

**TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING**  
**CHAPTER 61 REAL ESTATE BROKERS**  
**PART 15 APPROVAL OF REAL ESTATE COURSES, SPONSORS, AND INSTRUCTORS**

**16.61.15.1 ISSUING AGENCY:** New Mexico Real Estate Commission.  
[16.61.15.1 NMAC - Rp, 16.61.15.1 NMAC, 1/1/2012]

**16.61.15.2 SCOPE:** The provisions in Part 15 of Chapter 61 apply to all real estate pre-licensing and continuing education course sponsors and instructors wishing to obtain accreditation to offer and teach real estate pre-licensing and continuing education courses to New Mexico real estate brokers.  
[16.61.15.2 NMAC - Rp, 16.61.15.2 NMAC, 1/1/2012]

**16.61.15.3 STATUTORY AUTHORITY:** Part 15 of Chapter 61 is promulgated pursuant to the Real Estate Licensing Law, Section 61-29-4 NMSA 1978.  
[16.61.15.3 NMAC - Rp, 16.61.15.3 NMAC, 1/1/2012]

**16.61.15.4 DURATION:** Permanent.  
[16.61.15.4 NMAC - Rp, 16.61.15.4 NMAC, 1/1/2012]

**16.61.15.5 EFFECTIVE DATE:** January 1, 2012, unless a later date is cited at the end of a section.  
[16.61.15.5 NMAC - Rp, 16.61.15.5 NMAC, 1/1/2012]

**16.61.15.6 OBJECTIVE:** The objective of Part 15 of Chapter 61 is to set forth the procedures and requirements for the accreditation of real estate continuing education and pre-licensing sponsors, courses, and instructors.  
[16.61.15.6 NMAC - Rp, 16.61.15.6 NMAC, 1/1/2012]

**16.61.15.7 DEFINITIONS:** Refer to 16.61.1.7 NMAC.  
[16.61.15.7 NMAC - Rp, 16.61.15.7 NMAC, 1/1/2012]

**16.61.15.8 EDUCATION ADVISORY COMMITTEE:** The commission shall appoint an education advisory committee (EAC), hereinafter referred to as the committee, with the goal of upgrading and improving the real estate education program in order to carry out the commission's mission of protecting the public and increasing the professional competence of real estate brokers. The committee shall advise the commission on all matters related to broker education.

**A.** The committee shall meet monthly or as required for the purpose of evaluating applications for real estate course sponsors, courses, and instructors and shall make recommendations to the commission as to its findings.

**(1)** The committee shall use specific criteria to evaluate a course, an instructor or course sponsor for approval. These specific criteria shall consider both the instructor's depth of knowledge of the subject and the instructor's ability to convey that knowledge.

**(2)** The committee shall clearly state in writing to the applicant the reasons for which a course, an instructor or course sponsor are not approved.

**(3)** A sponsor or instructor applicant not recommended for approval by the committee may ask the commission to review the committee's unfavorable recommendation.

**B.** The committee shall consist of up to ~~nine voting members and not fewer than three non-voting instructor/advisory members~~ nine non-instructor members and no fewer than three instructor members. The ~~A~~ committee chair and a vice chair shall be elected by the committee ~~from among the voting members~~. Upon the effective date of this rule, approximately half of the members shall be appointed to two-year terms and half to three-year terms. Thereafter, all members shall be appointed to three-year terms.

**C.** Members shall serve a maximum of two consecutive terms, but may reapply for membership one year after the expiration of their second term. The commission shall appoint members to fill vacancies until the end of the term of the vacant position.

[16.61.15.8 NMAC - Rp, 16.61.15.8 NMAC, A, 1/15/2018]

**16.61.15.9 APPROVAL OF EDUCATION PROGRAMS:**

**A.** Courses offered for New Mexico real estate commission approved credit must be offered by sponsors approved by the New Mexico real estate commission and be taught by instructors approved by the commission.

**B.** Applications for sponsor, instructor and course approvals shall be accompanied by the fee(s) specified in 16.61.2.8 NMAC of the commission rules.

**(1)** An approved education category course shall consist of a course offered by a commission approved sponsor in real estate law and practice; real estate financing including mortgages and other financing techniques; material specific to the regulatory, and ethical practice of real estate; and real estate related local, state and federal laws including but not limited to fair housing, the Americans with Disabilities Act (ADA), and lead-based paint disclosure.

