

# ND REALTOR®

**November 2017** 

Fall Issue

# ND REALTOR® of the Year Award

At the recent REALTOR® Convention of the Dakotas, Kristin Oban, Century 21 Morrison Realty, Bismarck, ND received the coveted State REALTOR® of the Year Award. This award is the highest honor that the State Association of REALTORS® can give to its members. The selection criteria is judged by the REALTORS® activities on the local, state and national level, on the amount of volunteer activities in their communities, personal business accomplishments and a high professional REALTORS® standard. She was chosen from among 7 candidates nominated by their local Board of REALTORS®.

Oban, who has been a licensed REALTOR® since 2002, is a member of the Bismarck-Mandan Board of REALTORS® (BMBOR) and has served on its Board of Directors as Vice President, President-Elect, President and now Past President. She also has served on the Board of Directors of the North Dakota Association of REALTORS®



Kristin Oban
2017 State REALTOR® of the Year

and has chaired and served on several committees and task forces at both leadership levels. Oban was selected as the REALTOR® of the Year for the Bismarck-

Mandan Board of REALTORS® in 2016.

Oban has participated in the Bismarck-Mandan Chamber Summit on Growth Drivers of the Economy, the Bismarck Infrastructure Forum, REALTOR® Ring Day (REALTOR® fundraiser for the Salvation Army); Go2Program for transitional youth; BMBOR's Backpack for Kids Program; the Young Professionals Network; the YMCA; the United Way and as a mentor for Charles Hall Youth Services and for DECA.

The North Dakota Association of REALTORS® consists of approximately 1,880 REALTORS® and 280 Business Partner Members with seven local boards throughout the State of North Dakota. These local boards and State Association are part of the National Association of REALTORS®, "The Voice for Real Estate" and America's largest trade association, representing one million members involved in all aspects of the residential and commercial real estate industries.



Lorrie Nantt Badlands



Kevin Fisher Fargo Moorhead



Phil Vanyo Grand Forks



Alison Kasowski



Sue Heth Minot



Heather Kitzman Williston

## Inside this issue:

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# **President's Message**



Lyn Dwyer, 2017 NDAR President

My family has a favorite escape on the North Shore of Lake Superior near Lutsen, MN. We get there at least once, usually twice a year. When we aren't there, we wish we were. However, every time we go, the thing I always hear from my kids and even from myself is "Ugh, the drive up here is REALLY long!" And it is. A long better-

than-6-hour drive from my house on mostly two-lane roads with lots of trees and always the threat of hard-to-see deer. So why do we go? Haven't we learned our lesson yet?

Well, if you've never been to Lutsen, I highly recommend it. What a beautiful part of the world! We love it all year 'round. In Spring, the waterfalls rush with amazing power. In Summer, the lush green trees encourage a long hike in the forest. In Autumn, the colors are vivid and the crashing waves on the shore are spectacular. In Winter, the snow is plentiful, offering wild activity for the adventurous or cozy days by the fireplace for people like me.

I've discovered in my life that long drives often lead to great places. I've been in the real estate industry for over 40 years. Just the other day as I was going through a box of old pictures and such in my basement, I ran across a letter from the North Dakota Real Estate Commission, congratulating me on passing my real estate exam in 1978. Yep, it's been a long drive!

But the places this road has taken me have been spectacular! So many friendships, so many places traveled, so many things learned...experiences that are truly treasured! It took me awhile to get on the road to the leadership team with NDAR but wow, that's a decision I will never regret!

If you're thinking about getting on that road, don't wait. I strongly encourage you to do it. There are so many opportunities for you to serve. You are needed at NDAR! It's your Association and your industry. Hop in the car and get going!

I can't thank you enough for allowing me to serve as your President. Just like when I drive to Lutsen, I'm glad to be at the end of this journey. There might have been a few two-lane roads to maneuver, but all-in-all it was a GREAT year! I know I'll miss it when it's done, and soon I'll be looking for the next road. Happy Trails!!

# North Dakota Association of Realtors®

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# 2017 Officers

**President**Lyn Dwyer

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lyn.m.dwyer@gmail.com

**President Elect:**Ben Schroeder

Park Co. REALTORS® 28 N 10

20 N I

Fargo, ND 58102 701-237-5031

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**Vice President:** 

**Amy Hullet** 

Century 21 Morrison Realty

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**Past President:** 

Cindy Harvey

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cindyharveyrealtor@gmail.com

**Director at Large:** 

Jill Kjorstad

RE/MAX Bakken Realty 1141 W. Dakota Pkwy Williston, ND 58801 701-580-8116

jillkjorstad@yahoo.com





# Omega Tau Rho













Lyn Dwyer

Amy Hullet

Sharon Lunski

Ed Schnaible

Bernard Pellenwessel

**Duane Schwab** \*Not pictured Nancy Peterson

Since its creation in 1950, the honorary fraternity Omega Tau Rho, represented by the Medallion of Service, is awarded by the State Associations in recognition of a member's various leadership skills. The Medallion of Service is awarded as a token of the high esteem in which inductees are held by their fellow Realtors® and symbolizes the recognition and appreciation accorded to them for their contributions to the National Association of Realtors® and its affiliated Institutes, Societies and Councils.

Medallions are awarded to those who have honorably completed their term of office as:

- 1. An officer or director of the National Association of REALTORS® including members of the Executive Committee; or
- 2. An elected officer of any Institute, Society or Council, or a governor or director thereof; or
- 3. A president of a State Association.

Also eligible are staff members of the National Association of REALTORS® with 10 years of service, except the Executive Vice

President, Senior Vice Presidents, Comptroller and General Counsel who are eligible after 1 year. Membership was also opened to State REALTORS® of the Year, REALTORS®Emeriti of the National Association, and to Executive Officers of local boards and State Associations with 10 years of service.

Once a medallion is awarded, the recipient is a member for life and cannot receive the award again. This award is truly an honor as it marks exemplary dedication and service by REALTORS® members to their organization.

