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NOVEMBER | DECEMBER 2008



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Chairman's Message

By Jim Ryal (REALTOR® Member)

If you've been in the workforce for as long as I have, you remember life without the PC, the Internet and Federal Express (not FedEx) as a luxury service. In many respects our business model changed dramatically, yet some aspects of customer relationship management remain the same. As REALTORS® we have a plethora of technical tools, technical services and industry specific information available to help us maximize our income, provide superior customer service, and meet our future needs. While there is much available to us, utilizing this technology and forcing ourselves to adapt to even more technologies down the road will ultimately help us reach our goals.

Have you ever heard someone say, "I think I have that feature, I just haven't learned to use it yet." If I had a nickel for every time I hear or said that about a phone, Blackberry, laptop, MS Outlook, Trend search features, tools/services provided by my Broker, Realtor.com features...you get the idea. But after some time has been allocated, what a sense of accomplishment it is to learn these "new" features and a new skill-set has been gained. Acquiring the right tools is the right first step. Thus, take a step back and make time to increase the utilization rate and reap the rewards of the tools and resources at your disposal.

As members of Suburban West, PAR and NAR we enjoy superior technical capabilities developed over the years by our professional staff and Leadership. "Two clicks to be counted" is a phrase that depicts the simplicity of responding when "Called-to Action." But we can't overlook, especially in the case of a Call-To-Action, that utilization does not happen simply by receiving the email. Utilization only happens when we execute by contacting our designated elected officials.

Think about the huge repositories of information available to us as REALTORS®. The websites of Suburban West, Suburban REALTORS® Alliance (SRA), PAR, NAR and Trend are packed with information that impacts us and how we do business. Whether your concern relates to Code of Ethics procedures, U&O regulations in a specific borough, or what the US Senate Finance Committee discussed last week related to Health Care Reform- it's all there for us. The amount of relevant information available to us is vast. Because we all suffer from some degree of information overload, our professional staff is very careful about what gets "pushed" to the general

membership. Therefore, if there is a subject more important to you, such as health care reform, bookmark a few sections on realtor.org that pertain to your concerns. We have excellent resources, it's the utilization of that information that we need to budget time for.

In this issue of REALTOR® News, we explore two improvements to our industry- Online Transaction Management and eRecording of deeds. Again, many benefits derived by those that utilize these technological improvements.

As we go to press we are witnessing a historical readjustment to our global capital markets. Where and when the markets will stabilize is unknown- the volatility index is reaching new highs each day. Yet, the securities industry has invested heavily in technology for decades-why are we witnessing such financial turmoil? Can sub-prime lending really be the cause of all the financial turbulence?

It's been a bumpy several months for our Sellers. But a search on Trend shows a significant amount of homes pending settlement. NAR released recent Pending sales data- up 7% from the prior period. The home is still a great asset. Through education, adherence to professional standards, effective communications and government affairs initiatives, Code of Ethics training, the implementation and utilization of new technical tools, the REALTOR® and its respective organizations will remain strong and optimistic for a prosperous 2009.

Thank you for allowing me to serve as your 2008 Chairman.

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CEO Update

By Anne Marie Matteo, CAE, RCE (Staff Member)



REALTORS® across the state recently participated in the “REALTORS® Reach Out” initiative organized by the Pennsylvania Association of REALTORS®. Governor Edward G. Rendell issued a proclamation recognizing the state association and its 34,500 REALTOR® members for their efforts to support the community and strengthen the unity within our marketplace.

To support this cause and build upon our “Partnership in Education” program, Suburban West once again contributed \$21,000 to three partnering organizations to assist students with their ongoing education. For the fourth consecutive year, we have given equal amounts to the Chester County Futures program, Penn State Brandywine, and the Montgomery County Community College for scholarship awards to students who demonstrate financial need and who maintain a strong grade point average. The leadership of Suburban West has a long-standing tradition of promoting education and believes that its ongoing relationship with these partners will further enhance the opportunities available to young students throughout our region.

