



AREA

ASSOCIATED REALTY OF THE AMERICAS

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March 2016 Newsletter

Mark Your Calendars



April 17-18-19
Santa Fe, New Mexico



The 2016 AREA Retreat Is Filling Up!

If you have not already made your reservation and would like to do so, please email Carl at carl@areamericas.com or call him at 520-625-9207.



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Welcome AREA's Newest Member



Leil Koch

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 President and CEO
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Leil is the proud **Owner and President of Equity One Real Estate, Inc.** and lives on the slopes of Haleakala. Born and raised in Minnesota, Leil majored in Clinical Psychology at Pacific University in Oregon where he received his degree in 1979.

He was a Disc Jockey (DJ) on Maui for two years when disco was the rage and is also the Executive Producer for

Lahaina Records. Since 1994 Leil has been the President and Publisher for "Real Estate Maui Style" Magazine.

In his spare time he studies Ki-Aikido. He was awarded the Shodan black belt in March 2002 and the Nidan 2nd Degree Black Belt in 2003. He also assists in training the Maui Police Department Recruits twice a year.

Leil has served as the 1996 President for the Maui Board of Realtors as well as held the office of President for the Hawaii Association of Realtors in 2000.

This year Leil was awarded the highest honor as **Realtor of the Year by the Hawaii Association of Realtors!**

Comments by Diana Bull



Diana Bull, Chair
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I am very encouraged to learn that the 2016 AREA Retreat is filling up quickly, especially a full six weeks before it is scheduled to begin. Carl is monitoring this on a daily basis. We believe that we can accommodate anyone who wishes to attend, but room availability (we are nearing sold at the La Posada) and common area space availability limits us.

If you wish to attend, I promise

we will do everything we can to accommodate you.

Good things keep on happening within our membership. Down Texas way as we learned that AREA member **Brooke Hunt** of **Keller Williams**, who is located in *Flower Mound*

just north of Fort Worth, was named Texas REALTOR® 2015 of the year. Also, we wish to congratulate **Priscilla Sookarow** of beautiful *Vernon, British Columbia* who has become the **new owner of the RE/MAX franchise** there and will now serve as its principal broker. I know our entire membership, if they could, would join me in raising a glass to honor these achievements. **Jay West** is the **CEO of a New Mexican radio station, XPATRADIO**, whose mission is to promote and serve Mexico to the world. Jay is a stalwart of the NAR and AREA. We truly wish him and his cohorts all the best.

2016 National Heritage Award Winners



Dunleith – Natchez Mansion
Historic B&B Residence



The Chauvet – Glen Ellyn
Converted Hotel



Stone House – Sahuarita, AZ
Residential Lots



The Nixon Mansion – Reno
Private Residence

The 2016 National Heritage Awards

Preserve and Protect



Todd Hardy

The **2016 National Heritage Awards** will be presented at the AREA Retreat during the Gala Dinner on Tuesday evening, April 19th. Making the presentation will be **Todd Hardy, Senior Economic Development Advisor, Office of Knowledge Enterprise Development Arizona State University, Tempe, Arizona.**

An attorney, he is well regarded nationally as championing through the courts the early stages of satellite television reception issues making it possible for Direct TV and Dish etc. to exist. Today Hardy leads the OKED Economic Development unit at SkySong, the ASU Scottsdale Innovation Center, where he is also responsible for the development of real estate assets that advance the missions of ASU, as the vice president of assets for the ASU Foundation. That additional role includes the direction of strategic planning for the development of SkySong, a 1.2-million-SF Class "A" office development built to promote economic development and corporate collaboration with ASU.

The Jeanne Radsick "Sherlock Holmes" Let's Make A Difference!



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In January, we began a new contest designed to match members with something in their background. If you play and send your list to carl@areamericas.com You will be placed in a pool for a special drawing at year's end that is so cool I am not going to give it away until our phone call the first week in March.

