

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

03/25/2020

2. Department

Department of Real Estate (DRE)

3. Organizational Placement (Division/Branch/Office Name)

Executive Office

4. CEA Position Title

Assistant Commissioner, Licensing

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The Assistant Commissioner, Licensing (CEA A), will be responsible for the organizational leadership and management of the Licensing program, in a manner that achieves maximum consumer protection, which is the Department's primary mandate pursuant to Business and Professions Code Section 10050.1. As a member of the Department's Executive team, and as directed by the Commissioner and Chief Deputy Commissioner, this position plays an integral role in setting and influencing policy affecting not only the Licensing program, but the Department as a whole, and will spearhead Licensing-related consumer protection activities at DRE. This position will ensure attainment of strategic planning and internal goals and performance measures, as well as with compliance with statutory and regulatory Licensing requirements, serve as the custodian of licensing, examination, and education evidentiary records, act as a liaison between the governing entities, industry groups and stakeholders, licensees, and the general public. This position will also work closely with and provide licensing leadership to information technology staff to effectively implement a variety of information technology programs, assist with the introduction of new technologies into the licensing process, and ensure compliance with statutory and regulatory requirements.

6. Reports to: (Class Title/Level)

Chief Deputy Commissioner

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

8. Organizational Level (Select one)

- 1st 2nd 3rd 4th 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The core function and legal mandate of the DRE is to protect the consumer and the public through the administration of the California Subdivided Lands Act [BPC Sections 11000-11287] and the Real Estate Law (BPC 10000-10580). BPC Section 10050(b) states, "It shall be the principal responsibility of the commissioner to enforce all laws in this part (commencing with BPC Section 10000) and Chapter 1 (commencing with BPC Section 11000) of Part 2 of this Division in a manner that achieves the maximum protection for the purchasers of real property and those persons dealing with real estate licensees."

In keeping with the DRE's mandate to protect the consumer and public, and under the direction of the Chief Deputy Commissioner, the Assistant Commissioner, Licensing (CEA A), is responsible for overseeing the Department's Licensing program in a manner that achieves maximum consumer protection.

As a member of the Department's Executive team, and as directed by the Commissioner and Chief Deputy Commissioner, the Assistant Commissioner, Licensing (CEA A), is responsible for the organizational leadership and management of the Licensing program. Specific duties include, but are not limited to:

*Provide organizational leadership and management of the Licensing program including developing and implementing goals, objectives, policies, procedures and work standards, and performance measures for the Licensing program.

*Direct, organize and evaluate the operations of the Examinations, Broker Qualifications, Education, Examination Administration & Development, Information, Business Support, Renewals, NMLS, Licensing Background Review Unit (LBRU), and Flag sections of the Licensing Program to ensure standards, processes and professional expectations are achieved.

*Propose recommendations for program changes to the Chief Deputy Commissioner to organize and maintain proper performance levels consistent with the DRE mission.

*Provide administrative direction for the two Staff Services Manager Is (SSM I) in the Licensing program. Through subordinate supervisors, direct the supervision, and work evaluation of licensing staff; plan, prioritize, and schedule workload, produce and review statistical licensing reports.

*Identify workload projections, as well as corresponding fiscal impacts, and redirect staff, as appropriate.

*Interpret, analyze and explain laws, rules, regulations, polices, and new procedures to comply with legislatively mandated changes, court orders, program objectives, and changes in practice using change management strategies.

*Develop, recommend, and guide the Licensing program in implementing new internal policies and procedures, as well as modifying existing policies, to ensure DRE operations coincide with DRE's consumer protection mandate.

*Develop strategies, procedures and systems to monitor and manage DRE's licensing functions by measuring outcomes and results.

*Direct DRE's statewide examination program, and ensure the Real Estate Examination is prepared, evaluated, revised and updated to protect the validity, reliability security, and compliance with the generally accepted standards applicable to professional licensing examinations.

*Prepare instructional memoranda, update policies and procedures, training manuals and materials for staff; facilitate information sharing meetings with staff.

*Serve as the custodian of licensing, examination, and education evidentiary records and certify as to the accuracy and integrity of real estate license records for evidentiary purposes.

*Serve on committees and management teams that oversee projects and other efforts to redesign, enhance, or improve Licensing operations.

*Review the Licensing program's fiscal reports and make recommendations to the Chief Deputy Commissioner.

*Ensure that required reports to the Legislature and other control agencies are accurately completed and timely submitted, and provide oversight over related projects.

*Monitor legislative and program changes that affect licensing activities, and develop and implement procedural and program modifications to ensure compliance.

*Recommend modifications of existing statutes and regulations to conform with DRE polices and draft specific language to effect statute and regulatory changes.

