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**Mary Fallin, Governor**  
**Gary A. Jones, State Auditor & Inspector**

# ***The Oklahoma Real Estate Commission***

## ***2014 Annual Report***

(July 1, 2013 – June 30, 2014)



**Charla J. Slabotsky, Executive Director**  
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**Charles Barnes**

**Rodger Erker**

**John Mosley**

**Julie Tetsworth**

**Martin Van Meter**

# TABLE OF CONTENTS

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LETTER OF TRANSMITTAL.....	3
EXECUTIVE SUMMARY.....	4
VISION AND AGENCY FUNCTIONS.....	6
VALUES AND BEHAVIORS.....	7
ORGANIZATIONAL CHART.....	8
STATEMENT OF REVENUES AND DISBURSEMENT (OPERATING FUND).....	9
FINANCIAL RECAPITULATIONS (OPERATING FUND).....	10
STATEMENT OF REVENUES AND DISBURSEMENT (EDUCATION & RECOVERY FUND).....	11
ADMINISTRATIVE AND FISCAL SERVICES.....	13
HEARING AND DISCIPLINARY ACTIONS.....	15
EDUCATION AND LICENSING.....	16
LICENSE STATISTICS.....	17
INVESTIGATIONS.....	18
THE WEBSITE.....	19



## OKLAHOMA REAL ESTATE COMMISSION

December 31, 2014

The Honorable Mary Fallin  
Governor of Oklahoma  
212 State Capitol Building  
Oklahoma City, Oklahoma 73105

The Honorable Gary Jones  
State Auditor and Inspector  
100 State Capitol Building  
Oklahoma City, Oklahoma 73105

Greetings:

Pursuant to the Official Code of Oklahoma Annotated §858-207, Title 59, Oklahoma Statutes 1981, as amended, the annual report of the Oklahoma Real Estate Commission (OREC) for the fiscal year 2014 (July 1, 2013 through June 30, 2014), is hereby submitted. As required by statute, this report encompasses the fees charged, collected and received by the Oklahoma Real Estate Commission during fiscal year 2014 and includes a condensed summary of the Commission's principal activities.

The fundamental and primary purpose of the Real Estate Commission is to safeguard public interest and provide quality services by assisting and providing resources; encouraging and requiring high standards of knowledge and ethical practices of licensees; investigating and sanctioning licensed activities; and through the prosecution of any unlicensed person who violates the "Oklahoma Real Estate License Code and Rules."

The Oklahoma Real Estate Commission looks forward to maintaining the ongoing collaboration efforts with the Governor and Legislature, as we strive to reach this mission through efficient and effective agency administration.

Sincerely,

Charla J. Slabotsky  
Executive Director

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# Executive Summary

July 1, 2013 – June 30, 2014

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## The **Mission** of the **Oklahoma Real Estate Commission**:

- To safeguard public interest
- Provide quality services to our customers by assisting and providing resources
- Investigate and sanction licensable activities
- Prosecute individuals who perform licensed activities without a real estate license
- Encourage and require high standards of knowledge and ethical practices of licensees

The Commission continues to provide quality services and work products to our customers for the least amount of cost to the State of Oklahoma, as evidenced by our continued reduction of full-time employees (FTE) and the ever-increasing utilization of online technology services.

The Commission is non-appropriated and receives no funds from the State of Oklahoma. The Commission exists solely on the fees collected from licensees and it is for this reason we attempt to do more with less. Further, the Commission pays 10% of licensee fees collected into the General Fund each fiscal year, amounting to \$99,341.20 this fiscal year.

Several of the challenges met this year include: networking with other regulatory entities to ensure the ethical practices of licensees in real estate transactions, revamping our computer system for integration into online interactive services, and staying up-to-date on the increased investigation of individuals practicing real estate without a license. The Commission also continuously monitored its financial status and made budgetary cuts when and where necessary.

The Commission has legislative authority for twenty-six full-time equivalent employees; however, during the fiscal year 2013 we employed, on average, eighteen employees (four of them unclassified). By keeping our full-time employee level to a minimum, and cross training staff to assist in multiple roles as needed, this results in a direct cost savings to our agency, as well as the State of Oklahoma and provides effective and efficient service to the customers we serve.

