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NEW YORK STATE REALTOR®

THE OFFICIAL PUBLICATION OF THE NEW YORK STATE ASSOCIATION OF REALTORS®

MAY/JUNE 2015

**Mythbusters:
Dispelling
common
agency
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President's *message*



Mike Smith
2015 NYSAR President

Now that the “winter that would not end” is behind us, many local boards and associations are putting the finishing touches on their first core standards certification forms. When the standards were released, NYSAR made the commitment to be a partner with our local boards, providing assistance to help them be in compliance by the June 15 deadline.

This effort began prior to the NAR Board of Directors’ adoption of Core Standards last May as NYSAR met with local board leaders to review the anticipated changes that were designed to raise the bar for REALTOR® associations and ensure high-quality service for REALTORS®. The general consensus was that there were challenges to be met, but none that were insurmountable. The concepts of collaboration and shared services seemed more welcomed than ever before.

It was reassuring to see how quickly the local boards addressed the changes. At the same time NYSAR offered assistance in many forms. With strategic planning listed as an NAR requirement, NYSAR Vice President of Board and Member Services Patrick Reilly became certified by the national association to provide this service to those boards that needed help creating strategic plans. In many cases, this was the first time that they had developed one, and they accomplished this without having to arrange for a costly consultant.

The certification process has also led to focused discussions among neighboring boards regarding mergers to ensure that the needs of their members would be met at the new higher standards. At the time this column is being written, at least one merger has been authorized between two boards, the Greater Rochester Association of REALTORS® and the Western Steuben-Allegany Board of REALTORS®, and other mergers are being discussed.

The role of NYSAR for mergers is that of a facilitator; if two or more boards agree that such an arrangement is to the advantage of their members, then NYSAR can offer assistance and access to resources. NAR has budgeted to provide financial assistance in some cases, and NYSAR staff can guide associations in obtaining those funds.

Local identity is important to New York State REALTORS® as most of our boards have a decades-long history of service to the members and the communities within their territory. We are seeing that, despite the mergers, local chapters will become the vehicle to provide continuity for REALTOR® networking, charity events, RPAC fundraising and educational events. It is becoming clear that local identity can be successfully provided as a REALTOR® benefit, while creating a stronger local association today and into the future.

As the filing deadline approaches, NYSAR is continuing to work with local boards and is looking forward to their successful completion of the first certification process. The new standards require an annual certification every June, and will ensure that both our local and state associations continue to serve us at the highest level.

I’m pleased to report that NYSAR filed its certification form in February, making it one of the first two state associations in the nation to be certified in compliance by NAR.

In closing, I would remind you that our annual Lobby Day is only a few weeks away as you are reading this. I hope to see many of you in Albany on June 9 helping to make the REALTOR® voice heard by our political leaders in the state Capitol.

A handwritten signature in black ink that reads "Michael Pitt". The signature is written in a cursive, flowing style.

From the CEO's desk



Duncan MacKenzie
NYSAR Chief
Executive Officer

Document retention has been a big issue in Albany recently following a decision by the Cuomo administration to delete certain emails in bulk after 90 days. From what I read, there are foggy guidelines as to which emails are to be saved and which are to disappear into the ether. Real estate licensees don't have this concern as there are clearly defined rules when it comes to document retention. In fact, New York State Department of State (DOS) regulations require that a specified group of paperwork be kept for at least three years.

Hopefully, this isn't news to you. If it is, then consider this reminder just one example of your dues dollars working to help reduce your risk of violating the myriad laws, rules and regulations that govern the day-to-day activities of all real estate licensees.

In this edition of *New York State REALTOR*® magazine, NYSAR Legal Counsel Anthony Gatto, Esq. continues his annual series of legal "Mythbusters." Surveys tell us that NYSAR's legal updates are one of the most valued membership services. NYSAR provides REALTORS®, and only REALTORS®, with periodic updates about new laws, regulations and determinations by the state and federal government via the Legal Hotline, *Enews Weekly* and on the NYSAR.com website. NYSAR also hosts a one-hour, live broadcast called NYSAR Radio via NYSAR.com (see broadcast schedule on page 10).

The "Mythbusters" format is one of my personal favorites because as staff we often are approached by members with a sentence beginning: "I just heard from another REALTOR® that . . ." As you might imagine, often the information is at least partially incorrect. In this edition of our magazine, some of the most common misconceptions

about agency that have been brought to NYSAR's attention are clarified.

The NYSAR Legal Hotline is fertile ground for keeping us on top of the rumors *de jour*. Multiple calls to the hotline about the same misconceptions of the law help us identify legal topics where additional education and information may be needed by the membership. Sometimes the caller's interpretation of the law is clearly inaccurate and we are able to give immediate guidance. But it's not uncommon for an issue to bloom on the hotline and require our legal staff to make further inquiries. In fact, new laws and regulations have developed out of issues that first came to NYSAR's attention from a call.

Many of the calls to the hotline involve questions intended to gain our validation of a way "around" the law. Within the first few sentences of numerous calls we know that the answer is "no," and that the rest of the conversation will be to explain why. We actually like those calls because one of the benefits of the hotline is to help the membership make decisions that won't invite a visit from the DOS enforcement arm.

Ignorance of the law is, as it has always been, no excuse and won't take you out of harm's way. NYSAR's legal services are intended to be a tangible and reliable source of the most up-to-date information on the ever-changing regulatory landscape. Only REALTORS® get this service. Make sure you check out Anthony's "Mythbusters" article, tune into NYSAR Radio and visit NYSAR.com often for more updates.

A handwritten signature in black ink that reads "Duncan MacKenzie". The signature is stylized and includes a circled "SM" or similar initials at the end.

New York *news briefs*

Lobby Day is Tuesday, June 9, 2015

NYSAR's annual Lobby Day will be held on Tuesday, June 9, 2015, from 9 a.m. to 5 p.m. in Albany. Hundreds of REALTORS® from throughout the state will gather at the Capitol to educate their legislators on issues that matter to the real estate industry and to homeownership. A full list of NYSAR's legislative priorities can be found on NYSAR.com.

Again this year, to encourage participation in this important event, NYSAR will reimburse 50 percent of total individual travel costs including gas, tolls and/or a hotel room (up to \$75) for anyone wishing to participate. NYSAR will also continue to reimburse 50 percent of the local board cost to lease mass transportation for Lobby Day.

Participate in NYSAR's Housing Opportunities Month this June

The NYSAR Housing Opportunities Foundation will be conducting its sixth annual Housing Opportunities Month fundraiser this June to raise awareness about affordable housing needs in New York State, and the foundation's mission of assisting first-time homebuyers in achieving the American Dream of homeownership. Keep an eye out for communications from NYSAR on how you can participate.

The foundation is a 501(c) (3) charitable organization with the goal of assisting moderate-to-low income individuals and families in becoming homeowners utilizing a variety of means including public-private partnerships, education, counseling and financial assistance to both individuals and organizations whose activities facilitate homeownership. Visit NYSARHousingFoundation.com for information on our programs and services.

NYSAR leadership visits with New York Congressional delegation



New York State Senator Kirsten Gillibrand, center, discusses REALTOR® issues with NYSAR Legislative Steering Committee Chair Jeff Roney, left, President-elect Linda Bonarelli Lugo, President Mike Smith and Secretary/Treasurer Dawn Carpenter.

On March 4, 2015, NYSAR's leadership team was in our nation's capital to lobby Congress on several key REALTOR® legislative priorities including: preserving a government role in housing finance; the need for an extension of mortgage debt forgiveness legislation; the importance of maintaining housing tax deductions such as the mortgage interest deduction and the deductibility of local property taxes; like-kind exchanges for commercial transactions in any discussion regarding tax reform; and the need for patent litigation reform.

Open enrollment for NYSAR's dental plan begins June 1

Effective June 1, 2015, NYSAR's Dental Plan administered by USI Affinity will switch providers from United Concordia to MetLife. As one of the largest dental insurance providers in the country, MetLife is well positioned to offer NYSAR members a range of dental options, affordable rates and a large network of participating dentists. Key benefits of the NYSAR Dental Plan include:

- Choice of four plan options with a range of coverage and cost.
- Third straight year of no rate increases.
- Coverage for individuals and families.
- Freedom to visit any dentist, whether they are in or out of network.
- Coverage for orthodontia.

Through this new partnership with MetLife, vision coverage is now being offered as a standalone option in addition to being an optional rider on the dental policy.

