

1 Department of Commerce

2

3 Adopted Rules Relating to Real Estate Broker Licensing and
4 Education

5

6 Rules as Adopted

7 2800.0100 DEFINITIONS.

8 Subpart 1. **Scope.** For the purposes of this chapter, the
9 terms defined in this part have the meanings given them.

10 Subp. 2. to 12. [Unchanged.]

11 Subp. 13. **Sponsor.** "Sponsor" means a person offering or
12 providing real estate education.

13 Subp. 14. [Unchanged.]

14 2800.1300 LICENSE.

15 Subpart 1. [Unchanged.]

16 Subp. 2. **Cancellation of salesperson's or broker's**
17 **license.** A salesperson's or broker's license that has been
18 canceled for failure of a licensee to complete postlicensing
19 education requirements must be returned to the commissioner by
20 the licensee's broker within ten days of receipt of notice of
21 cancellation. The license shall be reinstated without
22 reexamination by completing the required instruction, filing an
23 application, and paying the fee for a salesperson's or broker's
24 license within two years of the cancellation date.

25 Subp. 3. [Unchanged.]

26 2800.1600 NOTICE TO COMMISSIONER.

27 Subpart 1. [See Repealer.]

28 Subp. 2. **Change of application information.** The
29 commissioner must be notified in writing of a change of
30 information contained in the license application on file with
31 the commissioner within ten days of the change.

32 Subp. 3. to 5. [See Repealer.]

33 2800.1700 AUTOMATIC TRANSFER OF SALESPERSON'S LICENSE.

34 Subpart 1. **Scope.** A salesperson may utilize the automatic

1 license transfer provisions of Minnesota Statutes, section
2 82.20, subdivision 9, clause (b) if the salesperson commences
3 association with the broker to whom the salesperson is
4 transferring, as evidenced by the dates of the signatures of
5 both brokers on the form prescribed by the commissioner, within
6 five days after terminating the salesperson's association with
7 the broker from whom the salesperson is transferring, provided
8 the salesperson's educational requirements are not past due.

9 A salesperson may not utilize the automatic license
10 transfer provisions of Minnesota Statutes, section 82.20,
11 subdivision 9, clause (b) if the salesperson has failed to
12 notify the commissioner within ten days of any change of
13 information contained in the salesperson's license application
14 on file with the commissioner or of a civil judgment,
15 disciplinary action, or criminal offense, which notice is
16 required pursuant to part 2800.1600.

17 Subp. 2. Procedure. An application for automatic transfer
18 shall be made only on the form prescribed by the commissioner.
19 The transfer is ineffective if the form is not completed in its
20 entirety.

21 The form shall be accompanied by a \$10 transfer fee, and
22 the license renewal fee, if applicable, plus an additional \$10
23 if the salesperson holds a subdivided land license. Cash will
24 not be accepted. If the licensee holds a subdivided land
25 license it must be transferred at the same time as the
26 salesperson's license. In order for the transfer of the
27 subdivided land license to be effective the broker to whom the
28 salesperson is transferring must also hold a subdivided land
29 license.

30 The signature of the broker from whom the salesperson is
31 transferring must predate the signature of the broker to whom
32 the salesperson is transferring. The salesperson is unlicensed
33 for the period of time between the times and dates of both
34 signatures. The broker from whom the salesperson is
35 transferring shall sign and date the transfer application upon
36 the request of the salesperson and shall destroy the

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1 salesperson's license immediately.

2 Subp. 3. Effective date.

3 A. The transfer is effective when the broker to whom
4 the salesperson is transferring signs and dates the transfer
5 application form, provided the commissioner receives the form
6 and fee within 72 hours after the date and time of the new
7 broker's signature, either by certified mail or personal
8 delivery to the commissioner's office. In the event of a delay
9 in mail delivery, an application postmarked within 24 hours of
10 the date of the signature of the new broker shall be deemed
11 timely received. The properly executed automatic transfer form
12 serves as a temporary real estate license for no more than 45
13 days.

14 B. and C. [Unchanged.]

15 2800.1750 REAL ESTATE SALESPERSON AUTOMATIC TRANSFER.

16 The real estate salesperson automatic transfer shall be in
17 the form prescribed by the commissioner.

18 2800.1751 INDIVIDUAL APPOINTMENT OF ATTORNEY FOR SERVICE OF
19 PROCESS.