**(2)** Approved training category courses include personal and property protection for the broker and clients; using the computer, the internet, business calculators and other technologies to enhance the broker's service to the public; concerning professional development, customer relations skills, sales promotion including salesmanship, negotiation, marketing techniques, servicing the client, or similar courses.

**(3)** With the exception of courses taken in states with which New Mexico has a written license recognition agreement, non-acceptable continuing education classes shall include courses taken in fulfillment of another state's continuing education requirements. Other non-acceptable courses include mechanical office and business skills such as typing; speed reading; memory improvement; language report writing; offerings concerning physical well-being or personal development such as personal motivation; stress management; time management; dress for success; or similar courses.

**B.** Applications for sponsor, instructor and course approvals must be filled in completely and accompanied with the necessary supporting documentation (i.e. timed outlines, power point slides electronic links, course review access information, etc.). Any fees as specified in 16.61.2.8 NMAC will be due to the commission following final approval. Course applications must request one of the following course categories: Core elective, or non core elective. If a core elective category designation is requested, the application must clearly state the reason the course meets the requirements for the core elective category designation. The course category definitions are as follows:

**(1)** A core elective category course shall consist of an advanced course offered by a commission approved sponsor in residential transactions, commercial transactions, property management transactions, or vacant land/ranch transactions required once during each three-year cycle, and which advance the broker's practice of real estate by one or more of the following: improve broker transactional expertise focusing on, but not limited to, contractual and disclosure forms used in the practice of real estate, real estate title issues, contracts, and real estate transactional negotiating skills; improves broker business practices and professionalism focusing on, but not limited to, broker responsibilities and duties; improves broker awareness of issues that impact the public and real estate transactions focusing on, but not limited to, land development, jurisdictional taxation issues; or increases the broker knowledge of third party services within a transaction. The number of core elective hours required for both associate brokers and qualifying brokers is further defined at 16.61.13.8 NMAC.

**(2)** A non-core elective category course shall consist of a course offered by a commission approved sponsor in real estate law and practice; real estate financing including mortgages and other financing techniques; material specific to the regulatory, and ethical practice of real estate; and real estate related local, state and federal laws including but not limited to fair housing, the Americans with Disabilities Act (ADA), and lead-based paint disclosure. This broad category of courses also includes some national designation and certifications offerings not already categorized as core electives; courses in personal and property protection for the broker and clients; broker skills-related offerings in using the computer, the internet, business calculators, and other technologies to enhance the broker's service to the public; other skills offerings related to broker professional development, broker customer relations skills, broker sales promotion including salesmanship, negotiation, marketing techniques, servicing the client, or similar courses.

**(3)** With the exception of courses taken in states with which New Mexico has a written license recognition agreement, non-acceptable continuing education classes shall include courses taken in fulfillment of another state's continuing education requirements. Other non-acceptable courses include mechanical office and business skills such as typing; speed reading; memory improvement; language report writing; offerings concerning physical well-being or personal development such as personal motivation; stress management; time management; dress-for-success; or similar courses.

**C.** The committee shall review instructor candidates:

- (1)** to determine the candidate's knowledge of the subject matter;
- (2)** to determine the candidate's ability to communicate his/her knowledge to students;

- (3) to determine if the candidate uses appropriate teaching delivery skills;
- (4) to determine if the candidate is honest, truthful, reputable, professional, and competent.

[16.61.15.9 NMAC - Rp, 16.61.15.9 NMAC, 1/1/2012; A, 1/1/2017; A, 1/1/2019]

#### **16.61.15.10 APPROVAL OF SPONSORS AND RESPONSIBILITIES:**

**A.** All sponsors wishing to offer commission approved courses for credit must be approved by the commission before the course being offered for credit.

**B.** Educational institutions, proprietary schools, professional organizations or businesses wishing to become commission approved sponsors must submit a completed sponsor application form with supporting documentation as required by the commission.

**C.** The commission will maintain a list of approved sponsors.

**D.** An approved sponsor shall comply with the following requirements:

(1) conduct all courses in accordance with commission rules and education policies, and in accordance with approved course content;

(2) permit all New Mexico real estate brokers to attend all classes offered by the sponsor for which continuing education credit is awarded;

(3) document electronically to the real estate commission that the student has completed the course;

(a) certify no candidate as successfully completing the broker basics or brokerage office administration course unless the student has attended at least ninety percent of the classroom instruction and has passed a written examination at the conclusion of the course;

(b) certify no broker as successfully completing a commission approved course unless the broker has attended 50 minutes of each hour, or successfully completed a distance education course approved by the New Mexico real estate commission.

