



# Realty Notes

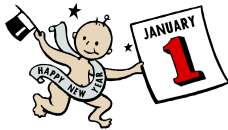


CCBR Volume No. XXV Issue No. 12

December 31, 2010

## January, 2011

- 1 Happy New Year!
- 3 Board Office Closed
- 6 MLS/Computer Committee Meeting, Board Office 8:30 AM
- 11 Board of Directors, 8:30 AM Board Office
- 13 Public Relations Committee Meeting 9:00 Board Office
- 14 Membership Committee Meeting—Board Office 9:00 AM
- 31 NYSAR Business Meetings, Albany Jan 31<sup>st</sup>- Feb 2<sup>nd</sup>



## February

- 3 MLS/Computer Committee Meeting, Board Office 8:30 AM
- 8 Board of Directors, 8:30 AM Board Office
- 10 Public Relations Committee Meeting 9:00 Board Office
- 11 Membership Committee Meeting—Board Office 9:00 AM
- 11 Presidential Award Applications due.



## **New Agency Disclosure Law Takes Effect January 1, 2011**

Real Property Law §443 has been amended to add two new components to the agency disclosure law relating to advanced consent to dual agency and agency disclosure for condominiums and cooperative apartments/units. The new law and required forms will take effect January 1, 2011.

Under the new law, sellers, landlords, buyers and tenants are permitted to consent to dual agency or dual agency with designated sales agents in advance by indicating the same on a new revised agency disclosure form.

In discussions with the Department of State, NYSAR has clarified the responsibility of a licensee once dual agency or dual agency with designated sales agents arises. If dual agency arises as a result of a showing, the licensee is not required to notify the seller immediately since the seller should reasonably presume that dual agency showings will occur during the time of the listing.

However, it is highly recommended that the seller be informed as to all instances of dual agency that are the result of a showing. This notification can be done via telephone, e-mail (using the address provided by the seller), fax (using the fax number provided by the seller) or by letter. As always, NYSAR recommends all notices be in writing so the licensee will have documented proof of any such notification.

Under the new law, condominiums and cooperative apartments/units are added in the definition of residential real property as it relates to agency disclosure. This change now requires real estate licensees representing a seller, landlord, buyer or tenant of a condominium or cooperative apartment/unit to be presented with the agency disclosure form at first substantive contact pursuant to Real Property Law §443(3)(a-c).

The new forms are available in the legal section of NYSAR.com and on "Printable Forms" at CCBRLMS.com, but should (40HA) not be used until January 1, 2011.

## 2011 Dues Reminder

*If you haven't already paid your 2011 dues - make sure you have your check mailed & postmarked by Dec 31<sup>st</sup> or in the Board mail slot by our return to work Tuesday morning at 8:00 AM to avoid a 10% late fee.*



Geary TeWinkle of Real Estate Advantage missed out on \$10.00! He didn't catch his license registration number in last month's newsletter. Don't forget to look for your license registration number in the newsletter each month. Call the board Office when you find it and receive \$10.00 (ten dollars) cash if you call before the next newsletter comes.

## January Birthdays

1 <sup>st</sup>	Gary Proctor	22 <sup>nd</sup>	Tony Benedetto
3 <sup>rd</sup>	Dale Babski	22 <sup>nd</sup>	Bill Kitson III
6 <sup>th</sup>	Becky Colburn	23 <sup>rd</sup>	Virginia Anderson
6 <sup>th</sup>	Linda Hall	24 <sup>th</sup>	Ed Miller
7 <sup>th</sup>	Steve Holt	25 <sup>th</sup>	Lisa Penharlow
8 <sup>th</sup>	Richard Smith	28 <sup>th</sup>	Carol McKotch
12 <sup>th</sup>	Cindy McNallie	28 <sup>th</sup>	Roger Britz
13 <sup>th</sup>	Paula Loveless	29 <sup>th</sup>	Tom Panasci
16 <sup>th</sup>	Dolores Szukala	30 <sup>th</sup>	Jed Carrol
18 <sup>th</sup>	Mary Jaynes	31 <sup>st</sup>	Dexter Hinton
19 <sup>th</sup>	Milt Sager	31 <sup>st</sup>	Lou Wineman

### Pepper & Crandall Co. Cattaraugus/Allegheny Counties

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bev.williams@dominicanenterprises.com

## MLS/COMPUTER COMMITTEE REPORT

The MLS/Computer Committees met on Thursday, December 2, 2010.

