



# NORTH CAROLINA REAL ESTATE COMMISSION

## Real Estate Bulletin

Volume 31

Spring 2000

Number 1

### Commission Staff Update



**Pamela Millward**

**Pamela V. Millward** is the Commission's new Associate Legal Counsel. Pam majored in French at Vanderbilt University where she earned her Bachelor of Arts degree. She earned her Juris Doctor, with a concentration on international law, at Tulane Law School.

Prior to employment with the Commission, Pam worked for her family's import/export firm and later joined the Secretary of State's Securities Division as their Special Projects Counsel.

As Associate Legal Counsel, Pam will coordinate the activities of the Information Section of the Legal Services Division and draft articles on legal topics, as well as screen consumer complaints against licensees and conduct hearings before the Commission.



**Peter Evans**

The Commission has employed **Peter C. Evans, III** as Information Officer in its Legal Services Division. The

Florence, South Carolina, native is a graduate of the University of South

*(continued on page 3)*

### Commission implements procedure for license renewal via the Internet

Renewing your real estate license just got easier. New procedure makes license renewal only a "computer click" away.

*By Mary Frances Whitley, Director of Administration*

The Commission has finalized the procedure for Internet license renewal. Now you have the choice of mailing or delivering your renewal application and payment to the Commission office, or renewing online.

License renewal application forms are scheduled to be mailed May 12. You may renew your license for 2000 - 2001 by returning the form and your \$30 fee **prior to June 30, 2000**, provided they are received in the Commission office by the deadline date. However, if you wish to renew via the Internet, you may charge your renewal fee to your Visa or MasterCard. (Please be advised that a \$2 "convenience fee" - to help defray budget impact of handling credit card transactions - will be charged to each licensee who renews by this new method.) Internet license renewal is

available at the Commission's website, [www.ncrec.state.nc.us](http://www.ncrec.state.nc.us), by selecting the "Licensee Only" icon.

The first time you access the system, you will be requested to enter your license number and social security number for verification. You may, at this point, select a PIN (Personal Identification Number) for yourself. (After assigning your PIN, future access will require only that you enter your license number and PIN.)

This Internet link allows you to update certain information (residence address, fax number, e-mail address) in your licensee record and to check your continuing education credits. Please allow 24 - 48 hours for the Commission's records to reflect your renewal and any record changes.

*(continued on page 4)*

### **Renewal Reminder . . .**

**The countdown is on! June 10 is the deadline to earn continuing education credits for the current license year. NOW'S the time to schedule the continuing education courses necessary to renew your real estate license on active status for 2000 - 2001!**

**REAL ESTATE  
BULLETIN**

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

**NORTH CAROLINA REAL ESTATE  
COMMISSION**  
1313 Navaho Drive  
P.O. Box 17100  
Raleigh, North Carolina 27619 - 7100  
Phone 919/875-3700

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- Robin F. Oliver ..... Cons. Prot. Officer
- Joan H. Floyd ..... Cons. Prot. Officer
- Peter C. Evans, III ..... Information Officer
- Brian R. Allan ..... Information Officer

**Editor - in - Chief**  
Phillip T. Fisher

**Editor**  
Carrie D. Worthington

**Autism Society salutes Commission**

The Autism Society of North Carolina recently presented an "Employer of the Year" plaque to Commission Executive Director Phillip T. Fisher "in recognition for dedication to the employment of persons with autism." Since 1997, the Commission has participated in the "Supported Employment Program" by employing Matthew

Thompson to assist Commission staff with opening mail and other duties on a part-time basis. The program is sponsored by the Autism Society and Division TEACCH (Treatment and Education of Autistic and related Communication handicapped Children) of the UNC-Chapel Hill School of Medicine.



Executive Director Fisher (Right) looks on as Matthew Thompson proudly displays the Commission's "Employer of the Year" plaque. ■

**REGISTRATION FORM**

for  
**BASIC TRUST ACCOUNT PROCEDURES COURSE**  
**MONTHLY - RALEIGH**

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

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

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

- June 6
- August 8
- October 3
- July 11
- September 5
- November 8

**Courses revised effective  
March 27, 2000**

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

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

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

Enclose \$35 tuition fee

# Commission Staff Update

(continued from page 1)

Carolina. Pete worked in Fayetteville as a real estate broker prior to joining the Commission staff.

As Information Officer, Pete will answer inquiries from real estate licensees and consumers concerning the Real Estate License Law, Commission rules and general brokerage.

◇ ◇ ◇ ◇ ◇

The Commission has employed Amy Farlow as a paralegal on a temporary basis to assist with research and other projects in the Commission's Legal Services Division. Amy is a student in the Legal Assistants Program at Meredith College.

◇ ◇ ◇ ◇ ◇

The following Commission and staff members have made appearances before various real estate industry and related groups since the last issue of the *Bulletin*. Assistant Director of Legal Services Miriam J. Baer spoke to the Fayetteville Association of REALTORS® about real estate agency and related topics . . . Chief Deputy Legal Counsel Blackwell M. Brogden, Jr., was in Hickory where he appeared before the Catawba Valley Association of REALTORS® and delivered a speech on real estate agency and other topics of special

interest and concern to the Commission and real estate practitioners . . . Pamela V. Millward, the Commission's Associate Legal Counsel, attended the "Real Estate Expo (REXPO) 2000" in Asheville and spoke on "The Top 10 Complaints received by the Commission" . . . and Consumer Protection Officer Joan H. Floyd, in a speech before the Kerr

Lake Board of REALTORS®, spoke on issues of special concern to the Commission and real estate practitioners. (Individuals and groups requesting a speaker from the Real Estate Commission are reminded that a "Request for Program Presenter" form is available from the Commission Office or by calling (919) 850-2757 for Document No. 510.) □

## REAL ESTATE COMMISSION PUBLICATIONS ORDER FORM

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

( )

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

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

### Instructions

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

### EXAM RESULTS

	Passed	Failed
December		
Brokers	117	70
Salespersons	335	249
January		
Brokers	100	54
Salespersons	513	320
February		
Brokers	81	73
Salespersons	161	180

## Dept. of Agriculture, Structural Pest Control Division, offers free "pest control" brochures

Terrence Conley, Outreach and Communication Specialist at the North Carolina Department of Agriculture, Structural Pest Control Division, announces the publication of new consumer information brochures concerning the pest control industry in this state. Because of the importance of pest control in the marketing of real property, Mr. Conley invites real estate agents to order the brochures and/or contact the Structural Pest Control Division for answers to any questions on the subject of pest control.