For full plan details and rates, visit MyREALTORinsurance.com/NYSAR or call 888.834.3713 to speak with a benefits counselor. Act quickly, the open enrollment deadline is July 31, 2015.

NYSAR prepares local leaders to work with the media

During April, NYSAR provided spokesperson training more than 50 current and future local board/association leaders who by virtue of their office will serve as spokespersons.

This training, provided as a free service to local boards/associations, covered the basics of radio, television and print interviews, REALTOR® talking points, and an overview of online reputation management. This year's program provided attendees the opportunity to participate in mock television interviews, which were recorded and critiqued to assist each member in improving their skills.

NYSAR thanks the following boards/associations for hosting Spokesperson Training sessions this year: Dutchess County, Greater Rochester, Greater Syracuse and Warren County.

Join the REALTOR® Party network by signing up for mobile alerts

Tens of thousands of REALTORS® now receive REALTOR® Party mobile alerts directly to their phone, giving them exclusive opportunities to take action on important real estate issues. Don't miss out – join the network by texting “NY REALTORS” to 30644. The National Association of REALTORS® will send you short text messages when they need you to respond to a Call for Action (usually only three to five times per year). Message and data rates may apply, and you can unsubscribe at any time. For questions about the REALTOR® Party mobile alerts, contact comments@realtoractioncenter.com.

NYSAR partners with IdentityForce

NYSAR is pleased to announce its newest Member Perks partner, IdentityForce, a leader in identity protection. Recognizing that identity theft is one of the fastest-growing crimes in the United States and can happen at anytime, anywhere and to anyone, NYSAR has negotiated a special discounted rate to provide you with a proven solution to safeguarding your personal information. IdentityForce works hard to protect your personal information from being misused to take out loans, open new cell phone accounts, apply for a new credit card and much more.

What you get with IdentityForce:

- Continuous monitoring of your personal information, public records and more.
- Instant notification when your identity, privacy or credit are at risk.
- Daily three-bureau credit monitoring. Reports and scores available.



NYSAR to sponsor 14th annual REALTORS® Commercial Real Estate Conference

The 14th Annual New York State Commercial Real Estate Conference will be held Monday, June 8, through Wednesday, June 10, 2015, at the Turning Stone Resort and Casino in Verona, NY.

The event will kick-off with a full day pre-conference session, “More Transactions from Real Estate Marketing Sessions,” on Monday, June 8. It will be followed by an open house reception where you can meet the NYSAR officers and staff and ask questions about your membership. The following days include: updates from the commercial institutes, New York State Certified Commercial Investment Member (CCIM) and the Society of Exchange Counselors (SEC); a

Sign up for NYSAR committee service in 2016

If real estate is your livelihood and you're passionate about your business, NYSAR encourages you to get involved and help guide the future of your state association. Give your time, talent and expertise by assisting the association as it strives to meet the needs of its more than 47,000 members. Don't sit back and leave it up to someone else. This is your association; make your voice heard!

Committee service gives you the opportunity to network with your peers from across the state as you work together to accomplish the association's goals. It will also give you a much deeper understanding of our industry's issues, the value of being a REALTOR® and can prepare you for a role in leadership.

You may select up to six of the more than 25 NYSAR committees available in 2016 – three termed/closed committees and three open committees/forums/working groups. With everything ranging from Communications and Marketing to Legislative Policy and Professional Standards, you will be able to select a committee that suits your interests.

All members are invited to be active committee members; there are no restrictions based on age, industry experience or any other qualifier you might believe applies.

Volunteers are asked to be sure they will be able to attend the association's 2016 business meetings, which are February 8-11 in Albany and September 25-28 in Verona, before committing to serve. Please note that committee sign up will be available online only between July 1 and July 31.

For information and to sign up, visit www.nysar.com.

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To learn more about IdentityForce or to enroll, visit www.identityforce.com/nysar. Visit the Member Perks section of NYSAR.com for full details about all of NYSAR's Member Perks programs.

legislative update from NYSAR Director of Government Affairs Mike Kelly; the keynote presentation, “Identifying Strategic Partnerships: A REALTOR® Guide to Community Resources;” a full-day marketing session; and several continuing education credit courses.

This event is sponsored by the members of the REALTORS® Commercial Alliance, which includes the New York State Commercial Association of REALTORS® (NYSAR), the New York State CCIM chapter and the SEC.

For more information or a registration form for this premier event, please visit www.nyscar.org.

Inside the *numbers*

87

The percentage of single-family and condo households that would qualify for a down payment program available in the county where they are located, according to a study by Down Payment Resource and RealtyTrac.

38

The percentage of American millennials that said they would, or have, delayed a wedding or honeymoon so they could afford to buy a home, according to a survey conducted by Harris Poll on behalf of Redfin.

1

The number of adults, out of four, who have their identity stolen, according to NYSAR's newest Member Perk partner IdentityForce. For more information, turn to page 9.

59

The percentage of U.S. households that said they don't plan to go too far for their next move, with most indicating a move within 30 miles of their current home, according to a survey conducted by Demand Institute.

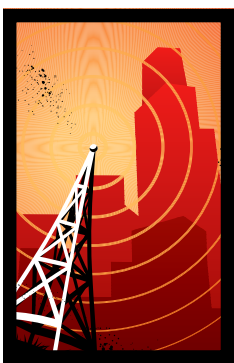
96

The percentage of REALTORS® who said they have never been the victim of a crime, but 40 percent have found themselves in situations where they feared for their safety or the safety of their personal information, according to a survey from the National Association of REALTORS®.

54

The percentage of for-sale listings of existing homes that are within reach for a median-income household in the U.S., according to a new analysis by REALTOR.com.

Upcoming NYSAR radio *show schedule*



NYSAR Radio is a free Internet-based live call-in show hosted by NYSAR's Director of Legal Services S. Anthony Gatto, Esq. You can call him at 518-436-9727 with your real estate-related legal questions and have them answered live on the air. Even if you don't have a question, you'll benefit from listening to the answers to your colleagues' questions. Visit NYSAR.com for the link to the Internet broadcast.

All shows start at 10 a.m. All dates and topics subject to change.

Missed a show? You can download the podcast from NYSAR.com.

May 19

Material Defects

June 2

MLS Issues/
Lobby Day Preview

June 16

Disclosures Other
Than Agency

July 7

Brokerage Dos, Don'ts
and Best Practices

July 21

Agency – Dual and
Designated Agents

August 4

Antitrust

August 18

Responsibilities of
a Listing Agent



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Get involved to advance REALTOR® interests by:

- Investing in the REALTORS® Political Action Committee (RPAC).
- Responding to Calls for Action.
- Participating in the annual REALTOR® Lobby Day.

Visit [NYSAR.com](https://www.nysar.com)

for full details about NYSAR's legislative advocacy efforts and more.





Legal *Line*

Mythbusters: Dispelling common agency ‘myths’

By S. Anthony Gatto, Esq.
NYSAR Director of Legal Services

The NYSAR Legal Hotline is just one of the many risk reduction tools the association provides its members to assist them in compliance with real estate laws and regulations. It also gives us the opportunity to identify areas where inaccurate information has sped along the “misinformation superhighway.” It often seems as if incorrect information moves at twice the speed of correct information. Misinterpretations of agency law often rise to the level of commonly accepted “myth.” In this column, I will set the record straight about four common agency myths.

MYTH: You have to provide a copy of your agency disclosure form to the listing broker upon request

There is no law, rule or regulation that requires a licensee to provide their agency disclosure form to any broker or brokerage except their own. As such, if another broker asks for a copy of your agency disclosure form, you are under no obligation to provide a copy. The only obligation you have to disclose your agency relationship can be found in 19 NYCRR §175.7: “A real estate broker shall make it clear for which party he is acting.” A mere verbal statement as to who you represent meets the requirements of the regulation. A cooperating broker demanding a copy of the agency disclosure form is also prohibited from withholding a cooperating commission offered through the MLS if the form is not provided as all offers via the MLS are unconditional offers of compensation.

The agency disclosure was drafted as a consumer protection item. Therefore, the agency disclosure form is only required to be presented and acknowledged by consumers, not other licensees and brokers. A licensee is only required to present the disclosure form to a consumer for acknowledgement upon first substantive contact or if they are the listing broker, prior to entering into a listing agreement.