Present were: Rick McMahan, MLS Chair; Sandy Haines; Chuck Ludwig; David Garofalo; Paul Liuzzo; Craig Butler; Denise Whipp; Lynn Weaver, MLS Coordinator and Jan Murray, Executive Officer

**VORSTAR, SoftMLS Changes:** 1) Autoresponder Management has been improved in order to go in and see # of views for each autoresponder, edit autoresponders and see which ones are not being viewed. The Committee voted on the time frame of 60 days of no views - with 45 being acceptable before turning them off. **Requested Changes** 1) Send autoresponder notifications to Seller once a week on how many hits they've had on their listed property. 2) Drawing a section on map where it would pull up homes in selected section. 3) Have average acre, average DOM on CMA's 4) set the input so that an agent can't get out of the listing until they choose at least one coded feature 5) ability to sort listings for print in the order that the agent is showing them. 6) on autoresponder – there are check boxes by each name – have ability to email right from there.

### **LETTER FROM FRED LARSON RE: VAN EVERY COMPLAINT**

A letter of request was sent to Fred Larson's office asking that they change the Standard Rider form to incorporate changes we suggested. No response as of yet. The Committee suggested we send a letter asking about the progress.

**MINUTES FROM NYSAR MLS MEETING** MLS's may require submission of photographs to appear in MLS compilations (unless seller requests photo of their home not to appear). Minutes in the Article 12A Working Group read that the group approved a motion to amend the definition of "team name" that requires real estate brokers to register teams as a branch office with DOS and remind brokers of the obligation to file a dba. The working group also recommended that NYSAR reconsider the idea of introducing (0900401) Transactional Brokerage in NYS.

**RPR PROGRESS** REALTORS Property Resource needs our closed data. SoftMLS does not have the program to send closed data. The labor for programming the RPR data feed would be 40-50 hours at an estimated cost of \$2,638 for the programming, set-up and testing of the data. After that it would cost \$26/year of data they will need to extrapolate and push and \$50 each month that they provide daily pushing of the listings to RPR. Susie Yonemoto, RPR Representative asked for the quote and will take it to the higher ups to see if there is help – as other SoftMLS Boards will run into the same thing.

**COMMERCIAL INPUT FORM** A commercial input form is done with the help of Craig Butler, Chuck Ludwig and Bruce Turner. The form will be uploaded to "Printable Forms" and can be attached to commercial listings which will provide more information.

The meeting adjourned at approximately 9:55 AM.

## PRESIDENTIAL AWARD FOR SALES EXCELLENCE

### PRESIDENTIAL AWARD REGULATIONS FOR 2010

1. Participation in the Awards Program is voluntary for all Chautauqua County Board Members.
2. Only Sales Associates and Broker Associates may achieve an award status. There will be two divisions: Single Awards and Team Awards. Managers, Directors, Officers, Owners and Partners in any Real Estate company are ineligible as this is strictly a Sales Associate Award. Teams are permitted unless an Owner/Broker is part of the team.
3. Awards will be given for meeting the following criteria:
 

