

REALTOR[®] NEWS

Web Site - greaterhrealtors.com

Issue No. 208

Published by the Greater New Haven Association of REALTORS®, Inc.

November 3, 2003

QUARTERLY ACHIEVEMENT AWARDS 2003 THIRD QUARTER RECIPIENTS



Congratulations

The following members have been awarded the 2003 Third Quarter Achievement Award by the New Haven Association of REALTORS®, Inc. for being the High Producers during that period. Congratulations! Award certificates will be presented at the December 11th Holiday Gathering and Installation of Officers and Directors to be held at 500 Blake St., New Haven. All recipients will be featured in the November 14th issue of The Connecticut Home Browser magazine, and are also featured on the Association Web Site - greaterhrealtors.com

Acevedo, Linda H.	Beazley Co., EH	Nathanson, Ellen	Press & Cuozzo Inc.
Bennett, Katherine	Betsy Grauer Realty	Nesson, Irma	Calcagni Assoc., Ches.
Bernhard, Gisele	Press & Cuzzo, Inc.	O'Shea, Susan	ReMax Realty
Buonfiglio, Louis Jr.	Beazley Regional Ctr.	Ouellette, Janie	Beazley Co., No Haven
Buonocore, Deborah	Beazley Co., E.H.	Palmeri, Roberta	Press & Cuozzo
Casey, Thomas	Coldwell Banker Milf.	Parrett, Catherine	H. Pearce Co., Wall
Cassista, Sandra M.	Wm. Orange Realty	Peniston, Nancy	Betsy Grauer Realty
Chamberlin, Richard	Realty Partners, W.H.	Porto, James	Coldwell Banker, Milf
Combs, Patrick	Dan Combs Real Estate	Puchala, Dawn	Beazley Co., Milford
Cooper, Judith	Wm. Orange Realty	Radziszewski, Mary	Beazley Regional Ctr
Croteau, Kathleen	Coldwell Banker No H	Ratner, Ruth	Calcagni Assoc., Ches
Cyr, Rochelle	Wm. Orange Realty,	Reynolds, Maria	Wm. Orange Realty,
D'Antonio, Raymond	Pilgrim Realty	Rivkin, Steven W.	Beazley Regional Ctr
DeAngelis, Stacey	Calcagni Assoc., Ches.	Ross, Toni	Beazley Regional Ctr.
DeGregorio, Anne T.	Prudential Ct. , Wall.	Sala, Silvio A. Jr.	Beazley Co., Wall
Devine, Bette G.	Wm. Orange Realty	Santoro, Susan Shaw	Press & Cuozzo Inc.
Dirienzo, Richard	ReMax Realty Assoc.	Schede, Sandy Maier	Maier Real Estate
Gallick, Linda	Coldwell Banker, Milf	Seigel, Warren	ERA Seigel Realty
Grauer, Betsy	Betsy Grauer Realty	Sowitcky, Rosemary	Beazley Regional Ctr.
Gregoriades, Frances	Harborview Realty	Spaziani, Raymond P.	Beazley Co., Milford
Harriman, Patricia	Prudential Ct. , Wall.	Stuckey, Jane	ReMax Realty Assoc.
Hawes, David	Beazley Co., Milford	Urpini, Anneliese	Coldwell Banker, Milf
Hoydilla, Dawn	Prudential Ct. , Wall.	Valenti, Raymond	ReMax Schoolside
Hugendubel, Wayne	Wm. Orange Realty	Wagner, Sandy	Calcagni Assoc.,Ches.
Hulteen, Barbara	Hartman & Hulteen	Walter, Gayle	Betsy Grauer Realty
Izzo, John	Beazley Regional Ctr	Waltzer, Nicky Ann L.	Calcagni Assoc, Wall
James, Janet	ReMax Realty	White, Mary-Ann	Beazley Regional Ctr.
Karska-Piech, Dorothy	Calcagni Assoc., Ches.	Williams, Melanie	Calcagni Assoc.,Ches.
Leete, Cathie	Wm. Raveis RE, Ches.	Wilson, Linda	Coldwell Banker, Milf
Lehrer, Barbara	Wm. Orange Realty	Wrzosek, James	Classic Properties
Mastrangelo, Nicholas	Beazley Regional Ctr.	Zelson, Myra	Harriet Cooper Assoc.
Messore, Sophia	Coldwell Banker, Milf.		
Michelson, Aurelia	Beazley Co., Milford		

Save This Date

Thursday, December 11, 2003

GNHAR Annual
Holiday Gathering and
Installation of Officers and Directors
to be held at
500 Blake St., New Haven
Invitations will be mailed



ATTENTION SALESPERSONS! ORIENTATION COURSE

Sign up now for the next Orientation Course and become a REALTOR®. REALTOR® members can use the REALTOR® logo on their business cards, advertisements, etc., and REALTORS® can advertise at low prices in "The Connecticut Home Browser" magazine published by the Association. As a REALTOR® you can input your listings into our MLS system and take advantage of all the services offered by the Association to members.

