

July 20, 2010

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~ How to Avoid Arbitration: Guidelines for Entitlement to Selling Portion of Real Estate Fee

Often, REALTORS® are faced with a dilemma when a buyer uses two or more REALTORS® to identify and/or view real estate they are interested in and the time comes to determine who is entitled to the selling portion of the commission. To assist REALTORS® with this situation, the CABR Professional Standards Committee has developed the *Guidelines for Entitlement to Selling Portion of Real Estate Fee*.

Determination of entitlement is **NOT** based upon: 1) threshold, 2) contract in hand, or 3) representation. Determination of entitlement to the cooperative compensation offered in MLS is based upon which broker "procured" the buyer of that particular real estate.

Below is a quick list of Do's and Don'ts for dealing with buyers to protect your entitlement to the unilateral offer of compensation offered in MLS:



HOW TO AVOID ARBITRATION

The following procedures are suggested to help prevent commission entitlement disputes and subsequent arbitration:

DO: discuss commission and procuring cause with buyers.

DO: caution a prospective Buyer not to inspect homes (listed or open houses) unless you accompany him, or unless you have made arrangements in advance with the other agent for him to inspect the property.

DO: in the event that you cannot accompany a prospective Buyer to an open house, call the agent holding the open house in advance to determine if he will protect you and show the prospective Buyer the house in your absence.

DO: if a dispute between companies arises, try to settle the dispute with the other company before filing for arbitration. This way you can avoid the loss of your time, your broker's time, and the mental anguish involved with arbitration.

DO: if a settlement agreement is reached, reduce the agreement to writing and have both brokers sign the agreement.

DON'T: send a prospective Buyer to an open house with instructions to tell the agent holding the open house that they are working with you. Sending a prospective Buyer with a handful of your business cards is only to be considered as a *last resort effort* to communicate your relationship with the Buyer to the listing agent and **will not guarantee that you will be paid a commission**.

DON'T: send a prospective Buyer to inspect homes (listed or open houses) with another agent and to return to you once a desirable property has been found.

✓ [Click here for the Guidelines for Entitlement of the Selling Portion of Real Estate Fee.](#)

~ HUD Issues Rule on Home Warranty Fees

by Peg Ritenour, OAR Vice President Legal Services



On June 25, HUD published an interpretative rule indicating its position on the payment of a fee to brokers or agents for the sale of home warranties under RESPA.

In the rule, HUD clarifies that, while nothing in RESPA prohibits brokers or agents from referring business to a home warranty company, it does prohibit the agent or broker receiving a fee for such a referral.

✓ [Click here to read the complete article by Peg Ritenour.](#)

~ **Ethics, the Measure of Professionalism: Wednesday, July 21, 6 - 9 p.m.**

Brad Knapp will present a comparison of the Ohio Canons of Ethics and National Association of REALTORS® Code of Ethics standards.



You will learn:

- To identify the common themes and articles of the Code and Canon of Ethics
- Identify and take steps to eliminate bad business practices in protecting the public
- Gain knowledge of the enforcement process
- Understand possible disciplinary actions
- Analyze in-depth case study examples

3 hours CE credit—Ohio Canons of Ethics credit

Fee: \$30 CABR members/\$40 non-members

Instructor: Brad Knapp

Where: CABR Office/14 Knollcrest Drive/Cinti/OH 45237

[✓ Click here to register.](#)

~ **Salesperson's 10-Hour Post-Licensure Course: Thursday and Friday, July 22 and 23, Noon – 5:00 p.m. each day**

Ohio license law requires all new licensees to complete a 10-Hour Post-Licensure Course within one year of licensing. Meet your 10-hour post-license requirement at the Cincinnati Area Board of REALTORS®. This course is designed to give exceptional information that can help get you up-to-date on current issues affecting your real estate career. You will also receive comprehensive reference material on the following topics:



- License law issues
- Real estate ethics
- Legal matters
- Environmental concerns
- Financing updates . . . And more!

The Real Estate Salesperson's 10-Hour Post-licensure course is taught by experts in the field of real estate. Don't wait until the last moment to meet your requirement. The member fee for this course is only \$80 for all 10 hours of instruction. Walk away with information you can use! **For new CABR REALTOR® applicants, this is the only 10-Hour Post Licensure Course that will fulfill the NAR new member ethics requirement.**

10-Hour Ohio Post Licensure credit

Fee: \$80 CABR members/\$95 non-members

Where: CABR Office/14 Knollcrest Drive/Cinti/OH 45237

[✓ Click here to register.](#)

~ **Microsoft Word for Real Estate Professionals: Tuesday, July 27, 1 - 4 p.m.**

This course is a quick and easy introductory level Microsoft Word 2007 class.



