



Whitley Assumes Office of ARELLO President

Mary Frances Whitley, Director of Administration, was installed as President of the Association of Real Estate



License Law Officials (ARELLO) at its annual meeting in San Antonio in September.

Whitley leads an international organization dedicated to promoting better administration and enforcement of real estate license and regulatory laws by its members. Her one-year term begins January 2007.

(See **Whitley**, page 4)

Bass Elected Chairman, Alston, Vice Chairman

Raymond A. "Buddy" Bass, Jr., of Fayetteville has been elected Chairman



of the North Carolina Real Estate Commission for the second time and Melvin L. "Skip" Alston of Greensboro has been re-elected Vice Chairman, it was announced by Philip T. Fisher, Executive Director.



Bass, a Commission member since 1993, was first elected Chairman in 1995. He was also elected Vice Chairman in 1994 and co-vice chairman in 2005.

(See **Election**, page 5)



North Carolina Real Estate Commission

October, 2006

Dear Brokers:

Now in my fourteenth year on the Real Estate Commission and second term as Chairman, I continue to be impressed by the dramatic changes which have taken place in real estate practice over the years. While a Commission member, I have witnessed the advent of mandatory agency disclosure, property condition disclosure, virtual office websites, personal assistants, and the emergence of so-called "mega-offices", just to name a few.

Responding to this evolution - if not revolution - in the way real estate brokerage is now practiced and the greatly increased number of persons in the business, the Real Estate Commission has substantially expanded its technological capabilities and, when necessary, its staff to effectively carry out its mission. In just this past year, our 54-member staff of administrators, educators, investigators, attorneys, and a variety of specialists managed more than one quarter million telephone calls, distributed a million-plus publications, updated 300,000 license records and processed nearly 1,500 written complaints. The Commission website undergoes continual improvement which, with our many publications and educational offerings, is designed to better inform and educate the real estate community and general public.

Plainly, the Commission is a busy, vibrant organization, serving as it does approximately 100,000 licensed individuals and firms. Yet, we make every effort to answer your inquiries and assist you "in person" as quickly as possible. We are committed to helping you serve real estate consumers and to promoting professionalism in this industry which is so vital to our State's economy and future prosperity.

You are welcome to attend the Commission's monthly meetings. Please refer to your *Bulletin* or the Commission's website, www.ncrec.state.nc.us.

Sincerely yours,

Raymond A. "Buddy" Bass, Jr.
Chairman

Proffitt, Mannen Reappointed

Governor Michael F. Easley has reappointed Wanda J. Proffitt of Burnsville and Jerry A. Mannen, Jr., of Wilmington as members of the Real Estate Commission. Proffitt has been a member since 1994 and Mannen since 2003.

Former Commission Member Gilbert L. Boger

The Real Estate Commission regrets the passing of former member Gilbert L. Boger (Mocksville). Appointed to the Commission in 1985, he served with distinction during his three terms ending in 1994 including twice being elected Chairman.

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

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Phone (919) 875-3700

Michael F. Easley, Governor

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Jean A. Wolinski-Hobbs	Information Officer

Editor-In-Chief

Phillip T. Fisher

Editor

Robert L. Forshaw



People

Charlene D. "Charlie" Moody has assumed the position of Deputy Legal Counsel. She tries disciplinary cases before the Commission and is responsible for approvals and renewals of time share projects. Prior



to joining the Commission, she was in private practice in Atlanta and Raleigh. She holds a JD degree from the University of North Carolina and an undergraduate degree from Duke University.

Sandra Good Alley has assumed the position of Associate Legal Counsel. She is responsible for case management, license application cases, and administrative rulemaking. She has a BA in political science from the University of North Carolina and a JD degree from Duke University.



Elizabeth W. "Betsey" Penney has assumed the position of Information Officer in Legal Services. She answers inquiries from licensees and consumers about real estate law, Commission rules and general brokerage practices. She has a BA in education from the University of North Carolina and five years of real estate brokerage experience.



Jean A. Wolinski-Hobbs has assumed the position of Information Officer in Legal Services. She answers inquiries from licensees and consumers about real estate law, Commission rules and

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.



general brokerage practices. She has a BA from the University of Minnesota and 13 years experience in commercial property management and residential sales.

Daniel K. Creech has assumed the position of Records Specialist in the Administration Division. Prior to assuming this position, he worked as a Commission Renewal Clerk for several years. He is a graduate of North Carolina State University with a BS in Business Management.



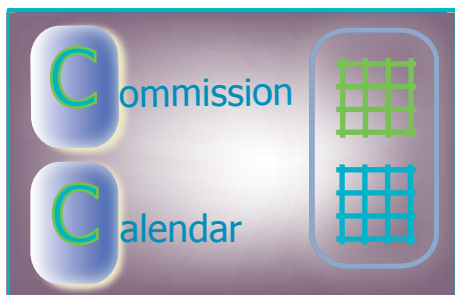
Susan M. Tysor has assumed the position of Executive Assistant to the Executive Director. A Commission staff member for 11 years, Susan has more than 20 years experience as an administrative assistant. She will provide administrative support to the Executive Director and the Director of Administration.



Blackwell M. Brogden, Jr., Chief Deputy Legal Counsel, bids farewell to the many licensees he has come to know during his twenty-year career with the Real Estate Commission.

The Commission extends its sincere best wishes and grateful appreciation for his long and dedicated service to North Carolina real estate agents and consumers.

(See Staff Update, page 3)



November 15
December 13
January 10
February 14
(Pinehurst)

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.

Staff Update

(Continued from page 2)

Appearances

Miriam J. Baer, Legal Counsel and Assistant Director of Legal Services, spoke to the High Point Regional Association of REALTORS® on the importance of the *Working With Real Estate Agents* brochure and the most frequent complaints against real estate brokers.

Blackwell M. Brogden, Jr., former

Chief Deputy Legal Counsel, spoke to the Apartment Association of North Carolina on provisions of the Real Estate License Law and Commission rules applicable to multi-family rental housing.

Peter C. Evans, III, Information Officer, spoke to the Wilmington Regional Association of REALTORS® on Commission rules governing branch offices and to the Greenville Area Property Managers Association's "Security Deposit Seminar".

'Offer and Acceptance'

The new 'Questions and Answers on: Offer and Acceptance' will be available in November for purchase at 25 cents each from the Commission website, www.ncrec.state.nc.us, or with printed order forms in the *Real Estate Bulletin* and on the website.



COURSE SCHEDULES

Broker-in-Charge

Basic Trust Account Procedures

Trust Account Procedures for Resort Property Managers

This schedule provides locations, dates, and times for the courses indicated through December 2006. Register online at the Commission's website, www.ncrec.state.nc.us.

Broker-in-Charge Course

(Two-days. Day one, 1-5 p.m.; Day two, 8:30-5:30 p.m.)

