



REAL ESTATE BULLETIN

Volume 36 • October 2005 • Number 2

Effective April 1, 2006

Watts Re-elected Chairman; Alston, Bass, Vice Chairmen

Matthew J. "Rick" Watts of Fayetteville has been re-elected Chairman of the North Carolina Real Estate Commission for a second consecutive term and Melvin L. "Skip" Alston of Greensboro and Raymond A. "Buddy" Bass, Jr., of Fayetteville have been elected Vice Chairmen, it was announced by Phillip T. Fisher, Executive Director.



Watts



Alston



Bass

Watts is Broker Associate and Senior Sales Executive with Coldwell Banker United Realty in Fayetteville.

Watts entered the real estate business in 1992 after retiring from a 30-year career with the U. S. Army where he achieved the rank of Command Retention Sergeant Major for the XVIII Airborne Corps.

Among numerous honors, Watts holds the U.S. Army Legion of Merit, the highest peacetime award for military achievement and honorable service, and Governor Easley recently named him to the Order of the Long Leaf Pine for his service to North Carolina.

(See **Watts**, page 5)

Gov. Easley Signs Historic Real Estate Licensing Bill

On September 14, Governor Easley signed legislation making the most significant changes ever in the Real Estate License Law.

Soon, salesperson licenses will be converted to (provisional) broker licenses, license applicants will be required to complete more real estate education, and persons wishing to become brokers-in-charge of real estate offices must have additional training and real estate experience.

At its September meeting, the Real Estate Commission recognized the following persons and organizations who were instrumental in the passage of the legislation:

- Representative Julia Howard who, with Representatives William Culpepper and Harold Brubaker, sponsored the legislation and who advocated for it on the House Floor and in committee;

- Senate Majority Leader Tony Rand who sponsored a companion bill and spoke for the legislation on the Senate Floor;

- North Carolina Association of REALTORS® which used its considerable resources to promote the legislation; and the Commission's 2004 *Broker-in-Charge Advisory Committee* which (See **License**, page 8)

For More Details
Page 8-9



State Senator Tony Rand (seated, fourth from left) and Representative Julia C. Howard (fifth from left) and seated, left to right, North Carolina Association of REALTORS® Director of Regulatory Affairs Rick Zechini, Director of Government Affairs Stephanie Simpson, Executive Vice President Tim Kent and President Vic Knight; Debbie Carpenter whose late husband, Ben Ball, served on the Commission's 2004 Broker-in-Charge Advisory Committee; and Bill Seawell, NCAR Legislative Committee Co-Vice Chairman. Standing, l. to r., are Real Estate Commission Director of Education and Licensing Larry A. Outlaw and Legal Counsel Thomas R. Miller, Commission members Jerry Mannen, Bill Lackey, Marsha Jordan, Chairman Rick Watts, Co-Vice Chairman Buddy Bass, Wanda Proffitt, Sang Hamilton, and Allan Dameron, and Executive Director Phillip Fisher.

REAL ESTATE BULLETIN

Published 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 Commission's Real Estate Bulletin.

NORTH CAROLINA REAL ESTATE COMMISSION

1313 Navaho Drive
P. O. Box 17100
Raleigh, North Carolina 27619-7100
Phone (919) 875-3700

Michael F. Easley, Governor

COMMISSION MEMBERS

M. Rick Watts, Chairman	Fayetteville
Melvin L. Alston, Vice Chairman	Greensboro
Raymond A. Bass, Jr., Vice Chairman	Fayetteville
Allan R. Dameron	Holden Beach
Sang J. Hamilton, Sr.	Winton
Marsha H. Jordan	Lincolnton
William C. Lackey Jr.	Cornelius
Jerry A. Mannen, Jr.	Wilmington
Wanda J. Proffitt	Burnsville

Phillip T. Fisher
Executive Director

ADMINISTRATION

Mary Frances Whitley	Director
Paula L. Ricard	Financial Officer
Vickie R. Crouse	Data Processing Administrator
Robert L. Forshaw	Publications Officer
Brenda H. Badger	Records Officer
Wendy C. Harper	Administrative Officer

AUDITS AND INVESTIGATIONS

Emmet R. Wood	Director
Michael B. Gray	Chief Auditor/Investigator
Gary R. Caddell	Senior Auditor/Investigator, Training Officer
Jennifer K. Boger	Senior Auditor/Investigator
Rebecca S. Wilkins	Senior Auditor/Investigator
William F. Dowd	Senior Auditor/Investigator
Robin F. Tanner	Auditor/Investigator
Bart H. Allen	Auditor/Investigator
M. Spier Holloman	Auditor/Investigator

EDUCATION AND LICENSING

Larry A. Outlaw	Director
Anita R. Burt	Education/Examination Officer
Pamela R. Rorie	Continuing Education Officer
Patricia A. Moylan	Legal Education Officer
Alexa Corbett	Education/Licensing Officer

LEGAL SERVICES

Thomas R. Miller	Legal Counsel, Director; Special Deputy Attorney General
Miriam J. Baer	Assistant Director, Legal Counsel
Blackwell M. Brogden, Jr.	Chief Deputy Legal Counsel
Janet B. Thoren	Deputy Legal Counsel
Pamela V. Millward	Assistant Legal Counsel
Stephen L. Fussell	Consumer Protection Officer
Joan H. Floyd	Consumer Protection Officer
Peter C. Evans, III	Information Officer
Carolyn A. Haase	Information Officer

Editor-In-Chief
Phillip T. Fisher

Editor
Robert L. Forshaw



People

Alexa Corbett has assumed the position of Education and Licensing Officer. She approves and oversees prelicense education instructors and schools, and coordinates the license issuance process for salespersons, brokers and firms. She has an MA degree in education, a North Carolina broker license and several years experience as a public school teacher.



To request a speaker from the Commission, please submit the "Request for Program Presenter" form available on the Commission's Web site, www.ncrec.state.nc.us.

Tonya L. Spratley has assumed the position of Continuing Education Specialist in the Education and Licensing Division. She is responsible for administering various aspects of the CE program. Prior to joining the Commission, she worked as an administrative assistant with Hunter & Associates, a Raleigh real estate firm, and as a paralegal with GlaxoSmithKline.



Appearances

Larry A. Outlaw, Director of Education and Licensing, and **Pamela R. Rorie**, Continuing Education Officer, made presentations at the North Carolina Real Estate Educators Association fall conference in Southern Pines.

Thomas R. Miller, Legal Counsel and Director of Legal Services, and **Miriam J. Baer**, Assistant Director, made presentations on commercial real estate practice and vacation rental managers to the Annual Convention of the North Carolina Association of REALTORS® in Hot Springs, Virginia.

Miriam J. Baer, Assistant Director of Legal Services, spoke to the Chapel Hill Board of REALTORS® and to participants in the North Carolina Real Estate Educators Association fall conference in Southern Pines.