(4) maintain current, complete, and accurate student records; these records shall include, but not be limited to, a record of payments made, a record of attendance, and a record of course work completed; records shall be maintained for a period of three years;

(5) permit the commission or its representative access to classes being conducted, and make available to the commission, upon request, all information pertaining to the activities of the sponsor;

(6) advertise at all times in a manner free from misrepresentation, deception or fraud; all course advertising must include the name of the commission-approved sponsor, and must specify whether the course is ~~in the education or training category;~~ a core elective, a non-core elective, or ethics course.

(7) in the event a sponsor determines that it intends to cease sponsoring real estate classes it shall inform the commission in writing not less than 30 days before cessation;

(8) advise the commission within 30 days of changes in ownership, directorship, financial status, location or other pertinent information, and reapply for sponsorship in the event of change of majority ownership;

(9) at the end of each course, the sponsor shall collect from each student an evaluation that evaluates adherence to course content, the effectiveness of the instructor, and other prescribed criteria; the evaluation forms shall be maintained by the sponsor for not less than one year and shall be made available to the commission, or any duly authorized commission representative, upon request;

(10) renew sponsorship approval every three years by submitting a sponsor renewal form and renewal fee to the commission;

(11) shall meet the requirements of the Americans with Disabilities Act and all other local, state and federal laws.

**E.** Failure to comply with this rule may result in the loss of sponsor approval. The commission may investigate any claim of violation of this rule.

[16.61.15.10 NMAC - Rp, 16.61-15.10 NMAC, 1/1/2012; A, 1/1/2019]

#### **16.61.15.11 APPROVAL OF COURSES:**

**A.** Any pre-licensing or continuing education course must have been approved by the commission before the course being offered for credit. Courses must incorporate New Mexico law and rules when relevant. A course application form must be completed and submitted to the commission before consideration of a course for approval by the committee.

(1) Before course approval, the instructor teaching the course shall make a presentation before the committee according to presentation criteria established by the committee.

(2) The committee shall assign the number of credit hours to each course and determine whether the course is in the ~~education or training category.~~ Core elective, non-core elective, or ethics categories.

(3) Commission approved pre-licensing courses may count for up to ten credit hours toward continuing education requirements for license renewal.

**B.** The committee may waive a course presentation appearance by a nationally recognized professional real estate organization that provides professional designations if the organization can document to the committee's satisfaction that the course instructor received training in the course subject matter in addition to attending a train the trainer class.

**C.** The commission must approve any continuing education course offered for one-time credit before the course being offered.

(1) A commission approved application form for one-time credit approval must be completed and submitted to the committee before consideration of the course for credit. Applications must contain all the necessary supporting materials regarding the instructors and the venue and time frame of the course.

(2) Approved sponsors are limited to 10 course submittals for one-time credit during each calendar year.

(3) The sponsor, or its representative, requesting one-time course credit, shall make a presentation before the committee according to presentation criteria established by the committee.

**D.** ~~The course~~ All Courses shall conform to the generally accepted principles of education as prescribed by the real estate educators association (REEA) and shall comply with commission approved course content requirements. The minimum length of a course shall be one hour.

**E.** The commission will maintain a list of courses that have been approved for credit.

**F.** If the course represents an update to a previously approved course, and new material becomes available, the instructor shall be responsible for updating the course and presenting the most current information. Significant changes to course outlines should be provided by the instructor to the commission's education administrator as they occur. If a course outline has not been updated within the last three years the committee may, at its discretion, recommend to the commission that the course be removed from the list of approved courses.

**G.** Distance education: For purposes of this part, distance learning is approved course activity ~~education and training~~ that takes place outside of the traditional classroom setting and in which non-traditional instructional media are used because the teacher and student are separated by distance or time. Distance education sponsors seeking continuing education credit for their courses will be required to designate a New Mexico approved instructor to make a presentation to the committee and shall submit for committee review and approval:

(1) course syllabus which clearly states the course objectives and the specific learning objectives for desired student competencies;

(2) instructions for accessing, using and testing the online materials for committee auditing purposes including everything necessary for evaluating course content materials, duration, accuracy and timeliness;

(3) reference materials appropriate to the course;

(4) when a series of courses is offered in a curriculum, evidence of sequential development and logical progression;

(5) description of the method, such as examination and quizzes, by which student progress and mastery of the subject matter are measured, and for determining what is required for a student to successfully complete the course;

(6) description of the method by which student identity is verified, such as user name and password;

(7) the names, telephone numbers and email addresses of individuals, web-sites or other resources that students can contact for technical assistance;

(8) the name and contact information of the New Mexico instructor approved to teach the course who will be available to answer subject matter questions during regularly posted hours;

(9) a description of the methodology used by the sponsor in determining the classroom hour equivalency of each distance education course.

