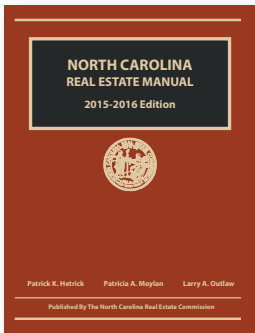




Commission Publishes 2015-2016 Real Estate Manual

The 2015-2016 edition of the North Carolina Real Estate Manual has just been published. Serving as the textbook for postlicensing education and as a reference work for individuals involved with the real estate industry, the Manual is available in printed and electronic formats.

Printed copies of the 893-page Manual, CD-ROM's, or online subscriptions may be ordered online at the Commission website, www.ncrec.gov, or by using the order form on page 8 in this issue of the *Real Estate Bulletin*.



New Disclosure Forms to Replace Standard HUD-1 Closing Statement

Change is on the way. The standard HUD-1 closing statement that has been used for decades is scheduled to be replaced with two new "Closing Disclosure" forms effective August 1, 2015.

The Dodd-Frank Act consolidated multiple agencies' consumer protection responsibilities in the Consumer Financial Protection Bureau (CFPB) and gave the CFPB broad authority to develop and implement rules.

In the past, lenders of "federally related mortgage loans" have been required to provide borrowers with:

- (1) a Good Faith Estimate (GFE) and early Truth-in-Lending (TIL) disclosure, and
- (2) a final Truth-in-Lending disclosure and HUD-1 at closing.

One of the direct charges to the CFPB under Dodd-Frank was to consolidate these disclosures to ease compliance burdens on lenders.

The CFPB studied the disclosure requirements, conducted surveys, drafted

proposed rules and invited public comment for more than two years, before announcing its new "Know Before You Owe" program in November 2013. Under this new program, effective August 1, 2015, lenders must instead use the new "Loan Estimate" disclosure that combines the former GFE and TIL disclosures, and lenders/settlement agents must start using the new "Closing Disclosure" forms in lieu of the current HUD-1.

There are two Closing Disclosure forms: one is a two-page form containing a transaction summary reflecting only seller-paid expenses and amounts due to and from the seller, while the second Closing Disclosure is five pages and contains information about the loan

(See **HUD**, page 3)

Top Ten Issues for Commercial Real Estate Brokers

By Glenn Wylie, Consumer Protection Officer

The Regulatory Affairs Division of the Commission sees many of the same compliance issues while investigating complaints or conducting audits. The following list of compliance issues (and the Rule to which they relate) are common to most types of brokerage, but appear to be a particular concern for commercial brokers.

The Working with Real Estate Agents disclosure [Rule A.0104(c)]. Commercial agents can be sporadic with their use of this required disclosure; here are the basics:

- The rule requires brokers to provide and review the disclosure "at first substantial contact" with prospective

buyers or sellers and to disclose or determine who the broker represents or could represent in the transaction.

- Brokers are not required to review the disclosure with parties who are already represented by a broker, but must disclose in writing whom they represent.
- The disclosure is also not required in lease transactions, but the North Carolina Association of REALTORS® publishes a *Working with Real Estate Agents* disclosure for lease transactions and its use is encouraged.

Written agency agreement [Rule A.0104(a)]. The need for a written agency agreement is overlooked more of-

ten in commercial brokerage. The minimum requirements to adhere to:

- There is no "transactional brokerage" in N.C.; brokers either represent the buyer/tenant, the seller/landlord, or both, pursuant to a written agency agreement.
- When representing the buyer or tenant, the agency agreement must be in writing prior to making or receiving an offer to buy or lease.
- When representing the seller or landlord, the agency agreement must be in writing prior to offering the property for sale/lease.

• The minimum requirements for an
(See **Commercial**, page 6)

REAL ESTATE BULLETIN

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

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People

Eric A. Mine has been named Associate Legal Counsel II in the Regulatory Affairs Division. He is a graduate of North Carolina State University and The American University - Washington College of Law. Prior to joining the Commission, he was an attorney for Land Loss Prevention Project, a Durham non-profit law firm, and an attorney for the U.S. Department of Housing and Urban Development in New York.



Corean E. Hamlin has been named Education and Licensing Officer. Prior to joining the Commission, she was employed by the Asheville Board of REALTORS® and Cumbie & Trull School of Real Estate. She holds a BA from UNC-Chapel Hill and a MA from UNC-Greensboro.



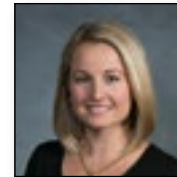
Vanessa Collins has been employed as an Auditor/Investigator in the Regulatory Affairs Division. She is a graduate of UNC at Chapel Hill with a BA in Communications and will graduate from North Carolina State University's MBA program this spring. Prior to joining the Commission, she was an accountant at a local CPA firm.



Damien F. Moessner has been employed as an Information Specialist in the Education and Licensing Division. He is a graduate of the University of North Carolina - Charlotte with a BS in Psychology and a Minor in Sociology. Prior to joining

the Commission, he was a Medical Procurement Officer for the Project Management firm, SYMX Healthcare.

Melissa A. Vuotto has been employed as a Paralegal in the Regulatory Affairs Division. She is a graduate of University of Missouri with a BA in Psychology and Duke University with a Certificate of Paralegal Studies. Prior to joining the Commission, she was employed with a private law firm in downtown Raleigh.



Appearances

Miriam J. Baer, Executive Director, spoke to Fonville Morisey in Raleigh.

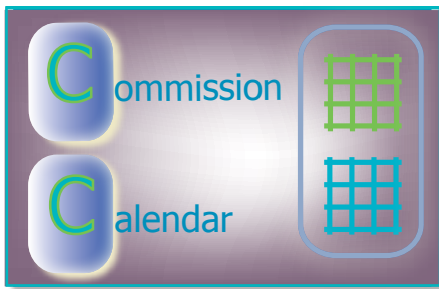
Janet B. Thoren, Legal Counsel, spoke to the Outer Banks Association of REALTORS® and the Pinehurst-Southern Pines Area Association of REALTORS®.

Frederick A. Moreno, Deputy Legal Counsel, spoke to the Rocky Mount Association of REALTORS®.

Jean A. Wolinski-Hobbs, Consumer Protection Officer, spoke to Carolina Metro Realty in Charlotte.

Glenn M. Wylie, Consumer Protection Officer, spoke to the Fayetteville Regional Association of REALTORS® and to its Property Management Seminar, the Western North Carolina Chapter 40 of the Institute of Real Estate Management, and the Property Management Council of the Wilmington Regional Association of REALTORS®.

Peter B. Myers, Information Officer, spoke to Berkshire-Hathaway Home Services at Huntersville and to the Greensboro Regional REALTOR® Association.