Blackwell M. Brogden, Jr., Chief Deputy Legal Counsel, spoke to the Outer Banks Association of REALTORS® on common consumer complaints to the Commission involving real estate sales and property management

firms; to the Midyear Convention of the Auctioneers Association of North Carolina in New Bern; to the New Bern Board of REALTORS® on multiple offers and earnest money deposits; to the Raleigh Regional Board of REALTORS®; to the Rocky Mount Area Association of REALTORS® on presentation of offers.

Janet B. Thoren, Deputy Legal Counsel, spoke to the Carteret County Association of REALTORS® on Mortgage Loan Fraud.

Michael B. Gray, Chief Auditor/Investigator, spoke to the Lumberton Board of REALTORS® on mortgage loan fraud.

Patricia A. Moylan, Legal Education Officer, spoke to the Triangle Sales and Marketing Council on proposed changes to the Real Estate License Law.

Peter C. Evans, Information Officer, spoke to the Albemarle Area Association of REALTORS® on dual agency and on WTKF-FM's Coastal Daybreak Show in Morehead City on multiple offers.



Commission Members Reappointed

Governor Mike Easley has reappointed Allan R. Dameron of Holden Beach to a third term on the Real Estate Commission. Dameron, Broker Associate of Alan Holden Realty/RE/Max, served two consecutive years as Chairman in 2002-03 and 2003-04.

Senate President Pro Tempore Marc Basnight has reappointed Marsha H. Jordan of Lincolnton to a third term and Speaker of the House James T. Black has reappointed Melvin L. "Skip" Alston of Greensboro to a second term. Jordan, owner of Apple Realty, was Vice Chairman in 2004-05; Alston, President of S&J Management Corp., is currently a Vice Chairman.

Dameron Named 2005 REALTOR® of the Year

Real Estate Commission member Allan R. Dameron of Holden Beach has been named by the North Carolina Association of REALTORS® as 2005 REALTOR® of the Year.

The award is made annually to a REALTOR® for significant contributions to the industry and the community. Commission member Wanda J. Proffitt of Burnsville was named NCAR 1992 REALTOR® of the Year.

Lackey Appointed to Housing Finance Board

Speaker of the House James T. Black has appointed Real Estate Commission member William C. Lackey, Jr., of Cornelius to the Board of Directors of the Housing Finance Agency. The Agency seeks to create affordable housing opportunities for people whose needs are not being met by the market.

November 9
December 7
January 4
February 8
Greenville

All meetings, unless otherwise noted, begin at 9 a.m. and are held in Raleigh in the Commission's Conference Room at 1313 Navaho Drive (27609). Occasionally, circumstances necessitate changes in meeting times and locations.

2005-2006 REGISTRATION FORM

BASIC TRUST ACCOUNT PROCEDURES COURSE MONTHLY - RALEIGH

CONTINUING EDUCATION ELECTIVE CREDIT: FOUR HOURS
TIME: 1:00—5:00 P.M.
LOCATION: MCKIMMON CENTER AT NCSU
TUITION: \$45.00

Each session is limited to 40 participants, scheduled according to the date the registration information is received.

The fastest way to register is online at www.ncrec.state.nc.us. Otherwise, complete and mail this form with a check for the tuition fee to the NC Real Estate Commission at the address below. Receipt must be no later than seven (7) days prior to the date of the preferred session. (Make additional copies, if needed.) Walk-ins accepted on a space available basis only.

☐ November 1 ☐ December 6 ☐ January 10
☐ February 7 ☐ March 7

Name _____

Address _____

City _____ State _____ Zip _____

Phone (____) _____

☐ Broker ☐ Salesperson ☐ Bookkeeper

(Lic # _____)

Mail to: NC Real Estate Commission,
Audits and Investigations Division
P. O. Box 17100
Raleigh, NC 27619-7100

Registering online is easier, faster. Just have your credit card information and license number available.

Whitley ARELLO President-Elect

Mary Frances Whitley, Director of Administration, has been elected President-Elect of the Association of Real Estate License Law Officials (ARELLO). The international organization promotes better administration and enforcement of real estate license and regulatory laws by its members.



Scholarship Honors Phillip T. Fisher

To honor Real Estate Commission Executive Director Phillip T. Fisher's long and dedicated service, the Commission has established the *Phillip T. Fisher Scholarship* in his honor. Fisher joined the Commission in 1975.

The scholarship will benefit persons who have distinguished themselves in the Certified Residential Specialist (CRS) education program conducted under the auspices of the North Carolina chapter of the National Association of REALTORS® Council of Residential Specialists.



Schweidler, Little Scholarships Awarded

Commission Chairman Matthew J. (Rick) Watts (third from right) presented the Blanton Little Memorial Scholarship to Reuben L. Moore of Cary (third from left), and the Joe Schweidler Memorial Scholarship to John L. Irvin, Jr., of Greensboro (second from right). Joining in the presentation were (l. to r.) Commission members Jerry A. Mannen, Jr. and Co-Vice Chairman Raymond A. "Buddy" Bass, Jr., North Carolina Real Estate Educational Foundation, Inc., President-Elect Bruce Williams, Commission members Allan R. Dameron and Co-Vice Chairman Melvin A. "Skip" Alston, Commission Director of Education and Licensing Larry A. Outlaw, and Commission member Wanda J. Proffitt. Little and Schweidler are former executive directors of the Real Estate Commission.

Real Estate Commission Chairman Matthew J. "Rick" Watts, Deputy Legal Counsel Janet B. Thoren and Chief Auditor/Investigator Michael B. Gray participated with representatives of state and federal law enforcement and regulatory agencies in a working meeting concerning real estate mortgage fraud and a press conference in Charlotte recently.

Commission Participates in Loan Fraud Conference

concerning real estate mortgage fraud and a press conference in Charlotte recently.

Hosted by the U.S. Department of Justice through the U.S. Attorney's office for the Western District of North Carolina, participants discussed coordinated state and federal efforts to combat the growing problem of fraudulent mortgage activity in the state.

Watts announced at the press conference that the Commission will ask the General Assembly for legislation strengthening the hands of state law enforcement and prosecutors in obtaining convictions and increasing penalties for promoters convicted of mortgage loan fraud.

Real estate professionals are being invited by the newly established North Carolina Commission on State Property (NC-COSP)

to submit proposals concerning state-owned properties believed to be surplus. The proposals may be accompanied by an offer to purchase or an offer to list the parcel for sale.