*Advise the Chief Deputy Commissioner of the impact or potential impact of proposed legislation.

*Participate in the development of DRE's Sunset Review Report to the Legislature.

*Testify before legislative committees on the DRE's behalf.

*Make staffing decisions including evaluating performance, administer employee disciplinary action plans, and oversee the training of assigned personnel.

*Initiate and conduct employee selection interviews and hires; train, mentor and evaluate performance of staff; monitor and assess the training and development needs of staff; and evaluate and prepare performance evaluations for all staff in accordance with established guidelines.

*Act as a liaison between the governing entities, industry groups and stakeholders, licensees, and the general public.

*Work closely with and provide licensing leadership to information technology staff to effectively implement a variety of information technology programs, assist with the introduction of new technologies into the licensing process, and ensure compliance with mandated standards.

*Coordinate special assignments; assist with the Department budgetary items; assist with the preparation of budget change proposals; research and provide written response information to the Department's oversight agency, legislature, and Governor Office inquiries.

*Draft articles, advisories, and other information to be included on the Department's website and in other DRE publications, materials and correspondence to the public.

*Respond orally and in writing to the most difficult and sensitive questions from DRE licensees and the public regarding statutory and regulatory requirements related to DRE licensure.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The primary objective of DRE is the protection of the public interest in regard to the offering of subdivided lands, and the handling of real estate transactions by licensees. To accomplish this, a standard of knowledge, measured by written examination, is established for licensing real estate agents and a minimum criterion of affirmative disclosure is set for qualifying subdivided lands offerings. At the same time the DRE is protecting the public interest and increasing consumer awareness, it collaterally assists the real estate industry in expanding its standards and level of professional ethics and responsibility.

The Licensing program produces the largest revenue of the Department and is responsible for the examination and licensing statutory functions. Currently, there are over 425,000 real estate licensees in California. This program reviews qualifications of examination applicants to assure they meet the statutorily-required standards, develops and administers real estate examinations statewide. The program processes license applications and performs a preliminary background review of applicants. Once an individual or company is licensed, the section maintains historical records and manages subsequent arrest notifications.

The Assistant Commissioner, Licensing (CEA A), will be responsible for overseeing and directing the Department's Licensing program in a manner that achieves maximum consumer protection.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

On October 15, 2017, Governor Brown signed Senate Bill 173, which re-established the Department of Real Estate within the Business, Consumer Services & Housing Agency and removed it from under DCA. The end of bureau operations and a separation from DCA was effective on July 1, 2018.

When the Bureau of Real Estate became the Department of Real Estate on July 1, 2018, the Assistant Commissioner, Licensing and Administrative Services, received the added responsibilities of oversight of departmental Fiscal Operations/Budget and Human Resources programs, as well as a Business Services program and Information Technology program with expanded contract preparation and contract servicing responsibilities, and the responsibility of creating and implementing departmental policies related to these programs. The position also acts as the Department's Chief Information Officer with oversight of the Department's Information Security Officer.

The Department has been operating as a stand-alone Department since July 2018. It has become apparent during the last several months that the workload to manage six major departmental program areas is no longer feasible for the Assistant Commissioner, Licensing and Administrative Services. This request proposes to establish a separate CEA A position (Assistant Commissioner, Licensing) to handle the Department's large Licensing program, and removes the Licensing and Examinations function from the Assistant Commissioner, Licensing and Administrative Services, in order to address workload issues with the current position.

Furthermore, in January 2020, the Staff Services Manager III (SSM III) in the Department's Licensing program accepted the Assistant Commissioner, Communications and Publications (CEA A), position with the Department, thus leaving the SSM III position currently vacant. Instead of refilling the position at the SSM III level, the Assistant Commissioner, Licensing, would also absorb the managerial duties performed by the prior SSM III, Licensing.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

Implementation and Application of Newly Enacted Laws - The Assistant Commissioner, Licensing (CEA A), plays a key role in ensuring consistent and appropriate implementation and application of newly enacted laws and regulations impacting DRE's Licensing program and the real estate profession. This position will develop and draft policy to address and implement newly enacted legislation and regulations, which often times have a significant degree of complexity, ambiguity, and potential for misapplication if not accompanied by clear, sound direction of staff. Examples of statutory and regulatory changes that will be directly administered by the Assistant Commissioner, Licensing (CEA A) include:

- Salespersons and Broker Examination and Licensing Requirements (Business and Professions Code, Division 4. Real Estate, Part 1, Chapter 3, Article 2)
- Secure and Fair Enforcement for Mortgage Licenses (Business and Professions Code, Division 4. Real Estate, Part 1, Chapter 3, Article 2.1)
- Continuing Education Requirements (Business and Professions Code, Division 4. Real Estate, Part 1, Chapter 3, Article 2.5)
- Salesperson and Broker Exam and License Fees (Business and Professions Code, Division 4. Real Estate, Part 1, Chapter 3, Article 4)
- License Applications, Fees and Changes (Regulations of the Real Estate Commissioner, Article 3)