Asheville	November 15, 16	Holiday Inn - East/Blue Ridge Parkway
Charlotte	November 13, 14 December 7, 8	Holiday Inn Airport
Greensboro	December 14, 15	Clarion Hotel (formerly the Radisson)
Raleigh	November 6, 7 December 4, 5	McKimmon Conference Center
Wilmington	December 11, 12	Coast Line Convention Center

Basic Trust Account Procedures

Asheville	January 17, 1-5 p.m.	Holiday Inn - Blue Ridge Parkway
Charlotte	February 9, 9 a.m. - 1 p.m.	Holiday Inn Airport
Raleigh	November 7, 1-5 p.m. December 5, 1-5 p.m. January 3, 1-5 p.m. February 13, 1-5 p.m.	McKimmon Conference Center

Trust Account Procedures for Resort Property Managers

Asheville	November 14, 1-5 p.m.	Holiday Inn - East/Blue Ridge Parkway
Wilmington	December 12, 9 a.m. - 1 p.m.	Coastline Inn



Real Estate Manual Authors Honored

The Commission honored Legal Education Officer Patricia A. Moylan (left), Education and Licensing Director Larry A. Outlaw (right) and Campbell University Law Professor Patrick K. Hetrick (center) for their outstanding work in completing the extensive revisions and addition of new content required for the 2006-2007 edition of the North Carolina Real Estate Manual. Members of the Commission shown are, left to right, Wanda J. Proffitt, Jerry A. Mannen, Jr., Sang J. Hamilton, Sr., Chairman Raymond A. "Buddy" Bass, Jr., Vice Chairman Melvin L. "Skip" Alston, William C. Lackey, Jr., and Marsha H. Jordan.



Commission Chairman Raymond A. "Buddy" Bass presents scholarships to Jacquelyn "Sunny" Ruley of Wilmington, left, and Scott Wurtzbacher of Charlotte.



Commission Awards Scholarships

The Real Estate Commission awarded scholarships honoring past and present Executive Directors to two licensees at a recent meeting.

Jacquelyn "Sunny" Ruley of Wilmington received the *Joe Schweidler Memorial Scholarship* and Scott Wurtzbacher of Charlotte the *Blanton Little Memorial Scholarship* and the *Phillip T. Fisher Scholarship*.

Schweidler and Little were former Executive Directors of the Commission; Fisher is currently Executive Director.

The North Carolina Real Estate Educational Foundation selected Ruley and Wurtzbacher for the *Schweidler* and *Little Scholarships* recognizing their outstanding academic achievement in REALTORS® Institute courses.

The North Carolina Chapter of the National Association of REALTORS® Council of Residential Specialists also chose Wurtzbacher for the *Fisher Scholarship* for his outstanding performance in his CRS course.

Whitley

(Continued from page 1)

In 28 years with the Commission, Whitley has held a number of positions with ARELLO including District Vice President and Chair of the Program and Administrative Committees.

ARELLO membership is organized into six districts with four comprised of the 50 states, U.S. territories, Bahamas and Bermuda; one of Canada; and one of members from Europe, Africa, Asia, Australia and the Far East.

Working committees, training boards and specialized councils carry out the organization's mission to support jurisdictions in the administration and enforcement of real estate license laws to promote and protect the public interest.

Whitley is the fourth person affiliated with the Commission to serve as President of ARELLO. Phillip T. Fisher, Executive Director, was elected President in 1991; Commission member A. P. "Red" Carlton in 1985; and Secretary-Treasurer Joseph Schweidler in 1972.

Boger Honored With ARELLO Award

Jennifer K. Boger, Senior Auditor/Investigator in the Real Estate Commission's Audits and Investigations Division has been honored with the 'Investigator of the Year' award from the Association of Real Estate License Law Officials (ARELLO).



ARELLO is an international organization comprised of policy makers and regulators dedicated to promoting better administration and enforcement of real estate license and regulatory laws by its members.

Boger has been with the Commission for 15 years, an Auditor/Investigator for the first 7 years and a Senior Auditor/Investigator for 8 years. She is a Certified Public Accountant (CPA), Certified Fraud Examiner (CFE), Certified Real Estate Investigator (CREI), and Certified Investigator (CI).

Election

(Continued from page 1)

Entering the real estate business in 1965, Bass was a full-time REALTOR® and homebuilder in Fayetteville, having served on numerous committees with the Fayetteville Association of REALTORS®.

He was a member of the North Carolina and National Association of REALTORS®, and the Homebuilders Association at the local, state and national levels and is currently a member of the Association of Real Estate License Law Officials. He was owner and president of Dickens-Bass Realty & Construction Company in Fayetteville and was president of Bass Construction Company of Fayetteville, Inc.

Bass has been conferred with the Order of the Long Leaf Pine by the Governor for outstanding service to the State of North Carolina.

He is a native of Halifax and a graduate of East Carolina University in Greenville 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, Seven Spots Hunting Club and the Cape Fear Aero Clubs as well as the Aircraft Owners and Pilots Association.

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

Melvin L. "Skip" Alston

He has been a member of the Commission since 2003.

Alston is serving his fourth four-year term as a member of the Guilford County Board of Commissioners and was elected its chairman in December 2002 for a one-year term.

Alston is also involved with several other successful business adventures in the Greensboro community, such as President of East Market Street Square, Inc., a commercial development company; Alston and Alston, LLC, a consulting firm; Skip's All Beef Hotdogs, Inc.; and Vice President of S & J Partnership, Inc., dba The Bar-B-Que Palace.

Alston is also the immediate past president of the North Carolina State Confer-

Commission Receives Education Award

The Real Estate Commission has received a 2006 Education Award for its Postlicensing Education Program from the Association of Real Estate License Law Officials (ARELLO).

The Postlicensing Education Program was implemented April 1 as part of the new "broker only" licensing system that converted existing "salesperson" licenses to broker licenses on "provisional" status and added, among other changes, a 90-classroom-hour postlicensing education requirement for new licensees.

Three 30-hour postlicensing courses – *Brokerage Relationships and Responsibilities, Contracts and Closing* and *Selected Topics* – were developed to be completed by licensees within three years after initial licensure. The Commission's North Carolina Real Estate Manual was revised and updated to serve as the text for the postlicensing courses.

Larry A. Outlaw, Director of Education and Licensing, said that the program "emphasizes the practical aspects of brokerage and should be a huge benefit to both consumers and licensees."

ence of NAACP Branches, which consist of 120 Adult Branches and 60 Youth and College Chapters across the state. He also serves on the NAACP National Board of Directors since 2001 and is a member of the NAACP National Board of Trustees since 1988.

