

Interview with our President Cindy Harvey

1. What prompted you to go into the real estate business? When?

I had an interest in real estate since I was a child. My parents bought and sold many houses and would bring me along throughout the entire transactions. When my husband was in the military and my children were young, I needed a career that allowed a flexible schedule. Real estate was the perfect fit and I have loved every second of it.

2. Why did you get involved with the Association and what prompted you to seek leadership positions in the REALTOR® organization?

My involvement started when I was asked to serve on a local committee. A year or so later I was asked to run for office on our local board. After being exposed to leadership on a local, state and national level, the knowledge I have gained and the friendships I have developed are priceless. I feel it is important for our current leaders to seek out and encourage members who are not involved to become involved. It is as simple as asking.

3. What is something most people don't know about you?

I have lived in 15 different cities and towns, from the East coast to the West and in between. Of all the places I have lived, my husband and I chose North Dakota as our home and the place to raise our children. The work ethic and people here are amazing.

4. What changes have you noticed since you started in the real estate business?

Technology! I have been licensed 10 years next year and technology like texting, social media and electronic signatures have opened a new world to real estate.



5. Where is your favorite vacation spot?

Any place with beautiful beaches and warm weather.

6. What do you think are some of the major issues facing North Dakota REALTORS® or the North Dakota Association of REALTORS® in 2016 and into the future?

I feel one of the major issues facing not only NDAR, but REALTORS® throughout the country is the decline in relevancy. We must continue to assess and respond to consumers' expectations, as well as staying ahead through technology and education. Another area of concern is loss of data control. In the past real estate data was only available on a local level. With the advancement of technology, within seconds of entering a listing into the MLS, it can be seen across the world. With syndication of our data into multiple sources, often the data is not accurate

which affects the confidence of the consumer.

7. What advice would you give members who are considering getting involved in NDAR activities?

As one of my colleagues from Fargo, Jeff Shipley, recently said, "It's not what you get...it is what you become." This statement really hit home for me because I have experienced it firsthand. Getting involved in your local, state and national associations is an investment in your career. What you gain from the experience is well worth your time and effort.

8. What can you remember about your first real estate deal?

I remember being so nervous that I was hoping that my client wouldn't like the house and wouldn't want to make an offer. He was a very young first time home buyer and since that time he has sold and purchased another home with me. I have become very attached to him and his growing family. He recently had his second child and he called me to let me know. He told me I was on the "family list" to visit his

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President's Message



Cindy Harvey,
2016 NDAR President

As a REALTOR® you have a multitude of benefits, data, valuable information and education opportunities just a click away on the National Association of REALTOR'S® (NAR) web site (www.realtor.org). NAR is committed to helping you be as successful as possible, so I encourage you to take advantage of this information. Some

of the benefits include discounts on the following:

Insurance – exclusive home, auto and renter's insurance available through Liberty Mutual Insurance. Health, dental and vision insurance as well as supplemental health plans and prescription discounts

Banking Services – personal and business banking services created exclusively for members through REALTOR'S® Federal Credit Union

Electronics and Mobile Technology – save up to 40% with Dell products, up to 30 % from Lenovo, up to 18% with Sprint and discounts with Xerox as well

Transaction Management – discounts and fee trial period with DocuSign and zipLogix

Office supplies and services – save up to 26% with FedEx and enjoy special reduced pricing on more than 25,000 items at OfficeMax

Travel and Automotive – Avis, Budget, Fiat Chrysler Automobiles and Hertz all offer large discounts for members

REALTORS® Property Resource® (RPR®) - RPR® covers every corner of your real estate business, from prospecting and working with buyers, to listings presentations and open houses. One of the most innovative benefits offered through your NAR membership at no additional cost

Upstream – Upstream, a broker initiative designed for large and small brokerages, creates a single point-of-entry for inputting, managing and distributing listings at the brokerage level

Member Value Plus (MVP) Program – NAR's Member Value Plus (MVP) Program is designed for members to take part in simple actions that earn them valuable rewards that non-MVP participants miss out on. New actions are released every two weeks! Sign up for the MVP eNewsletter at MVP.REALTOR.org

REALTOR® Safety Program – Establish professional safety

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NDAR 2016 Executive Committee



Left to Right (Back): Greg Larson (Past President), Jill Beck (CEO), Lorrie Nantt (Director-at-Large), Ben Schroeder (Vice President), Lyn Dwyer (President-Elect), Cindy Harvey (President)

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new baby in the hospital which meant the world to me. In our industry, we have the opportunity to meet and work with our clients who oftentimes become friends and, some special ones like my first client, family. I love my profession!

9. How important is it for members to participate in North Dakota RPAC? And to be involved politically on the local, state, and/or national levels?

It is vital to our industry to invest in RPAC and to be involved and stay informed about issues affecting our local, state and national associations. I would encourage you to attend the May Legislative meetings in Washington D.C. and visit with our congressional delegation. I also would urge you to participate in Legislative Impact Day and to regularly visit with our state representatives and senators. It really comes full circle when you can sit and visit one-on-one with them and discuss these issues. Because of RPAC, our national leaders listen, they care and they act on behalf of our local, state and national real estate industry.

10. Other tidbits of information about being President or anything else you would like to tell NDAR members?

I am humbled and honored to serve as your state president. Please feel free to contact me anytime at cindyharveyREALTOR@gmail.com with questions or concerns or if you want to get involved. I would love the opportunity to visit your office or board this year, so please consider inviting me. Thank you so much!

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protocols for your business that you use with every client, every time. Resources include webinars, safety tips for you and your clients, safety checklists, plus articles videos and more.

Free .REALTOR Web Address – Highlight who you are and what you do with a web address ending in .REALTOR! Your first one is FREE for the first year. Plus, free and discounted website options are also available.

These are just a few benefits of being a member of NAR. Once again, I encourage you to log-on and browse the hundreds of benefits offered by our national association.



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North Dakota REALTOR® Member Named to 2016 “30 Under 30” class

Bismarck, ND (April 28, 2016) –

The North Dakota Association of REALTORS® (NDAR) announced that Shari Anhorn, Broker Associate with Brokers 12, Inc in Minot, has been honored as one of the nation’s “30 Under 30” sales associates by the editors of REALTOR® Magazine, the official publication of the National Association of REALTORS® (NAR).

