormal activities on the property should also be disclosed.

Mr. Chairman mentioned that part of this law allows for the Real Estate Commissioner to periodically amend the disclosure form in order to address and respond to changing situations within the real estate industry without the requirement to go back to the legislature every time a change is needed.

- b. Proposed Checklist for prospective Real Estate Pre-licensing Instructor: Checklist is being put together by Dept. Rev & Tax based on input from by some of the commission members. If anyone has any kind of input, modifications or other comments, reach out to Alice or Chairman. This will go into Chapter 104 for requirements to be licensed on Guam.
- c. Real Estate Licensing Examination and Certificate of Experience: Mr. Chairman explained that effective immediately, all licensees need to obtain a Certificate of Completion from the pre-licensing school and this Certification needs to be taken to UOG on the day testing to show or demonstrate that they actually passed the pre-license school which is requirement of the law anyway so we avoid people taking the test before they take the class. Mr. Pangelinan suggested that we incorporate a certificate of experience for those licensees wanting to obtain a broker's license due to some individuals not possessing the needed experience as a salesperson to become a broker. It's being suggested that all licensees demonstrate the appropriate experience to include 5 sales and 5 lease rental transaction during the 2 year period prior to applying for the broker's license.
- Old Business
 - Mr. Chairman explained that this is just a follow up on complaints filed against Mr. Salas. He will get his own attorney, but to this date we have heard nothing so we will move forward and wait for their response. Mr. Johnson asked, if DRT suspend his license. Ms. Cruz stated that we did and technically he is not licensed as we speak.
- Other Matters / Discussion
 - None-stated

- Adjournment

Meeting was adjourned at 2:42 pm