**H.** Live distance education is distance education in which the teacher and student are separated by distance, but not time. In addition to the requirements of subsection G, the following regulations will apply to live distance education. Live distance education sponsors and instructors seeking approval to offer continuing education credit will be required to designate a New Mexico approved instructor to make a presentation to the committee and shall submit for submit for committee approval the following:

(1) The technology a sponsor intends to use to provide live distance education will be in place, at the place of instruction and at student location(s), and demonstrated to the committee in a situation as near to the actual proposed class setting as possible.

(2) The sponsor or instructor will provide technical support sufficient to rectify minor technical problems. If there are interruptions that exceed the regulatory mandate of 50 minutes of instruction per hour, no credits will be issued to students.

(3) At live distance education locations where there is a proctor provided by the sponsor or the instructor, a final examination is not required. At locations where there is no proctor, a final examination is required.

(4) Live distance education core course instruction will be proctored, will have a maximum of 40 students total, and a minimum of five students at each location, unless there is a one teacher to one student instruction.

[16.61.15.11 NMAC - Rp, 16.61.15.11 NMAC, 1/1/2012; A, 1/1/2017; A, 1/1/2019]

#### **16.61.15.12 APPROVAL OF INSTRUCTORS:**

**A.** Commission approved course instructors. Instructors must be approved by the commission before teaching courses. The following requirements apply to all commission approved instructors.

(1) Be honest, truthful, reputable, professional, and competent.

(2) Submit a commission-approved application before presenting the course to the committee.

(3) Complete a commission approved instructor training course within one year of being initially approved as an instructor and every three years thereafter. Instructors who fail to submit documentation of completion of the instructor-training course will not be re-certified.

(4) Provide copies of student handouts during their course presentation.

(5) Make a minimum 15 minute presentation to the committee exhibiting their teaching skills and knowledge of the subject matter, and be prepared to answer questions. Presentations must conform to the generally accepted principles of education (GAPE) as established by the real estate educators' association (REEA).

**B.** Pre-licensing instructors. Pre-licensing courses include: real estate law, real estate principles and practices, broker basics and brokerage office administration. In addition to Subsection A. above, these instructor candidates must:

(1) pass the New Mexico broker's examination with a minimum score of 84 within the previous three years from the date of application;

(2) audit the course they wish to teach before being approved as an instructor for that course; documentation of having audited the course must be submitted with the candidate's application;

(3) broker basics: be approved to teach real estate law and real estate principles and practice;

(4) brokerage office administration: be approved to teach real estate law and real estate principles and practice and broker basics; in addition, candidates must also have two-year's experience as a qualifying broker in New Mexico or another licensing jurisdiction.

**C.** Core course instructors. In addition to Subsection A. above core course instructor candidates must:

(1) Successfully complete a core course training class recommended by the committee and approved by the commission; and

(2) Teach the current core course twice for no compensation; teamed with two different approved core course instructors designated by the commission executive secretary or commission education administrator; and receive "above average" evaluations in both courses, and

(3) Appear before and be approved by the committee, including presentation to the committee of a component of the current year's core class; and

(4) Appear before the commission, and be sworn in, and

(5) Ensure that the core course materials the applicant presents includes the materials approved by the commission for the current calendar year that is being taught.

**D.** Qualifying broker refresher course instructors. In addition to Subsection A above, qualifying broker refresher course instructor candidates must comply with one of the following:

(1) be a currently approved instructor for real estate law and real estate principles and practice and broker basics and be a qualifying broker or would qualify to be one; or

(2) be approved to teach the core course and be a qualifying broker.

