

WEBSITES TO WATCH

www.bismarckmandanhomes.com

- access to InterfacExpress online for REALTOR® and public
- MLS participants office info and phone numbers
- REALTOR® sponsored open houses
- links to several affiliate member sites



www.bmbor.org

- Bylaws and Rules & Regulations
- Calendar of Events/Meetings
- Affiliate Member Listing
- REALTOR® & Affiliate of the Year info
- Links to other useful sites
- Pay Dues Online
- Register and pay for classes and events



www.ndrealtors.com

- Minutes from committee meetings
- Committee rosters
- Convention information
- Online education
- Code of Ethics info
- Do Not Call info
- Legal hotline info
- Upcoming education schedule
- State News
- Prelicensing info
- Many useful links



www.nar.realtor

- Member benefits
- Code of Ethics
- National REALTOR® Database System (NRDS)
- National convention info
- Residential and Commercial info
- REALTOR® Resources



www.bismarck.org/assessing

- Current taxes, specials, and other information
- Much of the information you need on a regular basis is available on the part of the site that does not require a log in.



www.ndhfa.org

- North Dakota Housing Finance Agency
- Homebuyer education
- Mortgage Home Loan information
- Down payment and Closing Cost Assistance information

www.bismarck.org/city_departments/department/default.asp?dID=16

- Bismarck Planning & Development Department
- 222-6447

www.cityofmandan.com

- Mandan web site
- City Administrator for planning
- 667-3225

www.co.burleigh.nd.us

- Burleigh County web site
- Auditor's office, 222-6718
- Register of Deeds, 222-6749
- Tax Equalization, 222-6691
- Treasurer, 222-6694

www.co.morton.nd.us

- Morton County web site
- Auditor's office, 667-3300
- Register of Deeds, 667-3305
- Tax Equalization, 667-3325
- Treasurer, 667-3310

www.choicetrust.com

- Choice Point
- CLUE® Report information

www.ag.state.nd.us/BCI/Meth/Meth.htm

- Methamphetamine information
- ND Attorney General's Office
- 328-5500

Help Line Phone Numbers:

FlexMLS Tech Support	888-525-4747
Supra Agent Tech Support	877-699-6787
ND Technology Helpline	866-432-3029
NAR Info Central	800-874-6500
Great North MLS	701-975-5289

Office Numbers:

BMBOR (<i>Wendy, Heather, Sunne</i>)	255-0712
NDAR (<i>Jill, Robyn, Sarah</i>)	355-1010

Licensing Questions:

Real Estate Commission (<i>Jeanne</i>)	328-9749
--	----------

Mobile Home Parks:

Airport Village	1119 University Drive, Bismarck	663-2300
Century Park	Century Avenue/Hwy 83, Bismarck	255-1705/667-1705
Centennial Park	2500 Centennial Road, Bismarck	255-3440
Chance Mobile Home Park	2406 E Thayer Avenue, Bismarck	223-9457
Civic Mobile Home Park	507 S 8 th Street, Bismarck	258-6205
Colonial Estates	1501 E Bismarck Expressway, Bismarck	258-4686
El Rancho Mobile Home Park	Mandan	255-2419
Holiday Park	700 S 12 th Street, Bismarck	223-8150
Liechty Homes	Hwy 83 N, Bismarck	255-1705
Lincoln Meadows	112 Bluejay Avenue, Bismarck	258-4532
Meadow Park	117 Antelope Street W, Mandan	663-1532
North Valley Homes	2001 46 th Avenue SE, Mandan	663-4009
Skyway Park Village	Hwy 83 N, Bismarck	255-1705
Stardust Terrace	614 W Sweet Avenue, Bismarck	258-9404
Tatley Meadows	South Washington Street, Bismarck	223-1525
Twin City Estates	3001 Twin City Drive, Mandan	663-7066
Wildwood Mobile Home Park	715 3 rd Street SE, Mandan	663-8871

ND Real Estate Commission (licensing agency)

Steven Bitz
Bitz Realty
1100 E Capitol Ave
Bismarck, ND 58501
701-400-6895
steven@bitzrealty.com

Steven Link
Pifer's Auction & Realty
1506 29th Ave S
Moorhead, MN 56560
218-477-1968
stlink@pifers.com

