

GMNBR NEWS



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GMNBR LEGAL CORNER

Submitted by Dawn Hermann
Chair, GMNBR Legal Committee

Case #4-3 Disclosure of Family Interest

REALTOR® A listed Client B's home and subsequently advised him to accept an offer from Buyer C at less than the listed price. Client B later filed a complaint against REALTOR® A with the Board stating that REALTOR® A had not disclosed that Buyer C was REALTOR® A's father-in-law; that REALTOR® A's strong urging had convinced Client B, the seller, to accept an offer below the listed price; and that REALTOR® A had acted more in the interests of the buyer than in the best interests of the seller.

At the hearing, REALTOR® A defended his actions stating that Article 4 of the Code requires disclosure when the purchaser is a member of the REALTOR's® immediate family, and that his father-in-law was not a member of REALTOR® A's immediate family. REALTOR® A also demonstrated that he had presented two other offers to Client B, both lower than Buyer C's offer, and stated that, in his opinion, the price paid by Buyer C had been the fair market price.

REALTOR® A's defense was found by the hearing panel to be inadequate. The panel concluded that Article 4 forbids a REALTOR® to "acquire an interest in" property listed with him Unless the interest is disclosed to the seller or the seller's agent; that the possibility, even remote, of REALTOR® A's acquiring an interest in the property from his father-in-law by inheritance gave the REALTOR® a potential interest in it; that REALTOR® A's conduct was clearly contrary to the intent of Article 4, since interest in property created through a family relationship can be closer and more tangible than through a corporate relationship which is cited in the Code as an interest requiring disclosure. REALTOR® A was found to have violated Article 4 for failing to disclose to Client B that the buyer was his father-in-law.

* Information reprinted from Code of Ethics and Arbitration Manual *

CAST YOUR VOTE NOW!

The entries are in for a new name for the newsletter. The following are the submissions that were received. Please register your vote by sending your choice to info@gmnbr.org. The one with the most votes will win. A total of 50 votes must be cast. The new name will be announced once the votes are in. If your selection is the winning entry your name will be entered into a drawing to receive a free admission to one regular membership meeting of your choice *

® News	GMNBR HUB	Home Spun Newsletter
REALTOR® Update	REALTOR® News	What's Up REALTORS®?
GMNBR Messenger	REALTORS® in the Know	Home Base
GMNBR Signals		

* Excludes special membership meetings such as the Holiday Gala and ROTY.

WELCOME NEW REALTORS®

Please take a moment to recognize and congratulate the newest members of the Greater Manchester/Nashua Board of REALTORS®. All of the people listed below have completed both the GMNBR and the NHAR Orientations and are scheduled to be inducted at the next Membership Meeting to be held on Wednesday, September 14, 8:30 a.m. at the Merrimack Hotel, Merrimack, NH.

Kerry S. Abt

ERA The Masiello Group / Hollis

Wendy Ann Brien

Prudential Verani / Bedford

Kenneth N. Brooks

RE/MAX Country Properties

Susan D. Brosseau

Exit Avenue Realty

Gheorghe Cracut

Verdy REALTORS®, LLC

Karen E. Deoleo

C21 Dick Cardinal Associates

Kenneth Ealy

Carlson GMAC Real Estate / Nashua

Mary E. Flores

Carlson GMAC Real Estate / Manchester

Diane L. Gates

Exit Avenue Realty

Jolie S. Houle

Carlson GMAC Real Estate / Nashua

Celestia S. Lensky

Historic Properties

Sandra W. LeRette

ERA The Masiello Group / Nashua North

Diane Loomis

RE/MAX Country Properties

Timothy F. Loraditch

Realty Executives Integrity

Donna M. Martel

Martel Realty Group, LLC

Jessica Martel

Martel Realty Group, LLC

Ronald E. Moore, Jr.

Innovative Realty / Merrimack

Virginia "Sue" Murphy

DesRochers Real Estate / Manchester

Deborah D. Nutting

Keller Williams / Nashua

Judy E. Pilotte

C21 Dumont & Associates

Denise M. Raid

RE/MAX Country Properties

Joshua K. Roth

RE/MAX Excellence

Melissa Sebestyen

RE/MAX Country Properties

Kevin A. Sheppard

Jon Clark Realty, LLC

William Singer

OBM Partners Realty, LLC

Gary Watson

At Home Realty, LLC

Jennifer T. Zackeroff

RE/MAX Synergy

Kevin Zych

CB Residential Brokerage / Manchester

WELCOME NEW AFFILIATE MEMBERS

The GMNBR would like to extend a warm welcome to our newest Affiliate member of the Board. All of the people listed below will be invited to attend the next Membership Meeting to be held on Wednesday, September 14, 8:30 a.m. at the Merrimack Hotel, Merrimack, NH. At the meeting the new Affiliates will be introduced to the membership and they will receive their Affiliate pins.

