

# Fall



## BOARD OF REALTY REGULATION NEWSLETTER

Volume1  
Issue 3  
\*\*\*\*\*  
October 1, 2009

After having served now for a couple of years as a Realty Regulation Board Member, I'd like to share with all Montana Real Estate Licensees a few suggestions which should improve your practice and the service you can receive from our staff in Helena.

Online license renewal has a lot to recommend it to us all: Try it this year if you haven't already. However, PLEASE check to verify your recorded Continuing Education Credits online ( <http://www.realestate.mt.gov>: CE: Lookup Reported CE Credits) BEFORE! you "Send" electronically - or even mail in - your renewal form. Also, we should each be keeping a personal record of our completed education certificates, because very occasionally course credit issues have arisen which those Course Completion Certificates can help to resolve in your favor very quickly.

Most calls to the Board office concerning real estate laws, regulations and rules are easily and clearly and quickly answered completely by online reference at [www.realestate.mt.gov](http://www.realestate.mt.gov) . All new and amended materials are promptly posted at that web site for ready reference. If you need to call our Helena staff for any further clarification, please be aware that they experience a high volume of calls, but if you leave a message, someone WILL get back to you.

On another note: most --much more than half --of the written Complaints against Brokers, Salespersons and Property Managers which I have reviewed as a member of the Board's Complaint Screening Panel would not have come to our attention if our Licensee had communicated just ONE MORE TIME with the person who decided to sign a formal complaint. SUGGESTION: Each and every day, make that first call to the person you LEAST want to talk about real estate with that day, and then probably you won't need to explain anything to BRR.

C.E. "Abe" Abramson, Real Estate Broker  
Industry Member, Board of Realty Regulation

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# BRR MEMBERS, STAFF & UPDATES

## BOARD OF REALTY REGULATION Members

The Governor with Senate confirmation appoints board members. Members serve 4 year terms with a 2-term limit.

**CINDY WILLIS**  
BOARD CHAIR  
INDUSTRY MEMBER  
POLSON, MT  
Term Expires: 5/9/2013

**JUDITH PEASLEY**  
PUBLIC MEMBER  
SEELEY LAKE, MT  
Term Expires: 5/9/2010

**SHIRLEY  
MCDERMOTT**  
PUBLIC MEMBER  
LAUREL, MT  
Term Expires: 5/9/2011

**LARRY MILLESS**  
INDUSTRY MEMBER  
CORVALLIS, MT  
Term Expires:  
5/09/2011

**C.E. "ABE"  
ABRAMSON**  
INDUSTRY MEMBER  
MISSOULA, MT  
Term Expires: 5/9/2011

**CONNIE WARDELL**  
INDUSTRY MEMBER  
BILLINGS, MT  
Term Expires:  
5/09/2011

**PAT GOODOVER**  
INDUSTRY MEMBER  
GREAT FALLS, MT  
Term Expires: 5/9/2012

# IT'S RENEWAL TIME! YOU MUST RENEW YOUR LICENSE(S) ON OR BEFORE MIDNIGHT OCTOBER 31, 2009

## 2009 BOARD MEETINGS

**October 14**  
Screening Mtg. 1:00  
PM  
(Closed)  
Education Mtg. 2:00  
PM

**October 15**  
Adjudication 9:00 AM  
Open Mtg 9:00 AM

**December 10**  
Screening Mtg 1:00  
PM  
(Closed)  
Education Mtg. 2:00  
PM

**December 11**  
Adjudication 9:00 AM  
Open Mtg 9:00 AM

The Honorable Brian Schweitzer,  
Governor  
**BOARD ADDRESS &  
CONTACT INFORMATION**

**BOARD OF REALTY REGULATION**  
301 S. PARK, 4<sup>TH</sup> FLOOR/ PO BOX 200513  
HELENA, MT 59620-0513  
FAX: 406-841-2323

EMAIL: [dlibsdrre@mt.gov](mailto:dlibsdrre@mt.gov)

WEBSITE: [www.realestate.mt.gov](http://www.realestate.mt.gov)

**For real estate licensing questions and  
information, contact:**

Barb McAlmond, Program Manager 406-841-2325  
Becky Zaharko, Licensing Tech. 406-841-2354

**For information regarding education, contact:**  
Stacey Fossum, Education Director 406-841-2324

**For information regarding audits, contact:**  
Marilyn Willson, Auditor 406-841-2321

**For information regarding complaints, contact:**  
Teri Ray, Compliance Specialist 406-841-2336

Grace Berger, Executive Officer 406-841-2320

# FROM THE EDUCATION DIRECTOR

By: Stacey Fossum, Education Director, BRR

Renewal time (October 31<sup>st</sup>) is slowly creeping up on us. As you can imagine, instructors, course providers and the Board of Realty Regulation are all extremely busy during the end of October. While all of us do our best to make sure that everything is in order for your renewal to be processed and complete, the majority of the responsibility falls on you, the licensee.