Scott Breidenbach
Park Company REALTORS®
28 N 10th St, PO Box 89
Fargo ND 58107
701-237-5031
breidenbach@parkcompany.com

Sandra J. Meyer
RE/Max Grand LLC
3351 S 32nd St, Ste B
Grand Forks, ND 58201
701-772-0061
remaxgrandsandy@gmail.com

Tate Cymbaluk,
Basin Brokers, Inc
106 S Main, PO Box 456
Williston ND 58802-0456
800-572-5560
tate@basinbrokers.com

Jeanne Prom, Executive Director
PO Box 727
Bismarck ND 58502
701-328-9749
pjergenson@nd.gov

The Commission licenses brokers and salesperson, adopts regulations, and handles consumer complaints. Three members must be active real estate brokers; and two public members also serve.

F.A.Q. on Continuing Education Requirements

Prepared in cooperation with the Bismarck Mandan Board of REALTORS®,
ND Association of REALTORS® and the ND Real Estate Commission

1. How many hours of continuing education (CE) do I need?

Licensees need a minimum of 9 hours of approved continuing education hours each renewal period. New licensees (as well as those coming out of escrow) have different requirements and should check with the ND Real Estate Commission if additional information is needed. **Note: CE hours must be taken between November 16, 2018 and November 15, 2019 to renew your license for 2020.**

2. Can I take on-line/correspondence courses? Is there a maximum number of hours?

Licensees can take approved online/correspondence courses for continuing education hours. There is no restriction on the number of CE hours that can be taken online or by correspondence. A maximum of 8 hours of CE may be taken in one day - this includes both online & live courses.

3. Are there courses licensees have to take?

The ND Real Estate Commission can choose to require each licensee to take a required course (or courses) up to a maximum of 6 hours each continuing education cycle. The Real Estate Commission has determined that the mandatory topic for the current CE cycle is 3 hours on Safety (must include a section on cyber security).

4. If I take more CE hours than is required, can I carry the extra hours over to the next continuing education cycle?

Continuing education hours cannot be carried over from one CE cycle to the next.

5. Who is responsible for tracking my continuing education hours?

YOU ARE. The ND Real Estate Commission requires CE hours for license renewal. Course sponsors are responsible for maintaining copies of CE slips for the courses they sponsor. As a service to its members, the NDAR maintains copies of CE slips of the classes sponsored by NDAR, some local boards, and some of the other sponsoring agencies. However, licensees bear the responsibility for tracking the total number of CE hours they have accrued and submitting proof of CE attendance to their Broker. Licensees may be audited on verification of CE by the ND Real Estate Commission. [Click here](#) for a form to track your CE.

6. How do I find out about Continuing Education available to me?

The ND Association of REALTORS®, other Boards of REALTORS®, and other affiliated entities provide continuing education opportunities for members (non-member licensees may attend for a higher registration fee). Courses are announced in newsletters, emails to members, information shared with brokers, at these web sites: www.ndrealtors.com, www.realestatend.org and other means of communication.

7. What about the required Code of Ethics training?

The Code of Ethics training is required by the National Association of REALTORS® and is a requirement to maintain membership in the local board of REALTORS®, the ND Association of REALTORS® and the National Association of REALTORS®. The Code of Ethics training is a biennial requirement – each member must take an approved course every two years. The current biennial cycle is January 1, 2019 to December 31, 2020. All members must have completed an approved Code of Ethics course of at least 2 ½ hours by December 31, 2020 to continue their membership in the local, state, and national association.

REALTOR

THE BUSINESS TOOL FOR REAL ESTATE PROFESSIONALS

This article was published on: 11/01/2006

SALES COACH COLUMN

What not to say

7 Phrases to Avoid with Clients

Change your words and you'll change your results. Here's a list of weak phrases to stay away from, along with more powerful alternatives.

BY HOWARD BRINTON



Words are powerful things. When speaking with prospects, clients, and colleagues, your choice of words and phrases shapes their perception of you; it tells them if you can get the job done effectively and responsibly.

However, many people don't realize they have a habit of using weak phrases that undermine their professional image. Some of these phrases are: "I should," "I want," "I need," "I have to," and "I don't know."