A. Bronze Award	20 points - or \$ 1,000,000 dollar volume.
B. Silver Award	30 points - or \$ 2,000,000 dollar volume.
C. Gold Award	40 points - or \$ 3,000,000 dollar volume.
D. Platinum Award	50 points - or \$ 5,000,000 dollar volume
E. Diamond Award	60 points - or \$10,000,000 and over
4. Points are credited for sales and listings CLOSED in 2010. One (1) point for the sale; one (1) point for the listing. A person selling and listing the same property would be credited with two (2) points.
  - \* **Type Addresses on Application in Chronological Order**
  - \* Attach a copy of Sellers Report from MLS
  - \* Attach a copy of Sales Contract on anything that differs from Seller's Report
5. Dollar volume is credited on the **selling** price (as written on purchases contract as purchase price) of the sales and listings CLOSED AND REPORTED in 2010. Sales Associates who list and sell the same property is given for BOTH listing and selling. Thus, a person who lists and sells a \$50,000. house would receive \$100,000. in volume credit.
6. Half credits will be given on co-lists .
7. **Sales** points and **dollar volume** will be creditable whether in or out of Multiple Listing (Open listings, HUD, Builders Orders, Commercial and Industrial). **Listing Points will only be credited when in CCBR Multiple Listing. CREDIT FOR SOLD LISTINGS THAT ARE NOT IN CCBRMLS SYSTEM BEFORE DECEMBER 31, 2010 WILL NOT BE ALLOWED.** Listing credit for mobile homes (which are not permitted to be in our Multiple Listing system) can be received by being in the Board's Non-MLS Flyer put out monthly.
8. There shall be one reporting period. The award year began January 1, 2010 and ends December 31, 2010.
  - A. The awards application must be certified by the Sales Associate **and** the Broker of the Company.
  - B. The awards application must be received at the Chautauqua County Board of REALTORS® office anytime between January 3rd and February 11, 2011.
  - C. Any award application received after that date and time will not be considered.
  - D. A written receipt acknowledging submission will be given by the Board Office.
9. Only **Typed Applications**, coordinated in **chronological sequence** (according to date and starting with January closings first), with report form, will be accepted. Contracts must be in exact order as typed on the report form. No report forms or contracts will be returned by the committee.
10. The Presidential Award for Sales Excellence Committee shall be comprised of not more than two people from a real estate firm, excluding the Chairman. All areas are to be represented.
11. The Committee of Presidential Award for Sales Excellence has the authority to request verification from the Assessor, Broker and/or agent on any transaction. Any individual disqualified by the committee shall not be reinstated without the majority consent of this committee. Decisions of the committee shall be final.
12. Random checks will be done to verify information. If any Sales Associate and/or any Company are discovered to have falsified information on the application, he/she will be removed and disqualified from participation.

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This has been approved by the Chautauqua County Board of REALTORS®, Board of Directors, 04/11/06

GO TO [WWW.CHAUTAUQUAREALTORS.ORG](http://WWW.CHAUTAUQUAREALTORS.ORG) FOR REPORTING FORM

## 2011 Officers, Directors and Committees

### Officers:

President (127) Lory Anderson  
Vice President (43) Donna Breen  
Secretary (53) Bonnie Saletta  
Treasurer (127) John "Jack" Villella

### Directors:

2011, Past President (37) Rick McMahon  
2011 (45) Jane Grice  
2012 (41) Diana Holt  
2013 (25) Paul Liuzzo

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(37) Rick McMahon, Chair  
(43) Donna Breen  
(127) Sandy Haines  
(127) Lory Anderson  
(51) Chuck Ludwig  
(28) Denise Whipp  
(25) Paul Liuzzo  
(137) David Garofalo

### Computer Committee:

(37) Craig Gleason, Chair  
(43) Craig Butler  
(137) David Garofalo

### Membership Committee:

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(37) Cindy McNallie  
(AF) Donna Crandall  
(AF) Glori Rahr-Taylor  
(43) Michelle Turner  
(37) Bobbie Thompson  
(37) Judy Kraft  
(43) Sharon Liscandro

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(127) Jack Villella  
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(37) Ginger Johnson  
(37) Judy Kraft

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(53) Bonnie Saletta  
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(37) Steve Sorg (37) Richard Benedetto  
(51) Chuck Ludwig (Catt) Prof Stand Comm  
(28) Renee Pchelka (Buff) Prof Stand Comm