The following five brochures are currently available:

1. *The Structural Pest Control Division*
2. *Wood-Destroying Insect Information Report (WDIR)*
3. *Termite Contracts and Warranties*

4. *The Control of Subterranean Termites*

5. *How to Prevent or Control a Cockroach Problem*

Mr. Conley requests that you please send your brochure orders in writing and include your name, address, phone number, quantity and brochure title(s). If you have questions, you may contact the Structural Pest Control Division by phone or fax, or visit their website.

**N.C. Department of Agriculture & Consumer Services**

**Structural Pest Control Division**

**P.O. Box 27647**

**Raleigh, N.C. 27611**

**Phone:**

**(919) 733-6100**

**Fax:**

**(919) 733-0633**

**Website:**

**<http://www.agr.state.nc.us/str-pest/>**

# Renewal Reminder

*By Mary Frances Whitley  
Director of Administration*

**Attention brokers-in-charge:** It is your responsibility to be sure that all licensees at your office (brokers as well as salespersons) properly and promptly renew their licenses. You must also be sure that they have completed the continuing education necessary to renew their licenses on active status.

If you as a broker-in-charge fail to renew your license or meet your CE requirement, the Commission will place on inactive status your license and the licenses of all salespersons under your supervision. Addresses for all licensees at your office will be changed to their respective residences, but brokers' licenses will remain on active status. With no broker-in-charge, the office cannot engage in real estate brokerage. (The same problems occur when principal brokers of firms fail to renew their licenses or meet the CE requirement.)

The Commission will notify you of any change in status of the licensees at your office. Likewise, if there is a change in your status, the Commission will notify you as well as the other licensees who are affected by that change. ■

## Internet License Renewal

*(continued from page 1)*

At any time throughout the year, not just during the renewal period, you may access the system and update your records and/or check your CE credits.

The Commission's main objective in implementing the Internet renewal procedure is to offer licensees a more convenient method of license renewal. ■

## Commission Calendar

### Meeting Dates

June 14

July 13 (Pine Knoll Shores)

August 9

September 6

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

# Communicating with the Commission

## Mail

1313 Navaho Drive  
Post Office Box 17100  
Raleigh, North Carolina 27619-7100

## Fax (Area Code 919)

Admin . . . . . 877-4217 Ed. & Lic. . . . . 877-4216  
Audits/Inves. . . 877-4218 Legal Services . 877-4220  
Records . . . . . 877-4221

## Telephone

919/875-3700

You will receive more prompt service if you use this directory when calling the Commission. If the automated telephone attendant answers your call, you may access the section or division shown in the "Access Code" column by dialing on your touchtone phone the number shown parenthetically ( ).

Subject	Access Codes
• Application form requests . . . . .	Receptionist (0)
• Real estate license renewals and record changes . . . . .	Records Section (2)
• Complaints and legal matters (Consumer complaints/inquiries, pending cases/hearings) . . . . .	Legal Services Division (3)
• Education matters . . . . .	Education Section (4)
• Real estate license qualifications and examinations . . . . .	Application Section (5)
• Real estate firm licensing and licensing by reinstatement or reciprocity . . . . .	Licensing Section (6)
• Complaint investigations and audits . . . . .	Audits and Investigations Division (8)
• Administration, personnel matters and accounting . . . . .	Administration Division (9)
• Other matters . . . . .	Receptionist (0)

## Interactive Voice Response

To retrieve licensee data (license status, CE credits, broker-in-charge information, etc.) from the Interactive Voice Response (IVR) system, use a touchtone phone to dial (919) 850-2753.

## Internet

"Visit" the Commission on-line at **Web Site: [www.ncrec.state.nc.us](http://www.ncrec.state.nc.us)** - your easy access to Commission information. The Internet brings to your computer screen licensing information including the License Law, Commission Rules, Trust Account Guidelines, State Fair Housing Act, general information and guides, sample forms and real estate licensing forms. Also, exam schedules and review dates as well as Commission publications including the *Bulletin* (and index of *Bulletin* articles), *CE Schedule*, Commission brochure and the complete *Question and Answer Series*.

## E-Mail

- Executive . . . . . [exec@ncrec.state.nc.us](mailto:exec@ncrec.state.nc.us)
- Administration . . . . . [admin@ncrec.state.nc.us](mailto:admin@ncrec.state.nc.us)
- Education & Licensing . . . . . [educ@ncrec.state.nc.us](mailto:educ@ncrec.state.nc.us)
- Audits & Investigations . . . . . [ai@ncrec.state.nc.us](mailto:ai@ncrec.state.nc.us)
- Legal Services . . . . . [legal@ncrec.state.nc.us](mailto:legal@ncrec.state.nc.us)
- Records . . . . . [records@ncrec.state.nc.us](mailto:records@ncrec.state.nc.us)

## Fax-on-Demand

The following documents are available from the various Commission Divisions/Sections by dialing on your touchtone phone (919) 850-2757.