20 STATE OF MINNESOTA

21 DEPARTMENT OF COMMERCE

22 LICENSING UNIT

23 5th Floor, Metro Square Bldg.

24 Seventh and Robert Streets

25 St. Paul, Minnesota 55101

26 INDIVIDUAL APPOINTMENT OF ATTORNEY FOR SERVICE OF PROCESS

27 KNOW ALL PERSONS BY THESE PRESENTS:

28 That in compliance with the Laws of the State of Minnesota,

29 _____ a

30 non-resident, does hereby appoint the Commissioner of Commerce
31 of the State of Minnesota, his/her successor or successors as
32 his/her true and lawful attorney upon whom may be served all
33 legal process in any action or proceeding in which he/she may be
34 a party and which relates to or involves any transaction covered
35 by Chapter 82, Minnesota Statutes, and does hereby expressly

1 consent and agree that service upon such attorney shall be as
2 valid and binding as if due and personal service had been made
3 upon him/her and that such appointment shall be irrevocable.

4 IN WITNESS WHEREOF, I have hereunto set my hand this
5 _____ day of _____, 19__.

6 _____
7 _____
8 _____
9 _____

10
11 STATE OF _____)
12) SS.
13 COUNTY OF _____)

14 On this _____ day of _____,
15 19__, personally appeared before me, a notary public in and
16 for said County and State, _____, to
17 me known to be the person described in and who executed the
18 foregoing instrument and who, being by me first sworn,
19 acknowledged that he/she executed the same as his/her free act
20 and deed.

21 _____
22 Notary Public, _____ County _____
23 (NOTARIAL SEAL) My Commission expires _____
24

25 2800.1900 FAILURE TO RENEW LICENSE.

26
27 If a license lapses or becomes ineffective due to the
28 licensee's failure to file a timely renewal application or
29 otherwise, the commissioner may institute a revocation or
30 suspension proceeding within two years after the license was
31 last effective and enter a revocation or suspension order as of
32 the last date on which the license was in effect.

33 2800.2100 COURSE COMPLETION CERTIFICATES FOR SALESPERSON'S
34 LICENSE.

35 Applicants for a salesperson's license shall submit to the
36 commissioner, along with their application for licensure, a copy
37 of the course completion certificate for courses I, II, and III.

38 Students are responsible for maintaining copies of course
39 completion certificates.

40 2800.2150 COURSE COMPLETION CERTIFICATE.

41 The real estate education course completion certificate

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1 shall be in the form set forth by the commissioner.

2 2800.4200 NEGOTIATIONS.

3 Subpart 1. to 5. [Unchanged.]

4 Subp. 6. Exclusive agency agreements. A licensee shall
5 not negotiate the sale, exchange, lease, or listing of any real
6 property directly with the owner or lessor knowing that the
7 owner or lessor has executed a written contract granting
8 exclusive agency in connection with the property to another real
9 estate broker, buyer, or lessee nor shall a licensee negotiate
10 the purchase, lease, or exchange knowing that the buyer or
11 lessee has executed a written contract granting an exclusive
12 agency for the purchase, lease, or exchange of real property to
13 another real estate broker. The licensee must inquire of the
14 owner, lessor, buyer, or lessee whether such a contract exists.

15 Subp. 7. Prohibition against interference with contractual
16 relationships of others. Licensees shall not induce any party
17 to a contract of sale, purchase, or lease, option, or exclusive
18 listing agreement or buyer's agreement, to breach the contract,
19 option, or agreement.

20 Subp. 8. [Unchanged.]

21 2800.5100 PRELICENSE EDUCATION.

22 An approved course of prelicense education shall consist of
23 three 30-classroom-hour courses to be designated as course I,
24 course II, and course III. Pursuant to Minnesota Statutes,
25 section 82.22, subdivision 6, each applicant for a salesperson's
26 license or salesperson is required to complete all courses
27 successfully. Courses I, II, and III must be taken in sequence
28 and may not be taken concurrently.

29 2800.5200 SALESPERSON'S EXAMINATION.

30 Applicants must successfully complete all portions of the
31 salesperson's examination within one year after the successful
32 completion of course I. After this date, credit for course I
33 will expire and successful completion of the first 30-hour
34 course must be repeated before taking the salesperson's

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1 examination.

2 An exception will be made for students pursuing a full-time
3 course of study in either a two-year or four-year real estate
4 education program. The burden of demonstrating full-time status
5 is on the student. Applicants must successfully complete the
6 salesperson's examination within one year after the successful
7 completion of the two-year or four-year course of study.

