



NORTH CAROLINA
REAL ESTATE LICENSING BOARD

Real Estate Bulletin

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Joseph F. Schweidler, Secretary-Treasurer of the North Carolina Real Estate Licensing Board since August, 1960, died suddenly of an apparent massive heart attack on Sunday night, July 20, 1975. Mr. Schweidler had been in apparent good health and had no history of previous heart problems.

Although he was born in Hinsdale, Illinois, on May 1, 1914, Joe Schweidler claimed Indiana as his native state, his family having moved to Culver, Indiana when he was an infant. He was raised in Culver and attended the public schools there. After completing his high school education, he enrolled at Purdue University, received a B. S. degree in Civil Engineering, after which he was employed as an Engineer in various capacities until World War II. He graduated from the United States Naval Reserve Officers' Training School at Cornell University in 1943 and served with distinction as a Naval Officer in both World War II and the Korean War, retiring in 1974 from the United States Naval Reserve with the rank of Commander.

Mr. Schweidler was stationed in Raleigh as a Naval recruiting officer in 1952 and 1953 and from that date on he remained a resident of North Carolina. A most important event in his life was his marriage to the former Margaret (Peggy) Cooper, a native of Petersburg, Virginia. Then in 1954 he entered Wake Forest University Law School, graduating in 1957. He served as a research clerk to N. C. Supreme Court Justice Higgins and as Assistant



Secretary of the N. C. State Bar until he was elected Secretary-Treasurer of the Licensing Board.

During his fifteen year tenure with this Board, Joe Schweidler established a reputation throughout this state and the entire United States as an outstanding licensing law administrative official. He served in practically every office of the National Association of Real Estate License Law Officials, including the office of President in 1973. He had served for many years as both Counsel and Parlia-

mentarian for the Association and was serving in both capacities at his death.

Although he formerly engaged in such activities as golf and fishing, Mr. Schweidler's life revolved around his wife, Peggy, and the Licensing Board. He was almost never absent from his office because of illness and would take only about one week's vacation per year to visit his father. He had a passion for doing everything possible to help improve the real estate profession and establish better educational requirements, and he was respected and admired for the patience which he exhibited in discussing the real estate problems of anyone and everyone who asked for his advice in matters pertaining to the function of the Licensing Board.

He is survived by his wife; his father, J. F. Schweidler, Leesburg, Florida; a sister, Mrs. John C. Smith, Jr., Fremont, California; and two brothers, Arthur V. Schweidler, Ogden, Utah, and Robert P. Schweidler, Aurora, Illinois.

REAL ESTATE BULLETIN

Published quarterly as a service to real estate licensees to promote a better understanding of the Real Estate Licensing Law, Rules and Regulations, and proficiency in ethical real estate practice.

NORTH CAROLINA REAL ESTATE LICENSING BOARD

813 BB&T Bldg.

Raleigh, North Carolina 27602

James E. Holshouser, Jr., Governor

BOARD MEMBERS

C. Bayless Ridenhour,
Chm. Concord

Edwin W. Tenney, Jr.,
V. Chm. Chapel Hill

Joe O. Brewer Wilkesboro

Rufus L. Brock Mocksville

Billy E. Hinton Clayton

Blanton Little Sec'y.-Treas.

Phillip T. Fisher Admin. Asst.

LITTLE NAMED

SECRETARY-TREASURER

Blanton Little has been elected Secretary-Treasurer of the Licensing Board. Mr. Little served as Administrative Assistant to Joseph F. Schweidler for the past five years. Prior to that time he had been employed in the Real Estate and Investment Department of The Prudential Insurance Company of America for a period of twenty-four years before taking early retirement in 1970.

Mr. Little is a native of Albemarle, North Carolina. He graduated from Albemarle High School and from Davidson College, where he majored in Economics and Political Science. He served as a Naval Officer in World War II. He is married to the former Lillie Bradshaw of Rock Ridge, Wilson County, North Carolina. Their son, Blanton Little, Jr. is currently residing in Florence, Italy.

The latest census figures show that movement out of big cities has accelerated in the past five years, with 37 of the nation's 58 largest cities showing population losses.

Heaviest losers: Minneapolis, off 12 per cent; St. Louis, 10.3 per cent; Cleveland, 9.6 per cent; Atlanta, 8.9 per cent and Fort Worth 8.6 per cent.

