



# NORTH CAROLINA REAL ESTATE COMMISSION

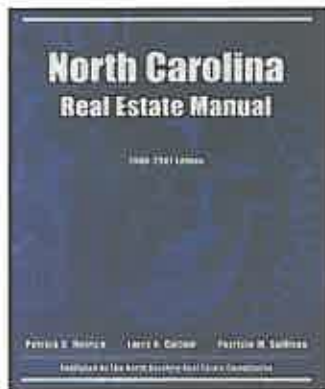
## Real Estate Bulletin

Volume 31

Fall 2000

Number 3

### Commission publishes *N.C. Real Estate Manual*



**T**he Real Estate Commission is pleased to announce the publication of the *North Carolina Real Estate Manual, 2000-2001 Edition*. Offered by the Commission as the definitive work on the legal aspects of real estate brokerage practice in North Carolina, the *Manual* is an essential reference book for real estate licensees, instructors, attorneys and all others interested in North Carolina real estate law and brokerage practice. It will also serve as the authorized text for the new real estate broker prelicensing course.

Content of the *Manual* is based primarily on the Commission's discontinued textbook, *North Carolina Real Estate for Brokers and Salesmen*, which the *Manual* replaces. With over 700 pages, it provides in-depth coverage of such topics as basic real property law, brokerage contracts,

(continued on page 17)

## Commission proposes to amend rules

The Real Estate Commission, pursuant to authority vested in it by N.C. General Statutes, proposes to amend certain rules contained in Title 21, Chapter 58 of the N.C. Administrative Code, regarding:

### Agency Agreements and Disclosure

In response to recent recommendations made by the Commission's *Agency 2000 Advisory Committee*, the Commission proposes changes in the rules governing disclosure of agency status. [See "Commission approves recommendations of Agency 2000 Advisory Committee" on page 7 of this *Bulletin*.]

### Real Estate Courses, Schools and Instructors

Proposed changes would affect the rule concerning repetition of continuing education (CE) courses by permitting a CE elective course to be taken only once during a three-year period. Another proposed change would eliminate the requirement that applicants for a license to operate a private real estate prelicensing school must have a lease that covers the entire license period if the applicant does not own the school facility.

An amendment would require continuing education course sponsors to provide prospective students with cancellation and fee refund policies prior to accepting payment for courses.

If adopted, the amended rules will become effective at a date that allows adequate time for licensees to become familiar with the changes. Anyone interested in the Commission's proposals may present comments at a public rulemaking hearing to be held:

**November 15, 2000, 3:00 p.m.**  
**Real Estate Commission Office**  
**1313 Navaho Drive**  
**Raleigh, NC 27609**

Persons wishing to submit written comments should deliver them as soon as possible (but in no event later than the hearing date) to:

**N.C. Real Estate Commission**  
**P.O. Box 17100**  
**Raleigh, NC 27619-7100**

### Announcing. . .

**Commission employment opportunities! Please see pages 11-16.**

## REAL ESTATE BULLETIN

Published quarterly as a service to real estate licensees to promote a better understanding of the Real Estate License Law and Commission Rules, and proficiency in real estate practice. The articles published herein shall not be reprinted or reproduced in any other publication without specific reference being made to their original publication in the North Carolina Real Estate Commission Real Estate Bulletin.

### NORTH CAROLINA REAL ESTATE COMMISSION

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Raleigh, North Carolina 27619 - 7100  
Phone 919/875-3700  
James B. Hunt, Jr., Governor

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Pamela V. Millward . . . . . Assoc. Lgl. Counsel  
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### Editor - in - Chief

Phillip T. Fisher

### Editor

Carrie D. Worthington

# Commission Staff Update



Brian R. Allan

The Real Estate Commission recently filled a position in its Audits and Investigations Division by employing Brian R. Allan as an Auditor/Investigator. Brian graduated from UNC-Wilmington with a B.A. in political science. A U.S. Air Force Veteran of a police unit, he is a former Police Officer for the City of Raleigh.

Brian is a licensed real estate broker and worked for a Raleigh brokerage

firm prior to joining the Commission staff.

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Auditor/Investigator Stephen L. Fussell has reassumed his position as Consumer Protection Officer in the Legal Services Division to answer inquiries from licensees and consumers and investigate consumer complaints against licensees. A UNC-Chapel Hill graduate, Steve completed additional studies at N.C. State University prior to his employment with a Raleigh real estate firm as a licensed broker. Steve has been a member of the Commission staff since 1991.

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## REGISTRATION FORM

for

## 2000 BASIC TRUST ACCOUNT PROCEDURES COURSE MONTHLY - RALEIGH

Four (4) hours continuing education elective credit will be awarded for completion of the course. The course begins at 1:00 p.m. and ends at 5:00 p.m. It is held at the McKimmon Center.

The course is intended for brokers and trust account bookkeepers. Salespersons will be admitted on a space available basis. Each session is limited to 40 participants, scheduled according to date received.

Complete this form (make copies for additional persons) and mail with a check for \$35 tuition fee to be received by the Commission no later than 7 working days prior to date of preferred session. Walk-ins will be accepted on a space available basis only.

☐ December 5

☐ February 6

Name \_\_\_\_\_ Phone \_\_\_\_\_ (Daytime)

Address \_\_\_\_\_ (Street, P.O. Box, etc.) (City) (State) (Zip)

☐ Broker (License No. \_\_\_\_\_) Mail to: NC REAL ESTATE COMMISSION  
Attention: Audits and Investigations Division  
☐ Salesperson (License No. \_\_\_\_\_) P. O. Box 17100  
Raleigh, NC 27619-7100

☐ Bookkeeper

Enclose \$35 tuition fee

# Commission Staff Update

(continued from page 2)

Consumer Protection Officer **Robin F. Oliver** has transferred from the Legal Services Division to serve as an Auditor/Investigator in the Commission's Audits and Investigations Division. Robin graduated from N.C. State University with a degree in English Literature. Prior to joining the Commission staff in 1995, Robin worked as a licensed real estate salesperson with a Raleigh firm and also as Office Manager at an insurance agency.

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**Peggy Chow** has been promoted to the position of Accounting Technician in the Commission's Administration Division. A native of China, Peggy has been in the United States for three years. She now lives in Morrisville. Peggy was working in retail sales in the Research Triangle Park when she joined the Commission Staff as a Records Specialist in 1999.

As Accounting Technician, Peggy will assist the Financial Officer in performing bookkeeping services necessary to maintain the Commission's financial records.

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**Reneé P. Weaver** has rejoined the Commission staff as a Records Specialist. Reneé was previously em-

ployed with the Commission from 1991 - 1999, serving in both the Administration and Education and Licensing Division and in positions that included Records Specialist, Education/Continuing Education Specialist and Accounting Technician.

Reneé has also worked for the N.C. General Assembly as well as at various Raleigh businesses.

As Records Specialist, Reneé will assist with updating and maintaining licensee records and will be responsible for performing all optical imaging duties.

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The following Commission staff members have made appearances before various real estate industry and related groups since the last issue of the *Bulletin*. Director of Education and Licensing **Larry A. Outlaw**, Assistant Director of Legal Services **Miriam J. Baer** and Deputy Legal Counsel **Janet B. Thoren** addressed the N.C. Association of REALTORS® at its Annual Convention in Myrtle Beach. Also at the Convention, Sr. Auditor/Investigator **Gary R. Caddell** conducted the Commission Trust Account Course. (continued on page 4)

## REAL ESTATE COMMISSION PUBLICATIONS ORDER FORM

	No. Copies Requested
<i>Residential Property Disclosure Statement and Guidelines</i> (Please limit request to one copy.)	_____
<i>Residential Square Footage Guidelines</i> (Please limit request to one copy per agent per firm.)	_____
<i>Questions and Answers on: Tenant Security Deposits</i>	_____
<i>Questions and Answers on: Fair Housing</i>	_____
<i>Questions and Answers on: Condos and Townhouses</i>	_____
<i>Questions and Answers on: Who Agents Represent</i>	_____
<i>Questions and Answers on: Purchasing Coastal Real Estate in North Carolina</i>	_____
<i>Questions and Answers on: Renting Residential Real Estate</i>	_____

Name \_\_\_\_\_ Phone Number (including Area Code) \_\_\_\_\_

Street Address (NOT P.O. BOX) \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### Instructions

1. You may request single copies of these free publications by returning this Order Form or calling the Commission office (919) 875-3700, menu option 0.
2. To order multiple copies of these publications, please complete this Order Form and return it to the N.C. Real Estate Commission, P.O. Box 17100, Raleigh, N.C. 27619-7100. Attention: Publications.
3. Please allow two weeks for delivery.
4. Please understand that orders of more than 50 copies require special consideration.
5. The Residential Property Disclosure Statement and Guidelines may be duplicated as needed.