8 2800.5300 APPLICATION FOR SALESPERSON'S LICENSE.

9 Applicants must apply for a salesperson's license within
10 one year of successful completion of all portions of the
11 licensing examination. Courses II and III must be completed
12 prior to application. Applicants who fail to apply for a
13 license within the one-year period must retake course I and
14 successfully complete the examination.

15 2800.5400 POSTLICENSING EDUCATION.

16 Thirty hours of approved continuing education must be
17 completed within one year after obtaining a salesperson's
18 license.

19 2800.5600 LIMITATIONS ON COURSE SUBSTITUTIONS.

20 No course may be substituted for course I. Written
21 requests for substitutions for courses II and III shall be
22 granted if the request is submitted no later than 30 days prior
23 to the date upon which that education is due to be completed, if:

24 A. [Unchanged.]

25 B. the salesperson demonstrates successful completion
26 of a course that is substantially similar to course II or III.

27 2800.5900 COMPLETION OF INITIAL EDUCATION.

28 Successful completion of courses I, II, and III includes
29 full-time classroom attendance throughout the course, completion
30 of required assignments or reading materials if applicable, and
31 passage of an examination designed by the sponsor that is
32 sufficiently comprehensive to measure the student's knowledge of
33 all aspects of the course.

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1 2800.6500 COURSE III CURRICULUM.

2 Subpart 1. to 9. [Unchanged.]

3 Subp. 10. **Combination course.** A combination course shall
4 consist of no more than three of the preceding nine subparts and
5 shall devote at least ten hours to each subject. A sponsor that
6 proposes to offer a combination course III shall submit to the
7 commissioner, as part of the application for approval, an
8 outline setting forth the subjects to be addressed and the
9 number of hours proposed to be devoted to each topic.

10 2800.6800 CONTINUING EDUCATION.

11 Subpart 1. [Unchanged.]

12 Subp. 2. and 3. [See Repealer.]

13 Subp. 4. **Examinations.** Course examinations will not be
14 required for continuing education courses unless they are
15 required by the sponsor or the licensee elects to take course
16 III for continuing education credit.

17 Subp. 5. and 6. [Unchanged.]

18 Subp. 7. **Nonapproved courses for continuing education.**

19 The following are not approved courses:

20 A. a course which is approved for prelicense training;

21 B. courses designed to prepare students for a license
22 examination;

23 C. courses in mechanical office or business skills,
24 including typing, speed reading, or use of calculators or other
25 machines or equipment;

26 D. courses in sales promotion, including meetings
27 held in conjunction with the general business of the licensee;

28 E. courses in motivation, salesmanship, psychology,
29 time management, or communication; or

30 F. courses related to office management or intended
31 to improve the operation of the licensee's business.

32 Subp. 8. **Continuing education credit for course III.**

33 Licensees may attend or teach course III for continuing
34 education credit. Credit will be given for less than the entire
35 course III only for combination courses offered pursuant to part

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1 2800.6400, subpart 10. Credit will be given only for attendance
2 at segments of the combination course III which completely cover
3 a subject. An examination will be required only if the licensee
4 takes the entire combination course or if the sponsor requires a
5 separate examination for each subject covered.

6 Subp. 9. [Unchanged.]

7 Subp. 10. **Professional designations.** Courses leading to
8 the following professional designations shall automatically
9 qualify for continuing education credit:

10 A. Certified Property Manager (CPM) offered by the
11 Institute of Real Estate Management.

12 B. Member, Appraisal Institute (MAI) offered by the
13 American Institute of Real Estate Appraisers.

14 C. Certified Commercial Investment Member (CCIM)
15 offered by the Realtors National Marketing Insitute.

16 D. Society of Industrial Realtors (SIR) offered by
17 the Society of Industrial Realtors.

18 E. Certified Mortgage Banker (CMB) offered by the
19 Mortgage Bankers Association.

20 F. Senior Real Property Appraiser (SRPA) offered by
21 the Society of Real Estate Appraisers.

22 G. Accredited Farm and Land Member (AFLM) offered by
23 the Realtors Land Institute.

24 H. Certified Real Estate Broker (CRB) offered by the
25 National Association of Realtors.

26 I. Certified Residential Specialist (CRS) offered by
27 the National Association of Realtors.

28 2800.7150 APPLICATION FOR COURSE APPROVAL FOR COURSES I, II, AND
29 III.