The Board of Directors recently approved the 2009 budget which includes a line item to support the ongoing funding of the initiative through our Association of REALTORS® School. Fifteen percent of the net profit from the School will be donated to this “Partnership in Education” program.

Chaired by Sal Triolo, the Scholarship Task Force has worked hard to build this program and is committed to ensuring its ongoing viability and success. Plans are underway to host a Golf Outing on July 27, 2009 at the Chester Valley Golf Club to augment the funds necessary to support these students who are eager to create a bright future. During the next several months, these Task Force members will be seeking support and assistance in the form of sponsorships, event planning and, naturally, game-day golfers. If you are interested in lending your talents, you may contact Sal at sal@saltriolo.com or 610-280-4050.

I have had the privilege of attending a few of these convocation ceremonies when the students receive their scholarship awards. The genuine appreciation and gratitude expressed by these students is remarkable. Quite often, these young adults are met with extraordinary life challenges beyond their control or influence. So when they are presented with a financial gift that will allow them to fulfill goals and dreams that otherwise would not be possible, they are extremely grateful and truly moved by our generosity. I encourage your ongoing support of this program and hope you will make plans to attend the Golf Outing next year.



Suburban West members present to Chester County Futures' Scholarship winners, from L to R: Jerry Gea, Sandy Tapia, Keya Stanford, Veronica Wisely, and Sal Triolo.



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Suburban REALTORS® Alliance Update



Regional Recorders of Deeds Lead the Way in Innovation

By Jamie Ridge (Suburban REALTORS® Alliance President/CEO)

While most Suburban West REALTORS® Association members rarely deal directly with the County Recorder of Deeds office, they should be aware that technological advances in the recording process are being pioneered right in their backyard. These advances, including the use of “e-recording” by recorders in Chester and Montgomery Counties, have helped streamline the real estate transaction process through efficiencies that are especially important during tight economic times.



**Nancy Becker,
Montgomery County
Recorder of Deeds**

“Our goal is to increase services and access to our office in the most cost-effective manner,” Becker said.



**Ryan Costello,
Chester County
Recorder of Deeds**

“E-Recording offers our submitters the ability to conduct business with the County without leaving their office,” says Ryan Costello, Chester County’s newly-elected

Recorder of Deeds. “In today’s economy, this brings value not only in time management, but in energy savings as well.”

eRecording is the process of submitting, receiving, and processing, via a secure Internet site, real estate deeds, mortgages and other documents for recording that have traditionally been delivered to the county for recording by runner, express mail, or courier service. eRecording offers customers the ability to simplify and accelerate all aspects of the recording process, dramatically shortening the gap and improving auditability.

According to Montgomery County Recorder of Deeds Nancy Becker, the recording of electronic deeds has increased to nearly 20% in 2008. Becker says eRecording is a much quicker, efficient and economical way to record documents and return them the next, or even same day.

Along with recording various real estate-transaction documents, the Recorders offices in Chester and Montgomery Counties are also leading efforts to convert old land records presently on film and other media to digital images that will be accessible over a secure internet portal. This project will provide property owners and the real estate community with a user-friendly online experience as well a much more comprehensive and accurate historical record of land transactions in the region.

Terence Farrell, a REALTOR® and newly-elected Chester County Commissioner, deserves much of the credit for the innovations that have placed the county and region at the leading edge of “best practices” for recording and storing land records.

During his tenure as Chester County Recorder of Deeds from 2000 -- 2007, Farrell focused the bulk of his time in office launching the e-Recording system, modernizing land records, putting in place document security measures, and ensuring that residents and real estate professionals have the best possible access to both current and historical records.

The Suburban REALTORS® Alliance has spent a great deal of time building relationships with County-elected officials who are so integral to the real estate transaction process in our four-county territory. While our members may not find themselves in the Recorder’s offices on a regular basis, the launch of e-Recording and other modernization programs have no doubt made many of the transactions they are involved with much more time and cost efficient.