Each year the magazine chooses 30 young real estate professionals who are making a mark in the industry based on sales success, business management, leadership, or community service. Anhorn will be featured in the publication’s May/June 2016 issue, along with the other nationwide winners. The magazine’s ‘30 Under 30’ honorees are selected from a pool of 50 finalists by a panel of judges; the candidates’ peers are also encouraged to vote for their favorites through online voting.

Nearly 400 applications were submitted for consideration. Anhorn went through additional interviewing via phone and found out March 9th that she was one of 50 finalists. “I was in complete shock to make it the final 50, there has only been one other honoree from North Dakota in the 16 year history” Anhorn said. From the 50, there was an online voting for Viewer’s Choice from March 18 to 25 and a panel of judges made the ultimate decision on the 30 honorees. On March 28th Anhorn found out she made the final cut. “I read the email at my office between appointments, I was stunned. I’m not an overly emotional person, but tears instantly filled my eyes. I was completely honored to be selected. There were so many amazing applicants” said Shari.

Jill Beck, CEO of NDAR, said “The staff and leadership are



Shari Anhorn



incredibly proud of Shari and all that she has accomplished at such a young age. If she is the future of our association and industry, then the future is going to be quite bright.” Cindy Harvey, 2016 NDAR President added “Minot’s Board of Realtors® and our state association are extremely proud of Shari’s accomplishment. To be selected as one of 30 out of 1.2 million REALTOR® members is an amazing achievement.”

Anhorn attributes her success to her business partner and mentor, DelRae Zimmerman. “She’s been there from the beginning of my career and has always encouraged me and my decisions. I’ve also had several other mentors that have flourished in the industry that I call part of my real estate family. Whether they are within my Brokerage, local and beyond; I’ve met, worked with and have learned from some of the best.” Anhorn is passionate about education, training and helping others. “I love, LOVE training the new agents and helping the seasoned agents. I’m a goal digger—I believe in setting goals, achieving them and helping others pursue their goals”. Anhorn and Zimmerman operate as a team and had 179 sales and \$32.3 million in volume in 2015.

Anhorn is involved in her professional organizations as well as serving the community as follows: Current Brokers 12 Executive Committee Secretary (2 yrs), 2016 Minot Board of Realtors®, VP, Secretary, ND Association of Realtors®– Membership & Professional Development Committee Member, CRS (Certified Residential Specialist) & GRI (Graduate Realtor Institute) Designee, Member of the local YP Group, Minot Builders Association and Minot Chamber of Commerce and finds time to volunteer for the Salvation Army, United Way – Backpack Buddies, Meals on Wheels and Boy Scout Troop 411.

NDAR is a professional association representing more than 1,650 REALTOR® and 250 Affiliate members statewide. The association advances and promotes the real estate profession through professional development programs, government affairs, and political advocacy and maintains a high standard of conduct by real estate professionals through professional standards training and administration.



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Chips From The Board

Grand Forks Area Association of REALTORS®

The market in Grand Forks is very active. The only drawback is that inventory is still low, but is improving. With the upcoming summer months things are shaping up pretty good. We have had 316 units sold as compared to 313 in 2015. Year-to-date sales volume is up by 5% compared to the same time frame in 2016. Average sold price is up from \$199,000 in 2014 to 203,000 in 2015.

Locally, the Grand Forks Area Association of REALTORS® committees are busy making plans for spring and summer events and public relation projects. Our annual golf tournament will be held on June 16 at Valley Country Club in East Grand Forks. The Stars of 2016 honors banquet will be on July 21 at the Red Roof Inn.

In April at our General Membership meeting we honored our wonderful Affiliate members. Our Affiliates are helpful, loyal and very generous to any request we make of them.

The Government Affairs Committee has scheduled a "Local Candidate Forum" for our local candidates for election. The feedback from the local candidates has been very positive.

We participated in the "Feed My Starving Children" in April. The Public Relations Committee did a great job with this and has plans to expand this in 2017.

The Grand Forks Area Association of REALTORS® is planning for the start of our "Yard of the Week" program. "Yard of the Week" starts in June and runs through August. Homes are nominated by the public and selected by our Public Relations Committee and this program has become very popular in the city.

In August we are planning a barbeque for all the residents of the Northland Rescue Mission, here in Grand Forks. Members of our Public Relations Committee will be cooking burgers and beans for the residents of the Mission. We do this every year and it is so successful that it has become an annual event.

The Annual RPAC Raffle has started. Members have the opportunity to win an iPad and other wonderful prizes. This is our main fundraiser for RPAC for the year.

John Colter,
Association Executive

Minot BOARD OF REALTORS®

Our board is enjoying a 'normal' year. We are on par with pre-flood sale numbers while still holding above average sale prices. Our inventory is up and with the summer months approaching we are in a healthy spot. Our average single family sale price is \$229,456 and 190 units have sold year to date.

Shari Anhorn of Brokers 12, was selected as one of REALTOR® magazine's Class of 2016 30 Under 30. This is very exciting recognition for Shari and marks only the second time that a North Dakotan received this honor. The magazine looks for candidates that demonstrate business success, professional leadership and community involvement among other features. Shari's story is featured in the current issue of REALTOR® magazine, which has been distributed internationally to two million subscribers. Congratulations, Shari!

Larry Louser of NextHome Legendary Properties has been nominated for the 2016 National Association of REALTORS® Distinguished Service Award. There are only 88 recipients in the history of this award and two new honorees will be recognized this year. He was nominated by NDAR State President Cindy Harvey and NDAR Association Executive Jill Beck for his 40 years of continued service at the local, state and national levels within the REALTOR® associations as well as civic duties and business accomplishments. Thank you, Larry, for all that you have done and continue to do.

The MLS Task Force submitted the first set of suggested revisions for part one of the Minot MLS Rules and Regulations which were in turn approved by the Minot Multiple Listing Service Board of Directors and Shareholders. The MLS Task Force will now turn its attention to the IDX portion of the Rules and Regulations with suggested revisions coming soon.

The Public Relations Committee organized board participation in Minot's Citywide Clean Up on May 13. Our board committed over 120 man hours to this event and the impact to both north and south Minot is very much appreciated. Thanks to all that helped on that windy Friday!

The Social Committee is busy preparing for the annual Golf Social and Picnic to be held on June 15 at Wildwood Country Club. We will be featuring a golf scramble, picnic, games for non-golfers, and the RPAC brown bag event. Prizes will be awarded for the winning team, last place team as well as the longest putt and longest drive. This is a great time for all of our members and affiliates and we all look forward to dusting off the clubs!