HUD

(Continued from page one)

terms, borrower expenses, by whom those items are paid, and a summary of monies due to and from both the buyer and the seller.

Brokers engaged in residential sales should become familiar with the new Closing Disclosures. One major issue that may prove to be problematic for brokers, at least initially, may be lender compliance. Lenders are required to provide the Closing Disclosure to the buyer at least three business days prior to settlement. Failure to comply requires postponement of the settlement date, so it is important for brokers to know these deadlines and warn clients of potential pitfalls with missed deadlines at the beginning of the agency relationship, and repeat those warnings throughout the transaction.

The new Loan Estimate and Closing Disclosure forms, the rules governing each, a broker's responsibilities as to each form and how the new forms may affect closing procedures will be one of the primary topics of the *2015-2016 General Update* course.

Broker Numbers

As of February 1, 2015, there are 94,055 brokers licensed by the Real Estate Commission in the following categories:

- Active Brokers 57,269
(Active Provisional Brokers 4,731)
- Inactive Brokers 25,623
(Inactive Provisional Brokers 4,769)
- Firms 10,803
- Brokers-in-Charge 16,173

- March 18
- April 22
- May 20
- June 17

All meetings, unless otherwise noted, begin at 9:00 a.m. and are held in Raleigh in the Commission's Conference Room at 1313 Navaho Drive (27609). Occasionally, circumstances necessitate changes in meeting times and locations.

Your Email Address: Public or Private?

You now have the option to designate your email address(es) on file with the Commission as "public" or "private" for Commission use. Your "private" email address will be used by the Commission to communicate with you, and will not be disseminated to anyone. Your "public" email will be provided on request to others such as schools to send you CE information.

Logon to your record on the Commission website and make necessary changes today!

Broker-in-Charge and Basic Trust Account Procedures Courses

Register online at the Commission website, www.ncrec.gov, under Education/Course Registration.

Broker-in-Charge Course

(Two days) Day 1: 1 - 5 p.m.; Day 2: 8:30 a.m. - 5:30 p.m.

Asheville	Holiday Inn East/Blue Ridge Parkway	May 18-19
Banner Elk	Best Western Mountain Lodge	April 7-8
Concord	Hilton Garden Inn, Concord	March 11-12 April 20-21 June 3-4
Greensboro	Deep River Event Center	May 6-7
Kill Devil Hills	Ramada Inn	March 23-24
Raleigh	McKimmon Center	March 4-5 April 15-16 June 9-10
Wilmington	Best Western Coastline Center	February 23-24 May 26-27

Basic Trust Account Procedures (Commission Offices, Raleigh)
(All classes 1 - 5 p.m.)

Raleigh	Commission Offices 1313 Navaho Drive, Raleigh	February 23 March 31 April 28 May 19
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See Commission website to confirm course dates.

Your Square Footage Measurement Must Be Right When Listing a Property

The Commission regularly receives inquiries and complaints about the

measuring of square footage in properties listed or being listed for sale. Accuracy in measuring is critical because the amount of space in a structure has a bearing on value and functionality and is a material fact. Thus, the task of assessing square footage should be one of the most important in the process of market evaluation.

Following are questions typically asked of Commission staff. Read these and the answers that follow to test and review your knowledge of this topic.

Q: Have there been changes to Commission rules on the reporting of square footage?

A: The Commission has no specific rules on this topic. However, it does have rules about misrepresentation which can result from inaccurate measuring. It also has educational information in the form of the *Residential Square Footage Guidelines* – a booklet which provides instruction in measuring different types of floor plans in residential properties – and content in postlicensing courses on the topic. All of this is available on the Commission's website, www.ncrec.gov. And, if questions still arise, you can call the Commission.

Q: I am the listing agent. Am I required to report the square footage?

A: The Commission doesn't require it, but if you decide to report the square footage, it must be correct. Furthermore, your MLS may require it. To avoid problems, obtain the correct square footage yourself or obtain the services of a licensed appraiser.

Q: Is it okay to use tax records of square footage as a source?

By Peter B. Myers, Information Officer

A: No. Review the tax records, but never rely on them for this information. If you find that the square footage of the property differs from the information on the tax records, there may be a permit or other issue to be resolved.

Q: If I do not measure the property myself, must I get an appraiser to do it?

A: No, but appraisers are generally a very good source because they are typically trained and experienced in measuring. The Commission will normally allow a broker to rely on a licensed appraiser's current measurement as long as that reliance is reasonable and there was no red flag to alert the broker to a problem. Regardless of who does the measuring, the broker should keep the measurements on file in the event of questions or problems arising.

Q: Is it okay to use an old appraisal?

A: No. Do not use an old appraisal or an old MLS listing description since there may have been changes to the property at a later date.

Q: What happens if I make a mistake in measuring, or report the wrong square footage for any reason?

A: According to NC General Statute 93A-6, the Commission has the authority to take disciplinary action against a licensee who makes any willful or negligent misrepresentation or pursues a course of misrepresentation through advertising or otherwise. Therefore, if the square footage is wrong, the listing agent and firm may be held responsible. In addition, the broker-in-charge is responsible for all advertising, so he or she may also be the subject of disciplinary action. The Commission looks at many facts when assessing these types of cases.

- Why was the square footage wrong?
- Who measured, and was he/she qualified?
- Can the measurements/sketch be reproduced by the broker?
- How much harm was done to the consumer?
- How far off were the measurements; was it a significant amount or negligible?

- Was the property unusually difficult to measure?
- Did the listing agent rely on square footage from tax records?

agent rely on square footage from tax records?

- Should the buyer's agent have recognized a significant difference and checked the measurements?
- When/why was the mistake made and was it corrected?

The bottom line, though, is that the listing broker, firm and broker-in-charge, and maybe even the buyer agent could be at risk of disciplinary action by the Commission for misrepresenting square footage.

Q: What should I do regarding areas of the house that do not have a permit, and how would I identify those areas?

A: When doing a walk-through of a house that a broker is listing for sale, the broker should be sure to look for any "red flags" indicating improvements to the property.

- Does the sunroom have a wooden deck floor?
- Does the third-floor bedroom appear to be finished to a lesser degree than normal?
- Does one room have baseboard heat instead of ducts?

These are all signs of potential additions and the broker should ask the seller about permits and additions and then verify the permit history of the property. Sometimes the permit department may not have records, but a broker must check if it's an issue and disclose the fact that there is no record of permits.

Q: Assuming I do discover an unpermitted section of the house, is it okay to include it in the overall square footage?