The 2017 Omega Tau Rho recipients are:

Lyn Dwyer -- 2017 NDAR President -- RE/MAX Realty 1, Fargo Amy Hullet -- 2016 REALTOR® of the Year -- Century 21 Morrison Realty, Bismarck

Sharon Lunski -- 2017 Dakotas CRS Chair -- Century 21 Red River Realty, Grand Forks

Duane Schwab -- Emeritus -- Interstate Brokers, Dickinson Nancy Peterson -- Emeritus -- Circle REALTORS®, Fargo Ed Schnaible -- Emeritus -- Signal Inc. REALTORS®, Minot Bernard Pellenwessel – Emeritus – Signal Inc. REALTORS®, Minot

## 2018 Officers Elected

Congratulations to the 2018 NDAR officers elected during the Also appointed as the NDAR Director at Large by 2018 NDAR General Membership/Board of Directors meeting held at the 2017 Convention of the Dakotas, Aberdeen, SD.

President Ben Schroeder is Jamie McLean, Bismarck.



Ben Schroeder Fargo **PRESIDENT** 



**Amy Hullet** Bismarck PRESIDENT-ELECT



Jill Kjorstad Williston VICE PRESIDENT



Jamie McLean **Bismarck DIRECTOR AT LARGE** 



# 2017 Convention of the Dakotas a Success!

### **Board of Directors and Annual Membership Meetings:**

At the September BOD Meeting, Life Memberships for Rita Berg, Fargo; Shirley Dukart, Badlands; Joe Frenzel, Badlands; Jim Guttormson, Bismarck; Doris Hoff, Badlands; Jerry Schlosser, Bismarck; and Linda Schlosser, Bismarck were approved.

Tom Riley, NAR Treasurer from New Hampshire, and NAR Region 8 VP Don Marple thanked ND REALTORS® for their support of RPAC and Calls for Action and for their dedication to the real estate industry. Tom also recognized North Dakota for having the highest member participation in the country in the recent Call for Action on flood insurance. He also recognized ND for RPAC participation which consistently is one of the highest in the nation. He reported that 5,600 people have been assisted with REALTOR® Relief Foundation funds and also that NAR President Bill Brown is recovering from a double-lung transplant.

- \* Voted to provide TrustFunds program as a member benefit
- \* Adopted the 2018 budget including a \$35 dues increase
- Voted to establish a building fund to set aside dollars for a future building purchase with consideration to non-dues income of rental property
- Voted to provide ApplyConnect (rental screening) as a member service
- \* Roger Cymbaluk addressed the Board as a representative of the North Dakota Real Estate Commission. He offered some updates and added that the Commission would like to work with the association on any issues that may be discussed in the year ahead pertaining to legislation for the 2019 Session.

#### **Election of 2018 Officers and Installation:**

President – Ben Schroeder, Park Co. REALTORS®, Fargo; President Elect – Amy Hullet, Century 21 Morrison, Bismarck; Vice President – Jill Kjorstad, RE/MAX Bakken Realty, Williston Director at Large – Jamie McLean, Integra Realty Group, Bismarck. State REALTOR® of the Year: Kristin Oban, Century 21 Morrison, Bismarck

#### **Dakotas CRS Officers 2018:**

**President – Charlie Larkin**, Diversified Real Estate, LLC, Watertown, SD;

*Finance Leader/Vice President, – Lorrie Nantt, RE/MAX Integrity Realty, Dickinson ND;* 

Education Chair – Cathie Ogdie, Ogdie Realty, Sioux Falls, SD; Membership Chair – Cheryl Croonquist, Elite Real Estate, Minot, ND and Immediate Past Chair – Sharon Lunski, RE/MAX Grand, Grand Forks, ND.

#### 2017 Dakotas CRS of the Year Award:

Vicki Roller, Elite Real Estate, Bismarck, ND

Dakotas CRS members also raised \$3615 for the REALTOR® Relief Fund to aid hurricane victims.

#### Omega Tau Rho Awards:

For being awarded the 2016 REALTOR® of the Year, *Amy Hullet*, Century 21 Morrison Realty, Bismarck; the 2017 NDAR President *Lyn Dwyer*, RE/MAX Realty 1, Fargo; for her leadership role as Dakotas CRS Chair, *Sharon Lunski*, Century 21 Red River Realty, Grand Forks; and for over 40 years of continued membership in all three levels of the REALTOR® family-local, state, and national – *Nancy Peterson*, Circle REALTORS®, Fargo; *Bernard Pellenwessel*, Signal Inc. REALTORS®, Minot; *Duane Schwab*, Interstate Brokers, Dickinson; and *Ed Schnaible*, Signal Inc. REALTORS®, Minot.

### **Charity Fundraising Efforts:**

Spare Key was once again the charity that was focused on at the convention. In the end it is expected to be able to count nearly \$15,671.00 in total revenue from their time in Aberdeen. This includes what was raised at the convention as well as the luncheon. A matching grant of \$15,000 will also be added to this total by an anonymous donor & the entertainment, Dueling Duo, donated ½ of their tips for another \$47.

Williston Board Scores RPAC 1st: During the RPAC update, the Williston Board was recognized for completing all 2017 RPAC

#### **2017 Convention** continued from page 4

goals, including exceeding total RPAC/Issues investments – a first in NDAR RPAC history! NDAR also is close to meeting all goals toward the NAR Triple Crown and President's Cup with the exception of total dollars raised. ND needs to raise another \$1,388 before Dec. 15 to exceed last year's total. (Update: Goal has been reached!)

#### Congratulations to All!

A big **Thank You** to the Aberdeen Area Association of REALTORS® for the great education and entertainment - everyone left with a smile on their face, renewed friendships, and business referrals.

For convention photos check out our Facebook page at https://www.facebook.com/NorthDakotaRealtors/

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join the Facebook Group south Dakota/ north Dakota 2017 convention https://www.facebook.com/groups/1210358195684158/

#### See Convention Highlight photos on pages 12 & 13



The 2018 Convention of the Dakotas

# "Rise Above"

will be hosted by the Minot Board of REALTORS® in beautiful Minot, ND.

To view printable registration form with detailed info visit https://www.2018conventionofthedakotas.com/registration\_form.php

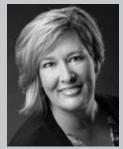
Register online – www.2018ConventionoftheDakotas.com





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# **Chips From The Board**

## Fargo-Moorhead Area ASSOCIATION OF REALTORS®

Our Connections Luncheons have started back up again. Last week's event saw over 210 in attendance! At these luncheons, we update our members on industry and association information, listen to a relevant speaker and have time to network.

Thanks to those that participated and sponsored our FM REALTORS® 2nd Annual Olympics and 28th Annual Golf Outing Events. It's safe to say a fun time was had by all!