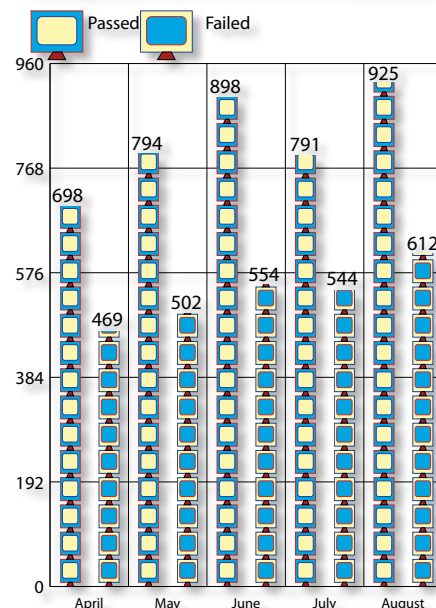
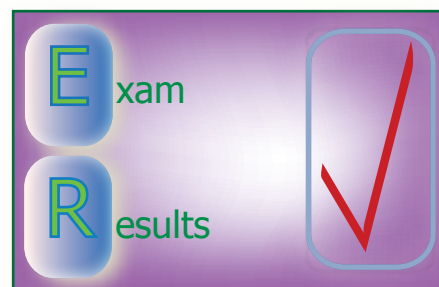
The Property Commission will work with state agencies that control such properties to determine whether the property is surplus. A licensee may be eligible to receive brokerage fees if a

proposal is accepted and certain conditions are met. North Carolina owns more than 630,000 acres of land and

New State Property Commission Invites Real Estate Proposals

over 12,000 buildings. For

more information and rules governing proposals, visit the Commission's website, www.nccosp.state.nc.us.



NUMBERS

The statistics here generally reflect the activities of the Real Estate Commission during the period from May 1, 2004 to April 30, 2005.

Contact

- 175,000 telephone calls
- 6,900,000+ website "hits" (a 329% increase)

Publications

- 1,000,000+ publications distributed to licensees, consumers and applicants

Technology

- Online license renewals increased 38%
- 5,700 student rosters electronically processed for CE courses (a 211% increase)

Licensing

- 161,000 license record changed
- 13,061 applications processed for licenses by examination (a 14% increase in addition to a 23% increase last year)
- 11,729 license examinations administered (a 12% increase in ad-

dition to a 23% increase last year)

- 6,937 licenses by examination issued (a 17% increase in addition to a 26% increase last year)
- 3,832 broker licenses issued without examination (a 16% increase in addition to a 20% increase last year)
- 436 licenses issued by reciprocity (a 17% increase)
- 1,235 firm licenses issued (a 23% increase)
- 276 expired, surrendered and suspended licenses reinstated
- 372 license applications regarding character issues reviewed by Commission (a 22% increase)
- 154 license applicant conferences conducted (a 25% increase)
- 10 new private real estate school licenses issued and 50 renewed

Education

- 44 real estate instructors approved and 30 renewed
- 69 new continuing education elective courses approved (for a total of

348 courses)

- 19 new continuing education sponsors approved (for a total of 192)
- 12 new continuing education *Update Course* instructors approved (for a total of 120)
- 47 *Broker-in-Charge Course* sessions conducted for 3,115 licensees

Audits/Investigations

- 89 field investigations completed
- 173 trust accounts examined
- 380 persons interviewed
- 26 trust account sessions conducted for 1,031 students (a 30% increase)

Legal

- 1,128 case (complaint) files opened and 1,048 closed
- 18 licensees reprimanded
- 54 licenses suspended
- 40 licenses revoked
- 11 licenses surrendered
- 47 cases utilized conditional remedies
- 14 Recovery Fund hearings conducted
- 59 license application hearings held (a 127% increase)

Watts

(Continued from page 1)

He is a member of the the Airborne and Special Operations Museum Foundation Board and past member of the Executive Committee of the National Association for the Advancement of Colored People, among other organizations.

Watts and his wife, Margaret, live in Fayetteville. Their daughter, Tiffany, recently received her PhD from the University of North Carolina at Chapel Hill.

Melvin L. "Skip" Alston

He is a former Chairman and is now serving his fourth four-year term as a member of the Guilford County Board of Commissioners.

Alston is President of S&J Management Corporation and is involved with a number of other successful business ventures in the Greensboro area.

He is the immediate-president of the North Carolina State Conference of NAACP Branches, and serves on the NAACP National Board of Directors and Board of Trustees.

He is also a member of the North Carolina Martin Luther King, Jr. Holiday Commission, a past president of the North Carolina Association of Black County Officials, and is co-founder and Chairman of the board of directors for the Sit-In Movement, Inc.

Alston has two sons, DeSean Jahleel who is also a real estate broker, and Ryan DeMarkus.

Raymond A. "Buddy" Bass, Jr.

Bass entered the real estate business in 1965.

He was owner and president of Dickens-Bass Realty & Construction Company and president of Bass Construction Company of Fayetteville, Inc., until his retirement.

He is a native of Halifax and a graduate of East Carolina University where he played football. He served in the U.S. Military during the Korean Conflict.

He is a member of St. Mark's Episcopal Church in Halifax, the Halifax Fishing Club, Alpo Hunting Club and the Cape Fear Aero Clubs as well as the Aircraft Owners and Pilots Association.

A former Chairman of the Real Estate Commission, he has been a member of the Commission since 1993. He was named by Governor Easley to the Order of the Long Leaf Pine for his long and dedicated service to the state.

Bass and his wife, Joan, have three children, Greg, Lisa and Susan.

2005-2006 Update Course Covers Changes to Law, Commission Rules

The 2005-2006 Update Course, mandatory for licensees as part of their continuing education requirement, covers:

- Changes to the Real Estate License Law creating a single class of "Broker" license, converting salesperson licenses to "provisional broker" licenses, increasing education requirements, and mandating more experience and training for brokers-in-charge. (See page nine in this issue of the Bulletin for a

summary of key changes to the law, which takes effect April 1, 2006, and page eight for answers to frequently asked questions.)

- A new procedure allowing brokers holding disputed funds to pay the funds to the Clerk of the Court after notice to the parties.

- Commission Rule changes effective July 1, 2005, as well as revisions to standard forms of the North Carolina Association of REALTORS®.

- Discussions of radon gas and why

purchasers of property should have a current survey.

- Commission rule governing real estate advertising including matters such as owner consent, "blind" ads, identification of individuals and companies, Truth-in-Lending and Fair Housing restrictions and "Do Not Call" and "Do Not Fax" laws.

All continuing education for the current licensing year that began July 1 must be taken on or before June 10, 2006. Education course sponsors are not permitted to offer courses for CE credit between June 11 and June 30 of

(See Update, page 7)

FREE PUBLICATIONS

**Quantity
Requested**

Questions and Answers on:

Fair Housing

Tenant Security Deposits

Condos and Townhouses

Residential Subdivisions and Planned Communities

Purchasing Coastal Real Estate in North Carolina

Renting Residential Real Estate

Trato Con Agentes de Bienes Raíces
(Working With Real Estate Agents)

Preguntas y Respuestas sobre: (Questions and Answers On:)

Vivienda Justa
(Fair Housing)

El Depósito de Seguridad del Inquilino
(Tenant Security Deposits)

Alquiler de Inmuebles para Viviendo
(Renting Residential Real Estate)

Real Estate Licensing in North Carolina
(Contains license application)

Residential Property Disclosure Statement
(Please limit request to one copy; duplicate as needed.
Also available on the Commission's web site.)

