

2006 Top Producer's Club Gala

Friday, February 16, 2007
6:30 pm – Midnight
Civic Center of Anderson

Plan to enjoy an evening of celebration at our most exciting event of the year with live entertainment!

Fabulous floor shows and lots of dancing!

Dinner Catered by Pam Garrett, Carolina Catering.

Cash bar available.
Black Tie Optional.

Tickets go on sale at the Association office on
January 15th.

Cost: \$35.00 per person.

Tickets must be purchased in advance
Sorry, no tickets sold at the door!



Education News

Mandatory Ethics Training

DEADLINE IS DECEMBER 31, 2008 TO MEET YOUR NEXT REQUIREMENT!

Effective January 1, 2005 through December 31, 2008, and for successive four year periods thereafter, every REALTOR® is required to complete 2.5 hours of Code of Ethics training. REALTORS® who have completed the new member code of ethics orientation during any four year cycle are not required to complete additional ethics training until a new four year cycle begins.

The next scheduled ethics class will be Wednesday, March 7, 2007.

Look for upcoming registration forms at www.upstatemlssc.com/education.htm.

UPCOMING EDUCATION FOR GRIEVANCE AND PROFESSIONAL STANDARDS COMMITTEE

Instructor: Dianna Brouthers, CREI, CAI, ITI, GRI, LTG BS, MS, M.Ed

There will be a Professional Standards training seminar on Wednesday January 24th, 2007. This seminar will be held at the Anderson Association of REALTORS® office from 9:00am-12:00pm.

This annual professional standards training is provided and required for the Grievance Committee and Professional Standards Committee. This training will provide you with up-to-date changes that have been made to the Code of Ethics, and include other information needed by you. All members of the Grievance and Professional Standards Committees should make plans to attend.

This seminar will also give you your 2.5 hour of training required by the National Association of REALTORS®.

Upcoming MCE Classes

January 11, 2007
8:30 am - 12:30 pm
CEC 116027 (4 hrs CORE credit)
"Don't Be a Case Study"

January 11, 2007
1:30 pm - 5:30 pm
CEE 116032 (4 hr ELECTIVE credit)
"Making Value-Based Presentations"

February 8, 2007
8:30am - 4:30 pm
7 Hour National USPAP Update (Appraiser Only)
Instructor: Melanie Melaine - National USPAP
Instructor and DREI

Classes are taught by
Dianna Brouthers, CREI, CAI, ITI,
GRI, LTG BS, MS, M.Ed.

Registration is available at
www.upstatemlssc.com

Earlybird cost for classes is \$45
each for REALTORS® paid for 1 week
prior to class date. After earlybird
deadline, \$65.

Anderson Association of REALTORS®
presents

Post Licensing Courses

PL-1 186: Agency and Property Disclosure
PL-2 186: Real Estate Contracts
PL-3 186: Ethics and Real Estate

PL-4 186: Measurements and Valuation
PL-5 186: Elements of Construction

March 5 & 6 and March 12 & 13, 2007

Time: March 5, 6, and 12 - 8:30 am to 5:30 pm
March 13 - 8:30 am to 3:30 pm

Cost: \$295 (includes tuition for all 5 classes and textbook)

Register online at www.upstatemlssc.com/education
or call the Anderson Association of REALTORS®
at 224-7941 for registration information.



CRS Integration News



MLS Integration

Build a Better Future with the Real Estate Power Tool

No one can do business today without using technology, but making the right choices can be confusing. CRS makes it simple. You won't find a competitive program of tax property records that has the breadth, depth, ease-of-use, and quality of CRS' Real Estate Power Tool. They are known for having the most current and accurate information available anywhere

And it's not complicated to access the CRS data. Simply, click on the Tax button on Paragon to access the Courthouse Retrieval System. Find county tax records with ease. Start a listing with ease. Check out a property with maps, comps, subdivision info, demographics, school reports. Buy trust deeds and warranty deeds online from your desktop. See public property records. Automatically find your targeted property on GIS maps, aerial maps, tax maps, flood maps, and get driving directions.

Prospect more than eight different ways, anywhere. Make labels; send letters or other marketing literature. ... and so much more! CRS gives you the PowerTool for Real Estate Professionals. The Real Estate PowerTool is fast and easy to use, so REALTORS® spend less time searching for properties, prospects and information, and more time showing and selling.

Link to Tax-based Property Info

Users can link directly from an MLS listing to the Real Estate Power Tool Property Report, comps, maps, and all sorts of data for that subject property.



