

GMNBR NEWS



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GMNBR LEGAL CORNER

Submitted by Dawn Hermann
Chair, GMNBR Legal Committee

Limited-Service Listings Need Full Treatment

By Bruce Aydt

Question:

I'm not sure how to act when I see listings from a limited-service broker in the MLS. Can I contact the seller directly for showings and contract negotiations?

Answer:

Standard of Practice 16-13 of the National Association of REALTORS® Code of Ethics provides the short answer to your question. The first paragraph states, "All dealings concerning property exclusively listed...shall be carried on with the client's representative or broker and not with the client, except with the consent of the client's representative."

With that in mind, determine first whether the seller has an exclusive agreement with the listing broker. A limited-service listing can be an exclusive listing even if it doesn't provide the range of services you define as full service. In fact, some MLSs have rules that only exclusive listings may be submitted to the MLS.

In addition, many limited-service listings give specific direction in the MLS that a cooperating broker should contact the owner directly for showings and negotiations. If there isn't any statement to that effect in the MLS, contact the broker first and obtain permission before you call the seller.

There's no requirement in the Code of Ethics that a listing broker must provide showing and negotiation services, though some states have or are considering legislation that requires a broker to provide certain minimum services. Illinois recently enacted amendments to the license law requiring that brokers under exclusive brokerage agreements provide such services as presenting offers, assisting in negotiating offers, and answering questions about offers and counteroffers.

Bruce Aydt, ABR®, CRB, is senior vice president and general counsel of Prudential Alliance, REALTORS®, in St. Louis, and a former chair of NAR's Professional Standards Committee.

* Information reprinted from REALTOR® Magazine, August 2005 Issue

AND THE WINNER IS...

Congratulations to Linda J. McCarthy of Coldwell Banker Residential Brokerage the winner of the GMNBR contest to attend the NHAR Convention for free.

McCarthy is a new REALTOR® member of GMNBR who joined the board in February 2005. When stating her reasons for wanting to be considered in the contest McCarthy stated, "I could certainly use the knowledge and the experience this convention would bring me."

McCarthy was chosen from a random selection among 14 applicants.

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.

Admir Becirevic

CB Residential Brokerage / Manchester

Jay Becirevic

CB Residential Brokerage / Manchester

Stephen Berger

Almost Home Realty, LLC

Kim G. Bishop

Regal Real Estate

Paul A. Borruso

Keller Williams Metropolitan

Karen R. Brown

CB Residential Brokerage / Hollis

Daphne Bureau

Verdy REALTORS® LLC

Valerie D. Cloutier

Innovative Realty / Londonderry

Matthew Cogswell

Union Realty

Kerri Crowley

Carlson GMAC / Bedford

Chadd J. Dempsey

Martel Realty Group

Shilpa M. Desai

ERA The Masiello Group / Nashua South

Michele S. Dougherty

RE/MAX Omega Group

Dawn M. Drew

ERA The Masiello Group / New Boston

Jerome B. Duval

Prudential Verani / Bedford

Gerry Finlay

RE/MAX Properties 1

Rachel M. Forcier

Keller Williams / Nashua

Joshua B. Guay

Tami Pelletier Real Estate

Andrea Kokko

Kokko Realty, Inc.

Bradley J. Lake

Keller Williams / Metropolitan

Robert S. LaMontagne

LaMontagne Realty Co., Inc.

Christopher J. Magay

CB Ashton Kilgore Realty, Inc.

Suzanne J. Maine

CB Residential Brokerage / Nashua

Kathi Martinage

Realty Quest, Inc.

Jonathan Matta

Nicholas L. Shakra Real Estate

Timothy J. McKenna

CB Coulters Realty

Jackie McQuaide

RE/MAX Country Properties

June E. Munroe

Innovative Realty / Londonderry

Carrie Pallas

Suburban Realty, Inc.

Robert C. Prosser

Realty 1 – Wells Realty

David S. Recupero

Tami Peletier Real Estate, LLC

Maurice Robichaud

RE/MAX Properties

John R. Rosenbaum

CB Brian Moses Realty

Roland J. Savoie Jr.

CB Brian Moses Realty

Gary L. Springs

Prudential Verani / Londonderry

Joyce E. Stanley

Prudential Verani / Bedford

Diane S. Vigue

CB Brian Moses Realty

CONGRATULATIONS HONOR SOCIETY RECIPIENTS!

On Wednesday, July 20, 2005 the New Hampshire Association of REALTORS® (NHAR) hosted its first Annual Honor Society Reception at its office in Concord, NH. It was a wine and cheese reception to give special recognition to the many members within the state that have earned points for various activities ranging from taking educational courses, serving on a committee and participating in community service projects. 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 earned through the activities they participate in during the previous calendar year.

The event was very well attended and members were recognized from every board within the state. The members from GMNBR that were in attendance and are pictured below were (Left to Right – Back to Front): John Doran*, Hank Stoudt, Paul Sargeant, Susan Pendleton, Gail Athas, Lorraine DeMinico*, Dianne Beaton, Elaine Mahoney, Angie Kopka*, Nancy Philbrick, Maxine Goodhue and George Skilogianis. Also recognized from GMNBR, but not in attendance were: Henry Barsalou, Marlene Belmore, Marypat Bilodeau*, Bonnie Guevin*, Carollee Hayward*, Dawn Hermann, Joseph Ireland, Lois Ireland*, Jocelyn Lavoie, Deborah Mallon, Nancy Pomerleau*, Thomas Riley and Rick Ruo.