## EXAM RESULTS

	Passed	Failed
June		
Brokers	58	49
Salespersons	441	281
July		
Brokers	96	80
Salespersons	394	317
August		
Brokers	128	90
Salespersons	422	288

# Commission Staff Update

(continued from page 3)

Assistant Director of Legal Services **Miriam J. Baer** discussed issues of special interest and concern to the Real Estate Commission when she spoke to the Wilson Board of REALTORS® . . . The topic was also issues of special interest and concern to real estate practitioners when Chief Deputy Legal Counsel **Blackwell M. Brogden, Jr.**, spoke at a meeting of the Jacksonville Board of REALTORS® . . . and Legal Education

Officer **Patricia M. Sullivan** spoke on new broker license requirements, property management and related issues at a meeting in Raleigh of the Institute of Real Estate Management, Chapter 105.

*(Individuals and groups requesting a speaker from the Real Estate Commission are reminded that a "Request for Program Presenter" form is available from the Commission Office or by calling (919) 850-2757 for Document No. 510.)* □

## Commission hosts ARELLO Investigators' Workshop

By **Emmet R. Wood, Director of Audits and Investigations**



**Frank Li Wing-Chi, Manager of the Complaints and Investigation Section of the Hong Kong Estate Agents Authority, addresses attendees.**

On July 19-21, the North Carolina Real Estate Commission hosted the *2000 ARELLO Advanced Investigator Workshop*. Held in Durham, this annual workshop was attended by 30 auditor/investigators from 11 different states from across the country as well as Alberta, Canada and Hong Kong. Participants received training in the

field of real estate auditing and investigating and credit toward ARELLO's Certified Real Estate Investigator (CREI) designation.

The Commission's Executive Director, **Phillip Fisher**, opened the workshop by welcoming the participants to North Carolina. Assistant Director of Legal Services **Miriam Baer** gave an informative presentation on loan fraud and agency.

The Commission's Director of Audits and Investigations, **Emmet Wood**, gave a presentation on "Audit Red Flags."

Other Commission staff members attending the workshop were Sr. Auditor/Investigator **Jennifer Boger** and Auditor/Investigators **Michael Gray**, **Steve Fussell**, **Brian Thomas** and **Bill Dowd**. ■

## And the winners are . . .

The Commission congratulates **Jody Bakst** of Chapel Hill and **Victoria Graham** of Asheville, this year's recipients of scholarships recognizing achievement at the North Carolina REALTORS® Institute. The scholarship winners were announced by the North Carolina Real Estate Educational Foundation.

Commission Member **Mona S. Hill** presented the *Blanton Little Scholastic Achievement Award* to Ms. Bakst at a meeting of the Chapel Hill Board of REALTORS®, and Commission Member **Wanda J. Proffitt** presented the *Joe Schweidler Memorial Scholarship* to Ms. Graham at a meeting of the Asheville Board of REALTORS®.

Sponsored by the Real Estate Commission, the scholarships are awarded annually in honor and memory of former Commission Executive Directors **Joe Schweidler** and **Blanton Little**.

**Mr. Schweidler** served as the Commission's Executive Director from 1960 - 1975, and **Mr. Little** served from 1975 - 1981. □

## Commission honored

**J. Alan Holden**, President of the N.C. Vacation Rental Managers Association, recently presented a plaque to the Commission in appreciation of the Commission's support of the vacation rental industry through its efforts leading to the passage of the *Vacation Rental Act*.

Commission Member **Billie Mercer** and Executive Director **Phillip Fisher** accepted the plaque on behalf of the Commission. ■

### Please note...

The annual *Trust Account Course Caravan* starts in March. Please refer to the registration form on page 9 of this *Bulletin* for course dates and times. The registration form for the regularly scheduled courses in Raleigh appears on page 2. ■

# Reminder regarding: Licensing requirements effective October 1, 2000

By Anita R. Burt, Education and Examination Officer

Recent changes in the Real Estate License Law place increased emphasis on real estate prelicensing education for all license applicants. These changes open the door to broker status via additional education for large numbers of real estate salespersons who may have dreaded the prospect of having to pass another licensing examination. These and other significant changes effective in October of 2000, including the option to take the licensing examination by computer, affect applicants for real estate licenses in North Carolina.

As of October 1, 2000, a new single real estate licensing examination replaces the separate broker and salesperson examinations. The introduction of the new single licensing examination does NOT eliminate the separate salesperson and broker licenses, as some people have erroneously assumed. Separate salesperson and broker licenses will continue to be issued, with the distinction between the two levels of licensure based primarily upon the amount of prelicensing real estate education completed by the license applicant.

Each licensed North Carolina real estate salesperson may apply for a broker license without taking an additional licensing examination provided he or she completes the new 60-hour broker prelicensing course at an approved real estate school and passes the final course exam. [Note: If a salesperson has completed *all three* 30-hour Commission-approved broker courses that were offered prior to October 1, 2000 within three years of application filing, the Commission will recognize completion of those courses in lieu of completing the new 60-hour broker course.]

Also effective October 1, 2000, the minimum number of classroom hours for the *Fundamentals of Real Estate* course increased from 30 hours to 67 hours. Salesperson applicants must

complete the *Fundamentals* course at an approved real estate school and must pass the real estate licensing examination.

The introduction of computerized licensing examinations promises to greatly expedite the application-examination-licensing process for applicants required to take the licensing examination. The Commission has contracted with Psychological Services Inc. (PSI) to handle the scheduling and administration of examinations by computer. Testing by computer is available weekdays and Saturdays in multiple locations around the state. The paper and pencil method of testing is still available once a month in Raleigh and Charlotte for applicants who elect to take the examination in the traditional manner. Applicants electing to take the examination by paper and pencil are still subject to the monthly application filing deadlines, but applicants electing to take the examination by computer may submit applications at any time and are processed on a first come - first served basis.

The license application fee remains unchanged at \$30. However, applicants electing to take the examination by computer must pay an additional \$58 testing fee to PSI after their application has been approved by the Commission. Most applicants choosing the computer testing option will find that the entire application-examination-licensing process can be completed in 2-3 weeks, as compared to 6-10 weeks if the applicant chooses to take the examination by paper and pencil.

The required new license application form as well as important details concerning license qualification requirements and the license application process are available in the new edition of *Real Estate Licensing in North Carolina*, available free of charge upon request to the Commission. □

## From the Mailbag . . . Identifying Listing Agents/Firms

By Miriam J. Baer, Assistant Director of Legal Services

**Q:** I belong to a listing service which permits me to print listing sheets without the name of the listing agent and listing firm. May I create a cover sheet showing my name and company, put these sheets in a package and mail them to a prospective purchaser who has indicated an interest in retaining our firm?

**A:** Maybe not. The Real Estate License Law prohibits a licensee from misrepresenting material facts and misleading clients and customers as to whom the licensee represents. Therefore, it is improper for a licensee to make it appear that another firm's listings are his or her own. If a licensee provides a prospective purchaser with property data sheets that do not identify the listing agent or firm, and instead provides a cover sheet that states or implies that the properties are the licensee's when they are not, the licensee's conduct is misleading.

There could be circumstances, however, where it would not be misleading to provide a buyer with property data sheets that do not identify the listing agent. For example, if the licensee makes it clear on a cover sheet that the properties described are not the licensee's listings, then no misrepresentation has occurred.

In determining whether a violation has occurred, the Commission's legal staff will evaluate whether a reasonable recipient of such information would mistakenly believe that the property described is listed by the licensee who provided the data sheets. If so, the legal staff could pursue disciplinary action.

Consider the following common scenario. A licensee provides a buyer-client with property data sheets for each of the properties the licensee intends to show the client that day. The data sheets do not identify the listing agent/firm. However, the licensee explains that the properties are not listed by his or her firm, and then

(continued on page 6)

# Impact of wastewater treatment regulations on real estate licensees

By Blackwell M. Brogden, Jr., Chief Deputy Legal Counsel

Every year, several licensees are disciplined for some form of concealment or misrepresentation of material fact relating to septic systems. In order to avoid being the subject of a complaint, you as a real estate licensee should be generally aware of the regulatory program for septic systems and also understand how the program is locally administered.

Presently in North Carolina, local county health departments administer a septic permit program under state regulation and supervision. Certain types of septic treatment solutions require a permit directly from a state agency, others from the county health department.

Once issued, a septic permit does not remain valid indefinitely. Although this was once true, in 1983, a three-year life was imposed on permits (later raised to five years). If a system was not installed during the three- (or five-) year life of the permit, a new permit had to be obtained. The new permit was subject to whatever standards were in effect at that time - not standards that were in effect three (or five) years earlier when the original permit was issued, and there was no guarantee that a permit would in fact be available.