CRS Integration News (continued)

See Listings in Reports, Comps, Maps

Start with that property's tax info and you'll know immediately if it's listed or not.

CRS comps show both listed properties and FSBOs.

It's easy to see all of the MLS listings in the area – pending, sold, for sale – on CRS interactive GIS maps.

And if you need more info, click on the MLS icon to take you to the MLS listing.

Users can click on MLS Listings overlay and see MLS listings.

Upcoming CRS Classes

Tuesday, January 9th: 1:00-3:00pm
 Monday, January 15th: 10:00am-12:00pm
 Tuesday, January 30th: 10:00am-12:00pm

To sign up, call the Upstate MLS office at 224-7941 or 882-8611 or email Sandy@upstatemlssc.com your name and which class you wish to attend.

Technology Tips from Josh – Director of Technology

Top 3 Paragon Problems

1. Paragon search will not load/cannot view listings.

Several calls have come in over the past week regarding viewing the listings once search criteria has been entered. Sometimes the screen will be stuck on “Loading” and other times, when the search does load, you cannot switch views from the spreadsheet. The following steps will guide you through fixing this problem.

- Go to Tools and then Internet Options
- Click on the Advanced Tab
- Scroll down to the item listed as Java (Sun) or Sun Java.
- There will be an item that says “Use Java...” Uncheck this
- Click Apply and then OK
- Go to www.risco.net, click on Support and then Software Downloads. On this screen you will see a link on the right hand side that says “Java Virtual Machine Build 3809”. Click on this and, when prompted, click Run.
- You will be prompted to install the Microsoft VM, do this and reboot your computer when prompted.

2. When Trying to Add a Contact/Create CMA, Get Message “You Already Have A Contact Manager Window Open”

Another top issue lately with Paragon is when adding contacts or creating CMAs you get a message that states you currently have a contact manager window open. The following steps should remedy this problem for you.

- First, go to Tools and then Internet Options.
- Second, click on the Security Tab.
- Click on Trusted Sites and then click the Sites button.
- Uncheck** the box at the bottom of this screen that says “Require Server...”
- In the box to add a website type in: http://*.fnismls.com.
- Click Ok and then Ok again to get back to Paragon.
- Close Internet Explorer and next time you should be able to continue adding a contact.

3. When Trying to Print, Paragon shoots out 4 Pages instead of 1 or 2.

For some agents, Paragon has printed out listings on more pages than necessary causing paper to be wasted. You will need to make sure that two things are set up properly.

- First, always make sure to use Print+ instead of print. Using the Print option will only display the information laid out on the screen and will in some cases print out “junk” on these pages. Using Print+ will allow you to print out a much cleaner view allowing you to print multiple listings, or multiple views out at the same time as well as multiple views.
- Second, go to File (at the very top left hand corner of Internet Explorer) and then click on Page Setup. If you have anything in the Header or Footer section, delete it. Also, make sure that the margins are all set to .25 instead of the default which is .75. Click OK and printing should no longer be a problem.



Legal Update - Don't Buy From Your Company

To avoid any perception of wrongdoing, never buy a property that is listed by your own company. When you are buying property for yourself, follow a few simple tips to make sure the transaction is transparent.

If you decide to purchase a home from a client, recommend that the seller get an independent REALTOR® or lawyer to represent them. Also recommend that they get house appraised.

If you are selling your own property, never allow you or your company to represent the buyer.

If a client of your company insists on buying an agent's property, dissolve the buyer-agency agreement and recommend they hire an independent REALTOR or lawyer (or get informed consent that they waive hiring a lawyer or REALTOR to represent them).

If a REALTOR with the listing company is intent on buying a listing, dissolve the listing agreement and recommend that the seller hire an independent REALTOR or lawyer (or get informed consent).

Legal Update - Mortgage Fraud, STOP IT!

Stay out of prison! Report possible mortgage fraud to the FBI.

NAR has produced a brochure that details possible warning signs that your transaction may be violating federal law.

Go to <http://www.realtor.org/letterlw.nsf/pages/1006mortgagefraud?OpenDocument&Login> for more information.

To report mortgage lenders, appraisers, closing attorneys, clients, and customers suspected of mortgage fraud to the authorities visit www.screaltors.com/links.html.

Legal Assistance Hotline

SC REALTORS® Have unlimited access to several risk reduction tools. The Legal Hotline continues to provide quality advice and information to REALTORS® in real time. Training on topics like License Law & Agency Law Changes, Anti-Trust Liability, Fair Housing, Federal RESPA Laws, Manufactured Housing Issues, Disclosure Law Changes, Earnest Money Disputes, Ethics, Commission Disputes, Mediation, Federal Do-Not-Call and Fax Laws, Federal E-Mail Laws and Procuring Cause are available.