Beth Mayer,
Association Executive

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Badlands BOARD OF REALTORS®

The Badlands Board of REALTORS® recently held our annual event to raise funds for Dickinson's Domestic Violence and Rape Crisis Center's new building. We had around 100 people attend the 70s' themed party with a silent auction, live auction and a dance. We had a few Sonny and Cher couples along with lots of hippies and disco dancers join in the fun! It was another successful evening, raising around \$9,000.00 (so far – money is still coming in) for this worthy cause.

We were excited to have our NDAR President Cindy Harvey, along with Scott Breidenbach, Jill Beck, Nancy Willis and Tate Cymbaluk join us at our May meeting.

We also are holding our annual REALTOR® vs. Affiliate Blood Drive on Monday, May 23 and look forward to exceeding last year's giving.

Shirley adds that it is definitely a buyer's market here in Dickinson and in the surrounding area, but new construction is still going on which gives us a positive image and shows that REALTORS® are ready for ACTION!

Barb Lupo,
Association Executive



Bismarck-Mandan BOARD OF REALTORS®

Last fall the new officers and directors were sworn in at the Inaugural Celebration and Awards Ceremony. Officers are Amy Hullet, President; Tricia Schlosser, President-elect; Mary Shelkey-Miller, Vice President and Kristin Oban, Past President. New directors are Karin Haskell and Terri Benson-Holmstrom. Receiving the REALTOR® of the Year Award was Tricia Schlosser, and the Affiliate of the Year Barb Bakken.

President Amy Hullet was a panel presenter at The Chamber's annual economic outlook forum.

CE has been a hot item this year. We hosted Trista Curzydlo who was the instructor for a social media risk management course and also a Code of Ethics course. Coming up is the Pricing Strategy Advisor Certification course, the CRS 202: Effective Buyer Sales Strategies course, and a tax seminar for real estate agents. North Dakota Housing Finance is looking at offering the First Home Certified course later this year.



The Nominating Committee is working on recruiting candidates for open Directors seats and for the office of Vice President for the August election. Interested members will again be invited to a lunch where attendees will hear from the current board leadership, state president, Cindy Harvey; and past NDAR president Scott Breidenbach. The annual lunch has proven to

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be an effective method of securing candidates for the annual election.

Members stepped up to the plate yet again for the United Way Backpack Food Collection. Affiliate members are credited with bringing 10,554 items, and REALTORS® pulled ahead with 17,054. The project will help feed over 800 children in our area when they leave school for the weekend. A large team of volunteers packed the bags and delivered them to area schools on May 5.

Our board has seen 31 new members so far this year, putting the total primary member count at 390.

An advertising campaign to encourage buyers to “get off the fence” was launched. It includes cable TV, radio, social media, and digital elements.

We are signed up to do a “Phone-a-Friend” campaign for RPAC in early June. This effort will enhance the auctions held at the March lunch and the investments made via dues renewal.

A strong turnout at a broker meeting brought people together to talk about education, awards, the election, MLS items, community involvement projects, NAR updates, and more.

The market is increasingly busy. Year to date stats through April show that the number of units sold is up 7% from last year and the average sale price is holding steady at \$239,000.

Nancy Deichert,
Association Executive

Fargo-Moorhead Area ASSOCIATION OF REALTORS®

FMAAR members continue to be busy this Spring! We have approximately the same number of active listings as this time last year at just over 2,400. New Listings are down 2%, Number Under Contract are down 11%, Number Sold are down 8% and Average Sale Price is up 6% at \$211,974.



Our membership continues to grow. Already this year, we've had 41 new licensees. Welcome, new members!

We had record attendance at our April 12 FMAAR *Connections* Luncheon with almost 200 in attendance. Our speaker was Lt. William Ahlfeldt, the Red River Valley SWAT Team Commander. President-Elect, Jodi Tollefson had the opportunity to try on Lt. Ahlfeldt's protective gear which weighs over 60 pounds! Thank you to all the FMAAR members and Affiliates that



support and attend these fun and informative luncheons.

Committees have been busy planning our summer events. We have the FMAAR Olympics coming up on July 21, our Annual Golf Outing on August 1 and our Awards Banquet on August 16. We can't forget the Convention of the Dakotas on September 13 – 15. If you haven't registered yet, please take some time to check out our website (fmrealtor.com) to see all the exciting events and continuing education classes that will be offered. You will not want to miss it!

FMAAR has recently issued a local Call to Action encouraging our members to contact Fargo City Commissioners asking them to support the FM Diversion. FMAAR believes that without the FM Diversion a housing crisis will be created in Fargo-Moorhead. We feel that once high flood insurance premiums are required, the demand for new and existing homes in our area will shift to other cities in the metro area or out of the community completely. FMAAR is concerned with people being able to stay in their current homes, protecting the financial investments made by homeowners and the continued vitality of our cities. If you would like more information, please contact our office.

Upcoming education includes the “Real Estate Round Table” on May 25 which has been approved for 3.0 hours in ND. Topics include a 2016 Lender Update, 25 FHA Red Flags, and Document Management in the Cloud, Using Google Drive. We also will have “Tax Strategies for the Self Employed” on May 26 (no CE). If you would like more information on either of these classes, please visit our website www.fmrealtor.com.

Marti Kaiser,
Association Executive

Did You Know?



Jill Beck
NDAR CEO

We just returned from the NAR Legislative Meetings & Trade Expo in beautiful Washington, DC. There were about 30 NDAR members and staff in attendance and lots of ground was covered. The meetings were great as well as the education information sessions. We had Hill visits with each of

our three congressional offices and were able to meet personally with Senators Heitkamp and Hoeven and Congressman Cramer. Many states are envious of our relationship with our delegation and that we personally get to meet with them and not just with their staff. As you can see from the pictures, many of our members wore the REALTOR® blue t-shirts and our FPCs (Federal Political Coordinators) had one for each of the congressional delegation, which they proudly put on and wore.

President Cindy Harvey and I were able to meet with our counterparts from the Manitoba Association of REALTORS® from Winnipeg. They had reached out to us prior to leaving for DC about meeting with their neighbors to the south to have an exchange of ideas. We met for lunch at Founding Fathers (ND Farmers Union owned, which I thought they had picked due to the connection, but was quite by accident. If you are in DC and have time, please stop by and enjoy a wonderful meal. It is just a few blocks from the White House. They had lots of questions about our membership, RPAC and legislative issues. They also joined us on two of the Hill visits and were pleasantly surprised at how well the delegation knew us and how at ease the conversations were. We hope to continue the connection with our Canadian friends to the north.