Licensing Subject Matter Expert – The Assistant Commissioner, Licensing (CEA A), will serve in a policy influencing capacity by serving as a subject matter expert on all licensing related matters. This position will lead the implementation of new procedures to comply with legislative mandated changes, program objectives, and changes to the real estate profession using change management strategies. As the subject matter expert regarding examination, licensure, and license renewal provisions, the Assistant Commissioner, Licensing (CEA A) will serve in a policy influencing capacity by providing information and perspective to the Real Estate Commissioner, Chief Deputy Commissioner, and other members of DRE's Executive Team in the promulgation of new regulations and the enactment of legislative proposals. Recognizing the protection of California consumers as DRE's highest priority, this position will take all steps necessary to educate licensees and stakeholders as to the requirements to obtain and maintain a real estate license and mortgage loan originator license endorsement.

Examination Subject Matter Expert – The Assistant Commissioner, Licensing (CEA A), will serve in a policy influencing capacity ensuring the Real Estate Examination is prepared, evaluated, revised, and updated to protect the validity, reliability, security, and compliance with the accepted standards applicable to professional licensing examinations. This position will be responsible for overseeing five testing sites located throughout California where the Real Estate Exam is administered.

Licensing IT Projects – The Assistant Commissioner, Licensing (CEA A), will also be responsible for the implementation of significant IT projects impacting the Licensing program. These projects are not only complex standing alone, but also in how they interact with the Department's current licensing process performed by Licensing staff and as integrated with the department's licensing software. Their success is crucial to the Department's modernization project, and include developing a process whereby applicants for the real estate exam and original license can submit their application on-line using the Department's eLicensing system.

Custodian of Records – The Assistant Commissioner, Licensing (CEA A), will serve as the DRE's Custodian of Records for DOJ Criminal Offender Record Information (CORI) pursuant to Penal Code Section 11102.2, and is responsible for implementing department wide policies, to ensure all Department of Justice CORI policies are met. This position will serve as the primary contact with DOJ on CORI related issues. The misuse of CORI by DRE staff may result in disciplinary, criminal and/or civil actions, as well as the department losing CORI access from DOJ (Title 11, Sections 702 & 703 of the California Code of Regulations).

Responsible for Licensing Activities, Workload and Production – The Assistant Commissioner, Licensing (CEA A), will provide oversight of Licensing activities and ensure policies and procedure produce positive outcomes as it relates to acceptable Licensing program performance standards, compliance with statutory and regulatory requirements, and processing timeframes.

Handling of Inquires – The Assistant Commissioner, Licensing (CEA A), will respond orally and in writing to the most difficult and sensitive questions from licensees and the public regarding statutory and regulatory requirements, restrictions and prohibitions related to licensure. This many involve interpreting and applying provisions of the California Business & Professions Code, as well as the Regulations of the Real Estate Commissioner.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

As a member of DRE's Executive team, the Assistant Commissioner, Licensing (CEA A), participates in management decisions and the formulations of policies and procedures affecting not only the Licensing program, but the Department as a whole.

The Assistant Commissioner, Licensing (CEA A), will function as a top administrative advisor to the Real Estate Commissioner and the Chief Deputy Commissioner on issues relating to the Department's Licensing program. This position will be responsible for implementing legislation through policy formulation and program development and procedures. The primary functions of the position are to formulate and initiate statewide policies and procedures to ensure implementation of legislative mandates as required by the Real Estate law, the Commissioner's regulations and DRE polices.

The Assistant Commissioner, Licensing (CEA A), is a principal administrator for the Department's Licensing program and will have full delegated authority over policy and resource allocation under its program areas. This position proposes solutions to problems identified by the Commissioner, the Chief Deputy Commissioner, CEAs, management, line staff, consumers, and licensees.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The Assistant Commissioner, Licensing (CEA A), will be responsible for the highest level of policy development and implementation activities. This position will provide guidance to staff, professional organizations, licensees, educators, and the public about the laws and regulations governing the functions of the Department. This position proposes solutions to problems identified by the Commissioner, the Chief Deputy Commissioner, CEAs, management, line staff, consumers, and licensees.

In addition, the Assistant Commissioner, Licensing (CEA A), will develop and implement specific policies and procedures for the efficient and effective administration of the various programs under the jurisdiction of the Department; analyzes performance metrics and implements business process improvements and/or resource reallocations as needed to achieve the Department's mission; develops and implement policies and procedures for the efficient and effective administration of the Department's Licensing program.