These phrases imply that you're giving up control and accountability and are placing it on someone or something else. Consider using these more powerful phrases instead: "I am," "I choose to," "I can," "I will find out," and "I'll create." A subtle change in word choice puts you back in control and allows you to regain ownership of the outcome.

The next time you're talking to a client, pause for a moment to listen to the language you're using — are you subconsciously putting a negative spin on the situation and giving them a reason to doubt you? Or are you demonstrating that you can get the job done professionally and effectively?

Here are seven phrases that that can negatively affect the outcome of your conversations, along with some better alternatives. By paying close attention to the words you choose, you're taking control of your relationship with clients.

Phrase 1: "Here's the Problem"

Your clients don't want to hear about a problem associated with selling or buying their home; they'd rather know what you're going to do to solve it. Instead, use words like *challenge* or *opportunity*. These words imply action, as in "Here's our challenge — we need to fix up this house on a small budget! Let's talk about where to start."

Phrase 2: "I'll Try"

This phrase is laden with doubt. It gives the impression that you've already concluded that you

will not be able to help them. Instead, consider using *I will*. If you aren't positive that you can deliver on the promise, explain what you'll do to achieve the goal. Then provide a few paths you will take as an alternative approach, if necessary.

Phrase 3: "But"

This word is often an "I can't" in disguise. For instance: "We'll market your property at this price *but* I can't guarantee it will sell." Instead, use the word *and*, as in "I will market your property at this price for four weeks *and* if we don't receive any offers, I'm going to ask you for a price adjustment."

Phrase 4: "You Should"

This phrase kills marriages as well as sales. Down deep, you may want to say, "You should paint the exterior and remove all of these dead shrubs," but instead consider ways to rephrase it so that you're creating a sense of empowerment. This is a better way to phrase it: "*If we* paint the exterior of the house and work a bit on the landscaping, we'll be in a better position to increase the asking price."

Phrase 5: "You Have To"

As in, "You have to list at this price if you want to get any activity." Phrases such as this one often make people mad simply because it takes away their sense of control. Instead, say "*You can* position this property anywhere in the market that fits your needs, remembering that homes sell faster at one price compared with another."

Phrase 6: "It's Not My Fault"

This phrase is a quiet killer. Odds are good that you don't say it out loud to your clients, but even when you think it they can hear you. If something goes wrong, forget whose fault it is. Instead, focus on a solution by affirming "*I am in complete control* of the outcome and responsible for what I do next."

Phrase 7: "No Problem"

Sounds harmless, right? Not so fast. I've always believed that you should never answer someone's request with "no problem." It implies that the request could have been a problem, or that it was almost a problem. Indirectly, the phrase can evoke negative emotions, whether you meant it or not. Instead, try answering with a simple *It's my pleasure*.

Simple But True

Some of these ideas may seem rather simple. The good news is, they are! It's really just a matter of understanding that the subtlest changes in your choice of words can produce the biggest wins. With a little practice, I'm confident that you will begin to see how a few subtle word changes can have a remarkable impact on your success.

[Read More Sales Coach Columns](#)

Use on the Internet

When surfing the Web for real estate homepages, it's quite common to come across sites belonging to REALTORS[®]. If you are looking to add your own electronic presence on the Internet, it is easy to get caught up in designing your own web page and choosing a domain name which will capture the attention of surfers and make you easily identifiable. REALTORS[®] often want to use the REALTOR[®] marks as part of their domain name or address to distinguish themselves, but they must keep in mind that there are rules governing proper use of the REALTOR[®] marks that must be adhered to at all times regardless of the media used. These rules are found in the National Association's Membership Marks Manual, a reference manual explaining proper use of the REALTOR[®] marks including examples of correct and incorrect uses. Here is a brief list of the principle rules affecting use of the REALTOR[®] marks in domain names:

1. The term REALTOR[®], whether used as part of a domain name or in some other fashion must refer to a member or a member's firm.
2. The term REALTOR[®] may not be used with descriptive words or phrases. For example, Number1realtor.com, numberone-realtor.com, chicagorealtors.org or realtorproperties.com are all incorrect.
3. For use as a domain name or e-mail address on the Internet the term REALTOR[®] does not need to be separated from the member's name or firm name with punctuation. For example, both johndoe-realtor.com and johndoerealtor.com would be correct uses of the term as a part of domain names and jdoe*realtors@webnetservices.com and jdoerealtors@webnetservices.com are both correct uses of the term as part of an e-mail address.
4. The REALTOR[®] block R logo should not be used as hypertext links at a web site as such uses can suggest an endorsement or recommendation of the linked site by your Association. The only exception would be to establish a link to the National Association's web site, REALTOR.org, or its official property listing site, REALTOR.com.