A: Include it separately and make the parties aware of it. As a listing agent, be sure not to misrepresent the property and/or mislead the buyer. The buyer needs to be made aware of the unpermitted section's size and location in the dwelling. It's best to provide written disclosure and maintain a copy in the file. The unpermitted section must be separately identified. Document your disclosures for future reference.



One of the primary duties of a property manager is to procure qualified tenants for properties under management. Determining whether a tenant is “qualified” generally involves more than looking at a prospective tenant’s income. It often involves looking at things like a prospective tenant’s credit history, credit score, employment history, rental history, criminal record and more. Each of these factors can be important in making a decision to rent a property.

The Federal Trade Commission’s BCP Business Center (www.business.ftc.gov) has published the following articles which contain useful information on this topic for property managers: “Using Consumer Reports: What Landlords Need to Know,” “A basic ‘tenant’ of credit reporting,” and Disposing of Consumer Report Information? Rule Tells How.”

More and more property managers are turning to consumer reporting agencies (CRAs) to obtain information about prospective tenants. Common types of CRAs include credit bu-

reaus, tenant-screening services and reference-checking services. CRAs must comply with the Fair Credit Reporting Act (FCRA). Established in 1970, the FCRA is designed to ensure the confidentiality and accuracy of consumer credit information.

CRAs have a duty to inquire about

Know How to Procure and Dispose Of Tenant Background Information

By Stephen L. Fussell, Senior Consumer Protection Officer

the intended use of consumer information before actually providing the information. Use of consumer information for tenant-screening purposes is permissible. Using the information to spy on competitors, neighbors, and former spouses is prohibited.

If a property manager refuses to rent to a prospective tenant or changes the rental terms (e.g. increasing the rent, increasing the security deposit, requiring a co-signor, etc.) based even partially upon information in a consumer report, then the property manager must give the prospective tenant an “adverse action notice.” Although giving an oral notice is permitted, written notice is recommended, because it provides evidence of compliance with the FCRA.

According to the FTC, an adverse action notice “... must include the name, address and telephone number of the CRA that supplied the consumer report, including a toll-free telephone number for CRAs that maintain files nationwide; a statement that the CRA that supplied the report did not make the decision to take adverse action and cannot give the specific reasons for it; and a notice of the individual’s right to dispute the accuracy or completeness of any information the CRA furnished, and the consumer’s right to a free report from the CRA upon request within 60 days.”

Property managers and landlords who fail to comply with the FCRA can be sued in federal court. If a broker or landlord loses such a case, then he or she may have to pay court costs, the plaintiff’s reasonable legal fees and punitive damages. For more information on the

FCRA or for a copy of the Act, you may call 1-877-382-4357 or go online at www.ftc.gov/os/statutes/fcrajump.shtm.

Commission Rule A.0108 requires brokers to retain records of rental transactions for three years. If a tenant’s rental application is rejected, then the broker should retain the tenant background information for three years from the rejection date. If a tenant’s rental application is approved and the tenant enters into a lease, then the broker should retain the background information for three years following the termination of the tenant’s lease.

When disposing of the information obtained from CRAs, landlords and property managers who acquired the information for business purposes must comply with the Disposal Rule which is enforced by the Federal Trade Commission. While the standard for proper disposal is flexible, property managers must take reasonable measures to ensure that all consumer information is disposed of in a manner that would prevent an unauthorized person from acquiring and using the information. For paper documents, shredding (so that they cannot be read or reconstructed) and burning are two methods of disposal that would satisfy the requirements for proper disposal. For digital information, destroying or erasing electronic files so that the information cannot be read is also acceptable.

While property managers may use CRAs as a tool for screening prospective tenants, they must exercise care to protect the information they obtain and to dispose of it in a manner that will prevent its use by unauthorized persons or for unauthorized purposes.

Learn More About Automated Valuation Models

Automated valuation models (AVMs) have become a recent topic of interest for some in both the real estate brokerage and appraisal communities.

An AVM is a computer software program that analyzes data from various sources and uses automated processes to produce a value or range of values for a particular property.

To assist you in learning more about AVMs, click on <http://www.ncrec.gov/pdfs/avm.pdf> and read the Commission’s article on the subject. If you have any questions or need more information, please contact the Regulatory Affairs Division at 919/875-3700.



Commercial

(Continued from page one)

agency agreement are that it must:

- Provide for its existence for a definite period of time,
- Include the agent's license number,
- Include the nondiscrimination language prescribed in Rule A.0104(b).

Timely disclosure of representation [Rule A.0104(d-j)]. Most brokers are careful to inform the parties to a transaction who the broker represents, but commercial brokers often neglect to put this in writing. Always remember to:

- Disclose in writing to an unrepresented buyer/tenant that the broker represents the seller/landlord at first substantial contact. The *Working With Real Estate Agents* brochure is written to do this – use it.
- Disclose at first contact with a seller/landlord that the broker represents the buyer/tenant, and do so in writing no later than with the submission of an offer.
- Get authorization from each party to practice dual agency in the agency agreement, and disclose the practice of dual agency in the same manner that you disclose representation to the seller and buyer above.

Timely disclosure of material facts [N.C.G.S §93A-6(1)]. Commercial brokers tend to see the discovery of material facts to be the job of the buyer/tenant and/or their agent. However, all brokers have a duty to make objective inquiries to discover material facts, and to verify information provided by the broker's client when it is reasonable to do so. Some of the basics to remember regarding disclosure of material facts:

- “Timely disclosure” is in time for a party or prospective party to a real estate transaction to make an informed decision to buy, sell or lease or to continue with a transaction.
- Generally, a party's motivations are not material, but facts relevant to the property or a party's ability to buy, sell or lease are material.

Disclosure of compensation to the agent's principal [Rule A.0109(c)(d)]. There is generally no duty for a broker to disclose his or her compensation to a

party whom the broker does not represent. However, the total compensation a broker (or the firm) expects or receives is a material fact to that broker's client. Remember the following:

- Disclose to your client any offered/expected compensation, incentive or bonus in writing prior to your client making a decision to buy or sell.
- However, a broker is not required to disclose to anyone the broker's expected split of compensation with the broker's firm.

Deposit of trust money into a trust account (Rule A.0116(a)(b)). Commercial brokers acting as couriers of rent or other trust monies is a common issue. With the exception of option and due diligence fees, brokers are required to deposit all funds received in their fiduciary capacity into a trust account. The timing of such deposits are as follows:

- Earnest money or security deposits received in a form other than cash in conjunction with a pending offer to purchase or lease shall be deposited in a trust account no later than three days following contract acceptance.
- A broker may accept custody of a check made payable to the seller for an option or due diligence fee and deliver it to the seller according to the instructions of the buyer.

