



Impact



Jake Porritt
NOCBOR President

As some of you may have noticed, my article from April's IMPACT has been removed from the NOCBOR Web site. The reasons are two-fold: First, we didn't want to have the article to be misinterpreted as more than the opinion of the NOCBOR President, and second, there are some that were concerned about taking such an aggressive position following our recent litigation.

Addressing the first issue, let me state clearly that **each article that will or has been written by any past or future NOCBOR President are merely that President's opinion and they are not intended to represent the organization.** For this reason all future articles will end with such a disclaimer.

The second issue surrounding my suggestions to the Board about its negotiations as a potential Shareholder of a new multiple listing service requires more reflection and cannot be summed up in a single sentence.

NOCBOR is a potential Shareholder in a new organization that is being constructed to own a new multiple listing service. NOCBOR must consider prior mistakes which have been made and attempt to cure them. We have to be able to openly discuss those mistakes and recognize improvements. The Board, after all, is a trade association which has at its core the interests of all of its members. It is also important to recognize that the Board does not sell or market real estate and does not compete with any of its members.

One of the biggest misunderstandings of our members relates to the intellectual property involved with the multiple listing services.

17 U.S. Code § 101 - Definitions A "collective work" is a work, such as a periodical issue, anthology, or encyclopedia, in which a number of contributions, constituting separate and independent works in themselves, are assembled into a collective whole.

A "compilation" is a work formed by the collection and assembling of pre-existing materials or of data that are selected, coordinated or arranged in such a way that the resulting work as a whole constitutes an original work of authorship. The term "compilation" includes collective works.

The US government grants monopolies to private parties regularly in the form of copyrights and patents. These rights in afford multiple parties to collaborate without creating a trust. The copyrights afford specific marketability and control over the collective work.

This directly applies to our facts. Multiple brokers collaborating is the same as several musicians making an album or several authors drafting a novel. The finished product is granted statutory and common law intellectual property rights. The parties involved in the collaboration are allowed to sell, lease, assign, transfer, sublicense, disseminate, modify, translate, duplicate, reproduce, copy or license their work.

There is nothing inherently wrong in discriminating as to which types of parties will have access to the collective work. There are certain pitfalls, but largely the collective is granted the intellectual property right as a collective and that is paramount.

It is a mistake to view the practice of selective licensing or sales of copyrighted material as a boycott.

If a collective were to not be exercising any intellectual property right and were to merely be attempting to collectively negotiate, then that would be a boycott. For example, if the collective were not producing anything, but instead were merely collectively bargaining with vendors, such as an advertiser, then that would

be a boycott. If all of the broker members of an association simply felt that they were paying too much for advertising, for example, then they would not be allowed to collectively set the price they were willing to pay. That is not at all the same thing as we are discussing. Rather we are talking about intellectual property that is produced by the free labor of our members. Our members have every right as a collective to determine how that information is disseminated and what types of enterprises may use the information for profits.

The legal practice of intellectual property is the one true specialty in law. It is the only legal practice that has a separate bar exam. It is for this reason that we find very little understanding of these rights among the general practitioners. In fact among our own advisors it was suggested that creating and marketing our collective work in any exclusive fashion may be a criminal act. I beg each of you to read up on the topic and come to your own conclusions.

As we endeavor with new Shareholders to create a new collective and new intellectual property, let us not repeat old mistakes. We should receive a financial gain from our labor. **It is unconstitutional to strip us of our property without just compensation.** If the government wants to force us to provide our information to all other private parties for free, let them pay us for it as they did the utility companies who owned the power lines. We are standing on the shoulders of the thousands of real estate sales people who worked together to create this intellectual property. Don't let non-brokers and attorneys rob you of this legacy.

I know this article will inspire much debate and discussion. That is a good thing! Our industry certainly is changing now at a pace which is both exciting and frightening. The intensity of our resolve and our will to continue will be tested. I look forward in the coming weeks to hearing from more of you. Now is the time to get it right!

Jake Porritt
Porritt Group, PLLC

(The preceding article is solely the opinion of the author. The views and opinions of the author do not necessarily reflect the views and opinions of the North Oakland County Board of REALTORS®.)



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**Board of Directors
February, 2014**

MOTION CARRIED to approve three (3) Primary Designated REALTORS®; fifty-five (55) Primary REALTORS® and one (1) Affiliate.