The Commission develops standardized real estate contract forms in an effort to promote consistency and standardization in the industry, for both the consumer and the licensee. Through a cooperative effort of the Oklahoma Bar Association, the Oklahoma Association of Realtors, and the Oklahoma Real Estate Commission, we are able to accomplish these tasks.

The Commission delivers continuing education to remote areas of the state that do not have in-class sessions available on a regular basis. We accomplish this at minimal cost through the collaboration and cooperation with state vocational technology centers, which results in no charge to the Commission.

The Commission administers an Education and Recovery Fund, created to reimburse consumers financially harmed by licensees who are in violation of the Oklahoma Real Estate License Code. Upon the consumer obtaining a judgment in a court of competent jurisdiction and their subsequent failure in collecting on the judgment, the Commission may reimburse the consumer for actual damages that they suffered, including allowable attorney fees.

Because a simple real estate transaction can quickly turn into a complex one, the Commission monitors and stays updated on changes in numerous state and federal legislation that might directly affect the licensees and consumers. A few of the laws we monitor are the Broker Relationship Act; Residential Property Condition Disclosure Act; Landlord and Tenant Act; Fair Housing Laws (both state and federal); Federal Lead-Based Paint Disclosure Act; Federal Real Estate Settlement Procedures Act (RESPA); Federal Truth in Lending; and alerts and bulletins distributed by the Federal Environmental Protection Agency (EPA).

The Oklahoma Real Estate Commission continues to stand ready and willing to cooperate with the Governor and Legislature to accomplish our mission, goals and objectives, and endures to strive for efficient and effective government administration.

# Our Vision and Agency Functions

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## **OUR VISION:**

- To be the center point for the consumer and the real estate professional by providing quality education, support resources, and by providing guidance in regulation compliance.