Document #	Administration/Records
200	Request to Activate Broker or Salesperson License, Notification of Salesperson Supervision, Notification of Change of Broker's Business Address
210	Broker-in-Charge Declaration
220	Request for Reissuance of Real Estate License Certificate and/or Renewal Pocket Card
<i>Education/Licensing</i>	
300	Continuing Education Course Schedule
310	Publications Order Form
320	License Examination Schedule and License Examination Review Schedule
330	Basic Trust Account Procedures Course Schedule and Registration Form
340	Order Form for License Examination Candidate Roster/Order Form for Register of New Licensees
350	Verification of Salesperson Experience
360	Request for Equivalent Education Credit
<i>Legal Services</i>	
400	Complaint Form
410	Criminal Conviction Reporting Form
420	Residential Property Disclosure Statement
430	Disclosure to Buyer From Seller's Agent or Subagent
<i>Other</i>	
500	2000 Commission Meeting Schedule
510	Request for Program Presenter

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

**Mail**

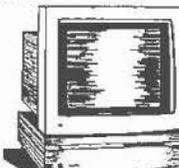


1313 Navaho Drive  
Post Office Box 17100  
Raleigh, NC 27619-7100

**Interactive Voice Response**  
(919) 850-2753



**Web Site**  
[www.ncrec.state.nc.us](http://www.ncrec.state.nc.us)



**Fax**  
(Area Code 919)

Admin . . . . . 877-4217  
Audits/Inves. . . 877-4218  
Ed. & Lic. . . . . 877-4216  
Legal Ser. . . . . 877-4220  
Records . . . . . 877-4221



**Phone**  
919/875-3700

**Fax-on-Demand**  
919/850-2757

**E-Mail**

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Admin. . . . . [admin@ncrec.state.nc.us](mailto:admin@ncrec.state.nc.us)  
Ed. & Lic. . . . . [educ@ncrec.state.nc.us](mailto:educ@ncrec.state.nc.us)  
Audits & Inv. . . . [ai@ncrec.state.nc.us](mailto:ai@ncrec.state.nc.us)  
Legal Ser. . . . . [legal@ncrec.state.nc.us](mailto:legal@ncrec.state.nc.us)  
Records . . . . . [records@ncrec.state.nc.us](mailto:records@ncrec.state.nc.us)

# Licensing requirements change October 1, 2000

Salesperson licensing gets a little "tougher," but broker licensing for current salespersons will be considerably easier.

## Salesperson Licensing

On or after October 1, 2000, persons filing applications for examination to be licensed as a salesperson must demonstrate that they have satisfied the new **67-classroom-hour** education requirement. The new requirement represents a relatively modest, yet significant increase in salesperson prelicensing education. (Currently, salesperson courses taught at community colleges average 64 hours and salesperson courses taught at private schools average 46 hours.) The prescribed content of salesperson courses will not change, but instructors will have more time to teach the application of laws, principles and concepts in real estate practice. Many schools will begin offering the 67-hour course as early as spring or summer, while some may wait until October to offer the longer course.

Even after October 1, the Commission will continue to recognize a salesperson course of less than 67 hours *if the course was taken within three (3) years prior to application filing and if the applicant has attended a subsequent salesperson course to make up the deficiency in classroom hours.* For example, if an applicant with a 48-hour salesperson course which was completed in 1999 wishes to file for license examination on or after October 1, 2000, he or she has three years from the date of the 48-hour course completion to bring the total hours up to the required 67; i.e., he/she may attend 19 hours in an additional salesperson course and then may apply to take the examination.

## Broker Licensing

Because brokers usually have more real estate education than salespersons, it is generally in the best interest of real estate consumers for salesperson licensees to "upgrade" to a broker license, thereby furthering their real estate education beyond the required continuing education courses. Many people in the industry believe the primary reason salespersons don't seek a broker license is the broker examination requirement. To become a broker under the current requirements, a salesperson must pass the broker license examination after having qualified either by completing three 30-hour broker courses (total of 90 hours) or by demonstrating two years' full-time experience as an active salesperson. As discussed below, these requirements will change substantially on October 1.

### *Separate Broker Examination Eliminated*

In perhaps the most significant licensing change since implementation of the License Law in 1957, *the separate broker licensing examination will be eliminated* in favor of a single real estate license examination. This means that North Carolina licensed salespersons applying for a broker license on or after October 1, 2000 will not be required to take an additional state examination in order to obtain a broker license. They will only have to satisfy the education requirement and, of course, be found to possess the requisite truthfulness, honesty and integrity for licensure.

## *Broker Education Requirement Revised*

Persons holding a current (unexpired) North Carolina salesperson license (on either active or inactive status) who apply for a broker license on or after October 1, 2000, will only have to demonstrate completion of a single **60-hour broker course.** (No additional license examination will be required.) The single, shorter course will focus on in-depth coverage of selected topics, such as agency practice and sales contract preparation, rather than the more broad-based coverage seen in the current courses. The new 60-hour broker course will be offered by the same schools offering salesperson courses, but *the new course will NOT be offered prior to October 1.* Like the salesperson course, the broker course requires passing course examination(s) to satisfactorily complete the course.