Who are you going to blame when October 29<sup>th</sup> rolls around and you haven't even started your continuing education? No one but yourself.

Remember that instructors have 20 days to report class rosters to BRR, so waiting until the last minute to complete your CE can result in late fees and other complications. It is your responsibility to take

the classes you need for license renewal in a timely and prudent manner.

In addition, taking all your classes online at the last minute can be disastrous if you or the provider has technical issues. If your computer crashes, if you fail to submit your completion for an online course, or even if you have a medical or family emergency, it also could result in late fees. Planning ahead and getting your CE completed well before October 31<sup>st</sup> is always the best option.

It is also a good idea to check the status of your CE online to make sure that all the classes you have taken have been accurately reported to BRR ([www.continuinged.mt.gov](http://www.continuinged.mt.gov)). If you have waited the 20 days the instructors are given to enter class rosters and still do not see the class reported, please contact the course provider or instructor to address the issue.

## REQUESTING CREDIT FOR NON-APPROVED CE

BY: Stacey Fossum, Education Director, BRR

For those licensees who take CE in other states or for other professional licenses (such as appraisal, law, or CPA), BRR has a way for you to apply for CE credit in real estate. The Request for Individual CE Credit form can be found online at [www.realestate.mt.gov](http://www.realestate.mt.gov): CE: Forms and does not cost anything to submit.

All classes taken that are not currently approved for real estate CE credit must meet the following standards before they will be approved for credit:

- All classes must meet one of the topics approved by the Board. A list of topics can be found at [www.realestate.mt.gov](http://www.realestate.mt.gov): CE: Approved Topics and Ed. Requirements
- If taken for CE credit in another field (appraiser, law, CPA etc), proof that the course is approved for CE by said field's licensing board.
- If taken out of state, proof that the course is approved for real estate credit by that state's licensing board.

- If taken online, proof that the course is ARELLO approved.
- The course must be taken during the **current licensing year** (November 1, 2008 to October 31, 2009).

When submitting a Request for Individual CE form, please include the following:

- A complete, detailed, timed course outline.
- Information/background on the course instructor(s).
- If applicable, proof that the course is approved by the licensing board or jurisdiction where it was taken.
- If the course is distance education, proof that the course is ARELLO approved ([www.arello.net](http://www.arello.net)).
- A signed course completion certificate (this can be sent later if you are getting a course pre-approved).

**IF ANY OF THE REQUIRED MATERIAL IS NOT SUBMITTED, THE REQUEST WILL BE AUTOMATICALLY DENIED.**

# A REMINDER FOR NEW PROPERTY MANAGEMENT LICENSEES

## New Property Management Continuing Education Requirements

If you are a new property manager licensed from November 1, 2007 to now, you are required to complete 12 hours of new licensee mandatory continuing education by the second renewal date following your original license issue date. Six of those hours must consist of:

- (a) 2 hours of trust accounts;
- (b) 2 hours of leasing principles;
- (c) 2 hours of state law update.

Your license will expire on the second renewal date as set by ARM 24.101.413 following your original license issue date. Please send copies of your continuing education certificates prior to the renewal date of October 31 to ensure you can renew your license. Send copies of your CE certificates to Board of Realty Regulation PO Box 200513, Helena, MT 59620; by fax 406-841-2323; or by e-mail [dlibsdrre@mt.gov](mailto:dlibsdrre@mt.gov).

## CONGRATULATIONS AUDIT ALLSTARS!

THE FOLLOWING LICENSEES HAD NO EXCEPTIONS FOUND DURING RECENT AUDITS

**Gretchen Lancaster**  
**Realty Investment Corp.**

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**Kyle Baughan**  
**Mountain Sentry**

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**Ronald Brandos**  
**Eureka Realty**

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**William Adams**  
**Montana Brokers**

**Steve Mangold**  
**Eureka Realty**

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**Crystal Cox**  
**Ten Lakes Realty**

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**Craig Dessing**  
**Homestead Real Estate**