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Transaction Management Solutions: Get Smoother Transactions

By Michael Antoniak

Transaction management is back on track, inviting real estate professionals and their brokers to take another look at a concept that debuted a decade ago then faded away. Back then, there was more promise than practical benefits in systems for organizing all the details, documents, and correspondence that drive a successful closing.

What's driving the renewed interest? Mostly the comfort level that many now feel about working online. Although transaction management software is available, most solutions are Web-based services, creating a central spot where all parties to the deal can collaborate, contribute, and monitor progress.

How You Can Use It

For sales associates and managers, there are many benefits. With a transaction management system, you can:

- Create an organized, efficient workflow, minimizing chances anyone neglects their responsibility.
- Set up a centralized digital library and archive of relevant documents.
- Alert and allow clients to check in on completed tasks and on what needs to be done.
- Log and stamp all activity and correspondence for an audit trail of the entire process.
- Relieve the sales associate of labor-intensive chores while promoting them and their company as market innovators.

As such, real estate companies are taking notice, and many have — or are in the process of — adopting or considering a transaction management system for their offices.

For example, this past spring, an estimated 5,000 brokerages and 50,000 associate members of the Arizona Association of REALTORS® were encouraged to embrace the SureClose system developed by Stewart Transaction Solutions. The offer follows a three-year evaluation.

“Transaction management is the way of the future,” says Craig Sanford, CRI, with Realty Executives in Phoenix. As 2006 past president of AAR, he spearheaded the group’s investigation.

“For brokers, these systems reduce the manpower required for file management and the likelihood of errors,” he says. “Agents appear more professional because of the way they can get data to their clients. Eventually buyers and sellers will see the benefits of working with a company with one of these systems in place.”

The ‘Interactive Solution’

Kathy Lambert, contract administration manager with the Atlanta-based real estate investment company Novare Realty, has run more than 2,300 transactions representing 12 accounts through the company’s Settlement Room system.

“It allows me to oversee the entire process and has become our ‘go to’ place to find any document on any transaction,” she says.

She describes it as an “interactive solution for communication among agents, buyers, lenders, closing attorneys, title companies, and our internal staff. ... Since all of our data is imported daily, we are able to keep our contacts in each transaction up to date and give the best service possible,” she adds.

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However, it's not just larger companies with multisite operations that can benefit from the technology. In Middletown, Del., broker/owner Jim Young invested in Settlement Room, on a smaller scale, when he launched Colonial Real Estate as a virtual office last year. The company's 14 agents work from home, entrusting transactions to the firm's processing manager once a contract is signed.

They scan their documents into the system. From there, the processing manager takes care of everything to guide the transaction through closing.

"Clients have always complained about a lack of communication," Young says. "So here's an organizing tool which also gives them feedback, and allows them to check on the status of their deal, whenever they want. But for me, one of the biggest benefits is that there are no more file cabinets. Everything about the transaction, it's all in the system."

6 Questions to Consider First

Transaction management can be a turnkey solution to increased efficiency. But here are some questions to ask before jumping in:

1. Are you ready for the change? Present practices will temper the pace and scope of the transition to transaction management, at least initially: Are you already working with electronic forms and contracts? Collaborating and communicating online? Have a well defined workflow for managing transactions?
2. Which vendor should you use? The company behind it is as critical as the solution. Start-ups, with limited staff, may not be able to provide adequate support when it's needed most. Ask about number of users, years in business, and check references.
3. Should you use software or a Web-based service? Software is best for the individual or small office seeking a system for organizing and tracking details and documents. The

larger the staff, the more offices, and the more people you'll want to invite into your system. Then, you're likely better off with a Web-based solution.