ATTORNEY GENERAL'S OPINION

In response to a request from the North Carolina Real Estate Licensing Board, the following opinion was received on August 9, 1975:

STATEMENT OF FACTS: "Attorney 'A' closes a real estate transaction between a buyer and seller, the closing having been referred to him by the broker. Attorney 'A' handles all details of the closing, collecting all funds held in escrow by the broker, collecting the balance of monies due from the principals, disbursing the funds and preparing closing statements which are signed by both seller and purchaser (each being furnished a copy of the closing statement).

The broker does not prepare a closing statement for either the purchaser or seller since the closing attorney has provided the services listed above. A copy of the closing statement prepared by the attorney is furnished the broker for his file.

QUESTION: Does the broker's failure to deliver to the seller and buyer a complete closing statement under these circumstances constitutes a violation of Section 93A-6(14) of the Licensing Law?"

OPINION: G.S. 93A-6 makes it grounds for suspension or revocation of a real estate broker's license to fail "... to deliver to the seller in every real estate transaction wherein he acts as a real estate broker, at the time such transaction is consummated, a complete detailed closing statement showing all of the receipts and disbursements handled by such broker for the seller; also failure to deliver to the buyer a complete statement showing all money received in the transaction from such buyer and how and for what the same were disbursed, . . .".

You inquire if, in our opinion, the factual situation quoted above, constitutes a violation of the statute just quoted.

In our opinion, this statute does not require the broker personally to deliver the closing statement to the buyer and seller. In our opinion there is substantial compliance with the statute if the broker causes someone else, such as an attorney handling the closing transaction, to furnish to the buyer and seller the documents required by the statute. In such instances, in our opinion, the attorney handling the transaction is acting as agent for the broker and the broker will be responsible for the accuracy of the documents. Therefore it is the broker's responsibility to examine the closing statements prior to or at the time of their delivery to the buyer and seller.

Yours very truly,
Rufus L. Edmisten
Attorney General
Millard R. Rich, Jr.
Deputy Attorney General

(NOTE: The Licensing Board advises every broker to keep a complete file on each closed transaction for a period of at least three years after the transaction is closed. This file should include copies of all pertinent documents such as listing agreement, sales contract, closing statements, and copies of all correspondence relating to the case.)

RIDENHOUR AND TENNEY ELECTED

C. Bayless Ridenhour, has been elected to serve as Chairman of the Licensing Board for the year beginning August 1, 1975. Mr. Ridenhour, a retired Naval Officer and prominent Concord real estate broker, is also serving currently as a Director of the National Association of Real Estate License Law Officials.

Edwin W. Tenney, Jr., has also been elected to the position of Vice-Chairman of the Board. A native and resident of Chapel Hill, Mr. Tenney has engaged in the real estate brokerage, construction and insurance business since 1962. He is also current Vice President of the North Central District of the National Association of Real Estate License Law Officials.



NEW ADMINISTRATIVE ASSISTANT

The Licensing Board is pleased to announce the appointment of Phillip T. Fisher as Administrative Assistant to Blanton Little, Secretary-Treasurer of the Board.

A native of Kannapolis, N. C., he is a graduate of A. L. Brown High School, Kannapolis, where he was President of the Student Body. He is also a graduate of the University of North Carolina, Chapel Hill, receiving an A. B. degree in Political Science.

Mr. Fisher is a real estate broker and, prior to accepting his present position, was Vice President of Fisher Real Estate of Kannapolis, Inc., Kannapolis, N. C.

He and his wife, Sandra, are residing at 2408-B Still Forest Place, Raleigh, N. C.

RULES & REGULATIONS

A revision of the Rules and Regulations of the Licensing Board are now being contemplated. The Board will welcome any written suggestions for proposed changes or additions. Each suggestion will be considered by the Board prior to the final adoption of the new Rules & Regulations. Please address your suggestions to:
N. C. Real Estate Licensing Board
P. O. Box 266
Raleigh, N. C. 27602

2,860 LICENSEES FAIL TO RENEW BY JUNE 30

Out of a total of 19,218 licensed brokers, 3,852 licensed salesmen and 1,261 licensed corporations, 1,731 brokers, 950 salesmen and 179 corporations failed to renew their real estate licenses for the fiscal year 1975-76 which began on July 1, 1975. Any of these former licensees who have not yet renewed their licenses should be aware that if they continue to engage in real estate as agent for others, they will be subject to the penalties prescribed by law for engaging in the real estate business without a license.