MOTION CARRIED to approve the offer of Property Panorama to provide *Instaview virtual tours* to NOCBOR Primary members, whose principal brokers opt-in, for the member benefit program. NOCBOR will pay to Property Panorama the sum of .50 cents per member, per month, for a period of (6) months.

**Board of Directors
March, 2014**

MOTION CARRIED to approve two (2) Primary Designated REALTORS®; fifty-five (55) Primary REALTORS® and three (3) Affiliates.

**Flood Insurance
Signed Into Law**

On March 21, the President signed into law the **“Homeowner Flood Insurance Affordability Act.”** The bipartisan measure repeals FEMA’s authority to increase premium rates at time of sale or new flood map, and refunds the excessive premium to those who bought a property before FEMA warned them of the rate increase. Premium increases are limited to 18% annually on newer properties and 25% for older properties.

Unauthorized Entry

NOCBOR members should become familiar with **Standard of Practice 3-9** of the Code of Ethics of the National Association of REALTORS® which defines the authorized entry of individuals to listed properties.

REALTORS® shall not provide access to listed property on terms other than those established by the owner or the listing broker.

Should you permit persons unauthorized entry, you would be considered in violation of Article 3 of the Code of Ethics, and could be cited in an Ethics Complaint.

New Arrival

Congratulations, **Ben Handelsman** (Max Broock) and his wife, Reesa, on the birth of their baby boy, Shane Ethan, Shane arrived on March 11, 2014.

In Memoriam

The North Oakland County Board of REALTORS® extends deepest sympathy to the family and friends of **Michele Bradley**, (Real Estate One), whose longtime companion Jim Hernandez, passed away on February 18, 2014.

Steve Mobley, husband of **Patty Mobley** (Keller Williams Realty) passed away on March 25, 2014. NOCBOR members, Directors and staff extend their deepest sympathy to Patty and her family.

What Do You Know?

This quiz was prepared by the Real Property Valuation Committee to test your knowledge of real estate property taxes. Each can be answered “yes” or “no.” Watch for the correct answers in the June **IMPACT** issue.

1. Real estate property taxes are based on the sale price of the home?
2. Each year, taxes on homes goes up by as much as prices have increased in the area?
3. You can only correct information about a home’s age, number of baths, bedrooms, at the March Board of Review?
4. Owners cannot appeal their property taxes at the Assessor’s March Board of Review?

Go Tigers! Go With NOCBOR!

Friday, May 23rd

7:05 Game Time

**Payment due by April 15th
Call Millie or Tonya 248-674-4080**

TICKETS ONLY \$39

**Graciously underwritten by:
Ross Mortgage &
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MISSION STATEMENT

The purpose of the North Oakland County Board of REALTORS® is to enhance the ability and opportunity of its members to conduct their business successfully and ethically, and to promote the preservation of the right to own, transfer and use real property.

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Michigan Association of REALTORS® Scholarship Trust

The MAR Scholarship Trust (MARST) fund provides scholarships to full-time undergraduate and graduate students who are taking classes that will lead them to a real estate career. Students can receive up to \$2,000 per year from the fund. The application deadline is July 1 for the following academic school year. MARST Trustees actually oversee and administer two MRST funds: the Russel A. Pointer Fund and the Barney Harkins Scholarship & Educational Fund.

- Awards range from \$500 to \$2,000 and are distributed over two semesters.
- Must have at least an average grade point of 2.0 on a 4.0 scale or equivalent of a “C” average.
- Must exemplify character including demonstrated evidence of good citizenship.
- Must be taking courses which are related to the real estate field, such as real estate, business, marketing, finance or law.
- Must be a full-time student, entering junior, senior year or post-graduate work at a university or college.
- Must provide a copy of college transcript to date.
- Must complete and submit application by July 1, 2014 for the following academic year.

Contact MAR at 800.454.7842, to make a tax-deductible donation. You can also make a donation in the memory of a family member or friend.

Water Damage: Causes And Prevention

Water damage can result from many different causes: storms, flooding, broken water pipes, leaking washing machines, dishwasher and more. This can lead to mold and odor problems, if left un-repaired. Water damage can eventually cause structural damages, leading to significant costs for repairs and will affect a home’s value. Prevention is the first defense against water damage. Here are some basics on preventing water damage and its effects:

- Water supply lines to and from washing machines and dishwashers should be regularly checked for leaks. Both the hoses themselves and the connections should be examined. Even a small leak can cause water damage over time, so any leaks should be repaired immediately. If the laundry room is located on the main floor or above, damage to the floor and ceiling below can be especially problematic.
- Tank-style water heaters are prone to leaks, especially after several years of use. Over time, the bottom of the tank can rust out, causing a serious leak. Ideally, an overflow valve should be installed that will conduct leaking water to a pipe that drains either outside or to an appropriate interior drain.