We enjoyed a North Dakota Night Out at Pi Pizza which has become a tradition. NAR staff Karl Eckhart and Dan Blair and wife Irene were able to join us and always look forward to it each year as we do hosting them. It is a casual get together with pizza, beer and conversation that all seem to enjoy versus a stuffy sit down dinner at one of DC's finer establishments. The Pi Pizza staff enjoys hosting us as well and are always accommodating.

NDAR members were recognized at the RPAC awards ceremony as well. Thank you to all the members who invested in RPAC and Issues in 2015!

Bob Woodward gave a presentation on his perspective on past elections, past presidencies, as well as the upcoming election. Senator Elizabeth Warren (MA) spoke on the student loan debt and the government's role. In response to growing concerns over the impact of student debt on the ability to buy a home, the NAR board adopted a policy that seeks to allow student

borrowers to refinance their loans and streamline income-based repayment programs. Additionally, NAR supports proposals that promote student loan simplification, clarity, and education. And NAR will take steps to ensure that mortgage underwriting guidelines related to student loan debt are standardized and do not impair home ownership.

REALTORS® at the meetings learned about NAR's partnership with the ABC sitcom "Modern Family," which includes integration into an episode (original air date: May 4) and ads featuring actor Ty Burrell, who portrays REALTOR® Phil Dunphy on the popular show. Burrell, who has won two Emmy awards for his portrayal of Dunphy, will make an appearance at NAR's annual meeting in Orlando, Nov. 4-7. As several of us were getting into an elevator (wearing our REALTOR® blue logo t-shirts) on Capitol Hill three staffers approached us and one of them said "I look at you guys and think of Modern Family". Success!

Another success was John Smaby, a neighboring REALTOR® member in Minnesota, was elected as NAR's 2017 first vice president, narrowly beating the other candidate. It will be the second time a NAR president is from our five state region comprising Region 8 and the previous was his dad. Congrats to John on a hard well run campaign.

One of the sessions I was unable to attend but was able to get notes on were the cyber schemes now finding their way into our industry. They have reared their ugly head's in ND and one company ended with thousands of dollars gone but luckily in the other case I heard of the clients made the call to the agent before wiring any money.

What is happening is criminals are hacking into email accounts, patiently monitoring the victims emails and, often just before closing, sending an email instructing the client to wire funds to the hacker's account. The email appears in all ways to be legitimate. The schemes can result in losses to buyers, sellers, lenders and title companies. Including the following:

- *Email from agent to buyer, instructing buyer to wire funds to the hacker's account;
- *Email from title company to the buyer's lender, providing wiring instructions to the hacker's account;
- *Email from seller to Title Company, instructing title

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REALTOR®

Seeking Entries for Good Neighbor Award

The North Dakota Association of Realtors® will present the fourth Good Neighbor Award at the Realtor® Convention of the Dakotas in Fargo in September. This is only awarded those years the convention is held in North Dakota. A cash contribution of \$500 will be made to the charity of the winner's choice. The award recipients are as follows: 2010 - Jeff Botnen, Park Company REALTORS®, Fargo; 2012 - Randy Clark, Park Company REALTORS®, Fargo and 2014 - Jenny Schuster, Park Company REALTORS®, Fargo.

PURPOSE: To encourage individual activity that will identify and recognize REALTORS® as compassionate, involved, sympathetic community members.

The NDAR Good Neighbor Award was designed to recognize North Dakota's Realtors® for their efforts in community and charitable service in helping to make their communities a better place for all citizens.

Please complete and submit the entry form (which can be found on our website – www.ndrealtors.com) no later than August 22, 2016. E-Mail completed form to NDAR at Info@ndrealtors.com or mail to NDAR, 318 W. Apollo Ave., Bismarck ND 58503.

CRITERIA FOR NOMINEES:

- Must be a REALTOR® member in good standing
- Must be a primary member of the North Dakota Association of REALTORS®
- Service must be a non-business endeavor
- Award recipient may win only once in a lifetime



- Nominee shall be recognized primarily for service contributions
- Award recipient shall not be a full-time employee of the charity or be compensated for any work or service
- Some portion of the nominee's community work must have taken place during the previous year
- Realtor® may nominate themselves or may be nominated by another NDAR member, state or local association or the community organization they serve

The award will be presented at the NDAR General Membership meeting held during the In-state Convention.

***Did You Know* continued from page 8**

company to wire the seller's proceeds to the hacker's account.

There are steps to reduce the risk and the first of those is to develop and implement best business practices and policies for ensuring data security and making sure all your agents are aware of it and abide by it. If emailing sensitive data please use email encryption and digital signatures. Second, develop and follow some email protocol including:

- *avoid sending sensitive information via email whenever possible;
- *inform your clients that you will not be asking for funds to be wired by just an email and if they get something to follow up with you before taking action
- *never trust contact info included in unverified emails (always check before sending confidential info)

*clean out email account regularly (store important emails on your hard drive)

*Do not use free Wi-fi to conduct business and make sure your devices (esp. smartphones) aren't configured to automatically connect to Wi-Fi networks

*use strong passwords and change often

For more information and some policy statements please visit the National Association of REALTORS® website – www.realtors.org and search under the Law and Ethics tab. They have created a comprehensive Data Security and Privacy Toolkit for guidance.

As you can see it was a busy but productive week. Hope you will consider attending in 2017 or attend the National Convention in Orlando in November. Registration just opened and there are some reasonable hotel rates at hotels reserved for the conference. See ad elsewhere in this newsletter.

A Legal Review



Casey Chapman, Attorney at Law, NDAR Legal Council

Love Thy Neighbor

A New Jersey home buyer, whose new neighbor turned out to be less than friendly, lost her attempt to sue the seller-developer.

The seller-developer was constructing and marketing a new residential subdivision. The buyer was viewing a home with the seller-developer's agent, when the neighbor walked up to complain about the seller-developer's practices. The buyer asked the agent, whether the neighbor was going to be a problem for her. The agent downplayed any problems and suggested that the neighbor was upset with the seller-developer because the neighbor wanted repairs which were not covered by warranty.