If a salesperson has completed all three of the current 30-hour broker courses within three years prior to filing a broker application, the Commission will, *after October 1, 2000,* recognize completion of those courses as satisfying the broker education requirement. However, completion of only one or two of the current 30-hour broker courses, standing alone, will NOT be sufficient. *Therefore, if you plan to take the current three broker courses but want to apply for examination after October 1, the Commission strongly advises you to check now on the availability of all three courses.*

*(continued on page 8)*

# APPLICATION FOR EMPLOYMENT

STATE OF NORTH CAROLINA

Date of Application \_\_\_\_\_

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

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

**Availability**

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

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

**Military Service**

Have you served honorably in the Armed Forces of the United States on active duty for reasons other than training?  YES  NO  
 Do you wish to declare a service-connected disability?  YES  NO  
 At the time of this application, are you the surviving spouse or dependent of a deceased veteran who died from service-related reasons?  YES  NO  
 Do you wish to declare eligibility for veterans preference as the spouse of a disabled veteran?  YES  NO  
 Give dates of your (or spouse's) qualifying active military service  
 Entered: \_\_\_\_\_ Separated: \_\_\_\_\_ Branch: \_\_\_\_\_ Rank: \_\_\_\_\_  
 Are you a member of the Military Reserves?  YES  NO Branch: \_\_\_\_\_ Rank: \_\_\_\_\_

AGENCY USE ONLY ELIGIBILITY FOR VETERAN'S PREFERENCE  YES  NO

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

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

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

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

**Jobs Applied For**

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

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

**Referral Source**

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

**Education**

Circle highest grade completed 1 2 3 4 5 6 7 8 9 10 11 12 GED College 1 2 3 4 Graduate School 1 2 3 4  
 Under S/Q Hrs, list the hours of credit received and if they were semester (S) or quarter (Q) hours

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

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

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

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

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

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

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

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

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

**DO NOT COMPLETE THIS BLOCK**

DEGREES AND PROFESSIONAL CREDENTIALS

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

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

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

\_\_\_\_\_

\_\_\_\_\_

**Skills**

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

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

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

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

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

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

Signature of Applicant (unsigned applications will not be processed)

Date

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

**Copy and attach additional sheets if needed.**

<b>Equal Opportunity Information</b>										
<p>State Government policy prohibits discrimination based on race, sex, color, creed, national origin, age or disability. Sex or age is a bona fide occupational qualification in a small number of State jobs. The information requested below will in no way affect you as an applicant. Its sole use will be to see how well our recruitment efforts are reaching all segments of the population.</p>										
<p>Date of Birth</p> <table style="width: 100%;"> <tr> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> <td style="border: 1px solid black; width: 30px; height: 20px;"></td> </tr> <tr> <td style="text-align: center;">(mo.)</td> <td style="text-align: center;">(day)</td> <td style="text-align: center;">(year)</td> </tr> </table>				(mo.)	(day)	(year)	<p>Check One</p> <p>SEX <input type="checkbox"/> M (male) <input type="checkbox"/> F (female)</p>	<p><b>DISABILITY:</b> "Disability means, with respect to an individual: (1) a physical or mental impairment that substantially limits one or more of the major life activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment" (Americans with Disabilities Act of 1990). Persons without a disability should check item A.</p> <p>The reporting of a disability is strictly <b>VOLUNTARY</b>. Persons with disabilities who <b>DO NOT WISH</b> to report their disabilities should check item A. Information reported on this form will be kept confidential as required by State law. Public disclosure of this information without your consent would be a violation of G.S. 126-27.</p> <table style="width: 100%;"> <tr> <td style="width: 33%;"> <p><b>A</b> <input type="checkbox"/> None/Prefer not to report</p> <p><b>B</b> <input type="checkbox"/> Blind or severely visually impaired</p> <p><b>C</b> <input type="checkbox"/> Deaf or severely hearing impaired</p> <p><b>D</b> <input type="checkbox"/> Loss or limited use of arms and/or hands</p> <p><b>E</b> <input type="checkbox"/> Non-ambulatory (must use wheelchair)</p> <p><b>F</b> <input type="checkbox"/> Other orthopedic impairment (including amputation, arthritis, back injury, cerebral palsy, spina bifida, etc.)</p> </td> <td style="width: 33%;"> <p><b>G</b> <input type="checkbox"/> Respiratory impairment</p> <p><b>H</b> <input type="checkbox"/> Nervous system/Neurological disorder</p> <p><b>I</b> <input type="checkbox"/> Mentally restored</p> <p><b>J</b> <input type="checkbox"/> Mental retardation</p> <p><b>K</b> <input type="checkbox"/> Learning disability</p> <p><b>L</b> <input type="checkbox"/> Others (heart disease, diabetes, speech impairment)</p> <p><b>M</b> <input type="checkbox"/> Other (please specify) _____</p> </td> </tr> </table>	<p><b>A</b> <input type="checkbox"/> None/Prefer not to report</p> <p><b>B</b> <input type="checkbox"/> Blind or severely visually impaired</p> <p><b>C</b> <input type="checkbox"/> Deaf or severely hearing impaired</p> <p><b>D</b> <input type="checkbox"/> Loss or limited use of arms and/or hands</p> <p><b>E</b> <input type="checkbox"/> Non-ambulatory (must use wheelchair)</p> <p><b>F</b> <input type="checkbox"/> Other orthopedic impairment (including amputation, arthritis, back injury, cerebral palsy, spina bifida, etc.)</p>	<p><b>G</b> <input type="checkbox"/> Respiratory impairment</p> <p><b>H</b> <input type="checkbox"/> Nervous system/Neurological disorder</p> <p><b>I</b> <input type="checkbox"/> Mentally restored</p> <p><b>J</b> <input type="checkbox"/> Mental retardation</p> <p><b>K</b> <input type="checkbox"/> Learning disability</p> <p><b>L</b> <input type="checkbox"/> Others (heart disease, diabetes, speech impairment)</p> <p><b>M</b> <input type="checkbox"/> Other (please specify) _____</p>
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<p><b>A</b> <input type="checkbox"/> None/Prefer not to report</p> <p><b>B</b> <input type="checkbox"/> Blind or severely visually impaired</p> <p><b>C</b> <input type="checkbox"/> Deaf or severely hearing impaired</p> <p><b>D</b> <input type="checkbox"/> Loss or limited use of arms and/or hands</p> <p><b>E</b> <input type="checkbox"/> Non-ambulatory (must use wheelchair)</p> <p><b>F</b> <input type="checkbox"/> Other orthopedic impairment (including amputation, arthritis, back injury, cerebral palsy, spina bifida, etc.)</p>	<p><b>G</b> <input type="checkbox"/> Respiratory impairment</p> <p><b>H</b> <input type="checkbox"/> Nervous system/Neurological disorder</p> <p><b>I</b> <input type="checkbox"/> Mentally restored</p> <p><b>J</b> <input type="checkbox"/> Mental retardation</p> <p><b>K</b> <input type="checkbox"/> Learning disability</p> <p><b>L</b> <input type="checkbox"/> Others (heart disease, diabetes, speech impairment)</p> <p><b>M</b> <input type="checkbox"/> Other (please specify) _____</p>									
<p><b>ETHNIC GROUP</b></p> <p>1. <input type="checkbox"/> White (non-Hispanic)</p> <p>2. <input type="checkbox"/> Black (non-Hispanic)</p> <p>3. <input type="checkbox"/> Hispanic (Mexican, Puerto Rican, Cuban, Central or South American, other Spanish origin regardless of race)</p> <p>4. <input type="checkbox"/> Asian (including Pacific Islander)</p> <p>5. <input type="checkbox"/> American Indian (including Alaskan native)</p>										