The next course will be held on Thursday, January 22, 2004 from 9 AM - 12:30 PM and on Thursday, January 29, 2004 from 9 AM - 12:30 PM. Both morning sessions must be attended.

In order to attend orientation, you must submit a completed application plus all required fees. To receive an application and amount due please call Kate Blake at the Association Office, (203) 234-7700 or submit a request for application through our web site greaterhrealtors.com

**ALL MEMBERS ARE
INVITED
TO
BECOME PART OF OUR
WORKING TEAM!!!**

This is your opportunity to become an active participant in the making of decisions which affect all our membership.

Sign up now to be an active 2004 Committee member, we need and appreciate your input. There are eight committees to choose from, make your selection and return your completed committee form before the November 21st deadline.

2004 Committee sign up form is attached to this newsletter.....ACT NOW!



The Greater New Haven Association of REALTORS®, Inc.
Phone: (203) 234-7700 Fax: 234-3980

Officers of the Association

President.....James Wrzosek
President Elect.....Frank D'Ostilio
First Vice-President.....Lee McParland
Second Vice-President.....Al Scafati
TreasurerMaureen Campbell
Secretary.....Paul Gradwell

Exec V.P.....Roberta N. O'Hara RCE
Asst Exec V.P.....Frederick Mansfield

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Elizabeth Alberico
Robert Dow
Bea Fiorino
John Guerra
Myrna Lehrner
James Porto
Marc Seigel
Diana Walsh
Wendy Weir
Louise Zemina

Immed. Past Pres.: Robert Fischer

Thank You

To the following companies who have extended their generosity by Sponsoring Association Functions

<p>Platinum Level Sponsor - \$2,000</p> <p>Cendant Mortgage New Haven Register Schaefer Inspection Tyler Cooper & Alcorn</p> <p>Gold Level Sponsor - \$1,000</p> <p>Ed Burt, Jr. P.C. Attorney at Law Facility Support Services First Choice Mortgage Milford Jeep Real Estate Book Tiger Home & Building Inspection</p>	<p style="text-align: center;">Special Recognition</p> <p>Wells Fargo Home Mortgage GMAC Mortgage New England Home Loans Washington Mutual</p> <p style="text-align: center;">Silver Level Sponsor - \$250</p> <p>Drescher Insurance Guaranty Residential Lending, Inc. Liberty Bank Parrett, Porto, Parese & Colwell, P.C. Sugar Mountain Enterprises, LLC T-Mobile USA, Inc. Wells Fargo Home Mortgage</p>
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INTEREALTY TRAINING SCHEDULE

PLEASE NOTE: CLASSES & TIMES MAY CHANGE MID STREAM. YOU WILL BE CONTACTED IF YOUR CLASS HAS BEEN CHANGED.

Please fill out the form below and mail a \$10.00 REFUNDABLE CHECK to Roseann. There are a limited number of seats for each Hands On class! Thank you!

Wed., Oct. 29	MLXchange II* Designer Tools	9:30-11:30 12:30-3:30	Class Full Limit 8
Mon., Nov. 3	MLXchange I CMA*	9:30-12:00 12:00-1:00	Limit 10 Limit 10
Fri., Nov 21	MLXchange II* Designer Tools*	9:30-11:30 12:30-3:30	Limit 10 Limit 8
Friday., Dec. 5	MLXchange I CMA*	9:30-12:00 12:00-1:00	Limit 10 Limit 10
Mon., Dec. 15	MLXchange II Designer Tools*	9:30-11:30 12:30-3:30	Limit 10 Limit 8

**YOU MUST HAVE KNOWLEDGE OF MLXCHANGE OR HAVE TAKEN MLXCHANGE I TO REGISTER FOR MLXCHANGE II. CMA OR DESIGNER TOOLS.*
SORRY, WE CANNOT ACCEPT ANY REGISTRATIONS WITHOUT A CHECK!