A New York State Department of State (DOS) opinion from 2013 supports this by stating: “Specifically, it was asked if a buyer’s agent has an obligation to provide an agency disclosure form to the seller’s agent when a buyer and buyer’s agent meet with a seller’s agent who is not accompanied by the seller. The statute provides, in relevant part, ‘A buyer’s agent or tenant’s agent shall provide the form to the seller, seller’s agent, landlord or landlord’s agent at the time of the first substantive contact with the seller or landlord. . .’ In the scenario presented, the buyer’s agent would not be required to provide the disclosure

form to the seller’s agent because he or she has not had substantive contact with the seller.” Essentially, the opinion states that if a consumer is in the presence of their respective agent (seller with seller’s agent, buyer with buyer’s agent) the other licensee is not required to have the consumer sign their agency disclosure form. At no time has the DOS ever issued an opinion requiring the exchange of agency disclosure forms between cooperating brokers.

As can be seen from the Real Property Law and DOS opinion, licensees are not required to, nor can they be forced to provide their agency disclosure form with the other broker. The only agency disclosure form a broker is required to retain is one that was presented by a licensee to the consumer on behalf of the brokerage. In other words, if the brokerages name appears on page two of the agency disclosure where it states: “This form was provided to me by (print name of licensee) of (print name of company, firm or brokerage), a licensed real estate broker,” then the broker must retain the form. The broker is not required to retain the forms of the other broker involved in the transaction.

MYTH: A buyer is not a client unless they sign an exclusive right to represent or buyer-broker agreement

Some members are under the impression that the only situation where a buyer is considered a client is when an “exclusive right to represent” (sometimes called a buyer’s brokerage agreement) is entered into between the buyer and a broker (or a licensee of the broker). This belief by licensees is not true. This misconception is one that has seen numerous resurgences in the real estate industry since the concept of buyer’s agency has become more popular throughout the state.

Many believe that since Real Property Law §443(1)(c) refers to “an agent who contracts to locate residential real property for a buyer” that “contracts” requires an exclusive right to represent or buyer-broker agreement. This is not a proper interpretation of the statute. In this case, the term “contracts” is meant to define the agreement between the principal and agent.

A customer becomes a client the instant an agency relationship is formed between the licensee and the customer. This can be done either through the acknowledgement of the agency relationship by use of the agency disclosure form found in §443 of the Real Property Law (express agency) or through actions

of the licensee that constitute an agency relationship (implied agency). Whenever any agency relationship is formed between the principal and the agent, the principal is always a client. This is so because the consumer has enlisted the services of a real estate professional and the real estate professional has agreed to act on behalf of the consumer regardless of any contractual agreement that may hold the client to some degree of exclusivity to the broker. Simply put, a seller is the client of the seller's broker and the buyer is a client of the buyer's broker. There is no requirement that either the seller or buyer need to sign any contract, listing agreement, exclusive right to represent or other controlling document to be considered a client. Agency relationships, whether express or implied, make the consumer a client.

In situations where a buyer is interested in a property and the licensee provides the agency disclosure form to the buyer indicating that the licensee represents the seller, that buyer is a customer since the licensee is prohibited from acting in the best interest of the buyer, which would constitute undisclosed dual agency.

Real estate licensees should be aware that once an agency relationship is formed, and the principal and agent agree to have the agent act on behalf of and in the best interest of the principal, that principal is a client. There is no requirement that there be any contractual arrangement between the principal and agent.

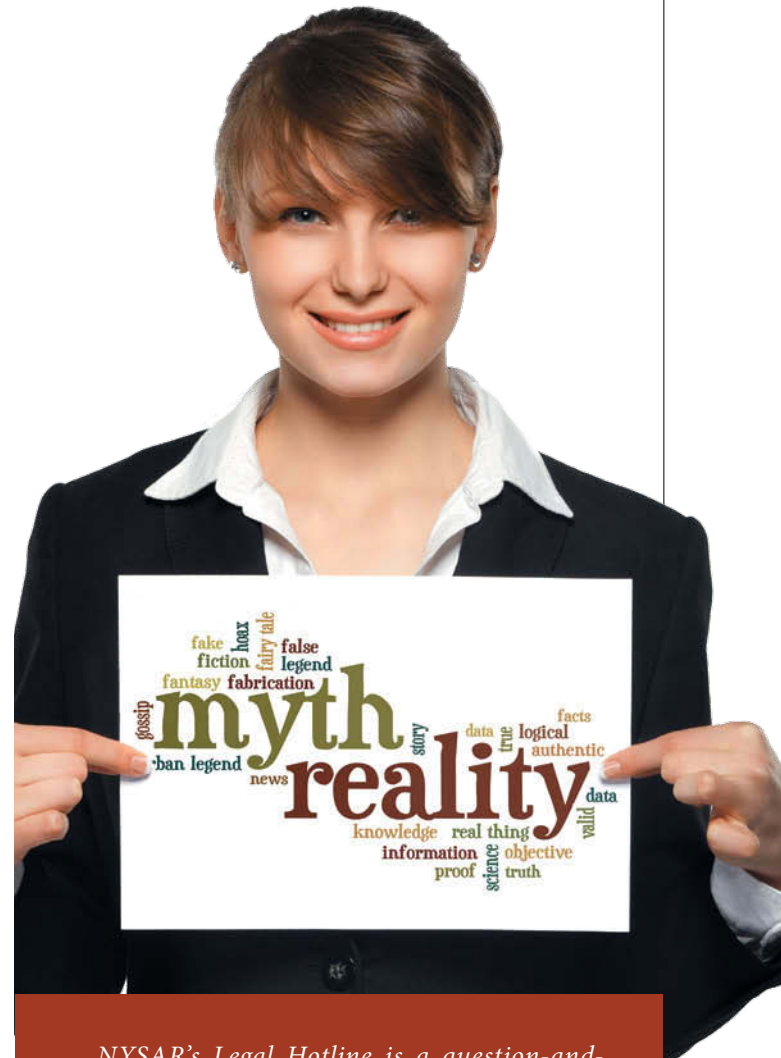
MYTH: A seller (or listing broker) can prohibit buyer's agents from viewing a property

REALTORS® occasionally contact the NYSAR Legal Hotline with questions pertaining to the right an owner of real property has to deny another broker the right to show the listed property (for the purposes of this article, listed property includes exclusive right to sell, exclusive agency, "office exclusives" and open listings). The most common scenario involves a listing broker that has an exclusive listing agreement with an owner of real property. The owner indicates that they refuse to allow another named broker or licensee of that broker access to their property for the purpose of showing that property to a potential purchaser as a buyer's agent. The listing broker is sometimes under the impression that since they are an agent of the owner, they are obligated to comply with the owner's request. The listing broker is subsequently contacted by the buyer's broker and the listing broker informs the buyer's broker that the seller does not want the buyer's agent to show the property. Another common scenario is that the owner indicates that they do not want a buyer's agent showing the property or submitting offers. Either way, the end result is the same, all licensees have a duty to cooperate with other licensees.

The Department of State has issued numerous opinion letters on this question. In the opinion letters, DOS states that a seller has the right to limit what brokers they want representing them as seller's agents. This statement is self-explanatory since the seller has the right to determine who represents their best interest in a fiduciary capacity. Agency law requires a seller's agent to act in the best interest of the seller and as such, the seller can determine who will be acting on their behalf.

In the case of a buyer's agent, DOS states that "a listing broker must always honor the buyer's right to be represented by his or her own broker, and, accordingly, a listing broker cannot refuse to work with a buyer's broker. Refusal to work with a buyer's agent denies the buyer the right to the expertise and professional services of the broker of his or her choice, and any such denial will be construed as a violation of the listing broker's duty to deal honestly, fairly and in good faith with the buyer. The listing broker is not, however, obligated to share the sales commission with the buyer's broker unless, prior to the sale, the two brokers have agreed to share the commission." DOS continues by stating: "... a listing broker

continued on page 14



NYSAR's Legal Hotline is a question-and-answer service for REALTOR® members only. Call 518-43-NYSAR or 518-436-9727 from 9 a.m. to 3 p.m. Monday through Friday with your questions. You will need to provide your member number, which can be found on the mailing label of this magazine. The hotline does not provide a client-lawyer relationship. For confidential legal advice, consult a competent attorney.

continued from page 13

cannot honor a seller's instruction that the listing broker is not to work with buyer's brokers. Compliance with that instruction would violate the listing broker's duty to deal honestly, fairly and in good faith with buyers. . . a seller's broker cannot honor a seller's instruction to do any act that would . . . be illegal. Similarly, a listing broker cannot accept instruction that would cause the broker to violate his or her duty to deal honestly, fairly and in good

faith with buyers. If a seller chooses to use the services of a real estate broker, the seller must do so with the understanding that the broker cannot refuse to cooperate with real estate brokers who represent buyers."