The public has adopted the use of all lower case letters when writing domain names, even those containing trademarks. Therefore, for purposes of domain names and internet addresses only, there is an exception to the rule on capitalization of the term REALTOR[®] and it may appear in lower case letters.

Whether you use traditional print media or the Internet, it is essential to use the REALTOR[®] marks in accordance with the rules and guidelines of the National Association. The REALTOR[®] marks should only be used to denote membership in the NATIONAL ASSOCIATION OF REALTORS[®].

Regulating Real Estate Professionals

If you have ever bought or sold real estate, you have undoubtedly employed the services of a real estate agent to guide and assist you through the process. Consumers are often uncertain who regulates real estate professionals.

Many real estate professionals are subject to two sets of rules. First, each jurisdiction has a governmental agency, typically referred to as the real estate commission, charged with the authority to issue licenses to real estate professionals and enforce related state laws and regulations. Additionally, many real estate professionals, after obtaining a license, choose to become members of a REALTOR® association, whose mission is to promote the profitability and success of its members. Those licensees agree to abide by a strict Code of Ethics, and the local REALTOR® association is responsible for assuring that members adhere to the Code.

Real Estate Commissions

Each jurisdiction has a real estate commission whose primary mission is to protect the public from unqualified real estate practitioners. As such, the real estate commission has the authority to implement and enforce real estate licensing laws. In keeping with this authority, the real estate commission serves various important functions, including:

- Authority to Issue a license, and monitor real estate activities.
- Establish requirements for maintenance of a real estate license, such as continuing education.
- Conduct investigations into alleged violations of jurisdiction licensing laws and regulations based on complaints filed by the public or on the real estate commission's own motion.
- Perform routine audits of trust accounts.
- Enforce licensing laws and take disciplinary action against licensees who have been found in violation, including revoking their ability to practice licensed real estate activities in a respective jurisdiction.

Members of the public who suspect a real estate licensee has violated the licensing laws can direct their complaint to the real estate commission of the respective jurisdiction, which will then review the allegations and determine what action, if any, is appropriate for the jurisdiction to pursue.

REALTOR® Associations

Membership in a REALTOR® association is entirely voluntary, but carries with it the responsibility for each REALTOR® member to adhere to a strict Code of Ethics. Real estate professionals join their local REALTOR® association and, as part of their membership, they automatically become members of

both the state REALTOR® association, and the National Association of REALTORS® (NAR). The NAR Code of Ethics, which establishes a public and private standard of behavior for REALTOR® members when dealing with the public and other real estate professionals, is enforced at the local level through the local REALTOR® association. It is therefore the function and authority of the local REALTOR® association to:

- Conduct hearings into alleged violations of the NAR Code of Ethics.
- Take disciplinary action against a REALTOR® member, which can include the ordering of fines or revocation of a real estate professional's membership in the REALTOR® association.

Similar to filing a complaint with the state real estate association, members of the public can also contact their local REALTOR® association and file a complaint where they suspect a violation of the Code of Ethics has occurred. It is important to understand, however, that a REALTOR® association does not have any authority over a real estate professional's license, as this is the exclusive jurisdiction of the respective real estate commission. REALTOR® associations only discipline REALTOR® members for violations of the NAR Code of Ethics. For all other alleged wrong doing, consumers should contact the respective real estate commission or consult with an attorney.

In conclusion, real estate professionals are held to high standards under which they must conduct their business. The real estate commission enforces its license laws, while members of a REALTOR® association must agree to follow the NAR Code of Ethics. If a real estate professional fails to adhere to these standards, appropriate action can be taken.

This article was written by the National Association of REALTORS®, in collaboration with the Association of Real Estate License Law Officials.