PLEASE WATCH YOUR E-MAIL FOR UPCOMING CLASSES! IF YOU HAVE NOT ALREADY DONE SO, PLEASE CALL KATE TO PUT YOUR NAME ON THE ASSOCIATION EMAIL LIST. IF YOU EMAIL HAS CHANGED, PLEASE NOTIFY HER IMMEDIATELY! (THIS EMAIL LIST IS FOR GNHAR USE ONLY! IT IS NEVER SOLD)

ALL ABOVE CLASSES REQUIRE A \$10.00 (REFUNDABLE) CHECK AND A 24 HOUR CANCELLATION NOTICE (CREDIT CARDS NOT ACCEPTED). SORRY, WE CANNOT ACCEPT ANY REGISTRATIONS WITHOUT A CHECK. WATCH YOUR E-MAIL FOR UPCOMING CLASSES.

MAIL CHECK TO: Greater New Haven Association of REALTORS, Inc., 127 Washington Ave., West Bldg., Lower Level, North Haven, CT 06473.

NAME	COMPANY	PHONE#	DATE & TIME



The Association Office and Board of Directors regret to inform you of the recent death of a fellow REALTOR®.

Richard A. Dirienzo of ReMax Realty Associates in Milford became a member of the Association in 1986. For the past three years he has been Broker and Co-Owner of ReMax Realty. Mr. Dirienzo passed away on October 13, 2003. We extend our deepest sympathy of his family and friends.

Our sincere condolences to the family and friends of Carl Traub who passed away on October 20th. Mr. Traub was President of Traub & Co., LLC. Up until 2002 he was an active member of our Association in the Commercial Division. He was active in SIOR both local and national divisions and was Vice-President of the Conn. chapter up until his death.

The following applications for membership have been received. Any member having any comment, pro or con, on the qualifications of these candidates should forward those comments in writing to the membership Committee in care of the Association Office.

DESIGNATED REALTOR APPLICATION:

Ginny L. Averett Kuhn d/b/a Preferred Agent Realty Services, LLC, 83 Birch Dr., Plantsville 06479. (201) 910-5085 phone, (203) 439-0814 fax. Full Membership.

REALTOR APPLICATIONS:

Sallie Ruggiero, CB Select Sites, Bfd Martha B. Galligan, Carbutti & Co. Julie Greco, CB Select Sites, Hamden Juan C. Arbelaez, Raveis RE., Milford Jane C. Murray, Coldwell Banker No. Haven Laurie E. Nolan, Blue Ribbon Realty Lorrie Maiorano, Calcagni, No. Haven Paul Indorf, ERA Seigel, Hmd Vincent Torrens, Raveis, Cheshire Susan E. Gerace, Raveis, Cheshire Andrea D. Jones, Raveis, Cheshire Michele S. Casey, Beazley, Milford

Rosemary Engengro, CB Select Sites, Hmd. Lorraine H. Martin, Old Colony Appraisal Barbara Andriso, ERA Property World Patricia Moreggi, Beazley, North Haven Richard Ryan, Beazley, New Haven Cynthia A. Delott, Calcagni, North Haven William C. Bixby, Mary Desmond Realty Charlene Raube, Calcagni, North Haven Mindy Ploff, Beazley, Milford Eduard Khondkaryan, Beazley, New Haven Robin Hannon, ERA Property World Robert J. Moore, DePodesta, hamden Jed P Backus, Backus Real Estate Robert Zuk, Pilgrim Realty, Cheshire

WE WELCOME THE FOLLOWING NEW MLS ONLY MEMBERS;

Kenneth Scala d/b/a C21 Access America, 2181 Main St., Bridgeport 06606. Phone (203) 368-2181, Fax (203) 368-0547 - 3rd office - Maria Valiantis Manager.

James R. Dressel d/b/a Connecticut Condos, LLC, 50 Railroad Pl., Westport, CT 06880. Phone (203) 256-0782, Fax (203) 257-0784.

Mary Boehlert d/b/a Home Marketing Assoc., 58 Lindwood Ave., Fairfield. Phone (203) 256-1900, Fax (203) 256-1053.

Wayne P. Fluskey d/b/a Sunrise Appraisals, 16 Farm St., Danbury, CT 06811. Phone (203) 796-0100, Fax (203) 730-8173.

Constantin Petrov d/b/a Fairfield Real Estate Inc., 1226 Shippin Ave., Stamford 06902. Phone (203) 323-4838, Fax (203) 323-4902.