Recent legislation has eased this situation by requiring the health department to re-issue expired permits under certain circumstances. However, the re-issued permit generally will require the use of additional technology to improve system performance.

Similarly, the state can terminate a septic system permit for changed conditions on the property, including soil which is inadequate to support the system, use in excess of system design or permit, or false statements made to obtain a permit. Termination (or denial) of a permit renders a property unuseable for residential and

many commercial purposes. Therefore, the fair market value of a property is dramatically affected by the septic system permit availability and soil suitability.

What if a purchaser buys property for residential purposes and isn't told that it doesn't "perc?" North Carolina court decisions have compelled builders, lot sellers and developers to pay damages or re-purchase properties in some circumstances when those properties could not be used due to unsuitability for septic system installation or operation.

A licensee who makes statements about a property with regard to septic system use must have an adequate factual basis for such representations. If a listing agent does not know for certain the correct facts about septic system use or permitting for a property, the agent must make an adequate investigation of the facts **before making any representations about the property**. Likewise, an agent working with a buyer must remain alert to any "red flags" in a transaction that might require the agent to undertake an independent inquiry into septic system use on a particular property.

Licensees must be truthful in rental transactions as well as sales transactions. Septic permit regulations generally specify a design parameter of two persons *per bedroom listed on the permit* (not the number of rooms in which an owner or agent places beds or the number of beds actually in the property). Thus, when determining occupancy limits, a licensee must use all necessary diligence to convey only correct information about permitted occupancy of a property served by a septic system even in a rental transaction, despite economic pressures to increase rental income by advertising higher occupancy levels. Because it is unlawful for an owner to use a property in excess of the occupancy limit

imposed by a septic system permit, a licensee cannot willingly or negligently cooperate with the owner in flouting the permit limits.

When the property in a transaction is vacant land and must utilize a permitted wastewater treatment system, a licensee should advise all parties to make an adequate investigation of the suitability of the property for a permitted system. A party to such a transaction who is making sale or purchase decisions based on the intended use of the property should be cautioned to determine not just the availability of a permit but to also determine whether the permit will meet the party's intended use of the property.

## Caveat

As a real estate agent in sales and/or rental transactions, you must make every reasonable effort to ensure that your representations are correct concerning septic system permit availability and occupancy limits on properties served by septic systems. Relying on the representation of a property owner alone is not enough! □

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## From the Mailbag . . .

(continued from page 5)

takes the buyer to tour each property. At each of the subject properties, the listing agent/firm's "FOR SALE" sign is in the yard and the listing agent's promotional literature is inside. Here, no violation has occurred: an ordinary, reasonable buyer would not mistakenly believe that the properties are listed by the buyer agent.

## Caveat

While there are circumstances when the omission of the listing agent and firm from a property data sheet does not violate the law, inclusion of this information will eliminate the possibility of confusion. □



# Commission approves recommendations of Agency 2000 Advisory Committee

By Phillip T. Fisher, Executive Director

The Real Estate Commission recently revisited the issue of agency by forming an advisory committee to study various agency-related topics. The committee was composed of real estate professionals from across the state, including persons engaged in commercial real estate brokerage and buyer agency.

Commission member Marsha Jordan served on the committee *ex officio*, and Executive Director Fisher facilitated the discussion. Special Deputy Attorney General Thomas R. Miller, Director of Education and Licensing Larry A. Outlaw, and Assistant Director of Legal Services Miriam J. Baer were advisors to the committee.

At its first meeting, the committee identified the most immediate problem with agency agreements and disclosure from the perspective of the practitioner; namely, the reluctance of prospective buyers to sign the *Disclosure to Buyer from Seller's Agent or Subagent* form during their initial meeting with the broker or to execute and enter into a written agency agreement (especially an exclusive buyer agency agreement) before a rapport and good will have been established with the agent. According to the committee members, many agents continue to work with and expend time and effort on behalf of prospective purchasers without a written agency agreement, which not only subjects them to disciplinary action by the Commission but also may prevent them from receiving any compensation [Commission Rule A. 0104(a)]. The committee members were concerned that the *Disclosure to Buyer from Seller's Agent or Subagent* form was "legalistic" and intimidating to some buyers.

## "Transaction Broker"

In its search for solutions to this problem, the committee considered "non-agency relationships" ("transaction broker," "intermediary," "facilitator," etc.). At the request of the committee, the Commission staff reviewed and reported on agency laws in other states, focusing primarily on states that permit some form of non-agency.

Mr. Miller advised the committee that courts are reluctant to relieve real estate practitioners of the common law duties imposed upon agents, and the committee acknowledged the similarity which currently exists between non-agency relationships and dual agency as practiced under dual agency agreements and addenda executed on North Carolina Association of REALTORS® standard forms. The committee recognized that statutory changes would be necessary to provide for "non-agency relationships" or "presumption of buyer agency," which was also discussed. Concerned about further confusing agents and consumers, the committee made no recommendations to the Commission for legislative solutions at this time.

## Unwritten, Non-Exclusive Buyer Agency

To address the dilemma encountered by agents dealing with prospective buyers who are reluctant to sign a written agency agreement at "first substantial contact," the committee explored replacing the current rigid and formidable "first substantial contact" approach with a more flexible disclosure system. It considered a concept whereby agents would, upon their first substantial contact with

buyers, provide and review with buyers a brochure describing the various agency relationships.

If the buyer elects not to enter into a written agency agreement at that time, the agent and buyer could enter into an **unwritten** (oral) agreement where the agent would act as the buyer's "non-exclusive agent." The agent could then work with the buyer (including showing properties), but if the buyer ultimately wishes to make an offer on property using the agent's assistance, the agent would be required to have the buyer sign a written agency contract.

In the event a buyer refuses to enter into a written agency agreement at the time of making an offer to purchase, the "non-exclusive" agent would no longer be able to represent the buyer. Although during the oral agreement period buyers would be able to work with other firms and agents, it would at least afford the originating agent an opportunity to establish a rapport with the buyer that might eventually ripen into a written, exclusive agency relationship. The committee agreed in concept with this approach.

## Agency Brochure

Regarding the use of the current *Disclosure to Buyer from Seller's Agent or Subagent* form to alert buyers when the agent with whom they are working is an agent (or subagent) of the seller, the committee endeavored to create in its place a brochure containing general information for buyers and sellers concerning agency relationships which would be given to all prospective buyers and sellers at "first substantial contact" with them. In doing so, it would then not be

# Commission approves recommendations of Agency 2000 Advisory Committee

(continued from page 7)

necessary to include the *Description of Agent Duties and Relationships* statement in listing agreements, buyer agency agreements or other agreements for real estate brokerage services as currently required. After examining a similar brochure mandated by the South Carolina Real Estate Commission and a brochure developed by the North Carolina Association of REALTORS® "Evolving Agency Task Force," the Real Estate Commission staff and committee members developed several draft brochures, the last version of which was edited by a professional writer to better assure that its contents could be easily understood by real estate consumers. To encourage its use, the committee determined that the Commission should produce and make available to real estate firms and others for copying purposes 8 1/2" x 14" camera-ready copies containing graphic enhancements which would be easily reproducible and contain space for real estate firms to identify themselves.

## Recommendations

At the conclusion of its meetings, the committee recommended that the Real Estate Commission adopt/amend its rules and undertake other measures as necessary to eliminate the current requirement that real estate brokers obtain written agency agreements from buyers before they can act as their agents, and instead permit real estate agents to represent buyers under unwritten, non-exclusive agency agreements as follows:

1. The agent must at the point of "first substantial contact" with the buyer furnish and review with the buyer a Commission-approved brochure containing general information concerning agency relationships, or if the contact is by

means other than an "in person" meeting, at the earliest practicable time;

2. The agent and buyer must at the "first substantial contact" agree on the agent's agency relationship with the buyer;
3. The agent may proceed to work with the buyer as a buyer's agent (or dual agent) under an unwritten (oral) agency agreement if the buyer elects not to enter into a written buyer agency agreement and will, during any period when there is only an unwritten agency agreement, owe the buyer all agency duties;
4. The agent, during any period when there is only an unwritten agency agreement, must at the initial contact at least orally identify himself to sellers and sellers' agents as an agent of the buyer and must make such disclosure in writing not later than the time of the written offer to purchase, but the agent is not required to identify himself as a "non-exclusive agent" or that he is working under an unwritten agency agreement;
5. The agent and buyer during any period when there is only an unwritten agency agreement may terminate the agreement at will; and
6. The agent must obtain from the buyer a written buyer (or dual) agency agreement if (a) the agent seeks to restrict the buyer's right to work with (or without) other agents, or (b) the buyer wishes to make a written offer to purchase property with the agent's assistance (without such written agreement, the agent would be prevented from continuing to represent or assist the buyer in the transaction).

