



Realty Notes



CCBR Volume No. XXV Issue No. 7

July 31, 2010

August

- 5 MLS/Computer Committee Meeting, Board Office 8:30 AM
- 10 Board of Directors, 8:30 AM Board Office
- 12 Public Relations Committee Meeting 9:00 Board Office
- 13 Membership Committee Meeting-Board Office 9:00 AM
- 19 Annual Picnic – Lawn Social @ Hotel Lenhart, Bemus Point



September

- 2 MLS/Computer Committee Meeting, Board Office 8:30 AM
- 9 Public Relations Committee Meeting 9:00 Board Office
- 10 Membership Committee Meeting-Board Office 9:00 AM
- 12 NYSAR Fall Business Meetings @ Rye Brook, NY
- 14 Board of Directors, 8:30 AM Board Office
- 28 General Membership Meeting – Voting Meeting @ White Horse Inn.



*Annual Summer Picnic
Thursday, August 19, 2010
6:00 PM*

Lawn Social

*Hors d'oeuvres
Cash Bar*

Tickets \$15.00

Pathways to Professionalism:

#12 Real Estate is a reputation business. What you do today may affect your reputation - and business - for years to come.

License Registration Numbers



Brenda Rissel of Hometown Realty missea out on \$10.00. She didn't see her 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

August Birthdays

- | | | | |
|------------------|------------------|------------------|-------------------|
| 1 st | Carol Erickson | 13 th | Carrie Blitz |
| 2 nd | Debra Schurman | 15 th | Michael Flowers |
| 3 rd | Mary Ford | 16 th | Ross Cali |
| 4 th | LuAnn Ellis | 17 th | Chris Olejniczak |
| 5 th | Diane Wronski | 18 th | Donna Breen |
| 8 th | Jennifer Liuzzo | 18 th | John Lipchik |
| 8 th | Bobbi Thompson | 21 st | Bob Penharlow |
| 8 th | Judy Porpiglia | 21 st | Dale Sandberg |
| 9 th | Rich Peterson | 23 rd | Marygrace Guarino |
| 11 th | Cindy Anderson | 24 th | Jerod Zahn |
| 11 th | Kathy Barden | 25 th | Lisa Matteson |
| 12 th | Roy Richardson | 28 th | Darlene Mendrick |
| 12 th | Carrie Bielawski | 29 th | Jeffery Fellows |

MEMBERSHIP COMMITTEE

The Membership Committee met July 9th, 9:00 AM at the Board Office.

In Attendance: Nancy Gleason, Chair; Michelle Turner and Jan Murray, Executive Officer.

New Members - No report

Terminated Members - No report

August 19 (Picnic) - Lawn Social at the Lenhart Hotel. The committee decided to go with heavy hors d' oeuvres: Mini Beef on Wicks, Meatballs, Pizza Squares, Fruit and Veggie Trays and a Dessert. Ticket price will be \$15.00 which includes entry into drawing for door prizes.

September 28th (Voting Meeting) Cindy has arranged for White Horse Inn, Cassadaga for (40MO) \$9.95 pp (inc. tax and tip)

November 19th (Installation Banquet) An hors d' oeuvres cocktail reception is planned rather than a sit down dinner. It was decided to hold it at the Yacht Club in Lakewood. Details will be finalized at the next committee meeting.

Additional Business was discussed to have a Casino Night as the picnic for next year at Bemus Point Fire Dept.

The next committee meeting will be Friday, October 8th, 9:00 AM at the Board Office.

The meeting adjourned at approximately 10:00 AM as there was no new business.

Pepper & Crandall Co. Cattaraugus/Allegheny Counties

REFERRALS WANTED!
"Your Full Service REALTOR®"

401 State St. Olean, NY 14760
(716) 372- 7100
Mary Pepper, Broker

Ask me about our great product packages!

BEV WILLIAMS
PrimerNet Manager, Erie, PA & Charlotte, NY - Ellicottville, NY
814-838-2231
bev.williams@domoforeenterprises.com

NARdiGras 2010

NEW ORLEANS
NOVEMBER 5-8

Legal Hotline – FAQ’s

Q: A seller verbally accepted an offer from my client. My client signed the purchase offer and sent it to the listing agent for the seller to sign. The next day, the listing agent contacted me and informed me that the seller has accepted another offer. Isn't the seller bound by their verbal acceptance of the offer?

A: No. In New York State, all contracts for the purchase of real property must be in writing to be binding. Verbal acceptances and conditions are not permissible and, therefore, are void and not binding on any party. Pursuant to General Obligations Law §5-703: "A contract...for the sale, of any real property, or an interest therein, is void unless the contract or some note or memorandum thereof, expressing the consideration, is in writing, subscribed by the party to be charged, or by his lawful agent thereunto authorized by writing."

Q: There was a \$1,000 selling bonus offered through the MLS to the selling agent. At closing, I was informed the bonus would not be paid. How can I collect the \$1,000?