PLEASE NOTE THE FOLLOWING AGENT CHANGES:

Linda Marks now rep ERA Fort Hale, EH Mike Paolino now rep Coldwell Banker, NH Cheryl Foster now rep Beazley, Milford Donna Kelly now rep Bishop Edward & Robers, New Haven Joe Celentano now rep John Coppola Re, EH Laura Forcinelli now rep Beazley, EH Lorian Vestiti now rep Beazley, EH Maureen Colella now rep Wm Orange RoseMarie Fortier now rep Wm. Orange Marc Metivier now rep Wm. Orange James Toce now rep Bishop Edwards & Roberts, New Haven James Caramanello now rep Raveis, Cheshire Willie Wright now rep C21 Access America, Milford Alicja Jdrzejewski now rep Pearce, NH Diane Sandor now rep HomeRun Realty Rose Zolnick now rep CB Select Sites, NH

NEW FAX:

Aristide & Maxwell, Hamden (203) 288-5546

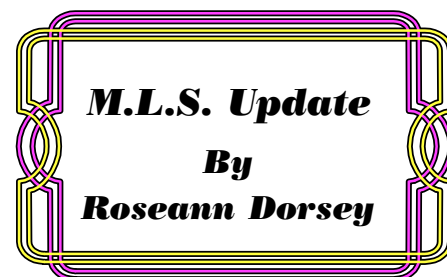
ADDRESS CHANGE:

Thomas Mathews Neighborhood Re, 15 Oregon Ave., Hamden - same phone/fax.

ERealty, 63 Paugasset Road, Derby 06418. Phone (203) 732-8788, Fax (203) 734-2410.

CLOSED OFFICE:

Frank W. Rogers d/b/a F W Roger Agency, Inc., 663 Orange Center Road, Orange. Frank W. Rogers now representing Wm. Orange Realty, Orange.



ACCESS DENIED!!!

If a member or office is denied access to MLS for non payment, etc., all information under that member or company ID ceases as well. This includes your auto notification list (customer contacts). You will need to go into FLASH & turn on each flash individually!

MILL RATES

The mill rates have been updated. Meriden and New Haven were left blank because they're multi district rates. you will need to manually update the properties in these two towns only. Any questions, please call Roseann at (203) 234-7700.

E-MAIL PHOTOGRAPHS

If you need to e-mail Roseann photo's to be inputted into MLS (Not the Home Browser), please use this e-mail address: roseannmls@hotmail.com

Remember, this is for photo's only!!! Any questions, please call Roseann (203) 234-7700 VM 10.

C.A.R. FAX ON DEMAND

Available to all members is Connecticut Association of REALTORS® Fax-On-Demand service. Whether you need Real Estate information or forms you can call 24 hours a day, 7 days a week and receive the information you request on your fax machine within a 1/2 hour. 1-800-284-7849. Call and order an INDEX to keep for handy reference.

SUPRA KEY ACCESS

According to the Rules & Regulations of the GNHAR ALL SHOWINGS MUST BE THROUGH THE LISTING BROKER. Just because a Supra Key is in place doesn't mean you can just walk in using your key. YOU MUST CALL THE LISTING BROKER FOR PERMISSION TO SHOW.



*Your Best Investment In Real Estate
by*

*Maggie Jensen, Chairperson
Coldwell Banker, (203) 239-2553 x114*

The REALTORS® Political Action Committee (RPAC) has represented the policy interests of the real estate industry since 1969. Over the last several years, NAR has been ranked among the most powerful and influential lobbying organizations in the country by Fortune magazine.

When you give to RPAC, your dollars join with those from over 345,000 other REALTORS® contributions to make up one of the nation's largest and most powerful political voices. RPAC's issues are heard loud and clear on Capitol Hill, in state capitals and in town halls all over this country.

Our industry faces legislative and regulatory proposals every year that can raise the cost of doing business or add barriers to doing our jobs. Representation in government is critical to creating the maintaining the most positive policy environment for our industry.

RPAC is the most bipartisan PAC in the country, supporting friends regardless of political party. Your contribution to RPAC is an investment to protect and improve your business and your future.

If you haven't made your contribution yet, please send your check in today.

POWER LUNCH SERIES

You are invited to register to attend the FREE Power Lunch program being offered on

Wednesday, November 12, 2003

11:45 AM - 1:00 PM

(Free Lunch Provided)

Speaker:

Santo Manicone and Steve Daniels

Facilities Support Services

Topic:

Protecting Ourselves-Knowing the Enviromental Issues & Resources help!