Alston is also co-founder and Chairman of the board of directors for the Sit-In Movement, Inc., a nonprofit corporation formed for the purpose of purchasing and renovating the historic Woolworth Building in downtown Greensboro into an international Civil Rights Center and Museum.

He is a former member of the North Carolina Martin Luther King, Jr. Holiday Commission and is a past president of the North Carolina Association of Black County Officials along with a host of other boards and commissions throughout this state and country.

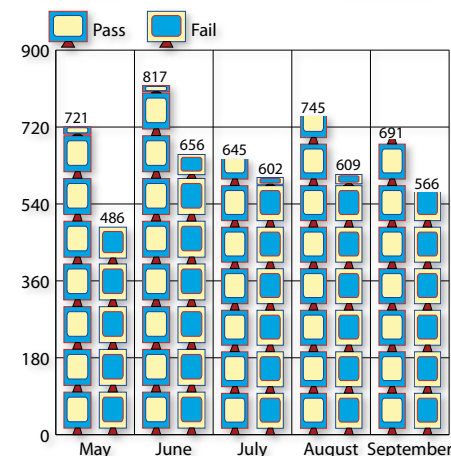
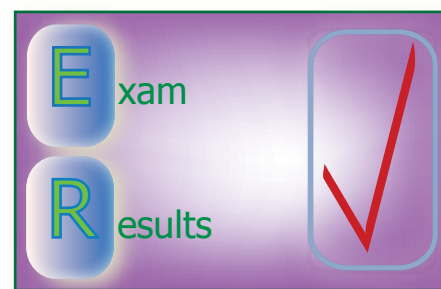
Alston resides in Greensboro with his wife, Gwendolyn, and is a member of St. James Baptist Church. He has two sons, DeSean Jahleel Alston, 24, who is also a real estate broker, and Ryan DeMarkus Alston, 14.

Sandy Williams Named 2006 Mercer Education Award Recipient

Sandra L. "Sandy" Williams of Charlotte has been named the 2006 recipient of the North Carolina Real Estate Commission's Billie J. Mercer Excellence in Education Award.

Ms. Williams, a J. Y. Monk Real Estate Training Center real estate instructor, is a past president of the

North Carolina Real Estate Educators Association (NCREEA) and holds the Distinguished Real Estate Instructor (DREI) designation from the national Real Estate Educators Association. The late Ms. Mercer strongly supported education as a Commission member.





Reports are that some brokers are mischaracterizing certain rooms as “bedrooms”.

Specifically, in order to enhance the marketability of homes listed for sale, they are submitting information to multiple listing services and through advertising identifying as “bedrooms” rooms which were never designed or intended for such use.

As a result, prospective purchasers seeking homes with the number of bedrooms shown in the MLS are frustrated and angry when their agents show them homes where one or more of the “bedrooms” is clearly not suited

for that purpose - even though the seller may have used the room as a bedroom.

The question then arises, “What is a bedroom?” Although there is no clear answer, here are some factors to consider when classifying a room as a bedroom:

Is there a clothes closet in or conveniently available to the room? However, since bedroom closets were not a common design feature in many older homes, do not disqualify rooms in these homes which do not contain closets if they were clearly intended to be used as bedrooms.

(See **Bedroom**, page 7)

FREE PUBLICATIONS

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Tenant Security Deposits

Condos and Townhouses

Residential Subdivisions and Planned Communities

Purchasing Coastal Real Estate in North Carolina

Renting Residential Real Estate

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(Working With Real Estate Agents)

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

Vivienda Justa
(Fair Housing)

El Depósito de Seguridad del Inquilino
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Bedroom

(Continued from page 6)

Is there sufficient space in the room to accommodate standard bedroom furniture? 8'x10' is suggested for a single bed, and 10'x11½' for double beds.

Does the home comply with governmental regulations (septic tank requirements, fire and safety codes, etc.) pertaining to bedrooms? When in doubt, check with the appropriate local government agency.

To paraphrase a classic song, "A room is not a bedroom, just because there's someone sleeping there." So, save potential buyers and their agents time and trouble, and save yourself possible action from the Real Estate Commission by using your common sense and exercising reasonable judgment when determining whether a room is, for listing purposes, a bedroom.

Safety Tip

Reprinted from the North Carolina Real Estate Agent Safety Guide.

Safety Tip #2 - TELL SOMEONE

- Who are you with
- Where are you going
- When you will be back

The Agent Itinerary Form is a great way to communicate with the office staff.

PURCHASE PUBLICATIONS

Publication	Quantity Requested	Totals
Residential Square Footage Guidelines (\$.65 per copy)	_____	\$ _____
Working With Real Estate Agents (\$.25 per copy)	_____	\$ _____
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Offer and Acceptance (\$.25 per copy)	_____	\$ _____
Broker-in-Charge Guide (\$10 per copy)	_____	\$ _____
North Carolina Real Estate License Law and Commission Rules (\$3.00 per copy)	_____	\$ _____
Real Estate Agent Safety Guide (\$.25 per copy)	_____	\$ _____
Amount Enclosed		\$ _____

Available November

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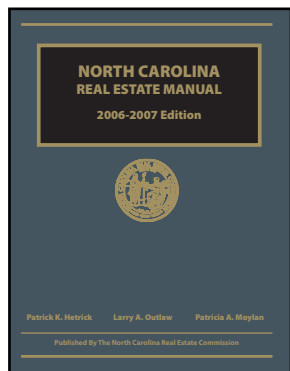
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2006-2007 Edition

NORTH CAROLINA REAL ESTATE MANUAL

The *North Carolina Real Estate Manual*, published by the Real Estate Commission, is a comprehensive reference addressing real estate law and brokerage practice, North Carolina Real Estate License Law and Commission rules. It serves as the authorized textbook for the real estate broker post-licensing courses and is highly recommended for licensees, attorneys, instructors and anyone else engaged or interested in real estate law and brokerage practice.

HOW TO ORDER:



ONLINE

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.

BY MAIL OR FAX

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.)

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Order Form

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Single Manual @ \$44.00* (incl. Tax, Shipping) \$ 44.00

Additional Manuals @ \$39.00* each (incl. Tax, Shipping) X _____ \$ _____
Quantity

TOTAL \$ _____

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

AUDITOR'S CORNER



FIRST OF THREE-PART SERIES.

Rental Trust Account	
Deposit Cycle	

Account for rental funds with receipts, photocopies, validated bank deposit tickets and worksheets, journal and ledger entries.

1 Although this first step is not required, we recommend documenting all funds received by preparing receipts for cash and photocopying all checks, money orders, etc.