Representing a buyer in the purchase of property in which the broker has ownership interest [Rule A.0104(o)]. This has always been a conflict of interest, but now it is specifically prohibited by rule as of July 1, 2014. Another broker with the firm may represent the buyer so long as that broker does not have an ownership interest and the buyer consents after full disclosure.

Broker purchasing his/her own listing [Rule A.0104(p)]. Another potential conflict of interest is specifically addressed by a new rule. A broker must disclose the inherent conflict of interest in writing to the seller and suggest the seller seek independent counsel. Prior to entering into an agreement to purchase, the broker must terminate the listing agreement or transfer to another broker affiliated with the firm who will not

have an interest in the purchase.

Co-brokering with out-of-state brokers [Rule A.0109(g), A.1810]. Commercial brokers frequently work with out-of-state brokers representing buyers or tenants in N.C. transactions. N.C. brokers may pay a commission or fee to brokers licensed in other states so long as the foreign broker does not enter N.C. Foreign brokers practicing commercial real estate have two options for licensure in N.C.:

- Limited Nonresident Commercial License: Available to active, licensed brokers from other states by application; only for commercial brokerage.
- Nonresident License: Available to active, licensed brokers from other states by application and passing the “state” portion of the licensing exam; full brokerage privileges.

Record retention [Rule A.0108]. The Commission tends to see inconsistent record retention among commercial brokers with greater frequency. Rule A.0108 lists many of the documents that must be retained, but it is not exclusive. Brokers should retain *all* documents related to both failed and successful real estate transactions including offers, contracts, disclosure documents, agency and commission agreements and correspondence such as emails or texts. Remember the following:

- Records should be maintained for three years from the later of the closing of the transaction or the end of the agency relationship;
- Electronic records are sufficient so long as they are complete, are properly protected and can be made available without prior notice.
- Records help prove your side of the story.

The foregoing is only a basic treatment of these topics. If you have questions or concerns regarding compliance issues or wish to discuss a particular scenario with someone in the Regulatory Affairs Division, call the Commission at 919-875-3700 and ask to speak to an Information Officer or email us at regulatoryaffairs@ncrec.gov.

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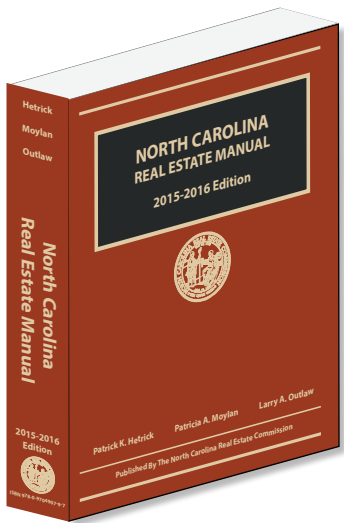
2015-2016 Edition

NORTH CAROLINA REAL ESTATE MANUAL

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

The 2015-2016 edition covers a wide variety of topics including the new Mineral and Oil and Gas form and portions of the new federal Loan Estimate and Closing Disclosure documents to replace the HUD-1 and GFE as well as coverage of revisions to standard forms.

The files on the Web site and on disk are "READ ONLY" and may not be printed or changed.



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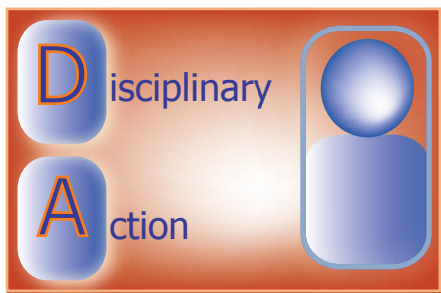
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Penalties for violations of the Real Estate License Law and Commission rules vary depending upon the particular facts and circumstances present in each case. Due to space limitations in the Bulletin, a complete description of such facts cannot be reported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

ALBEMARLE-RICH INC. D/B/A NAGS HEAD REALTY (Nags Head) – By Consent, the Commission permanently revoked the firm license of Albemarle-Rich, Inc., effective November 12, 2014. The Commission found that Albemarle-Rich Inc., acting as a vacation rental management firm, had a duty to place tenants in properties it managed for its landlord clients, collect tenant security deposits when required, collect rent, and to hold these monies in trust on behalf of its landlord clients; that Albemarle-Rich, Inc. failed to maintain the money received from tenants on behalf of its landlord clients in a trust account; and that, instead, its broker-in-charge converted the money for personal use.

ARCH WAY REAL ESTATE INC. (Fayetteville) – The Commission accepted the permanent voluntary surrender of the firm license of Arch Way Real Estate Inc. effective November 12, 2014. The Commission dismissed without prejudice allegations that Arch Way Real Estate violated provisions of the Real Estate License Law and Commission rules. Arch Way Real Estate neither admitted nor denied misconduct.

BECKLEE REAL ESTATE LLC (Raleigh) Following a hearing, the Commission permanently revoked the firm license of Becklee Real Estate effective October 24, 2014. The Commission found that Becklee Real Estate and its qualifying broker/broker-in-charge engaged in general real estate brokerage and property management services; that 10 separate complaints were filed with the

Commission between March 3, 2014 and September 8 alleging various violations of license law by the firm; that the firm continued to conduct business within the state after being administratively dissolved by the Secretary of State; that the firm failed to respond to Letters of Inquiry from a Commission representative, failed to provide requested trust account re-



ords, failed to deliver trust account statements and rental proceeds for properties the firm managed and that rental proceeds and trust account statements when delivered, did not balance, failed to pay trust monies owed to complainants, failed to respond to complainants' repeated attempts to obtain information; and that on June 30, 2014, allowed its license to expire without providing clients with any documentation or trust proceeds for their properties.

WALTER E. BELL, SR. (Fayetteville) - The Commission accepted the permanent voluntary surrender of the broker license of Mr. Bell effective November 12, 2014. The Commission dismissed without prejudice

allegations that Mr. Bell violated provisions of the Real Estate License Law and Commission rules. Mr. Bell neither admitted nor denied misconduct.

BROOKS & BROADWELL REALTY, INC. (Marion) – The Commission accepted the permanent voluntary surrender of the firm license of Brooks & Broadwell Realty effective January 14, 2015. The Commission dismissed without prejudice allegations that Brooks & Broadwell Realty violated provisions of the Real Estate License Law and Commission rules. Brooks & Broadwell Realty neither admitted nor denied misconduct.

TONY M. BROWN, JR. (Charlotte) – The Commission accepted the surrender of the broker license of Mr. Brown for a period of three years effective November 1, 2014. The Commission dismissed without prejudice allegations that Mr. Brown violated provisions of the Real Estate License Law and Commission rules. Mr. Brown neither admitted nor denied misconduct.