You will learn:

- How to create, format and edit a document
- How to create real estate letters
- How to add graphics to documents
- How to create a document ready for mailing

3 hours CE credit—Ohio elective credit

Fee: \$30 CABR members/\$40 non-members

Instructor: Jean Bissell

Where: CABR Office/14 Knollcrest Drive/Cinti/OH 45237

[✓ Click here to register.](#)

~ **Help Your Client Land a Spot on Desperate Landscapes!**



Help your client go from worst on the block to first on the block!

Does a client's recently-purchased home need a lot of work? Do you have a client who can't sell their property because of no curb appeal?

Desperate Landscapes, a locally-produced show that airs on the DIY Network, is casting now for show production in the fall and spring. They need homeowners who are in desperate need of improvements to the front of their home. The show will bring the material, the expertise, and the design. Improvements could include everything from landscaping greenery to structural improvements like a new screened in front porch or new windows or a new driveway.

Think of all the referrals you'll get if you help a client land this great deal!

Desperate Landscapes need pictures of the home in need, pictures of the family, and pictures of the surrounding neighborhood (which should have better curb appeal). Families can apply online at www.jaytv.net. See more details about the show on www.diynetwork.com. You can also send your questions and pictures directly to casting producer **Valerie Miller** at vmiller1101@yahoo.com.

~ **Mark Your Calendars! The 2010 OAR Convention is September 12 – 15 in Cincinnati!**

When you turn 100...well, it's cause for celebration!

That's exactly what your Ohio Association of REALTORS® is planning for its **100th Annual Convention & Expo – Sept. 12-15**. The event promises to capture all the excitement and grandeur befitting a centennial celebration. From top-notch professional development opportunities...to memorable parties featuring the best music talent found anywhere...to discussions on the latest industry trends...to a glitzy exhibition featuring the products and services designed to help you succeed in the marketplace – this convention has it all, and more!



The Ohio Association of REALTORS® Convention will be held in our own backyard – Downtown Cincinnati!

For a century, REALTORS® from all corners of Ohio have convened to share ideas, work toward a common goal and renew and develop friendships with their peers. Attendees of this year's Convention will find an array of opportunities to keep busy from dawn to dusk. REALTORS® from all over the state will gather to network, learn and share ideas on today's real estate issues.

It will be several years before the OAR Convention is hosted in Cincinnati, again. So make plans to attend this event, without the need to travel to another part of the state.

CABR will be giving away a FREE registration to the Convention (\$99 value).

To sign up for the drawing, stop in the CABR office and drop your business card in one of the Registration Drawing boxes or use the link below to submit your name and contact information and **indicate that you are signing up for the Convention drawing**. The link below is for the general CABR email box and we receive email on several issues every day. If you do not indicate that you want to register for the OAR Convention drawing, we will not be able to include you.

Registration for the Convention is now open! You can register for the convention and still be eligible for the FREE CABR registration drawing, which will take place on August 2, 2010. If you are registered at the time of the drawing (and you win), you will receive reimbursement of your registration fee.

✓ [Click here to sign up for the drawing to win a FREE OAR Convention Registration.](#)

✓ [Click here for information on the OAR Convention and to register for the Convention.](#)

~ **WCR Dinner and Wine Tasting: Wednesday, July 28, 4-7 p.m.**



Meet Women's Council of REALTORS® members and find out everything you always wanted to know, but did not know who to ask.

Mary Beth Knight will speak on setting attainable and sustainable goals for weight loss and well being.

When: July 28, 2010 - 4:00 - 7:00 p.m.

Where: **Vinoklet Winery**, 11069 Colerain Ave., Cincinnati, OH 45252

Cost: \$15

Mail your check Payable to WCR

To: Pat Zirkelbach / Sibcy Cline, Inc. / 5500 Harrison Ave. / Cincinnati, OH 45248

✓ [Click here for flyer.](#)

~ **The Road to Success is Paved with Education – Get Yours Online at the CE Shop!**



Cincinnati Area Board of REALTORS® Inc.
Need CE? Don't Procrastinate! Enroll in online CE today!
Simply visit our course catalog at:

<http://theceshop.com/affiliate/cabr>

One of the greatest benefits of online CE is that you can enroll today to take advantage of the great savings and complete the course when the time is right for you.

Note: You have one year to complete course work after ordering.

Archived issues of the CABR *Tuesday News* can be accessed by going to www.cabr.org. Click on the [News](#) drop-down menu and then on the [Tuesday News](#) link.

Sincerely,

Cincinnati Area Board of REALTORS®

email: cabr@cabr.org

phone: 513-761-8800

web: <http://www.cabr.org>

Staff Directory: <http://www.cabr.org/phoneguide.htm>

CABR Member Savings Programs: <http://www.cabr.org/savings2.htm>

OAR Tech Hotline: **866-95-FIXPC** (not a free service)

OAR Legal Hotline (Brokers only): **614-228-6675** (to obtain access code)