It is the employing broker's responsibility to see that all licensees associated with him or her have renewed their licenses. Brokers employing unlicensed persons subject themselves to the possibility of having their own licenses suspended or revoked.

The Licensing Board and its staff wish to thank the many licensees who renewed their licenses both promptly and correctly.

Expired licenses may be reinstated in accordance with the requirements of General Statute 93A-4(c) which provides as follows:

"All licenses reinstated after the expiration date thereof shall be subject to a late filing fee of five dollars (\$5.00) in addition to the required renewal fee. In the event a licensee fails to obtain a reinstatement of such license within twelve months after the expiration date thereof, the Board may, in its discretion, consider such person as not having been previously licensed, and thereby subject to the provisions of this chapter relating to the issuance of an original license, including the examination requirements set forth herein."



ASSOCIATE ATTORNEY ASSIGNED TO BOARD

Under authority granted under Chapter 114 of the General Statutes as amended by the 1975 session of the General Assembly, the Attorney General has employed James E. Scarbrough as an Associate Attorney and assigned him full time to the North Carolina Real Estate Licensing Board.

Although a native of Columbus, Ohio, Mr. Scarbrough grew up in Charlotte, N. C. and attended grammar school and Garinger High School there, graduating with academic honors. He received both his A. B. degree in Political Science and his J. D. degree from the University of North Carolina at Chapel Hill, and was admitted to the N. C. Bar in 1974. Prior to his employment with the Department of Justice, he served as a Research Assistant to Judge Robert Martin of the North Carolina Court of Appeals.

Mr. Scarbrough and his wife, Jean, reside at 606 Webster Street, Cary, N. C. and are members of Holy Trinity Lutheran Church in Raleigh.

RULE 13

In the event that any licensee shall advertise in any manner using a firm name, a corporate name, or an assumed name **which does not set forth the name of the licensee**, he shall first notify the Board in writing of such name or names, and also notify the Board of all certificates filed in compliance with G.S. 66-68, giving the office of the County Register of Deeds in which any certificate has been filed and the date of such filing.

EXAMINATION RESULTS

Examination — May 1975

	Passed	Failed
Brokers	127	158
Salesmen	19	29

Examination — June 1975

	Passed	Failed
Brokers	284	384
Salesmen	39	53

Examination — July 1975

	Passed	Failed
Brokers	305	215
Salesmen	34	41

Examination — August 1975

	Passed	Failed
Brokers	173	172
Salesmen	18	39

LICENSES

SUSPENDED/REVOKED

HENRY A. BRADLEY, Jr., Arden — Revoked broker's license — Violation of G.S. 93A-6(a) (8), (14). (Stay of Execution ordered. Appealed to Superior Court).

CALVIN C. HENSON — Franklin — Suspended broker's license for six months, effective November 1, 1975. Superior Court Judgment rendered on Appeal of Board Order — Violation of G.S. 93A-6(1), (7), (12).

KENNETH J. KIRBY — Mars Hill — Revoked broker's license, effective

July 21, 1975 — Violation of G.S. 93A-6(a) (7), (8).

SAMUEL T. PEACE, JR. — Henderson — Suspended broker's license for six months — Violation of G.S. 93A-6(a) (8), (12). (Stay of Execution ordered. Appealed to Superior Court).

ERVIN D. QUICK — Jacksonville — Suspended broker's license for six months — Violation of G.S. 93A-6(a) (1), (8). Superior Court affirmed judgment of Licensing Board. Suspension effective July 8, 1975.

UPDATED EXAMINATION SCHEDULE

The examination and filing dates for real estate examinations through June, 1976 are listed below. The Licensing Board reserves the right to change the examination schedule without prior notice. The completed application and registration form must be received (not postmarked) in the Board office on or before the filing date established for a particular exam in order to be processed for that exam. Under no circumstances will this requirement or other requirements or rules be waived:

Filing Date

September 10, 1975
October 24

Broker & Salesman Exams

October 10, 1975
November 25

NO EXAM IN DECEMBER

December 15, 1975
January 12, 1976
February 16
March 15
April 12
May 17

January 20, 1976
February 17
March 23
April 20
May 18
June 22

TEST CENTERS

Winston-Salem Convention Center
301 W. Fifth Street
Winston-Salem, N. C.

Gov. W. Kerr Scott Building
State Fairgrounds
(Gate 11, Blue Ridge Road)
Raleigh, N. C.

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RALEIGH, N. C. 27602

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