Craig Liadis

Compass Credit Union

Courtney Murphy

The Sargent Law Offices

Scott Sargent

The Sargent Law Offices

GMNBR RPAC REPORT

The GMNBR RPAC Report is a new section in the *GMNBR News*. The purpose of having the report in the newsletter is to keep members up to date on the most current amount of contributions given to the New Hampshire REALTORS® Political Action Committee (NH RPAC) on both a local and state level.

Statewide we have just achieved the projected goal of \$88,470 with having raised \$90,850 to date. Locally, however, we still have a way to go. **The 2005 goal for GMNBR was \$22,260 and as of July 31 we have only raised \$16,325.** With 5 months left of the year, all members of GMNBR are strongly encouraged to donate.

The NH RPAC is organized and operated exclusively for the purpose of collecting political contributions. It is a voluntary, non-profit, unincorporated committee of individual REALTORS® and others, unaffiliated with any political party. The committee is an affiliate of the National Association of REALTORS® Political Action Committee.

RPAC contributions allow the NH RPAC trustees to support candidates who support the real estate industry. If those candidates are elected to office it opens doors to lawmakers and gives REALTORS® a chance to be heard on an issue before it is too late. In the past we have effectively influenced legislation to its passage or have stopped it dead in its tracks. Currently, there are 21 REALTORS® holding office in the New Hampshire Legislature, 20 in the House of Representatives, and 1 in the Senate.

An RPAC contribution is an investment in your business and is making a commitment to preserving the future of our industry. If you haven't already done so, please consider making a donation to the NH RPAC. By doing so you are ensuring that RPAC dollars will continue to fight for REALTOR® concerns. **To contribute please make checks out to RPAC and send to GMNBR, 166 South River Road, Bedford, NH 03110.**

OLD CELL PHONES NEEDED

The GMNBR Community Service Committee is collecting any old, used cell phones to be used for the elderly. The phones that are collected will be refurbished and distributed to the elderly in the Manchester and Nashua communities to be used as emergency 911 only phones.

There are no limitations on the carrier, make, model or technology of the phones. The only requirement is that the phone is still operable and has a functioning battery charger.

Donating your old phones to senior citizens provides them piece of mind and tool to obtaining the assistance of 911 if they find themselves in an emergency situation.

Phones can be brought to the GMNBR office, Attn: Laura Hammond-Koranda, 166 South River Road, Bedford, NH 03110.

PUBLIC POLICY COMMITTEE REALTOR® ACTION ALERT

~ DO'S AND DON'TS OF RESPA~

PART TWO – DON'TS

RESPA prohibits giving or receiving anything for the referral of settlement services, subject to certain exceptions. Violators of RESPA may receive harsh penalties, including triple damages, fines, and even imprisonment. Here are a few examples of what RESPA prohibits.

RESPA...

- ⊗ **Prohibits** a title company from regularly providing dinner and reception for real estate agents
- ⊗ **Prohibits** acceptance of discounted or free business equipment, such as a free lock-box
- ⊗ **Prohibits** acceptance of reimbursement of the cost for an open house lunch from a mortgage broker who doesn't display any marketing materials at the event
- ⊗ **Prohibits** acceptance of a dinner paid for by a home inspector who doesn't attend the dinner to market his/her services to you
- ⊗ **Prohibits** acceptance of contributions from a title company to offset the cost of a real estate agent's promotional event except to the extent of the value of any marketing done by the tile company during that event
- ⊗ **Prohibits** accepting gifts from mortgage brokers, such as paying your greens fees
- ⊗ **Prohibits** a mortgage broker or title company from paying for your tickets to a sporting event
- ⊗ **Prohibits** participation in a tropical "get away" weekend, the cost of which is underwritten by a title company, during which only two hours is dedicated to marketing by the title company and the remainder is recreation
- ⊗ **Don't EVER** accept payment from a mortgage lender just for taking a loan application

For additional information on RESPA visit: www.realtor.org/RESPA.

Disclaimer: The DO'S and DON'Ts examples listed here are just that, only examples. They are not all-inclusive and small variations in the facts can lead to different outcomes. They also do not take into consideration any additional regulations that may have been imposed in by the State of New Hampshire. Consult a lawyer familiar with RESPA for specific advice.

*Information on the Do's and Don'ts of RESPA was provided by the National Association of REALTORS® *

RECERTIFICATION COURSES AT GMNBR

In accordance with the NHREC requirement of 9 educational hours, the GMNBR will be offering core courses and electives at the GMNBR Office. Licensees are required to take one 3 hour core course and 6 hours of electives. All classes have been approved by the Real Estate Commission and will be taught by accredited instructors. You must register for any of the classes, please contact GMNBR at (603) 668-1054 or register online at www.gmnbr.org. Fees will be paid to the instructor at the time of the class. Below is a list of the courses that will be offered during the month of September. For a complete list please use the interactive calendar on the GMNBR website.

