

Official Publication of the Newport Beach Association of REALTORS®



SEPTEMBER 2017

V22 N9

THE COASTAL REALTOR® *News*



NBAOR

Fashion Show

page 5



President's Message



Kemble Spyro
2017
President

Recently, the world lost an amazing artist. It was the great Jerry Lewis who was not only a stand-alone comedian, but also a member of the great comedic team, Lewis and Martin.

As more and more "Groups, Teams and Partners" continue to emerge in our industry, his passing got me thinking about what it takes in 2017 to create a successful group, versus a false title of "Bigness" that could potentially mislead the client.

Without a doubt, some existing Groups are the real-deal. Powerhouse teams like McKown, Weinstein & Associates or The Smith Group set a fantastic example of how working in tandem creates a stronger bottom line and quality experience for their clients.

But where does that leave the small agents of two or more, who want to compete with the big boys (or big girls in this case)? Or how can we protect both the client and agent, by making sure the standards of a Group are authentically in place?

My answer is, just like hotels have a criteria and star rating for industry stan-

The 7 C's of Group Success (Raising The Bar On Your Group)

dards, I believe we agents need to have a Group Star rating, which I call it the 7 C's of Group Success. It looks like this:

Group (n): A collection of individuals who have regular contact and frequent interaction, mutual influence, common feeling of camaraderie, and who work together to achieve a common set of goals."

The 7 C's of Group Success

Culture: To begin, every group needs a culture. In a sense, your culture is your team's personality of excellence, that separates you from the rest. In other words, it's knowing who you are, what you represent as a team, and how you are going to present and execute yourself on the market, as a group.

Center: Once your group is formed, it's important to remember that, as the old saying goes, "There's no 'I' in team." For a successful group to collectively stand, there must be one professional leader. But forming a synergy is as equally important. Therefore, your new back tattoo shall read: A group is not a team of individuals who are banned only by your name. A group is a collection of people who execute the end-goal of your group's mission.

Communications: There's nothing worse than hearing a team member say, "I don't know." Therefore, communication is a must within the group. Daily listing update emails, weekly training meetings, or monthly personal cocktails or lunches are all a part of teaching, updating, strategizing and team-building. Remember: People join a group to be part of a team. And all team members need to feel connected and visible.

Cultivate: Just like no two fingers are the same, neither are individual members in a group. Therefore, make sure that each of your team members has a specific place and purpose in the team. In addition to that, if you're anything like me, you hate to delegate. But as a leader, it's time to get over it. Learning the art of letting go is the only thing that will make your team stronger.

Creative Open Door: There are two things I know for certain. Our industry is always changing, and we old guys are getting older. That said, a progressive Group must be open to learning new things. Diversifying your group will keep the creative eyes open, and who knows! The next creative genius on how to improve your business might be right underneath your nose.

Commit to Teaching: As a group leader, there's one mantra you must remember. "People do not know what they do not know." Therefore when a team member makes a mistake (and believe me they will) your job is to become a mentor and a teacher. It's a known fact that people want to be led and taught. And long term success of your group will be determined by how your team grows underneath you.

Client Care: And finally, in a world where Zillow keeps infringing on our business, the best way to set yourself apart is by service and professionalism. In other words, "Client Care." At the end of the day, the success of our business comes down to the satisfaction of our clients.

So, if you are thinking about adding the designation of Group, Associates or Partners after your name, make sure you are ready to take on this responsibility, because though reaching that goal, (or the close of the deal) is a personal feel good, "Taking it as a team" is priceless.

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Official Publication of the Newport Beach Association of REALTORS®

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Newport Beach, CA 92663
(949) 722-2300

The purpose of the Newport Beach Association of REALTORS® is to be a service and support organization through active participation in establishing programs and services that will enhance and promote the successful business endeavors of its members. With integrity and competence, it will provide a positive link to the local community by cultivating goodwill and protecting the individual rights to own, transfer and use real property.

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Tricia Moore / Kimberly Foreman

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The Coastal REALTOR® News

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Federal law prohibits discrimination based on race, color, religion, sex, handicap, familial status or national origin in connection with the sale of rental of residential real estate, in advertising the sale or rental of housing, in the financing of housing, and in the provision of real estate brokerage services.



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Newport Beach Branch
4675 Mac Arthur Court, Ste 1400
Newport Beach, CA 92660



Annual Charity Fashion Show Luncheon

Wednesday, October 4, 2017



11:00am Registration/Silent Auction,
12:00 noon Luncheon

The Island Hotel
690 Newport Center Dr., Newport Beach



\$95 per person - Early Bird
\$115 per person after September 22nd

Proceeds Benefit:
Orange County Youth Sports Foundation
Federal Tax ID # 07-471251

Silent and Live Auctions
Fashion Boutique

Names of the Models to Follow Soon....