## REAL ESTATE COMMISSION EMPLOYMENT OPPORTUNITY

## APPLICATION FOR EMPLOYMENT

The following job description summarizes a position now available on the Real Estate Commission staff. Interested, **qualified** persons are referred to the accompanying Application for Employment Form and instructions.

Questions or requests for additional information should be directed in **writing** (no telephone inquiries please) to the Commission's Director of Administration, N.C. Real Estate Commission, P.O. Box 17100, Raleigh, N.C. 27619-7100.

### Auditor/Investigator

- Salary:** Beginning Salary \$29,184
- Benefits:** Blue Cross health insurance; retirement contribution; paid vacation and sick leave.
- Duties:**
1. Audits and inspects real estate brokerage trust records on a statewide basis whenever the Commission determines that the records are pertinent to the investigation of a specific complaint against a real estate broker or salesperson or time share project.
  2. Conducts routine, periodic audits of real estate trust accounts to determine compliance with the Real Estate License Law and Commission rules.
  3. Investigates consumer complaints against licensees involving misrepresentations, loan fraud, mishandling of client funds, and other improper acts in connection with real estate sales and leasing transactions.
  4. Writes reports for review by the Director of Audits and Investigations regarding results of investigations.
  5. Testifies before the N.C. Real Estate Commission on investigative findings.
  6. Performs other related duties at the direction of the Director of Audits and Investigations.

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

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

### Instructions

#### Completion of Application Form (*Pages 1 - 3 of the Application for Employment*)

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

#### Filing Application Form and Materials

1. Carefully remove the application form from the **Bulletin**.
2. Mail your application form and other required materials to the following:  
**N.C. Real Estate Commission  
P.O. Box 17100, Raleigh, NC 27619-7100  
Attn: Director of Administration.**
3. **No telephone inquiries or requests for appointments, please!**
4. Application for Employment and related materials must be received in the Real Estate Commission Office by May 30, 2000.

#### Employment Schedule

May 30	Application Deadline
May 31	Application Review
June 7	Preliminary Interviews
June 14	Commission Interviews
July 1	Employment Date (date negotiable)

### EQUAL OPPORTUNITY EMPLOYER

# When "Sale of Present Home" is a condition for buying . . . How do you handle the "Offer to Purchase"?

With the adoption of the most recent revisions to the standard *Contingent Sale Addendum* form recommended by the North Carolina Bar Association and the North Carolina Association of REALTORS®, it's time to take a fresh look at the subject.

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

## When "Contingency Language" is necessary

Have you ever worked with buyers who wanted to make an offer to purchase residential property before their present home was sold? If you have experience in real estate sales, you have probably encountered this situation and know that it calls for "contingent sale" language to be made a part of the buyers' offer.

In the past, many licensees were disciplined for drafting their own "contingent sale" clauses in sales contracts. Often, these clauses were inadequate to address all the events which can occur when the buyers must sell their home before they can purchase another one. Even after the North Carolina Bar Association and the North Carolina Association of REALTORS® (NCAR) introduced a standardized *Contingent Sale Addendum*, some licensees continued to draft their own contingency forms. Serious problems can result from the improper use of such forms or the failure to use an appropriate form at all.

A number of common misconceptions can lead agents and parties into trouble; e.g., the belief that, "I don't need contingent sale language; I'm protected by the finance contingency." Also, problems result when licensees or parties to the transaction remove the contingency too soon, mistakenly assuming that the contingency can be removed as soon as the buyer's house goes under contract.

## Various "Contingent Sale" Addenda

When dealing with a contingent sale, you should be familiar with the most recent *Contingent Sale Addendum* (Standard Form 2-A-2, copyright 1999), the *Back-Up Contract Addendum* (Standard Form 2-A-1, copyright 1999), and the *Additional Provisions Addendum* (Standard Form 2-A-11, copyright 1996). For the purpose of discussion, it is assumed that you are using the current *Offer to Purchase and Contract* form (copyright 1999) in conjunction with the addenda. You should also review Item (16) on the *Guidelines for Completing the Offer to Purchase and Contract Form* (Standard Form 2-G, copyright 1999) concerning the proper use of addenda.

All of the offer and contract forms and addenda described above are available from independent publishers/printers in North Carolina. REALTORS® may obtain these forms from a number of sources connected with NCAR.

## *Contingent Sale Addendum* (Standard Form 2-A-2)

Which addendum should you use? The *Contingent Sale Addendum* form is a detailed approach to the problem of the interested buyer who must sell a present home in order to comply with the purchase contract.