Right before closing, the seller-developer wrote a letter to the neighbor, telling the neighbor to stop interfering with the seller-developer's business. Apparently, the neighbor blamed the buyer for the letter, because the neighbor started harassing the buyer. The harassment continued to the point that the buyer filed criminal harassment charges and made contact with a security company.

The buyer decided that the seller-developer's agent had misrepresented the situation with the neighbor and sued the seller-developer for fraud and emotional distress.

The courts rejected the buyer's claim. The judges acknowledged that, if the seller-developer had actual knowledge of an off-site physical condition which would affect the buyer's enjoyment of the property, the seller-developer would have an obligation to disclose those facts. However, the courts concluded that the seller-developer had no obligation to warn the buyer about an off-site social condition, i.e., the neighbor.

The judges reasoned that the agent's comments regarding the neighbor were merely the opinion of the agent and could not be construed as a statement of fact. Further, the court concluded that the duty of disclosure related to conditions which were known to the seller-developer; in this instance, the seller-developer's agent had no actual knowledge that the neighbor was going to be hostile to the buyer.

This case is interesting because, from time to time, I will be asked about the need to disclose the "bad neighbor." My typical response, even before seeing this case, suggested that nobody knows how different people will interact with one another and that, although existing neighbors may have a bad relationship, nobody can predict how the buyer will interact with the neighbor. In fact, it is certainly possible that the seller is actually the problem. Thus, I have not believed that a bad relationship with a neighbor requires disclosure.

On the other hand, this case does not stand for the proposition that off-site conditions never need to be disclosed. If you have knowledge of an actual condition in the neighborhood, which the buyer will probably not discover, that fact should be disclosed. For example, in a footnote, the court pointed to a prior case where the seller was held liable for failing to disclose actual knowledge that a neighbor was planning to build a tennis court and place a 10-foot fence within a foot of the property line. There is a good comparison... the fence is a physical condition that carries known risk to the buyer's enjoyment... the neighbor's demeanor is a social condition of unknown risk to the buyer's enjoyment.

So, if there is no legal remedy for the potentially bad neighbor, what do you do? How about a plate of chocolate chip cookies...



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ND Interim Committees' Legislative Update

Nancy R. Willis, GAD

We continue to follow the activity of interim committees conducting studies of interest to the real estate industry prior to the 2017 Legislative Session. As everyone is aware, with the price of a barrel of oil low, the Governor has asked for budget cuts to the proposed budget for the next biennium, so interim committees are carefully considering which bills they would want to move forward, depending on price tag.

The Agriculture and Natural Resources Committee is studying Century Code provisions related to agriculture to update this section of the code. This committee has met in December 2015 and February and May 2016. Committee Counsel John Walstad has said 80 chapters of the Code remain to be addressed and changes should not be substantive but only clarify existing law. The only item of interest for members for now is an amendment requiring that anyone growing hemp or handling industrial hemp "kernels" must be licensed.

The Energy Development & Transmission Committee is studying the oil and gas tax revenue allocation formulas to political subdivisions. This committee has met in July, September, October and November 2015 and February and May 2016. The committee has received information from Williston, Williams County, Watford City, McKenzie County, Divide County, Mountrail County, Crosby, Tioga, Ray, Parshall, Stanley and New Town and heard from various agencies and interested parties on the needs existing for political subdivisions and projections for continued oil and gas exploration. This committee also heard testimony about the negative effects of the EPA's "Waters of the U.S." rule. Once the committee has all of the information they need, they will address the allocation formulas.

The Economic Impact Committee is studying the One-Call excavation notice system and the provision of natural gas to underserved communities. This committee has met in September and November 2015 and March and April 2016 and will meet again on May 24, 2016. At its November meeting, the committee heard testimony about the number of locates if current law were followed. Currently, the standard for calling is 18 inches and changing to 24 inches has been proposed. An agronomist and soil sampler testified that in order to test soil correctly a 24-in plug must be used to ensure accuracy. Another witness testified that the system should use GPS. The Utility Shareholders of North Dakota (USND) conducted a study and provided the committee with 12 issues with change recommendations and nine issues to remain the same. The committee also discussed ownership of data collected by Unmanned Aerial Vehicles (UAVs) and Grand Forks' law enforcement testified about actions they take to enforce privacy when drones are being used. The committee heard testimony about natural gas service to unserved communities and that the number of potential users in rural communities is not adequate to support the cost of pipeline expansion to obtain service. Representatives from the propane industry expressed concerns that subsidizing natural gas provision creates unfair

competition to the propane industry. The committee will ask for a bill that reflects the 21 issues from the USND survey on One-Call to be drafted.

The Political Subdivision Taxation Committee is studying a proposed a transition for transferring the costs of social services programs from property county tax levies to state general fund appropriations. They also are analyzing economic development incentives and proposing benchmarks to determine their value and success. The committee has met in July, September and December 2015 and January, March and April 2016 with the next meeting scheduled for June 22, 2016. A task force composed of Association of Counties', Department of Human Services' and Tax Department staff has completed a Social Services Financing Study containing all of the expenses, by county, for social services programs and activities. Disparities among counties are the result of services and programs beyond state mandated ones that counties have chosen to provide. Members of the interim committee, in reviewing the study, are debating whether or not general fund appropriations should finance all expenses or only those mandated by state law. Considering the current reduction in revenue from oil production and extraction, the committee has discussed delaying moving social services expenses over to the general fund or establishing a graduated schedule where the