The Answers to Last Month's Contest Contest 2: February

Doug Azarian
Doreen Roberts
Kaki Lybbert
Sharon Bowler
Elizabeth Allardice
Audrey Novoa
Irv Ridd
Barry Beitler
Darryl Baskin
Mia Burmeister
Chris Wunderlich
Bunny Libby
Jeremy Starr

1. Knows a guy
2. Former Under Cover Cop
3. Member Women's Pro Rodeo Assoc.
4. Baking is her hobby
5. Had 3 birthday parties same day
6. Ballerina at the NY Met
7. Vancouver Skyline Architect
8. Hollywood Heart Throb
9. Gets a Five Star rating from Zillow
10. Historic Preservation is her hobby
11. 2015 REALTOR® of year Napa Valley
12. Member NYC Radio City Jr, Rockettes
13. Former President of the Oregon RE Assoc.

Unfortunately no one got all 13 correct so the prize, like the Power Ball, simply is rolled over until next month. Persons who entered the contest are in the year end drawing automatically.

Contest 3. March

MATCH THE NUMBER TO THE PERSON – EMAIL YOURS TO CARL

Terry Anderson
Deborah Baisden
Carlos Gutierrez
Michael DiMella
B. J. Harris
Sue Jordan
Joan Mantecon
Bert Meadows
Kenny Parcell
Marsha Price
Missy Stagers
Judy Zeigler

1. Former Museum Curator
2. Speaks four languages
3. Recently forgot where he parked the car
4. Captain of her own ship
5. California surfer girl
6. Rocket Scientist in her spare time
7. Cubs fan
8. Dined with President and Mrs. Reagan
9. Certified Dive Master
10. U.S. Navy sleuth
11. Spent time on Alcatraz
12. BYU Defensive Back

And if you don't believe we give out cool awards, check out below the photo **Ken Libby** sent of his new Lamborghini, which he won last year by making a correct guess that many others also got, only to arrive too late since we could only afford one. Tax payment was included in the prize.



Ken Libby's Lamborghini. Photo by Theresa Merelman



A Look on the Legal Side

with Dennis Badagliacco

Dennis Badagliacco

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Dennis Badagliacco, who is one of three members serving on the Legal Advisory Board of the NAR, as are other prominent members of AREA: **Diana Bull** and **Patti Lawton**, who is vice Chair, made the following presentation about current legal considerations facing the NAR:

1. Liability Regarding Dual Agency as Time Passes.

We all know there is a need to disclose all material facts in an escrow. The issue is how far back a real estate agent in the records in order to find potential disclosure items. For instance, in California all records are required by law to be kept for 3 years. Some attorneys recommend keeping the records for a much longer period of time. Other attorneys recommend destroying the records after three years (under the theory "what does not exist cannot be subpoenaed"). The issue becomes even more complicated when most States consider ALL business conducted under a brokerage license, regardless of where the office is located, to be the business of the principal broker. Consider how many offices might be under one broker for a large brokerage! A broker might have to search all its data bases on EVERY escrow to ascertain whether or not the property in question was EVER sold by any agent in any office controlled by the broker!

2. Employee vs. Independent Contractor.

NAR has won a few skirmishes. This battle is far from over. "Buy a helmet, because there may be fall-out." The issue may not even be decided by agents in a real estate office. There are currently cases in the courts for NFL Cheerleaders, Uber

Drivers, Lift Drivers, etc. Any rulings in these cases may spill over to the Real Estate industry. Currently most of the cases may be decided on a State by State basis. THE ISSUE IS FAR FROM SETTLED

3. "Can an innocent client be punished for the actions of an agent?"

Long story, short! Maybe. NAR is on this one. The case in question involves a real estate broker who received a negative judgment. When he filed bankruptcy the party with the judgment attempted to attach the broker's commissions. The broker then took extremely small commissions. The party then attempted to attach the broker's client's properties in escrow. NAR is fighting the attachment of client's properties.

4. "Did the Boston Tea Party actually work?"

Depends on your interpretation. Taxation without notification is back in the headlines. A tax was passed on a parcel, but the property was not the principal residence of the owner. The owner was not notified of the tax until after the 60 day period to dispute the commission had expired. But the brave attorneys of the NAR have marched to Lexington to fight the case. LATE BREAKING: we have just been notified the US Supreme Court refused to hear the case. The taxation without notice stands!