FM REALTORS® held its Annual Awards Gala on Tuesday, August 22nd at the Hilton Garden Inn. Special thanks to NDAR CEO, Jill Beck for her opening remarks and to her and special guest, Al Jaeger (FM REALTORS® member and ND Secretary of State) for attending. Congratulations to the following:







- REALTOR® of the Year and NDAR REALTOR® of the Year Nominee – Kevin Fisher
- Business Partner of the Year Chad Johnson
- Distinguished Service Award Scott Breidenbach
- Jim Fay Award Barb Grande
- REALTOR® Emeritus Nancy Peterson
- Life Members Chuck Helmstetter, Nancy Peterson

 25 Year Pins – Connie Dreyer, Jim Jensen, Jackie Johnson, Tom Kiewel, Steve Lunde, Mike Qualley

The following were elected to the Board of Directors:

- · President Elect Vicky Matson
- Vice President Nick Olson
- Directors Shane Cullen, Gloria Palm-Connor
- NDAR Directors Amber Carlton, Ryan Mullikin
- They will join Shawn Ostlie (FM REALTORS® President), Jodi
  Tollefson (FM REALTORS® Past President), Hollie Kietzer,
  Elizabeth Nelson, Michelle Borud and Terry Ellingson (FM
  REALTORS® Directors); LuAnn White, Emily Johnson, Chris
  Feickert (NDAR Directors) and Paul Krabbenhoft (MNAR
  Director). Congratulations to all!

Our residential market continues to be busy! We have 7% more listings than last year, 1% more under contract, 4% more closed and our Average Sale Price is up 2% at \$230,075.

Marti Kaiser,
Association Executive

# Grand Forks Area Association of REALTORS®

The 3rd Quarter market in the Grand Forks Area is steady as compared to past year. The number of sold units is up by 46, the Median Sold Price is \$190,000 in 2017 as well as in 2016, and the Days on Market is 1 day less in 2017. Inventory is adequate but we are short in the lower price points.





#### **Chips** continued from page 6



In 2008 the Grand Forks Area Association of REALTORS® established a Scholarship fund in memory of Robert (Bob) Freeberg. Bob was a believer in state and local board participation and NEVER missed a State Convention. So in honor of Bob each year we will award a registration scholarship to send a New Member to the ND/SD REALTOR® Convention of the Dakotas. The winners for 2017 were Dawid Boroski and Victoria Griffith.

The Committees of the Grand Forks Area Association of REALTORS® have been very busy in the past few months. The Public Relations Committee finished the Annual Northlands Rescue Mission Barb-B-Que and the Back Pack Program. 30% of all school children in Grand Forks qualify for free or reduced school lunches. The concern is what happens to these children on weekends.

The Mission Backpack Program sends each child home with food for the weekends. We are gearing up for our annual Giving Tree program through the Grand Forks County Social Services. Christmas for six needy families in the Grand Forks area will be much more festive because of the generosity of the Members and Affiliates of the Grand Forks Area Association of REALTORS®. Committee members will also participate in the Listen Center's Christmas tree program. Area businesses decorate Christmas trees which are then donated to needy families in Grand Forks. All monies from this program go the Listen Center in Grand Forks. Lastly, we are preparing for this year's North Dakota Association of REALTORS® and Minnesota Association of REALTORS® Ring Day on December 1, 2017.

John Colter,
Association Executive

## Minot BOARD OF REALTORS®

As the summer has come to an end, the Minot board is thankful for another great summer. Home sales are still up from last year and we hope to carry this through the winter.

As many of you know one of our members, Andrew Gudmunson was among those injured by the Las Vegas shooter on October 1st. Andrew continues to make progress towards being able to return home to Minot, but in the meantime remains hospitalized in Las Vegas recovering. There has been a great outpouring of support for Goody and his family and we can't wait for him to

be able to come home. Thank you to everyone that has kept Goody in your thoughts and prayers. #GOODYSTRONG (Update: He's Home!)

The annual Recognition and Appreciation Banquet was held on August 17th at the Grand Hotel. We had around 100 members in attendance. We were pleased to present Sue Heth with the REALTOR® of the Year Award; Lori Soltis with the Rookie REALTOR® of the Year Award and Kim Albert with the Affiliate REALTOR® of the Year Award. We appreciate all of our members but the extra efforts by the award recipients are especially appreciated.



The RPAC Fundraising committee held a silent auction to raise RPAC investors and funds. We raised \$1944 that evening, surpassing the total needed in order to secure the RPAC Grant. For every \$50 investment, members will receive one chance toward a Hockey Weekend at UND. We will be drawing the winner at the Board of REALTORS® meeting on October 18th.



We are conducting a Board fundraiser. We have #getrealtor t-shirts for \$15 in a variety of colors. If you're interested, please let me know.

Beth Mayer, Association Executive

## Williston BOARD OF REALTORS®

Board Leadership was able to attend President Trump's visit to Mandan.

Around 22 of our members traveled to Aberdeen in September for the REALTOR® Convention of the Dakotas. Education, golf and networking were highlights of the event.

Two new members were installed at the General Membership meeting held on October 5th. Our REALTOR® membership count is at 65...this growth is exciting!

Members are looking forward to the NAR Annual Convention in Chicago last month.

We attended the Williston Board of REALTORS® Ring Day on December 1st. Our Public Relations/Events Committee has cooked up a contest between offices that will create fun competition!

Our Holiday Party will be on November 30th with a social, dinner and auction. The proceeds will go to local charities.

Jane Marum,
Association Executive

**Chips** continued from page 7

# **Chips From The Board**

## **Badlands BOARD OF REALTORS®**

The Badlands Board of REALTORS® (BBR) has pledged to sponsor a room when the new Domestic Violence and Rape Crisis Center building is completed. This will include room furnishings and linen, as well as paint, and our members will be doing the painting. We are dedicated to this charity, understanding the tremendous need in our community and surrounding area.

Our members who have reached Life Member status are: Blenda Geiszler, American West Real Estate: Joe Frenzel, Everett Real Estate; Shirley Dukart and Doris Hoff, Home and Land Company; Karolyn Koppinger, LaDuke & Associates; Janice Mosbrucker, Continental Real Estate and Gary Geiszler, GT Geiszler, Duane Schwab is now an Emeritus Member of NAR.

The Badlands Board of REALTORS® has added a couple of programs for our members' benefit. One is The CE Shop where members are able to take online Continuing Education at a discount and the BBR will receive quarterly revenue share payments. We have also begun the process of implementing the TrustFunds program to ensure a secure and time-saving transfer of funds into Broker's trust fund accounts.