• Another common source of water leaks is the icemaker supply line on the refrigerator. This line should be checked on a routine basis.

• Be aware that pipe leakage can occur inside the walls or ceiling and may be impossible to detect visually before damage has already occurred, you can check by using proper equipment such as an infrared camera to scan walls in order detect signs of moisture and identify areas of concerns.

• Gutters and downspouts should be checked to ensure that water is flowing away from the home’s exterior walls and foundation. Loose drip edge flashing and gutters allow water penetration that may be hidden from view. Check and make any adjustments, and repairs to avoid such water penetration.

• Water leak detectors can be installed at floor level near water heaters and sump pump areas. Simple, inexpensive wireless models are widely available and will sound an alarm when water is detected on the floor near these applications. We can schedule your inspection by phone, email and texting.

Support NOCBOR Affiliate Members

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Barnett, Larry (Attorney at Law)	248-625-2200
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We Are Where You Want To Be!!!

Legal Q & A

Q: My business model is such that my brokerage firm never holds buyers' earnest money deposits. Am I nonetheless required to maintain a trust account?

A: No. You are only required to maintain a trust account if you are holding money belonging to others.

Q: I am representing a seller that is selling their house to their granddaughter. Is the seller exempt from the seller disclosure act?

A: Yes. Section 3(f) of the seller disclosure act exempts transfers made to a spouse, parent, grandparent, child, or grandchild.

Q: I own a brokerage which practices traditional agency. Would it be possible to have one of my agents represent the seller and another of my agents represent the buyer in the same transaction without establishing dual agency?

A: No. In the above circumstance, all of the agents in the firm would be dual agents. In order to have your agents represent the buyer and seller exclusively, your firm would have to practice designated agency.

Q: I am REALTOR® representing two brothers who are selling property they own as joint tenants. They both have wives. Do their wives have to sign the deed?

A: No. A wife has no dower right in lands owned by her husband and another person as joint tenants.

Q: A competitor's listing agreement has a clause that provides for an automatic 6-month renewal period if the seller does not cancel the contract before the listing expires. I don't believe this is a legal contract. Am I correct?

A: Yes. There can be no automatic renewals in listing agreements. Rule 302 (2) provides:

A service provision agreement (i.e., listing/buyer agency agreement) shall include a definite expiration date and shall not contain a provision requiring the party signing the agreement to notify the broker of the party's intention to cancel the agreement upon or after the expiration date.

(This column is provided by the law firm of McClelland & Anderson)

User Friendly Version of The Code of Ethics

Article 1 – Don't lie.

Article 2 – Don't BS clients.

Article 3 – Cooperate with REALTORS®.

Article 4 – Report agency disclosure.

Article 5 – Disclose if you are the buyer.

Article 6 – Avoid side deals.

Article 7 – Get paid from one source only.

Article 8 – Escrow the money.

Article 9 – Put EVERYTHING in writing.

Article 10 – Don't discriminate.

Article 11 – Know your stuff.

Article 12 – Advertise properly.

Article 13 – Don't pretend to be a lawyer.

Article 14 - Cooperate with the Board regarding your case.

Article 15 – No bashing other REALTORS®.

Article 16 – Don't steal clients.

Article 17 – Arbitrate – don't litigate.

Michigan Appraisers Offered Education

Michigan appraisers, who need sixteen hours of continuing education, can attend classes at NOCBOR on **Friday, May 2** and **Saturday, May 3**. On Friday, May 2, **8 a.m.**, Tom Gilbert will instruct the **7 hours USPAP Course** and **2 hours Michigan Law Course** for **7 hours**, **Navigating the URAR 2-4 Family FNMA Form 1025 Course** for **\$150**.

After all segments, the student will better understand the current overall process of both the method of valuation and the mortgage underwriting concepts as they relate to the small income producing 2-4 family (form 1025). The session is a section by section review of the URAR form 1025 and form 216 Operating Income Statement. Individuals can register online at <http://www.nmu.edu/continuingeducation> or call **906-227-2103**. You must pre-register for both classes. Walk-ins will not be accepted.