The committee further recommended that:

7. Agents be required at the point of "first substantial contact" with sellers to furnish and review with them the brochure approved by the Commission;
8. Written agency agreements, when signed, should continue to contain a definite termination date and fair housing statement;
9. Agents should continue to be required to disclose to buyers in writing at the point of "first substantial contact" if the agent is acting as an agent (or subagent) of the seller whether generally or with regard to specific properties listed by the agent or his firm, but no particular form would be required and the disclosure may be included in the Commission-approved brochure; and
10. "Designated agency" as a form of dual agency practice should continue to be permitted in its same form.

The Real Estate Commission approved the committee's recommendations and initiated rulemaking to consider the adoption or amendment of rules necessary to accomplish the changes (See page 1 of this *Bulletin*).

The Commission expresses its appreciation to the *Agency 2000 Advisory Committee* members: George R. Bell (Winston-Salem), George W. Bright, III (Elizabeth City), Stanley R. Domnick (Wilmington), J. Lamar Kellar, Jr. (Gastonia), Alice L. Mosteller (Waynesville), Nancy L. Nelson (Greensboro), Bailey W. Patrick (Charlotte), Gary C. Saleeby (Raleigh), and North Carolina Association of REALTORS® General Counsel Will Martin (*ex officio*). □



## 2001 Trust Account Caravan Registration Form

Four (4) hours continuing education elective credit will be awarded for completion of each course. Courses are intended for brokers and trust account bookkeepers. Salespersons will be admitted on a space available basis.

### Asheville - Renaissance Asheville Hotel 1 Thomas Wolfe Plaza

- ☐ Basic Trust Account Procedures Course  
March 27, 2001 9:00 am - 1:00 pm
- ☐ Basic Trust Account Procedures Course  
March 28, 2001 9:00 am - 1:00 pm
- ☐ Trust Account Procedures for Resort Prop. Mgrs.  
March 29, 2001 9:00 am - 1:00 pm

### Banner Elk - Holiday Inn-Banner Elk NC Highway 184

- ☐ Basic Trust Account Procedures Course  
April 3, 2001 9:00 am - 1:00 pm
- ☐ Trust Account Procedures for Resort Prop. Mgrs.  
April 4, 2001 9:00 am - 1:00 pm

### Charlotte - Hilton Charlotte University Place 8629 J.M. Keynes Dr.

- ☐ Basic Trust Account Procedures Course  
April 19, 2001 9:00 am - 1:00 pm
- ☐ Basic Trust Account Procedures Course  
April 20, 2001 9:00 am - 1:00 pm

### Fayetteville - Holiday Inn Bordeaux 1707 Owen Dr.

- ☐ Basic Trust Account Procedures Course  
April 9, 2001 1:00 pm - 5:00 pm
- ☐ Basic Trust Account Procedures Course  
April 10, 2001 9:00 am - 1:00 pm

### Greensboro - Ramada Inn-Greensboro Airport 7067 Albert Pick Rd.

- ☐ Basic Trust Account Procedures Course  
April 17, 2001 9:00 am - 1:00 pm
- ☐ Basic Trust Account Procedures Course  
April 18, 2001 9:00 am - 1:00 pm

### Kill Devil Hills - Ramada Inn Outer Banks Resort & Conference Center

1701 South Virginia Dare Trail

- ☐ Basic Trust Account Procedures Course  
May 1, 2001 9:00 am - 1:00 pm
- ☐ Trust Account Procedures for Resort Prop. Mgrs.  
May 2, 2001 9:00 am - 1:00 pm

### Wilmington - Coast Line Convention Center 501 Nutt Street

- ☐ Basic Trust Account Procedures Course  
April 23, 2001 1:00 pm - 5:00 pm
- ☐ Basic Trust Account Procedures Course  
April 24, 2001 9:00 am - 1:00 pm
- ☐ Trust Account Procedures for Resort Prop. Mgrs.  
April 25, 2001 9:00 am - 1:00 pm

Complete this form (*make copies for additional persons*) and mail with a check for \$35 tuition fee to be received by the Commission no later than 10 working days prior to date of preferred session. Each session is limited to 40 participants, scheduled according to date received. Walk-ins will be accepted on a space available basis only.

Name \_\_\_\_\_ Phone \_\_\_\_\_ (Daytime)

Address \_\_\_\_\_ (Street, P.O. Box, etc.) (City) (State) (Zip)

- ☐ Broker (License No. \_\_\_\_\_)
- ☐ Salesperson (License No. \_\_\_\_\_)
- ☐ Bookkeeper

Mail to: NC REAL ESTATE COMMISSION  
Attention: Audits and Investigations Division  
P. O. Box 17100  
Raleigh, NC 27619-7100  
Enclose \$35 tuition fee

## NORTH CAROLINA REAL ESTATE MANUAL

1. You may use the Order Form below or place your order on-line at [www.ncrec.state.nc.us](http://www.ncrec.state.nc.us).
2. Mail (or fax) this form with your check or credit card information, or e-mail your order to:

North Carolina Real Estate Manual

P.O. Box 7484

Winston-Salem, NC 27109

Fax: 1-800-529-9162

E-mail: [manual@ncrec.state.nc.us](mailto:manual@ncrec.state.nc.us)

### DO NOT SEND ORDERS TO REAL ESTATE COMMISSION

3. Make your cashier's or certified check or money order payable to: North Carolina Real Estate Manual
4. The sales price of the *Manual* is \$29.95. To assist in placing your order, the applicable tax and shipping charges are included below. *[Note: The shipping charge is reduced when ordering more than one copy.]*
5. Please allow 7 business days for delivery.

## NORTH CAROLINA REAL ESTATE MANUAL

### Order Form

NAME: \_\_\_\_\_

DELIVERY (STREET) ADDRESS:

\_\_\_\_\_  
(Street)

\_\_\_\_\_  
(City, State, Zip)

	Price (inc. tax, shipping)		Number of Copies		
<b>1 Manual</b>	\$37.75	x	1	=	\$37.75
<b>Additional Manuals</b>	\$32.75 ea.	x	_____	=	\$ _____
	<b>TOTAL</b>		_____	=	\$ _____

☐ Master Card ☐ Visa

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Credit Card Number

--	--	--	--

Exp. Date

Signature: \_\_\_\_\_

# APPLICATION FOR EMPLOYMENT

STATE OF  
NORTH CAROLINA

Date of Application

Please Print or Type (SSN Voluntary, for Record-Keeping and Data Processing Only)

Social Security Number	Last Name	First Name	Middle Name
Address (Street number and name)		City	County
State	Zip Code	Phone (Home or where you can be reached) ( )	Business Phone ( )

## Availability

Do you now work for the State of N C ? Are you related by blood or marriage to any person now working for the State? ☐ YES ☐ NO  
☐ YES ☐ NO (If yes, give name, relationship to you and the agency where employed )

If subject to Military Selective Service registration, certify compliance by initialing dotted line .....

## Military Service

Have you served honorably in the Armed Forces of the United States on active duty for reasons other than training? ☐ YES ☐ NO  
Do you wish to declare a service-connected disability? ☐ YES ☐ NO  
At the time of this application, are you the surviving spouse or dependent of a deceased veteran who died from service-related reasons? ☐ YES ☐ NO  
Do you wish to declare eligibility for veterans preference as the spouse of a disabled veteran? ☐ YES ☐ NO

Give dates of your (or spouse's) qualifying active military service

Entered \_\_\_\_\_ Separated \_\_\_\_\_ Branch \_\_\_\_\_ Rank \_\_\_\_\_

Are you a member of the Military Reserves? ☐ YES ☐ NO Branch \_\_\_\_\_ Rank \_\_\_\_\_

AGENCY USE ONLY ELIGIBILITY FOR VETERAN'S PREFERENCE ☐ YES ☐ NO

CHECK the types of work you will accept ☐ 1. Permanent full-time ☐ 2. Permanent part-time ☐ 3. Temporary full-time  
☐ 4. Temporary part-time ☐ 5. Any of the preceding ☐ 6. Work involving Travel ☐ 7. Shift or Split Shift Work

If you are not available for work now, enter the earliest date you could begin work (mo. day, yr ) \_\_\_\_\_

Will you accept work anywhere in N C ? ☐ YES ☐ NO (If no, list below the counties in which you would be willing to work )

1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_ 4 \_\_\_\_\_ 5 \_\_\_\_\_

## Jobs Applied For

Enter below the specific title(s) of the job(s) for which you are applying Please list no more than three on this application

1 \_\_\_\_\_ 2 \_\_\_\_\_ 3 \_\_\_\_\_

## Referral Source

Please indicate your referral source \_\_\_\_\_ If you were referred by the  
Employment Security Commission (Job Service) please indicate which local office \_\_\_\_\_

## Education

Circle highest grade completed 1 2 3 4 5 6 7 8 9 10 11 12 GED College 1 2 3 4 Graduate School 1 2 3 4

Under S/Q Hrs., list the hours of credit received and if they were semester (S) or quarter (Q) hours

Schools	Name and Location	Dates Attended (mo./yr) From To	Grad?	S/Q Hrs.	May/Min Course Work	Type of Degree Received
High School			YES NO			
College(s) University (s)			YES NO			
Graduate or Professional			YES NO			
Other educational, vocational school, internships, etc			YES NO			

Special training programs and seminars you have completed in the last five years (List).