ND Interim see page 15



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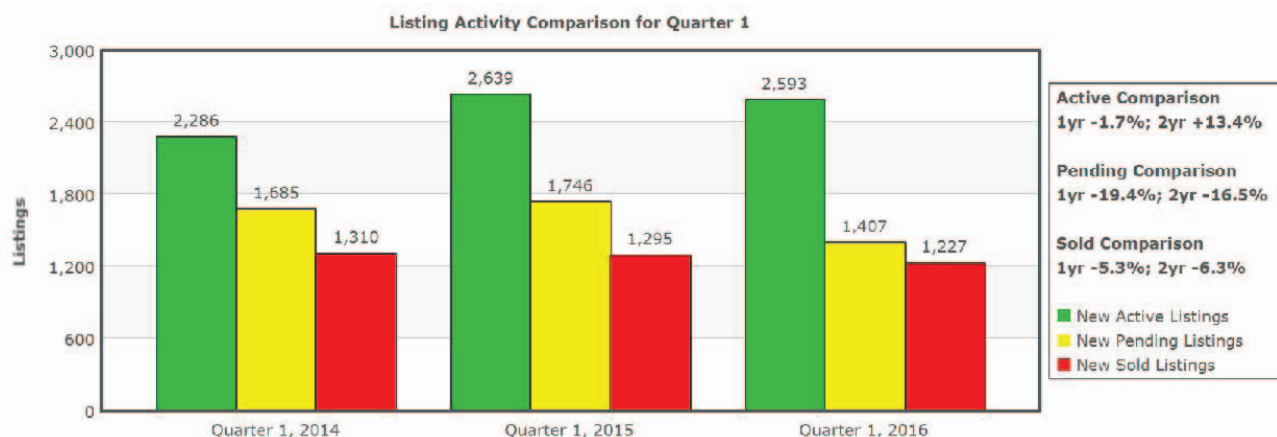
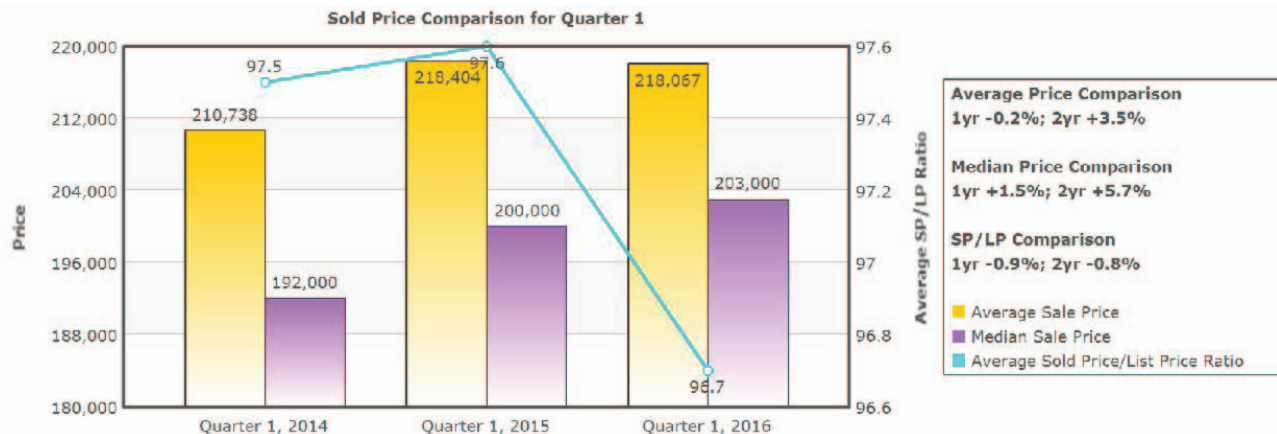
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Chips continued from page 6

Jamestown BOARD OF REALTORS®

Earlier this year, the Jamestown Board of REALTORS® participated in a bake sale with proceeds going to Stutsman County Relay for Life. We also hosted a successful city-wide open House on May 1.



Pictured are JBOR Vice President Diann Loper & REALTOR® Sally Domke.

JBOR has had many special speakers at our monthly meetings such as a speaker from the Stutsman County Narcotics Taskforce; Darrell Wollan-City Assessor and Beth Fylling from Community Action, Region VI.

Our board also is participating in a food drive next month and we are planning our Summer Get Together for RPAC in June.

As you can see we have been a busy board lately and we are looking forward to a wonderful summer.

Traci Redlin
Association Executive



Williston BOARD OF REALTORS®

Last December, the 2016 Officer Installation was held for Jill Kjorstad, President; Mitzi Bestall, Vice President; Kassie Gorder, Past President; Heather Kitzman, Secretary Treasurer and Sarah Schroeder, Director. In addition, Roger Cymbaluk was recognized as a REALTOR® Emeritus member for holding membership for 40 years and for having made significant contributions to his professional community. Norm Streifel also was awarded the Omega Tau Rho Medallion of Service for previously receiving the REALTOR® Emeritus status.

At the Board's Holiday party, members generously raised \$4,450.00 which was split between two local charitable organizations, Christmas for Kids and Christmas for Veterans/ All Veteran's Reunion.

The Membership Committee conducted an Affiliate membership drive and as a result our Affiliate membership is growing! An Affiliate Appreciation lunch is scheduled for June 15.

April was a busy month! The ND Regional Office of USDA Rural Development, along with several lending sources, sponsored a Housing Stakeholder Workshop which was well attended. They also held a Homebuyer Fair at which information on various USDA programs was provided. The Board hosted a booth at the 6th Annual Home and Garden Show. Thanks to the volunteers who took time out to staff the booth. Nancy R. Willis, NDAR GAD, provided RPAC training to leadership. REALTOR® members were honored with an Appreciation Lunch at the General Membership meeting.

We are looking forward to the Board's annual Golf Tournament. It's always a good time and a great fundraiser!

Finally, we thank ND Guaranty & Title and American State Bank which were recent sponsors of our General Membership Meetings.

Jane Marum,
Association Executive



North Dakota Association of REALTORS®

Calendar of Events

Updated 5/17/16

2016

January	February	March	April
S M T W Th F S	S M T W Th F S	S M T W Th F S	S M T W Th F S
1 2	1 2 3 4 5 6	1 2 3 4 5	1 2
3 4 5 6 7 8 9	7 8 9 10 11 12 13	6 7 8 9 10 11 12	3 4 5 6 7 8 9
10 11 12 13 14 15 16	14 15 16 17 18 19 20	13 14 15 16 17 18 19	10 11 12 13 14 15 16
17 18 19 20 21 22 23	21 22 23 24 25 26 27	20 21 22 23 24 25 26	17 18 19 20 21 22 23
24 25 26 27 28 29 30	28 29	27 28 29 30 31	24 25 26 27 28 29 30
31			
May	June	July	August
S M T W Th F S	S M T W Th F S	S M T W Th F S	S M T W Th F S
1 2 3 4 5 6 7	1 2 3 4	1 2	1 2 3 4 5 6
8 9 10 11 12 13 14	5 6 7 8 9 10 11	3 4 5 6 7 8 9	7 8 9 10 11 12 13
15 16 17 18 19 20 21	12 13 14 15 16 17 18	10 11 12 13 14 15 16	14 15 16 17 18 19 20
22 23 24 25 26 27 28	19 20 21 22 23 24 25	17 18 19 20 21 22 23	21 22 23 24 25 26 27
29 30 31	26 27 28 29 30	24 25 26 27 28 29 30	28 29 30 31
		31	
September	October	November	December
S M T W Th F S	S M T W Th F S	S M T W Th F S	S M T W Th F S
1 2 3	1	1 2 3 4 5	1 2 3
4 5 6 7 8 9 10	2 3 4 5 6 7 8	6 7 8 9 10 11 12	4 5 6 7 8 9 10
11 12 13 14 15 16 17	9 10 11 12 13 14 15	13 14 15 16 17 18 19	11 12 13 14 15 16 17
18 19 20 21 22 23 24	16 17 18 19 20 21 22	20 21 22 23 24 25 26	18 19 20 21 22 23 24
25 26 27 28 29 30	23 24 25 26 27 28 29	27 28 29 30	25 26 27 28 29 30 31