## **AGENCY FUNCTIONS:**

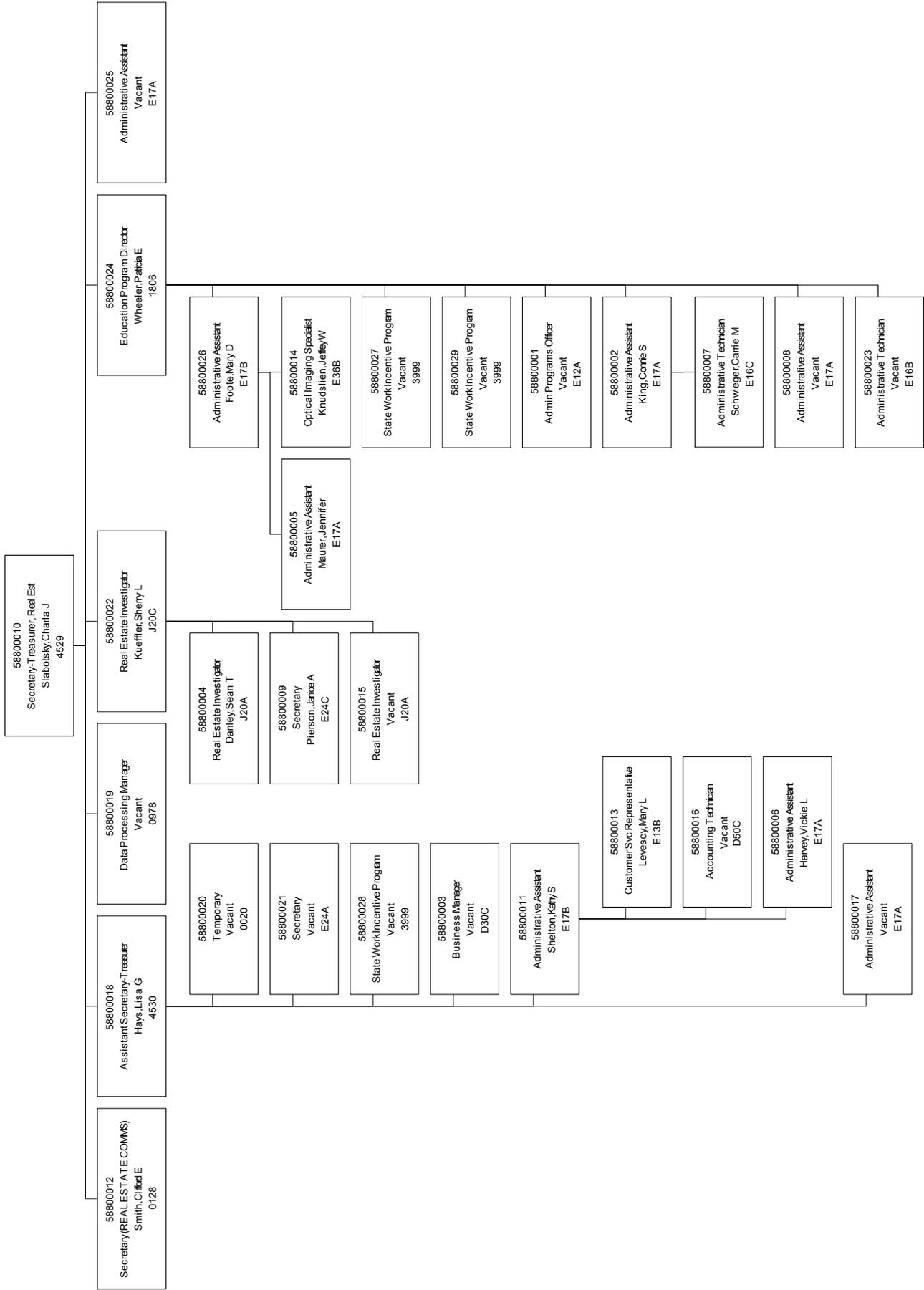
- The programs of the Commission can be classified into distinct administrative functions as follows:
  1. Screen and process license applications.
  2. Investigate license applicants requesting approval to obtain a license by way of conducting a state and federal criminal history background check.
  3. Provide testing for applicants who seek to obtain a real estate license through a contracted vendor.
  4. Issue licenses to qualified applicants and entities that have completed all requirements and/or passed the state examination.
  5. Monitor licensee activities for compliance with the Code and Rules.
  6. Audit trust accounts and business procedures to insure compliance with state laws and rules.
  7. Process and investigate complaints against licensees.
  8. Hold hearings on licensees and when warranted, impose disciplinary action in the form of license revocation, suspension, probation, fines, reprimand, and/or additional continuing education.
  9. Investigate and enforce administrative fines on those found to perform licensed activities without a license.
  10. Perform numerous types of license transactions and maintain licensing files.
  11. Retain records and files in accordance with the Records Disposition Schedule.
  12. Approve qualified real estate education courses, instructors, and facilities as required by the Code and Rules, and provide instructor development training to the approved instructors.
  13. Monitor educational course offerings.
  14. Administer the Education and Recovery Fund, which reimburses members of the public harmed by the acts of a licensee found in violation of a provision of the Code.
  15. Administer the Continuing Education Program to remote areas of the state, thus disseminating education statewide at no additional cost to licensees.
  16. Develop and make available for non-mandatory statewide use by all real estate licensees real estate sale contracts, lease contracts, and their related addenda.

# Values and Behaviors

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- **Customer Service:** We strive to provide courteous customer service in a complete, accurate, and timely manner.
- **Teamwork:** Through cooperation, effective communication, trust and the promotion of new ideas is our goal of success realized. When there is success for one, there is success for all. We are constantly sensitive and professional with each other and we respect each other's knowledge, skills, and opinions as we strive for shared decision-making.
- **Professional Image:** We encourage licensees to comply with all applicable laws and rules; to exhibit expert behavior to their customers and their peers; to be responsive to customer's needs, and to perform all activities and services in an ethical and timely manner.
- **Diversity:** We support equal opportunity in all transactions.
- **Problem Solving:** All employees are encouraged to develop new and creative ideas through problem solving.





# Operating Fund – Statements of Revenues and Disbursements

## July 1, 2013 – June 30, 2014

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### REVENUES

<i>Fiscal Year 2014 Income</i>	\$	1,357,913.45
<i>Less 10% of all license fees collected and paid to the State General Revenue Fund (July 1, 2013 – June 30, 2014)</i>	\$	-108,030.10
<b>NET FISCAL YEAR 2014 OPERATING INCOME</b>	<b>\$</b>	<b>1,249,883.35</b>