Please Register Me for the 2017 Charity Fashion Show Luncheon

Name(s): _____

Company: _____ Phone: _____

Reservations by payment - \$95/\$115 per person - Sorry No Refunds Tables of 10 Available - \$950/\$1150

Please charge my credit card the amount of \$ _____ for _____ tickets.

Visa/MC/AMEX #: _____ Exp. Date: _____

CVC #: _____ Signature: _____

Or Enclosed is my check in the amount of \$ _____ for _____ tickets. (Please make checks payable to NBAR.)

Mail or Fax to: NBAR, 401 Old Newport Blvd., Ste 100, Newport Beach, CA 92663
(949) 642-4105 Attn: Kimberly Foreman

COUNCIL OF RESIDENTIAL SPECIALISTS ANNOUNCES NEW ROUTE TO ACHIEVE CRS DESIGNATION



**Certified
Residential Specialist**

The Proven Path To Success

August 28, 2017—The Council of Residential Specialists (CRS) announced today new requirements for REALTORS® to achieve the prestigious Certified Residential Specialist designation.

The new program requires agents to have 60 transactions or \$30 million dollars in sales volume in the most recent or last three years; and 30 hours of CRS education (either classroom or online) to qualify for CRS designation.

This new pathway was approved by its board to help simplify the requirements for designation while maintaining the Council's high standards for achievement. The CRS Designation is the most respected and sought after professional credential in the residential real estate business.

"Standardizing the requirements for CRS designation helps ensure that the Council continues to attract the best and brightest agents who enhance their understanding of the real estate industry through satisfying continuing education and professional development," said Leigh Brown, CRS President.

In addition to the new 60-30-30 program, the Council will continue its current Pro Program which requires 10-plus years as a licensed real estate agent, a total of 150 transactions or an average of \$1 million per year with at least 20 transactions with at least 40 transactions and 16 hours of CRS course credits.

Beginning Jan. 1, 2018, REALTORS® and real estate agents seeking CRS Designation will need to satisfy requirements for one of the two available programs. All other designation

requirement options will be sunset by year end, 2017. Current CRS Candidates have until Dec. 31, 2018 to complete the requirements of their current designation path or they may opt to switch over to the new program.

The CRS Designation provides great value for REALTORS® who earn this distinction. CRS Designees receive advanced training above and beyond what is required of typical agents. Only 32,000 agents (3 % percent of all REALTORS nationwide) have achieved the credential.

"The CRS designation assures consumers that they are working with the most professional agent in the business who will help them get the best price and terms and guide them through a smoother transaction process," said Brown,

For more information about becoming a CRS member and earning the Certified Residential Specialist designation, visit crs.com or call 800-462-8841.

About the Council of Residential Specialists

The Council of Residential Specialists is the largest not-for-profit affiliate of the National Association of REALTORS® (NAR). CRS supports its 32,000 REALTOR® members with training and education, events, mentoring and networking opportunities. It awards the CRS Designation to experienced REALTORS® who have completed advanced professional training and demonstrated outstanding achievement in residential real estate.



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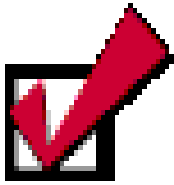
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NEIGHBORHOODS



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Year 2018 Election Results

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Mark Todd, Surterre Properties
Jennifer Wong, Villa Real Estate

RED ALERT: CALL FOR ACTION

We have been issued a Call for Action. We need ALL members to respond today! NAR strongly supports this effort and is asking that every California REALTOR take a minute to send this very important message to our U.S. Congress.

Thank you. Newport Beach Association of REALTORS

N.A.R. Call for Action -

Will Take Less Than 2 Minutes To Respond... Click the link below and enter name, email, and address, the rest is done for you!

Without Congressional action by September 30, 2017, authority for the National Flood Insurance Program (NFIP) will expire. If the NFIP lapses, more than 40,000 real estate transactions per month will be in jeopardy.

Urge your member of Congress to pass "The 21st Century Flood Reform Act" H.R. 2874 as soon as possible.

H.R. 2874 contains numerous provisions of critical importance to consumers and REALTORS:

- Reauthorizes NFIP for a full 5 years, avoiding the uncertainty of short term extensions and potential shutdowns
- Caps NFIP rates at \$10,000 per year for property owners
- Directs FEMA to develop more granular rate tables, to ensure fewer properties are over charged by NFIP
- Sets aside \$1 billion for flood mitigation assistance grants
- Increases access to private market flood insurance

Tell Congress to PASS Flood Insurance Reform Now!