Date	Time	Course	Instructor	Cost
September 8, 2005	9:00 a.m. to Noon	Core Course	Neal Barrett	\$35
September 15, 2005	10:00 a.m. to 1:00 p.m.	Elective <i>Understanding & Using Real Estate Auctions</i>	Dick Berman	\$40
September 21, 2005	9:00 a.m. to Noon	Elective <i>Making the Sale – Procuring Cause Issues</i>	Kathy Roosa	\$40
September 22, 2005	10:00 a.m. to 1:00 p.m.	Elective <i>Risk Management</i>	Alan Rice	\$40

AMBIANCE TRAINING

The GMNBR will be hosting two Ambiance Training sessions in the month of September, one Beginner class and one Advanced class.

The Beginner class will be held on Monday, September 26, 2005 from 10:00 a.m. – 4:00 p.m.

The Advanced class will be held on Wednesday, September 28, 2005 from 10:00 a.m. – 4:00 p.m.

To register for either of these classes please contact Destiny at NNEREN (603) 228-9735

CRS COURSE 201

Listing Strategies for the Residential Specialist

The quality of your listing skills can give you a strong competitive edge. If you learn proven listing strategies, you will win over the client and increase your conversion. This CRS Course will provide you with the important skills necessary to conduct successful listing presentations, price a home to sell, close the transaction and market and promote effectively. The course takes you through an actual listing presentation that helps you understand the key steps in the process and create a system for success. For more reasons why you should attend this class please see page 6.

This course will be held on Monday, October 3 and Tuesday, October 4, 2005 from 8:00 a.m. – 5:00 p.m. at the Wayfarer Conference Center in Bedford, NH. The cost is \$310/person which includes the cost of the course, all materials, breakfast, lunch and testing fees. Applications are available in the GMNBR office or can be downloaded from the GMNBR website, www.gmnbr.org, and mailed with payment to GMNBR, Attn: Susan Afflerbach, 166 South River Road, Bedford, NH 03110.

Any questions about the course? Please feel free to contact the GMNBR, (603) 668-1054 or the CRS coordinator Gail Athas, (603) 440-3636.

10 REASONS WHY YOU SHOULD TAKE THE CRS COURSE 201

Still not convinced that you should attend the CRS Course 201 – Listing Strategies for the Residential Specialists? Here are the top ten reasons why you should take advantage of this great opportunity offered right here through your local board!

10. It is offered in your own “back yard” avoiding costly travel and hotels
9. The knowledge you gain in this course will help you compete for listings with confidence as the real estate market tightens up.
8. The knowledge you gain will help you construct an effective listing presentation
7. The content of the course will help prepare you with dialogue and counseling tips when working with sellers
6. Pricing strategies will be thoroughly covered to insure a sale versus an expired listing
5. The course will cover effective “closing techniques” to help you acquire more listings
4. CRS Instructors are the “very best” in the industry and run incredible courses full of useful information with the best materials and handouts for all levels of REALTOR® experience!
3. Instruction on successful marketing and service plans for your listings will be taught – “a must” in the upcoming real estate market changes.
2. You will walk away with tons of useful ideas for every aspect of your real estate business.
1. Many of you asked for business related courses, and this is one of them – TAKE ADVANTAGE OF THE OPPORTUNITY!

DON'T FORGET TO FILL OUT YOUR NHAR HONOR SOCIETY FORMS

Have you been keeping track of your Honor Society points?

The NHAR Honor Society is designed to encourage board participation among members in order for them to be better educated, active members who serve their customers/clients and in return bring credit to themselves and the real estate industry. To become members of the Honor Society members must earn 150 or more points for the activities they participated in during the previous calendar year (January 1 – December 31). Points are earned through various activities ranging from taking educational courses, serving on a committee and participating in community service projects. Members who earn 150 points or more will be recognized by the GMNBR at the annual REALTOR® of the Year Luncheon held in May.

Please remember to keep track of your Honor Society activities. More information on the NHAR Honor Society, including the application and working forms are available in the GMNBR office, 166 South River Road, Bedford, NH 03110.

COMMUNITY NEWS

The "Community News" section of the website is an area to post what other industry related events are taking place. It is an opportunity for other GMNBR members to submit information on community events that will have a direct impact on the real estate industry and/or the citizens of our communities. Anyone interested in posting a community event can send their information to GMNBR, Attn: Charity Ross, 166, South River Road, Bedford, NH 03110, Phone: (603) 669-1054, Fax: (603) 627-0936, Email: charity@gmnbr.org.