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Ron St. Amant
Moving Consultant

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NOCBOR Events

April

May

June

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2	3 9:30 a.m. "Selling HUD Homes- Advance 2014 Training" (2 hrs con-ed)	4	5
7 10:30 a.m. Backdoor Workshop iPad Forum	8 9 a.m. General Membership Meeting @Forestre Banquet Center, Rochester Hills	9 10 a.m. Backdoor Workshop "Avoid Damp Basements" "What's Radon?" & "Indoor Air Quality" (3 hrs con-ed)	10	11 9 a.m.-12 p.m. Backdoor Workshop (Realcomp Training) CMA Program 1 – 3 p.m. Backdoor Workshop (Realcomp Training) Transaction Desk	12
14 9:30 a.m. Education/Tech 11:30 a.m. Government Affairs	15 9 a.m. Membership Services	16 10 a.m. Backdoor Workshop Beginners' Excel Class	17 9:30 a.m. Grievance 1 p.m. Interboard Arbitration Hearing	18 OFFICE CLOSED GOOD FRIDAY	19
21	22 10 a.m. Backdoor Workshop "Mortgage 101" (2 hrs con-ed)	23 1 p.m. Ethics Hearing	24 9:30 a.m. Con-ed (Course 1500) J. Waller	25 10:30 a.m. Real Property Valuation	26
28 9 a.m. – 5 p.m. (ABR) Accredited Buyers Representation	29 10 a.m. Backdoor Workshop RPR	30 9 a.m. Backdoor Workshop "Hardcore Regulations" (2 hrs Legal con-ed) 12:30 p.m. Executives 1:30 p.m. BODs Mtg	1 9:30 a.m. "Selling HUD Homes- Advance 2014 Training" (2 hrs con-ed)	2 8 a.m. Appraisal 7 hrs USPAP & 2 hrs MI Law	3 8 a.m. Appraisal 7 hrs URAR 2-4 Family FNMA
5 9 a.m. – 5 p.m. (ABR) Accredited Buyers Representation	6	7 9:30 a.m. Con-ed (Course 1500) S. Bell	8	9	10
12 9:30 a.m. Education/Tech	13 9 a.m. Membership Services	14 10 a.m. – 1 p.m. Backdoor Workshop "Well & Septic;" "Mold" & "Plumbing"	15 9:30 a.m. Grievance	16 9 a.m. – 3:30 p.m. "GREEN 100"	17
The REALTOR® Party Convention - D.C.					
19 11:30 a.m. Gov't Affairs	20 9:30 a.m. Backdoor Workshop Appraisers Forum- RCO3	21 9:30 a.m. Con-ed (Course 1500) J. Waller	22	23 Tigers Game	24
26	27 10:30 a.m. "Facebook for Business"	28 12:30 Executives 1:30 p.m. BODs' Mtg.	29	30 10:30 a.m. Real Property Valuation	31
2	3	4	5 9:30 a.m. "Selling HUD Homes- Advance 2014 Training" (2 hrs con-ed)	6	7
9 9:30 a.m. Education/Tech 11:30 a.m. Gov't Affairs	10 9 a.m. Membership Services 9:30 a.m. New Members' Training	11	12	13	14
16 8:30 a.m. – 5 p.m. CRS 204 Income Properties Course In Troy	17 8:30 a.m. – 5 p.m. CRS 204 Income Properties Course In Troy	18	19 9:30 a.m. Grievance	20	21
23	24	25 12:30 p.m. Executives 1:30 p.m. BODs' Mtg	26 9:30 a.m. Con-ed (Course 1500) J. Waller	27 10:30 a.m. Real Property Valuation	28 9:30 a.m. Con-ed (Course 1500) S. Bell
30					

2014 Con-ed (Course 1500)

Wednesday, May 7	Sally Bell
Saturday, June 28	Sally Bell
Friday, July 11	Sally Bell
Wednesday, August 13	Sally Bell
Thursday, August 28	Bill Haviland
Wednesday, September 10	Bill Haviland
Tuesday, September 16	Sally Bell
Monday, October 6	Bill Haviland
Thursday, October 16	Bill Haviland
Monday, October 27	Bill Haviland
Friday, November 14	Bill Haviland
Monday, November 24	Bill Haviland

Class begins at 9:30 a.m. and concludes at 3:30 p.m. 6 hrs. \$35 member/\$45 non-member, 4 hrs \$25 member/30 non-member; 3 hrs \$20 member/\$25 non-member and 2 hrs. \$15 member/\$20 non-member. (Mandated 6 hrs annual real estate education, including 2 hrs. of law, must be completed by 10-31-2015)

Location: NOCBOR nocbor.com to register

2014 Con-ed (Course 1500)

Thursday, April 24
Wednesday, May 21
Monday, June 23
Tuesday, July 22

Instructor: Jack Waller

9:30 a.m. – 3:30 p.m.