Suppose that your buyers use the *Contingent Sale Addendum* to make an offer contingent on the sale of their property. Note that the seller reserves the right under this *Addendum* to

continue marketing the property. Assume further that the marketing attracts a new buyer, who makes an offer to purchase the subject property before your buyers' house is sold. It is at this point that the terms of the *Contingent Sale Addendum* become the most important: If the seller wants to accept the new buyer's offer, the seller is required under the *Addendum* to give your buyers written notice in order for them to be compelled to waive the addendum in writing or be forced out of the contract.

Upon receipt of the written notice, your buyers then have the designated number of hours from receipt of the notice to deliver to the seller a written waiver of their rights. If your buyers fail to deliver the written waiver in time, their contract is null and void and the seller is free to sell to the new buyer. Unless special circumstances exist, your buyers are entitled to the return of their earnest money.

Now assume that instead of walking away from the property, your buyers want to remain under contract to purchase it, even though their current house is not sold. In that case, your buyers must deliver the written waiver within the allotted time. Under the *Contingent Sale Addendum*, your buyers are now obligated to purchase the seller's house even if their house does not sell, and your buyers cannot use the loan contingency as an excuse for not performing their purchase contract with the seller.

(continued on page 8)

# When "Sale of Present Home" is a condition for buying . . .

(continued from page 7)

## **Additional Provisions Addendum (Standard Form 2-A-11)**

What about using item (7) on the *Additional Provisions Addendum* form as an alternative? That provision is a much less detailed approach to the problem. It is designed to be used when the buyers have their present home under contract at the time of making the offer to purchase another home. Because it is less detailed, the seller has less protection in the event of a dispute. With the *Additional Provisions Addendum*, (unlike the *Contingent Sale Addendum*), the seller gives up the right to continue soliciting offers on the property. These are serious distinctions that a listing agent should discuss with a seller before accepting this term in a contract.

## **Contingent Sale Addendum vs. Additional Provisions Addendum**

Some callers to the Commission mistakenly believe that when a buyer who is using the *Contingent Sale Addendum* places his or her existing home under contract, the parties must then sign Item (7) on the *Additional Provisions Addendum*. However, these addenda use different approaches to the "contingent sale" situation. Parties should choose one approach/addendum and follow it.

In the event of a conflict, both addendum forms claim to control the transaction rather than the terms of the underlying *Offer to Purchase and Contract*. As noted above, licensees should not use both forms in the course of one transaction. Neither form was designed for this purpose,

and there is no provision that gives one form prevailing power over the other one.

## **Back-Up Contract Addendum (Standard Form 2-A-1)**

Normally, the seller should not accept a subsequent offer until the first contract has been terminated; in a simple transaction, with all parties nearby and cooperative, the first contract may be terminated in a matter of hours or days. However, in transactions with complications that delay the process of notice and response between buyer and seller (e.g., distance separating the parties, lack of cooperation, personal problems including illness or court proceedings), removal of the contingency or contract termination can be delayed. In these more complicated transactions, the subsequent offer could then include the *Back-Up Contract Addendum*. This would give the seller some security that the subsequent offer would not be withdrawn after extensive efforts to cancel the first contract.

## **In Conclusion**

If the seller or buyer finds the terms of a proposed offer or addendum to be unacceptable as written and desires modifications of the form, the licensee should refer that party to his or her own attorney. While these forms are designed for effective use in most residential transactions, there will always be parties or transactions for which the use of the forms will not be appropriate. Licensees should make every effort to ensure that they use recent forms that conform with all relevant state and federal laws. ■

# New licensing requirements October 1

(continued from page 6)

Many schools will discontinue offering these courses in the near future. Unless you need a broker license right away, you should seriously consider waiting until the new 60-hour broker course becomes available in October. The new course should be readily available due to the anticipated substantial demand for the course. **Note:** *Applications from salespersons for a broker license without additional examination will not be accepted prior to October 1, 2000.*

## **Experience Option Eliminated**

Beginning October 1, 2000, broker applicants will no longer have the option of qualifying based on two years' full-time experience as a salesperson in lieu of completing the broker prelicensing course. With no separate broker examination, this is not a desirable qualifying option.

The elimination of the separate broker examination, along with the education changes, should serve to encourage many salespersons to further their education and, in the process, obtain a broker license. The Commission hopes the new requirements and changes will be beneficial to both licensees and consumers. ■

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**Do YOU have the  
required CE credits to  
renew your real estate  
license on active status  
for 2000 - 2001?**

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# Commission adopts recommendations of *Specialty Licensing Advisory Committee*

Should the Commission continue to issue "all purpose" real estate licenses? Or should it instead separately license persons who engage in certain "specialty areas" of real estate practice (property management, commercial real estate brokerage, etc.)? These were the questions posed to the committee.

*By Phillip T. Fisher, Executive Director*

The Real Estate Commission recently assembled industry professionals from across the state to study the issue of whether separate real estate licenses should be issued to perform specialized brokerage activities. The Commission's *Specialty Licensing Advisory Committee* was composed of representatives from property management, commercial real estate brokerage, vacation rental management and owner association management, as well as general real estate brokerage.

Commission member Allan Dameron served on the committee *ex officio*, and Executive Director Fisher facilitated the discussion. Larry A. Outlaw, the Commission's Director of Education and Licensing, and Special Deputy Attorney General Thomas R. Miller, the Commission's Director of Legal Services, also assisted the committee.

During the course of its meetings, the committee determined that the most immediate need was the creation of additional educational opportunities for persons engaged or interested in certain specialized areas of real estate practice - especially property management and commercial real estate brokerage. The committee noted that real estate education providers are reluctant to invest time and money to

develop and offer courses in these specialty areas for the relatively small number of persons who may enroll in them. Consequently, the committee concluded that further involvement and encouragement by the Real Estate Commission was necessary to ensure the availability of courses.