NAME _____

ADDRESS _____

CITY/STATE/ZIP _____

Telephone _____

Email _____

Please allow 7 days from receipt of order for delivery.

How To Order:

Mail, fax or email this form to the Real Estate Commission.

Online:

www.ncrec.state.nc.us

Select the publication icon on the home page. Complete the online form.

Mail to:

NC Real Estate Commission
ATTN: Publications
P. O. Box 17100
Raleigh, NC 27619-7100

Fax

1-919-877-4227

**This form
for free
publications
only.**

Update

(Continued from page 6)

each year to allow time for sponsors to file reports to the Commission and for the Commission to process them.

Licensees are encouraged to take the *Update Course* earlier rather than later in the license year. The CE schedule indicating course locations and dates for the period through December is available on the Commission's website, www.ncrec.state.nc.us.

The Spring 2005 Trust Account Caravan set a new record for attendance with 701 attendees, shattering the old record of 593 set in 2002.

The Commission offered twelve "Basic Trust Account Procedures" courses and four "Trust Account Procedures for Resort Property Managers" courses between March and May. Courses were held in Asheville, Fayetteville, Greensboro, Greenville, Huntersville, Kill Devil Hills, Murphy and Wilmington.

Held annually, the Caravan was instituted by the Commission in 1982 as a means of providing its courses to people throughout the state who cannot attend one of the monthly courses held in Raleigh. Both courses were developed and are taught by members of the Commission's Audits & Investigations Division.

Trust Caravan Sets Attendance Record

PURCHASE PUBLICATIONS

Publication	Quantity Requested	Totals
Residential Square Footage Guidelines (\$.65 per copy)	<input type="text"/>	\$ <input type="text"/>
Working With Real Estate Agents (\$.25 per copy)	<input type="text"/>	\$ <input type="text"/>
Questions and Answers on: Home Inspections (\$.25 per copy)	<input type="text"/>	\$ <input type="text"/>
Earnest Money Deposits (\$.25 per copy)	<input type="text"/>	\$ <input type="text"/>
Real Estate Closings (\$.25 per copy)	<input type="text"/>	\$ <input type="text"/>
Broker-in-Charge Guide (\$10 per copy)	<input type="text"/>	\$ <input type="text"/>
North Carolina Real Estate License Law and Commission Rules (\$3.00 per copy)	<input type="text"/>	\$ <input type="text"/>
Real Estate Agent Safety Guide (\$.25 per copy)	<input type="text"/>	<input type="text"/>
Amount Enclosed		\$ <input type="text"/>

How To Order:

Mail, fax or email this form with method of payment indicated - check or credit card (MasterCard or Visa). Please do not remit cash.

Online:

www.ncrec.state.nc.us.

Select the publication icon on the home page. Follow the instructions for ordering with your MasterCard or Visa credit card.

Mail to:

Commission Publications
P. O. Box 7484
Winston-Salem, NC 27109

Fax

1-800-529-9162

**This form for
purchasing
publications
only.**

NAME

ADDRESS

CITY/STATE/ZIP

Telephone Email

☐ MasterCard ☐ Visa

Credit card orders must be a minimum of \$1.00.

Expiration Date

Signature:

Please allow 7 days from receipt of payment for delivery.

Prelicensing education requirement 75 hours as of April 1, 2006

Q: Will my 67-hour salesperson prelicensing course be recognized if I apply for a broker license after April 1, 2006?

A: Yes, if you also attend an additional eight hours in the new broker prelicensing course and apply within three years after completing the 67-hour salesperson course. Just contact any approved school to get the additional hours. [NOTE: A salesperson prelicensing course of 75 hours or more will continue to be recognized after April 1, 2006 for up to three years after course completion.]

Postlicensing and broker transition courses

Q: When will the three 30-hour postlicensing courses and the 24-hour broker transition course be available?

A: After April 1, 2006. For information on postlicensing courses, contact the same schools that offer the prelicensing course. And for information on the broker transition course, contact any CE update course sponsor.

Q: May I take all three 30-hour postlicensing courses during the first year after I become a provisional broker?

A: Yes. As soon as you complete all three courses, the "provisional" status of your broker license will be removed.

License

(Continued from page 1)

conceived and recommended the legislation to the Commission.

Commission Chairman Rick Watts concluded the proceedings by remarking that, as a result of this important legislation, "Real estate consumers will soon be served by more knowledgeable agents, and North Carolina's real estate licensing program will be restructured to meet the needs and demands of the 21st century marketplace."

Q: What happens to my provisional broker license if I don't take at least one of the 30-hour postlicensing courses annually after initial licensure?

A: Your license will be placed on "inactive" status, and you cannot, therefore, actively engage in brokerage practice. To reactivate your license, you will have to make up any postlicensing education (and CE) deficiency.

Q: Will examinations be required in the new courses?

A: Each 30-hour postlicensing course will have a final exam, but there will be no exam in the 24-hour broker transition course.

Q: When I have satisfied all the qualification requirements, will I have to file an application to remove the "provisional" status of my license?

A: No. Schools and sponsors will notify the Commission when you have completed your postlicensing courses (or broker transition course). The provisional status will then be removed and you will be notified.

60-hour broker course available for a limited time

Q: I am a salesperson, but I want to get a broker license before April 1, 2006. How can I get one?

A: Just as now, take the 60-hour broker course, get your CE for the current license period, and file a broker application.

Option to waive 24-hour transition course by certifying experience

Q: I understand that if I was a licensed salesperson before October 1, 2005 and I have had four years full-time (or equivalent part-time) brokerage experience within the past six years, I can have the "provisional status" removed from the broker license I will be issued on April 1, 2006. What experience counts?

A: The experience must be in performing activities that require a real estate license (listing, selling, leasing, etc., for others for compensation); however, referrals will not count. "Full-time" means 40 hours per week. So long as

you accumulate this experience before March 31, 2008, you may "certify" to the Commission that you have the experience and have the provisional status removed. A certification form and instructions will be available after April 1, 2006.

Q: While I understand that I only have to "certify" to the Commission that I have the required experience, the Commission may later ask me to provide documentation. I have been a full-time licensed salesperson for five years but have been with three different companies and four different brokers-in-charge during that time. What documentation will be acceptable to prove my experience?