Member \$40.00/\$50.00 Non-Member

Location: NOCBOR nocbor.com to register

Accredited Buyer Representation

Monday, April 28 & May 5

9 a.m. – 5 p.m.

Instructor: Lori Chmura (Middleton Real Estate Training)

The 2 day course is accredited for 15 hours of real estate continuing education credit or can be used toward 90 hours broker pre-licensing requirement. "Theory & Practice of Buyer Agency" and "Service Delivery" will be instructed April 28 and on May 5 "Marketing Practices," "Office Policy," "Negotiations" and "Relocations" will be offered. NOCBOR members have the privilege of qualifying for NOCBOR's Education Loan Program. The elective course "GREEN 100", is included in the price, and must be completed before the ABR Designation is earned.

Before April 21 \$310.00 (included 1st year dues to REBAC)
After April 21 \$320.00 Walk-ins \$320.00

Location: NOCBOR nocbor.com to register

"GREEN 100"

Friday, May 16

9 a.m. – 3:30 p.m.

\$75

Instructor: Lori Chmura (Middleton Real Estate Training)

Students learn how to respond to consumer perceptions of what green means in the presence of a proliferation of green products, programs and businesses, as well as help consumers understand the significance of national green certifications and ratings programs for homes, energy efficiency, construction materials, and professionals.

Location: NOCBOR nocbor.com to register

Backdoor Workshops

Thursday, April 3

"Successfully Selling HUD Homes-Advanced Training" 9:30 a.m..
(2 hours con-ed)
Evdzuza Ramaj (Inside Realty)

Monday, April 7

iPad Forum 10:30 a.m.
Geoff Leach & David Henderson

Wednesday, April 9

"Avoid Wet Basements;" "What's Radon?" &
"Indoor Air Quality" 10 a.m.
(3 hours Legal con-ed)
Randy Patterson, Pillar To Post

Friday, April 11

(Realcomp Training) CMA Program 9a.m. – 12 p.m.
Realcomp Staff

Friday, April 11

(Realcomp Training) Transaction Desk 1 – 3 p.m.
Realcomp Staff

Wednesday, April 16

Beginners' Excel Class 10 a.m.
Mick Fischer, Century 21 Sakmar

Tuesday, April 22

"Mortgage 101" 10 a.m.
(2 hours con-ed)
Jamie Nummer, Somerset Lending Corp

Wednesday, April 30

"Hardcore Regulations" 9 a.m.
(2 hour Legal con-ed)
Allan Daniels, Dr. Daniels and Son

Thursday, May 1

"Successfully Selling HUD Homes-Advanced Training 2014"
9:30 a.m.
(2 hours con-ed)
Evdzuza Ramaj, Inside Realty

Location: NOCBOR

(*Free for NOCBOR members) info@nocbor.com to register

Tuesday, May 27

"Facebook For Business"
10:30 a.m.
Ben Handelsman, Max Brook

\$20.00

Location: NOCBOR

info@nocbor.com to register

40 Hours

Pre License Training

Monday, September 8, 2014
(Monday & Wednesday for 5 weeks)

NCI ASSOCIATES

North Oakland County Board of REALTORS®
4400 W. Walton Blvd
Waterford, 48329

6-10 p.m.

\$235 includes materials

Register by phone with Visa/Mastercard
No later than September 5, 2014
586-247-9800 or 586-247-9820 (fax)

NOCBOR General Membership Meeting “What’s Coming Next on Race & Real Estate-Get Ahead of the Wave”

Featuring: Sharon Davis

*International speaker with 25 years of experience in cultural-change consulting.
Davis host a weekly syndicated radio program, “A Safe Place To Talk About Race”*

Tuesday, April 8, 2014

Forestre Banquet Center
1919 Star Batt Dr. (Crooks Rd & M59)
Rochester Hills, 48309

8:30 a.m. Buffet
9:00 a.m. Program

Free to Members
(\$20 Non-Members)

SEATING IS LIMITED

info@nocbor.com to RSVP!
Before Friday, April 4, 2014



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