GEORGE M. BURGESS (West Jefferson) – By Consent, the Commission suspended the broker license of Mr. Burgess for a period of 24 months effective October 1, 2014. The Commission then stayed the suspension and prohibited Mr. Burgess from acting as broker-in-charge for a period of five years. The Commission found that Mr. Burgess, as broker-in-charge and qualifying broker of a real estate brokerage firm, represented a buyer in or about 2007 in purchasing

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Licensees Must Report Convictions

Commission Rule A.0113 requires any licensee who is convicted of a misdemeanor or felony or who has disciplinary action taken against him or her by any occupational licensing board to file a report with the Real Estate Commission.

The reporting requirement includes convictions for driving while impaired (“DWI”). The report must be filed within sixty (60) days of the final judgment or board action.

If you have questions about this rule, please call the Commission’s Regulatory Affairs Division at 919-875-3700 for more information.

a property in Ashe County as being “owner built” and including a septic system; that Mr. Burgess did not give and review a copy of the Working With Real Estate Agents brochure with the buyer and failed to execute a written agency agreement with the buyer; and that in 2010, Ashe County informed the buyer that the structure was built without permits and that the buyer would be required to tear down and replace the structure. The Commission noted that Mr. Burgess and the buyer have agreed to a financial settlement.

CAPE FEAR REALTY, LLC (Bald Head Island) - By Consent, the Commission suspended the firm license of Cape Fear Realty for a period of one year effective December 31, 2014. The Commission then stayed the suspension for a probationary period through December 31, 2016. The Commission found that Cape Fear Realty’s trust accounts and records did not reconcile with the bank and/or journal balances, that checks were reported as outstanding when they had in fact cleared, that negative balances appeared on various trial balances, and that there was a prob-

lem with the computer software program. The Commission noted that Cape Fear Realty has corrected the problems associated with the trust accounts and records, and no consumers were harmed as a result.

CATHY DYER, INC. (Apex) - By Consent, the Commission reprimanded Cathy Dyer, Inc., effective January 1, 2015. The Commission found that Cathy Dyer, Inc., entered into an Exclusive Right to Sell Listing Agreement in May 2013 with a seller and was aware that the seller’s property, a townhome, was occupied by renters when it was listed and that the renters’ lease was to expire on August 31, 2013; that the seller signed a contract on June 7, 2013, to sell the property with a settlement date of July 22, 2013; that Cathy Dyer, Inc., despite having knowledge that the rental contract extended beyond the July 22 settlement date, did not discuss adding a contingency clause to the sales contract with her client, the seller; that the tenants failed to move out prior to the July 22 closing date; and that the sales contract was eventually terminated by the potential buyer. The Commission noted that Cathy Dyer, Inc., offered to assist the potential buyer in recouping any expenses incurred as a result of the failed transaction from her client, the seller.

ALICIA A. CHRISTIAN (Fayetteville) – By Consent, the Commission permanently revoked the broker license of Ms. Christian effective October 15, 2014. The Commission found that Ms. Christian, as sole proprietor of a real estate brokerage firm, collected tenant security deposits and rents on behalf of her landlord clients and deposited those funds into a trust account; that Ms. Christian, in responding to a Commission request to conduct a spot audit of the account, admitted to converting approximately \$25,000 of the funds she held on behalf of her landlords and tenants to her own use; that Ms. Christian failed to reconcile her accounts on a

monthly basis and failed to maintain a journal, ledgers, or other trust account documents as required by the Commission; and that Ms. Christian failed to maintain or produce any transaction records for the Commission.

JENNIFER PAUL COLLINS (Simpson) – The Commission accepted the surrender of the broker license of Ms. Collins for a period of five years effective October 15, 2014. The Commission dismissed without prejudice allegations that Ms. Collins violated provisions of the Real Estate License Law and Commission rules. Ms. Collins neither admitted nor denied misconduct.

PRESTON H. CUDD, JR. (Raleigh) – By Consent, the Commission suspended the broker license of Mr. Cudd for a period of one year effective October 1, 2014. Three months of the suspension were active with the remainder stayed for a probationary period ending October 1, 2015. The Commission found that Mr. Cudd listed a home and represented that all of the polybutylene piping had been replaced; that, although the seller had a letter certifying the same, the

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process a replacement request
or
purchase and download
a replacement immediately
from the Commission’s website.

buyer's home inspection revealed that polybutylene pipe was visible in the kitchen and laundry room; that the seller discovered that the letter certifying the work was a forgery and informed Mr. Cudd of the fact during the due diligence period; that Mr. Cudd did not convey the information to the buyers or their agent; and that the sellers discovered after closing that none of the piping had been replaced and had to pay \$6,000 for their replacement.

THOMAS L. DALE (Greenville) – By Consent, the Commission reprimanded Mr. Dale effective January 1, 2015. The Commission found that Mr. Dale served as listing broker for a property and, based solely on the seller's representations, advertised the

have a qualifying broker or broker-in-charge; that Mr. David, while operating his company, was not broker-in-charge eligible; that Mr. David's vacation rental property management agreements did not include his broker license number or the required disclosures of the Vacation Rental Act and did not address interest earned on deposits; and that Mr. David's firm had an account entitled "escrow account", however, Mr. David did not follow the Commission's rules in maintaining this account.

NANCY C. DYER (Apex) – By Consent, the Commission reprimanded Ms. Dyer effective January 1, 2015. The Commission found that Ms. Dyer entered into an Exclusive Right to Sell Listing Agreement in

October 15, 2014. The Commission dismissed without prejudice allegations that Ms. Ellis violated provisions of the Real Estate License Law and Commission rules. Ms. Ellis neither admitted nor denied misconduct.

EXECUTIVE SELLERS LLC (Charlotte) – By Consent, the Commission suspended the firm license of Executive Sellers for a period of 12 months effective January 1, 2015. The Commission then stayed the suspension. The Commission found that Executive Sellers, acting as a buyer's agent, failed to review the "Working with Real Estate Agents" brochure or enter into a written agency agreement; that the firm deposited a \$1000 earnest money check into its operating account; that the firm in-

If you are a BIC or BIC eligible, you must take the *Broker-in-Charge Update Course (BICUP)* + an Elective.

Do not take the General Update Course - it will not satisfy your BIC CE requirements.

property in the MLS as having four bedrooms; that at the time of the listing the property was, in fact, served by a septic system only approved to support three bedrooms; that the county tax collector's records also listed the property as having only three bedrooms; and that Mr. Dale failed to inspect either the septic permit or review the tax records to verify the seller's claim as to the number of bedrooms in the property.