Happy Holidays to all!

Barb Lupo, Association Executive

Chips see page 18



# **New Member Benefit Coming Soon**

Keep an eye out for the launch of ApplyConnect®! ApplyConnect® is the easiest and most secure way for landlords and renters to share a consumer credit, eviction and criminal report for the purpose of screening a rental applicant. The report is FREE to landlords and agents and only takes a matter of seconds to process. Online Rental Applications are available, too!



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Fall or winter travel plans? There's no better time to get the best deals on hotels, available just for members of the North Dakota Association of REALTORS®. We've partnered with HotelStorm to offer our members exclusive savings continuing all season long.

# ND REALTOR® Ring Day!

Friday, December 1, 2017

Mark your calendars for North Dakota Association of REALTORS® Ring Day, December 1, 2017, and join us in a common cause to do the most good. You can be part of continuing the single largest community outreach activity ever taken on by a professional organization.

The Salvation Army operates hundreds of housing facilities that provide everything from one night of shelter to a permanent home. Every night, The Salvation Army houses more than 27,000 people across America.

In addition to providing housing, The Salvation Army offers rent and mortgage assistance for families facing foreclosures.

# NORTH DAKOTA ASSOCIATION OF REALTORS® RING DAY

Friday, December 1

Donations you collect fund Salvation Army programs and services in your community.

Reserve your spot today!

# RealtorRingDay.com

# **A Legal Review**



Casey Chapman, Attorney at Law, NDAR Legal Counsel

## Words Really, Really Matter

You know the story. You are sitting in yet another contract class, and the instructor is telling you, over and over again, the words that you choose in

your contracts our extremely important. It is the same warning that you have heard before, and you really can't be blamed, when your brain fades out with the words, I have heard it before, I have heard it before.

Here's a court case, which will probably create some lasting memory for you; perhaps, with as much impact as many of those hours of contract classes.

Some Buyers in Pennsylvania wanted property that sustained a dog care business. A primary need was a kennel. Consequently, the Buyers were happy when the Buyer Agent found a possible property with a barn, which could house the kennel. A problem arose when they learned that the barn, which was 194 feet from the property line, violated the setback limit of 200 feet under the zoning regulations. However, the Seller, who held an administrative position with the county, and a county zoning official, who looked at the property, felt reasonably confident that a variance could be obtained to allow the barn to serve as a kennel, in spite of the variance – – setback issue.

The Buyers decided to make an offer. They instructed the Buyer Agent to include a contingency in the contract so that, if a variance to use the barn could not be obtained, the contract could be terminated.

The Buyer Agent drafted contingency language, which stated, "contingent on township and/or county's approval for change of use allowing buyers to operate a kennel/doggy daycare from the property." According to the court records, the Buyers questioned the Buyer Agent, because the contingency clause did not refer specifically to the barn. The Buyer Agent assured the Buyers that there would be no problem, and even gained the approval of the Buyer Broker for the language.

As you have probably guessed, due to the fact that a court case arose, there was a problem in the transaction. The zoning commission refused to allow a variance for the barn, citing the setback limitation. The Buyers requested termination of the contract, but the Seller refused, pointing out that the contingency clause had not been satisfied, because the "property" could be used for a kennel, even if the barn did not qualify.

The Buyers went to court, claiming that, even though the contingency clause only referred to "property", all of the parties knew that the Buyers needed the barn to qualify as a kennel and that, if the barn could not qualify as a kennel, the Buyers did not want to purchase the property. In response, the Seller claimed that the wording of the purchase agreement was clear, i.e., as long as the "property" qualified for use as a kennel, the contingency had been satisfied. The Seller's claim was based on the contract principle that, if the wording of the contract is clear, prior negotiations and discussions, which may be contrary to the contract words, are ignored.

The judge agreed with the Seller. The word "property", the judge said, is not ambiguous and can be clearly understood to mean the entire property. Therefore, the Buyers had no right to terminate the contract, even though the barn could not be used for a kennel.

The Buyers, perhaps anticipating that the judge would refused to allow them to terminate the contract, also sued the Buyer Agent. The Buyers claimed that the Buyer Agent was negligent in drafting the contingency clause, because the Buyer Agent should have used words such as "from the barn" rather than "from the property".

The case was presented to a jury. The Buyers brought an expert witness who said that the value of the property to the Buyers was substantially reduced by their inability to use the barn as a kennel. The Buyers claimed that the failure of the Buyer Agent to properly compose the contingency clause was the cause of their damage. The jury agreed with the Buyers, and the Buyer Agent and the Buyer Broker were held liable for \$200,000 in damages.

The court's rationale was that, when the Buyer Agent took on the responsibility of drafting the contingency clause, the Buyer Agent was obligated to write the contingency clause correctly. Because the Buyer Agent used the word "property", rather than the word "barn," the court agreed that the Buyer Agent had failed to adequately protect the Buyers.

There's no need for much discussion here; the case speaks for itself. When an agent writes contract language, the agent needs to remember that it is the words which are critically important. It does not matter what you intend, if your intent is not clearly stated in your words.

Remember, those words are very, very important!!





## Skip Greenberg

Realtor/Broker, ABR, CRB, CRS, GRI
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# Calendar of Events

Updated 11/3/17

#### 2017 January February March M T W Th F S S M T W Th F S S M T W Th F S 9 10 11 12 13 14 16 17 18 19 20 21 \$ 6 7 8 9 10 11 12 13 14 15 16 17 18 10 11 17 18 13 14 15 10 11 12 13 14 22 23 24 25 26 27 38 29 30 31 19 20 21 22 23 24 25 26 27 28 19 30 21 22 23 24 25 26 27 29 29 30 31 17 18 19 20 21 22 24 25 26 27 28 29 June August SMTWTHFS S M T W Th F S S M T W Th F S S M T W Th F S 7 8 9 10 11 12 13 14 15 16 17 18 19 20 4 5 6 7 8 9 10 11 12 13 14 15 16 17 10 11 12 13 14 15 17 16 19 20 21 22 24 25 26 27 26 29 21 22 23 24 25 26 27 28 29 30 31 18 19 20 21 22 23 24 25 26 27 28 29 30 20 21 22 23 34 25 26 27 28 29 30 31 September October December November SMTWThFS S M T W Th F S 8 9 10 11 12 13 14 15 16 17 18 19 20 21 3 4 5 6 7 8 9 10 11 12 13 14 15 16 10 11 12 13 14 15 16 17 16 19 20 21 22 23 22 23 24 25 26 27 28