Limited to the first 65 members, sign up now.

All members were mailed flyers last week!!!

HELP US FEED THE HUNGRY



October 6th - November 14th

We have been asked by two responsible area organizations to help them meet the urgent need of food for the upcoming holidays: Connecticut Food Bank and Christian Community Action.

THEY BOTH HAVE TOLD US THAT THE NEED THIS YEAR IS FAR GREATER THAN ANY TIME IN RECENT MEMORY.

Please respond to this call for help!!! The collected food - non perishable only - will be divided between the Connecticut Food Bank and Christian Community Action. All food donations must be delivered to the Association Office on or before November 14th.

NEW HAVEN REAL ESTATE SCHOOL
SCHEDULE OF CLASSES
CALL FOR RESERVATION FORM

Continuing Education Schedule:
For your convenience in beating the crowds we have scheduled CE classes beginning Wed., Nov. 5th thru Nov. 25th.

A complete list has been e-mailed to all members, or call the NHRE School (203) 234-3938 to have a schedule faxed to you.

ALSO

Monday, Nov. 10th - 9 Am to 12 Noon
CE - Diversity Management -NEW CLASS

Learn to manage diversity so that the consumer will be better served, also will help all agents in their dealings among themselves.

ABR - Accredited Buyer Representative course - Two days - November 18 & 20th.

6 hour CE credit - \$245.00

ABR - Elective Course
November 24th, eBUYER - \$90.00

Principles & Practices of Real Estate
Starting Dates -----

Evening class: Monday, January 26, 2004

Morning class: Tuesday, January 6, 2004

REALTORS® LEGAL ALERT

from

Connecticut Association of REALTORS®, Inc.

Attorney Eugene A. Marconi, General Counsel

September 10, 2003

WORKING WITH CLIENTS OF SO-CALLED "LIMITED SERVICE COMPANIES"

INTRODUCTION

There are always new business models in the real estate brokerage industry. One of the latest business models is, for lack of a better term, the so-called "limited service" business model. In this business model, the listing agreement between the seller and the broker provides that the broker will perform certain services for the seller that may or may not include the full panoply of real estate brokerage services. These firms may limit their activities to placing the listing on the Multiple Listing Service or having the seller pick from a menu of services provided by the broker. These business models provide "limited services" only in the sense that the full range of brokerage services from marketing advice to payment of marketing expenses to showing the seller's property to negotiating the contract and providing post contract follow-up is not automatically provided. This Legal Alert will examine some of the issues involved when a "full service" or "traditional" brokerage meets directly with a seller who is not receiving, showing or negotiating services from the seller's listing broker. Those expecting this Legal Alert to be a polemic against different business models than the so-called "full service" or "traditional" brokerage model will be disappointed. The purpose of this Legal Alert is not to disparage otherwise legal and ethical business practices. However, there are some issues that must be confronted when a real estate licensee representing a buyer meets face-to-face with the seller that these business models do not necessarily confront in states where buyer brokerage is not prevalent.

The purpose of this Legal Alert, then, is to assist buyer agents who are meeting directly with sellers as a result of the listing agreement with guidance so that the buyer agent does not create liability problems for himself or herself.

"DIRECT CONTACT" VERSUS "INTERFERENCE"

Both the Real Estate commission's Licensing Regulations and the Code of Ethics prohibit a Realtor® from interfering with the agency relationship of another licensee. In addition, the Real Estate Licensing Regulations mandate that negotiations with a seller who has an exclusive arrangement with another licensee must be conducted with the licensee and not directly with

the seller. Therefore, a buyer agent who contacts and deals directly with the seller of a property that has been listed with another firm is violating both the Real Estate Licensing Regulations and the Code of Ethics *unless the listing broker has authorized the contact*.

Obviously, if the listing broker consents to the contact, there is neither interference nor a violation of the prohibition against negotiating directly with the other licensee's client. The difficulty here is the seller selects certain services from a menu of services. These menu plans may provide the seller with the option of showing his or her own property while having the listing broker present when an offer is presented and negotiations are taking place. Menu plans make it difficult for a buyer agent to know exactly when the buyer agent is engaging in permitted and authorized direct contact with the seller and when the buyer agent has wandered into an area where that contact is not authorized. A buyer agent should never be afraid to inquire of the listing agent or the seller as to whether the listing agent will be acting for the seller in negotiations. Since the authorization to deal with the seller directly is important, a buyer agent who has been told by either the seller or the listing broker that offers and negotiations may be conducted directly with the seller should follow up in writing with the listing broker and seller.