A: Various types of documentation may be acceptable, including: Statements from brokers-in-charge (or other management officials) certifying hours worked and/or the number and type of transactions handled; a list of transactions you have handled; or similar documentation.

24-hour course and inactive salespersons

Q: As an inactive salesperson with no immediate plans to reactivate my license, why should I take the 24-hour broker transition course?

A: Because if you do not take it before April 1, 2008, you will have to complete the entire 90-hour postlicensing education program in order to activate your license. By completing the 24-hour transition course, the provisional status of your broker license will be removed.

Broker-in-charge status

Q: If I become the broker-in-charge of a real estate office and complete the current BIC course before April 1, 2006, may I continue to serve as a BIC after April 1, 2006?

A: Yes, but if at any time you have a break in service as BIC (e.g., license expired or inactive, any period of time when you are not BIC, etc.), you must meet the new BIC education and experience requirements to be re-designated as a BIC.

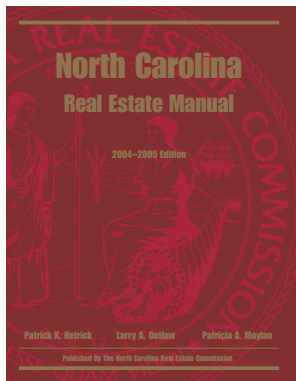
SUMMARY OF CHANGES TO NORTH CAROLINA REAL ESTATE LICENSE LAW

CLASSIFICATION	LICENSE STATUS	EDUCATION
PERSONS WHO APPLY FOR REAL ESTATE LICENSES ON OR AFTER APRIL 1, 2006 (ONLY BROKER LICENSES WILL BE ISSUED)	must complete 75 hours of prelicensing instruction within the three years prior to application and will be issued a broker license on "provisional status." While on provisional broker status, they must be supervised by a broker-in-charge when performing brokerage activities, and they cannot become broker-in-charge of a real estate office.	must complete an additional 90-hour post-licensing education program* to remove the provisional status of the broker license, and if they do not complete the education within three years, their license will be cancelled.
IF YOU HAVE A BROKER LICENSE (or obtain one before April 1, 2006)	you will NOT be affected unless you want to become a broker-in-charge.	
IF YOU HAVE OBTAINED A SALESPERSON LICENSE <u>before October 1, 2005</u> and you do not obtain a broker license before April 1, 2006	your license will, on April 1, 2006 , be converted to a broker license on "provisional" status--active salesperson to active broker and inactive salesperson to inactive broker. You must continue to be supervised by a broker-in-charge.	your license will remain on provisional status until you either (1) certify to the Commission that you have at least four years full-time (or equivalent part-time) experience as a real estate salesperson and/or broker within the past six years, or (2) complete a 24 classroom hour "broker transition course" for which you will receive four hours of continuing education elective credit. If you do not complete the transition course or satisfy the experience alternative by April 1, 2008 , your license will be placed on inactive status, and you will be required to complete the 90-hour post-licensing education program to activate it.
IF YOU HAVE OBTAINED A SALESPERSON LICENSE <u>on or after October 1, 2005</u> and you do not obtain a broker license before April 1, 2006	your license will, on April 1, 2006 , be converted to a broker license on "provisional" status--active salesperson to active broker and inactive salesperson to inactive broker. While on provisional broker status, you must continue to be supervised by a broker-in-charge.	your license will remain on provisional status until you complete the post-licensing education program*, and if you do not complete the education within three years, your license will be cancelled.
IF YOU WANT TO BE DESIGNATED BROKER-IN-CHARGE OF A REAL ESTATE OFFICE ON OR AFTER APRIL 1, 2006 (A provisional broker is not eligible to be a broker-in-charge.)	you must possess at least two years full-time (or equivalent part-time) experience as a broker and/or salesperson (obtained within the previous five years), or have real estate education/experience equivalent to such experience.	you will be required to complete (within 120 days following designation) an eight-hour "Broker-in-Charge Course" and four-hour "Basic Trust Account Course". Also, while designated as a broker-in-charge, you must each year complete a special continuing education course for brokers-in-charge which will satisfy your continuing education elective course requirement for the year.

*The 90-hour post-licensing education program will consist of three 30-hour courses, and provisional brokers must complete at least one course during each year after initial licensure.

NORTH CAROLINA REAL ESTATE MANUAL

HOW TO ORDER:



Go to the Commission's web site, www.ncrec.state.nc.us, select "Publications/Bulletin" and click on NC Real Estate Manual to link directly with the book distributor. Follow the instructions for ordering using your MasterCard or Visa credit card.

Mail or fax an order form with payment. For credit card payments, only MasterCard and Visa are accepted. For checks, please send only cashier's or certified check or money order, payable to: North Carolina Real Estate Manual. (The Manual sales price is \$34.95 plus sales tax and shipping.)

North Carolina Real Estate Manual
P. O. Box 7484
Winston-Salem, NC 27109

1-800-529-9162

manual@ncrec.state.nc.us

NORTH CAROLINA REAL ESTATE MANUAL

NAME _____

ADDRESS _____

CITY/STATE/ZIP _____ Street (NOT P.O. BOX) _____

Telephone

Email

Single Manual @ \$43.40* (incl. Tax, Shipping) \$ 43.40

Additional Manuals @ \$38.40* each (incl. Tax, Shipping) X _____\$ _____

Quantity

TOTAL \$

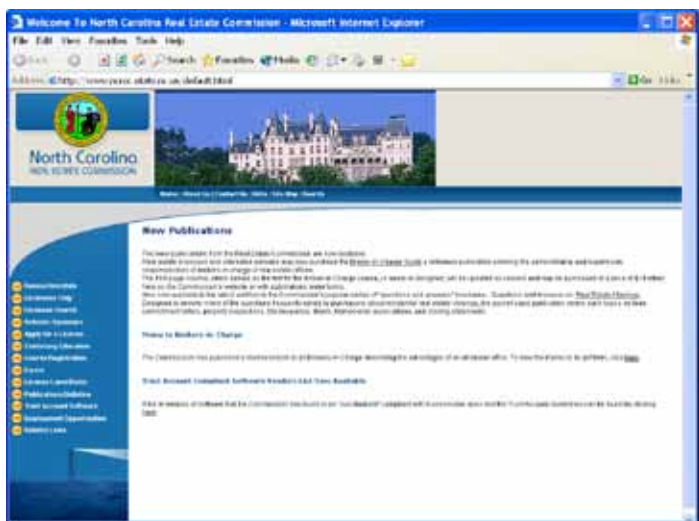
☐ MasterCard ☐ Visa

[illegible]

Exp Date

Signature: _____

*Manual sales price is \$34.95 plus \$2.45 sales tax and shipping. **Please allow 7 days from receipt of payment for delivery.**



Commission Puts New Face On Website

Visit the newly re-designed Commission website, www.ncrec.state.nc.us, and you'll find it easier to navigate to find what you need. A menu of choices for the entire site displays on the lefthand side of most pages letting you quickly move from say, Renew/Reinstate to Publications to Continuing Education, without hitting the back button. An animated light-house appears in the lower left corner and the Vanderbilt mansion at Asheville at the top to denote the sweep of the state's physical landscape from mountains to ocean.