WILLIAM EDWARD DAVID, JR. (Mooresville) – By Consent, the Commission suspended the broker license of Mr. David for a period of 24 months effective October 15, 2014. One month of the suspension was active with the remainder stayed for a probationary period of 23 months. The Commission found that Mr. David, who operated a vacation rental property management company, managed his own property as well as that of others; that Mr. David's company was not licensed and did not

May 2013 with a seller and was aware that the seller's property, a townhome, was occupied by renters when it was listed and that the renters' lease was to expire on August 31, 2013; that the seller signed a contract on June 7, 2013, to sell the property with a settlement date of July 22, 2013; that Ms. Dyer, despite having knowledge that the rental contract extended beyond the July 22 settlement date, did not discuss adding a contingency clause to the sales contract with her client, the seller; that the tenants failed to move out prior to the July 22 closing date; and that the sales contract was eventually terminated by the potential buyer. The Commission noted that Ms. Dyer offered to assist the potential buyer in recouping any expenses incurred as a result of the failed transaction from her client, the seller.

JUDY R. ELLIS (Laurinburg) – The Commission accepted the surrender of the broker license of Ms. Ellis for a period of one year effective

increased buyer's written offer amount and initialed the increase without buyer's written consent; that the firm deposited a second \$1000 earnest money check into its operating account; that the firm never informed the listing agent of the additional \$1000 deposit; that buyer's offer was never accepted and buyer requested a refund of the \$2000 deposit; and that the firm asked the buyer to sign a Termination of Contract which appeared to be signed by the seller, but that the seller and the listing agent deny that the seller ever signed. The Commission noted that Executive Sellers did refund the buyer's deposit.

ROBERT S. FOWLER (Gaffney, South Carolina) – By Consent, the Commission suspended the broker license of Mr. Fowler for a period of six months. One month of the suspension was active with the remainder stayed for a probationary period ending April 1, 2015. The Commission

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found that Mr. Fowler represented a buyer attempting to purchase property being offered for short-sale; that during the transaction, Mr. Fowler presented a loan preapproval letter to the Seller as part of an Offer to Purchase and Contract; and that Mr. Fowler represented that the loan preapproval letter was issued by and bore the signature of a loan underwriter from a credit union, when it did not.

GATEWAY REALTY, LLC (Kitty Hawk) - By Consent, the Commission suspended the broker firm license of Gateway Realty for a period of two years effective December 31, 2014. The Commission then stayed the suspension for a probationary period ending December 31, 2019. The Commission found that a spot inspection of Gateway Realty's trust account records revealed that an employee of Gateway Realty misappropriated cash rental payments that should have been deposited into Gateway Realty's trust account. The Commission noted that Gateway Realty has since fully funded the trust account, that no consumers were harmed as a result, and that the trust account records are balanced, reconciled and in compliance.

GEORGE W. GOSS (Durham) - The Commission accepted the permanent voluntary surrender of the broker license of Mr. Goss effective November 12, 2014. The Commission dismissed without prejudice allegations that Mr. Goss violated provisions of the Real Estate License Law and Commission rules. Mr. Goss neither admitted nor denied misconduct.

BRADLEY D. GRAHAM (Raleigh) - By Consent, the Commission suspended the broker license of Mr. Graham for a period of 18 months effective January 1, 2015. The Commission then stayed the suspension for a probationary period ending July 1, 2016, on certain conditions. The Commission found that Mr. Graham pleaded guilty in a Virginia U. S. Dis-

trict Court on June 25, 2014, to one count of failing to report the commission of a felony by another and received two years of probation and was ordered to pay restitution; and that Mr. Graham has met the terms of his probation and paid his restitution in full. The Commission noted that Mr. Graham reported his conviction within 60 days as required by Commission rules.

CHRISTOPHER V. HART (Myrtle Beach, South Carolina) - By Consent, the Commission revoked the broker license of Mr. Hart effective October 15, 2014. The Commission found that Mr. Hart failed to supervise his unlicensed administrative staff in the management his Myrtle Beach, South Carolina property management firm; that Mr. Hart relied solely on reports generated by his staff to monitor his firm's finances and trust accounts; that, due to the actions of his unlicensed staff, there was a trust account shortfall of at least \$190,000, and that some property owners had not been paid monies owed for two months; that in December 2013 Mr. Hart had admitted to four violations of the South Carolina Real Estate Commission Practice Act, and, his license having been cancelled in January 2013, was publicly reprimanded and fined \$4000; and that Mr. Hart failed to timely report the disciplinary action to the Commission. The Commission noted Mr. Hart filed bankruptcy on behalf of his firm, and that of \$239,997.84 in allowed claims only \$19,964.45 was paid to claimants.

RONALD M. HAVERLAND (Gibsonville) - By Consent, the Commission reprimanded Mr. Haverland effective April 1, 2015. The Commission found that Mr. Haverland managed a property and that the management agreement and lease contract included some language regarding fair housing, but did not include the specific Fair Housing provision required by the Real

Estate License Law, nor did either include the broker license number of Mr. Haverland. The Commission also found that Mr. Haverland had been broker-in-charge (BIC) of his sole proprietorship since 2004, but had not taken the proper continuing education requirements from 2007 to 2013 and lost his BIC eligibility for that period of time. The Commission noted that Mr. Haverland, after being informed about his BIC status in 2013, immediately took the BIC education course and hired a BIC for his company.

RODNEY JAMES HYSON, JR. (Wilmington) - By Consent, the Commission suspended the broker license of Mr. Hyson for a period of one year effective December 31, 2014. The Commission then stayed the suspension for a probationary period through December 31, 2016 on certain conditions. The Commission found that Mr. Hyson's trust accounts and records did not reconcile with the bank and/or journal balances, that checks were reported as outstanding when they had in fact cleared, that negative balances appeared on various trial balances, and that there was a problem with the computer software program. The Commission noted that Mr. Hyson has corrected the problems associated with the trust accounts and records and no consumers were harmed as a result.

INTEGRITY FIRST PROPERTIES LLC (Fayetteville) - By Consent, the Commission suspended the firm license of Integrity First Properties for a period of six months effective November 12, 2014. The Commission then stayed the suspension for a probationary period ending May 12, 2015 on condition that Integrity First Properties shall not engage in property management for a period of five years from the effective date. The Commission found that Integrity First Properties managed some 300 properties; that in November 2013 Integrity First

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Properties sold its management contracts to another licensed firm; that the new firm discovered a shortage in the security deposit account; that Integrity First Properties, when notified of the shortage, immediately paid the new firm the full amount of the shortage; and that a Commission audit found that Integrity First Properties had not performed bank reconciliation on the security deposit account since January 2010. The Commission noted that Integrity First Properties has not engaged in property management since the sale of its management contracts to the new firm and that no consumers were harmed.