## 2017

Nov 27-30 REALTOR® Party Training Conference

San Antonio, TX

Dec 1 ND REALTOR® Ring Day

Dec 7-8 NDAR Leadership Retreat Fargo, ND

## **2018**

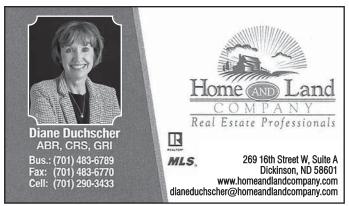
Jan 9-10	NDAR Meetings,	Bismarck, ND
Feb 21-22	NDHFA Housing Con	ference, Bismarck
Mar 1-4	Presidents Circle Co	nf., Bahamas
Mar 15-16	NDAR Meetings,	Minot, ND
Mar 23-26	AE Institute	Charlotte, NC
April 19-20	Region 8 Mtgs.	
May 14-19	REALTORS® Legisl	ative Meetings,
		Washington, DC
June 13-14	NDAR Meetings,	Grand Forks, ND
Aug 6-7	NAR Leadership Sum	nmit Chicago, IL
Oct 10	NDAR Leadership Re	treat, Bismarck, ND
Oct 11-12	NDAR Meetings,	Bismarck, ND
Oct 31-Nov	5 NAR Convention	Boston, MA

## 2019

Feb 20-21	NDHFA Housing Conf	
Feb 6-8	FPC Training & Policy	Conference,
		Washington, DC
Mar 29-April 2	AE Institute	Austin, TX
May 13-18	REALTORS® Legisla	itive Mtgs,
	_	Washington, DC
<b>August 12-13</b>	Leadership Summit	Chicago, IL
Nov 6-11	NAR Convention Sa	an Francisco. CA

## 2020

Feb 19-20 NDHFA Housing Conference, Bismarck
May 11-16 REALTORS® Legislative Meetings,
Washington, DC
Nov 11-16 NAR Convention New Orleans, LA



# 2017 Convention of the





All smiles at the convention! Shari Anhorn, Kevin Fisher, and Nicole Schoeder.



Local Board AE's

L to R: (back) Scot Nething – Jamestown Board of REALTORS®, John Colter – Grand Forks Area Association of REALTORS®, Jill Beck – CEO NDAR, Nancy Deichert – Bismarck Mandan Board of REALTORS®, Beth Mayer – Minot Board of REALTORS®, Marti Kaiser – Fargo Moorhead Area Association of REALTORS®, Jane Marum – Williston Board of REALTORS®, Barb Lupo – Badlands Board of REALTORS®



Dueling Duo put on a great show after the Installation Banquet!



Bud Hannah recognized 2017 CRS Chair Sharon Lunski for her service.



Actor Sean Astin – star of "Lord of the Rings", "Rudy", and "The Goonies" was a guest speaker during the convention.



Bud Hannah presents Vicki Roller with the 2017 CRS of the Year award.

# ne Dakotas Highlights

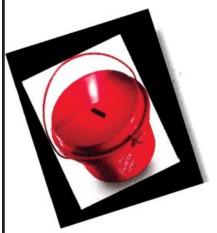


2018 NDAR Exec Committee
L to R: Lyn Dwyer (Past President), Ben Schroeder (President), Jill Kjorstad
(Vice President), Jill Beck (NDAR CEO), Jamie McLean (Director at Large),
Amy Hullet (President Elect).



Dakotas CRS Leadership Sharon Lunski and Charlie Larkin at the annual CRS breakfast membership meeting.

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Friday, December 1



# **Did You Know?**



Jill Beck NDAR CEO

First off I want to remind you that membership dues are coming due soon. Please check with your local board for the deadline as they differ between each. For 2018, the NDAR Board of Directors did increase the dues to \$250 due to increased expenses and programs that NDAR

is offering. Dues have not been increased since 2011 and the programs and benefits being offered have increased as well as the advocacy that the NDAR is involved in both statewide and nationally. The latest benefit added is TrustFunds, a program that is incorporated into MLS' and allows clients to securely transfer earnest money from their bank into a designated trust account electronically. You can read more about in another article in this newsletter. Make sure you pay by the due date so you don't have any interruption in your NDAR membership services. With prompt payment you will not notice any change in benefits received from your local, state or national association. If not paid to NDAR by December 31 it will result in membership being suspended and a re-instatement fee. We thank each of you for your continued membership. NDAR's membership is now approximately 1,850 REALTOR® Members and 280 Business Partners (formerly known as Affiliate Members).

NDAR had the great fortune of receiving tickets for President Trump's visit to North Dakota at the Andeavor Refinery in Mandan on September 6, where he talked about tax reform and praised North Dakota for its healthy economy. President-elect Ben Schroeder and I were given VIP seating and one of NDAR's business partners, a title company owner, was called out by President Trump as an example of one of the small business owners that would benefit from tax reform.

Soon NDAR will be unveiling a new association webpage so stayed tuned for that as well as an online member resource



Shirley Dukart

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guide that is being finalized this month. Another member benefit we also added was ApplyConnect, an online tenant screening program that members who are property managers can use. NDAR completed an office update and renovation this year and established a reserve building fund as part of a long range plan for the future.

We just returned from the National REALTORS® convention in Chicago, IL and happy to report 50+ members were in attendance. Below are highlights of the meetings:



Dewey Uhlir, Fargo, was installed at the Thursday evening Inaugural Gala as the Region 8 Regional Vice President along with John Smaby from Minnesota who was installed as NAR President elect. Elizabeth Mendenhall was installed as 2018 NAR President and is building on the theme "REALTORS" Own It!".

Kristin Oban, Bismarck, NDAR 2017 REALTOR® of the Year was recognized on stage during the General Session along with her peers from the other states.

President Lyn Dwyer presented as one of six presentations chosen on the new NDAR member benefit of TrustFunds. The presentation was made at the State Leadership Idea Exchange where six states are highlighted on a member benefit that they are offering and we are the first state to offer this as a statewide member benefit.