30 The real estate education application for course approval
31 for courses I, II, and III shall be in the form prescribed by
32 the commissioner.

33 2800.7175 APPLICATION FOR COURSE APPROVAL FOR CONTINUING
34 EDUCATION.

35 The real estate education application for course approval

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1 for continuing education shall be in the form prescribed by the
2 commissioner.

3 2800.7200 COURSE APPROVAL.

4 Subpart 1. [Unchanged.]

5 Subp. 2. Permitted course offerings. Courses complying
6 with Minnesota Statutes, chapter 82 and the rules adopted
7 thereunder may be offered or sponsored by sponsors.

8 Coordinators must immediately notify the commissioner of
9 any material change in an application for approval or in the
10 exhibits attached to it.

11 Subp. 3. [See Repealer.]

12 Subp. 4. Applications. Applications for course approval
13 will be accepted on forms prescribed by the commissioner no
14 later than 30 days prior to the course offering.

15 Subp. 5. [See Repealer.]

16 Subp. 6. Subsequent offerings of courses. Approval shall
17 be granted for subsequent offerings of identical continuing
18 education courses without requiring a new application if a
19 notice of subsequent offerings, on the form prescribed by the
20 commissioner, is filed with the commissioner at least 30 days in
21 advance of the date the course is to be held.

22 Subsequent offerings of identical courses I, II, and III do
23 not require the approval of or notice to the commissioner.

24 2800.7250 NOTICE OF SUBSEQUENT OFFERINGS OF CONTINUING EDUCATION
25 COURSES.

26 The real estate education notice of subsequent offerings of
27 continuing education courses shall be in the form prescribed by
28 the commissioner.

29 2800.7400 COURSE COORDINATOR.

30 Subpart 1. Mandatory. Each course of study shall have one
31 coordinator, approved by the commissioner, who is responsible
32 for supervising the program and assuring compliance with
33 Minnesota Statutes, chapter 82 and the rules adopted
34 thereunder. Sponsors may engage an additional approved

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1 coordinator in order to assist the coordinator or to act as a
2 substitute for the coordinator in the event of an emergency or
3 illness.

4 Subp. 2. [Unchanged.]

5 Subp. 3. Form for coordinator approval. Application for
6 approval must be submitted on the form prescribed by the
7 commissioner.

8 Subp. 4. Responsibilities. A coordinator shall be
9 responsible for:

10 A. to E. [Unchanged.]

11 F. maintaining records relating to course offerings,
12 instructors, and student attendance for a period of three years
13 from the date on which the course was completed; these records
14 shall be made available to the commissioner upon request (In the
15 event that a sponsor should cease operation for any reason, the
16 coordinator shall be responsible for maintaining the records or
17 providing a custodian for the records acceptable to the
18 commissioner. Under no circumstances will the commissioner act
19 as custodian of the records. In order to be acceptable to the
20 commissioner, custodians must agree to make copies of
21 acknowledgements available to students at a reasonable fee);

22 G. [Unchanged.]

23 H. attending workshops or instructional programs as
24 reasonably required by the commissioner; and

25 I. providing students with course completion
26 certificates for courses I, II, and III, and continuing
27 education courses.

28 2800.7450 APPLICATION FOR COORDINATOR APPROVAL.

29 The real estate education application for coordinator
30 approval shall be in the form prescribed by the commissioner.

31 2800.7500 INSTRUCTORS.

32 Subpart 1. [Unchanged.]

33 Subp. 2. Qualifications. The following provisions relate
34 to the approval and qualification of instructors:

35 A. Applicants shall submit requests for instructor

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1 approval on the form prescribed by the commissioner for courses
2 I, II, and III and the form prescribed by the commissioner for
3 continuing education courses. Requests must be submitted at
4 least 30 days prior to instruction in an approved course.

5 B. Applicants for Courses I, II and III shall be
6 approved if they have the education and/or experience
7 requirements set forth in part 2800.9905.

8 C. and D. [Unchanged.]

9 Subp. 3. [Unchanged.]

10 2800.7550 APPLICATION FOR INSTRUCTOR APPROVAL FOR COURSES I, II,
11 III.

12 The real estate education application for instructor
13 approval for courses I, II, and III shall be in the form
14 prescribed by the commissioner.

15 2800.7575 APPLICATION FOR INSTRUCTOR APPROVAL FOR CONTINUING
16 EDUCATION.