\_\_\_\_\_  
\_\_\_\_\_

If the job(s) applied for calls for specific courses, indicate those courses taken and credits received

\_\_\_\_\_  
\_\_\_\_\_

Current professional status. (List fields of work for which you have been registered)

Registration: \_\_\_\_\_ State: \_\_\_\_\_ No. \_\_\_\_\_

Registration: \_\_\_\_\_ State: \_\_\_\_\_ No. \_\_\_\_\_

Membership in professional, honorary, or technical societies (List)

\_\_\_\_\_  
\_\_\_\_\_

## DO NOT COMPLETE THIS BLOCK

### DEGREES AND PROFESSIONAL CREDENTIALS

☐ Have been verified  
☐ Will be verified within 90 days (G.S. 126-30)

Person responsible \_\_\_\_\_

**Licenses and certifications (List, giving dates and sources of issuance):**
**Skills**

CHECK the following skills, experiences, etc. which you have

- |  |                          |   |  |
|--|--------------------------|---|--|
| <input type="checkbox"/> Driver's License    | Number _____ State _____ | <input type="checkbox"/> Sign language                              | <input type="checkbox"/> Legal transcription   |
| <input type="checkbox"/> Chauffeur's license | Number _____ State _____ | <input type="checkbox"/> Foreign language (specify) _____           | <input type="checkbox"/> Medical transcription |
| <input type="checkbox"/> Car for use at work |                          | <input type="checkbox"/> Adding machine/calculator                  | <input type="checkbox"/> Braille               |
|  |                          | <input type="checkbox"/> Typing (specify WPM) _____                 | <input type="checkbox"/> Word Processing       |
|  |                          | <input type="checkbox"/> Shorthand/speedwriting (specify WPM) _____ | <input type="checkbox"/> Other _____           |

 Have you ever been convicted of an offense against the law other than a minor traffic violation? (A conviction does not mean you cannot be hired. The offense and how recently you were convicted will be evaluated in relation to the job for which you are applying ) ☐ YES ☐ NO (If yes, explain fully on an additional sheet )

**Work History** (include volunteer experience) Use Additional Sheets If Necessary

Current or Last Employer				Address			
Job Title				Supervisor's name		Telephone Number	
Date Employed (mo/yr)				Starting Salary \$ per		Ending or Current Salary \$ per	
Date Separated (mo/yr)				Reason for Leaving			
List major duties in order of their importance in the job				May We Contact Employer? YES <input type="checkbox"/> NO <input type="checkbox"/>			
Full Time	Years	Months					
Part Time	Years	Months					
If part time, number of hours worked per week							

Employer				Address			
Job Title				Supervisor's name		Telephone Number	
Date Employed (mo/yr)				Starting Salary \$ per		Ending Salary \$ per	
Date Separated (mo/yr)				Reason for Leaving			
List major duties in order of their importance in the job							
Full Time	Years	Months					
Part Time	Years	Months					
If part time, number of hours worked per week							

Employer				Address			
Job Title				Supervisor's name		Telephone Number	
Date Employed (mo/yr)				Starting Salary \$ per		Ending Salary \$ per	
Date Separated (mo/yr)				Reason for Leaving			
List major duties in order of their importance in the job							
Full Time	Years	Months					
Part Time	Years	Months					
If part time, number of hours worked per week							

I certify that I have given true, accurate and complete information on this form to the best of my knowledge. In the event confirmation is needed in connection with my work, I authorize educational institutions, associations, registration and licensing boards, and others to furnish whatever detail is available concerning my qualifications. I authorize investigation of all statements made in this application and understand that false information or documentation, or a failure to disclose relevant information may be grounds for rejection of my application, disciplinary action or dismissal if I am employed, and (or) criminal action. I further understand that dismissal upon employment shall be mandatory if fraudulent disclosures are given to meet position qualifications. (Authority: G.S. 126-30, G.S. 14-122.1)

Signature of Applicant (unsigned applications will not be processed)

Date

Employer:			Address:		
Job Title			Supervisor's name:		Telephone Number:
No. Supervised by you:					
Date Employed (mo/yr)		Starting Salary \$ per	Ending Salary \$ per	Reason for Leaving	
Date Separated (mo/yr)		List major duties in order of their importance in the job:			
Full Time	Years	Months			
Part Time	Years	Months			
If part time, hours per week:					

Employer:			Address:		
Job Title			Supervisor's name:		Telephone Number:
No. Supervised by you:					
Date Employed (mo/yr)		Starting Salary \$ per	Ending Salary \$ per	Reason for Leaving	
Date Separated (mo/yr)		List major duties in order of their importance in the job:			
Full Time	Years	Months			
Part Time	Years	Months			
If part time, hours per week:					

Employer:			Address:		
Job Title			Supervisor's name:		Telephone Number:
No. Supervised by you:					
Date Employed (mo/yr)		Starting Salary \$ per	Ending Salary \$ per	Reason for Leaving	
Date Separated (mo/yr)		List major duties in order of their importance in the job:			
Full Time	Years	Months			
Part Time	Years	Months			
If part time, hours per week:					

## Copy and attach additional sheets if needed.

### Equal Opportunity Information

State Government policy prohibits discrimination based on race, sex, color, creed, national origin, age or disability. Sex or age is a bona fide occupational qualification in a small number of State jobs. The information requested below will in no way affect you as an applicant. Its sole use will be to see how well our recruitment efforts are reaching all segments of the population.