PATRICIA JANE LANCASTER (Murphy) - The Commission accepted the permanent voluntary surrender of the broker license of Ms. Lancaster effective December 31, 2014. The Commission dismissed without prejudice allegations that Ms. Lancaster violated provisions of the Real Estate License Law and Commission rules. Ms. Lancaster neither admitted nor denied misconduct.

LAURANCE REALTY ASSOCIATES, LLC (Charlotte) – By Consent, the Commission suspended the firm license of Laurance Realty Associates for a period of 24 months effective January 15, 2015. The Commission then stayed the suspension for a probationary period of 24 months. The Commission found that in 1998, Laurance Realty Associates entered into a Venture Management Agreement with a developer to market, sell, lease, and manage properties that were being developed; that this Agreement did not contain the required fair housing provision, nor did it contain the firm license number; that in 2009, the broker-in-charge (BIC) of Laurance Realty Associates left

and became the BIC of his own sole proprietorship; that, absent a BIC, Laurance Realty Associates' other broker applied to become the BIC of the firm, but was denied due to her lack of 2 years' experience; that Laurance Realty Associates continued to operate and engage in real estate brokerage without a BIC until the broker turned down for the position was approved in 2011; that Laurance Realty Associates acted as manager of a homeowners association (HOA) from its inception through 2011 and that the firm, through its BIC, claims that there was a written agency agreement in place, but that it was lost a few years ago; that Laurance Realty Associates failed to create a new agreement and has thus failed to maintain a copy of same; and that Laurance Realty Associates collected rents and other fees on behalf of the HOA and failed to place these funds into an account designated to be "trust" or "escrow".

FELIX A. LEE (Durham) – By Consent, the Commission reprimanded Mr. Lee effective January 1, 2015. The Commission found that Mr. Lee accepted a listing on undeveloped land although he had limited experience in land sales; that Mr. Lee was unable to locate comparable properties and did not perform a comparable market analysis on the subject property; that, after consulting with another broker with experience in land sales to determine a reasonable listing price, Mr. Lee initially recommended the property be listed at \$75,000; that the seller wanted to list the property at \$100,000 or above; that after further review, Mr. Lee recommended that the property be listed at \$125,000, which was agreed to by the owner, and the property sold at that price; and that, after the property went under contract, the owner had an appraisal performed which indicated the land could have a value of as much as \$190,000. Mr. Lee neither admitted nor denied, but did not object to the Commission's findings.

WILLIAM M. LITTLE (Fayetteville) – By Consent, the Commission reprimanded Mr. Little effective January 1, 2015. The Commission found that Mr. Little, acting as broker-in-charge of a real estate brokerage firm, failed to promptly deliver all client records as requested after his firm was terminated as property and property owner's association's manager, and that a trust account audit showed that records were not maintained in full compliance of Commission rules and that an accurate audit trail could not be determined. The Commission noted that an audit of the firm's current property owner's association accounts shows substantial compliance with Commission rules.

Continued

New Commission Videos



LITTLE & YOUNG, INC. (Fayetteville) – By Consent, the Commission reprimanded Little & Young effective January 1, 2015. The Commission found that Little & Young, a real estate brokerage firm, failed to promptly deliver all client records as requested after the firm was terminated as property and property owner's association's manager, and that a trust account audit showed that records were not maintained in full compliance of Commission rules and that an accurate audit trail could not be determined. The Commission noted that an audit of the firm's current property owner's association accounts shows substantial compliance with Commission rules.

LORI B. LONDON (Kitty Hawk) – By Consent, the Commission suspended the broker license of Ms. London for a period of two years effective December 31, 2014. The Commission then stayed the suspension for a probationary period ending December 31, 2019. The Commission found that a spot inspection of Ms. London's trust account records revealed that an employee of Ms. London misappropriated cash rental payments that should have been deposited into Ms. London's trust account. The Commission noted that Ms. London has since fully funded the trust account, that no consumers were harmed as a result, and that the trust account records are balanced, reconciled and in compliance.

BRYAN KELLY LOWE (Kannapolis) – By Consent, the Commission reprimanded Mr. Lowe effective January 1, 2015. The Commission found that Mr. Lowe was the listing agent for property; that within a few months after closing, the new owners discovered that cracks were forming on the ceilings, molding began to separate, and that windows and doors were not closing properly; that the sellers had a masonry company jack up the house and repair the foundation; that Mr. Lowe stated that he

had no knowledge of any foundation issues with the home other than some repairs to the foundation brick veneer; that the sellers stated that they spoke in general terms with Mr. Lowe of the work performed on the foundation; that Mr. Lowe did not make any further inquiries into these repairs; that the sellers completed a Residential Property Disclosure Form and checked "no" to the question regarding knowledge of foundation problems and checked "no" for the questions about structural changes to the property; and that an appraisal and inspection were completed prior to closing and neither mentioned potential structural or foundational problems. Mr. Lowe neither admitted nor denied but did not object to the Commission's findings.

ANGELA HUSKINS MCGHEE (Marion) - The Commission accepted the permanent voluntary surrender of the broker license of Ms. McGhee effective January 14, 2015. The Commission dismissed without prejudice allegations that Ms. McGhee violated provisions of the Real Estate License Law and Commission rules. Ms. McGhee neither admitted nor denied misconduct.

SHENA A. MONTGOMERY (Charlotte) - The Commission accepted the voluntary surrender of the broker license of Ms. Montgomery for a period of three years effective January 1, 2015. The Commission dismissed without prejudice allegations that Ms. Montgomery violated provisions of the Real Estate License Law and Commission rules. Ms. Montgomery neither admitted nor denied misconduct.

MICHELLE L. MORRIS (Fayetteville) – By Consent, the Commission suspended the broker license of Ms. Morris for a period of six months effective November 12, 2014. The Commission then stayed the suspension for a probationary period ending

May 12, 2015 on condition that Ms. Morris shall not engage in property management for a period of five years from the effective date. The Commission found that Ms. Morris, acting as broker-in-charge and qualifying broker of a real estate brokerage firm that managed some 300 properties, sold its management contracts in November 2013 to another licensed firm; that the new firm discovered a shortage in the security deposit account; that Ms. Morris, when notified of the shortage, immediately paid the new firm the amount of the shortage; and that a Commission audit found that Ms. Morris had not performed bank reconciliation on the security deposit account since January 2010. The Commission noted that Ms. Morris has not engaged in property management since the sale of her firm's management contracts to the new firm and that no consumers were harmed.