EMPLOYMENT OPPORTUNITIES

Two positions are currently available
at the North Carolina Real Estate Commission office in Raleigh.

ASSOCIATE LEGAL COUNSEL

DUTIES:

- Assists members of Commission's legal staff in reviewing and evaluating complaints.
- Responds to written and telephone inquiries from real estate licensees, and to complaints and inquiries from the public relating to the Real Estate License Law and Commission rules and general brokerage practices.
- Serves as Administrative Procedures Act Coordinator.
- Assists with time share project registration and renewal.
- Researches and drafts statements of policy and prepares articles for publication.

MINIMUM QUALIFICATIONS:

Graduation from an accredited law school and licensed to practice law in the State of North Carolina and one year experience in the practice of law.

APPLICATION MATERIALS REQUIRED:

1. Original Employment Application form
2. Writing samples (memos of law and briefs generated during practice of law - informational articles desired)

EMPLOYMENT SCHEDULE:

Application Deadline: November 21, 2005

Interview: November 30 (Associate Legal Counsel)
December 1 (Information Officer)

Begin employment: January 3, 2006 (negotiable)

INFORMATION OFFICER

DUTIES:

- 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.
- 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.

APPLICATION MATERIALS REQUIRED:

1. Original Employment Application form.
2. Writing samples (articles, reports, papers, etc. prepared by the applicant).

CONTACT PERSON:

Mrs. Mary Frances Whitley
Director of Administration
North Carolina Real Estate Commission
PO Box 17100
Raleigh, NC 27619
(919) 875-3700, Ext. 117

EQUAL OPPORTUNITY EMPLOYER

AUDITOR'S CORNER



Cash Receipts Require Special Protection

By Emmet R. Wood, Director, Audits and Investigations

You may recall from my previous Auditor's Corner that I defined internal controls for real estate trust accounts as policies and procedures designed to safeguard the assets of the account and provide reasonable assurance that the account's books and records are reliable.

(Part 2
of a
series)

Special problems are posed when a real estate company accepts cash. For instance, consider the following scenario: A real estate company that manages rental units for various owners allows tenants to pay their rent and security deposits with personal checks and/or cash. The company has two rental managers who, when they collect cash, give the tenant a receipt from one of the company's receipt books and then place the money in a cash drawer. At the end of each business day, one of the rental managers counts the cash collected, prepares the deposit ticket, and deposits the money in the bank the next morning.

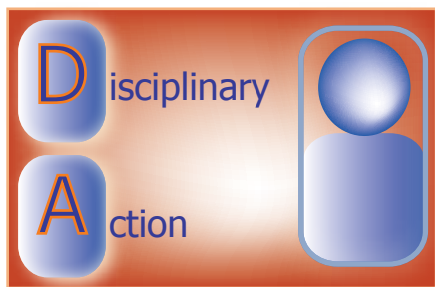
Since both of the rental managers have access to the cash drawer, what internal controls could the company initiate to minimize the risk of a cash embezzlement?

The first internal control would be to assign a separate receipt book with sequentially-numbered receipts to each rental manager and limit them to writing receipts only from their own books. The second internal control would be to assign each of them their own cash drawer which only they could access. The third would be for the company to require each rental manager to total his or her cash receipts, balance the total to the money in their cash drawer and deposit ticket, and then deposit the money in the bank on a daily basis.

It may be helpful for you to place yourself in the position of those employees in your company who have access to trust funds, think about how you might take trust money if you were them, and then design a system of internal controls to prevent you from taking the funds. If you need further help, consider consulting a CPA.

Homeowner Association Seminars To Be Held in October, November

Homeowner Associations of North Carolina has announced it will conduct four seminars across the state in October and November to educate homeowners about recent changes in laws governing their associations. For information concerning the seminars or to register a homeowner association in HOA-NC's directory of over 13,000 North Carolina homeowner associations, go to www.hoa-nc.com.



SUSAN L. BECK (Sylva) – By Consent, the Commission permanently revoked the broker license of Ms. Beck effective July 1, 2005. The Commission found that Ms. Beck failed to turn over earnest money deposits received from several clients to her broker-in-charge and failed to deposit these funds into a trust account or properly account for the funds to her clients. The Commission also found that Ms. Beck made changes to various offers to purchase without the knowledge or permission of her clients and attempted to obtain an advance commission by creating a false contract. The Commission also found that Ms. Beck in January 2005 pleaded guilty in Cherokee County to attempted common law forgery, and received a 30-day jail sentence, which was suspended for an 18-month period of supervised probation.

GARY L. BOLING (Supply) – By Consent, the Commission accepted the voluntary surrender of the salesperson license (inactive) of Gary Boling for one year effective May 1, 2005. Mr. Boling denies any misconduct in connection with the surrender of his license. The Commission has dismissed any case against Mr. Boling.

PETRA M. BOTTOMLEY (Raleigh) – By Consent, the Commission suspended the broker license of Ms. Bottomley for a period of six months effective June 11, 2005. The Commission then stayed the suspension for a probationary period of six months. The Commission found that Ms. Bottomley failed to report a conviction of driving while impaired at a time when she held a salesperson license and later on her application for a broker license. The Commission noted that Ms. Bottomley voluntarily reported the conviction after learning in the Update course

Penalties for violations of the Real Estate 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.

that she was required to do so.

TONNITTE G. BROWN (Research Triangle Park) – By Consent, the Commission reprimanded Ms. Brown

Licensees Must Report Convictions

Commission Rule A.0113 requires any licensee who is convicted of a misdemeanor or felony or who has disciplinary action taken against him or her by any occupational licensing board to file a report with the Real Estate Commission.

The reporting requirement includes convictions for driving while impaired ("DWI"). The report must be filed within sixty (60) days of the final judgment or board action.

If you have questions about this rule, please call the Commission's Legal Services Division at 919-875-3700 for more information.

effective July 11, 2005. The Commission found that Ms. Brown, as broker-in-charge of her own real estate office, allowed another broker, not affiliated with her firm, to act under her name as a buyer agent in a real estate transaction. The transaction was concealed from the firm with which the other broker was affiliated. The Commission also found that the buyer never signed a buyer agency agreement with Ms. Brown, her firm, the other broker or any other licensee and that Ms. Brown allowed the other broker to conduct all brokerage activities yet claim on the purchase contract that Ms. Brown was the buyer agent in the transaction.