### EXPENDITURES

Salaries/Benefits	\$	972,607.19
Professional Services	\$	221,248.39
Flexible Benefits	\$	416.58
Travel - Reimbursements	\$	18,140.41
Travel – Agency Direct Payments	\$	31,449.14
Miscellaneous Administrative Payments	\$	30,432.82
Rent Expense	\$	71,620.66
Maintenance and Repair Expense	\$	2,333.09
Specialized Supplies and Maintenance Expense	\$	151.37
General Operating Expenses	\$	5,600.26
Office Furniture and Equipment	\$	0.00
Library Equipment/Resources	\$	0.00
Scholarships, Tuitions and Awards	\$	1,007.97
Data Processing – Salary Expense	\$	63,152.65
Data Processing – Professional Services	\$	31,616.27
Data Processing – Travel Reimbursements	\$	0.00
Data Processing – Travel Direct	\$	0.00
Data Processing – Miscellaneous Admin	\$	14,785.07
Data Processing – Rent Expense	\$	0.00
Data Processing – Repair Expenses	\$	1,205.10
Data Processing – Operating Expenses	\$	103.00
Data Processing – Furniture and Equipment	\$	10,914.44
Data Processing – Library	\$	0.00
<b>TOTAL EXPENDITURES</b>	<b>\$</b>	<b>1,476,784.41</b>

# Oklahoma Real Estate Commission Operating Fund – Financial Recapitulations

Fiscal Year July 1, 2013 - June 30, 2014

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Total Unencumbered Funds Carryover to July 1, 2013	\$ 1,121,339.09
Carryover of FY-2013 Education & Recovery Fund to Operating Fund <i>Title 59 O.S. §858-602, as amended 1988</i>	\$ 49,389.27
Revenues – Deposited for FY 2014	\$ 1,357,913.45
Less 10% due General Revenue calculated on license fees only*	\$ -108,030.10
Total Funds Available	\$ 2,420,611.71
Less Expenditure for FY 2014	\$ -1,476,784.41
Interest Accrued on Investment for FY 2014	\$ 21,492.84
<b>Working Capital Balance as of June, 2014</b>	<b>\$ 965,320.14</b>

\*Calculated on license fees only per Amendment to Title 59 O.S. §858-207, August 26, 1990

# Education and Recovery Fund Statement of Revenues and Disbursements

July 1, 2013 - June 30, 2014

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## REVENUES

<b>Total Income FY-2014</b>	<b>\$ 140,465.00</b>
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## EXPENDITURES

<b>Salary Expense</b>	<b>\$ 85,261.22</b>
<b>Professional Services</b>	<b>\$ 18,088.71</b>
<b>Travel Reimbursement</b>	<b>\$ 12,320.14</b>
<b>Travel Direct</b>	<b>\$ 350.00</b>
<b>Administration</b>	<b>\$ 13,294.75</b>
<b>Room Rental</b>	<b>\$ 4,863.96</b>
<b>Maintenance and Repair</b>	<b>\$ 421.13</b>
<b>General Operating Expense</b>	<b>\$ 1,990.94</b>
<b>Office Furniture and Equipment</b>	<b>\$ 0.00</b>
<b>Restitution / Reimbursement</b>	<b>\$ 2,719.00</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 139,309.85</b>

**FISCAL YEAR RECAPITULATIONS**

<b>Net Balance Brought Forward to July 1, 2013</b>	<b>\$ 250,000.00</b>
<b>Revenues – Fiscal Year 2014</b>	<b>\$ 140,465.00</b>
<b>Gross Funds Available for Fiscal Year 2014</b>	<b>\$ 390,465.00</b>
<b>Less Expenditures Fiscal Year 2014</b>	<b>\$ -139,309.85</b>
<b>Total Cash Balance as of June 30, 2014</b>	<b>\$ 251,155.15</b>
<b>Interest Earned for Fiscal Year 2014</b>	<b>\$ 5,458.23</b>
<b>Balance of Funds</b>	<b>\$ 256,613.58</b>
<b>Less Unexpended Amount to be Transferred to Commission Operating Account for Fiscal Year 2015*</b>	<b>\$ -6,613.58</b>
<b>Balance Forwarded to July 1, 2014**</b>	<b>\$ 250,000.00</b>

\*As required by Title 59 O.S. §858-602, 1988, as amended.

\*\*Amount carried forward in accordance with the provisions of Title 59 O.S. §858-602 and §858-605, 1981, as amended.

