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4.1 Applications; education; experience.

Applicants for original licensure as a broker or salesperson must apply on forms provided by the Commission, pay the application fee established by these regulations, and meet the following requirements:

(a) Broker applicants must provide proof of the following:

(1) Attainment of the age of majority, which proof may consist of a birth certificate or copy thereof, driver's license, or other document or proof of age which is satisfactory to the Commission;

(2) Successful completion within thirty six (36) months immediately preceding the date of the application of a course or courses of instruction in real estate ~~principles, license law, and Commission regulations~~ by actual classroom attendance ~~or completion of approved distance education courses, of which at least forty-five (45) hours are in a course developed by the Commission, for a total of~~ for not less than sixty (60) classroom hours. ~~Applicants who are retaking only one part of the examination pursuant to Regulation 4.2 (c), shall remain subject to the requirement which was in effect at the time the applicant passed the other part of the examination.~~ Proof of completion of such education requirement shall consist of the original certificate(s), or certified copies thereof, from the school or organization or other documentation satisfactory to the Commission;

(3)(A) Service by the applicant of an active bona fide apprenticeship by holding a valid real estate salesperson's license issued by the Commission, or by holding a valid real estate salesperson's license or broker's license issued by the appropriate licensing agency of another state, for a period of not less than twenty four (24) months within the previous forty eight (48) month period immediately preceding the date of application, which proof may consist of the official license records of the Commission or certified copies of licensure records of the appropriate licensing agency of another state, plus such other documentation as the Commission deems satisfactory to demonstrate that the applicant has gained experience in the real estate business equal to that which would be gained by a person engaged in the real estate business on a full time basis during a minimum two year period of time; Listings, sales or other licensed activities may be considered by the commission in determining whether the applicant meets this qualification; Consideration shall be given to the broker applicant's local real estate market and/or specialized area of real estate practice. Any person whose application for broker license is denied by the executive director may appeal such denial to the Commission provided the request is in writing and received in the office of the Commission not later than sixty (60) days following the date of denial by the executive director.

(B) However, pursuant to Section § 17-42-303 (b)(2) the Commission may waive such experience requirement for a real estate broker applicant who has held an active real estate broker's license for a period of not less than eighteen (18) months or who has experience acceptable to the commission in a field considered real estate related for a period of not less than twenty-four months within the previous forty-eight-month period immediately preceding the date of application. Each request for such waiver shall be in writing and shall include such proof as necessary to establish the applicant's eligibility for the waiver. Such proof may consist of the official license records of the Commission, certified copies of license records of the appropriate licensing agency of another state, or such other documentation as the Commission deems satisfactory;

47 (4) The applicant's affidavit that he/she has no record of unprofessional conduct;
48 (5) Any other information or documents related to professional licenses held by the applicant;
49 formal disciplinary actions by regulatory agencies; or, pending lawsuits filed or judgments
50 entered against the applicant for fraud, deceit, dishonesty, misrepresentation, or conversion of
51 property including money belonging to another.

52 (b) Salesperson applicants must provide proof of the following:

53 (1) Attainment of the age of majority, which proof may consist of a birth certificate or copy
54 thereof, driver's license, or other document or proof of age which is satisfactory to the
55 Commission;

56 (2) Successful completion of a course or courses of instruction in real estate by actual classroom
57 attendance or completion of approved correspondence courses of not less than sixty (60)
58 classroom hours, of which at least thirty (30) hours must be in the basic principles of real estate;
59 which proof shall consist of the original certificate(s), or certified copies thereof, from the school
60 or other organization or other documentation satisfactory to the Commission;

61 (3) The applicant's affidavit that he/she has no record of unprofessional conduct;

62 (4) Any other information or documents related to professional licenses held by the applicant;
63 formal disciplinary actions by regulatory agencies; or, pending lawsuits filed or judgments
64 entered against the applicant for fraud, deceit, dishonesty, misrepresentation, or conversion of
65 property including money belonging to another.

66 | (c) (1) ~~Effective January 1, 2006, t~~The Commission may require each original applicant for a
67 salesperson or broker license, including nonresident applicants applying pursuant to Arkansas
68 Code Ann. § 17-42-305, using forms furnished by and pursuant to instructions provided by the
69 Commission to apply for a state and federal criminal background check to be conducted by the
70 Identification Bureau of the Department of Arkansas State Police and Federal Bureau of
71 Investigation pursuant to Arkansas Code Ann. § 17-42-315.