17 The real estate education application for instructor
18 approval for continuing education shall be in the form
19 prescribed by the commissioner.

20 2800.7600 PROHIBITED PRACTICES FOR COORDINATORS AND INSTRUCTORS.

21 Subpart 1. Prohibitions. In connection with an approved
22 course, coordinators and instructors shall not:

23 A. recommend or promote the services or practices of
24 any particular real estate brokerage, franchise, coordinator,
25 instructor, or sponsor;

26 B. and C. [Unchanged.]

27 D. require students to participate in other programs
28 or services offered by the sponsor, coordinator, or instructor;

29 E. to G. [Unchanged.]

30 Subp. 2. and 3. [Unchanged.]

31 2800.7900 FEES.

32 Fees for approved courses and related materials shall be
33 reasonable and clearly identified to students. In the event
34 that a course is canceled for any reason, all fees shall be

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1 returned promptly. In the event that a course is postponed for
2 any reason, students shall be given the choice of attending the
3 course at a later date or of having their fees refunded in
4 full. If a student is unable to attend a course or cancels his
5 or her registration in a course, sponsor policies regarding
6 refunds shall govern.

7 2800.8100 CONFLICT OF INTEREST.

8 A course will not be approved if it is sponsored by a
9 person who derives substantial income from the real estate
10 brokerage business.

11 2800.8300 ADVERTISING COURSES.

12 Subpart 1. [Unchanged.]

13 Subp. 2. **Approval statement.** No advertisement, pamphlet,
14 circular, or other similar materials pertaining to an approved
15 offering may be circulated or distributed in this state unless
16 one of the following statements is prominently displayed:

17 For prelicense education courses, "This course has been
18 approved by the Minnesota commissioner of commerce for real
19 estate prelicense education."

20 For continuing education courses, "This course has been
21 approved by the Minnesota commissioner of commerce for real
22 estate continuing education."

23 The preceding language need not be displayed on the cover
24 of any out-of-state offering advertisement; however, it is the
25 responsibility of the sponsor to provide students with evidence
26 that the course has been approved.

27 Subp. 3. [Unchanged.]

28 Subp. 4. **Limitation on advertising.** Courses may not be
29 advertised prior to approval, unless the course is described in
30 the advertising as "approval pending" and that is in fact the
31 case.

32 2800.8400 NOTICE TO STUDENTS.

33 At the beginning of each approved offering, the following
34 notice shall be handed out in printed form or shall be read to

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1 students: "This real estate educational offering is recognized
2 by the commissioner of commerce as satisfying _____ hours of
3 credit toward _____ (choose one, or more, of
4 the following as is appropriate: prelicensing, postlicensing,
5 or continuing) real estate education requirements pursuant to
6 Minnesota Statutes, section 82.22. If you have any comments
7 about this real estate offering, please mail them to the
8 Commissioner of Commerce, 500 Metro Square Building, Saint Paul,
9 Minnesota 55101."

10 2800.8500 AUDITS.

11 The commissioner reserves the right to audit subject
12 offerings with or without notice to the sponsor.

13 2800.8700 REPORTS TO COMMISSIONER.

14 Continuing education credits shall be reported by the
15 licensee on the form prescribed by the commissioner.

16 Forms will not be accepted unless they reflect all the
17 required hours. Incomplete forms will be returned to the
18 licensee.

19 Forms must be received by the commissioner no later than
20 June 30 of the year due. Forms that are postmarked no later
21 than June 15 shall be deemed timely received if addressed to:
22 Licensing Unit, 500 Metro Square Building, Saint Paul, Minnesota
23 55101 . Licensees are encouraged to submit the form as soon as
24 they have completed the required hours of continuing education
25 credit.

26 2800.8750 CONTINUING EDUCATION COURSE VERIFICATION.

27 The real estate education continuing education course
28 verification shall be in the form prescribed by the commissioner.

29 2800.9905 QUALIFICATIONS FOR INSTRUCTORS.

30 Applicants seeking approval as instructors of courses I,
31 II, and III must possess the following qualifications:

32 A. a four-year real estate degree;

33 B. a four-year degree with three years full-time
34 experience in the real estate industry;

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1 C. a four-year degree with three years full-time
2 experience in the business or profession relating to the subject
3 being taught;

4 D. a post-graduate degree and completion of 45 hours
5 of continuing real estate education;

6 E. a two-year real estate degree and completion of 45
7 hours of continuing real estate education;

8 F. a two-year degree or certificate with five years
9 full-time experience in the real estate industry;

10 G. a degree or certificate with five years full-time
11 experience in the business or profession relating to the subject
12 being taught; or

13 H. eight years of recent experience in the subject
14 area being taught.

15 2805.0100 DEFINITIONS.