Responding Will Take Less Than 2 Minutes....

TAKE ACTION NOW



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CALIFORNIA LAW REQUIRES WATER CONSERVING PLUMBING FIXTURES

WHAT YOU NEED TO KNOW!

Q What does the law require?

A In a nutshell, starting in 2017 the law requires installation of water conserving plumbing fixtures if you own a single-family home, and it is built before 1994 – *whether or not it is being sold*.

Q I'm selling my house. Are there any installation requirements under this law?

A No. There is nothing in this law that requires installation of water-conserving plumbing fixtures as a condition of sale. However, if you haven't already installed water conserving plumbing fixtures on your pre-1994 single-family house, then you are in violation of the law.

Q I am selling my house. Are there any special disclosures that I must make?

A The law requires you to disclose whether there are any non-compliant plumbing fixtures on the property to a buyer.

Q What is a non-compliant plumbing fixture?

A A non-complaint plumbing fixture is any of the following:

- Any toilet manufactured to use more than 1.6 gallons of water per flush,
- Any showerhead manufactured to have a flow capacity of more than 2.5 gallons of water per minute,
- Any interior faucet that emits more than 2.2 gallons of water per minute,
- Any urinal manufactured to use more than one gallon of water per flush.

Q What do I do if I'm unsure if my plumbing fixtures are non-compliant?

A If you are unsure, you should consult with someone who has expertise in the matter like a contractor, plumber or retrofit compliance company.

Q I would like to install water conserving plumbing fixtures. What can I do?

A You can call an expert such as a contractor or plumber. Your local home improvement store may also be a resource for experts and should have available compliant plumbing fixtures. You may also wish to contact your local water service provider to find out if they offer low-cost or no-cost compliant plumbing fixtures.

Q I own a property in a city where there is an existing retrofit law for water-conserving fixtures as a point of sale requirement (such as Los Angeles, San Diego or San Francisco). Are those retrofit laws still in force?

A If a local law was passed before July of 2009 requiring retrofit of plumbing fixtures, it remains in effect.

Q Anything else I should know related to this law?

A Yes. The state law also allows a locality to pass more restrictive requirements at any time and building codes need to be complied with in addition to the state law. This is another good reason to consult an expert.

Q Where can I find more information about this law?

A Your REALTOR® can provide you with notice and disclosure forms to assist you. Details on the law (California Civil Code §§ 1011.3, 1104.1 and 1101.4) are also available at www.leginfo.legislature.ca.gov.



CALIFORNIA
ASSOCIATION
OF REALTORS®

LEGAL UPDATE



All Sellers Must Sign Listing Agreement

To collect a commission for selling real estate, the statute of frauds requires the agreement to be in writing and signed by the party to be charged. This means that any seller who has not signed the listing would not be liable to pay a commission. But what if one seller represents that he or she has the authority to bind all other sellers? For one seller to be able to sign for another, he or she would need written authority under the “equal dignities rule” - my authority to you to sign for me must be in writing signed by me.

In **Jacobs v. Locatelli**, Court of Appeal, H042292, Sixth Appellate District, filed February 8, 2017, the court was asked to look at this issue. There were six owners, one of whom was the trustee of his revocable living trust. The listing agent dealt with the trustee of this trust who represented that he had the authority to sign for all the owners. All six owners were listed on the listing agreement but only the trustee signed. Importantly, he signed as trustee for his living trust and included the phrase “et al.” indicating that he was signing for others as well.

When the listing agreement ultimately was not honored, the listing agent sued. The lower court emphasized the very strict requirements and application of the statute of frauds in real estate commissions and granted the five non-signing owners’ demurrer. They had not signed the listing contract and the listing agent, although alleging that the trustee had a written agreement, did not have any writing giving signing

authority to the trustee. Additionally, the “parole evidence” rule prohibited the listing agent’s introducing terms that were not part of the listing agreement.

In its review, the appellate court again stressed the very strict interpretation of the statute of frauds but reversed the lower court decision, sending the case back to the trial court, and noting that the California Supreme Court has held that the statute of frauds should not be used as a shield against contracts otherwise fairly and admittedly made. Here the listing agent alleged she was told by the trustee that he had a written agreement authorizing him to sign for all other sellers. The unique feature of this case is that the appellate court held that neither the statute of frauds nor the parole evidence rule bar the listing agent from proceeding with her case. She should be able to use “discovery” and have the court hear her evidence of a written agreement in which the five other owners authorize the trustee to deal with the listing agent and sign the listing agreement for them.