RECEIPT	DATE	1/4/OX	No.	750410
	RECEIVED FROM	Charles Clark		\$ 1,200
	Twelve hundred & 00/100			DOLLARS
	<input checked="" type="checkbox"/> FOR RENT	\$600 Rent, \$600 Sec Dep 143 North Blvd		
RECEIPT	DATE	1/4/OX	No.	750411
	RECEIVED FROM	Blake Stephens		\$ 1,100
	Eleven hundred & 00/100			DOLLARS
	<input checked="" type="checkbox"/> FOR RENT	\$550 Rent, \$550 Sec Dep 2500 Johnson St		
ACCOUNT		1,100.00	<input checked="" type="checkbox"/> CASH	From Jan 1 To Jan 31
PAYMENT		1,100.00	<input type="checkbox"/> CHECK	By John Broker
BAL DUE		0	<input type="checkbox"/> MONEY ORDER	

2 Deposit funds in an insured NC bank and keep a copy of the bank-validated deposit ticket in your trust account files

DEPOSIT			
YOUR REALTY COMPANY, INC.			
TRUST ACCOUNT			
DATE	1/4/OX # OX-2		
	DOLLARS	CENTS	
CURRENCY	SDW	\$2,300	00
COINS			
CHECKS			
1.			
2.			
3.			
4.			
TOTAL		\$2,300	00

3 Make a record of the deposit with a Supplemental Deposit Worksheet identifying remitter/tenant, property, purpose and amount. Balance cash receipts and check copies with deposit ticket and supplemental deposit worksheet. Cross reference deposit ticket to Supplemental Deposit Worksheet.

SUPPLEMENTAL DEPOSIT WORKSHEET			
Deposit Ticket #2			
1/4/OX			
Cross-Reference			
REMITTER/BUYER/TENANT	PROPERTY	PURPOSE	AMOUNT
Clark	143 North Boulevard	Security Deposit	\$600.00
Clark	143 North Boulevard	Jan Rent	\$600.00
Stephens	2500 Johnson Street	Security Deposit	\$550.00
Stephens	2500 Johnson Street	Jan Rent	\$550.00
TOTAL			\$2,300.00

4 Post the date and amount of funds deposited and reference the corresponding deposit ticket and Supplemental Deposit Worksheet on the journal.

YOUR REALTY COMPANY, INC.						
TRUST ACCOUNT JOURNAL						
NC Insured Bank A/C# 123-456-7890						
DATE	DESCRIPTION	NUM		DEPOSITS	CHECKS	BALANCE
1/03/OX	DEPOSIT	OX-1	✓	\$3,600.00		\$3,600.00
1/04/OX	DEPOSIT	OX-2 (A)	✓	\$2,300.00		\$5,900.00
1/11/OX	Ajax-Plumbing - 143 N. Blvd - Repairs	101	✓		\$75.00	\$5,825.00
1/20/OX	Gerald Howard - 143 N. Blvd Net Jan Rent to Owner	102			\$465.00	\$5,360.00
1/21/OX	Your Realty Company, Inc. 1/OX Mgt Fees	103	✓		\$115.00	\$5,245.00
1/22/OX	Jack Thomas - NSF - 1362 Main St	DM (B)	✓		\$2,500.00	\$2,745.00
1/30/OX	Perry Mason, Attorney 119 Maple Closing	104			\$1,000.00	\$1,745.00
1/31/OX	DEPOSIT	OX-3		\$2,500.00		\$4,245.00
1/31/OX	NC Insured Bank Check Printing Charges	DM	✓		\$25.00	\$4,220.00

(A) - Referenced to sequentially numbered deposit tickets
(B) - Debit Memo
✓ - Cleared Bank

5 Record the transaction on the ledger identifying the property, the parties to the transaction, the amount, date and purpose of the deposit and from whom received.

NAME: Gerald Howard, Owner - - Clark, Tenant				ACCOUNT NO.	
ADDRESS: 143 North Boulevard				SHEET NO.	
DATE	ITEMS		DEPOSITS	CHECKS	BALANCE
1/04 OX	Charles Clark Security Deposit	OX-2	\$600.00		\$600.00
1/04 OX	Charles Clark Jan Rent	OX-2	\$600.00		\$1,200.00
1/11 OX	Ajax Plumbing Repairs	101		\$75.00	\$1,125.00
1/20 OX	Gerald Howard Net Jan Rent To Owner	102		\$465.00	\$660.00
1/21 OX	Your Realty Co., Inc. Jan Management Fee	103		\$60.00	\$600.00



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.

ALPINE PROPERTIES, INC. (Raleigh) – The Commission accepted the voluntary surrender of the firm license of Alpine Properties for a period of one year effective August 10, 2006. The Commission dismissed without prejudice allegations that Alpine Properties had violated provisions of the Real Estate License Law and Commission rules. Alpine Properties neither admitted nor denied misconduct.

JANE D. BARNES (Dunn) – By Consent, the Commission suspended the broker license of Ms. Barnes for a period of one year effective September 1, 2006. Three months of the suspension were active with the remainder stayed for a probationary period of two years. The Commission found that Ms. Barnes, as the owner and landlord of residential rental property, falsely stated to a prospective tenant who offered to lease the property that the property had already been leased when it had not. The Commission also found that Ms. Barnes then leased the property to two successive tenants and failed to maintain security deposits from those tenants in a trust account as required by Commission rules.

BATTS & RAMSEY PROPERTY MANAGEMENT LLC (Raleigh) – By Consent, the Commission suspended the firm license of Batts & Ramsey Property Management for a period of six months effective June 29, 2006. The Commission then stayed the suspension for a probationary period of one year. The Commission found that Batts & Ramsey Property Management failed to supervise its employees in the maintenance of the trust accounts and records relating to such accounts and did not maintain the trust accounts and records for these funds in the manner required by Commission rules. The Commission noted that the firm cooperated

with the Commission's investigations and took substantial corrective measures to bring the firm's records into compliance and that no consumer incurred any financial losses as a result of the firm's conduct.

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.

BETTINA G. BATTS (Raleigh) – By Consent, the Commission reprimanded Ms. Batts effective June 29, 2006. The Commission found that Ms. Batts, as an active salesperson affiliated with a real estate firm, was placed in charge of managing trust money, but did not maintain the trust accounts and records as required by Commission rules. The Commission noted that Ms. Batts cooperated with the Commission's investigations and took substantial corrective measures to bring the firm's records into compliance and that no consumer incurred any financial losses as a result of her conduct.

JANICE H. BESCHE (Fletcher) – By Consent, the Commission suspended the broker license of Ms. Besche for a period of six months effective August 1, 2006. Ninety days of the suspension were active with the remainder stayed for a probationary period of three years. The Commission found that Ms. Besche was convicted of Attempted Voter Fraud in April 2003 and failed to report the conviction within sixty days of final judgment.