REBECCA L. NIEMCHAK (Raleigh) – Following a hearing, the Commission permanently revoked the broker license of Ms. Niemchak effective October 24, 2014. The Commission found that Ms. Niemchak acted as qualifying broker/broker-in-charge of a licensed real estate firm engaging in general real estate brokerage and property management services; that 10 separate complaints were filed with the Commission between March 3, 2014 and September 8 alleging various violations of license law by Ms. Niemchak and her firm; that Ms. Niemchak's firm continued to conduct business within the state after being administratively dissolved by the Secretary of State; that Ms. Niemchak failed to respond to repeated attempts by a Commission representative to meet with her, failed to respond to Letters of Inquiry from a Commission representative, failed to provide requested trust account records, failed to deliver trust account statements and rental proceeds for properties she and her firm managed and that rental proceeds and trust

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account statements when delivered, did not balance, failed to pay trust monies owed to complainants, failed to respond to complainants' repeated attempts to contact her; and that on June 30, 2014, both Ms. Niemchak and her firm allowed their licenses to expire without providing clients with any documentation or trust proceeds for their properties.

KATHLEEN M. O'CONNOR (Charlotte) – By Consent, the Commission suspended the broker license of Ms. O'Connor for a period of 24 months effective January 15, 2015. The Commission then stayed the suspension for a probationary period of 24 months. The Commission found that Ms. O'Connor affiliated with a firm as a broker in 2008 and that in 2009 the broker-in-charge (BIC) of the firm left to become the BIC of his own sole proprietorship; that, absent a BIC, Ms. O'Connor applied for the position but was denied due to her lack of two years' experience; that Ms. O'Connor continued to engage in real estate brokerage without a BIC until she became BIC of the firm in 2011; that, while Ms. O'Connor was BIC of the firm, the firm collected rents and other fees on behalf of the Marlborough Woods HOA and did not place these funds into an account designated to be "trust" or "escrow"; that, while BIC of the firm, Ms. O'Connor failed to maintain a copy of the Property Management Agreement between the firm and the HOA for a period of three years after termination; and that the Venture Management Agreement between the firm and a developer did not include the firm license number or the fair housing provision.

PARKER & BURGESS RTY INC. (West Jefferson) By Consent, the Commission suspended the firm

license of Parker & Burgess for a period of 24 months effective October 1, 2014. The Commission then stayed the suspension. The Commission found that Parker & Burgess represented a buyer in or about 2007 in purchasing a property in Ashe County which was listed as being "owner built" and including a septic system; that Parker & Burgess did not give and review a copy of the Working With Real Estate Agents brochure with the buyer and failed to execute a written agency agreement with the buyer; that in 2010, Ashe County informed the buyer that the structure

Commission Speakers Available

Real Estate Commission staff members are available to speak to your local board, office, or special group. You can request a presentation relating to a specific subject or a general discussion on topics of interest to those attending.

To schedule a speaker, call Janet Thoren at (919) 875-3700, Ext. 112, or submit the "Request for Program Presenter" form available on the Commission's Web site, www.ncrec.gov. Please allow at least four weeks prior to your group's meeting.

was built without permits, and that these permits required the buyer to tear down and replace the structure. The Commission noted that firm is now in compliance with the Office of the NC Secretary of State and with the Commission, and that Parker & Burgess and the buyer have agreed to a financial settlement.

JAMES EUGENE SMITH, JR. (Charlotte) – By Consent, the Commission suspended the broker license of Mr. Smith for a period of 12 months effective January 1, 2015. Two months of the suspension were active with the remainder stayed for a probationary period ending January 1, 2016. The Commission found that Mr. Smith, acting qualifying broker and broker-in-charge of a real estate firm, failed to review the "Working with Real Estate Agents" brochure or enter into a written agency agreement

with a buyer client; that Mr. Smith deposited a \$1000 earnest money check into his firm's operating account; that Mr. Smith increased buyer's written offer amount and initialed the increase without buyer's written consent; that Mr. Smith deposited a second \$1000 earnest money check into his firm's operating account; that Mr. Smith never informed the listing agent of the additional \$1000 deposit; that buyer's offer was never accepted and buyer requested a refund of the \$2000 deposit; and that Mr. Smith asked the buyer to sign a Termination of Contract which appeared to be signed by the seller, but that the seller and the listing agent deny that the seller ever signed. The Commission noted that Mr. Smith did refund the buyer's deposit.

WAYNE WALTER SMITH, JR. (Waxhaw) – By Consent, the Commission permanently revoked the broker license of Mr. Smith effective January 14, 2015. The Commission found that Mr. Smith on or about November 20, 2013, pleaded guilty in Superior Court to two felony charges: one count of embezzlement and one count of exploitation of an elder adult and was sentenced to a minimum term of five (5) months and a maximum term of six (6) months imprisonment, and was ordered to pay restitution; and that Mr. Smith failed to report the plea, conviction, and sentence to the Commission within 60 days.

LYNELL DELAPOUYADE WEST (Hendersonville) – By Consent, the Commission reprimanded Ms. West effective November 1, 2014. The Commission found that Ms. West was convicted in March, 2014, of misdemeanor Failure to Deliver Title involving the sale of a truck owned by her and her ex-husband;

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that Ms. West's ex-husband passed away and Ms. West sold the car to a dealership and signed her deceased husband's name on the title; and that Ms. West did not have Power of Attorney over her ex-husband and was not aware that she needed to have one. The Commission noted that Ms. West has since reimbursed her ex-husband's estate for his share of the vehicle and that Ms. West notified the Commission of this conviction within the 60-day requirement.

CHERYL B. WILKINS (Nags Head) – By Consent, the Commission permanently revoked the broker license of Ms. Wilkins effective November 12, 2014. The Commission found that as broker-in-charge of a vacation rental management firm, it was Ms. Wilkins' duty to place tenants in properties she managed for her landlord clients, collect tenant security deposits when required, collect rent, and to hold these monies in trust on behalf of her landlord clients; and that Ms. Wilkins failed to maintain the money collected from tenants on behalf of her landlord clients in a trust account, and, instead, converted the money for her personal use.

PAMELA W. WOODDELL (Wilmington)- Following a hearing, the Commission reprimanded Ms. Wooddell effective October 29, 2014. The Commission found that, in June 2013, Ms. Wooddell, while acting as dual agent in a real estate owned (REO) purchase transaction, disclosed the price and material terms of a competing offer to her buyer client without the express authority of the offering party. The information was not used by the buyer client and the property was ultimately purchased by the offering party. The Commission also found that in May 2011 Ms. Wooddell agreed to a stayed suspension of her license and

was placed on a period of probation until May 2014. This was in connection with a previous disciplinary action initiated by a 2006 Complaint, to which Ms. Wooddell neither admitted nor denied wrongdoing. The Commission further found Ms. Wooddell in violation of the terms of her probation and suspended her license for a period of thirty (30) days effective December 1, 2014.



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