<p><b>Date of Birth</b></p> <table style="width:100%;"> <tr> <td style="text-align: center;"> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> (mo.)         </td> <td style="text-align: center;"> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> (day)         </td> <td style="text-align: center;"> <input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> (year)         </td> </tr> </table> <p><b>Check One</b></p> <p>SEX <input type="checkbox"/> M (male) <input type="checkbox"/> F (female)</p> <p><b>ETHNIC GROUP</b></p> <ol style="list-style-type: none"> <li>1 <input type="checkbox"/> White (non-Hispanic)</li> <li>2 <input type="checkbox"/> Black (non-Hispanic)</li> <li>3 <input type="checkbox"/> Hispanic (Mexican, Puerto Rican, Cuban, Central or South American, other Spanish origin regardless of race)</li> <li>4 <input type="checkbox"/> Asian (including Pacific Islander)</li> <li>5 <input type="checkbox"/> American Indian (including Alaskan native)</li> </ol>	<input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> (mo.)	<input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> (day)	<input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> (year)	<p><b>DISABILITY:</b> "Disability means, with respect to an individual: (1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment" (Americans with Disabilities Act of 1990). Persons without a disability should check item A.</p> <p>The reporting of a disability is strictly <b>VOLUNTARY</b>. Persons with disabilities who <b>DO NOT WISH</b> to report their disabilities should check item A. Information reported on this form will be kept confidential as required by State law. Public disclosure of this information without your consent would be a violation of G.S. 126-27</p> <table style="width:100%;"> <tr> <td style="vertical-align: top; width: 50%;"> <p><b>A</b> <input type="checkbox"/> None/Prefer not to report</p> <p><b>B</b> <input type="checkbox"/> Blind or severely visually impaired</p> <p><b>C</b> <input type="checkbox"/> Deaf or severely hearing impaired</p> <p><b>D</b> <input type="checkbox"/> Loss or limited use of arms and/or hands</p> <p><b>E</b> <input type="checkbox"/> Non-ambulatory (must use wheelchair)</p> <p><b>F</b> <input type="checkbox"/> Other orthopedic impairment (including amputation, arthritis, back injury, cerebral palsy, spina bifida, etc.)</p> </td> <td style="vertical-align: top; width: 50%;"> <p><b>G</b> <input type="checkbox"/> Respiratory impairment</p> <p><b>H</b> <input type="checkbox"/> Nervous system/Neurological disorder</p> <p><b>I</b> <input type="checkbox"/> Mentally restored</p> <p><b>J</b> <input type="checkbox"/> Mental retardation</p> <p><b>K</b> <input type="checkbox"/> Learning disability</p> <p><b>L</b> <input type="checkbox"/> Others (heart disease, diabetes, speech impairment)</p> <p><b>M</b> <input type="checkbox"/> Other (please specify) _____</p> </td> </tr> </table>	<p><b>A</b> <input type="checkbox"/> None/Prefer not to report</p> <p><b>B</b> <input type="checkbox"/> Blind or severely visually impaired</p> <p><b>C</b> <input type="checkbox"/> Deaf or severely hearing impaired</p> <p><b>D</b> <input type="checkbox"/> Loss or limited use of arms and/or hands</p> <p><b>E</b> <input type="checkbox"/> Non-ambulatory (must use wheelchair)</p> <p><b>F</b> <input type="checkbox"/> Other orthopedic impairment (including amputation, arthritis, back injury, cerebral palsy, spina bifida, etc.)</p>	<p><b>G</b> <input type="checkbox"/> Respiratory impairment</p> <p><b>H</b> <input type="checkbox"/> Nervous system/Neurological disorder</p> <p><b>I</b> <input type="checkbox"/> Mentally restored</p> <p><b>J</b> <input type="checkbox"/> Mental retardation</p> <p><b>K</b> <input type="checkbox"/> Learning disability</p> <p><b>L</b> <input type="checkbox"/> Others (heart disease, diabetes, speech impairment)</p> <p><b>M</b> <input type="checkbox"/> Other (please specify) _____</p>
<input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> (mo.)	<input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> (day)	<input style="width: 20px; height: 20px; border: 1px solid black;" type="text"/> (year)				
<p><b>A</b> <input type="checkbox"/> None/Prefer not to report</p> <p><b>B</b> <input type="checkbox"/> Blind or severely visually impaired</p> <p><b>C</b> <input type="checkbox"/> Deaf or severely hearing impaired</p> <p><b>D</b> <input type="checkbox"/> Loss or limited use of arms and/or hands</p> <p><b>E</b> <input type="checkbox"/> Non-ambulatory (must use wheelchair)</p> <p><b>F</b> <input type="checkbox"/> Other orthopedic impairment (including amputation, arthritis, back injury, cerebral palsy, spina bifida, etc.)</p>	<p><b>G</b> <input type="checkbox"/> Respiratory impairment</p> <p><b>H</b> <input type="checkbox"/> Nervous system/Neurological disorder</p> <p><b>I</b> <input type="checkbox"/> Mentally restored</p> <p><b>J</b> <input type="checkbox"/> Mental retardation</p> <p><b>K</b> <input type="checkbox"/> Learning disability</p> <p><b>L</b> <input type="checkbox"/> Others (heart disease, diabetes, speech impairment)</p> <p><b>M</b> <input type="checkbox"/> Other (please specify) _____</p>					

## Employment Opportunity

## APPLICATION FOR EMPLOYMENT Instructions

### EMPLOYER:

North Carolina Real Estate Commission, a North Carolina state agency responsible for the licensing and regulation of North Carolina real estate brokers, salespersons and time share projects.

### POSITION:

**Real Estate Trust Account Auditor/Investigator**  
Salary Grade 70: Hiring Rate \$29,826 - \$31,315  
(depending upon qualifications)

### BENEFITS:

Blue Cross health insurance; retirement contribution; paid vacation and sick leave.

### DUTIES:

1. Audits and inspects real estate brokerage trust records on a statewide basis whenever the Commission determines that the records are pertinent to the investigation of a specific complaint against a real estate broker or salesperson or time share project.
2. Conducts routine, periodic audits of real estate trust accounts to determine compliance with the Real Estate License Law and Commission rules.
3. Investigates consumer complaints against licensees involving misrepresentations, loan fraud, mishandling of client funds, and other improper acts in connection with real estate sales and leasing transactions.
4. Writes reports for review by the Director of Audits and Investigations regarding results of investigations.
5. Testifies before the N.C. Real Estate Commission on investigative findings.
6. Performs other related duties at the direction of the Director of Audits and Investigations.

### MINIMUM QUALIFICATIONS:

Graduation from a four-year college or university including nine (9) semester hours in accounting or a major in business administration or police science, and either one (1) year of accounting and/or auditing experience, or one (1) year of law enforcement or investigative experience.

### OTHER REQUIREMENTS:

Must reside in or be willing to relocate to Raleigh (no moving expenses or allowance will be paid by the Commission); must have automobile available for use at work.

### Completion of Application Form (pages 11-13)

1. Use black ink or typewriter.
2. List your social security number correctly.
3. List your zip code correctly.
4. Complete the section for Equal Opportunity Information.
5. Give complete information on your education and work history (Do not put "See Résumé" under education and work history).
6. List separately each job held and your duties for each position when you worked for one employer and held more than one position.
7. Sign and date your application.
8. [Note: Incomplete applications may not be considered or may be returned to you for proper completion.]

### Other Application Materials

In addition to a properly completed Application for Employment form, applicants **must** submit a writing sample (articles, reports, papers, etc. prepared by the applicant), and **may** submit a Résumé.

### Filing Application Form and Materials

1. Carefully remove the application form from the **Bulletin**.
2. Mail your application form and other required materials to the N.C. Real Estate Commission, P.O. Box 17100, Raleigh, NC 27619-7100, Attn: Director of Administration.
3. **No telephone inquiries or requests for appointments, please!**
4. Application for Employment and related materials must be received in the Real Estate Commission Office by December 1, 2000.

### EMPLOYMENT SCHEDULE:

- |                   |                                |
|-------------------|--------------------------------|
| December 1, 2000  | - Application Deadline         |
| December 4, 2000  | - Application Review           |
| December 7, 2000  | - Preliminary Interviews       |
| December 13, 2000 | - Commission Interviews        |
| January 2, 2001   | - Employment Date (negotiable) |

## EQUAL OPPORTUNITY EMPLOYER



## Employment Opportunity

## APPLICATION FOR EMPLOYMENT Instructions

### EMPLOYER:

North Carolina Real Estate Commission, a North Carolina state agency responsible for the licensing and regulation of North Carolina real estate brokers, salespersons and time share projects.

### POSITION:

#### Information Officer

Salary Grade 70: Hiring Rate \$29,826 - \$31,315  
(depending upon qualifications)

### BENEFITS:

Blue Cross health insurance; retirement contribution; paid vacation and sick leave.

### DUTIES:

1. Responds to written and telephone inquiries from real estate licensees and to complaints and inquiries from real estate consumers relating to the Real Estate License Law, the Commission's rules and positions, and general brokerage practices.
2. Performs other related duties at the direction of the Commission's Legal Counsel.

### MINIMUM QUALIFICATIONS:

Bachelor's degree, a real estate license and one year of experience in general real estate brokerage, or an equivalent combination of education and experience. Must relocate to Raleigh or vicinity.

### Completion of Application Form (pages 11-13)

1. Use black ink or typewriter.
2. List your social security number correctly.
3. List your zip code correctly.
4. Complete the section for Equal Opportunity Information.
5. Give complete information on your education and work history (Do not put "See Résumé" under education and work history).
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3. No telephone inquiries or requests for appointments, please!
4. Application for Employment and related materials must be received in the Real Estate Commission Office by December 1, 2000.

### EMPLOYMENT SCHEDULE:

- |                   |                                |
|-------------------|--------------------------------|
| December 1, 2000  | - Application Deadline         |
| December 5, 2000  | - Application Review           |
| December 8, 2000  | - Preliminary Interviews       |
| December 13, 2000 | - Commission Interviews        |
| January 2, 2001   | - Employment Date (negotiable) |

## EQUAL OPPORTUNITY EMPLOYER

## Employment Opportunity

## APPLICATION FOR EMPLOYMENT Instructions

### EMPLOYER:

North Carolina Real Estate Commission, a North Carolina state agency responsible for the licensing and regulation of North Carolina real estate brokers, salespersons and time share projects.

### POSITION:

**Publications Officer**

Salary Grade 70: Hiring Rate \$29,826 - \$31,315  
(depending upon qualifications)

### BENEFITS:

Blue Cross health insurance; retirement contribution; paid vacation and sick leave.

### DUTIES:

1. Edits technical articles and contributing institutional articles, designing layout, coordinating printing and proofreading for quarterly "Real Estate Bulletin" newsletter and "Continuing Education Bulletin."
2. Prepares press releases and edits articles for trade and other publications.
3. Updates, coordinates printing, proofreads and performs related functions in connection with brochures and publications.
4. Maintains inventory of publications, prepares bid specifications, solicits and analyzes bids and communicates with bidders in connection with the printing of Commission publications, forms and other printed materials.