**GREAT JOB!**



# DISCIPLINARY ACTION

\*\*\* ALL DISCIPLINARY ACTION IS NOW POSTED IN THE NEWSLETTER \*\*\*

## Colleen Hill

A complaint was filed by property owners who hired Ms. Hill to manage their property. They alleged she did not secure appropriate tenants, the tenants failed to have utilities placed in the renters name and failed to pay rent per the rental agreement. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Ms. Hill violated the following statutes and/or rules and issued a Summary Suspension of her license:

MCA 37-1-316(4); MCA 37-1-316(5); MCA 37-1-316(14); MCA 37-1-316(18); ARM 24.210.805(3); ARM 24.210.805(4); ARM 24.210.805(6); ARM 24.210.805(6)(a); ARM 24.210.805(6)(b); ARM 24.210.805(7); ARM 24.210.805(10); ARM 24.210.805(10)(c); ARM 24.210.805(10)(d)(i); ARM 24.210.805(11); ARM 24.210.805(12); ARM 24.210.805(13); ARM 24.210.805(15); ARM 24.210.828(3)(b); ARM 24.210.828(3)(i)

Ms. Hill negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for a public censure of her license; in addition to the 12 hours of required CE, complete the Property Management Pre-

Licensing Course; suspension of her license until reinstated by the Board after meeting a number of conditions including: requesting reinstatement, remaining on suspension a minimum of one year following the date of the final order, satisfying all court-ordered judgments by any of the complainants, payment of funds owed, and refraining from the practice of any profession regulated by the Board of Realty Regulation while suspended, including property management.

## Ronald Biggs

The Board filed a board generated complaint against Mr. Biggs. The complaint contends Mr. Biggs failed to disclose that advertising was made by a licensee or brokerage company. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Mr. Biggs violated the following rule:

ARM 24.210.641(5)(aa)

Mr. Biggs negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for an Administrative Fine of \$100.00.

## Kevin Puett

The Board filed a board generated complaint against Mr. Puett. The Complaint contends Mr. Puett indicated on his 2009 renewal that he had met his CE requirement. The CE was not completed until after the renewal period. Following the complaint the Board found reasonable

cause to believe that Mr. Puett violated the following statutes and/or rules:

MCA 37-51-321(1)(q); ARM 24.210.641(5)(g); ARM 24.210.641(5)(i)

Mr. Puett negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for Mr. Puett to pay a late renewal fee of \$87.50 and an Administrative Fine of \$200.

## Daniel Staebler

The Board filed a board generated complaint against Mr. Staebler. The Complaint contends Mr. Staebler indicated on his 2009 renewal that he had met his CE requirement. The CE was not completed until after the renewal period. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Mr. Staebler violated the following statutes and/or rules:

MCA 37-51-321(1)(q); ARM 24.210.641(5)(g); ARM 24.210.641(5)(i)

Mr. Staebler negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for Mr. Staebler to pay a late renewal fee of \$87.50 and an Administrative Fine of \$200.

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# DISCIPLINARY ACTION (CONTINUED)

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## **Teresa Walsh**

The Board filed a board generated complaint against Ms. Walsh. The Complaint contends Ms. Walsh indicated on her 2009 renewal that she had met her CE requirement. The CE was not completed until after the renewal period. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Ms. Walsh violated the following statutes and/or rules:

MCA 37-51-321(1)(q); ARM 24.210.641(5)(g); ARM 24.210.641(5)(i)

Ms. Walsh negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for Ms. Walsh to pay a late renewal fee of \$75.00 and an Administrative Fine of \$200.

## **M. Jessie Eagen**

The Board filed a board generated complaint against Mr. Eagen. The Complaint contends Mr. Eagen indicated on his 2009 renewal that he had met his CE requirement. The CE was not completed until after the renewal period. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Mr. Eagen violated the following statutes and/or rules: MCA 37-51-321(1)(q); ARM 24.210.641(5)(g); ARM 24.210.641(5)(i)

Mr. Eagen negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for Mr. Eagen to pay a late renewal fee of \$100.00 and an Administrative Fine of \$200.

## **David Dutton**

The Board filed a board generated complaint against Mr. Dutton. The Complaint contends Mr. Dutton indicated on his 2009 renewal that he had met his CE requirement. The CE was not completed until after the renewal period. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Mr. Dutton violated the following statutes and/or rules: MCA 37-51-321(1)(q); ARM 24.210.641(5)(g); ARM 24.210.641(5)(i)

Mr. Dutton negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for Mr. Dutton to pay a late renewal fee of \$87.50 and an Administrative Fine of \$200.