# **Administrative AND Fiscal Services**

**July 1, 2013 – June 30, 2014**

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The Oklahoma Real Estate Commission's Administrative and Fiscal Services Department, formerly known as Fiscal Services/Purchasing, faces new challenges and modifications as the process of doing business with the State of Oklahoma changes. This department has demonstrated its flexibility and cooperative teamwork spirit as a multitude of legislative changes affected practices and processes in every area. The Administrative and Fiscal Services department strived to uphold the Office of Management and Enterprise Services' (OMES) standards in claims, claim processing, procurement and IT procurement. We utilize all areas of the Oracle (PeopleSoft) system in order to transmit as many transactions possible online directly into the state's financial and purchasing system. The department is working with vendors and officials to ensure that everyone submits their information to OMES in order for the issuance of electronic payments. The revised purchasing and travel card requirements allow the agency to make more payments utilizing the P-card, which allows savings in staff time and transaction fees while creating a more efficient method of payment.

OREC has inter-agency agreements with OMES regarding the sharing of services such as IT maintenance, Optical Imaging, communications, mailing services, office space leasing, personnel, time, and labor and payroll services. These agreements allow the department to function at full capacity with very few in-house staff members. The system utilized by the State of Oklahoma for these services requires continued training and flexibility in adapting to new processes.

FY-2012 saw the Commission move to a new location, leasing office space within the state-owned Denver N. Davison Building. The agency was able to save approximately \$20,000 annually in lease payments by leasing space from the state versus a privately owned building. The agency was also able to save money by continuing to utilize the statewide contract for printer maintenance as well as networking two copiers to allow scanning and printing capabilities.

In order to meet the mandate regarding online application and licensing, the agency began conversion, development and implementation of the new "AMANDA" licensing system, obtained from the state's mandatory contract with CSDC Systems. This system replaces the agency's current Oracle system and allows nearly all of the agency's processes to go online. This system also connects all departments within the agency to one system, thus allowing the internal functions of the office to be streamlined and more efficient.

The end of FY-2014 saw the AMANDA project getting ready for "go live," primarily in the back office system for the agency and then the public portal online system. The online portal system will allow customers to communicate and submit information as well as make payments for nearly all services through online processes. The back office system will allow the reception of information from the online portal system in "real time," thereby

eliminating delays in waiting for the delivery of forms and fees. The agency will see this system go live in early FY-2015.

The Administrative and Fiscal Services department is responsible for all aspects of procurement, contracts, mailings, budget, accounting, human resources, employee payroll, and employee benefits.

In addition to the details already noted, the following are activities performed by the Administrative and Fiscal Services department during FY-2013:

**Transactions performed – 13,259**

**Claims processed – 606**

**Purchase Orders – 84**

**Contracts Processed – 11**

**Acquisition Requests processed – 106**

**Return Checks processed – 10**

**Employee benefit packages processed – 0**

**Employee payroll – 22**

**Budget Request – 1**

**Budget Work Program – 1**

**Mail Pieces Processed – 18,749**

# Hearings and Disciplinary Actions

July 1, 2013 - June 30, 2014

FY-2014	July	August	September	October	November	December	January	February	March	April	May	June	Total
<b>Formal Hearings</b>													<b>43</b>
Cases Dismissed after FH	2		1	1	0		1		0			0	5
Disciplinary after Formal Hearing	6		4	0	7		9		1			5	32
Cautions/Warnings	0		0	0	0		0		0			2	2
Fine Only	5		4	1	8		9		1			1	29
Fines and Reprimand	0		0	0	0		0		0			0	0
Probation	0		0	0	0		0		0			0	0
Summary Suspension/Suspension	0		0	0	0		1		0			1	2
Revocation	3		1	2	2		0		0			1	9
Tabled	0		0	0	0		0		0			0	0
<b>Consent Orders</b>													<b>17</b>
Suspended/Fine/CE	0		0	0	0		0		0			0	0
Fine/Continuing Education	1		0	1	0		0		0			1	3
Fine/Formal Reprimand/CE	0		0	0	0		1		0			0	1
Fine/Formal Reprimand	0		0	0	0		0		1			0	1
Fine Only	0		5	2	1		1		2			0	11
Probation	0		0	0	0		0		1			0	1
Revocation	0		0	0	0		0		0			0	0
Surrendered	0		0	0	0		0		0			0	0
<b>Green Sheets</b>													<b>48</b>
Green Sheets	10		7	4	6		0		10			11	48
Green Sheets w/Caution	2		0	1	1		0		0			2	6
Closed on CE Report	1		0	0	1		0		1			1	4
Closed w/Caution on CE Report	0		0	0	0		0		0			0	0
<b>Applications Reviewed</b>													<b>231</b>
Applications Reviewed	20	23	7	26	25	13	28	8	12	32	9	28	231
Denied	3	9	2	5	5	1	11	2	6	12	3	8	67
Appealed	1	0	1	4	4	0	4	0	1	0	0	3	18
Approved Upon Appeal	1	0	1	1	2	0	2	0	0	0	0	0	7
Denial Upheld	0	0	0	2	1	0	2	0	1	0	0	3	9
Tabled	0	0	0	1	1	0	0	0	0	0	0	0	2
<b>Recovery Fund Filed</b>													<b>0</b>
Recovery Fund Filed	0		0	0	0		0		0			0	0
Approved	0		0	0	0		0		0			1	1
Denied	0		0	0	0		0		0			0	0