### MINIMUM QUALIFICATIONS:

Graduation from a four-year college or university with a major in English, journalism, or a related field, and sufficient writing and editorial experience to demonstrate required knowledge, skills, and abilities; or an equivalent combination of education and experience. Some real estate experience is preferred.

### Completion of Application Form (pages 11-13)

1. Use black ink or typewriter.
2. List your social security number correctly.
3. List your zip code correctly.
4. Complete the section for Equal Opportunity Information.
5. Give complete information on your education and work history (Do not put "See Résumé" under education and work history).
6. List separately each job held and your duties for each position when you worked for one employer and held more than one position.
7. Sign and date your application.
8. [Note: Incomplete applications may not be considered or may be returned to you for proper completion.]

### Other Application Materials

In addition to a properly completed Application for Employment form, applicants **must** submit a writing sample (articles, reports, papers, etc. prepared by the applicant), and may submit a Résumé.

### Filing Application Form and Materials

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2. Mail your application form and other required materials to the N.C. Real Estate Commission, P.O. Box 17100, Raleigh, NC 27619-7100, Attn: Director of Administration.
3. **No telephone inquiries or requests for appointments, please!**
4. Application for Employment and related materials must be received in the Real Estate Commission Office by December 15, 2000.

### EMPLOYMENT SCHEDULE:

- |                   |   |                              |
|-------------------|---|------------------------------|
| December 15, 2000 | - | Application Deadline         |
| December 28, 2000 | - | Preliminary Interviews       |
| January 10, 2001  | - | Final Interviews/Decision    |
| February 1, 2001  | - | Employment Date (negotiable) |

## EQUAL OPPORTUNITY EMPLOYER

relationships and practices, sales contracts and practices, closing real estate transactions, land use controls, mortgage law, finance practices, valuation, fair housing and landlord-tenant issues. Newly included is an introduction to commercial brokerage, as well as North Carolina License Law, Commission Rules and trust account guidelines, making this a handy one-stop reference for questions regarding the legal aspects of real estate brokerage. The *Manual* will be published biennially to ensure up-to-date coverage of these and other topics.

The Commission is especially grateful to Patrick K. Hetrick, professor of law at the Campbell University School of Law and a leading authority on North Carolina real property law, for his superb work as principal author of the *Manual*, and for the substantial contributions of co-authors Larry A. Outlaw, the Commission's Director of Education and Licensing, and Patricia Moylan Sullivan, the Commission's Legal Education Officer.

As a practicing real estate agent in North Carolina, you should have this book for your reference. Please see page 10 of this *Bulletin* and use the form provided to order your copy. □

### Commission Calendar

#### Meeting Dates

December 13

January 10

February 7

March 7

Meetings begin at 9 a.m. and are held in the conference room of the Real Estate Commission office, 1313 Navaho Drive, Raleigh, NC 27609, unless otherwise noted. [Please understand that circumstances sometimes necessitate changes in meeting dates and times.]

# Disciplinary action

*Penalties for violations of the Real Estate License Law and Commission Rules vary depending upon the particular facts and circumstances present in each case. Due to space limitations in the Bulletin, a complete description of such facts cannot be reported in the following Disciplinary Action summaries.*

**JAMES E. AIKENS (Wilmington)** - The Commission accepted the voluntary surrender of Mr. Aikens' salesperson license for one year effective July 1, 2000. The Commission dismissed without prejudice charges that Mr. Aikens had violated the Real Estate License Law and the rules of the Commission.

**BEECH MOUNTAIN CHALET SALES AND RENTALS, LTD. (Beech Mountain)** - By Consent, the Commission reprimanded Beech Mountain Chalet Sales and Rentals, Ltd. effective July 26, 2000. The Commission found that the firm, while engaged in the rental brokerage business, had failed to maintain its trust account records in the manner required by Commission rules. The Commission noted that Beech Mountain Chalet Sales and Rentals, Ltd. cooperated with the Commission's investigation and corrected its record-keeping deficiencies.

**L. BELL BENNETT (Beech Mountain)** - By Consent, the Commission reprimanded Ms. Bennett effective July 26, 2000. The Commission found that Ms. Bennett, upon becoming broker-in-charge of a rental brokerage firm, continued past erroneous bookkeeping practices and thus failed to maintain the firm's trust account records in the manner required by Commission rules. The Commission noted that Ms. Bennett cooperated with the Commission's investigation and that the firm corrected its record-keeping deficiencies.

**ELIZABETH B. BENSON (Chapel Hill)** - By Consent, the Commission reprimanded Ms. Benson effective September 6, 2000. The Commission found that Ms. Benson had failed to inform the Commission within 10 days after she ceased to serve as principal broker of a licensed real estate firm. As a result, the firm remained on active status and operated for over six months without broker supervision.

**DORA H. BROWN (Greensboro)** - By Consent, the Commission reprimanded Ms. Brown effective July 1, 2001. The Commission found that Ms. Brown had used information from local tax records to determine the size of a commercial property which she advertised for sale in a local Multiple Listing Service (MLS), and that actual measurement after the property went under contract showed it to be 40 percent smaller than she advertised. The Commission further found that although Ms. Brown disclosed this error before closing, she never changed the erroneous information in the local MLS.

**RICHARD A. CARSWELL (Asheville)** - The Commission revoked Mr. Carswell's broker license effective August 1, 2000. The Commission found that Mr. Carswell had been convicted of the criminal offenses of extortion and filing a false claim of lien, and that although Mr. Carswell reported these convictions to the Commission, he failed to do so in a timely manner. The Commission further found that Mr. Carswell subsequently was convicted of secreting secured property and that he failed to report the conviction to the Commission.

**RICK T. COOK (Winston-Salem)** - By Consent, the Commission revoked Mr. Cook's broker license effective July 1, 2000. The Commission found that Mr. Cook had been convicted of the felony. Attempted Embezzlement, in 1997.

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# Disciplinary action

*(continued from page 17)*

**STEPHEN K. CRISP (Horse Shoe)** - The Commission accepted the permanent voluntary surrender of Mr. Crisp's broker license effective June 15, 2000. The Commission dismissed without prejudice charges of conduct which, if proven, would provide the factual and legal basis for disciplinary action against Mr. Crisp. Mr. Crisp did not admit any misconduct.

**ROBIN S. DEAN (Cary)** - The Commission accepted the permanent voluntary surrender of Mr. Dean's broker license effective August 9, 2000. The Commission dismissed without prejudice charges of conduct which, if proven, would provide the factual and legal basis for disciplinary action against Mr. Dean. Mr. Dean neither admitted nor denied any misconduct.

**TAMMY J. ELKINS (Banner Elk)** - By Consent, the Commission revoked Ms. Elkins' broker license effective August 1, 2000. If she files the appropriate application and fee between September 1, 2000 and March 1, 2001, the Commission will issue a salesperson license to Ms. Elkins. The Commission found that Ms. Elkins, while broker-in-charge of a newly licensed firm engaged in rental operations, had failed to maintain a trust account record-keeping system as required by Commission rules. The Commission further found that no monthly reconciliation was ever performed and that funds of others were commingled with the firm's monies. The Commission noted that there was no evidence that Ms. Elkins personally benefitted from the misapplication of trust money; however, the firm had to engage a certified public accountant to compile adequate records and had to fully fund the trust account at its own expense.

**JOHN A. FOWLER (Chapel Hill)** - By Consent, the Commission revoked Mr. Fowler's broker license effective July 1, 2000. The Commission found that Mr.

Fowler had failed to account for or remit the funds of others held by the firm where he was acting as broker-in-charge, failed to maintain these funds on deposit in an escrow account, and failed to create and maintain the trust account records required by Commission Rule. Mr. Fowler neither admitted nor denied any misconduct.

**FRS ENTERPRISES, INC. (Chapel Hill)** - By Consent, the Commission revoked FRS Enterprises, Inc.'s broker license effective July 1, 2000. The Commission found that FRS Enterprises, Inc. had failed to account for or remit the funds of others held by the firm, failed to maintain these funds on deposit in an escrow account, and failed to create and maintain the trust account records required by Commission Rule. FRS Enterprises, Inc. neither admitted nor denied any misconduct.

**GREGORY W. GREENE (Elk Park)** - By Consent, the Commission revoked Mr. Greene's broker license effective November 1, 2000. On November 1, 2000, the Commission issued a salesperson license to Mr. Greene upon condition that he successfully complete the salesperson prelicensing course on or before November 1, 2001. The Commission found that Mr. Greene had received three worthless check convictions to which he admitted guilt and paid the amount owed but failed to report to the Commission. The Commission further found that Mr. Greene had been disciplined by the Tennessee Real Estate Commission for failing to observe that agency's rules in the administration of a brokerage firm office. The Commission noted that Mr. Greene admitted these matters to the Commission and cooperated with its investigation and hearing.