* Indicates Lifetime Members for having over 15 years of service.

PUBLIC POLICY COMMITTEE REALTOR® ACTION ALERT

~ DO'S AND DON'TS OF RESPA ~

PART ONE – DO'S

Real estate brokers and agents must comply with the Real Estate Settlement Procedures Act, or RESPA. Violators of RESPA may receive harsh penalties, including triple damages, fines, and even imprisonments. Here are a few examples of what RESPA allows.

RESPA...

- ✓ **Allows** a title agent to provide, during an open house, a modest food tray in connection with the title company's marketing information indicating that the refreshments are sponsored by the title company.
- ✓ **Allows** a home inspection company to sponsor association events when representatives from that company also attend and to post a sign identifying its services and sponsorship of the event.
- ✓ **Allows** you to jointly advertise with a mortgage broker if you pay a share of the costs in proportion with your prominence in the advertisement.
- ✓ **Allows** a lender to pay you fair market value to rent a desk, copy machine and phone line in your office to pre-qualify applicants.
- ✓ **Allows** a hazard insurance company to give you marketing materials such as notepads, pens and desk blotters which promote the hazard insurance company's name.
- ✓ **Allows** a title agent to pay for your dinner when business is discussed, provided that such dinners are not a regular occurrence.

Speak with a RESPA attorney to make sure you comply with all applicable laws. Some state and local laws prohibit activities that are permissible under RESPA.

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

Check out the August 2005 edition of *GMNBR News* for Part 2 of the Do's and Don'ts of RESPA which will review what is not allowed by RESPA.

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

HAVE YOU EARNED A DESIGNATION?

Have you recently earned a ABR, CRB, CRS, GRI or one of the many other designations recognized by the National Association of REALTORS®? If so, please let us know. We love to hear what our members are doing and if you've recently earned a new designation we would like to recognize you in the GMNBR News. Please send a copy of your certificate and any comments you'd like to make to Charity Ross at the GMNBR by mail: 166 South River Road, Bedford, NH 03110, Fax:: (603) 627-0936 or Email: charity@gmnbr.org.

REALTORS® PLEASE BE AWARE OF NO SOLICITATION AREAS

It was recently brought to the attention of the GMNBR Board of Directors that agents are not adhering to posted rules on solicitation.

Please remember that some places, such as condominium developments, are designated as “no solicitation” areas. Everyone, including real estate agents, are prohibited from soliciting business in these areas.

Our actions affect our business and soliciting can hurt us, rather than help us. Please be aware of any rules that may be posted in the neighborhoods you visit.

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 \$88,599 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 \$15,887.** 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.**

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.

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 August. For a complete list please use the interactive calendar on the GMNBR website.

Date	Time	Course	Instructor	Cost
August 3, 2005	9:00 a.m. to Noon	Core Course	Kathy Roosa	\$40
August 11, 2005	9:00 a.m. to Noon	Elective <i>Buyer Agency vs. Non-Agency</i>	Neal Barrett	\$35

HAVE YOU REGISTERED FOR THE NHAR CONVENTION?

The registration period for the NHAR Annual Convention has begun. This year's convention will be held September 18-21 at the Grand Summit Resort & Conference Center in Bartlett, NH. The theme is "Preparing Today – For Tomorrow," and will be a three day event offering educational, networking and social opportunities. NHAR will be bringing in renowned speakers and showcasing some fascinating exhibitors. The convention is also where the New Hampshire REALTOR® of the Year will be announced and the Installation of the 2006 Officers will take place. The convention is filling up fast, don't miss out on this incredible opportunity, get your registration forms in today! To download the program and registration materials please visit the NHAR website at <http://nhar.org> (you must be a registered user and know your username and password) or call (603) 225-5549 for more information.

GMNBR FISHER CATS OUTING

The GMNBR Community Service Committee will be hosting their second annual Fisher Cats Outing on Thursday, August 11, 2005.

Both the Party Deck and the VIP private suite along the first base line have been reserved. Attendees will be treated to an all you can eat buffet while taking in a great baseball game. A cash bar will be available.

Tickets are limited to 75 people and are on a first come first serve basis. The cost is \$30/person. Reservations can be made by contacting Laura Hammond-Koranda at her office, 603-594-3750 or by email, laura@premieresettlement.com. No reservations will be taken through the board office. All payments should be made to GMNBR and sent to 166 South River Road, Attn: Laura Hammond-Koranda, Bedford, NH 03110.

Confirmation of reservations will be made upon receipt of payment in full for the tickets. Please contact Laura if you have any questions.

TICKETS ARE GOING FAST, MAKE YOUR RESERVATION TODAY!

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.

SALVATION ARMY BACK-TO-SCHOOL PROGRAM

WHY: The Salvation Army Back-To-School Program provides new outfits to children between the ages of 4-12 for their first day of school. The Back-To-School Program instills a strong sense of pride and self-confidence as they interact with their fellow students. Last year the Salvation Army provided 558 children in the Manchester community with a new school outfit.

WHAT: A complete outfit is considered a shirt, a pair of pants/or dress along with socks and underwear. Shoes are optional and not required.

WHEN: The Back-To-School Program will run from July 14 – August 29.

CONTACT: For more information please contact Colleen Leonard-Nichols
(603) 627-7013 x20
cnichols@salvationarmy-nh.org

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.



DON'T FORGET TO FILL A NHAR HONOR SOCIETY FORMS

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.



**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.