2016

- June 8-9** NDAR Board & Committee Mtgs
Bismarck, ND
- July 13** Professional Standards Training
Bismarck, ND
- Aug 22-23** NAR Leadership Summit
Chicago, IL
- Sept 14-16** REALTOR® Convention of the Dakotas
Fargo, ND
- Sept 28** Taxbot Webinar
- Nov 2-7** NAR Convention
Orlando, FL
- Dec 2** ND REALTOR® Ring Day

2017

- Feb 6-8** NDAR Meetings & Leg Impact Day
- Feb 7-8** ND Housing Conference
Bismarck, ND
- Mar 17-20** AE Institute
Denver, CO
- May 15-20** REALTORS® Legislative Mtgs
Washington, DC
- Aug 13-14** NAR Leadership Summit
Chicago, IL
- Nov 1-6** NAR Convention
Chicago, IL
- Dec 1** ND REALTOR® Ring Day

2018

- Mar 23-26** AE Institute
Charlotte, NC
- Aug 20-21** NAR Leadership Summit
Chicago, IL
- Oct 31-Nov 5** NAR Convention
Boston, MA



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ND Interim continued from page 11

transition is completed at a future date. However, the Governor has made it clear that making this transition to further reduce property taxes is a priority.

The committee also requested and received from Legislative Council documents covering all tax incentive credits currently available. Much discussion has arisen about Angel Fund investments and whether or not going forward out-of-state investments (which currently exist) should be allowed with those funds. Bills have been drafted to discontinue tax credits which are not being used. A bill establishing a uniform definition of a "primary sector business" for the purpose of obtaining tax credits also has been drafted. Finally, a bill allowing sales and use tax exemptions for contractors acquiring tangible personal property for use in the performance of a contract with an exempt entity has been drafted.

The Taxation Committee is studying tax incentives related to oil and gas recovery, as well as alternative tax incentives. This committee has met in July and September 2015 and February and April 2016. The committee has spent much time listening to testimony about the impact of the Clean Power Plan on revenue from the coal severance tax and its allocation. They also have received testimony regarding enhanced oil and gas recovery using CO₂ capture and storage. One example has been the Allam Clyde project in North Carolina and the Kemper County project in Mississippi.

The Transportation Committee is studying special transportation funding distributions to political subdivisions. This committee has met in August and November 2015 and February 2016. No recommendations have been made to the committee on this issue as of yet. The Upper Great Plains Transportation Institute (UGPTI) is conducting a new survey of counties to gather more detail from the counties relating to county road repair and maintenance processes. The study will assist UGPTI in to develop a standard to be used to provide a consistent comparison of each county's needs. The results will be presented to the Transportation Committee when available.

The Water Topics Overview Committee is studying, among other issues, the use of quick take in eminent domain by water resource districts, options available for providing a sustainable water supply to central and eastern North Dakota, the impact on landowners inundated by waters from Devils Lake and Stump Lake and the FM Area Diversion Authority Project. This committee has met August and November 2015 and March 2016. Testimony in favor of quick take by the water resource districts has been given. A couple of landowners have spoken against quick take and NDAR has visited with committee members about our opposition. With eminent domain, the entity using the power must provide just reimbursement and demonstrate a proven need. With quick take, although a proven need is the basis, the private property is confiscated first and then it is up to the entity and the landowner to arrive at just compensation, which often means the property owner having to spend money to go to court to get reimbursement. Committee members seem uncomfortable with the proposal -- more to come. The Corps of

Engineers testified to the committee that the FM Area Diversion Authority Project is a priority for the Corps and now has a federal appropriation in its budget to proceed. Committee members expressed concern about how long the Corps will be committed to the project if it continues to stall. The Corps said they are confident it will move forward and that they have a long-term commitment. All parties hope legal issues are resolved so the project can begin, since costs continue to rise as construction is delayed. The committee continues to discuss various options for providing water to central and eastern North Dakota.

NDAR Members Appointed to NAR Committees:

- *Joshua Boschee, Fargo, Housing Opportunity Committee
- *Daryl Braham, Fargo, Board of Directors, Executive Committee, Multiple Listing Issues and Policies Committee, Professional Standards Committee and REALTOR® Party Director
- *Scott Breidenbach, Fargo, RPAC Participation Council
- *Tate Cymbaluk, Williston, RPAC Major Investor Council
- *Lyn Dwyer, Fargo, Professional Standards Committee
- *Barb Grande, Fargo, Broker Involvement Council
- *Cindy Harvey, Board of Directors and Risk Management Committee
- *Dave Lanpher, Fargo, Real Property Valuation Committee
- *Greg Larson, Bismarck, Insurance Committee
- *Larry Louser, Minot, Realtor® Party Member Involvement Committee
- *Scott Louser, Minot, Insurance Committee, RPAC Fundraising Forum, RPAC Trustees Fundraising Committee, and Strategic Thinking Advisory Committee
- *Lorrie Nantt, Badlands, Professional Development Committee
- *Vicki Roller, Bismarck, Membership Policy and Board Jurisdiction Committee
- *Ben Schroeder, Fargo, Data Strategies Committee
- *Mary Splichal, Bismarck, Consumer Communications Committee
- *Dewey Uhler, Fargo, Board of Directors and Strategic Thinking Advisory Committee
- *Jerry Youngberg, Grand Forks, Global Business and Alliances Committee, Public Policy Coordinating Committee, and Risk Management Committee

In addition to these members the following local board and state association staff will also be serving:

- *Nancy Deichert, Bismarck, Multiple Listing Issues and Policies Committee
- *Nancy R Willis, NDAR, State and Local Issues Policy Committee
- *Jill Beck, NDAR, Board of Directors, Meeting and Conference Committee and RPAC Major Investor Council

As noted above, REALTOR® Daryl Braham was selected by NAR's 2016 President, Tom Salomone, to serve as a 2016 REALTOR® Party Director. In this role, Braham is responsible to oversee all activities of the REALTOR® Party programs including all committees and liaisons that fall under RPAC, Housing grants, Trustees, Fundraising, MI programs, etc.