### **NAR Vow Tax Reform Fight**

NAR CEO Bob Goldberg, who assumed his role on Aug. 1, reported the tax reform plan under consideration by federal lawmakers represents a "clear and present danger" to the real



**Did You Know** see page 15

#### **Did You Know** continued from page 14

estate industry. During the meeting, Goldberg invited Iona Harrison, 2017 chair of NAR's Federal Taxation Committee, to the podium to outline the reasons NAR opposes the tax plan in its current form. Goldberg also discussed the steps he has taken during his first three months in office to make the organization more efficient and connected to members.

### **NAR Board Eases MLS Participation Requirement**

At the meeting NAR directors adopted a policy that will give added flexibility in the way brokerages and agents use their MLS. It prohibits multiple listing services from compelling participation by all offices of a real estate firm within the jurisdiction of the shareholder association. For licensees affiliated with a brokerage that is a participant in more than one MLS, MLSs will be required to provide a no-cost waiver option of MLS fees, dues, and charges if those licensees can show they have a subscription to another MLS in which their broker participates. Going forward, NAR will use the term "service area" in place of "jurisdiction" or "territory." These changes are effective as of July 1, 2018.

Other MLS policy changes that go into effect beginning Jan. 1, 2018:

- Brokers will have access to MLS sold data from Jan. 1, 2012.
   The previous policy required MLSs to make sold data from the past three years available to brokers.
- Brokers will be authorized to provide, in IDX feeds and VOWs, results to online consumer searches with no less than 500 listings or 50 percent of the listings in the MLS database, whichever is less.
- MLSs must offer remote options for training and orientation programs as a way of lowering administrative costs for brokers and agents.

#### **Professional Standards**

The Board voted to update the Standards of Practice to make clear that members are prohibited from using misleading imagery in real estate marketing materials. The change reflects the board's position that as consumers increasingly rely on photos to assess properties, images that have been excessively altered or distorted can harm the credibility of the real estate industry and members. The directors also adopted changes to the Code of Ethics education objectives designed to help REALTORS® better understand the training they are required to take and make it easier for associations to enforce these requirements.

#### **REALTOR® Party**

The Board voted to allow state and local associations to use advocacy funds and other resources provided by NAR only for activities within their territories unless an association has a written agreement that allows it to engage in advocacy within another association's jurisdiction. The new policy is intended make sure REALTORS® speak with one voice on advocacy issue, promote cooperation among all levels of the REALTOR® organization, and ensure that REALTOR® advocacy resources are used efficiently.

#### **Money Laundering**

Anonymous shell companies are increasingly being used to launder money via real estate purchases. Currently, there are no federal laws that require the identification of these companies' "beneficial owners," i.e., the individuals who control and benefit from these companies. The board passed a policy supporting requiring disclosure of beneficial owners of a shell company when it's formed and registered with its home state. The disclosure is aimed at helping the federal government identify use of real estate transactions in the U.S. to launder money from illicit activities.

#### **Natural Disaster Insurance**

The Board approved spending \$174,000 to have an actuarial study conducted on the creation of a nationwide natural disaster insurance program. Currently, the federal government spends billions of dollars annually on disaster relief. NAR's Insurance Committee believes it would be less expensive to pool the risk, charge a nominal fee on each homeowner's insurance policy, and build up a national insurance reserve fund to pay for the losses.



# **RPAC Corner**



Nancy R. Willis, NDAR GAD

NDAR has had a very successful REALTOR® Political Action Committee (RPAC) and REALTOR® Political Action Fund (Issues & Mobilization) fundraising year, as well as meeting advocacy goals. REALTORS® have invested in these funds which protect the real estate business and homeowner and property rights at a level and

participation rate that once again has earned North Dakota the National Association of REALTORS® President's Cup and Triple Crown awards. So congratulations to all of our investors for your commitment to the real estate business!

These 2017 investments and 2018 investments to come are very important as we will be facing an election year. On the federal level, current Senator Heidi Heitkamp (D-ND) and current representative Kevin Cramer (R-ND) both will be running for office. Statewide races in 2018 will be for Attorney General, Secretary of State, Agriculture Commissioner, Tax Commissioner and Public Service Commissioner. State Senate and House members in odd-numbered districts also are up for re-election and election. And elections in townships, school districts and cities also will take place.

So what is the process for candidates to request a campaign contribution? Federal candidates receive contributions from the National Association of REALTORS® after consulting with NDAR. NDAR also conducts face-to-face interviews of federal and statewide candidates. After statewide candidates are interviewed, the decision of whether or not to endorse or to give a contribution is made by the NDAR RPAC Trustees. District candidates (state senate and house members) receive contributions from the local boards whose jurisdictions their

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districts cover. NDAR encourages local boards to conduct face-to-face interviews or at least to require candidates to complete questionnaires. We also look at voting records to see how often sitting office holders supported REALTOR® Party issues.

Any RPAC/Issues investor may sit in on federal or statewide candidate interviews, but final decisions are made in executive session by the Trustees. NDAR also encourages REALTOR® members to run for office. NDAR and NAR have resources to help prospective office holders decide if they want to run and to educate them on the logistics and pros and cons of running for office. Being a REALTOR® does not guarantee NAR or NDAR support, but having been an active supporter of REALTOR® Party issues grants serious consideration.

Seven members of NDAR currently serve in the state legislature. They are: Senators Scott Meyer (R-18), Grand Forks and Jim Roers (R-46), Fargo and Representatives: Thomas Beadle (R-27), Fargo; Joshua Boschee (D-44), Fargo; Tom Kading (R-45), Fargo; Scott Louser (R-5) Minot and Steve Vetter (R-18), Grand Forks. If you are interested in running for office talk to one of them and contact the NDAR Office.

It will be a very busy advocacy year in 2018. The Primary Election is June 12, 2018 and the General Election is November 6, 2018. We will keep you updated as ballot issues arise and candidates file for offices. Remember that elected officials are there to represent you. Make sure federal, state, district, county and local candidates know the issues important to you as REALTORS®!





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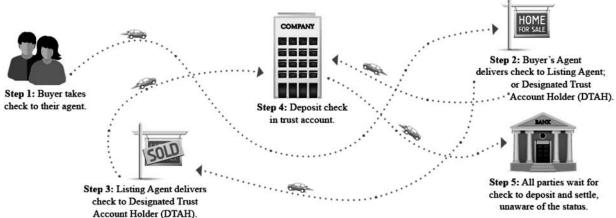


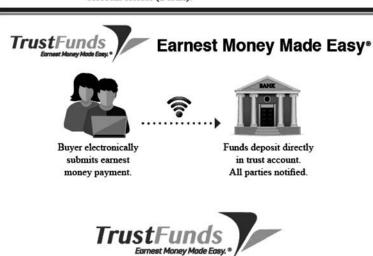


The North Dakota Association of Realtors has partnered with TrustFunds to provide electronic earnest money capabilities to all NDAR MLS's, brokers and agents.