The legal webpage contains up-to-date legal news, frequently asked questions and E&O case studies. The Professional Standards webpage contains useful information and forms for both ethical issues and commission dispute resolution methods. The standard forms webpage contains up-to-date forms. Commercial form updates and on-line interactive forms are future projects for the Standard Forms Committee.

1-800-233-6381

Email: Byron@SCREALTORS.org

“Do Not Call” Alert

NAR has become aware of an individual threatening to bring claims against real estate brokerages for violating the federal “do not call” laws. The caller has used this method against other industries and has now focused his efforts on real estate brokerages. The caller is an individual whom the brokerage has never contacted and probably never had any intention of contacting.

The caller’s method works in the following way. First, he contacts the real estate brokerage and asks that his phone number be placed on the company’s internal “do not call” list. He also requests that the brokerage mail him a copy of the company’s policy for maintaining its internal “do not call” list within five days. If the caller does not receive the brokerage’s “do not call policy” within five days, he will threaten to file a lawsuit against the brokerage in Minnesota state court. To avoid the lawsuit, the caller offers the brokerage the opportunity to settle the matter for around \$5,000. The caller is not a lawyer.

NAR Addresses ‘Do Not Call’ Scam

The National Association of REALTORS® (NAR) issued this statement earlier in December.

“An individual named Ryan Swanberg has been testing various firms, including real estate brokerages in South Carolina, seeking a written version of their “do not call” policies. The implication is that litigation would be forthcoming if the firm cannot provide a written policy in a set period of time. NAR President Pat Vredevoogd Combs has written to the FCC bringing the matter to their attention and seeking additional guidance for REALTORS® and other affected businesses.”

If you are contacted by someone threatening to sue over your office’s “Do Not Call” policy, contact the SCAR Legal hotline IMMEDIATELY.

Each brokerage should have specific policies regarding the Do Not Call Law and staff and associates should be trained to insure compliance.

To view materials including a model “Do Not Call” policy, visit www.Realtor.org.

NAR News (continued)

"Do Not Call" Alert (Continued)

Legal Requirements

The caller's method is not without legal support. The Federal Communication Commission's ("FCC") regulations, enacted pursuant to the Telephone Consumer Protection Act of 1991 ("TCPA"), state that those who engage in "any telephone solicitation to a residential telephone subscriber" must also have a "written policy, available upon demand, for maintaining a do not call list"- i.e., its company-specific do not call policy, not necessarily its policy for complying with the "Do Not Call Registry" (although policy could include this information as well).

The caller also relies on a 1996 FCC letter which states "even where a company does not solicit a particular consumer, we find nothing in our rules that limits a company's duty to disclose its policy if it does engage in telephone solicitation. Additionally, we believe that failure to provide a do not call policy is a prohibited act under the TCPA." Therefore, if the brokerage is engaged in any telemarketing, it must have a "do not call" policy which must be made available to send to those who request it from the brokerage, possibly even if the brokerage has never contacted the consumer.

The caller's five day time frame demand is not supported by the TCPA regulations or FCC correspondence. Instead, the only existing guidance from the FCC states that the brokerage must send its policy in response to a request within a "reasonable amount of time following the consumer's request". In addition, FCC rules give a company thirty days to add a consumer's name to the company's do not call list, further demonstrating that a five day turnaround time is likely unreasonable. There also might be jurisdiction issues if the lawsuit is filed in Minnesota state court against an out-of-state defendant. Further investigation has discovered that the caller has filed five lawsuits in small claims court, with the last being one being filed in 2003. It is not clear whether he has ever succeeded in court. Nevertheless, the faster you send the policy in response to a request, the better your chances will be of avoiding a lawsuit.

Summary

A real estate brokerage's best defense against claims like those described above is for the brokerage to be prepared to properly respond to these calls.

The brokerage should have a written do-not-call policy available upon request; needs to educate its salespeople to respond to these requests by promptly transmitting the policy to the requestors; and should make sure salespeople document the transmission of the policy to the requestor. For those who do not have a do not call policy, a model policy is attached below. Note a more complete policy detailing your company's compliance with the federal "Do Not Call Registry" is recommended, but not required.

Statewide Leadership Program

REALTOR® Laury Gardner Selected for Statewide Leadership Program

Laury Gardner of Lake & Land Realty has been selected to participate in the South Carolina Association of REALTORS® prestigious leadership SCAR program in 2007.