2016 REALTOR® Convention of the Dakotas

Tentative Schedule

Tuesday Sept 13th

3:00 – 8:00	Registration	Press Room and Atrium
6:00 – 9:00	*Fargo's Downtown Wine, Brewery & Distillery Experience (Transportation provided, meet at Holiday Inn main entrance 5:45)	

Wednesday Sept 14th

8:00 – 8:00	Registration	Press Room and Atrium
8:00 – 9:00	Breakfast	Great Hall
9:00 – 3:00	*Golf Outing (lunch served)	Oxbow Country Club
9:00 – 12:00	CE Session – 9.5 Habits that Guarantee Success in any Market Instructor: Mark Given	Harvest Hall
1:00 – 4:00	CE Session – Are you a Messenger or Negotiator? Instructor: David Knox	Harvest Hall
1:00 – 3:00	*Creatively Uncorked Canvas Event	Dakota Hall
4:00 – 7:00	Hospitality Rooms Open	Poolside
7:00 – 9:00	Ice Breaker Reception	Great Hall
9:00 – 11:00	Featuring Dueling Pianos with "Deuces Wild"	

Thursday Sept 15th

8:00 – 9:00	Continental Breakfast	Great Hall
8:30 – 11:30	CE Session – The Loyalty Factor – Creating Strategic Partnerships Instructor: Mark Given	Harvest Hall
8:30 – 11:30	CE Session – Code of Ethics Instructor: Daryl Braham	Dakota Hall
12:00 – 3:00	Expo Vendor Set-Up	Poolside
12:15 – 2:30	REALTOR® of the Year Luncheon	Great Hall
2:45 – 4:45	North Dakota Board of Directors and Membership Meeting South Dakota Board of Directors and Membership Meeting	Director's and Conference Rooms Executive and Board Rooms
4:00 – 7:00	Expo and Hospitality Rooms Open	Poolside
5:00 – 6:30	RPAC Reception (by invitation)	Dakota Hall
7:00 – 8:00	Dinner Banquet (Installation of Officers)	Great Hall
8:00 – 9:00	Featuring National Comedian Russ Stolzack	
9:00 – 12:00	Live Music with "32 Below"	

Friday

9:00	Continental Breakfast	Great Hall
------	-----------------------	------------

*Separate fee and Pre-Registration required



2016 REALTOR® Convention of the Dakotas

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**Price for additional events not included in registration fee and requires completion of separate form.



RPAC Corner



Nancy Willis,
NDAR GAD

Voter Registration New RPAC President's Cup Goal

In 2010, the National Association of REALTORS® created the President's Cup award, which is presented annually to states that meet all of their advocacy and REALTOR® Political Action Committee (RPAC) goals. The purpose of the award is to highlight to leaders and state associations the importance of advocacy.

For 2016 we have met our NAR RPAC Goals. Those are:

- Meet the national fundraising goal of sending to NAR a 30% split totaling \$7,854. Met
- A 37% national participation goal – we have reached 50%. Met
- For 1% of membership -- 17 members – to be Major Investors. As of April 30, we have 18 Major Investors. Met
- For 10% of Major Investors -- or 2 Major Investors -- to be President's Circle members. We have 4. Met

For 2016 we are on track to meet our NAR Advocacy Goals. Those are:

- Achieve a minimum average response rate of 20% for NAR national Calls For Action – we have not had any CFAs yet this year.
- To increase the number of REALTOR® Party Mobile Alert subscribers based on state membership. Currently 225 members have the REALTOR® Party mobile app on their phones. Our goal is 269. Let's all work to get 44 more members to download and use the app when there are Calls For Action. The app is free and is downloadable from iTunes or Play Store by searching for NAR Action Center. You will need your NRDS ID # to complete the action.
- Host at least one hour long state broker meeting and invite a Broker Involvement Council member or REALTOR® Party liaison to speak or utilize the State Broker Call for Action Program at least one time on a state Call for Action. NDAR has hosted a broker education program every year and we will soon have information out about this year's broker education program, so watch for more information.
- **New this year is a goal to host a voter registration drive by election day.** Since North Dakota does not have voter registration, our goal is to increase the

number of REALTOR® members voting in the General Election in November. According to numbers collected by TargetSmart®, an NAR vendor with access to the national voter database, in the last General Election, 1,448 ND REALTORS® voted. Total REALTORS® eligible to vote were 1,653. That means that 205 REALTORS® eligible to vote did not vote. We will be encouraging all REALTORS® eligible to vote to do so in this coming November election.

We also have state RPAC and Advocacy Goals and we are working to achieve those as well. They are:

- A minimum contribution goal of \$30 from 75% of NDAR members. In 2015 we reached 67%.
- A Major Investor goal of 55 Major Investors. In 2015 46 members were Major Investors.
- A 45% average response rate for NAR Calls for Action. In 2015 we averaged a 39% response rate.

North Dakota REALTORS® are REALTOR® Party strong! We are informed and participate in national, state, county and local civic activities and support elected officials who support the real estate industry. Let's achieve all of our NAR President's Cup goals this year, as well as our NDAR RPAC and Advocacy goals! VOTE! ACT! INVEST!



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- Mozilla Firefox
- Google Chrome
- Opera
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- Networking
- Work Groups
- Share Files
- Share Printer

Software Applications:

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- Entourage
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- MS Outlook Express
- Webmail
- Windows Mail

Real Estate Specific

- Form Simplicity
- The Living Network

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- Adaptec EXCD Creator
- Adobe Acrobat
- Corel Office Products: WordPerfect, Quattro Pro
- Presentations, Visual Intelligence
- Corel Draw
- Intuit Quicken
- Intuit Quickbooks
- Microsoft® Media Player
- Microsoft® Money
- Microsoft® Office Products: Word, Excel, PowerPoint, Access
- Microsoft® Outlook Express (Versions 5.0 and higher)
- Microsoft® Outlook (Versions 5.0 and higher)
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