While the listing agent survived the demurrer, and gets a chance to have her day in court, the bottom line of the case is really the bottom line of the listing agreement: to assure your commission rights - all owners must sign the listing agreement. If one owner claims authority to bind the other owners, that must be in writing signed by the other owners and you should get a copy.

Tenant Waiver of Rent Control Protections

Members often call the Legal Hotline with questions about rent control jurisdictions and what, if anything, an owner can do to negotiate a move out agreement with a tenant, usually to have a unit vacant when the property is sold. Under most rent control ordinances, only the owner can move a tenant out and only for the owner or certain family members to occupy the property. The owner must also pay the appropriate relocation fee (up to \$20,000 or more) and give the proper notices. Additionally, if the owner or family member ceases to occupy the unit, the former tenant generally has the right to reoccupy the unit. The owner CANNOT use this move-out procedure for the benefit of a future buyer – only the current owner can do this, and only for themselves or certain family members.

With these very strict limitations in place, agents often ask about tenants agreeing to waive their rent control rights in return for some compensation. The general advice is that it is likely that a tenant cannot waive rent control rights. Courts have held that many residential landlord tenant laws are not waivable by tenants because of public policy issues and the perceived unequal bargaining power between landlords and tenants.

Yet, in **Geraghty v. Shalizi**, A144743, Court of Appeal, First Appellate District, filed January 24, 2017, publication ordered February 10, 2017, the court held that a tenant could, in fact, waive certain tenant rights in a rent controlled unit. The new owner of the four-unit building in San Francisco wanted to move into one of the units. He could have used the owner move-in provisions under San Francisco's rent ordinance but instead he and the occupant, who had been in the unit for 22

years paying \$938 a month, agreed to the occupant receiving \$25,000 (claimed to be more generous than the rent ordinance requirement) and releasing the owner from all claims under the rent ordinance, including the right to reoccupy the unit if the owner should later move out.

The owner did move in and made extension renovations. Around six months after moving in the owner lost his job in San Francisco but found a new one in Santa Clara. About a year after moving in, the owner moved out, and rented the unit for \$3,700 a month but also said he would have stayed in the unit if not for the change in jobs. When the former tenant heard of this, he sued claiming fraud and that the buyout agreement should be rescinded. The appellate court spent considerable time looking at the San Francisco rent ordinance, its amendment over time, court rulings interpreting it, and the history of rent control buyouts in San Francisco. Its conclusion was that such agreements had been utilized and honored for decades and that this buyout agreement was enforceable and not subject to the rent ordinance.

Caution however: This case arose in 2013. In 2015 **San Francisco's rent ordinance** was amended to provide certain protections to tenants in buyout agreements, including, but not limited to, notice of (1) the right not to enter into a buyout agreement, (2) the right to consult with an attorney or the rent board, and (3) the right to rescind the buyout agreement for a specified amount of time. Additionally, buyout agreements must be filed with the rent board. Los Angeles has recently approved a very similar amendment to its **rent ordinance**. Whether a tenant can waive the protections in these amended ordinances remains to be seen.





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Legal Update & Risk Management Luncheon

DATE: SEPTEMBER 25, 2017

TIME: 12:00 PM–2:00 PM

Want to know more about the
new RPA changes?

Risk Management, New Laws
and Cases affecting real estate?

Hot Topics?

Guest Speaker:

Gov Hutchinson, C.A.R.

Assistant General Counsel

Newport Beach Civic Center

Community Room

100 Civic Center Dr., NB

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WELCOME NEW MEMBERS

RVCA & CITY OF NEWPORT BEACH

SURF CHAMPIONSHIPS

SEPTEMBER 23-24, 2017

The City of Newport Beach Surf Championships will take place at 54th or 56th Street, depending on where the waves are best.

- All recreational amateur divisions will be held on **September 23 & 24, 2017.**
- Recreational amateur division's entry deadline is **Thursday, September 21, 2017 at 4 p.m.**
- For information call **949-644-3151.**
- Entry fee includes an event shirt.
- Recreation divisions are for "amateur's only"
- Participants are limited to only one division unless space is available on the event day.

DIVISION	AGE GROUP	FEE
Elementary	11 years (and younger)	\$30
Middle School	12-14 years	\$30
High School	15-18 years	\$30
Open Men's	19 (and older)	\$30
Masters	30 (and older)	\$30
Legends	40 (and older)	\$30
Hall of Fame	50 (and older)	\$30
Open Girls	All Ages	\$30

2017 BREITLING
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HBAIRSHOW.COM

Takes flight
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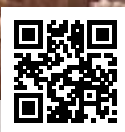
Davidson Field Grand Opening
September 8, 2017 @ 5 p.m.