At the conclusion of its meetings, the committee recommended to the Real Estate Commission that it:

1. Continue to permit specialized versions of the mandatory real estate *Update* continuing education course for specialty practitioners and explore ways to improve the availability of such modified courses, including assisting potential sponsors in identifying licensees who would likely have the greatest interest in such courses.
2. Develop a "specialty area education certificate program" consisting of quality continuing education elective courses (or a series of courses) on property management and commercial real estate brokerage subjects, and make these courses readily available to specialty practitioners. To

ensure reasonable availability of these courses, the Commission would either directly sponsor them or subsidize their offering by an entity selected by the Commission.

3. Maintain a dialogue with representatives of the community association management industry.
4. Consider expanding educational opportunities for persons engaged in vacation rental management.

The Real Estate Commission adopted the committee's recommendations. Later this year, the Commission's Education and Licensing Division will begin formulating plans for implementing them.

The Commission expresses its appreciation to the *Specialty Licensing Advisory Committee* members: Jerry D. Berry (Fayetteville), John D. Bridgeman (Gastonia), Beverly H. Godfrey (Winston-Salem), J. Alan Holden (Supply), Michael A. Kubica (Hendersonville), John Lawton (Raleigh), Fred B. O'Neal (Raleigh), Arnold R. Spell (Durham), and Mary F. Taylor (Greensboro). ■

# Disciplinary action



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

**WILLIAM G. ALLEN (Charlotte)** - By Consent, the Commission reprimanded Mr. Allen effective February 24, 2000. The Commission found that while acting as principal broker of a licensed firm and broker-in-charge of a firm office, Mr. Allen had allowed the firm to offer to sell, negotiate contracts to sell, and obtain for its principals executed contracts to sell lots in proposed subdivisions that had not received the required final subdivision approval. The Commission further found that prior to December 1, 1999, certain firm agents or employees who were under Mr. Allen's supervision had engaged in the unlawful removal of "for sale" signs from lots listed by competing firms. The Commission noted that Mr. Allen terminated these practices by persons associated with the firm and that he cooperated in the Commission's investigation and resolution of these matters.

**HOMER S. ANDERSON (Fayetteville)** - By Consent, the Commission reprimanded Mr. Anderson effective February 1, 2000. The Commission found that while Mr. Anderson was broker-in-charge of a licensed firm real estate broker from July 1, 1997, until August 27, 1997, he had failed to adequately supervise a salesperson associated with the firm. The Commission further found that Mr. Anderson had failed to maintain proper records of the firm's trust accounts.

**ARMED FORCES REALTY OF FAYETTEVILLE, INC. (Fayetteville)** - By Consent, the Commission revoked Armed Forces Realty of Fayetteville, Inc.'s broker license effective March 15, 2000. In an audit of the firm's trust accounts performed during 1998, the Commission found that Armed Forces Realty of Fayetteville, Inc.'s property management trust account liabilities exceeded the money on deposit in the account by more than \$5,000. The Commission further found that Armed Forces Realty of Fayetteville, Inc.'s brokers-in-charge had not adequately maintained the firm's trust accounts or supervised its salespersons.

**SUZANNE S. BECKMANN (Hendersonville)** - By Consent, the Commission suspended Ms. Beckmann's broker license for sixty days effective July 1, 2000. The Commission then stayed the suspension for a probationary term of sixty days. The Commission found that in two separate residential real estate transactions during 1996 and 1997 in which she acted as agent for the buyers, Ms. Beckmann had omitted to disclose that the subject properties were near the airport and were overflowed by civil and military aircraft. Ms. Beckmann resided in the same general area, but she did not appreciate the materiality of the noise generated by the air traffic. The Commission noted that Ms. Beckmann and her employers (not respondents in the Commission's case against Ms. Beckmann) have undertaken measures reasonably calculated to resolve their clients' dissatisfaction. Ms. Beckmann neither admitted nor denied any misconduct.

**ANNE S. BEST (Wilmington)** - By Consent, the Commission revoked Ms. Best's broker license effective February 9, 2000. The Commission found that

while Ms. Best was broker-in-charge of a real estate firm and collected and disbursed funds on behalf of property owners associations (POAs), she had converted funds belonging to these POAs to her own use and benefit. The Commission noted that Ms. Best reimbursed the misappropriated funds.

**FRANCES P. BRITTAIN (Wrightsville Beach)** - The Commission accepted the permanent voluntary surrender of Ms. Brittain's broker license effective January 19, 2000. The Commission dismissed without prejudice charges that Ms. Brittain had violated provisions of the Real Estate License Law and Commission rules. Ms. Brittain neither admitted nor denied any misconduct.

**STANLEY R. EXNER (Jacksonville)** - By Consent, the Commission suspended Mr. Exner's broker license for two years effective February 1, 2000. Two months of the suspension are to be active and the remaining period stayed for a probationary term of two years. The Commission found that while acting as a listing agent for residential property and in an attempt to purchase the property on his own account and resell it for a profit, Mr. Exner had caused the seller to believe that Mr. Exner had assumed the existing loan on the property when in fact he had not assumed that loan.

**MICHAEL K. FLEMING (Eden)** - By Consent, the Commission suspended Mr. Fleming's salesperson license for one month effective January 13, 2000. The Commission then stayed the suspension for a probationary term of six months. The Commission found after his seller-clients rejected an offer to purchase which he had presented to them from certain purchasers, Mr. Fleming had failed to deliver to the sellers a copy of a new, written offer from the same purchasers.

*(continued on page 11)*

# Disciplinary action

(continued from page 10)

ELLIS R. FOREST, JR. (New Bern) - The Commission accepted the voluntary surrender of Mr. Forest's salesperson license for five years effective October 15, 1999. The Commission dismissed without prejudice charges that Mr. Forest had violated the Real Estate License Law. Mr. Forest denied any misconduct.