Q & A on Advertising Rule
North Dakota Administrative Code §70-02-03-02.1

70-02-03-02.1. Advertising.

1. Definition. As used in this section, the terms "advertise", "advertising", and "advertisement" include all forms of representation, promotion, and solicitation disseminated in any manner and by any means of communication for any purpose related to real estate brokerage activity, including, at a minimum, advertising the sale or purchase of real estate or promotion of real estate brokerage services conducted by mail, telephone, the internet, the world wide web, electronic mail, electronic bulletin board, or other similar electronic common carrier systems, business cards, signs, television, radio, magazines, newspapers, and telephonic greetings or answering machine messages.
2. Trade name. Advertising must be done in the real estate brokerage agency's trade name as licensed with the commission and the trade name must be prominently displayed.
3. Contact information. Advertising must include information on how the public can contact the real estate brokerage agency.
4. Advertising by licensees. Advertising by licensees must be under the supervision of the designated broker. Such advertising may include a licensee's name and telephone number or other contact information, provided the real estate brokerage agency's registered business name or trade name and contact information are also clearly included as required in this section.
5. Deception and misrepresentation prohibited. Advertising and promotion must be free from deception and shall not misrepresent the terms of the sale or purchase, real estate brokerage agency policies, or real estate brokerage services.
6. A real estate broker may advertise, in the licensee's own name, property which is owned by the licensee, provided that immediately following the licensee's name where it appears in the advertisement, the words "Owner/Licensed Broker" must also appear. The provisions of this subsection apply both to active broker licensees and licensees whose license is on an inactive status.
7. A real estate salesperson may advertise in that person's own name property which is owned by the salesperson, provided that immediately following the name where it appears in the advertisement, the words "Owner/Licensed Salesperson" must also appear. The provisions of this subsection apply both to active salesperson licensees and licensees whose license is on an inactive status.

1. Can the contact information be the company's website or email address rather than the telephone number?
The rule requires that advertising include information on how the public can contact the real estate brokerage agency. The purpose is to provide the consumer with a workable means to contact the company, not just the licensee. Contact information can be any of the following:
 - the company street address
 - the company telephone number
 - the company email address
 - the company website address/QR code (as long as it takes the consumer to the company information)
2. Do I need to have my brokerage contact information in each social media post?
The licensee's name and brokerage MUST be identified in the initial post. Brokerage contact information must be included in the post or within one click.
3. Do I have to have my company name and contact information on my home answering machine or on my personal cell phone voice mail?
Personal numbers are just that, personal. The company name and contact information are not required on the voice mail or answer machine greetings of your personal numbers.
4. How small is too small for the company name on an advertisement?
The requirement is that the brokerage agency's trade name be **prominently displayed** on advertising. The company trade name, as licensed with the commission, must be easy to read and apparent to the public as it views the advertisement.
5. Do I need to include my company's contact information on giveaway items such as pens, pencils, etc.?
Yes, as the rule states: **Advertising**. 1. Definition. As used in this section, the terms "advertise", "advertising", and "advertisement" include all forms of representation, promotion, and solicitation disseminated in any manner and by any means of communication for any purpose related to real estate brokerage activity, including, at a minimum, advertising the sale or purchase of real estate or promotion of real estate brokerage services conducted by mail, telephone, the internet, the world wide web, electronic

mail, electronic bulletin board, or other similar electronic common carrier systems, business cards, signs, television, radio, magazines, newspapers, and telephonic greetings or answering machine messages.

6. Do I need to have my company's contact information on my text messages or my emails?
Yes, as noted in question #5 advertising is defined as and includes telephone, internet, email, electronic bulletin board or other similar electronic carrier systems.
7. We run our open house advertising in the MLS advertisement. Is the full company name and telephone number required if the advertisement is a part of the MLS open house advertisement?
If an open house advertisement is part of the Board's or Association's MLS open house advertisement, the following guidelines apply:
 - The ad must contain the Board or Association name and contact information, such as telephone number and website address, and
 - Each individual open house advertisement must include the real estate company name as licensed.
8. My company's ad in the real estate magazine is more than one page. Do I need to have the company name and contact information on every page?
Yes, each page would be viewed as a separate ad.
9. Does my company name and contact information have to appear on each page of my website?
Yes.
10. I use my "DID" (direct inward dial) number, that is, the company number that rings directly to my desk, on my advertising materials such as sign riders and written advertisements. Is this acceptable as a company number?
No, it is not. The company contact information also must be on the advertisement. As the rule states, "advertising must include information on how the public can contact the real estate brokerage agency."
11. Is the company contact information required if the company name is on a shirt, jacket, or other types of apparel and is not promoting the individual?
No, this is promoting the company not an individual.