4. What training will be involved? If sales associates aren't already technologically inclined, you'll have trouble forcing them to embrace transaction management. Vendors, and those who have made a successful transition, say training and assigning dedicated specialists — whether you call them transaction coordinators or process managers — make all the difference.

5. Should you do a phased rollout? Don't overwhelm all parties to a deal with new responsibility all at once. Make sure one group is comfortable with transaction management before adding the next. Start in-house, then invite the outside providers who help move deals along. Finally, encourage client participation, when all the kinks are out of the system.

6. Can you use it as a recruiting tool? A transaction management system, once up and running, can be a marketing tool that sets the company apart from competitors, attracts new staff, and invites repeat business and referrals from all who have experienced the convenience of this approach.

NOTE: This article is reprinted from the March 2008 issue of REALTOR® Magazine. For additional information on electronic transaction management software products, please log on to www.realtor.org/rmotechnology/buyersguide/guides/buyersguide200803.

The author, Michael Antoniak is a journalist and technology expert with a focus on real estate applications. Antoniak also writes about real estate technology at his blog, RealTechTools. He can be contacted at antoniak@dtccom.net

Legal Issues Relating to e-Transactions in Real Estate



By Mary Ellen F. Pina, Esquire

Over the past decade, the use of electronic formats for conducting business transactions has become increasingly prevalent in numerous industries, including the real estate industry. In response to this trend, various laws have been enacted. Most significant among them are the Uniform Electronic Transactions Act (“UETA”) and the federal Electronic Signatures in Global and National Commerce Act (“E-Sign”)(15 U.S.C. § 7001 et seq.). Both UETA and E-Sign establish that a contract in electronic form, and signed by attachment of an electronic symbol or signature, is legally binding and enforceable in the same manner and to the same extent as a contract which is written and signed on paper. It is important to note that both UETA and E-Sign are procedural laws only; neither alters or amends existing substantive law regarding the validity and enforceability of a contract. This article will address a number of the legal issues raised by entering into a transaction using electronic means.

UETA OR E-SIGN: WHAT IS THE DIFFERENCE AND WHICH ONE APPLIES?

The relationship between UETA and E-Sign is somewhat confusing. UETA is a uniform act proposed by the National Conference of Commissioners on Uniform State Laws (“NCCUSL”) in 1999 to be enacted by each of the states. To date, it has been enacted in forty-six states and the District of Columbia. The Pennsylvania Electronic Transactions Act (“ETA”), which adopts the official version of UETA without any changes, is codified at 73 Pa. C.S. §§2260.101 et seq. In 2000, Congress passed E-Sign in an attempt to accomplish a similar purpose as UETA but at the national level. E-Sign overlaps with UETA in numerous ways and even

incorporates some sections of UETA, but the two statutes are not identical. For example, unlike UETA, E-Sign does not address the manner in which the authenticity and validity of electronic signatures can be established. Further, E-Sign also contains comprehensive consumer notice and consent requirements not found in UETA.

E-Sign is a sweeping federal statute that applies to all transactions “in or affecting interstate or foreign commerce.” However, if a state has adopted the official version of UETA without any changes (as Pennsylvania did), the state’s Electronic Transactions Act will preempt E-Sign. UETA governs electronic transactions affecting intrastate commerce.

LEGAL REQUIREMENTS TO CREATE A VALID AND ENFORCEABLE ELECTRONIC TRANSACTION

1. Consent to Electronic Transaction

Both UETA and E-Sign require the consumer’s consent to conduct the transaction electronically. E-Sign further requires that such consent be communicated electronically and allows a consumer to withdraw his consent to the use of electronic records at any time. In light of the foregoing, any business which intends to conduct transactions electronically will need to address the following issues prior to undertaking such transactions: (1) obtaining all necessary consumer consents to the electronic transaction - both consent to the receipt of electronic records and consent to the use of electronic signatures; (2) disclosing to consumers their right to withdraw consent at

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any point in the transaction, including notice of the attendant consequences (such as additional costs or delay in closing of the transaction) and providing adequate means for consumers to do so; and, (3) developing appropriate disclosure documentation concerning the use of and access to electronic records. Further, in light of E-Sign's provision providing for withdrawal of consent to the use of electronic records, a set of traditional paper documentation should be maintained for each transaction in addition to the electronic version.