GERALD P. BROCKMAN (Charlotte) – By Consent, the Commission reprimanded Mr. Brockman effective October 1, 2006. The Commission found that Mr. Brockman pled guilty in December 2005 in United States District Court to the Employment of Manipulative and Deceptive Devices in Connection with the Purchase of a Security in 2001, and was sentenced to a three-year probationary sentence with six months home detention. The Commission noted that Mr. Brockman has fully repaid the money.

BURCH REAL ESTATE, INC. (Bat Cave) – By Consent, the Commission reprimanded Burch Real Estate, Inc., effective July 1, 2006. The Commission found that Burch Real Estate failed to maintain trust account records in compliance with the Real Estate License Law and Commission rules. The Commission noted that no consumers were harmed as a result.

WILLIAM BURCH, JR. (Bat Cave) – By Consent, the Commission reprimanded Mr. Burch effective July 1, 2006. The Commission found that Mr. Burch, as principal broker and broker-in-charge of a real estate firm, failed to maintain trust account records in compliance with the Real Estate License Law and Commission rules.

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Disciplinary Action

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The Commission noted that no consumers were harmed as a result.

JAMES D. CASH (Zebulon) – The Commission accepted the voluntary surrender of the broker license of Mr. Cash for a period of one year effective August 15, 2006. The Commission dismissed without prejudice allegations that Mr. Cash had violated provisions of the Real Estate License Law and Commission rules. Mr. Cash neither admitted nor denied misconduct.

MILDRED C. CHEEK (Greensboro) – By Consent, the Commission reprimanded Ms. Cheek effective August 1, 2006. The Commission found that Ms. Cheek, as broker-in-charge of a real estate firm, failed to maintain her trust account records in compliance with the Real Estate License Law and Commission rules. The Commission noted that Ms. Cheek has since brought her records into compliance.

C. DAN JOYNER COMMERCIAL REALTY, INC. (Greenville) – By Consent, the Commission reprimanded C. Dan Joyner Commercial Realty effective May 22, 2006. The Commission found that C. Dan Joyner Commercial Realty allowed a person licensed in North Carolina but on inactive status to enter into North Carolina and engage in real estate activities in behalf of the firm. The Commission noted that the firm cooperated fully in the Commission's investigation of this matter and surrendered any claim to the \$550,000 in unpaid commission due under the co-brokerage agreement made by the person on inactive status.

HILTON O. CHESSON (Durham) – By Consent, the Commission reprimanded Mr. Chesson effective June 1, 2006. The Commission found that Mr. Chesson sold a residential property without disclosing information from a previous transaction that the house was located in a flood plain, instead relying upon a survey showing that only a corner of the prop-

erty, not the house, was located in a flood plain.

ROBERT S. CLARKE (Raleigh) – The Commission accepted the voluntary surrender of the broker license of Mr. Clarke for a period of one year effective August 2, 2006. The Commission dismissed without prejudice allegations that

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.

Mr. Clarke had violated provisions of the Real Estate License Law and Commission rules. Mr. Clarke neither admitted nor denied misconduct.

MINH LE COURTNEY (Fayetteville) – By Consent, the Commission suspended the broker license of Ms. Courtney for a period of one year effective August 1, 2006. One month of the suspension was active with the remainder stayed for a probationary period of 11 months on certain conditions. The Commission found that Ms. Courtney advertised a seller's property without first reviewing the "Working With Real Estate Agents" brochure with the seller, without entering into a written agency agreement and without obtaining the seller's permission to advertise. The Commission also found that Ms. Courtney prepared two offers which included language pertaining to a sales commission.

DEBRA CREDLE (Garner) – By Consent, the Commission suspended the broker license of Ms. Credle for a period of three years effective June 15, 2006. The suspension is to be active until December 20, 2007, at which time the license of Ms. Credle is to be restored to active status under certain conditions. The Commission found that Ms. Credle, while associated as an agent with a financial services firm, accepted \$2,000 from a buyer in connection with a lease-purchase transaction and did not safeguard the money, deposit the money into a trust account, or escrow account or turn it over to a licensed broker. The Commission also found that Ms. Credle falsely represented to the buyer that the financial services firm and its owner were owners of the property, that she gave the deposit monies to the firm's owner even though she was aware that neither the owner nor the firm were licensed as a real estate broker, and that she did not account to the buyer for the disposition of the deposit money.

DEBBY S. DAIGLE (Southport) – By Consent, the Commission reprimanded Ms. Daigle effective June 1, 2006. The Commission found that Ms. Daigle operated a business as a limited liability company between 2000 and 2003 without first obtaining a firm license. Ms. Daigle neither admitted nor denied the Commission's findings. The Commission noted that Ms. Daigle immediately obtained a firm license when contacted by the Commission in this matter.

JAMES P. DEMARE (Charlotte) – By Consent, the Commission suspended the broker license of Mr. DeMare for a period of one year effective July 1, 2006. The Commission then stayed the suspension for a probationary period of one year. The Commission found that Mr. DeMare, while licensed as a salesperson in 2001, represented a buyer in the purchase of a house and lot and the neighboring empty lot for a total purchase of price of \$122,000, and then, after the contract was made, agreed to purchase the empty lot for \$6,000 and resold the lot for a profit with-

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out adequately disclosing to the buyer the details of the resale or the opportunity he was taking away from the buyer to make a profit for himself. The Commission noted that Mr. DeMare subsequently returned the profit to the buyer.

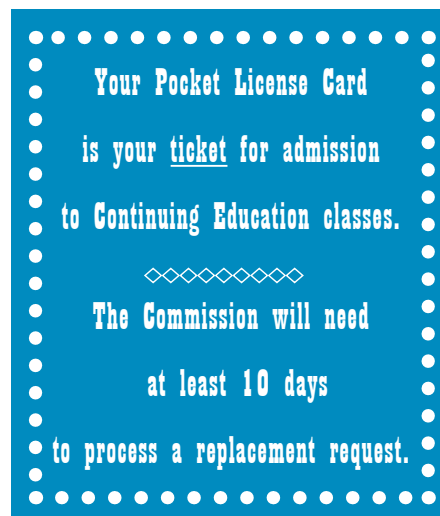
DENISE J. EDDLEMAN (Statesville) – By Consent, the Commission reprimanded Ms. Eddleman effective January 1, 2007. The Commission found that Ms. Eddleman, as qualifying broker and broker-in-charge of a real estate firm, purchased a building in 2001 in which to locate her firm. Ms. Eddleman used a lender that did not make commercial loans, but did make loans for investment property used for residential purposes, and indicated on the loan application that the property was being purchased for investment purposes in order to obtain the loan. The Commission noted that Ms. Eddleman subsequently refinanced the loan and obtained a commercial loan for the building.