Save time and increase security with electronic earnest money.

## **Traditional Earnest Money Process**







**Chips** continued from page 8

## Jamestown BOARD OF REALTORS®

The Convention of the Dakotas, in September, was a great event for our Board, as we had solid attendance from our members. With all of the education offerings and networking options our members were able to see the value of getting involved at the state level. What a great opportunity for membership growth.

At the September membership meeting Mike Swartz, RPAC Trustee, and Scot Nething gave a presentation on the value of RPAC. A little history, the impact, and huge value we get from RPAC was discussed. After the program our President, Diann Loper, presented Jan Wright with her RPAC 500 Club award.

Also at our September meeting, AE Appreciation was celebrated. Our monthly luncheon meeting was enhanced with treats after our meal and a big thank you to our AE. The timing worked out, as the actual AE Appreciation Day was just two days after our meeting.

The October meeting welcomed our NDAR State President, Lyn Dwyer and NDAR CEO, Jill Beck. We were updated on the many things the State and National Association are involved in and how important the Association is to the Real Estate







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industry. We pressed Lyn into additional duties and had her swear in our new 2018 officers and board members.

Our community involvement continues with our members out in the area delivering Meals on Wheels to individuals unable to get out and in need of a little help. This effort is a great way our members make a



difference. In addition we have a food and paper goods drive organized to support the Salvation Army. Our members have stepped up to provide these supplies for this event.

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Zenithe Leininger,
center. Those
pictured from left
to right are Doris
Hill of Midstate
Realty, Tricia
Serckerson of
BluFrog Realty,
Jan Wright of The
Wright Property,
Zenithe Leininger



of The Salvation Army, Sally Domke of RE/Max Now, Teresa Stelton of Dardis Realty and Candice Dempsey of KW Inspire Realty. The goal was to make a positive difference in assisting those who need help during the holidays.

Scot Nething,
Association Executive

## Bismarck-Mandan BOARD OF REALTORS®

- We were so excited at the REALTOR® Convention of the Dakotas in Aberdeen to celebrate with our own Kristin Oban as she was awarded the NDAR Realtor® of the Year; and Amy Hullet's installation as NDAR President-elect.
- A social media and digital advertising campaign was launched recently and will run to Thanksgiving. It is targeted toward buyers and encourages them to "buy now".
- The Inaugural Celebration and Awards Ceremony with a theme of "Casino Royale" was a great success!
- Volunteers are working to revamp the new member orientation program to bring more real-life scenarios and group exercises to the program.
- Our work with task forces addressing Bismarck infrastructure costs continues.
- We worked with the North Dakota Real Estate Commission to make revisions to the advertising guidelines pertaining to social media. We appreciate Commissioner Scott Breidenbach's and Pat Jergenson's participation on the task force. Their input was invaluable in developing the recommendations which were adopted by the Commission.
- Board leadership was in attendance for President Trump's visit to Mandan.
- BMBOR representatives participated in a "Incremental Development" presentation and workshop. The facilitator praised the REALTOR® association (from the national level on down) for their involvement in other communities' efforts to work on obstacles to infill developments and other types of support the association has provided in communities across the country.
- A fundraising effort to support students in transition was wrapped up at the October membership lunch. The dollars will provide basic necessities to students who find themselves in situations of having "nearly nothing". The items are gathered in a duffle bag and distributed through the school system. About \$4,000 has been raised for the project.
- Next up is the annual planning session with the Board of Directors and Committee Chairs, which will be fed by input via a member survey conducted by the facilitator.

Nancy Deichert, Association Executive



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# **Government Affairs Update**



Nancy R. Willis, NDAR GAD

### **Federal Update:**

Tax Reform - The National Association of REALTORS® (NAR) continues a Call for Action in opposition to both the House and Senate versions of tax reform legislation. Based on research, NAR believes many of the provisions are harmful to homeowners and middle class taxpayers.

NFIP reauthorization legislation, "The 21st Century Flood Reform Act" – NAR implemented a Call for Action in support of this legislation and last minute amendments to the House bill further improved the legislation. Now that the bill has passed, the Senate is making its amendments to the bill. Deadline for reauthorization is Dec. 8.

Save Local Business Act passes the House. This bill defines a joint employer as someone who exerts direct and immediate control of an employee's terms and conditions of employment under the NLRA. The definition also would apply to the FLSA of 1938. This rolls back legislation during the last administration which would have made a company responsible for the actions of all employees, including those for which a franchisee was responsible.

On the state level, the Interim Committees have been meeting. Updates are as follows:

Study of occupational and licensing boards in order to make sure they retain antitrust law immunity. The committee has discussed this issue twice in committee. Legislative Council presented a memorandum reviewing the antitrust issue raised in North Carolina Board of Dental Examiners v. Federal Trade commission, 135 S. Ct. 1101 (2015) which is why this issue is being addressed. It has been suggested that the state develop a policy to address the concerns that arise when a profession is allowed to be regulated by board members who are members of that profession. It also has been suggested that having a licensing board on which the majority are not active market participants may not be enough to meet the active supervision requirement if the majority relies on the market participants when making decisions. However, an argument exists that active supervision exists because assistant and special assistant attorneys generals represent the boards and provide legal counsel.

Study of the desirability and feasibility of creating a state wetlands bank. Has not yet been discussed in committee.

Study of the portion of elementary and secondary education funding formula which uses in lieu of property taxes funds to identify and address funding inequities. The committee has received a number of memoranda from Legislative Council with specific details regarding the funding formula and review continues.

Studies of taxation of wind energy and tax collection distribution; oil and gas tax revenue to hub cities and school districts; estimated fiscal impact of refracturing existing oil wells, benefits of tax collections and tax incentives; report from Tax Department on its study of valuation of oil and gas as used to determine royalty payments and tax liability. The committee has received background memoranda on all of these topics from Legislative Council, has heard testimony from industry representatives explaining any federal funding received and how it is determined and hub city representatives have testified as to how they have used appropriations allocated to them from the state legislature. The committee also toured and received information from hub cities Tioga, Williston and Dickinson.