Join us after the ceremony for the football game at 7 p.m.



Newport Harbor High School
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Newport Beach, CA 92663

Newport-Mesa Unified School District
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TIPS TO AVOID CYBER CRIME IN REAL ESTATE

SECURE YOUR DEPOSIT OR PROCEEDS FROM WIRE FRAUD

- Wire fraud is common, especially in high-worth transactions like real estate, so prevention is key
- Always confirm emailed wire instructions by phone using contact information that DID NOT come with the emailed wire instructions
- In general, it is a good idea to obtain the phone number of the escrow/title officer for your transaction at the beginning
- If there are any changes to the contacts provided, always independently confirm them before wiring any money

USE SECURE WIFI

- Use secure, encrypted WiFi connections
- Be skeptical of unsecured, public WiFi. Consider using a secure proxy server

LIMIT SOCIAL MEDIA

- Do not provide your location information on social networks or check-in sites
- Criminals commonly find potential victims using this shared information

USE EMAIL CAUTIOUSLY

- Enable *Two Factor Authentication* (most email services providers offer this service, which typically can be found in your *Profile Settings*)
- Check access details regularly to confirm that no compromise has occurred
 - With a Gmail account, for example, you can click on the *Details* link at the bottom of the page in your *Inbox*. This will show you any recent activity. If the *Location* information shows a foreign country, there may be reason for concern
- Your email services may offer alerts to notify you of any unusual activity and you should activate this service, if it is available
- Think carefully before you click on an embedded link and select only those from a confirmed legitimate source or destination you recognize
- When in doubt, contact the sender to confirm the email is legitimate or delete the email entirely
- Avoid sending personal information in emails or texts
- If you need to send personal information by email, use an encrypted email service
- This is a time to be overly cautious

KEEP YOUR COMPUTER SECURITY UP-TO-DATE

- Install pending security updates to your computer. Consider enabling automatic updates
- MacOS – Updates are installed using the Mac App Store or by choosing *Software Update* from the Apple menu
- Windows 10 – Updates can be found in Settings. Select *Update & Security* and then *Check for Updates*

INSTALL VIRUS PROTECTION

- Ensure that your virus protection subscription is active and that updates are installed

ENABLE YOUR SYSTEM FIREWALL

- MacOS
 - Open *System Preferences* and then select *Security & Privacy*
 - Select the *Firewall* option and turn it on
- Windows 10
 - On Start, scroll down to *Windows System > Control Panel > System and Security > Windows Firewall*
 - Select *Turn Windows Firewall “On” or “Off.”* You may be asked for an admin. password or to confirm your choice
 - Under the appropriate *Network Setting*, select *Turn on Windows Firewall*

USE UNIQUE AND STRONG PASSWORDS

- Consider using an encrypted password vault that stores and encrypts your passwords and other private information locally, and not in a pooled or group storage (which presents a rich target for potential attacks)

ACTIONS TO TAKE IF YOU SUSPECT FRAUDULENT ACTIVITY

- If you suspect fraudulent activity *immediately* take the following actions:
 - Notify the Federal Bureau of Investigation Internet Crime Complaint Center at <http://www.ic3.gov/>
 - Notify other parties involved in the transaction so they may take appropriate action and do not unknowingly facilitate any fraud
 - Change your usernames and passwords to reduce the risk of further fraudulent activity

ADDITIONAL RESOURCES FOR TIPS & ADVICE:

- <https://www.stopthinkconnect.org/>
- <https://www.onguardonline.gov/>



CALIFORNIA
ASSOCIATION
OF REALTORS®



- Mon, Sept 4th** – Association Office Closed
- Wed, Sept 6th** – 9:00 AM – Affiliate Committee Meeting
- Thu, Sept 7th** – 9:30 AM – Young Professional Network Core Meeting
- Wed, Sept 13th** – 8:30 AM – New Member Orientation
- Thu, Sept 14th** – 9:00 AM – Gov't/Political Affairs Meeting
- Thu, Sept 21st** – 9:00 AM – Board of Directors Meeting
- Mon, Sept 25th** – 12:00 PM – Legal Update & Risk Management Luncheon

SEPTEMBER 2017

MON	TUE	WED	THU	FRI	SAT	SUN
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

EVERY THURSDAY

11:00 am - 2:00 pm
Broker Open House,
areas 9, 11, 12, 25-27

EVERY FRIDAY

11:00 am - 2:00 pm
Broker Open House,
areas 1-8, 10, 14-17