EDDLEMAN REALTY, INC. (Statesville) – By Consent, the Commission reprimanded Eddleman Realty effective January 1, 2007. The Commission found that Eddleman Realty's broker-in-charge purchased a building in 2001 in which to locate Eddleman Realty. The broker-in-charge used a lender that did not make commercial loans, but did make loans for investment property used for residential purposes, and indicated on the loan application that the property was being purchased for investment purposes in order to obtain the loan. The Commission noted that the broker-in-charge subsequently refinanced the loan and obtained a commercial loan for the building.

DONALD W. GUPTON, INC. (Henderson) – By Consent, the Commission revoked the firm license of Donald W. Gupton, Inc., effective May 18, 2006. The Commission found that, between 1999 and 2002, the firm, engaged in the business of selling mobile homes and land and assisted purchasers in a series of transactions to make false statements to lenders

and their representatives. The Commission also found that a number of the loans made in connection with the transactions were not repaid and foreclosure resulted.

FAMILY REALTY CO., INC. (Greensboro) – By Consent, the Commission reprimanded Family Realty effective August 1, 2006. The Commission found that Family Realty failed to maintain its trust accounts in compliance with the Real Estate License Law and Commission rules. The Commission noted that Family Realty



has brought its accounts into compliance and no consumers were harmed as a result.

HENRY BRADLEY FORD (Roanoke Rapids) – By Consent, the Commission suspended the broker license of Mr. Ford for a period of six months effective June 29, 2006. The Commission then stayed the suspension for a probationary period of six months. The Commission found that Mr. Ford failed to report on his 2002 salesperson license application a 1996 conviction for two counts of misdemeanor assault related to his involvement in a simple affray at an outdoor concert and was sentenced to 18 months unsupervised probation. The Commission noted that Mr. Ford reported the conviction on his broker license application.

KENDALL FORD (Charlotte) – By Consent, the Commission revoked the broker license of Mr. Ford effective June 14, 2006. The Commission found that

Mr. Ford purchased two properties and, in each transaction, received funds which were not reported on the closing statements. Mr. Ford did not admit the charges, but did not contest the Commission making findings and conclusions based upon the allegations.

FRANCIS B. FRY (Lexington) – By Consent, the Commission suspended the broker license of Mr. Fry for a period of eight months effective August 9, 2006. The Commission then stayed the suspension for a probationary period of eight months. The Commission found that Ms. Fry, acting as a developer, listed and advertised interior lots in a subdivision as having lake access when the subdivision had been redrawn to comply with regulations prohibiting lake access to the interior lots. The Commission also found that buyers of an interior lot built a home based upon the representation that lake access was permitted, only to discover that it was not. The Commission noted that Ms. Fry settled with the buyers.

KAYE H. FRY (Lexington) – By Consent, the Commission suspended the broker license of Ms. Fry for a period of eight months effective August 9, 2006. The Commission then stayed the suspension for a probationary period of eight months. The Commission found that Ms. Fry, acting as a developer, listed and advertised interior lots in a subdivision as having lake access when the subdivision had been redrawn to comply with regulations prohibiting lake access to the interior lots. The Commission also found that buyers of an interior lot built a home based upon the representation that lake access was permitted, only to discover that it was not. The Commission noted that Ms. Fry settled with the buyers.

KIMBERLY L. GILL (Bat Cave) – By Consent, the Commission suspended the broker license of Ms. Gill for a period of three months effective July 1, 2006. The Commission then stayed the suspension on certain conditions. The Commission found that Ms. Gill had responsibility for

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maintaining the trust account records for the brokerage firm with which she was associated and failed to maintain the trust account records in compliance with the Real Estate License Law and Commission rules. The Commission noted that the firm has brought its trust account records into compliance and no consumers were harmed as a result.

JERRY H. GOODEN (Raleigh) – By Consent, the Commission suspended the broker license of Mr. Gooden for a period of one year effective July 1, 2006. Six months of the suspension are to be active with the remainder stayed for a probationary period of 18 months. The Commission found that Mr. Gooden's appraisal license was suspended by the North Carolina Appraisal Board for two years effective June 1, 2005. The suspension was stayed as of February 1, 2006 on certain conditions. The Commission also found that the Appraisal Board issued this sanction upon determining that Mr. Gooden failed to adequately supervise a trainee, failed to correctly complete research and analysis, and negligently communicated misleading appraisal reports.

DONALD W. GUPTON (Henderson) – By Consent, the Commission revoked the broker license of Mr. Gupton effective May 18, 2006. The Commission found that during March 2006, in the United States District Court for the Eastern District of North Carolina, Mr. Gupton pleaded guilty to the offense of conspiracy to commit mail and wire fraud and conspiracy to commit money laundering. The Commission also found that these offenses were committed in connection with real estate transactions.

HASSELL M. HAIRSTON (Charlotte) – By Consent, the Commission suspended the broker license of Mr. Hairston for a period of one year effective May 1, 2006. Six months of the suspension are to be active with the remainder stayed for a probationary period of six months. The Commission found that Mr. Hair-

ston acted as a buyer's agent for a buyer without ever meeting the buyer, without first reviewing the "Working With Real Estate Agents" brochure with the buyer and without entering into a written agency agreement with the buyer. The Commission also found that Mr. Hairston failed to maintain a transaction file for this matter and that the buyer eventually lost the home to foreclosure.

DAVID ALLEN HURST (Blowing

Receive Credit Where and When Credit is Due!

When continuing education sponsors fail to report credits to the Commission in a timely manner, licensees may find themselves on Inactive Status on July 1.

You can avoid this problem by going online to the Commission website, www.ncrec.state.nc.us, to verify your CE credits.

Similarly, if you completed your CE online, verify that your sponsor submitted your affidavit to the Commission in time for your CE record to be updated.

Rock) – By Consent, the Commission suspended the broker license of Mr. Hurst for a period of six months effective July 17, 2006. The Commission then stayed the suspension for a probationary period of six months. The Commission found that Mr. Hurst, while he was licensed in North Carolina as a salesperson, failed to report at the time it occurred a 1999 South Carolina disciplinary action for engaging in four brokerage sales transactions prior to obtaining a license, and failed to disclose the disciplinary action on two license applications, both in 2006.

RICHARD JENKINS (Fairview) – By Consent, the Commission accepted the voluntary surrender of the broker license of Mr. Jenkins for a period of two years effective July 3, 2006. The Commission

dismissed without prejudice allegations that Mr. Jenkins had violated the Real Estate License Law and Commission rules. Mr. Jenkins neither admitted nor denied misconduct.

C. DAN JOYNER (Greenville) – By Consent, the Commission reprimanded Mr. Joyner effective May 22, 2006. The Commission found that Mr. Joyner, acting as broker-in-charge of a licensed firm, failed to file a supervision form in a timely fashion. As a result, a person licensed in North Carolina but on inactive status entered into North Carolina and engaged in real estate activities on behalf of the firm, purportedly under Mr. Joyner's supervision. The Commission noted that Mr. Joyner cooperated fully in the Commission's investigation of this matter and surrendered any claim to the \$550,000 in unpaid commission due under the co-brokerage agreement made by the person on inactive status.