Similarly, it would be helpful, although it is not required, if listing brokers authorizing direct contact with their sellers would provide that authorization eight in the MLS listing. Buyer agents who have been authorized to deal directly with the seller should understand that this does not privilege them to be disrespectful of the listing broker's position. It is a violation of the Real Estate Commission's Licensing Regulations to induce or attempt to induce a seller to break a listing for the purpose of substituting a new or different listing. Therefore, buyer agents should stick to the business at hand and not make disparaging remarks about the legal and ethical business practices of others.

KEEPING THE SELLER AT ARM'S LENGTH

Assuming that the buyer agent is authorized to deal directly with the seller in offering and negotiating, the next challenge for the buyer agent is in keeping the seller at arm's length. Connecticut law on agency disclosure has not caught up with these different business models. The agency disclosure

laws and the mandated Connecticut agency disclosure forms do not contemplate the situation where a buyer agent may be dealing directly with the seller upon the listing broker's authorization. For example, the agency disclosure law states that agency disclosure need not be provided to a party who is represented by a licensee in a different firm. Therefore, no agency disclosure needs to be provided to the seller when the listing broker authorizes the contact with the seller. In addition, the new Connecticut form Unrepresented Persons Disclosure is not suited for this situation since the seller is represented by his or her listing broker with whom the seller has a listing agreement even where a listing broker is not obligated to provide the full panoply of real estate brokerage services.

Unfortunately, it is possible that the seller may begin to cozy up to the buyer agent and may look to the buyer agent for recommendations on attorneys or other service providers or guidance on pricing and other matters. While the buyer agent's ultimate goal may be to obtain the property for his or her buyer, the buyer agent should keep in mind that the buyer agent's client is the buyer and not the seller. The seller under these circumstances should be told politely but firmly that the buyer agent represents the buyer and is not in a position to recommend professionals or provide advice and counsel to the seller. The seller should then be referred to his or her attorney or listing broker. Some firms have also found a use for their supply of the old "check the box" agency disclosure form. They will use that form, "check the box" that they are representing the buyer and have the seller sign it as a way of emphasizing to the seller that the buyer agent represents the buyer and is not free to provide recommendations, advice, and counsel to the seller.

DON'T I HAVE TO BE "FAIR?"

Some buyer agents believe that they are placed in a difficult position when dealing directly with the seller because they must be "fair" to both sides. These buyer agents are misinformed as to their obligations. There is no obligation to be "fair" to people whom the agent does not represent, and in fact, misguided attempts to be "fair" may actually be a breach of the fiduciary duty owed to one's own client. Buyer agents should therefore keep their obligation to their client in mind. Their obligation to their buyer client is to obtain the property at the best possible price and terms. While this is not a reason to be dishonest or to lie to a seller, there is no general obligation to be fair to a party that the agent

LEGAL ALERT CONTINUED

does not represent nor is there any limitation in strong advocacy for one's client. Every business model from "full service" to "MLS-only" has advantages and disadvantages. While so called "limited service" business models are legal and ethical, a buyer agent has no obligation to try and protect a seller from perceived disadvantages to the business model with which the seller has chosen to deal.

Buyer agents therefore should strive to keep the seller at arm's length and not provide the seller with recommendations, advice, and counsel. Buyer agents should also keep their primary obligation to their buyer in mind at all times.

WHY DO I HAVE TO DO ALL THE WORK?

Some buyer agents believe that they must perform more work in a transaction that has been listed with a "limited service" company. This is really a matter of individual business judgment and buyer education. Fortunately, Realtors® have the means readily at hand in Connecticut to address issues of scope of work when representing a buyer. That vehicle is the buyer representation agreement. If a broker representing a buyer wishes to make allowances in the buyer representation agreement for any additional work that the broker perceives is required in order to represent a buyer in the situation where the buyer is interested in purchasing a property listed by a "limited service company", the broker may include provisions regarding the scope of this work and any payment therefore in the buyer representation agreement. Furthermore, and in keeping with the buyer representative's representation of the buyer, the buyer representative can again politely and firmly tell the seller that a particular item is the seller's responsibility and direct the seller to his or her attorney or listing broker for assistance in completing that item.

At any rate, buyer agents should not feel that they have been forced into a position of performing the "seller's work" as it is a matter of the buyer agent's business judgment as to whether to include these additional items in the buyer representation agreement, make provisions for compensation, if desired, insist that the seller complete these items or perform them anyway.