It is essential that prior to the entering of any listing agreement, the listing broker should discuss these matters with the owner and inform them of the buyer's right to their own representation. Concerns the seller may have about

who enters their property for a showing can be resolved by the seller requiring the listing broker to be present during all showings. Any seller who does not wish a certain broker or licensee to enter their house must be informed that as a licensed real estate broker, you are unable to comply with their demand and if they are not going to allow entry, you will be unable to represent them.

MYTH: I don't need to provide an agency disclosure form to a consumer unless I meet them in person

The issue with "first substantive contact" is that the Department of State provides no definition as to what would constitute "first substantive contact." In the past, DOS has used the "warm body" approach when addressing "first substantive contact." The "warm body" approach is as simple as it sounds. If a licensee comes into contact with a consumer in one of the scenarios set forth in RPL§443(3)(a)-(c), the disclosure must be presented. There are, of course, some exceptions to the "warm body" approach; the most prevalent of which being open houses. DOS has provided an opinion letter dated August 18, 1995, that states a seller's agent does not have to present a disclosure form to every person who attends an open house where no "substantive contact" has been made (broker greeting people, showing them the house, providing general information and answering questions about the property). "Substantive contact" occurs should the buyer express serious interest in discussing the terms of an offer or where the seller's agent is helping buyer identify suitable property. Another exception to the warm body approach is one that is occurring with greater frequency in the modern technology driven market – consumers emailing, faxing, telephoning or communicating via the Internet with licensees.

Through a decision by an Administrative Law Judge, it can be determined what standard licensees will be held to in a situation where

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An update from
New York's Capitol:

NYSAR works to advance REALTOR® priority issues

By Michael Kelly
NYSAR Director of
Government Affairs

Following the state's fifth consecutive year with an on-time budget, Gov. Andrew Cuomo and the state Legislature shifted their attention to non-budget issues and NYSAR did the same.

At the time this article was being written, NYSAR's Government Affairs staff were working on advancing several 2015 REALTOR® legislative and regulatory priorities including defining real estate teams in statute and requiring additional education in the areas of safety and agency law.

First, we are seeking to put into place a definition of a real estate "team." Despite teams being used by real estate brokerages, they are not yet defined in law. The term "team"

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is defined only in the last update to the real estate advertising guidelines, and there is no definition for the term in statute.

NYSAR is seeking the passage of a law that defines what exactly the term “real estate team” means. This will serve a variety of important functions including providing clarity to real estate practitioners as well as memorializing this definition in New York State Real Property Law.

The issue of REALTOR® safety is not a new one, but one that often fails to garner the attention it deserves. Our REALTOR® family was horrified to hear the news of the murder of Arkansas REALTOR® Beverly Carter of Little Rock last September. She never returned home after showing a property to Arron Michael Lewis, who has been charged with several crimes in addition to the murder of Carter.

Several positive initiatives have come out of this senseless tragedy with more to come. NAR President Chris Polychron made REALTOR® safety a top priority during his presidency. In fact, he has already commissioned a *REALTOR® Safety Report*, which can be viewed on REALTOR.org. The report summarizes a survey of REALTOR® members and their views on safety. In particular, it asks the membership how we can best ensure or improve their safety as well as the safety of the public. Polychron states in the report: “Through us, families are pursuing the American dream of homeownership. That dream cannot—and will not—be threatened by fear.”

New York REALTORS® realize the issue of safety is critical and the issue has no geographic or socioeconomic boundaries. At our Mid-Winter Business Meetings, NYSAR offered a free three-hour real estate continuing education program on realty security. The session was presented by security expert Robert Siciliano. He teaches real estate professionals how policies and procedures can be implemented to reduce exposure to harm, both to themselves and to their clients. All meeting attendees received a safety tip sheet highlighting ways to stay safe

in the office, on the road, at a showing and during an open house.

NYSAR’s Education Management and Legislative Steering committees each approved a motion during the meetings asking NYSAR to seek a change to New York’s real estate regulations to require one hour of course work in “licensee safety” as part of the real estate salesperson’s qualifying course. NYSAR staff is currently working with the Department of State and other interested parties in an attempt to meet this request.

If you ask the members of NYSAR’s Article 12-A working group (which reviews New York’s Real Estate License Law) or NYSAR’s staff attorneys to identify the most misunderstood and confusing part of real estate law, the answer would unequivocally be agency representation. New York State law requires real estate licensees who are acting as agents of buyers, sellers, landlords or tenants to advise them regarding their agency relationship and the rights and obligations it creates. The obligations of the licensee are listed in Section 443 of the Real Property Law. These include obedience, loyalty, disclosure, fiduciary responsibilities, duties to disclose, honesty, trustworthiness and more.

NYSAR is seeking to address the need for further agency-related education. Currently, to become a licensed real estate salesperson in New York, candidates must complete a course of 75 hours of real estate education, 11 hours of which must pertain to the law of agency. But current law does not require any agency education after a licensee acquires their initial salesperson license. Post licensure, real estate licensees are then required to complete at least 22.5 hours of continuing education, three hours of which must cover fair housing.

NYSAR respectfully suggests requiring three hours of agency-related education as part of the overall continuing education requirement. We believe this change is warranted and will allow real estate licensees to remain up to speed and sharp on their agency-related duties and obligations,

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the dynamics of which can change often, even during the same transaction. This additional education will benefit our REALTOR® membership by improving the understanding of this complex area of real estate law.

Last, please mark your calendars for NYSAR’s 2015 Lobby Day, which is going to be held on Tuesday, June 9, in Albany. NYSAR will once again reimburse any member wishing to participate in Lobby Day 50 percent of your total individual travel costs including gas, tolls and/or a hotel room up to \$75! NYSAR will also continue to reimburse 50 percent of the local board cost to lease mass transportation for Lobby Day. Mass transportation includes the lease of a charter bus, van rental, etc. Breakfast, lunch, lobbying orientation and materials will all be provided throughout the day. For more information, contact your local board, visit NYSAR.com or contact me at (518) 463-0300 x215 or mkelly@nysar.com. ●

Replace your with passphrases

By Austin Moran
NYSAR Director of Information Technology

You've worked hard to build the savings in your bank account, keep your credit in good shape and secure your data. Why then wouldn't you put some thought into ensuring that your password was strong enough to keep the bad guys from cracking it?

It seems that every time we pick up a newspaper or scan the latest news, we learn of another data breach where millions of passwords have been exposed giving access to credit cards, bank accounts, health insurance information and more.

How many times have you forgotten your password when attempting to log in to your bank, preferred retailer or other so-called secure website, and been forced to use the "I forgot my password" button?

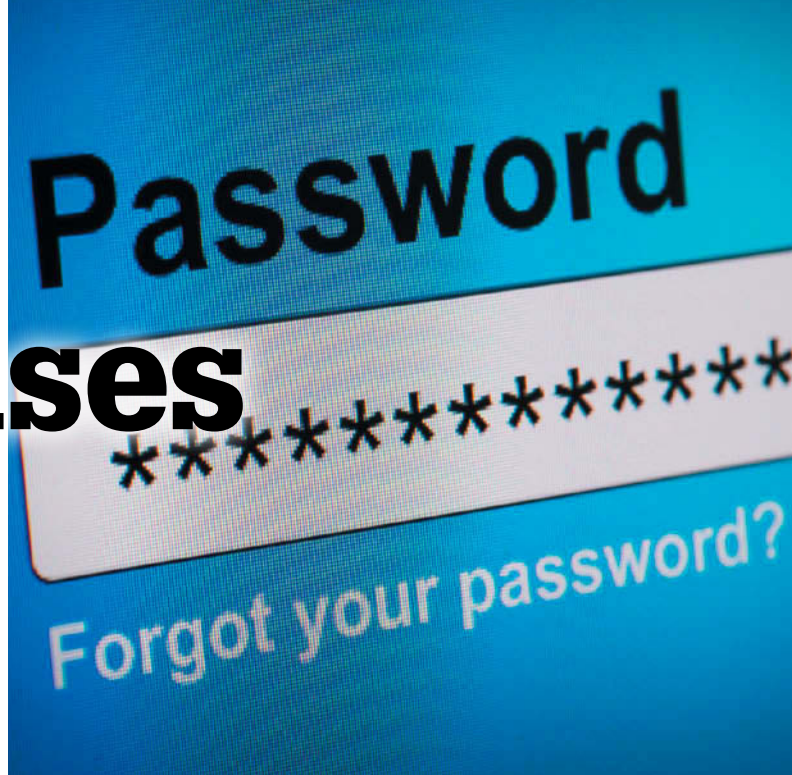
While you may feel relief when your password arrives in your inbox, you should be very concerned. For the same reason we would never send our social security numbers, bank account information or credit card numbers via email, we should never send passwords. Email is sent as plain text across the Internet, which makes the contents available to virtually anyone.