VELMA G. BURGESS (Charlotte)

– The Commission revoked the broker license of Ms. Burgess effective April 18, 2005. The Commission found that Ms. Burgess failed to provide the Commission supporting documentation of a trust account deposit, failed to appear at a scheduled meeting with the Commission's auditor, and failed to respond within 14 days of receiving a Letter of Inquiry from the Commission. The Commission also found that Ms. Burgess failed to account for and remit monies coming into her possession which belonged others, mishandled trust monies, failed to properly identify the owners of the money in her trust account, failed to retain transaction records and failed to properly maintain a trust account and records as broker-in-charge.

REBECCA J. CORDELL (Banner Elk) – By Consent, the Commission revoked the broker license of Ms. Cordell effective June 8, 2005. The Commission found that Ms. Cordell, as broker-in-charge of a real estate firm engaged in vacation rentals, failed to maintain the firm's trust account journal and ledgers as required by Commission rules, and, for over three years, to conduct monthly trust account reconciliations.

MARGARET I. CROSBY (Charlotte) – By Consent, the Commission suspended the broker license of Ms. Crosby for a period of one year effective June 1, 2005. The Commission then stayed the suspension for a probationary period of two years. The Commission found that Ms. Crosby failed to fulfill a promise to purchasers of a property she had listed that she would repair a broken and discolored concrete driveway and walkway. The Commission noted that Ms. Crosby later reimbursed the purchasers for the repairs.

SHERI C. FEARING (Greenville)
(See **Disciplinary Action**, page 14)

Disciplinary Action

(Continued from page 13)

– By Consent, the Commission suspended the salesperson license of Ms. Fearing for a period of 90 days effective January 1, 2006. Thirty days of the suspension are to be active with the remainder suspended until November 19, 2006 or until such time that Ms. Fearing completes her criminal probation. The Commission found that Ms. Fearing failed to disclose to the Commission on her 1995 salesperson license application convictions for underage purchase and possession of beer/wine in 1987 and 1988, disorderly conduct in 1991 and Level 5 DWI in 1992. The Commission also found that Ms. Fearing was convicted of Level 4 DWI while licensed and for this offense was placed on unsupervised probation until November 19, 2006. The Commission noted among other things that Ms. Fearing reported this conviction to the Commission as required.

JEFFREY L. GATES (Mebane) – The Commission revoked the salesperson license of Mr. Gates effective August 1, 2005. The Commission found that Mr. Gates failed to disclose on his 2001 application for reinstatement of his salesperson license that he had been convicted of criminal offenses including writing worthless checks during 1996 and 1997; assault inflicting serious injury during 1997; assault on a child under 12 years of age during 2000; and violating his probation during 2001. The Commission also found that Mr. Gates failed to report the convictions for writing worthless checks and assault while licensed as a salesperson.

CAROL M. GERBRACHT (Durham) – By Consent, the Commission suspended the salesperson license of Ms. Gerbracht for a period of one year effective February 1, 2005. One month of the suspension was active with the remainder stayed for a probationary period of 23 months on certain conditions. The Commission found that Ms. Gerbracht, while acting as a buyer

agent, assisted in obtaining the signatures of the sellers in a real estate transaction on false documents that inflated the actual sales price by means of a false

Continuing Education Checklist

- ✓ Check your course completion certificate to see that it has your correct and current license number.
- ✓ Check your continuing education credits online at www.ncrec.state.nc.us to confirm their accuracy.

second mortgage. The Commission noted that Ms. Gerbracht was inexperienced at the time of this transaction.

THOMAS D. HERMAN (Fleetwood) – By Consent, the Commission reprimanded Mr. Herman effective June 22, 2005. The Commission found that Mr. Herman, while licensed as a broker by the Commission and as a Registered Land Surveyor, consented to discipline by the North Carolina Board of Examiners for Engineers and Surveyors in 2003 and failed to report this sanction to the Commission in the time required by Commission rule.

HORACE C. HODGIN (Goldboro) – By Consent, the Commission suspended the broker license of Mr. Hodgin for a period of two years effective June 1, 2005. The Commission found that Mr. Hodgin failed to take continuing education courses required by the Commission and conducted brokerage services knowing his license was on inactive status. The Commission also found that Mr. Hodgin failed to maintain his trust account records in

compliance with Commission rules.

JACKSONVILLE REAL ESTATE ACADEMY (Jacksonville) – By Consent, the Commission suspended the license of the Jacksonville Real Estate Academy to teach prelicensing courses for a period of two years effective July 12, 2005. The Commission then stayed the suspension for a probationary period of two years. The Commission found that Jacksonville Real Estate Academy allowed a person not approved by the Commission as a real estate instructor to teach substantial portions of the salesperson prelicensing courses in excess of the number of hours permitted by Commission rule.

JAMES W. MANN (Charlotte) – By Consent, the Commission permanently revoked the salesperson license of Mr. Mann effective August 10, 2005. The Commission found that Mr. Mann, as a sales manager for a home building company, agreed to make the company's inventory available for sale to promoters of various real estate investment groups, knowing at the time that the promoters used inflated appraisals and facilitated the use of inflated appraisals in various transactions. The Commission also found that Mr. Mann was paid by the promoters for his assistance and failed to disclose these payments to his employer or the lenders involved in the transactions in question.

KENNETH A. PEELE, JR. (Emerald Isle) – By Consent, the Commission accepted the voluntary surrender of the broker license of Mr. Peele for five years effective July 12, 2005. The Commission dismissed without prejudice allegations that Mr. Peele had violated provisions of the Real Estate License Law and Commission rules. Mr. Peele neither admitted nor denied misconduct.

HERBERT F. PERRY, JR. (Raleigh) – By Consent, the Commission revoked the salesperson license of Mr. Perry effective June 1, 2005. The Commission found that Mr. Perry accepted client

(See Disciplinary Action, page 15)

Disciplinary Action

(Continued from page 14)

funds to pay for repairs to the client's property and deposited the funds into his personal accounts instead of turning them over to his broker-in-charge. The Commission also found that Mr. Perry accepted responsibility for various repairs in three other transactions, but failed to have the repairs performed after closing.

JEROME K. PERSON (Fayetteville) – The Commission revoked the broker license of Mr. Person effective May 1, 2005. The Commission found that between 1985 and 2002, Mr. Person was convicted of multiple criminal offenses including Driving While Impaired, Assault on a Court Security Officer, Public Disturbance and Violating a Domestic Protection Order by federal and state courts, and, his law license was suspended by the North Carolina State Bar.

AMY B. PHILLIPS (Charlotte) – By Consent, the Commission revoked the broker license of Ms. Phillips effective July 1, 2005. The Commission found that Ms. Phillips, acting as attorney-in-fact for the purchaser, had no agency relationship through her firm as defined by Commission rule with the parties in two sales transactions a month apart, yet received fees paid to her firm at closing of \$26,800 for the first transaction and \$40,000 for the second. The Commission also found that Ms. Phillips, again acting as attorney-in-fact for the purchase of a third property for the same buyer in October 2003 and for the purchase of three separate properties for other buyers in May 2004, executed documents certifying that each of the properties were to be the buyers' principal residences, when those statements were false.