REALTOR® RELIEF FOUNDATION PROVIDES FUNDS FOR KATRINA RELIEF EFFORT

The REALTOR® Relief Foundation is spearheading donations to REALTOR® associations in Alabama, Louisiana and Mississippi by contributing to each of three state REALTOR® associations impacted by Hurricane Katrina.

All administrative costs of the project will be absorbed by NAR; 100 percent of all donations will go directly to aid the victims. Contributions can be made online through the following secure site powered by NAR's e-commerce system: <https://www.realtor.org/RelFundTrack.nsf/Contribution?OpenForm>. Contributions are tax deductible. To make contributions by mail, checks should be made payable to the REALTOR® Katrina Project and sent to: REALTOR® Katrina Relief Project, Attn: NAR Finance Division, 430 N. Michigan Ave., Chicago IL 60611.

For those who would like to make donations directly to the states, in Alabama please send checks payable to the Alabama REALTOR® Disaster Relief Fund, P.O. Box 4070, Montgomery, AL 36104. Donations can be made by credit card by calling the Alabama Association of REALTORS® at 334/262-3808 or by going online to www.alabamarealtors.com/relief.cfm. For Louisiana, checks payable to the Louisiana REALTORS Association Relief Fund should be sent to P.O. Box 14780, Baton Rouge, LA, 70898, or to Regions Bank, attn: Louisiana REALTORS® Association Relief Fund, 5353 Essen Lane, Suite 150, Baton Rouge, LA 70809.

GREATER NASHUA LIONS CLUBS GOLF TOURNAMENT

- WHY:** To benefit the Lions Kids Sight Program of Nashua
- WHEN:** Wednesday, September 14, 2005 (Deadline to register: Wednesday, September 7, 2005)
- WHERE:** Passaconaway Country Club, Rte. 3A, Litchfield, NH
- TIME:** Shotgun Start at 8:30 a.m. – Register early, first come-first served. Barbeque to follow.
- COST:** \$95/Player which includes Greens Fees & Cart, Barbeque and a Gift
\$15/Person for Non Golfers Barbeque Only
- CONTACT:** Mike Mansfield: 603-589-6144 or Lou Marino: 603-595-9100

LIFE'S A BEACH

On Wednesday, July 27, 2005 a group of GMNBR members, in coordination with the Manchester Boys and Girls Club treated a group of children with a day of fun at Hampton Beach State Park. .

It was a beautiful summer day and fun was had by all that attended.

A special thanks to all of the GMNBR members who made this event possible!





**GREATER
MANCHESTER/
NASHUA
BOARD OF
REALTORS®**

166 South River Road
Bedford, NH 03110

Phone: (603) 668-1054

Fax: (603) 627-0936

Email: info@gmnbr.org

Web: www.gmnbr.org



**EMAIL FOR THE
GMNBR STAFF**

SUSAN AFFLERBACH:

susan@gmnbr.org

JOAN BALDESSARI:

joan@gmnbr.org

CAROLINE HERRON

caroline@gmnbr.org

CHARITY ROSS:

charity@gmnbr.org

CONTACT INFORMATION

Are you receiving all of the GMNBR notices?

If you think we need to update our records on you please fill out the form below and return to the GMNBR Office by fax: (603) 627-0936 or mail: 166 South River Road, Bedford, NH 03110

Name: _____

Email: _____

Company Name & Address: _____

Company Phone #: _____

Company Fax #: _____

Home Address: _____

Home Phone #: _____

Cell Phone #: _____

DO YOU RECEIVE OUR EMAILS?

The primary form of communication with our membership is through email. Due to the way our membership database is organized we are only able to email you in a mass group. Unfortunately, an ongoing problem with communicating with the GMNBR membership in that manner is that many email programs will automatically filter any thing that is sent to a large group of people. One way to avoid this from happening is to create a rule allowing emails from our office. Please make sure your safe list allows emails from membership@gmnbr.org.

SOMETHING TO ADD?

If you have something you would like to appear in the newsletter please contact Charity Ross at the GMNBR Office to submit your entry charity@gmnbr.org; Phone: (603) 668-1054, Fax: (603) 627-0936

Newsletters are published on the last day of each month. Please have your submission to Charity no later than Noon on the Wednesday prior to publication

GMNBR NEWSLETTER POLICY

The purpose of the *GMNBR News* is to educate and to communicate the activities of the board and its REALTOR® and affiliate members. We will acknowledge the accomplishments of our members and affiliates and promote activities they sponsor that benefit the community we serve. The newsletter will not print any material that promotes a company, office or individual or groups of same. The Board in its sole discretion, reserves the right to edit or withhold any news items that it deems to be counter to the guidelines as set forth in this policy.