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(37) Vickie Lee Little  
(41) Lisa Barber  
(127) Starr Ryder

### Staff:

(555) Jan Murray, Executive Officer  
(555) Lynn Weaver, MLS Coordinator  
(555) Kris Whitmore, Membership & Bookkeeping

### Board Office Hours:

Monday – Friday 8:00 AM to 5:00 PM

**WESTERN NY SCHOOL OF REAL ESTATE**  
(courses taken at the Board Office)

1. Fair Housing in New York 3½ hrs \$35/\$55
2. Green Building Certificate 7½ hrs \$75/\$95
3. Architectural Initiatives, Interior Decorating & ...Historic Landmarks in New York State 22½ hrs ...\$159/\$179
4. Home Inspection: Theory & Practices 22½ hrs ...\$159/\$179
5. Keeping Out of Trouble: Understanding New York Laws 22.5 hrs \$159/\$179
6. Real Estate Topics for the Decade 7½ hrs \$75/\$95
7. Mold, Lead & Radon in the Home 4¼ hrs \$40/\$60
8. Understanding Covenants & Surveys 3¾ hr \$40/\$60
9. Assessments, Taxes & Exemptions 3 hrs \$30/\$50
10. Wall Street vs. Main Street 22½ hrs. \$159./\$179

Call the Board Office - 484-9426

**CompuTaught On Line Courses**

<http://affiliate.careerwebschool.com/new-york/real-estate/618/>  
New York Home Page

<http://affiliate.careerwebschool.com/new-york/real-estate/sales-pre-license/618/> NY Sales Qualifying 75 hour

<http://affiliate.careerwebschool.com/new-york/real-estate/broker-pre-license/618/> Broker Qualifying

<http://affiliate.careerwebschool.com/new-york/real-estate/remedial/618/> NY Remedial "Gap" Course

<http://affiliate.careerwebschool.com/new-york/real-estate/continuing-education/618/> NY CE

**Cusack Real Estate & Sales Training Center**

At Time of Newsletter print date – January classes were not posted. Please go to:

<http://www.virtualclassrooms.com/re/schedule.html>

to view list of classes.

[www.virtualclassrooms.com](http://www.virtualclassrooms.com)  
Call 683-4080 for info. or to Register

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**WNY School of Real Estate**

- Jan 4 **75 Hr RE Salesperson's Qualifying Course**  
5:30 – 10:45 PM Tues & Weds Eves \$469
- Jan 5 **Who's Really Your Client?** 3 Hrs CE  
5:30 – 8:30 PM Wed. \$ 30
- Jan 12 **Legal Issues in Real Estate** 4 Hrs CE  
5:30 – 9:30 Wed \$ 35
- Jan 14 **Fair Housing in NY** 3½ Hrs CE  
9:30 AM – 1:00 PM Fri \$ 35
- Jan 28 **Short Sales, Unique Properties & Other Issues in Real Estate** 9 Hrs CE  
9:30 AM – 2:00 PM Fri 1/28 & 2/4 \$ 80
- Jan 31 **Home Inspector Licensing Program**

[www.wnyschoolofrealestate.org](http://www.wnyschoolofrealestate.org)

633-9009 for info.  
or to Register

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**SUNY College at Fredonia**  
Call 673-3177 for info or to Register

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**JCC- Jamestown**  
665-5220 ext 2409 For Info. or to Register

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**JCC- North County**  
366-2255 For Info. or to Register

**Manfred On-line Salesperson 75 Hr. Course**

On-Line 75 Hour Salesperson's Qualifying Course and the 30 Hour Gap Course. Study On-line and take the test at the Board Office.

Go to: <http://www.manfred.fastclass.com>

Questions? Email Manfred RE Learning Center:  
info@manfredrelc.com with "75 hr Online Question" in subject line.

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Always Pays the Best Interest!"*