16 Subpart 1. **Scope.** For the purposes of this chapter, the
17 terms defined in this part have the meanings given them.

18 Subp. 2. **Commissioner.** "Commissioner" means the
19 commissioner of commerce.

20 Subp. 3. **Licensee.** "Licensee" means a person duly
21 licensed under Minnesota Statutes, chapter 82.

22 Subp. 4. **Loan broker.** "Loan broker" means a licensed real
23 estate broker or salesperson who, for another and for a
24 commission, fee, or other valuable consideration or with the
25 intention or expectation of receiving the same, directly or
26 indirectly negotiates or offers or attempts to negotiate a loan
27 secured or to be secured by a mortgage or other encumbrance on
28 real estate, or represents himself or herself or otherwise holds
29 himself or herself out as a licensed real estate broker or
30 salesperson, either in connection with any transaction in which
31 he or she directly or indirectly negotiates or offers or
32 attempts to negotiate a loan, or in connection with the conduct
33 of his or her ordinary business activities as a loan broker.

34 "Loan broker" does not include a licensed real estate
35 broker or salesperson who, in the course of representing a

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1 purchaser or seller of real estate, incidentally assists the
2 purchaser or seller in obtaining financing for the real property
3 in question if the licensee does not receive a separate
4 commission, fee, or other valuable consideration for this
5 service.

6 Subp. 5. **Overpayment.** "Overpayment" means any payment of
7 money in excess of a statutory fee or for a license for which a
8 person does not qualify.

9 Subp. 6. **Override clause.** "Override clause" means a
10 provision in a listing agreement or similar instrument allowing
11 the broker to receive a commission when, after the listing
12 agreement has expired, the property is sold to persons with whom
13 a broker or salesperson had negotiated or exhibited the property
14 prior to the expiration of the listing agreement.

15 Subp. 7. **Person.** "Person" means a natural person, firm,
16 institution, partnership, corporation, or association.

17 Subp. 8. **Primary broker.** "Primary broker" means the
18 broker on whose behalf salespersons are licensed to act pursuant
19 to Minnesota Statutes, section 82.20, subdivision 6. In the
20 case of a corporation licensed as a broker, "primary broker"
21 means each officer of the corporation who is individually
22 licensed to act as a broker for the corporation. In the case of
23 a partnership, "primary broker" means each partner licensed to
24 act as a broker for the partnership.

25 Subp. 9. **Property.** "Property" means real property or
26 other property within the scope of Minnesota Statutes, chapter
27 82, unless the context clearly indicates otherwise.

28 Subp. 10. **Protective list.** "Protective list" means the
29 written list of names and addresses of prospective purchasers
30 with whom a licensee has negotiated the sale or rental of the
31 property or to whom a licensee has exhibited the property prior
32 to the expiration of the listing agreement. For the purposes of
33 this subpart, "property" means the property that is the subject
34 of the listing agreement in question.

35 Subp. 11. **Real estate broker or broker.** "Real estate
36 broker" or "broker" as set forth in Minnesota Statutes, section

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1 82.17, subdivision 4, clause (b) shall not apply to the
2 originating, making, processing, selling, or servicing of a loan
3 in connection with ordinary business activities by a mortgagee,
4 lender, or servicer approved or certified by the secretary of
5 housing and urban development, or approved or certified by the
6 administrator of veterans affairs, or approved or certified by
7 the administrator of the farmers home administration, or
8 approved or certified by the federal home loan mortgage
9 corporation, or approved or certified by the federal national
10 mortgage association.

11 Subp. 12. **Rental service.** "Rental service" means a person-
12 who gathers and catalogs information concerning apartments or
13 other units of real estate available for rent, and who, for a
14 fee, provides information intended to meet the individual needs
15 of specifically identified lessors or prospective lessees. This
16 term shall not apply to newspapers or other periodicals with a
17 general circulation or individual listing contracts between an
18 owner or lessor of property and a licensee.