Thousands of websites respond to "I forgot my password" queries by sending your password as plain text. Many brands such as *FedEx*, *J. Crew*, *Laura Ashley*, *Office Depot*, *Rhapsody*, *Seaworld* and *Sprint*, as well as numerous government sites, have been guilty of this breach in security.

And to make matters worse, according to *Consumer Reports*, nearly three in five consumers use the same password for more than five accounts. So by exposing the passwords their users had entrusted to them, the thousands of sites in question were also increasing the risk of a breach of their users' accounts at other institutions such as retail, banking and social networking sites.

WHAT CAN YOU DO?

When you request a forgotten password from a website and they send it to you in a plain text email message, be sure to quickly create a new password once you log in to the site. More responsible websites, instead of sending your password, will send you a code that will allow you to create a new password. This is the most secure method for dealing with forgotten credentials.



Since you should have a unique password for each site that you visit, you might find it useful to store your passwords in an encrypted software application such as PasswordSafe or Dashlane. You will require a single password in order to unlock the "safe" and view all of your passwords. I propose, for additional security reasons, that you keep your password safe only on your local machine and not save it to the cloud.

Instead of "passwords," perhaps we should refer to them as "passphrases." Much has been written about the importance of strong passwords (those passwords that are more than eight characters long, contain upper and lower case letters and special characters, like @\$%^&", etc.). The truth is that the longer the password, the more difficult it will be for hackers to break. For example, the password "N^a&\$1nG" could be hacked in less than four days, according to security firm Trustwave.com, while using a phrase such as "GoodLuckBreakingThis#Password" would likely take more than 18 years to break (don't use this one, create one that is uniquely your own).

HERE IS A REVIEW OF TACTICS TO USE WHEN CHOOSING A PASSPHRASE:

- Don't use passwords that are based on personal information that can be easily accessed or guessed (i.e., birthdates, social security numbers, children's names, etc.)
- Don't use words that can be found in any dictionary of any language.
- Develop a mnemonic for remembering complex passphrases.
- Use both lowercase and capital letters.
- Use a combination of letters, numbers and special characters.
- Use different passphrases on different systems and websites.
- It's also a good idea to change your password every 60 to 90 days. ●

Setting the stage for SOLD

By Ciara Hassenpflug
NYSAR Communications Coordinator

The National Association of REALTORS® recently released its *2015 Profile of Home Staging*, the first study of its kind from NAR. According to the report, 81 percent of REALTORS® find that staging helps buyers visualize the property as their future home, with 45 percent saying it positively impacts the value of the home.

For those who have never used the services of a home stager for a listing, you might think it's not necessary or right for you. Leona Piro, owner of Act Two Home Staging in Mendon, NY, said the two biggest misconceptions about staging are that it is expensive and that it is only for high-end homes. In many cases, she said, much of what the seller already owns can be used, and most stagers offer consultations that provide instructions for homeowners on how to stage on their own. Lower priced homes benefit from staging because the same basic aspects still apply—cleanliness, maintenance, neutral décor, depersonalization and the absence of clutter. “Additionally, when a home has fewer selling features, it becomes even more important to play up the positives through home staging,” she said.

According to a study by the Accredited Staging Professionals, a national staging trade organization, 95 percent of homes that are staged by professional home stagers sell, on average, in 35 days and for near the asking price.

Setting the Stage for.....

In a survey of REALTORS®
81% say staging makes it easier for buyers to visualize the property as their future home.

What is the best room to stage?
The most important rooms to be staged according to both buyer and seller agents:

1	2	3	4	5	6	7
LIVING ROOM	KITCHEN	MASTER BEDROOM	DINING ROOM	BATH ROOM	CHILDREN'S BEDROOM	GUEST BEDROOM

Who pays for staging?

62% of sellers' agents offer home staging services to sellers	62%
39% of sellers pay for staging before the home is listed	39%
10% of sellers pay for staging after the home is sold	10%
3% of agents' firms pay for home staging services	3%

What will it cost? The median cost to stage a home is **\$675.**

REALTORS® who make the decision to hire a home stager, or recommend a home stager to their client, will often be a big part of the staging process.

Non-staged homes, on the other hand, sell in an average of 140 days.

Tori Toth, president of Tori Toth International and owner/lead designer of Stylish Stagers, Inc. based in Howard Beach, NY, said while home staging is an added cost, it also adds value to a home. If a seller thinks painting, redoing a bathroom or changing a carpet seems too high an expense to sell their home, imagine what the potential buyer will think when they walk into the space. “The buyer will exaggerate repair costs in their mind and most likely provide a low-ball offer, if they offer at all,” Toth said.

Both Toth and Piro said the rule of thumb among home stagers nationwide when estimating the cost of staging is between one- to three-percent of the asking price, but that it can vary by location and condition of the home. “I always tell my clients you have to spend money to make money,” said Toth.

REALTORS® who make the decision to hire a home stager, or recommend a home stager to their client, will often be a big part of the staging process. Toth said she likes to have all parties involved at the consultation, ensuring everyone is on the same page from the beginning. “I get a better idea of what the seller can live with or without while on the market, the budget and talk to the agent about what they’d like to see.”

Piro said it is important to know the demographics of the area and the neighborhood, and that is where home stagers and real estate agents need to work hand-in-hand. “The type of staging does change with different markets and different style homes.” For example, she said a home with a large kitchen, dining and living rooms, but relatively few bedrooms is likely staged for entertaining, while a four-bedroom home close to a school would be staged with

children in mind. “Good staging portrays a lifestyle,” she said.

“First impression is key,” said Irene Bennett, an associate broker for Nothnagle in Pittsford, NY, who has worked with Piro to stage her listings. “Just like a storefront, if you walk in the door and everything is neat and organized you’ll continue to look.” Bennett said that in her experience, properties that are staged can drive a higher price and show better.

“It’s more than just putting a sign out front, anyone can do that,” said Bennett. “But to truly market a property it takes work and effort.”

And while it may be tempting to dive right into rearranging furniture, Piro said that staging first starts in the front yard. “Many homebuyers will do a drive-by before calling to schedule a viewing,” she said. If the landscaping and exterior of the home are not well maintained, they might move on. “Curb appeal is crucial.” A fresh coat of paint on the front door, an attractive new welcome mat and shiny new hardware and lighting go a long way in forming a good first impression.

Toth agreed with this sentiment and has a specific plan of attack depending on the season. For winter, she suggested removing snow, salting driveways and walkways, and strategically adding a few white lights in the landscaping to make the yard shine. Spring calls for power washing the siding, awnings and driveway to make everything look like new, while adding colorful flowers and repairing any damage from the winter. Summer is all about maintaining the green grass and decks/porches, while fall calls for a major focus on leaf control.

“Regardless of the season, you want a well-manicured yard with easy access to the entrance,” said Toth.

After getting through the front door, the entryway and rooms that can be seen as you initially enter a home are the most important, according to Piro. This is where buyers form their first opinion of the home’s interior. The kitchen and living room are key areas because that is where homeowners will spend most of their time, and the master bedroom has become increasingly more significant over the years. “It’s important to stage these rooms not only as a sleeping chamber, but also as a retreat at the end of the day,” she said.

Like the master bedroom, Toth said the bathroom, especially the master bath, should also be a place where the buyer can relax and unwind in a spa-like atmosphere. “Buyers want to know they have a space that can be very personal and intimate.”

Depending on what the profile of the ideal buyer is, Toth said she tries to use what the homeowner already has available when staging, and then the seller can rent additional accessories to update the space. She recommends rental furniture for vacant spaces or when a home’s furniture doesn’t match the architectural or buyer’s style.