2. Authentication of e-Signatures

UETA and E-Sign extend to the arena of e-transactions the traditional view of what constitutes a valid signature, i.e., that any symbol made with the intent to sign a document constitutes a legally valid signature. Neither UETA nor E-Sign requires the use of a particular form of electronic signature to execute a document electronically. Rather, both adopt a very broad definition of the term "electronic signature" and provide that the parties may agree upon the particular form and technology to be used. Further, both laws leave the issue of the effect of an electronic signature to be determined by the context of the individual transaction.

3. Notarization and Attestation

All real estate closings require the notarization and/or attestation of certain key documents, such as the deed. Both UETA and E-Sign provide that this requirements can be satisfied in connection with electronic transactions, as long as the electronic signature of the person authorized to notarize or attest the document, together with all other information required to be included by applicable law, is attached to or "logically associated with" the signature or record.

4. Recording

Regardless of whether the transaction is conducted electronically or on paper, the same recording requirements apply. Unfortunately, at present, very few locales are equipped to handle electronic recording. In the event that electronic recording of documents is not available, the requirements of the traditional paper recording system apply.

Mary Ellen F. Pina, Esquire is an Associate with Connor, Weber, Oberlies law firm in Paoli. As counsel for the Suburban West REALTORS® Association since 2000, the attorneys at Connor, Weber and Oberlies are available to assist and advise in every facet of residential and commercial real estate transactions. Please feel free to call 610-640-2800 to speak with an attorney should you have any questions or concerns relating to the information contained in this article.



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What is Communication?



By Joyce Polselli-Hamid, ABR, CRS, GRI (REALTOR® Member)

Many times we are told that REALTORS® fail our clients mostly in communication. Just when we thought we were communicating fine, we are told by our clients or some survey that NAR publishes, that we fail to effectively communicate. This is probably most frustrating for all REALTORS® who view ourselves as professionals and work very diligently at effective communication.

And it happens to all of us sometime when we least expect it, a client calls our Broker to complain about us. We can't believe it! And I'm sure sometimes it's just our sellers or buyers are frustrated because we haven't been able to sell their home or find the right one in a timely fashion. But other times, we probably held ourselves back from contacting our client because we didn't have the news we know they want to hear and we can't bear their disappointment. We forget that they are looking to us for direction.

We must always have a communication plan to help our clients through the situation of selling and/or buying homes. And we must follow it. A professional communication behavior gives our clients security and ensures our success.

But really what is communication?

Over the years, I have learned what communication is not.

First and foremost, it is not manipulation. The idea that you can control your clients by certain acts is ludicrous and just wrong. If you think they don't know what you are doing, you are wrong. You really don't fool people. It's probably one of the most important reasons people frequently don't want to use realtors to help them in their real estate transactions. You should be showing them the way and guiding not manipulating.

Second, communication is not having a preconceived idea of what someone wants and expects. You must ask questions to find out what is most important to each client. In order to do this, you must empty your mind first and let your client fill it and take notes.

Third, it's not deciding that your client is wrong about his or her motivations, needs, desires, likes or dislikes. We are not psychologists. Whatever his or her motivations, needs, desires, likes or dislikes are, they are theirs. I grew up in the restaurant business and one thing I was always told to remember was simply "THE CUSTOMER IS ALWAYS RIGHT". Why? Paying for a service makes them right.

Fourth, it's not saying you are going to contact them and then you get too busy and forget. You must figure out how to set up a system to never let them down.