19 Subp. 13. **Sponsor.** "Sponsor" means a person offering or
20 providing real estate education.

21 Subp. 14. **Business of financial planning.** "Business of
22 financial planning" means providing, or offering to provide,
23 financial planning services or financial counseling or advice,
24 on a group or individual basis. A person who, on
25 advertisements, cards, signs, circulars, letterheads, or in any
26 other manner, indicates that he or she is a "financial planner,"
27 "financial counselor," "financial advisor," "investment
28 counselor," "estate planner," "investment advisor," "financial
29 consultant," or any other similar designation or title or
30 combination thereof, is considered to be representing himself or
31 herself to be engaged in the business of financial planning.

32 2805.0200 SCOPE OF APPLICATION.

33 Prior rules exclusively govern all suits, actions,
34 prosecutions, or proceedings that are pending or may be
35 initiated on the basis of facts or circumstances occurring

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1 before the effective date of these rules. Judicial review of
2 all administrative orders issued prior to the effective date of
3 these rules as to which review proceedings have not been
4 instituted by the effective date of these rules is governed by
5 prior rules.

6 2805.0300 COMPUTATION OF TIME.

7 Subpart 1. **Days.** Where the performance or doing of any
8 act, duty, matter, payment, or thing is ordered or directed, and
9 the period of time or duration for the performance or doing
10 thereof is prescribed and fixed by law, rule, or order, such
11 time, except as otherwise provided in subpart 2, shall be
12 computed so as to exclude the first and include the last day of
13 any such prescribed or fixed period or duration of time. When
14 the last day of such period falls on Sunday or on any day made a
15 legal holiday, by the laws of this state or of the United
16 States, such day shall be omitted from the computation.

17 Subp. 2. **Months.** When the lapse of a number of months
18 before or after a certain day is required by law, rule, or
19 order, the number of months shall be computed by counting the
20 months from such day, excluding the calendar month in which such
21 day occurs, and including the day of the month in the last month
22 so counted having the same numerical order as the day of the
23 month from which the computation is made, unless there be not so
24 many days in the last month so counted, in which case the period
25 computed shall expire with the last day of the month so counted.

26 2805.0400 NOTICE TO COMMISSIONER.

27 Subpart 1. **Mandatory.** Licensees shall notify the
28 commissioner of the facts in subparts 2 to 4.

29 Subp. 2. **Civil judgment.** Licensees must notify the
30 commissioner in writing within ten days of a final adverse
31 decision or order of a court, whether or not the decision or
32 order is appealed, regarding any proceeding in which the
33 licensee was named as a defendant, and which alleged fraud,
34 misrepresentation, or the conversion of funds, if the final
35 adverse decision relates to the allegations of fraud,

1 misrepresentation, or the conversion of funds.

2 Subp. 3. Disciplinary action. The licensee must notify
3 the commissioner in writing within ten days of the suspension or
4 revocation of the licensee's real estate or other occupational
5 license issued by this state or another jurisdiction.

6 Subp. 4. Criminal offense. The licensee must notify the
7 commissioner in writing within ten days if the licensee is
8 charged with, adjudged guilty of, or enters a plea of guilty or
9 nolo contendere to a charge of any felony, or of any gross
10 misdemeanor alleging fraud, misrepresentation, conversion of
11 funds, or a similar violation of any real estate licensing law.

12

13 RENUMBERING. Renumber the parts in column A as the parts
14 in column B.

15	Column A	Column B
16	2800.3100	2805.0500
17	2800.3200	2805.0600
18	2800.3300	2805.0700
19	2800.3400	2805.0800
20	2800.3500	2805.0900
21	2800.3600	2805.1000
22	2800.3700	2805.1100
23	2800.3800	2805.1200
24	2800.3900	2805.1300
25	2800.4000	2805.1400
26	2800.4100	2805.1500
27	2800.4200	2805.1600
28	2800.4300	2805.1700
29	2800.4400	2805.1800
30	2800.4500	2805.1900
31	2800.4600	2805.2000

32

33 REPEALER. Minnesota Rules, parts 2800.1600, subparts 1, 3,
34 4, and 5; 2800.2175; 2800.5500; 2800.6800, subparts 2 and 3;
35 2800.7200, subparts 3 and 5; 2800.9910; 2800.9915; 2800.9920;
36 2800.9925; 2800.9930; 2800.9935; 2800.9940; 2800.9945;

APPROVED IN THE
REVISOR OF STATUTES
OFFICE BY:

7/29/86

[REVISOR] PMM/AT - AR0934

1 2800.9950; and 2800.9955 are repealed.