72 (2) "Criminal background check" means a state and nation-wide criminal records check
73 conducted by the Arkansas State Police and Federal Bureau of Investigation, including the taking
74 of fingerprints.

75 (3) Each such applicant shall submit, prior to or with the Application for Real Estate
76 Examination, the form furnished by the Commission authorizing the release of the applicant's
77 criminal background check report to the Commission and shall pay any applicable fees,
78 associated with the State and Federal criminal background checks, pursuant to written
79 instructions provided by the Commission. The release form shall authorize the Identification
80 Bureau of the Arkansas State Police to forward all criminal history information obtained
81 concerning the applicant in regard to any offense referred to in Arkansas Code Ann. § 17-42-315
82 to the Commission.

83 (4) The criminal background check shall be completed within six months immediately preceding
84 the date the Application for Real Estate License Examination is received in the Commission's
85 office, and if not, the application shall be returned to the applicant.

86 (5) Upon request and proof of identification satisfactory to the Commission the Commission may
87 make the report of any criminal information available to the applicant who is the subject of the
88 report and shall provide the applicant a reasonable time to challenge the accuracy or
89 completeness of the information therein, through the State Identification Bureau pursuant to
90 Arkansas Code Ann. § 12-12-211 and Arkansas Crime Information Center Regulation 7(F).

91 (6) Should an applicant challenge his/her conviction report, he/she shall notify the Commission
92 in writing. After receipt of such notice, the Commission shall not determine whether an applicant

93 is qualified for the license applied for until the applicant has had reasonable opportunity to
94 challenge said conviction report and shall not process the application until the challenge of said
95 report is resolved by the State Identification Bureau and/or Arkansas Crime Information Center.
96 The applicant shall notify the Identification Bureau to forward to the Commission changes in the
97 applicant's report as a result of any such challenge.

98 (7) Except as provided in Arkansas Code Ann. § 17-42-315 (g), no person shall receive or hold a
99 license issued by the Commission if the person has been convicted by any court in the State of
100 Arkansas or of any similar offense by a court in another state or of any similar offense by a
101 federal court of an offense identified in Ark. Code Ann. § 17-42-315 (f).

102 (8) After a hearing the Commission may waive a conviction identified in the preceding
103 paragraph, upon application of the applicant, pursuant to the provisions of Ark. Code Ann. § 17-
104 42-315 (g).

105 (d) All classroom hours required by Regulation 4.1(a) and (b) shall be conducted by:

106 (1) An accredited postsecondary school wherever situated; or

107 (2) A school or organization licensed by the ~~State Board of Private Career~~
108 ~~Education Commission.~~

109 (3) A school or organization approved by a real estate licensing jurisdiction deemed equivalent
110 by the Commission.

111 (e) The course or courses of instruction requirements of Regulation 4.1 ~~(a) and~~ (b) may be
112 satisfied by successful completion of such distance education courses as the Commission may by
113 regulation require, giving due consideration to the number of hours necessary to provide
114 instruction in basic competencies required for a ~~broker's license or salesperson's license, as the~~
115 ~~case may be, and to the advice and recommendations of the State Board of Private Career~~
116 ~~Education.~~

117 (f) Both broker and salesperson applicants shall also answer all questions and provide all
118 information requested on the examination application, and shall provide such other information
119 or documentation as the Commission may require.

120 (g) Applicants that have provided all requirements of Regulation 4.1, may sit for the real estate
121 examination, provided that a state and federal criminal background check, as required by ACA §
122 17-42-315, has been sent to the Identification Bureau of the Department of Arkansas State Police
123 for a state and federal criminal background check. However no license shall be issued upon
124 successful completion of the examination, until receipt and approval by the Commission of the
125 state and federal criminal back ground check.

126 (h) All applications expire one (1) year after the date of the application or upon successful
127 completion of the examination, whichever first occurs. Provided, however that the application of
128 an applicant who takes and passes either part of the examination within one (1) year from the
129 date of his application shall not expire until the six (6) months allowed for retaking the failed
130 portion pursuant to Regulation 4.2(c) has expired.

131 (i) Application fees are non-refundable.