**DONALD L. HELMBOLD, JR. (Banner Elk)** - By Consent, the Commission reprimanded Mr. Helmbold effective July 13, 2000. The Commission found

that Mr. Helmbold, while broker-in-charge of a licensed firm, had failed to maintain the firm's trust account records in the manner required by Commission rule.

**GINA C. HOLLOWAY (Chapel Hill)** - By Consent, the Commission suspended Ms. Holloway's salesperson license for one year effective September 1, 2000. Six months of the suspension are to be active and the remaining period stayed for a probationary term of two years. The Commission found that Ms. Holloway, while licensed only as a salesperson, had operated a real estate firm without a broker-in-charge. The Commission further found that Ms. Holloway had failed to properly maintain the firm's trust account records, and at the time of Commission audit, her records indicated that the trust account bank balance was below the amount needed to meet the firm's liabilities for funds held for others. The Commission noted that Ms. Holloway subsequently compiled a proper accounting of the funds received, held and disbursed for others by the firm, and that she cooperated with the Commission's investigation and obtained a broker for the firm.

**LINWOOD C. JOHNSON (Garner)** - By Consent, the Commission revoked Mr. Johnson's salesperson license effective June 14, 2000. The Commission found that Mr. Johnson had failed to construct a new home on a lot sold by Mr. Johnson's residential construction company, as required by a contract between the buyers and the construction company. The Commission further found that Mr. Johnson filed for personal bankruptcy, and to date, the sellers have been unable to recover the deposit they gave him.

**BOBBY R. LILLY (Charlotte)** - The Commission reprimanded Mr. Lilly effective June 11, 2000. The Commission found that Mr. Lilly, who is licensed as both a real estate broker and

# Disciplinary action

(continued from page 18)

an auctioneer, had conducted an auction at a property where he was aware that the property's air conditioning system was not functioning properly, but he failed to mention the air conditioning system problem at the start of the bidding.

**EUGENE C. MOORE, II (Matthews)** - By Consent, the Commission reprimanded Mr. Moore effective June 1, 2000. The Commission found that Mr. Moore had negligently advised a seller to accept an offer which did not indicate it was a back-up offer or that it was contingent on the termination of the first offer. The property was already under contract with a contingent sale addendum, leaving the seller under contract to sell the same property to two different buyers.

**LELAND J. O'DELL (Elizabeth City)** - The Commission accepted the permanent voluntary surrender of Ms. O'Dell's salesperson license effective September 18, 2000. The Commission dismissed without prejudice charges of conduct which, if proven, would provide the factual and legal basis for disciplinary action against Ms. O'Dell. Ms. O'Dell did not admit any misconduct.

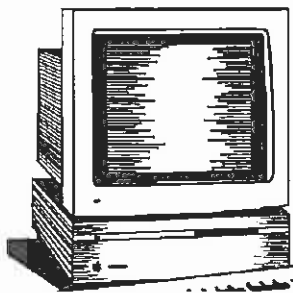
**SANDRA G. ONLEY (Elizabeth City)** - The Commission accepted the permanent voluntary surrender of Ms. Onley's salesperson license effective September 18, 2000. The Commission dismissed without prejudice charges of conduct which, if proven, would provide the factual and legal basis for disciplinary action against Ms. Onley. Ms. Onley did not admit any misconduct.

**JOANNE S. PARKER (Wilmington)** - By Consent, the Commission reprimanded Ms. Parker effective July 1, 2000. The Commission found that Ms. Parker had allowed another person to use her contractor license in a transaction where she was not acting as the general contractor, and that Ms. Parker

subsequently surrendered her contractor license to the North Carolina Licensing Board for General Contractors.

**JANIE M. PEARCE (Raleigh)** - By Consent, the Commission suspended Ms. Pearce's salesperson license for sixty days effective November 1, 2000. The Commission found that Ms. Pearce, when completing her sworn application for licensure, had failed to disclose to the Commission that she received a misdemeanor tax fraud conviction in 1983 and a misdemeanor worthless check conviction in 1994 and again in 1996. The Commission noted that Ms. Pearce admitted her wrongful conduct and cooperated with the Commission's investigation of this matter.

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**HUBERT L. RAPER (Murphy)** -By Consent, the Commission suspended Mr. Raper's broker license for three years effective July 26, 2000. The Commission then stayed the suspension for a probationary term of three years. The Commission found that in 1995, Mr. Raper had been convicted of Level 5 Driving While Intoxicated, and that in 1999 he was convicted of Level 2 Driving While Intoxicated as well as misdemeanor Hit and Run. The Commission noted that Mr. Raper notified the Commission of his convictions within 60 days as required by the Commission's rules.

**RENTAL RESOURCES OF DURHAM/CHAPEL HILL, INC. (Chapel Hill)** - By Consent, the Commission suspended the broker license of Rental Resources of Durham/Chapel Hill, Inc. (RRDCH) for one year effective September 1, 2000. The Commission then stayed the suspension for a probationary term of two years. The Commission found that RRDCH had operated for eight months without a broker-in-charge and had failed to maintain its trust account records in the manner required by Commission rules. At the time of the Commission audit, the firm's records indicated that its liabilities for the funds of others exceeded the actual trust account bank balances. The Commission noted that RRDCH cooperated with the Commission investigation, engaged professional assistance and compiled accurate records of the funds received, held and disbursed for others. The Commission further noted that the firm engaged a broker to supervise its operations.

**FRANKLIN D. ROBERTSON (Fayetteville)** - The Commission revoked Mr. Robertson's salesperson license and his approval to act as a CE course sponsor effective June 30, 2000. The Commission found that Mr. Robertson, as a continuing education course sponsor, had misrepresented to his students that he would provide them with instruction in a course approved for continuing education credit and had induced them to register and pay for that instruction, and that he had abandoned the course and the students without notice to them and without refunding their prepaid fees within 30 days.

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## ***Be prepared!***

***The Commission reminds you that its Audits and Investigations Division conducts "spot" inspections. Are YOUR records ready for review?***

# Disciplinary action

(continued from page 19)



SUGAR TOP RESORT CONDOMINIUM ASSOCIATION, INC. (Banner Elk) - By Consent, the Commission reprimanded Sugar Top Resort Condominium Association, Inc. effective July 13, 2000. The Commission found that Sugar Top Resort Condominium Association, Inc. had failed to maintain its trust account records in the manner required by Commission rules.

TURNER CREEK ENTERPRISES, INC. (Morrisville) - By Consent, the Commission revoked Turner Creek Enterprises, Inc.'s broker license effective July 13, 2000. The Commission found that Turner Creek Enterprises, Inc. had failed to properly account for monies the corporation held for others. Turner Creek Enterprises, Inc. neither admitted nor denied any misconduct.

BOBBY J. WILLIAMS (Banner Elk) - By Consent, the Commission reprimanded Mr. Williams effective July 13, 2000. The Commission found that Mr. Williams, while broker-in-charge of a licensed firm, had failed to maintain the firm's trust account records in the manner required by Commission rules.

REBECCA E. WORKENTINE (Charlotte) - The Commission suspended Ms. Workentine's broker license for one year effective July 15, 2000. One month of the suspension is to be active and the remaining period stayed for a probationary term of eleven months. The Commission found that Ms. Workentine, a listing agent, had misrepresented her-

self as a representative for an internet listing service that offered fixed commission fees and termination of contract upon request in that she had attempted to charge a client more than the fixed commission and had refused to terminate a listing upon request. ■

## On the inside...

**Commission proposes to amend rules**

**New Publication: N.C. Real Estate Manual**

**Identifying Listing Agents/Firms**

**Commission hosts ARELLO Investigators' Workshop**

**New Licensing requirements effective October 1**

**Impact of wastewater treatment regulations on real estate licensees**

**Commission approves recommendations of Agency 2000 Advisory Committee**

**Employment Opportunities**  
... and more.

Here's a handy list of addresses for you to copy, clip and save for your ready-reference when communicating with the Commission.

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<p><b>Fax</b> (Area Code 919)</p> <p>Admin ..... 877-4217 Audits/Inves. ... 877-4218 Ed. &amp; Lic. .... 877-4216 Legal Ser. .... 877-4220 Records ..... 877-4221</p>	<p><b>Phone</b> 919/875-3700</p> 	<p><b>Web Site</b> <a href="http://www.ncrec.state.nc.us">www.ncrec.state.nc.us</a></p>
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