Through leadership SCAR, the association seeks to identify and equip local REALTOR® leaders for future leadership positions in the organization. Participation in the program is limited to 15 REALTORS® each year.

Laury serves on the RPAC and the Technology Committee of AAR. She is also a state director for the Anderson Association of REALTORS®. She is involved with the Arts Center in the Upstate, Charter School, and Rotary Club.



Capitol Conference

Kick off the 2007 Legislative Session with South Carolina's Largest Political Action Group!

February 5-7, 2007 at the Columbia Marriott and SC State house.

Events to include:

- *Political Powerhouse Forum
 - *RPAC kick off event
 - *Legislative General Session
 - *Organized State House Visits
 - *SCAR Membership & Board Meeting
 - *Legislative Reception * Dinner
- Register online at : www.screaltors.com



Beware of RESPA Violations

In response to several inquiries regarding offers to real estate licensees from settlement service providers, it seemed to be a good idea to give you a RESPA update.

RESPA (Real Estate Settlement Procedures Act) is a federal law that prohibits settlement service providers from giving anything of value to real estate agents in exchange for or in anticipation of receiving referrals of business.

RESPA applies to any settlement-service provider in a federally related transaction, including, but not limited to, mortgage companies, attorney or closing services, surveyors, appraisers, pest inspectors, home inspectors, and many others. Anything on the HUD-1 form could be a settlement service, and the company providing it a settlement service provider, with the exception of buyers and sellers.

RESPA also requires disclosure of affiliated business arrangements between real estate companies and settlement-service providers. It does allow real estate agency to agency referral fees as an exemption.

RESPA allows you to jointly advertise with a settlement service provider if you pay a share of the costs of the advertisement in proportion with your prominence in the advertisement. For example, several agents and a mortgage broker might want to split a page in a marketing book. Each would be allowed to pay a percentage based on the actual amount of space taken for the advertising used.

RESPA does not allow the acceptance of discounted or free business equipment or services, such as a settlement service provider giving an agency free fax machines to send in loan applications.

RESPA does not allow acceptance of gifts from settlement-service providers, such as paying for your golf and cart or tickets to athletic events.

RESPA does not allow a settlement-service provider to pay for your regular costs of doing business, such as taking continuing education classes or for providing food for your open houses. The settlement service provider can, however, have equal presence with you at the open house, have his or her refreshments and materials on a table, and be there to market to those who come to the property.

RESPA does not allow you to participate in contests based on the number of clients referred to the company nor does it allow you to receive a fee for "sending" someone to the settlement service provider.

The law does allow the association to have affiliates sponsor events, since the association is not in a position to refer business.

There have been many offers made to licensees in Anderson that would appear to be RESPA violations. If a settlement service provider offers to pay a portion of your cost of doing business, such as offering you a free continuing education course or a rebate for sending business to the company, be sure to weigh the value of the offer against a potential violation of federal law. Fines under RESPA run to \$10,000 plus up to a year in jail.

For more information regarding RESPA, link to www.realtor.org/respa or send your questions to the SCAR legal hotline.

RESPA has been enforced more in the past 18 months than in the history of RESPA combined. Don't be a case study. Be careful that you are not unknowingly violating federal law.

Calendar of Events



- 9 Courthouse Retrieval System Training
- 10 Leadership Training Day
- 11 8 Hours MCE
- 15 Courthouse Retrieval System Training
- 18 Free Paragon Training 9:00-11:00am
- 23 New Member Orientation
- 24 Professional Standards Training
- 25 Free Paragon Training 9:00am-12:00pm
- 26 Free Paragon Training 9:00-11:00am
- 30 Courthouse Retrieval System Training

- 8 7 Hours USPAP Class
- 16 Top Producer's Gala
- 27 New Member Orientation



Upstate Home Services

www.UpstateHomeServices.com

The official Affiliate Website for the Anderson Association of REALTORS®

**All committee meetings and training classes held at the Association/Upstate MLS Office unless otherwise denoted.*

How to Reach AAR/Upstate MLS:

Telephone Numbers: 864/224-7941 ■ 864/882-8611

Fax Numbers: 864/224-7942 ■ 864/882-5516

E-mail: info@upstatemlssc.com

Website: www.upstatemlssc.com

Anderson Association of REALTORS®, Inc.
 Upstate Multiple Listing Service of South Carolina, Inc.
 600 McGee Road
 Anderson, SC 29625

The Association encourages and supports affirmative advertising and marketing programs in which there are no barriers to obtaining housing because of race, color, religion, sex, handicap, familial status or national origin.