**Provided by the North Dakota Real Estate Commission
October 10, 2017**

GUIDELINES FOR THE USE OF UNLICENSED PERSONS BY LICENSEES

Licensees, both brokers and salespersons, often use unlicensed persons, either employed or contracted, to perform various tasks related to a real estate transaction which do not require a license. Such persons, for example, are used as personal assistants, clerical support staff, closing secretaries, etc.

The North Dakota Real Estate License Law prohibits unlicensed persons from negotiating, listing, or selling real property. It is, therefore, important for employing brokers and other licensees using such persons to carefully restrict the activities of such persons so that allegations of wrongdoing under the law or rules can be avoided.

Licensees should not share commission with unlicensed persons acting as assistants, clerical staff, closing secretaries, etc. The temptation for such unlicensed persons, in such situations, to go beyond what they can do and negotiate or take part in other prohibited activities is greatly increased when their compensation is based on the successful completion of the sale.

In order to provide guidance to licensees regarding which activities relating to a real estate transaction unlicensed persons can and cannot perform, the Commission has established the following guidelines:

Activities which **CAN** be performed by unlicensed persons who, for example, act as personal assistants, clerical support staff, closing secretaries, etc., include, but are not necessarily limited to:

1. Answer the phone and forward calls to licensees.
2. Transmit listing data and changes to a multiple listing service.
3. Follow up on loan commitments after a contract has been negotiated.
4. Assemble documents for closings.
5. Secure documents, i.e. public information, from courthouse, register of deeds, or tax office.
6. Have keys made for the firm's listings.
7. Record and deposit earnest money, security deposits, and other trust monies.
8. Type offers, contracts and leases under the direction of the licensee.
9. Check license renewal and personnel files for the brokers and salespersons with the firm.
10. Compute commission checks and act as bookkeeper for the firm's operating bank accounts.
11. Place and remove signs on property at the direction of a broker or salesperson with the firm.
12. Order and supervise routine and minor repairs as directed by the licensee and/or supervising broker.
13. Act as a courier to deliver or pick up documents, keys, etc.
14. Schedule appointments.
15. Measure property, if licensee verifies measurements.
16. Write and prepare ads, flyers and promotional information and place such advertising.
17. Hand out objective written information on a listing, other than at functions such as open houses, kiosks, and home show booths or fairs.

Activities which **CANNOT** be performed by unlicensed persons who, for example, act as personal assistants, clerical support staff, closing secretaries, etc., include, but are not necessarily limited to:

1. Make solicitations by telephone or in person to potential listers and purchasers.
2. Show property.
3. Host open houses, kiosks, home show booths, or fairs or hand out materials at such functions.
4. Answer any questions on listings, title, financing, closing, etc.
5. Discuss or explain listings, offers, contracts, or other similar matters with persons outside the firm.
6. Be paid on the basis of real estate activity, such as a percentage of commission, or any amount based on listings, sales, etc.
7. Negotiate or agree to any commission, commission split or referral fee on behalf of a licensee.
8. Act as a "go-between" with a seller and buyer such as when an offer is being negotiated.

Employing brokers, whether they are employing unlicensed persons or whether licensees under their supervision are using unlicensed persons as personal assistants or the like, are responsible for assuring that such unlicensed persons are not involved in activities which require a license and/or activities as stated in these guidelines. Brokers should establish guidelines for the use of unlicensed persons and procedures for monitoring their activities. It is the responsibility of the employing broker to assure that unlicensed persons, either employed or contracted by licensees under his/her supervision, are not acting improperly.