“When the style of the home is very specific and a seller’s furnishings are in drastic contrast, renting furniture is advisable,” said Piro. For example, she said, a home full of antiques in a very contemporary style house would benefit from renting. However, in most cases you should try to use what you have. “Home staging is more about the positioning of the furniture rather than the furniture itself.”

Toth said that home buying is more of an emotional commitment rather than a financial one, which is why you always hear people say they knew when they walked in the door that the home was meant to be. “No one falls in love with spending tens or hundreds of thousands of dollars,” she said. “So, it has to be a feeling that moves them to make that decision.”

She recommends staging your listing as soon as possible and not testing the market first to see if you can get an offer without putting in the prep work. “In most cases, those of my clients who [waited] have regretted the time they wasted.” ●

New York REALTORS® capitalize on **NAR grants** to support local community projects

By Sal Prividera Jr.
NYSAR Director of Communications

Utilizing National Association of REALTORS® Smart Growth Action Grants, three local associations are demonstrating the REALTOR® commitment to the communities they serve by supporting key community projects.

The Bronx-Manhattan North Association of REALTORS® (BMNAR), Buffalo Niagara Association of REALTORS® (BNAR) and the Greater Rochester Association of REALTORS® (GRAR) all received grants ranging from \$5,000 to \$15,000 in the latest round of funding approved by NAR.

“NAR’s Smart Growth Program is pleased that New York fared so well in the latest round of Smart Growth Action Grants,” said Hugh Morris, NAR Smart Growth and Community Outreach Representative.

“Three cheers to these New York local boards for becoming involved in such robust community planning projects. All three of these projects will tell

a great story of community improvement efforts.”

The grant applications were approved by REALTORS® who serve on the NAR Smart Growth Advisory Board, which oversees the activities of the smart growth program. The Smart Growth Action Grant program is designed to provide state and local REALTOR® associations with seed money to help them get involved in local land use planning projects. Among the benefits derived from the grants include supporting projects that help make communities nicer places to live and, therefore, create a more stable and desirable housing stock that will be good for member’s business, according to Morris.

He added that by being involved in these projects, the local association tends to receive some form of public acknowledgement in helping to make the community better. This benefits the profession as a whole as well as individual members associated with these projects.

Most of the projects funded by the grants create some level of interaction between the REALTOR® association and local elected officials. By working on community betterment projects together, a positive working relationship is created that can serve REALTOR® interests at a future date.

BRONX-MANHATTAN NORTH ASSOCIATION

The \$15,000 grant received by the Bronx-Manhattan North Association of REALTORS® will be used to support a community-based planning process being conducted in partnership with Bronx Community Board 9 (BCB9), according to the grant application.

BMNAR 2015 President Kathy Zamechansky said the needs of the community board, the proposed development and growth for the area and the commitment from stakeholders led the selection of the project. “It is not easy to keep a community attractive and

vibrant,” she said. “It is important for REALTORS® to be involved in seeking available resources as they are in an ideal position to protect the interest of the community. REALTORS® are involved in building and preserving communities, and projects such as this will enhance our role within our communities.”

The project will entail aggregating ideas for future growth collected from community stakeholders. During the four-phase project, five resident and three merchant workshops will be conducted to engage with community members and business owners, and to foster a sense of community ownership. The grant will provide the funding for the consultants to conduct this process and gather data.

The data collected from the workshops will be incorporated into the plan being created by the community board, which will become a policy framework guiding future budgetary, zoning and land use activities, according to the grant application.

“The Bronx Manhattan North Association of REALTORS® is helping to support a comprehensive effort to bring this community to a higher level through a planning effort that will increase mixed-use zoning, affordable housing, and support developing a variety of transport options,” said Morris.

The need to complete the community planning process is significant, according to the application, as the highly congested Bronx County is projected to experience unprecedented 30-year growth. The planned Metro North Railroad Station in Parkchester, the Soundview Ferry to Manhattan, and York Movie Studio are expected to draw additional residents in the near term.

Participating in the planning process will allow the association to remain at the forefront of zoning and smart growth discussions in the community district with a high potential for home and commercial property sales, according to the application. The planning effort is expected to facilitate the construction of affordable housing near the Metro North station and the use of waterfront for safe recreation and living space.

“The grant provides BMNAR with the opportunity to show BCB9 that we believe in their vision and we are, indeed,

partners in making the Bronx a better place for people to live and work,” said Zamechansky.

BUFFALO NIAGARA ASSOCIATION

The Buffalo Niagara Association of REALTORS® \$15,000 grant will be used to conduct a community assessment study of the Broadway-Fillmore and Martin Luther King (MLK) commercial districts in Buffalo. The study findings will provide guidance to the Fillmore Corridor Neighborhood Coalition (FCNC) in the establishment of a community-based, volunteer-driven program capable of managing revitalization of the corridor’s two neighborhood commercial districts. It will also provide the FCNC with an implementation-oriented action plan that addresses all organizational, design, marketing, and economic development issues affecting revitalization of the commercial districts.

“BNAR has been very active in working with communities to develop and improve the quality of life,” said Joe Rivellino, 2015 BNAR president. “Despite a resurgence throughout the rest of Buffalo, the Broadway-Fillmore district has lagged behind this rebirth. I am ecstatic . . . with NAR’s help, we are

actively pursuing remedies in an area that has the potential to thrive.”

According to the grant application, the Broadway-Fillmore and MLK communities have experienced a major lack of investment during the last 30 years as well as a loss of valuable historic and cultural assets. The disinvestment is most keenly felt and observed in the Fillmore Corridor’s two neighborhood commercial districts where many buildings are vacant or underutilized and most existing businesses are not responsive to the customer base residing in homes that surround the commercial cores. The economic decline is also seen in the marginal conditions of many of the residential properties in the community of approximately 32,000.

“The Buffalo Niagara association is embarking on a wonderful process to help revive the Fillmore Corridor,” said Morris. “We have seen success in other places with this technique and have high hopes for the impact this project will have on revitalizing this community.”

BNAR believes that the development of a community-based, comprehensive approach in the revitalization of the two commercial districts would be the first step in creating a positive
continued on page 22



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economic climate for the Fillmore Corridor community.

“We stress that we don’t just sell houses,” said Rivellino, about BNAR and its members taking an active role in the community. “Quality of life is vital for any homeowner and prospective buyer, and we must be vigilant and proactive in sustaining it. Similarly, we must be directly involved, showing our interest and giving our time to those efforts that improve our communities. To ignore the influences and problems affecting any community, or disregard our ability to positively influence our region, limits our market and casts our professional fate to the wind.”

Besides giving guidance to FCNC in structuring such a program, the Community Assessment Study will provide a roadmap with clear directions on how the revitalization process should be implemented and managed. The program will work to improve neighborhood vitality and safety, enhance aesthetics along streets and public spaces, and increase neighborhood pride. These changes will make the region stronger and more attractive to investors.

Rivellino noted that BNAR will oversee the progress of the study and assist residents and stakeholders in the implementation phase.

GREATER ROCHESTER ASSOCIATION

The Greater Rochester Association of REALTORS® received two grants totaling \$20,000 from NAR. One will be used to help create a vision plan for East Main Street in Rochester. The second grant will fund the development of a symposium for community design professionals to discuss vision planning and transport systems for the region’s future.

“We intentionally select projects that reflect the geographic diversity of the region we serve,” said Andy Burke, 2015 GRAR president, noting that previous projects have served the communities of Lima and Penn Yan as well as Rochester. “While the majority of our agents are concentrated in the Rochester area, we serve members in 10 other counties that reflect suburban, village and rural lifestyles. By choosing



projects in these towns and villages, we demonstrate a commitment to our members and their clients throughout our region.”

The board received a \$15,000 grant to create a vision plan for the city’s East Main Street Corridor, which is also known as the EMMA neighborhood. The completed plan will guide the future development of the corridor for the next 20 years. It would build upon the existing community work by city and neighborhood groups. Recommendations from the plan are expected to include land use, architectural improvements of existing buildings, street design and community participation strategies. The effort was expected to begin in April 2015 and be complete by October.

This project dovetails with other city planning initiatives and is being supported financially by the city as well as through the participation of city leaders. It is also an extension of a four-year project that GRAR has been involved with to build this neighborhood. From 2007 to 2012, GRAR, in partnership with its charitable foundation and NeighborWorks of Rochester, has provided more than \$137,000 to a program to improve an adjoining neighborhood. The East Main Corridor is one block from that highly successful project area, and GRAR hopes to expand its success there.