So what is communication? First and foremost, it is listening with all your attention. It's being present with your client. Not having anything else on your mind except your conversation with your client; and then, taking the action necessary to let your client know that you heard him. If you do this, you should be successful most of the time.

Second, and not any less important, it is to be understanding. You must get to know your client and understand their needs, wants, desires and motivations. Spend time and ask questions.

Third, you must be honest and honest all the time. Being honest I think is scary for a lot of people. We are afraid of the reaction we may encounter. Don't be. Only honesty really helps people and most are grateful for it.

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Fourth, always be compassionate towards your clients. Your true compassion helps them make the right decisions. They will feel good about you and guarantee complements and referrals.

So by developing a professional communication behavior you will be more effective in guiding and helping your clients through their real estate transactions. You will be more successful by listening, understanding, being honest and compassionate about their experiences. These traits will make you an effective communicator and a successful REALTOR® for life.

Joyce Polselli-Hamid, ABR, CRS, GRI is a REALTOR® with the Exton office of Keller Williams Real Estate. Joyce has been an active member of the Association since 1994 including serving on the organization's Governance Task Force and as a candidate for the 2008 Board of Directors. You can contact Joyce at joycehamid@kw.com.




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ASSOCIATION NEWS In Brief

Legal and Legislative

- **Housing stimulus bill signed by President Bush** - President Bush has signed a broad-based housing stimulus bill that includes a myriad provisions designed to benefit consumers and the housing industry. Among the measures in the new law is a first-time homebuyer tax credit that is available for any qualified purchase between April 8, 2008 and June 30, 2009.

- **Housing Collapse Ahead? Not According to the Data** - In a Washington Post feature, three economists from Columbia University and Wichita State University shared their mutual conclusions that the wave of foreclosures will not have a devastating effect on home prices. They noted that declines of more than four percent have occurred in only four states: Arizona, California, Florida and Nevada, according to the house price index of the Office of Federal Housing Enterprise Oversight, an index that includes a broad coverage of markets across the country, representing more than three quarters of U.S. homes sales.

Association

- **New Supra Reciprocal Agreement Announced with Kent County** - A new reciprocal agreement is announced between Suburban West and the Kent County Association of REALTORS® for the Supra Electronic keybox system. Both Boards are now allowing either group of members to access to each organization's Supra keybox system on a reciprocal basis.

Members who are interested in adding Kent County to their access list may contact Jim Lotkowski at **610-560-4800** or jlotkowski@suburbanwestrealtors.com for more information.

Recognition

Recent Recipients of ABR Designation - The Suburban West REALTORS® Association acknowledges the following REALTOR® members who have recently received their Accredited Buyer Representative Designations.

This is a designation that is known as the "benchmark of excellence in buyer representation." The Real Estate Buyer's Agent Council, Inc. (REBAC) of the National Association of REALTORS® awards this coveted designation to REALTORS® who meet the following criteria: completion of the two-day ABR designation course and passing the written exam; maintain membership in REBAC (one year membership is included with registration for the designation course) and NAR; complete one ABR elective course within the three years of completing the two-day designation course; and document five completed transactions as a buyer representative. Transactions may have occurred before taking the ABR designation course within three years of taking the designation course.

- **Lynne Carestio- Prudential Fox & Roach**
- **Carol A. Jones- Keller Williams**
- **Karen N. Lewis- Prudential Fox & Roach**
- **Donna Marie McCole- Long & Foster**
- **Carina McCreary- Weichert REALTORS®**
- **Melissa Secott- RE/MAX Town & Country**
- **Kathleen Hawkins- Century 21 Alliance**



Guy Matteo Awarded Pennsylvania

REALTOR® of the Year-

In late September, the Pennsylvania Association of REALTORS® (PAR) honored Guy A. Matteo as their 2008 REALTOR® of the Year. At the fall business meetings in

Harrisburg, PAR selected REALTOR® Matteo for this honor in recognition of his meritorious contributions to the advancement of the profession and the real estate community at-large. A REALTOR® for 21 years, Matteo currently serves as the 2008 Treasurer of the State Association. He has served in several key leadership positions at all levels of the

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REALTOR® organization, and is an Associate Broker with RE/MAX Preferred in Newtown Square. We are proud of his achievements and extend our collective congratulations to him!