## **Randall Franz**

The Board filed a board generated complaint against Mr. Franz. The Complaint contends Mr. Franz indicated on his 2009 renewal that he had met his CE requirement. The CE was not completed until after the renewal period. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Mr. Franz violated the

following statutes and/or rules: MCA 37-51-321(1)(q); ARM 24.210.641(5)(g); ARM 24.210.641(5)(i)

Mr. Franz negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for Mr. Franz to pay a late renewal fee of \$100.00 and an Administrative Fine of \$150

## **Tambra Akins**

A complaint was filed against Ms. Akins alleging several licensees under her supervision did not have active licenses because they had not renewed, but she included them in her brokerage advertising. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Ms. Akins violated the following statutes and/or rules: MCA 37-1-316(4); MCA 37-1-316(5); MCA 37-1-316(18); MCA 37-51-321(1)(a); ARM 34.210.430(5); ARM 24.210.430(7); ARM 24.210.610(6); ARM 24.210.610(7)

Ms. Akins negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for Ms. Akins to pay an Administrative Fine of \$500.00

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# DISCIPLINARY ACTION (CONTINUED)

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## Jennifer Brown

The Board filed a board generated complaint against Ms. Brown. She failed to meet her 2006 continuing education requirement. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Ms. Brown violated the following statutes and/or rules:

MCA 37-1-316(18); MCA 37-51-321(1)(q); ARM 24.210.641 (1); ARM 24.210.641 (2) ; ARM 24.210.641 (3)(ae); ARM 24.210.667(1)

Ms. Brown negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for Ms. Brown to voluntarily surrender her license and agree not to reapply for two years from the date of the Final Order.

## Neege Nelson

Mr. Nelson failed to meet his 2006 continuing education requirement. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Mr. Nelson violated the following statutes and/or rules:

MCA 37-1-316(18); MCA 37-51-321(1)(q); ARM 24.210.641 (1); ARM 24.210.641 (2) ; ARM 24.210.641 (3)(ae); ARM 24.210.667(1)

Mr. Nelson did not request a hearing or enter into a stipulation. The Adjudication Panel accepted the Order Granting Entry of

default and issued a Final Order. Mr. Nelson received a public censure in the form of a letter of reprimand. He was also ordered to complete the 2006 CE in addition to any education requirement for subsequent years and pay an Administrative Fine of \$400.

## Michael Ludlam

A complaint was filed against Mr. Ludlam by a property owner who hired Mr. Ludlam to manage his property. He alleged Ludlam failed to make proper accounting reconciliations, paid property management employees from trust funds, wrote checks on the trust account that were not honored due to insufficient funds, employed an unlicensed person who lost a deposit in excess of \$5,000, provided to the property owner checks and bank statements that appeared to have been altered, and transferred trust account funds to the property owner's new property manager that appeared to be short approximately \$23,000. At the time the Panel requested an investigation they also voted to issue a Summary Suspension. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Mr. Ludlam violated the following statutes and/or rules: MCA 37-1-316(5); MCA 37-1-316(14); MCA 37-1-316(18); MCA 37-51-321(1)(q); MCA 37-51-607(1); ARM 24.210.641(5)(i); ARM 24.210.641(5)(k); ARM 24.210.641(5)(t); ARM 24.210.805(1): ARM

24.210.805(3); ARM 24.210.805(4); ARM 24.210.805(7); ARM 24.210.805(8); ARM 24.210.805(9); ARM 24.210.805(10)(c); ARM 24.210.805(11)ARM 24.210.805(12); ARM 24.210.805(14); ARM 24.210.828(3)(a); ARM 24.210.828(3)(b); ARM 24.210.828(3)(i); ARM 24.210.828(3)(w)

Mr. Ludlam did not request a hearing or enter into a stipulation. The Adjudication Panel accepted the Order Granting Entry of Default and issued a Final Order. Mr. Ludlam's property management license and broker license were revoked.

## Judith Larson

The Board filed a board generated complaint against Ms. Larson. The Complaint contends Ms. Larson indicated on her 2009 renewal that she had met her CE requirement. The CE was not completed until after the renewal period. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Ms. Larson violated the following statutes and/or rules:

MCA 37-51-321(1)(q); ARM 24.210.641(5)(g); ARM 24.210.641(5)(i)

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# DISCIPLINARY ACTION (CONTINUED)

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Ms. Larson did not request a hearing or enter into a stipulation. The Adjudication Panel accepted the Order Granting Entry of Default and issued a Final Order. The Stipulation called for Ms. Larson to pay a late renewal fee of \$87.50, an Administrative Fine of \$200. Her license is placed on probation for one year from the date of the Final Order.