# Education and Licensing

July 1, 2013 – June 30, 2014

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## **Examination**

The Oklahoma Real Estate Commission implemented a nationally recognized and legally defensible examination with a national testing vendor in 2009 and has continued to monitor and work with the vendor in offering continuing support to the schools and licensees. This national testing vendor has expanded the ability for individuals to take the exam in three additional locations in Oklahoma and at 247 locations across the United States. The Education and Licensing Department completed the development of a platform for licensees to apply for and renew their license online, through [www.ok.gov](http://www.ok.gov) without the requirement of continuing education.

## **Instructor Development**

As mentioned elsewhere in this report, during the fiscal year the Commission conducted an instructor development workshop taught by Bruce Aydt, J.D. The goal of the Commission is to provide the highest quality of training on a continuing basis to instructors through these workshops, which, in turn, provide the finest value of instruction to the licensees in our state.

## **Education and Licensing**

The Education and Licensing Department is responsible for testing and maintaining continuing education for licensees, as required by the Oklahoma Department of Libraries.

This past fiscal year the section handled 63,841 license transactions. Additionally, the Records staff assists licensees and the general public daily by way of telephone or walk-in basis. There were a total of 30,538 license file documents imaged and 134,786 pages imaged in-house.

## **Prelicense and Postlicense Courses**

Real estate courses were available to licensees throughout the state at almost any time of the year. Currently, there are 28 colleges and universities offering at least one (1) real estate course for college credit. The Commission approves all prelicense, postlicense and broker education courses offered by the private sector. Of these, 38 are approved to offer the prelicense sales course, 9 are approved to offer the prelicense broker course and 32 are approved to offer the postlicense course. In order to maintain a qualified status, education entities must have offered a course within any 36 month period on a continuing basis, and the instructors are to attend an instructor orientation course every 18 months, focusing on improving their teaching skills and bringing them up to date on current laws and/or rule changes. The Commission lists all approved prelicense and postlicense entities on its website ([www.orec.ok.gov](http://www.orec.ok.gov)) under the “Education and Exam Information” and “Continuing/Post Education” links, respectively.

## **Continuing Education**

Continuing education courses are available on a college credit basis at 28 accredited colleges and universities in the State of Oklahoma. In addition, approximately 103 schools and organizations have been approved by the Commission to offer continuing education courses on a non-college credit basis. Approximately 2010 individual course offerings are approved and available to all licensees. The Oklahoma Real Estate Commission, through cooperative ventures with 11 other state entities, has delivered continuing education seminars of 3 to 6 hours in duration for individuals who possess a real estate license. A total of 1,024 licensees attended these seminars, generating 3,072 hours of continuing education credit. The Commission lists all approved continuing education courses, with course expiration dates, on its web site under the “Educational Information for Applicants and Licensees” link. The Commission had 583 continuing education courses renewals.

## **Recording Continuing Education Hours**

The Commission office maintains a record of courses taken by each licensee. Approved schools are required to record all official course rosters electronically within five days of completion of a course, so that the licensee’s record will reflect all continuing education completed and which continuing education, if any, is still required for license renewal.

