CHAPTER 1. ADMINISTRATIVE OPERATIONS

SUBCHAPTER 1. GENERAL PROVISIONS

605:1-1-4. Operational procedures

(a) **Organization.** The organization of the Commission is declared to be that as enumerated in Sections 858-201 through 858-204 of the heretofore described Code.

(b) **Operational procedures.** The general course and method of operation shall be as hereinafter specified in overall provisions of the rules of this Title.

(c) **Open Records Act.** In conformance with Title 51, Section 24 A.1., et seq, Oklahoma Statutes, 1985, titled "Oklahoma Open Records Act" all open records of the Real Estate Commission may be inspected and copied in accordance with procedures, policies, and fee as required by the Commission. The Commission shall charge the following:

(1) A fee of $.25 for each xerographic copy or micrographic image.
(2) A fee of $1.00 for each copy to be certified.
(3) A fee of $10.00 per hour for a record or file search.
(4) A fee of Fifty Dollars ($50.00) per extract for License Data extract.
(5) A fee of Twenty-Five Dollars ($25.00) every three (3) months for an Examinee Data extract.
(6) A fee of no more than Seven Dollars and Fifty Cents ($7.50) for a convenience fee for any electronic/on-line transaction.

(d) **Petition for promulgation, amendment or repeal of any rule.** Any person may petition the Commission in writing requesting a promulgation, amendment or repeal of any rule.

(1) The petition must be in writing in business letter form or in the form of petitions used in civil cases in this State, and shall contain an explanation and the implications of the request and shall be:
  (A) Signed by the person filing the petition and be filed with the Secretary-Treasurer of the Commission.
  (B) Submitted to the Commission at least thirty (30) days prior to a regular meeting.
  (C) Considered by the Commission at its first meeting following such thirty (30) days.
  (D) Scheduled for a public hearing before the Commission within sixty (60) days after being considered by the Commission in a regular meeting.
(2) Within sixty (60) days after the public hearing, the Commission shall either grant or deny the petition. If the petition is granted, the Commission shall immediately begin the procedure for the promulgation, amendment or repeal of any rule pursuant to Title 75 O.S. 303.
(3) If the petition is denied the parties retain their rights under 75 O.S. Sec. 318, to proper Judicial Review.

(e) **Petition for declaratory ruling of any rule or order.**

(1) Submission. Any person may petition the Commission for a declaratory ruling as authorized by pursuant to Section 307 of Title 75 of the Oklahoma Statutes as to the applicability of any rule or order of the Commission. Such petition shall:
  (A) be in writing;
  (B) be signed by the person seeking the ruling;
  (C) state with specificity the rule or order involved;
  (D) contain a brief statement of facts to which the ruling shall apply; and
  (E) if known and available to petitioner, include citations of legal authority in support of such views.
(2) Review and Disposition. The Commission shall have at least thirty (30) days to review the petition. Following the review period, the Commission shall preliminarily consider the petition at its next regularly scheduled meeting and may:
  (A) Issue a declaratory ruling on the merits;
  (B) Refuse to issue a declaratory ruling in accordance with subsection (3); or
  (C) Continue consideration of the petition to a subsequent meeting if additional information, analysis, or deliberation is required.
(3) Grounds for Refusal. The Commission may, in its discretion, refuse to issue a declaratory ruling if it determines that any of the following apply:
  (A) the petition concerns a matter outside the Commission's jurisdiction.
  (B) the issue raised is hypothetical, speculative, or not ripe for decision.
  (C) the petition seeks resolution of disputed facts not appropriate for a declaratory ruling.
  (D) facts are insufficient or unclear to make an effective ruling.
  (E) the petition is duplicative of another proceeding or ruling; or
  (F) issuance of a declaratory ruling would not serve the public interest.
(4) Testimony and Evidence. The Commission may compel the production of testimony and evidence necessary to make its declaratory ruling.
(5) Judicial Review. A declaratory ruling, or refusal to issue such ruling, shall constitute final agency action and shall be subject to judicial review pursuant to Section 317 – 323 of Title 75 of the Oklahoma Statutes.

(f) **Contract Forms Committee.**

(1) The Contract Forms Committee is required to draft and revise real estate purchase and/or lease contracts and any related addenda for standardization and use by real estate licensees (Title 59 O.S. 858-208 {14}).
(2) The committee shall consist of fifteen (15) members. Five (5) members shall be appointed by the Oklahoma Real Estate Commission; three (3) members shall be appointed by the Oklahoma Bar Association; five (5) members shall be appointed by the Oklahoma Association of Realtors~~,~~; one (1) member shall be appointed by the Oklahoma Land and Title Association; and one (1) member shall be appointed by the Oklahoma Mortgage Bankers Association.
(3) Terms shall be for three (3) years and each member shall serve until their term expires and their successor has been appointed. Any vacancy which may occur in the membership of the committee shall be filled by the appropriate appointing entity. An appointment by an entity other than the Commission may be rejected for just cause by a quorum vote of the Commissioners. If an appointment is rejected, the appropriate appointing entity shall select a new appointee.
(4) A member can be removed for just cause by the committee or by a quorum vote of Commissioners.
(5) Each member of the committee shall be entitled to receive travel expenses essential to the performance of the duties of his appointment, as provided in the State Travel Reimbursement Act.
(6) Each member of the committee who satisfies the minimum participation requirements shall be entitled to receive continuing education credit for the following courses:
  (A) Contracts
  (B) Code and Rules

(g) **Oklahoma Education and Recovery Fund.** If a special levy is assessed on licensees as outlined in Title 59 O.S. 858-604 (E), the levy must be paid within sixty (60) days of assessment or the license will be placed on inactive status and shall not be placed on active status until the levy is paid.