September 2002

4. Complete signed copy of the initial earnest money agreement, including offer, acceptance or counteroffer, acknowledgment, and any addendum or other document of agreement between the parties forming part of the initial agreement between them. Signatures and initials should include date and time.
5. Final agency acknowledgment to both parties if not included in purchase agreement.
6. A record of who presented the offer (and any counter offers) and to whom, along with any representations (such as the financial ability of the buyer) made by the licensee at the presentation.
7. Full legal description of the property.
8. Zoning and flood zone information where applicable.
9. Seller Property Disclosure Statement.
10. Copy of the earnest money tendered (check, money order, promissory note, cash etc.). Do not color-copy or same-size copy cash.
11. Disposition of earnest money tendered (note redemption, deposit to trust account, receipt from escrow agent).
12. Copy of the listing or co-op office listing information. Many brokers combine the listing and sale files at close of escrow if it was their listing sold.
13. Evidence of timely supervision by the broker (dated initials on all documents of agreement).
14. Any addenda amending (or attempting to amend) the original agreement, including removal of contingencies.
15. CMAs prepared for the buyer or seller related to this sale.
16. Estimates of buyer's closing costs, and/or seller's net proceeds.
17. Copies of inspection reports, repair estimates and clearances.
18. Record of buyer's progress in obtaining financing.
19. Preliminary title report, with evidence that licensee has reviewed it and discussed any significant issues raised by it with represented party.
20. Evidence of all disclosures made by the licensee(s) and of recommendations made that was not acted upon by the principal(s).
21. Copies of all correspondence, to or from the represented party or their authorized representatives. (i.e.: includes emails, faxes, etc.)
22. Licensee's diary notes generated in the sale transaction.

23. Record of problems encountered and who attended the closing.
24. Settlement statement(s).
25. Seller's forwarding address.
26. Reason for fail-sale if it occurred and disposition of earnest money.

Rejections: Offers & Counteroffers

1. Disclosed Dual Agency agreement (if applicable).
2. Complete signed copy of the offer, rejection or counter offer(s). All signatures and initials should be identified as to their dates and time.
3. Final agency acknowledgment of existing agency relationship to both parties.
4. Copy of the earnest money tendered (check, money order, promissory note, cash). Do not color-copy or same-size copy cash.
5. Disposition of earnest money tendered (deposit to trust account, returned to offeror, receipt from escrow agent).
6. Evidence of timely supervision by the broker (dated initials on all document of agreement or disagreement).
7. CMAs prepared for the buyer or seller related to this sale.
8. Estimates of buyer's down payment and closing costs, and/or seller's net proceeds.
9. Evidence of all disclosures made by the licensee(s) and recommendations made that were not acted upon by the principal(s).
10. Copies of all correspondence, to or from the represented party or their authorized representative. (i.e.: includes emails, faxes, etc.)
11. Licensee's diary note generated in the proposed sale transaction.

Guidelines for Record Keeping

A Guide for Maintaining Listing Agreements and Transaction Files



Provided by the
North Dakota Real Estate Commission

2008

Preface

This brochure was developed to assist brokers and their licensees in keeping adequate, complete records of their activity, it is not law but a guide for good business practice. Good record keeping minimizes risk and is a hallmark of a professional real estate licensee.

Introduction

North Dakota brokers are required to maintain adequate records, as defined by law and rules, of all professional real estate activity. Maintaining complete listing and transaction files allows the broker to monitor licensee activities, an important factor in risk management.

The following lists of records are recommended based upon existing statutory and rule requirements for adequate broker records. In our enforcement of records requirements, the Real Estate Commission understands that adequate records may result without applying "one size fits all" requirements.

This brochure concerns record keeping for listing and transaction files, not trust accounts for clients.

Written Company Policy

License law and rules require each office to develop and maintain a written office policy. The policy shall minimally include:

1. Provisions on how to comply with rules on agency relationships.
2. Procedures to ensure protection of confidential information.
3. Provisions regarding supervision and control of licensees, including licensed personal assistants.

Brokers' Contracts

Seller Representation

North Dakota law places affirmative duties on sellers' agents including reasonable care and diligence, honesty, presentation of all written offers, disclosure of material facts known by agent, accounting, loyalty, disclosure of conflicts of interest, maintaining confidential information, advising seller to seek expert advice on matters outside of agents expertise, and to continuously make a good faith effort to find a buyer. A broker's completed or final listing file helps fulfill those duties, and should include the following records:

Real Property Listings

1. A completed and signed copy of the listing.
2. Seller's Property Disclosure Statement completed and signed. (if used)
3. Initial Agency Disclosure Form (record of compliance with written company policy).
4. Disclosed Dual Agency Agreement (if obtained at listing).
5. Lead-based paint addendum (if applicable).
6. Verification of building and lot size: e.g. actual measurements, the tax assessor's record, an appraisal, plat map, or metes & bounds legal description.