Study of office space cost and value of properties owned by ND Job Service in Fargo, Rolla, Minot and Bismarck. The committee has reviewed ND Job Service space and opportunities for leasing to maximize the space. NDJS testified that due to constraints related to federal funding received, they cannot make a profit from leases, but simply break even. Discussions continue.

Study of state revenue sources including volatility of tax base and a report from the Dept. of Commerce regarding the status of unmanned aircraft systems' activities. The committee reviewed a memorandum provided by Legislative Council that identified state revenue sources for the general fund and elementary and secondary funding sources. The committee's study plan is to identify significant revenue sources; review long-term trends and their impact on policy changes; review fund analysis for the general, budget stabilization, common schools trust and foundation aid stabilization funds. Analyze the causes of revenue volatility, assess the adequacy and reliability of elementary and secondary education funding sources, develop recommendations and any necessary legislation to implement recommendations and prepare a final report. No report has been given to date regarding unmanned aircraft system activities status.

Study of ND's initiated and referred laws. The committee reviewed constitutional and legal provisions regarding initiated and referred measures and the process, forms and requirements to meet these provisions. The committee was asked to distinguish between a sponsoring committee and a measure committee and Legislative Council provided information on other states' laws and practices. The committee is interested in Colorado providing iPads to committees to gather signatures electronically. The system is tied to voter registration files, which determines if signee is a voter and is eligible to sign. Also discussed were out-of-state funding and a legislator being able to advocate on behalf of a measure.

Study of wind energy development impact on the environment and landowners. The committee reviewed a Legislative Council background memorandum on wind energy development and the environment. The committee intends to take testimony

#### Gov. Affairs Update continued from page 20

from the PSC, Agriculture Commissioner, ND Association of Counties, ND Township Officers Association and ND Association of Appraisers on any impacts including aesthetics, property values and agriculture. The committee also intends to look at the pros and cons of legislation for pooling of wind resources similar to that of the oil and gas industry and the processes for the decommissioning of a wind energy project.

Studies of how city growth and infill development affects property taxes and ROI on state and community projects; duplicative application of tax incentives, especially TIF and Renaissance Zones; the property tax system looking for reform and relief; annual reports from the Division of Community Service on renaissance zone progress; report from Dept. of Commerce on compiling reports from cities that have a Renaissance Zone in a TIF district; analysis of economic development tax incentives; summary of state grantor reports that award business incentives; report from the Tax Commissioner on how counties receiving allocations of oil and gas gross production tax revenues have received, expended and unexpended funds. The committee reviewed memoranda related to all study areas. A possible study approach is to explore property valuation and notice requirements when valuations increase; to review historic fluctuations in property values and the procedures available to taxpayers to contest

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valuations; to receive testimony from local governing bodies regarding the formulation of taxing district budgets and budget hearing notice requirements; to receive testimony regarding the contents of property tax statements, the ability of taxpayers to participate in the property tax process and the transparency of the system; and to develop any bill drafts to implement recommendations.

Studies related to a statewide flood hazard risk management framework; study of industrial water use by the oil and gas industry; legislative overview of water-related topics and related matters and discussions with adjacent states; legislative overview of Garrison Diversion Project; quarterly review of the Red River Valley Water Supply Projects; the feasibility and desirability of the sale or lease of the industrial supply assets of WAWS with timeline; Report from the BND on the terms and conditions of WAWS consolidation loan. The committee has received reports on all study areas required. The committee also has received information on all the available funding sources for water projects – state and federal. Updates were provided for WAWS, the SW Pipeline Project, NAWS and the Fargo Flood Control Project. A water treatment plant project in Max is continuing, the SW Pipeline Project is exceeding its funding; the Fargo Flood Project is on hold pending the Governor's ND-MN task force resolving differences. During the stoppage, the project will continue to acquire land, complete the Cass County Road 16 & 17 bypass and work on the interior part of the project (in-town levees).

FEMA has re-mapped the Fargo-Moorhead area and adjusted the level for 100-year flood plain from 40 to 41 ft. Without the Diversion Project, FEMA will not certify proper elevation which will mean many homeowners having to purchase flood insurance. WAWS has selected a vendor to value its industrial assets. The cost of the LiDAR mapping study will be split by the city of Minot and Ward County. State Water Commission staff are working with the North Carolina database vendor to understand what data is needed and how it needs to be constructed for sharing to complete the proof of concept. The Mouse River Flood Control Project is moving ahead. The project will need \$60 million more to leverage the federal funds anticipated. Water Commission staff testified that with less revenue coming to the state from taxes and oil and gas production the resources trust fund if \$18 million under projections for this period. If revenue doesn't improve, the State Water Commission will need to set priorities and all projects may not be funded. The committee discussed fees charged by railroads in areas where water systems cross railroad crossings. A representative from the railroads will be asked to testify. The committee also heard about new industrial water treatment technologies.

We will continue to keep you updated. All notices, agendas and committee meeting minutes are available on the ND Legislative website. If you would like to attend any committee meetings, just let Nancy Willis know at nancy@ndrealtors.com or call 701-355-1010.

20	118 National Committee Appoint	ments
Jill Beck, CEO  Leading Edge Advisory  Board	Daryl Braham Board of Directors  Broker Involvement Council  Professional Standards Committee	Scott Louser  Federal Taxation  Committee
Nancy Deichert  Multiple Listing Issues and Policies Committee	Cindy Harvey  RPAC Major Investor Council	Joshua Boschee  Housing Opportunity  Committee
Jameson McLean  Land Use Property Rights & Environment Committee	Jill Kjorstad  Professional Development Committee	Shawn Ostlie  State & Local Issues Policy Committee
Karin Haskell  RPAC Participation  Council	Ben Schroeder  Board of Directors  Data Strategies Committee	David Lanpher Diversity Committee
Larry Louser REALTOR® Party Member Involvement Committee	Vicki Roller  Board of Directors  Membership Policy & Board Jurisdiction  Committee	Amy Hullet  Meeting & Conference  Committee
Dewey Uhlir Board of Directors Executive Committee	Greg Larson Insurance Committee	Mary Shelkey Miller  Member Communications  Committee
Marti Kaiser Federal Financing & Housing Policy Committee	Mary Splichal Public Policy Coordinating Committee	Lyn Dwyer Professional Standards Committee
Jerome Youngberg Global Business & Alliances Committee	NATIONAL ASSOCIATION of REALTORS	Diana Zietz Risk Management Issues Committee

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