PROPERTY MANAGEMENT SERVICES, INC. (Summerfield) – By Consent, the Commission revoked the firm license of Property Management Services effective September 8, 2005. The Commission found that Property Management Services failed to main-

tain and retain records of management and other brokerage transactions sufficient to show the proper deposit and remittance of such funds and to verify the accuracy and proper use of the trust or escrow account, to account to the Commission for the money being held for others, and to make their trust account records available to the Commission upon request.

KARRIE K. ROBERTSON (Summerfield) – By Consent, the Commission revoked the broker license of Ms. Robertson effective September 8, 2005. The Commission found that Ms. Robertson, broker-in-charge of property management firm, failed to maintain and retain records of management and other brokerage transactions sufficient to show the proper deposit and remittance of such funds and to verify the accuracy and proper use of the trust or escrow account, to account to the Commission for the money being held for others, and to make their trust account records available to the Commission upon request.

AMY ROKOSKI (Wilmington) – By Consent, the Commission reprimanded Ms. Rokoski effective July 1, 2005. The Commission found that Ms. Rokoski, a salesperson with a real estate brokerage firm, acting upon instructions from her broker, assured potential buyers of a house owned by the United States Department of Veterans Affairs that the VA would repair defects in the house when, in fact, the VA would not correct the defects. Based upon these assurances, the buyers purchased the house.

JOHN M. SLAUGHTER (Supply) – By Consent, the Commission reprimanded Mr. Slaughter effective May 12, 2005. The Commission found that Mr. Slaughter failed to disclose several 1988 and 1989 misdemeanor convictions on his 2000 salesperson license application.

BRAD H. SPAHN (Charlotte) – By Consent, the Commission suspended the salesperson license of Mr. Spahn for a period of one year effective May 1, 2005. Thirty days of the sus-

pension was active with the remainder stayed by a probationary period of 11 months. The Commission found that Mr. Spahn failed to disclose on his 2002 salesperson license application a conviction in 1995 and another in 2000 for driving under the influence and two worthless check convictions. The Commission noted that Mr. Spahn did disclose the convictions on his September 2004 broker license application and has cooperated with Commission inquiry into the matter.

DORIS Y. LOVE STAPLES (Rockingham) – By Consent, the Commission suspended the salesperson license of Ms. Staples for a period of one year effective March 1, 2005. Six months of the suspension were active with the remainder stayed for a probationary period of one year on certain conditions. The Commission found that Ms. Staples, acting as a dual agent, sold a property she had listed to a buyer without entering into a written agency agreement with either her buyer or seller clients. The Commission also found that Ms. Staples was aware that the seller was to pay certain concessions to the buyer and failed to assure that the concessions were disclosed to the lender and closing attorney, and to assure that they were set out on the closing statement.

THE EXECUTIVE GROUP (Charlotte) – By Consent, the Commission revoked the firm license of The Executive Group effective July 1, 2005. The Commission found that The Executive Group had no agency relationship as defined by Commission rule with either of the parties in two transactions a month apart, but received fees at closing of \$26,800 for the first transaction and \$40,000 for the second.

THE LODGING CENTER, INC. (Banner Elk) – By Consent, the Commission revoked the firm license of The Lodging Center effective June 8, 2005. The Commission found that The Lodging Center, as a licensed firm broker engaged in vacation rentals, failed to maintain the firm's trust account jour-

(See Disciplinary Action, page 16)

Disciplinary Action

(Continued from page 15)

nal and ledgers as required by Commission rules, and, for over three years, to conduct monthly trust account reconciliations.

BRENDA E. THIXTON (Jacksonville) – By Consent, the Commission suspended the broker license of Ms. Thixton for a period of two years effective July 12, 2005. The Commission then stayed the suspension for a probationary period of two years. The Commission found that Ms. Thixton, while not approved as a real estate instructor, taught substantial portions of the salesperson prelicensing courses in excess of the number of hours permitted by Commission rule. The Commission noted that Ms. Thixton subsequently obtained the necessary credentials to be approved and approved her to teach on a temporary basis.

ROGER D. THIXTON (Jacksonville) – By Consent, the Commission suspended its approval of Mr. Thixton to teach prelicensing courses and the *Update* continuing education course for a period of two years effective July 11, 2005. Six months of the suspension are to be active with the remainder stayed for a probationary period of 18 months. By Consent, the Commission also suspended the broker license of Mr. Thixton for a period of two years effective July 11, 2005. The Commission then stayed the suspension for a probationary period of two years. The Commission found that Mr. Thixton allowed a person not approved as a real estate instructor to teach substantial portions of the salesperson prelicensing courses Mr. Thixton offered through his school in excess of the number of hours permitted by Commission rule. The Commission also found that Mr. Thixton offered an elective continuing education course in which he failed to deliver appropriate information to his students, deviated from the course plan and conducted the course in less than the allotted time.

UPLAND COMPANIES LLC

D/B/A UPLAND REALTY (Asheville) – By Consent, the Commission suspended the firm license of Upland Companies for a period of three months effective June 1, 2005. The Commission then stayed the suspension for a probationary period of nine months on certain conditions. The Commission found that Upland Companies, a real estate brokerage company, acted as a buyer agent in a commercial real estate transaction without obtaining a written agency agreement with the buyer.

SHIRL WEBB-ALSTON (Raleigh) – By Consent, the Commission suspended the broker license of Ms. Webb-Alston for a period of one year effective August 1, 2005. One month of the suspension was active with the remainder stayed for a probationary period of one year. The Commission found that Ms. Webb-Alston, while affiliated with one real estate brokerage firm, undertook to act as a buyer agent in a transaction under the name of a different firm, without the permission of the firm with which she was then affiliated. The Commission also found that Ms. Webb-Alston failed to obtain a written buyer agency agreement and

represented on the sales contract that another broker was the buyer agent.

JAMES M. WHATMORE (Asheville) – By Consent, the Commission suspended the broker license of Mr. Whatmore for a period of three months effective June 1, 2005. The Commission then stayed the suspension for a probationary period of nine months on certain conditions. The Commission found that Mr. Whatmore, principal broker and broker-in-charge of a real estate brokerage firm, acted as a buyer agent in a commercial real estate transaction without obtaining a written agency agreement with the buyer.



86,500 copies of this public document were printed at a cost of .134 per copy

North Carolina Real
Estate Commission
P. O. Box 17100
Raleigh, NC 27619-7100

PRSRT STD U.S. POSTAGE PAID HICKORY, NC PERMIT NO. 104
--