COMPENSATION

At times, the agreement between the limited service listing company and the seller will provide that the seller will compensate the cooperating broker directly. The listing is then made available to potential cooperating brokers through the Multiple Listing Service. Some cooperating buyer agents may believe that the direct payment for the seller makes these listings different than other Multiple Listing Service listings with regard to compensation.

This is not the case. Any listing on the Multiple Listing Service from any source carries with it a blanket offer of cooperation and compensation made by the participant placing the listing to the other

participants on the Multiple Listing Service. In other words, the MLS participant placing the listing on the Multiple Listing Service pledges the participant's full faith and credit for payment of the cooperating broker's compensation to a cooperating broker who meets all of the qualifications to collect compensation through the MLS. Enforcement of that compensation is done through the same arbitration process as is used in any other MLS situation. There is, therefore, no reason to place additional compensation provisions in the purchase contract or for a buyer agent to attempt to obtain a listing from the seller when acting as the cooperating broker on a property listed in the Multiple Listing Service by another participant in that service.

ADVICE FOR REALTORS®

1. Do not be afraid to contact the listing broker to determine the scope of services that the listing broker is providing a seller or to ensure that the buyer agent may deal with the seller directly.
2. Remember that the buyer's agent's fiduciary obligations are to the buyer, and there is no obligation to be "fair" to a seller conducting his or her own negotiations. A buyer agent who is asked for recommendations, counsel or advice by a seller should tell the seller politely but firmly that the buyer agent is unable to provide that sort of assistance and that the seller should contact his or her attorney or listing agent.
3. Consider using the old "check the box" agency disclosure form especially in those cases where sellers appear to be becoming too cozy with the buyer's agent.
4. Remember that compensation on listings placed in the MLS continues to be the responsibility of the participant who placed the listing in the MLS even though that compensation is to be paid directly by the seller.

CONCLUSION

Dealing with a listing by a so-called limited service company should be viewed as an opportunity to make a sale and not as a source of trial and tribulations. Realtors® already have mechanisms in place to deal with scope of work and compensation issues. The Realtor® who keeps the seller at arm's length and remembers his or her fiduciary duty is already equipped to handle anything that the so-called limited service situation may produce.

This Legal Alert for Realtors® is intended for general information purposes and is not intended to provide legal advice on any specific facts. If you have specific questions concerning your own situation, please consult your attorney.

CONVEYANCE TAX CHANGE EFFECTIVE MARCH 15, 2003

On February 28, 2003 a new law "An Act concerning Modifications to Current and Future State Expenditures and Revenues" went into effect.

This act contains two conveyance tax increases effective March 15, 2003:

The first change increases the existing municipal conveyance tax of .11% (\$1.10 per \$1,000) to one quarter of one percent (.25% or \$2.50 per \$1,000) - an increase of 127%.

The second change enables 18 communities to levy an ADDITIONAL .25% (\$2.50 per \$1,000) in conveyance taxes. This option must be adopted by the communities legislative body (i.e. town council). These communities currently include: Bloomfield, Bridgeport, Bristol, East Hartford, Groton, HAMDEN, Hartford, MERIDEN, Middletown, New Britain, NEW HAVEN, New London, Norwalk, Norwich, SOUTHTON, Stamford, Waterbury and Windham. (NOTE: FOUR TOWNS IN OUR TERRITORY ARE IN CAPS).

You must call the Town Hall in these towns to find out if the additional tax has been levied and how much of an increase that town has opted.

The first municipal tax applies to closings held on or after the March 15, 2003 effective date. The second optional tax may become effective on adoption by the noted 18 communities on or after March 15, 2003. BOTH OF THESE NEW CONVEYANCE TAX PROVISIONS WILL EXPIRE ON SUNSET OF JULY 1, 2004 AS REQUIRED BY THE ACT.

COMMERCIAL INVESTMENT DIVISION (CID) NEWS

by

Kristin Geenty, CID President, The Geenty Group, Realtors

(203) 488-1005

kris@geentygroup.com

The membership of the Commercial Industrial Division of the Greater New Haven Association of REALTORS® suffered a loss this month with the passing of Carl Traub. Carl's joy for life and business transcended paychecks and negotiations. He was a booster of CID and its principles of openness and honest negotiation, as well as, a mentor to those new to the business and a supporter of National Commercial Associations such as SIOR, and CCIM that raise the profile and respect of those in our industry. Carl will be missed not just for his business acumen, but for his lust for life itself.