**E.** New broker business practices post-licensing course instructors. In addition to Subsection A above, new broker business practices course instructors must:

(1) have two years' experience as an active qualifying broker with supervisory responsibilities or two years actively licensed as an associate broker and served in the capacity as a trainer for the brokerage, or two years actively licensed as an associate broker and be approved as a continuing education instructor;

(2) attend, when offered, a commission approved train-the-trainer on how to instruct the post-licensing course and attend, when offered, a periodic update of the course offered by the commission or the commission contractor; and

**F.** Committee approval process. The committee will make its recommendation to the commission to grant or deny instructor approval. If the application is denied, a written evaluation to the candidate will provide specific reasons for denial and recommendations for improvement. An instructor candidate not recommended for approval by the committee may ask the commission to review the committee's unfavorable recommendation.

**G.** Post-approval requirements. After approval all instructors must comply with the following:

(1) pay applicable fee(s);

(2) conduct all classes in accordance with commission rules and educational policies;

(3) ensure all instruction is free from all misrepresentation, solicitations of products and recruitment;

(4) conform to commission-approved course content requirements; and

(5) allow access to any class to any duly appointed representative of the commission.

**H.** Instructor approval expiration and re-certification.

(1) Expiration. Instructor approvals expire on the same three-year cycle as the instructor's broker's license. If an instructor is not a real estate broker, then the expiration will be three years from the date of initial approval.

(2) Re-certification. Instructors seeking re-certification shall:

(a) submit the commission-approved form;

(b) submit documentation of having completed a commission-approved instructor training course;

(c) an instructor who has not taught a course in the preceding three year instructor renewal cycle will not be recertified to teach that course; an instructor may submit at the time of renewal, a written request to the committee to be re-certified to teach that course; the written request must specify how the instructor has remained current on the course material, and must include the course outline and course material.

**I.** Failure to comply with this part may result in the loss of instructor approval.

[16.61.15.12 NMAC - Rp, 16.61.15.12 NMAC, A 1/1/2017; A, 1/1/2019]

## **HISTORY OF 16.61.15 NMAC:**

### **Pre-NMAC History:**

The material in this part was derived from that previously filed with the state records center and archives under:

Rule No. 7, Education: Accreditation of Sponsors/ Courses/Instructors, filed 12/18/1987;

NMREC Rule 7, Education: Accreditation of Sponsors/Courses/Instructors, filed 10/3/1994.

### **History of Repealed Material:**

16 NMAC 61.15, Continuing Education: Accreditation of Sponsors; Courses; Instructors (filed 6/25/1997) repealed 1/1/2000.

16.61.15 NMAC, Continuing Education: Approval of Sponsors, Courses, and Instructors (filed 11/30/2001) repealed 1/1/2006.

16.61.15 NMAC, Continuing Education: Approval of Sponsors, Courses, and Instructors (filed 11/16/2005) repealed 1/1/2007.

16.61.15 NMAC, Approval of Real Estate Courses, Sponsors, and Instructors (filed 11/16/2006) repealed 1/1/2012.

### **Other History:**

NMREC Rule 7, Education: Accreditation of Sponsors/Courses/Instructors (filed 10/3/1994) was reformatted, renumbered, and replaced by 16 NMAC 61.15, Continuing Education: Approval of Sponsors, Courses, Instructors, effective 8/15/1997.

16 NMAC 61.15, Continuing Education: Accreditation of Sponsors; Courses; Instructors (filed 6/25/1997) was replaced by 16 NMAC 61.15, Continuing Education: Approval of Sponsors, Courses, Instructors, effective 1/1/2000.

16 NMAC 61.15, Continuing Education: Approval of Sponsors, Courses, and Instructors (filed 12/10/1999) reformatted, amended, renumbered, and replaced by 16.61.15 NMAC, Continuing Education: Approval of Sponsors, Courses, and Instructors, effective 1/1/2002.

16.61.15 NMAC, Continuing Education: Approval of Sponsors, Courses, and Instructors (filed 11/30/2001) replaced by 16.61.15 NMAC, Continuing Education: Approval of Sponsors, Courses, and Instructors, effective 1/1/2006.

16.61.15 NMAC, Continuing Education: Approval of Sponsors, Courses, and Instructors (filed 11/16/2005) replaced by 16.61.15 NMAC, Approval of Real Estate Courses, Sponsors, and Instructors, effective 1/1/2007.

16.61.15 NMAC, Approval of Real Estate Courses, Sponsors, and Instructors (filed 11/16/2006) replaced by 16.61.15 NMAC, Approval of Real Estate Courses, Sponsors, and Instructors, effective 1/1/2012.