NAR’s Morris said, “The Greater Rochester association continues to support an effort that started in early

2014 by the community design center to develop a vision for East Main Street that will breathe new life into that neighborhood.”

The plan will include graphic representations of the future physical development, which is expected to be an effective marketing tool for developers, current and future business owners, residents and others to show commitment, pride, support and opportunity. It will be a tool for EMMA and the city to use for 20 years, with updates recommended at five-year intervals.

The \$5,000 grant for the vision planning and transportation symposium will be used to create a one-day, educational forum/symposium for design professionals in the central New York region, according to the grant application. Attendees will include architects, planners, landscape architects, and invited real estate organization and community leaders. The event is expected to facilitate smart growth-related land use policies and development by educating attendees about smart growth projects, strategies and techniques covering all smart growth principles.

“We want to be part of the growth and success of these areas,” said Burke. “We want to show that REALTORS® are heavily invested in building strong communities.” He added that members will be encouraged to participate in both projects along with the association’s leadership. ●

Take advantage of the **NYSAR Web Portal**

NYSAR's Web Portal makes it easier than ever for you to register for classes and events, look up committee membership, invest in RPAC, manage your NYSAR publications and emails and much more.

Are you looking to increase your income while enhancing your expertise by registering for a national REALTOR® designation course? Or do you want to see how many courses you've taken or print out a certificate? Head to the Events section of the portal to do all of this and more including registering for NYSAR's business meetings.

As a volunteer-based organization, your service on key committees is of utmost importance to NYSAR, making certain that the association is running efficiently and top industry issues are being addressed. The Committees section of the portal allows you to see your past and present committee service assignments with NYSAR.

Contributing to RPAC is one of the best ways to make sure your REALTOR® voice is heard at the state Capitol. Making your investment is just a few clicks away with the portal—just click on “Contribute” and choose the current year's cycle. From there, simply fill out your payment information and submit!

You can also update your communications preferences with NYSAR while in the portal. Let us know what your preferred mailing address is, if you would like to be included in our online member directory, and whether you would like to opt out of receiving the print version of *New York State REALTOR®* magazine and only receive the digital edition. Make sure to manage your email subscriptions as well, that way you can ensure you receive the information that matters most to you.

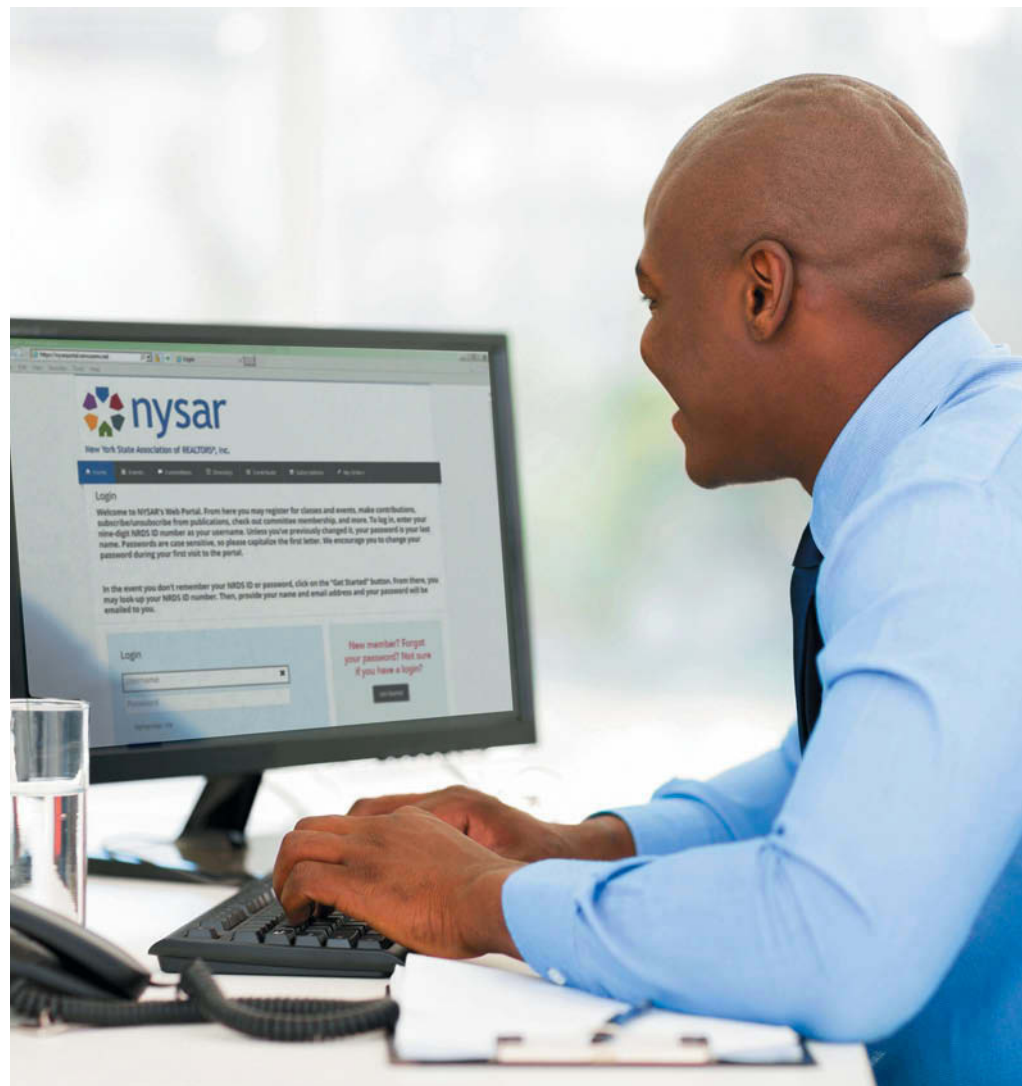
Did you know you also have the option to update your personal

information through the portal? By letting us know your gender, birthdate, primary and secondary fields of business and more, you can make sure NYSAR has the most up-to-date information for you.

To improve your experience logging into the NYSAR Web Portal, NYSAR recently reset user credentials for all members. Your user name is now your 9-digit NRDS ID and your password

is your last name. Passwords are case sensitive, so be sure to capitalize the first letter. We encourage you to change your password during your first visit to the portal.

You may access the portal directly at <https://nysarportal.ramcoams.net> or through a number of links at NYSAR.com. Have a question about the portal? Contact NYSAR's IT Department at 518-463-0300 x223. ●



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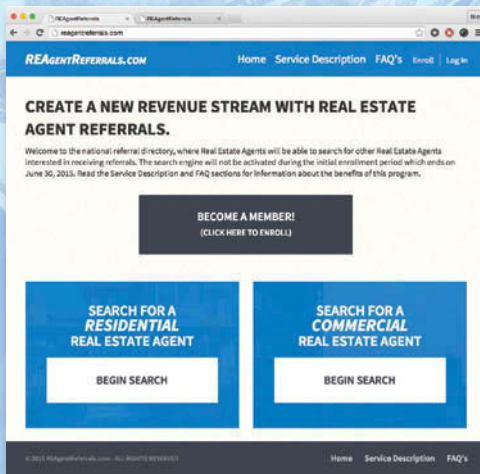
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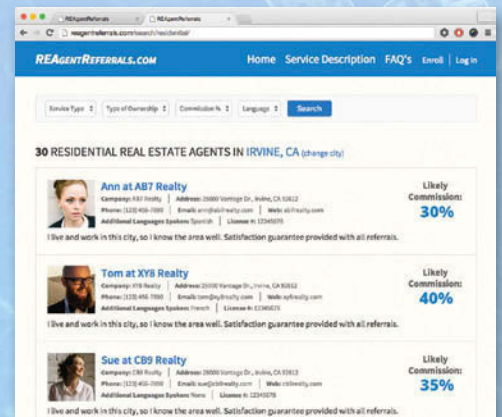
The Next Great Revenue Stream

Real Estate Agents understand the importance of referrals. They spend much of their time cultivating relationships and invest a large amount of money marketing to homeowners and buyers. Now Real Estate Agents can create a new revenue stream at very little cost by marketing for Agent to Agent referrals.