JOHN M. KANE (Raleigh) – By Consent, the Commission suspended the broker license of Mr. Kane for a period of two years effective January 1, 2006. Six months of the suspension were active with the remainder stayed for a probationary period of 18 months on certain conditions. The Commission found that Mr. Kane, as principal broker and broker-in-charge of a real estate firm, failed to keep monies of landlord clients in trust accounts designated as such and failed to maintain bookkeeping records in conformity with Commission rules. The Commission also found that an unlicensed associate of the firm received client monies from the firm's bank accounts without the authority of clients or Mr. Kane. The Commission noted that when the unauthorized use of monies was discovered, the monies were restored and the unlicensed employee was separated from the firm.

KANE REAL ESTATE COMPANY (Raleigh) – By Consent, the Commission suspended the firm license of Kane Real Estate for a period of two years effective January 1, 2006. The Commission then

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stayed the suspension for a probationary period of 30 months. The Commission found that Kane Real Estate failed to keep monies of landlord clients in trust accounts designated as such and failed to maintain bookkeeping records in conformity with Commission rules. The Commission also found that an unlicensed associate of the firm received client monies from the firm's bank accounts without the authority of clients or Kane Real Estate. The Commission noted that when the unauthorized use of monies was discovered, the monies were restored and the unlicensed employee was separated from the firm.

JAMES M. KERR (Weddington) – By Consent, the Commission suspended the broker license of Mr. Kerr for a period of 60 days effective October 1, 2006. The Commission then stayed the suspension for a probationary period of one year on certain conditions. The Commission found that Mr. Kerr, as listing agent for a historic property that had a history of roof leaks, failed to disclose a leak to buyers that occurred after inspection and before closing and that the sellers had repaired. After closing, the roof leaked again and the buyers had to replace the roof. The Commission noted that the buyers have been reimbursed \$12,500 for the cost of replacing the roof.

MARY KATHRYN KROENING (Raleigh) – By Consent, the Commission suspended the salesperson license of Ms. Kroening for a period of one year effective July 1, 2006. The Commission then stayed the suspension for a probationary period of 11 months. The Commission found that Ms. Kroening, as a salesperson for a residential developer in 2001 and 2002, failed to disclose plans by another entity to build a commercial project in close proximity to the residential properties she was marketing.

SANDRA J. LABARBERA (Raleigh) – By Consent, the Commission reprimanded Ms. LaBarbera effective October 1, 2006. The Commission found that Ms. LaBarbera failed to communicate to her buyer clients repeated requests from the sellers of a residential property concerning re-negotiating the closing date or date of possession of the property, instead representing without the buyers' authority that the buyers had refused to discuss these requests.

RICHARD W. LENHART (Kernersville) – The Commission accepted the voluntary surrender of the broker license of Mr. Lenhart for a period of two years effective June 1, 2006. The Commission dismissed without prejudice allegations that Mr. Lenhart had violated provisions of the Real Estate License Law and Commission rules. Mr. Lenhart neither admitted nor denied misconduct.

JAMES M. LEWICKI (Highlands) – By Consent, the Commission revoked the broker license of Mr. Lewicki effective June 15, 2006. The Commission found that Mr. Lewicki did not respond in 2005 to Letters of Inquiry from the Commission and refused in 2006 to make his trust account records available to the Commission for inspection. Mr. Lewicki did not admit or deny the Commission's findings.

TINA Y. LONG (Harkers Island) – By Consent, the Commission revoked the broker license of Ms. Long effective June 15, 2006. The Commission found that Ms. Long applied to become licensed as a salesperson in 2003 and as a broker in 2004 and failed to disclose that she had been convicted of certain felony offenses and that there were charges outstanding against her for obtaining merchandise by bogus check, child stealing, and shooting with intent to kill. The Commission also found that Ms. Long, following licensure, failed to report a conviction in 2005 of forgery.

CAROLYN J. MARTIN (Ahoskie) – By Consent, the Commission suspended the broker license of Ms. Martin for a period of one year effective June 15, 2006. One month of the suspension was active with the remainder stayed for a probationary period of 11 months. The Commission found that Ms. Martin allowed a seller to enter into two contracts without verifying that the first contract was no longer in force or advising her seller client to seek legal advice. The Commission also found that in a separate transaction, Ms. Martin used a "Buyer Possession Before Closing Agreement" as a long-term lease, inserted legal provisions concerning a non-refundable deposit that conflicted with the underlying contract and managed the property without a written management agreement. Finally, the Commission found that Ms. Martin failed to keep adequate trust account records for the transaction and engaged in deficit spending to cover the mortgage and other costs associated with the property.

JAMES C. MASSENBURG (Kinston) – By Consent, the Commission revoked the broker license of Mr. Massenburg effective August 10, 2006. The Commission found that Mr. Massenburg, acting as broker and rental agent for rental properties, failed to maintain rents and security deposit monies in a trust account as required by Commission rule, did not promptly and fully account for the money to clients, and converted client monies to his own use.

THOMAS E. MCFADDEN (Greensboro) – By Consent, the Commission reprimanded Mr. McFadden effective August 1, 2006. The Commission found that Mr. McFadden, as principal broker and broker-in-charge of a real estate firm, failed to maintain his trust accounts in compliance with the Real Estate License Law and Commission rules. The Commission noted that Mr. McFadden has brought his accounts into compliance and no consumers were harmed as a result.

T. MITCHELL MULLER (Matthews) – By Consent, the Commission reprimanded Mr. Muller effective October 1, 2006. The Commission found that in 2004, Mr. Muller failed to refund a tenant's \$750 security deposit, telling the tenant that his wife had closed his trust

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account and taken all the funds and the tenant should seek payment from her. The Commission also found that Mr. Muller failed to maintain individual ledgers or other information to establish an audit trail for the time period. The Commission noted that Mr. Muller eventually refunded the security deposit out of other funds after a delay of several months.

PHIFER REALTY, INC. (Kinston) – By Consent, the Commission revoked the firm license of Phifer Realty effective August 10, 2006. The Commission found that Phifer Realty, acting as broker and rental agent for rental properties, failed to maintain rents and security deposit monies in a trust account as required by Commission rule, did not promptly and fully account for the money to clients, and converted client monies to its own use.

LINDA T. POWELL (Hickory) – By Consent, the Commission suspended the broker license of Ms. Powell for a period of sixty days effective May 1, 2006. The Commission found that Ms. Powell, acting as a buyer agent, failed to discover and disclose to the buyers information received from a listing agent disclosing a possible major highway project planned for an area very near the property her buyers contracted to purchase.