The October meeting was hosted by Richard Gold of OR & L Commercial and held at 555 Long Wharf, a "Class A" Office sublease opportunity with space on three floors and availability as small as 5,000 sf.

In addition to monthly good and welfare, it's time to think about your year. December 3, 2003 at 6:00 at the New Haven Country Club is the time and place for the Annual CID Awards Dinner. Submissions for "Deal of the Year" Awards are due no later than End of Business November 14th. All Active Members of CID have received a submission form by email. The trend for 2003 seems to be the slightly smaller square footage transaction, so don't assume you're not in the running because you didn't lease 67,000 sf of space this year. As everyone knows, our incoming President/Chair/King is Mr. Joel Galvin of the H. Pearce Company, please speak with him to schedule your 2004 meetings. I welcome him to the Chairmanship with open arms.

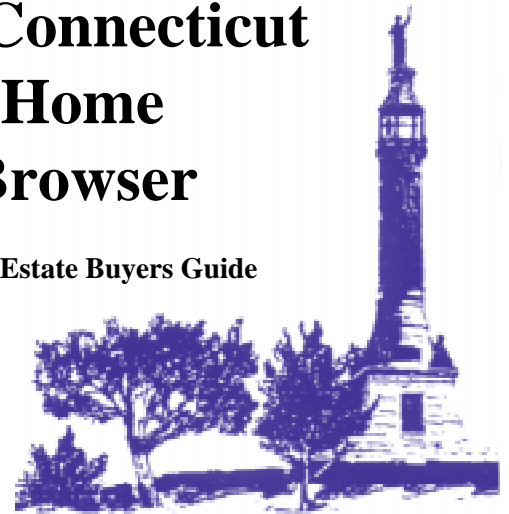
If you are interested in become an Active Member of the New Haven CID, please forward your name, e-mail address, company and a check for \$25.00 to:

*Kristin Geenty
The Geenty Group
765 East Main St.
Branford, CT. 06405*

Active Members receive monthly e-mail notices of the monthly CID meetings.

The Connecticut Home Browser

A Real Estate Buyers Guide



ALL MEMBERS ARE ENCOURAGED TO USE THE "BROWSER" MAGAZINE TO REACH POTENTIAL CLIENTS.....

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November 28, 2003

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HERE'S YOUR CHANCE TO PARTICIPATE IN BOARD ACTIVITIES... YEAR 2004 COMMITTEE SIGN UP

Please choose the Committees which interest you and send in the form at the bottom of this sheet by November 21, 2003..

STANDING COMMITTEES

MEMBER SERVICES	Recommends and carries out program for advertising and promotion of term "REALTOR®". Responsible for community relations. Provides programs, discussions, speakers and entertainment for open meetings and installation party. Physical planning for business meetings. Plans and promotes all Association education programs: Orientation, Seminars. Meets regularly at call of Chairman.
RISK REDUCTION/ EQUAL HOUSING OPPORTUNITY/	Helps implement Association's Equal Housing Opportunity programs. Also responsible for providing Risk Reduction programs representing REALTORS® on legal issues and provides a resource to REALTORS® on legal matters.
FINANCE	Regular review of investments. Review of Operating Budget for upcoming year. Meets quarterly.
GRIEVANCE	Reviews all allegations of violations of the Code of Ethics. Meets regularly at call of Chairman.
LEGISLATIVE/ POLICAL AFFAIRS/RPAC	Interprets actions of legislature to membership. Initiates prospective legislative action and promotes programs to present view of membership to appropriate authorities. Aids in acquisition of contributions to the Nat'l and State Political Action Comm. Meets at call of Chairman.
PROFESSIONAL STANDARDS	(Hearing Panels). From this committee, members are selected to conduct the hearings of all cases of alleged violations of the Code of Ethics, and all cases of arbitrations.

OTHER COMMITTEES

C.I.D.	Plans monthly CID programs and marketing sessions. Meets at call of Chairman.
M.L.S./ COMPUTER	Supervises MLS Rules & Regulations. Meets regularly at call of Chairman. Studies use of computer, and makes recommendations for changes and/or improvements.

Please reply by **November 21, 2003**. Return to: Greater New Haven Association of REALTORS®, Inc., 127 Washington Ave., West Bldg, LL, No. Haven, CT. 06473

I would like to participate on and/or sign up again for the following committee in 2004

1st choice

2nd Choice

3rd choice

NAME: _____ FIRM: _____ PHONE: _____