A: Since the offer of the \$1,000 was done via the MLS, it would be considered a contractual dispute pursuant to the NAR Code of Ethics and Arbitration Manual. Article 17 specifically states: "In the event of contractual disputes or specific non-contractual disputes as defined in Standard of Practice 17-4 between REALTORS® (principals) associated with different firms, arising out of their relationship as REALTORS®, the REALTORS® shall submit the dispute to arbitration in accordance with the regulations of their board or boards rather than litigate the matter." In such a case, it would be proper to arbitrate the matter.

Q: Can I use the term "licensed sales associate" on my business card?

A: No. A business card should include the following information exactly as stated on the license: The individual's first name; type of license held (broker, associate broker, salesperson); licensed name of firm; and the firm's business address. There is no license issued from New York State for a "sales associate." Optional information can also be added to the card such as: business telephone number; residence telephone number; real estate specialization (i.e. specializing in commercial properties); and nickname of licensee (i.e. John (Bud) Doe). Brokers may include any title of office in the business (i.e. partner).

Q: Am I allowed to offer some type of incentive to attract clients and/or customers or is this considered a kickback?

A: It is permissible to offer an incentive to attract clients and/or customers pursuant to an opinion issued by the New York State Department of State. Real Property Law § 442 prohibits a real estate broker from offering to pay any part of the broker's commission to any party to a real estate transaction if the purpose of the payment is to compensate an unlicensed party for providing services that would otherwise require a real estate broker's license. Generally speaking, Section 442 was intended to discourage unlicensed activity. Section 442 does not, however, prohibit a real estate broker from offering cash, services, or products to attract new clients and customers.

The NYSAR Legal Hotline is available 9 a.m. to 1 p.m., Monday through Thursday, excluding holidays and during official NYSAR functions. The Legal Hotline number is 518-43-NYSAR (518-436-9727).

MLS/COMPUTER COMMITTEE REPORT

3

The MLS/Computer Committees met on Thursday, July 1, 2010.

Present were: Rick McMahon, MLS Chair; Craig Butler; Lory Anderson; Donna Breen; Paul Liuzzo; Lynn Weaver, MLS Coordinator and Jan Murray, Executive Officer

VORSTAR, SoftMLS Changes: 1) Foreclosures have been added as a Property Type. The listing agent must first enter the listing in as "Single Family" "Multi Family" "Commercial" "Farm" or "Land" then use "Foreclosure" as the Alternate Property Type. **Requested Changes:** 1) Have Ad Copy give an error message or stop at the limited number of characters 2) Increase time outs to 1 hour – or at least 30 minutes 3) Mapping – ability to (0984871) select section on map to bring up all properties for sale in that area.

CLONING OR ENTERING NEW LISTING The committee discussed a time frame in which cloning or inserting a listing as new rather than extended on the market. It was decided to leave as is. Any new number requires a \$12 fee.

COMMERCIAL LISTING FORMS Those members that deal with commercial properties would like a commercial listing form to reflect more of the commercial fields. A task force has been set up to include Chuck Ludwig, Craig Butler, Bruce Turner and Randy Brown. An email will be sent to those people to set up a time to meet.

THE NEXT MEETING will be held August 5, 2010.

The meeting adjourned at approximately 9:45 AM



"Just when I found out the meaning of life, they changed it."

George Carlin

3

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-estatecontinuing-education/618/> NY CE

WNY School of Real Estate

- Aug 4 **Fair Housing in NY** 3½ CE Hr 9:30 AM-1PM \$ 35
 Aug 17 **Understanding HUD/FHA Guidelines** 10-4 \$ 70
 Aug 30 **NYS Home Inspection Licensing Program**
 8/30-11/19 Mon, Thur 4:45-11PM \$2195

www.wnyschoolofrealestate.org

633-9009 for info.
or to Register

CONTINUING ED MADE EASY!

HTTP://WWW.THESHOP.CO

Cusack Real Estate & Sales Training Center

NYS Qualifying Courses

- Aug 3 **R-6 Basic Appraisal Procedures** 30 Hrs
8/3,5,10,12,17,19 5:30 PM – 10:30 PM \$439
- Aug 16 **NYS Salespersons 75-Hr Qualifying Course**
(2 week accelerated) 8/16,17,18,19,20, 23, 24,
25,26,27 9:00 AM-5:00 PM \$549
- Aug 17 **7 Hour Nat'l Uniform Standards of Professional Appraisal Practice Update (NUSPAP)** 8:30 AM-5:00PM 7 Hrs \$195
- Aug 24 **NYS Real Estate 30 Hr Gap Course**
8/24,25,26,27 9:00 AM-5:00 PM \$249
- Aug 24 **R-7 Residential Market Analysis & Highest and Best Use** 8/24,26,31 15 hrs \$229

NYS Continuing Education Classes

- Aug 6 **An Introduction to the Development Process** 7½ Hr CE 9-4:30 PM \$75
- Aug 13 **Vacant Land Valuation** 7½ Hr CE \$75
- Aug 19 **Identifying Architectural Styles**
11½ HR CE 8/19, 20 5:30-9:15PM \$124.95

www.virtualclassrooms.com

Call 683-4080 for info. or to Register

~~~~~

**SUNY College at Fredonia**

Call 673-3177 for info or to Register

~~~~~

JCC- Jamestown

665-5220 ext 2409 For Info. or to Register

~~~~~

**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.