MARGUERITE M. GARDNER (Nags Head) - The Commission revoked Ms. Gardner's salesperson license effective November 1, 1999. The Commission found that Ms. Gardner had failed to account for or remit a tenant security deposit which she had collected in 1995 while she was principal broker, broker-in-charge and owner of a licensed corporate real estate brokerage firm which she owned. The Commission further found that Ms. Gardner had failed to maintain and produce for Commission inspection her 1995 vacation rental trust account records.

WALTER V. GLOVER (Fayetteville) - By Consent, the Commission revoked Mr. Glover's broker license effective February 1, 2000. The Commission found that Mr. Glover, while principal broker and broker-in-charge of a licensed firm real estate broker from 1994 until 1997, had failed to adequately supervise a salesperson associated with the firm. The Commission further found that when the firm was administratively dissolved by the Secretary of State during 1994, Mr. Glover failed in his duty as principal broker to obtain the firm's reinstatement and failed to inform the Commission of the firm's change in status.

ROSE D. HIGGINS (Fayetteville) - By Consent, the Commission revoked Ms. Higgins' salesperson license effective January 13, 2000. The Commission found that without the knowledge and supervision of her broker-in-charge,

Ms. Higgins had prepared a sales contract and that she had received a \$600 earnest money deposit which she failed to deliver to her broker-in-charge.

JACKSONVILLE REALTY, INC. t/a CHOICE JACKSONVILLE REALTY, INC. (Jacksonville) - By Consent, the Commission reprimanded Jacksonville Realty, Inc. effective January 13, 2000. The Commission found that during 1998, Jacksonville Realty failed to maintain its records of the funds of others in the manner required by Commission rule. As a result, the firm's trust accounts were not sufficient to meet its obligations for the funds of others held by the firm, and a 1998 Commission audit revealed that the shortage was approximately \$3,000. The Commission noted that ownership of Jacksonville Realty changed during the Commission's investigation, and the new management of the firm cooperated with the Commission audit. The Commission further noted that the firm's trust accounts have been fully funded and its record-keeping brought into compliance with the Commission rules.

CAROLYN M. MCDOWELL (Wilkesboro) - By Consent, the Commission suspended Ms. McDowell's broker license for six months effective April 1, 2000. The Commission then stayed the suspension for a probationary term of one year. The Commission found that in 1998, Ms. McDowell had relied on the square footage reported in the tax records of a property rather than her own measurements or an appraisal of the property, and that she had listed it and advertised it in the MLS as having a total of 2,184 heated square feet instead of its appraised square footage of 1,721 square feet.

RAYMOND K. MCDOWELL (Wilkesboro) - By Consent, the Commission reprimanded Mr. McDowell

effective April 1, 2000. The Commission found that Mr. McDowell had conducted brokerage services on a regular basis while his salesperson license was on inactive status from January 5, 1998, until June 26, 1998. The Commission further found that during the time his license was inactive, Mr. McDowell had relied on information from tax records to obtain the square footage of a property he listed for sale rather than using his own measurement, and that he had no information showing the actual square footage of the property.

GEORGIA S. PAULETTE (Cary) - The Commission revoked Ms. Paulette's broker license effective March 1, 2000. The Commission found that in 1996 while acting as a listing agent for a property, Ms. Paulette had made no effort to negotiate a termination of a contract between the seller and buyer or otherwise resolve the transaction when it failed to close as scheduled. The Commission also found that Ms. Paulette had placed the property back on the market without consulting the seller and without advising the seller to seek legal advice prior to accepting a second contract which Ms. Paulette obtained and presented. The Commission further found that Ms. Paulette had failed to inform the second buyer and selling agent about the existence of the unresolved first contract, had failed to disclose her actions to the real estate firm with which she was affiliated, and had failed to turn over to the firm the earnest money checks she received in connection with the contracts.

JENE L. SINGLETARY (Charlotte) - By Consent, the Commission suspended Mr. Singletary's broker license for six months effective January 1, 2000. The Commission found that Mr. Singletary,

(continued on page 12)

# Disciplinary action

(continued from page 11)

while broker-in-charge of a real estate firm, had failed to maintain transaction ledgers, to properly reference transactions on checks and check stubs, to maintain running balances on ledger sheets, to perform bank reconciliations, or to prepare trial balances on a monthly basis for the firm's trust account. The Commission also found that the running balances Mr. Singletary did have did not always equal ledger balances.

**WILLIAM S. STOKES (Carrboro)** - The Commission revoked Mr. Stokes' salesperson license effective December 13, 1999. The Commission found that Mr. Stokes had written an \$80 check to cover the cost of attending two real estate continuing education courses and that the check was unpaid by Mr. Stokes' bank because his account had been closed. The Commission further found that Mr. Stokes had subsequently failed to resolve the matter, even though he had promised a staff member of the course sponsor that he would do so.

**WATERFRONT PROPERTIES, INC. (Charlotte)** - By Consent, the Commission reprimanded Waterfront Properties, Inc. effective February 24, 2000. The Commission found that with regard to various subdivisions it marketed, the firm had offered to sell, negotiated contracts to sell, and obtained for its principals executed contracts to sell lots in proposed subdivisions that had not received the required final subdivision approval. The Commission further found that prior to December 1, 1999, certain agents or employees of the firm had engaged in the unlawful removal of "for sale" signs from lots listed by competing firms. The Commission

noted that Waterfront Properties, Inc. terminated these practices by persons associated with the firm and that it cooperated in the Commission's investigation and resolution of these matters.

**CARMEN T. YECK (Jacksonville)** - By Consent, the Commission suspended Ms. Yeck's broker license for one year effective September 1, 1999. Thirty days of the suspension are to be active and the remaining period stayed for a probationary term of two years. The Commission found that Ms. Yeck, while broker-in-charge of a rental office, had failed to have the firm's trust account records properly maintained as required by Commission rules. ■



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