MICHAEL R. QUILLAN (Greenville) – By Consent, the Commission suspended the broker license of Mr. Quillan for a period of two years effective July 1, 2006. The Commission then stayed the suspension for a probationary period of two years. The Commission found that Mr. Quillan, while licensed as a salesperson in North Carolina, was on inactive status as a result of the failure to file a supervision form in a timely manner, and engaged in activities which constitute the practice of real estate. The Commission noted that Mr. Quillan cooperated fully in the Commission's investigation of this matter and surrendered any claim to the \$550,000 in unpaid commission due while on inactive status.

JOSEPH B. RAMSEY, JR. (Raleigh) – By Consent, the Commission suspended the broker license of Mr. Ramsey for a period of six months effective June 29, 2006. The Commission then stayed the suspension for a probationary period of one year. The Commission found that Mr. Ramsey, as broker-in-charge of a real estate firm office, engaged in the management of funds for others and failed to supervise the trust accounts and records relating to such accounts and that the firm did not maintain the trust accounts in the manner required by Commission rules. The Commission noted that Mr. Ramsey cooperated with the Commission's investigations and took substantial corrective measures to bring the firm's records into compliance and that no consumer incurred any financial losses as a result of Mr. Ramsey's conduct.

BEVERLY L. RAYNOR (Henrico) – By Consent, the Commission suspended the broker license of Ms. Raynor for a period of six months. The Commission then stayed the suspension for a probationary period of six months on certain conditions. The Commission found that Ms. Raynor failed to disclose a 1997 conviction for Impaired Driving – Level 5 on her 1997 salesperson license application and on her 2000 broker license application.

ELIZABETH ANN REEDER (Bellmont) – By Consent, the Commission suspended the provisional broker license of Ms. Reeder for a period of 30 days effective May 23, 2006. The Commission then stayed the suspension for a probationary period of six months. The Commission found that Ms. Reeder failed to report a 1995 conviction for Driving While Impaired on her 2003 salesperson license application and submitted an incomplete criminal record report in connection with that application.

LARRY W. ROBBINS (Charlotte) – By Consent, the Commission reprimanded Mr. Robbins effective July 1, 2006. The Commission found that Mr. Robbins listed a property in 1996 and, after the listing expired, continued to market the property without a written listing agree-

ment. The Commission also found that in 1998, Mr. Robbins brought a prospective buyer to the property, but no contract was negotiated; the buyer bought the property directly from the seller in 1999, and Mr. Robbins sued the seller for a commission. The Commission noted that this civil suit was settled.

ROBERT G. RUSSELL (Charlotte) – By Consent, the Commission reprimanded Mr. Russell effective August 1, 2006. The Commission found that Mr. Russell, as a salesperson with a real estate brokerage firm in 2003, induced buyers to enter into a contract to buy residential property by negligently misrepresenting that the property contained one acre when it actually contained 0.56 acre. The Commission noted that the buyers incurred expenses of \$1,422 before discovering the true size of the property and terminating the contract. The buyers were reimbursed their costs.

ASHLEY A. SCHOLL (Charlotte) – By Consent, the Commission suspended the broker license of Ms. Scholl for a period of six months effective June 29, 2006. The Commission then stayed the suspension for a probationary period of six months. The Commission found that Ms. Scholl failed in 2005 to update her salesperson license application to report a pending DWI charge, and that she was convicted of that charge following licensure, and then failed to report the conviction within 60 days of the final judgment. The Commission noted that Ms. Scholl reported the conviction later on her broker license application.

ARTHUR SKILLMAN, III (Fayetteville) – By Consent, the Commission suspended the broker license of Mr. Skillman for a period of one year. The Commission then stayed the suspension for a probationary period of one year. The Commission found that Mr. Skillman failed to keep accurate trust account records of the funds he held for others and, following an audit and construction of his records, did not always include all required information thereon. The Commission also found that

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Disciplinary Action

(Continued from page 15)

Mr. Skillman did not account for personal funds and failed to reconcile his ledgers to his bank statements, resulting in an overage of \$2,140.67 in his trust account. The Commission noted that Mr. Skillman no longer handles the funds of others.

MARGIE L. SMITH (Bethel) – By Consent, the Commission suspended the broker license of Ms. Smith for a period of one year effective June 1, 2006. The Commission found that Ms. Smith, in 2002, acted as a dual agent in a transaction in which her buyer clients purchased a vacant lot she had listed with the intention of placing a single-wide mobile home on the lot. The Commission also found that Ms. Smith told the buyers that the lot had city water and sewer available when in fact it did not, and that Ms. Smith failed to disclose to the buyers that zoning restrictions prohibited the placement of a single-wide mobile home on the property.

RICHARD TRENT (Asheville) – By Consent, the Commission suspended the broker license of Mr. Trent for a period of six months effective July 1, 2006. The Commission then stayed the suspension for a probationary period of one year commencing June 10, 2006. The Commission found that Mr. Trent did not report to the Commission in a timely fashion convictions for driving while impaired in 2002 and 2005 and selling malt beverage to an underage individual in 2003.

TRINITY BUILDERS, LLC (Durham) – By Consent, the Commission revoked the firm license of Trinity Builders effective June 1, 2006. The Commission found that Trinity Builders sold a residential property it owned without disclosing information from a previous transaction that the house was located in a flood plain, instead relying upon a survey showing only a corner of the property, not the house, was located in a flood plain.

DAVID B. VANDERPOOL (Goldboro) – By Consent, the Commission reprimanded Mr. Vanderpool effective Octo-

ber 1, 2006. The Commission found that Mr. Vanderpool sold a personal residence and failed to disclose a drainage issue to the buyers. Street flooding occurred a month after closing and on several occasions thereafter. The Commission noted that the house was not affected and the sellers offered to repurchase the property from the buyers.

ROBERT L. WHITE d/b/a MUTUAL LTD. REALTY (Fayetteville) By Consent, the Commission reprimanded Mr. White effective May 1, 2006. The Commission found that Mr. White, as the broker-in-charge of a real estate brokerage firm, failed to maintain trust account records in compliance with the Real Estate License Law and Commission rules. The Commission noted that no consumers were harmed as a result.

WENDY MICHELLE WINDHAM (Sanford) – By Consent, the Commission reprimanded Ms. Windham effective August 9, 2006. The Commission found that

Ms. Windham failed to report two 1990 Georgia criminal convictions for underage drinking and driving under the influence on her 2005 salesperson license application and her 2006 broker license application.

ROBIN N. WINSTEAD (Durham) – The Commission revoked the broker license of Ms. Winstead effective September 15, 2006. The Commission found that Ms. Winstead was convicted in Durham County Superior Court of two counts of financial identity fraud and two counts of obtaining property by false pretenses in connection with the use by her of her client's private information.

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