Memorial Notices

Linda Coyle, REALTOR® member of Weichert in Kennett Square, passed away on September 14th. Donations may be made in her memory to The American Cancer Society, Westtown Office, 1615 West Chester Pike, Suite 102, West Chester, PA 19382.

Arthur L. Wheeler, Sr., formerly of Prudential Fox & Roach REALTORS® and a founder of Wheeler -Williams Real Estate, passed away on Saturday, October 4th. Arthur served as president of the Main Line Board of REALTORS® in 1960 and was later designated as an honorary member of the Board in 1991

through 2006. Arthur is the father of current REALTOR® members Arthur (Avie) Wheeler, Jr. and Leslie Wheeler, both of Prudential Fox & Roach REALTORS®. Memorial donations may be made to the Beaumont Fund in care of Beaumont at Bryn Mawr, 601 N. Ithan Avenue, Bryn Mawr, PA 19010.

Joseph A. Puleo, formerly the Broker-Owner of J. Puleo and Sons Real Estate, passed away on Saturday, October 4th. Having become a REALTOR® in 1974, Joe served as President of the Chester County Association of REALTORS® in 1992. Joe is the brother of current Designated REALTOR® Francis J. Puleo and the uncle to REALTOR® Trish Puleo, both of F.J. Puleo Management. Memorial donations may be made to the American Cancer Society at 1615 West Chester Pike, Suite 102, West Chester, PA 19382.

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REALTORS® Must Respect the Agency Relationships that Other REALTORS® Have with Clients

By Paula Tansey, RCE, e-PRO (Association Staff)

Article 16 directs REALTORS® “not to engage in any practice or take any action inconsistent with exclusive representation or exclusive brokerage agreements that other Realtors have with clients.” Standard of Practice 16-13 elaborates on this principle by stating that “all dealings concerning property exclusively listed, or with buyer/tenants who are subject to an exclusive agreement shall be carried on with the client’s representative or broker, and not with the client, except where such dealings are initiated by the client.”

Case #16-18 deals with a REALTOR® who assumed consent for direct contact.

REALTOR® A, who held an exclusive listing of Client B’s property, invited REALTOR® C to cooperate with him. When REALTOR® C, shortly thereafter, received an offer to purchase the property and took it to REALTOR® A, the latter took REALTOR® C with him to present the offer to Client B, and negotiations for the sale were started. The next day, REALTOR® C called on Client B alone, recommended that he accept the offer which was at less than the listed price, and Client B agreed. The contract was signed and the sale was made.

These facts were detailed in a complaint by REALTOR® A to the Board of REALTORS® charging REALTOR® C with unethical conduct in violation of Article 16, having made his second contact with the client without his, REALTOR® A’s, consent.

At the subsequent hearing, REALTOR® C defended his actions on the basis that since he had been invited to cooperate with REALTOR® A, and particularly since REALTOR® A had invited him to be present when his offer was presented to the seller, REALTOR® C had assumed that he had REALTOR® A’s consent for subsequent direct contacts with Client B. He stated further that he had a good reason for going alone because in his first visit to the client, REALTOR® A had undertaken to present his, REALTOR® C’s, offer without fully understanding it and had made an inept presentation. Questioning by members of the Hearing Panel revealed that there had been some important considerations that REALTOR® A had not understood or explained to the client.

The conclusion of the panel was that the consent of the listing broker required by Article 16, as interpreted by Standard of Practice 16-13, cannot be assumed, but must be expressed; and that REALTOR® C had violated Article 16 by negotiating directly with REALTOR® A’s client without REALTOR® A’s consent.

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