## **Provisional and Sales Associate Applicant Exams**

	Number	Passed	Percentage	Failed	Percentage
1 <sup>st</sup> Quarter	222	116	52%	106	48%
2 <sup>nd</sup> Quarter	180	107	59%	73	41%
3 <sup>rd</sup> Quarter	236	144	61%	92	39%
4 <sup>th</sup> Quarter	258	156	60%	102	40%
<b>TOTAL</b>	<b>896</b>	<b>523</b>	<b>58%</b>	<b>373</b>	<b>42%</b>

## **Broker Applicant Exams**

	Number	Passed	Percentage	Failed	Percentage
1 <sup>st</sup> Quarter	23	14	61%	6	39%
2 <sup>nd</sup> Quarter	44	33	75%	11	25%
3 <sup>rd</sup> Quarter	43	30	70%	13	30%
4 <sup>th</sup> Quarter	33	20	61%	13	39%
<b>TOTAL</b>	<b>143</b>	<b>97</b>	<b>66%</b>	<b>31</b>	<b>34%</b>

# Investigations

July 1, 2013 – June 30, 2014

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The Investigation Department examines complaints filed against licensees and unlicensed persons for alleged activities that violate the Oklahoma Real Estate License Code & Rules. They also investigate all applicants for prior convictions, bankruptcies, outstanding judgments, unpaid student loans, or delinquent child support.

Monthly office inspections are a monitoring system that ensures real estate brokerages comply with the License Code and Rules. In addition, all brokers scheduled for an office inspection routinely undergo a trust account examination.

Further, brokers who are looking for a one-on-one orientation of the laws and rules may request it from the Investigation Division, and an Investigator will assist them on compliance issues.

Advertisements in all mediums are reviewed for compliance and, if found in violation, are addressed with the appropriate broker.

Investigators, on a daily basis, answer questions from the public and licensees regarding real estate transactions, in addition to statute and rule compliance issues.

## Investigation Department activity for FY- 2014:

Formal Cases Received/reviewed	103	Websites reviewed	96
Formal Cases Investigated	103	Advertisements reviewed	8
Complainants Interviewed	103	Seminars/classes attended	6
Witnesses Interviewed	134	Classroom audits	0
Respondents Interviewed	258	Broker consultations	208
Applicant Investigations Received	263	Office Inspections	8
Applicant Interviews	88	Consultations with other Regulators	32
Applicant Report Written	263	Code & Rules Review (phone calls)	624
Attorney Consultations	78	Case Research	155
Special Investigations Opened	0	Evidence Collection/ Case Preparation	103
Special Investigations Conducted	0	Commission Meeting Preparation	7
Complaint Forms Requested	45	Suspended Broker Office Visits	5
Calls Received	10,400	Case Examiner Report Reviews	67
Subpoenas Delivered	15	Pre-approval Inquiries	68
Hearings Attended	43	Miscellaneous Letters	36
Unlicensed Activities Reviewed	17		

# The Website

July 1, 2013 – June 30, 2014

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The website ([www.orec.ok.gov](http://www.orec.ok.gov)) continues to enable the Commission to provide a wider variety of resources to the licensees and the public. Downloadable and printable Rules and Regulations, fillable and printable contract forms and applications, as well as links to other useful state and federal agency websites firmly support the Internet as being an extremely vital and efficient communication tool for the Commission.

Some of the services available on [www.orec.ok.gov](http://www.orec.ok.gov) include:

- ✓ **Complaint Process and Investigations:** A person who wishes to file a complaint involving a licensee, or an unlicensed individual conducting licensable activities in a real estate transaction, can obtain material about the complaint process and print out a form for mailing.
  
- ✓ **Education and Exam Information:** Anyone wanting to get a real estate license can obtain licensing, education, and examination information, as well as the necessary forms. Additionally, licensees can perform the following tasks online:
  - Online license renewal and Continuing Education status
  - Continuing Education Lookup
  - Personal Information Update
  - Listing of Commission-approved prelicense, postlicense and Continuing Education offerings
  
- ✓ **Publications:** A list of publications, published by Oklahoma State and United States Federal Government entities, are available for downloading and printing.
  
- ✓ **Contract Forms and Related Addenda:** Over forty-five (45) real estate contract forms and related addenda are available online. The forms are interactive (fillable), printable, and downloadable.
  
- ✓ **Licensee search:** Allows access to public information on licensees.
  
- ✓ **Data Extracts:** This feature allows for requests from vendors who are interested in purchasing a list of licensees and examinees.