Listing Agents are the target market because they represent homeowners that are usually moving out of the Listing Agent's service area. According to a recent U.S. Census Bureau report on moves, about 51% of residents move to a different county or out of state, and even when homeowners move within the same county, many if not most are moving to an area outside the service area of their Listing Agent. One U.S. Census Bureau report indicated that one of the top 10 most common state-to-state moves was from New Jersey to New York.

A nationwide advertising campaign is underway to create a national directory of Real Estate Agents interested in getting referrals from other Real Estate Agents. This marketing platform will provide Listing Agents easy access to multiple agents in a single search. By simplifying the search process, Listing Agents will be more apt to refer their clients (homeowners) to another Real Estate Agent to help them find a replacement home.



If you want to increase your sales volume in 2015 and beyond, take advantage of this new Internet portal that will connect Listing Agents with Buyer Agents throughout the country. Act quickly because there is an important benefit to early enrollment. To get referrals from Listing Agents, and learn about the extra benefit of early enrollment in the national referral directory, visit REAgentReferrals.com.

RPAC of New York thanks its

2015 major investors

The NYSAR and RPAC leadership recognize the following members for investing in the REALTORS® Political Action Committee (RPAC) at the Major Investor level in 2015.

Thank you to the RPAC Major Investors from New York for going above and beyond with your support of RPAC. RPAC investments are used to support federal, state and local lawmakers who share the REALTOR® commitment to promote homeownership and private property rights.

For more information on RPAC or the Major Investor Installment Plan, please visit the RPAC page of NYSAR.com or contact NYSAR's Political Affairs Coordinator, Derick King at 518-463-0300 x238 or dking@nysar.com



NAR President's Circle Members are RPAC major donors who contributed an additional \$2,000 in personal contributions.

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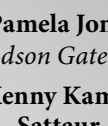
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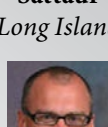
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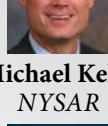
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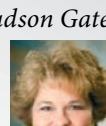
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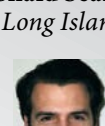
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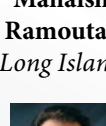
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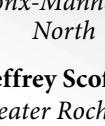
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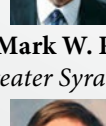
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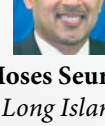
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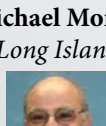
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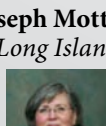
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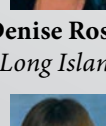
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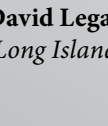
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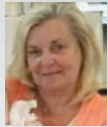
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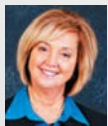
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National Course Schedule

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7.5 hours CE each - \$125 each for members

GRI-1 Ethics – Capitalize on what sets REALTORS® apart from real estate licensees. Satisfies NAR's ethics training requirement and a must for Professional Standards Committee members.

Oct 8.....Hudson.....Don Cummins, Esq.
Nov 5.....Staten Island.....Don Cummins, Esq.

GRI-2 Business – Run your business like a professional practice and gain market share.

May 20.....Buffalo.....Jeremias Maneiro
Oct 28.....Albany.....Jim Pugliese
Nov 10.....White Plains.....Nick Gigante

GRI-3 Agency – Provide effective, legal and ethical client representation.

May 19.....Goshen.....Don Cummins, Esq.
May 19.....W. Babylon.....Al Fazio, Esq.

GRI-4 Legal – Operate your business without the risk of claims, fines and lawsuits.

Jun 11.....Staten Island.....Al Fazio, Esq.
Aug 11.....W. Babylon.....Al Fazio, Esq.
Sep 17.....Binghamton.....Jim Braman, Esq.

GRI-5 Buyers – Demonstrate your value to buyers from listing to closing. Satisfies NYS Fair Housing training requirement.

Jul 21.....W. Babylon.....Don Scanlon
Aug 25.....Rochester.....Russ Romano
Oct 1.....Albany.....Jim Pugliese

GRI-6 Sellers – Represent seller clients in a way that keeps them coming back.

Sep 10.....Rochester.....Lin Fields
Sep 17.....Jackson Heights.....Nick Gigante
Sep 22.....Canton.....Lin Fields
Oct 15.....Binghamton.....Lin Fields
Nov 5.....Syracuse.....Lin Fields

GRI-7 Property – Learn about all the factors impacting value and close more deals.

Sep 23.....Buffalo.....Joe Whittington
Oct 19.....Jackson Heights.....Roseann Farrow
Oct 20.....Rochester.....Joe Whittington

continued on page 30

Course Schedule continued from page 29

GRI-8 Technology – Discover the latest tools to streamline your business and exceed client expectations.

Sep 17.....Syracuse.....Randy Templeman
 Oct 21.....Buffalo.....Jeremias Maneiro
 Oct 21.....Poughkeepsie..Randy Templeman
 Oct 29.....Corning.....Randy Templeman
 Nov 2.....Woodbury.....Jeremias Maneiro
 Nov 5.....Rochester.....Jeremias Maneiro

ACCREDITED BUYER REPRESENTATIVE

ABR Course - Become a proficient and profitable buyer's rep, serving with quality, fidelity and confidence.

15 hours CE - \$295 for members
 Jun 9-10....PoughkeepsieRoseann Farrow
 Sep 29-30...Rochester.....Roseann Farrow
 Oct 1-2.....W. Babylon.....Linda D'Amico

CERTIFIED INTERNATIONAL PROPERTY SPECIALIST*

Global Real Estate: Local Markets

6.5 hours CE - \$150 members

Connect with foreign and immigrant buyers who continue to invest heavily in the U.S. market.

Sep 28.....Jackson Heights.....David Lauster

Global Real Estate: Transaction Tools

6.5 hours CE - \$150 members

Get the tools to serve foreign-born buyers, in terms they'll understand.

Sep 29.....Jackson Heights.....David Lauster

The Americas and International Real Estate

No CE - \$150 members

Sep 30.....Jackson Heights.....David Lauster

Europe and International Real Estate

No CE - \$150 members

Oct 1.....Jackson Heights.....David Lauster

Asia/Pacific and International Real Estate

No CE - \$150 members

Oct 2.....Jackson Heights.....David Lauster

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RESORT & SECOND HOME PROPERTY SPECIALIST

Home Sweet (Second) Home: Vacation, Investment & Luxury Properties Course

7.5 hours CE - \$150 members

Oct 13.....Ithaca.....Roseann Farrow

SELLER REPRESENTATIVE SPECIALIST

SRS Course

15 hours CE - \$295 members

Jun 9-10....Woodbury.....Randy Templeman
 Nov 17-18...Goshen.....Roseann Farrow
 Nov 18-19...Binghamton.....Randy Templeman

SENIORS REAL ESTATE SPECIALIST

SRES Course

12 hours CE - \$295 members

Jun 3-4.....Buffalo.....Roseann Farrow
 Jul 29-30...White Plains.....Don Scanlon

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Short Sales and Foreclosures Course

6 hours CE - \$125 for members

Sep 9.....Riverhead.....Linda D'Amico

NAR designation courses available online 24/7 at www.RealtorU.com.

Legal Line continued from page 14

the only contact with a consumer is through email, fax, telephone or via the Internet.

In the case of *DOS v. Holzbach*, 49 DOS 02 (2002) a licensee had been communicating with a consumer to represent the consumer as a buyer's agent. On April 25, 2001, the licensee and the consumer agreed via telephone, that the licensee would represent the consumer as a buyer's agent. No agency disclosure form was provided in any manner at this time. On May 6, 2001, the licensee and the consumer met for the first time and a backdated agency disclosure form was provided. The Administrative Law Judge determined that "although the buyers were not present in Rochester at the time of that contact, the evidence amply demonstrates that the form could have been faxed to them and that they could have faxed back their acknowledgements. The backdating of the form, although intended to show when the first substantive contact was, improperly muddled the issue and was a demonstration of incompetency." *DOS v. Holzbach*, 49 DOS 02 (2002).

As such, it is foreseeable that the same standard should be applied in scenarios involving licensees communicating with consumers via email, fax or the Internet. The agency disclosure form can be provided to the consumer via fax, email or by download from the Internet. The decision clearly states that the licensee could have satisfied the requirements of RPL§443(3) (c) by faxing the agency disclosure form to the consumer, have the consumer sign the form and fax it back to the licensee. As such, the same should hold true for licensees communicating with consumers where no "warm body" meeting occurs at first substantive contact. ●

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