## **Suzy Bolding**

The Board filed a board generated complaint against Ms. Bolding. The Complaint contends Ms. Bolding indicated on her 2009 renewal that she had met her CE requirement. The CE was not completed until after the renewal period. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Ms. Larson violated the following statutes and/or rules:  
MCA 37-51-321(1)(q); ARM 24.210.641(5)(g); ARM 24.210.641(5)(i)

Ms. Bolding negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for Ms. Bolding to pay a late renewal fee of \$87.50 and an Administrative Fine of \$200.

## **Dean Luptak**

A complaint was filed against Mr. Luptak by a salesperson, claiming Mr. Luptak did not sign the

salesperson's listing agreements as the supervising broker but rather had a secretary/receptionist sign for him. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Mr. Luptak violated the following statutes and/or rule:  
MCA 37-1-316(18); ARM 24.210.601(8)

Mr. Luptak negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for an Administrative Fine of \$250, and completion of a 4-hour Broker Administration for Supervising Brokers CE course in addition to the 12 hours required to maintain a license.

## **Milton Dailey**

The Board filed a board generated complaint against Mr. Dailey. The Complaint contends Mr. Dailey failed to complete the Supervising Broker CE, resulting in his Supervising Broker Endorsement expiring. He continued to supervise a salesperson. Following the complaint process the Screening Panel of the Board found reasonable cause to believe that Mr. Dailey violated the following statute:  
MCA 37-51-301(2)

Mr. Dailey negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for voluntary

surrender of Mr. Dailey's broker license and that no application for license will be considered by the Board for two years from the date of the Final Order.

## **Greg Zugay**

The Board filed a board generated complaint against Mr. Zugay. The Complaint contends Mr. Zugay paid for his 2009 license renewal with an account that had insufficient funds. Two separate letters were sent to him, outlining the requirements to complete his renewal and satisfy the NSF. Following the complaint process the Screening Panel of the board found reasonable cause to believe that Mr. Zugay violated the following statutes and/or rules:

MCA 37-1-316(3); MCA 37-1-316(18); ARM 24.210.641(5)(i); ARM 24.210.641(5)(ad)

Mr. Zugay negotiated a Stipulated Settlement with Department Counsel. The Stipulation was accepted by the Adjudication Panel. The Stipulation called for Mr. Zugay to pay a \$30 NSF fee and receive a public reprimand. Mr. Zugay had previously paid the renewal fee and late renewal fee.



# RENEWAL REMINDERS

- **All Active Licensees:** Make sure all of your CE for 2009 has been taken and reported before you renew ([www.realestate.mt.gov](http://www.realestate.mt.gov): CE: View Your online CE credits. Please contact the provider/instructor if you don't see your classes reported within 20 days after you complete them.
- **All Licensees:** If you choose to renew online, you will need to set up an ePass account before doing so. An explanation of ePass and directions for its can be found online at [www.realestate.mt.gov](http://www.realestate.mt.gov): License Info: License Renewal Information: ePass Information.
- **Supervising Brokers:** If you want to maintain your ability to supervise salespeople, please make sure you have taken 4 hours of designated supervising broker CE (designated courses will have the words "Supervising Broker" in their title).
- **Inactive Licensees:** Remember that you still must renew your license (and pay the renewal fee) by October 31, 2009 or it will expire. Late renewal fees do apply to inactive license renewals.

## BOARD OF REALTY REGULATION UPCOMING EVENTS CALENDAR

### OCTOBER

#### 14<sup>TH</sup> : BRR Committee/Panel Meetings

- 1:00 PM Screening Panel (Closed)
- 2:00 PM Education Committee

#### 15<sup>TH</sup>: BRR Board Meeting

- 8:30 Adjudication
- 9:00 Open Meeting

**31<sup>ST</sup>:**

**RENEWAL  
DEADLINE!**

### NOVEMBER

**CHECK  
YOUR  
RENEWAL  
AND  
LICENSE  
STATUS  
ONLINE**

[www.realestate.mt.gov](http://www.realestate.mt.gov) :  
Services/Links: Lookup  
Licensed Individual

### DECEMBER

#### 10<sup>th</sup>: BRR Committee/Panel Meetings

- 1:00 PM Screening Panel (Closed)
- 2:00 Education Committee

#### 11<sup>th</sup>: BRR Board Meeting

- 8:30 Adjudication
- 9:00 Open Meeting

25<sup>th</sup>: Merry Christmas