7. Zoning and flood zone information where applicable.
8. Tenant and lease or rental information.
9. Record of how pricing was established and reasons for any subsequent price changes: e.g. CMA, appraisal, assessed value, or owner's input.
10. A written record of promises, pledges or agreements made by the listing licensee as part of the effort to obtain the listing.
11. Marketing activities: e.g. ad copy and date(s) of publication or copies of the actual ads, MLS sheet, any flyers, media scripts, MLS tour date, office tour, open house activity.
12. Listing modifications (signed extensions or price changes).
13. Evidence of timely supervision by broker or manager (dated initials on documents of agreement including, but not limited to: original listing, price adjustments, and extensions).
14. Estimates of net sales proceeds provided to seller.
15. As applicable: Condition, Covenants and Restrictions, by-laws, special assessments and any other specialized information.
16. Licensee's diary notes, generated in the listing transaction.
17. Copies of all correspondence to and from the seller or seller's representative. (i.e.: includes emails, faxes, etc.)

Buyer Representation

Representation of a buyer may be achieved through a written, signed agreement, variously referred to as a buyer's broker agreement or a buyer listing. These agreements impose upon licensees the affirmative duties of reasonable care and diligence, honesty, presentation of all written offers and communications between buyer and seller, disclosure of material facts known by agent, accounting, loyalty, disclosure of conflicts of interest, maintaining confidential information, advising buyer to seek expert advice on matters outside of the agent's expertise, and to continuously make a good faith effort to find a property for the buyer.

Buyer's Broker Files - Service Agreement (Client File)

The records which are advisable for a broker to maintain under a buyer's service agreement are:

1. Initial Agency Disclosure Form (record of compliance with written company policy).
2. The service agreement (buyer's broker agreement), including arrangements regarding fees.
3. Any writing, acknowledged by the buyer, containing the want list showing what the buyer is looking for, and willing to pay.
4. Financial qualifications of the buyer with documents showing financial ability and credit-worthiness, explaining or noting credit problems.
5. Pre-qualification letters obtained by the buyer from a lender.
6. Disclosed Dual Agency agreement (if applicable).
7. CMAs prepared for the buyer in connection with any actual or proposed purchase.
8. Records of promises, pledges or agreements made by the licensee as part of the effort to obtain the buyer's broker agreement.

9. Marketing activity: e.g. ad copy and date(s) of publication or copies of the actual ads.
10. Record of properties shown.
11. Modifications to, and extensions of, the buyer's service agreement.
12. Evidence of timely supervision by broker (dated initials on all documents of agreement, including service agreement, modifications, extensions).
13. Estimates of buyer's down payment and closing costs if provided.
14. Licensee's diary notes generated in representing the buyer.
15. Copies of all correspondence to or from the buyer or buyer's representative. (i.e.: includes emails, faxes, etc.)

Buyer Broker's File - No Service Agreement (Customer File)

Brokers' records documenting buyer representation where no buyer's service agreement exists should be kept with the Disclosed Dual Agency agreement (if applicable), and should include:

1. A record of properties shown.
2. CMAs prepared for the buyer in connection with actual or proposed purchase.
3. Good faith cost estimates provided to the buyer.
4. Licensee's diary notes generated in representing the buyer.
5. Copies of correspondence and faxes to or from the buyer or buyer's representative.
6. Pre-qualification letters obtained by the buyer from a lender.
7. Financial qualifications of the buyer.

Transaction Files

Records should be entered in the file in a timely manner as they are produced. Some items, such as settlement statements and records relating to occupancy arrangements, may not be available until or after closing. Similarly, during the escrow period, certain documents may be temporarily in the possession of the licensee or at a branch office location. However, brokers should keep track of such records.

Brokers' transaction files should contain the following records:

Accepted Offers & Sale Falls

1. Transaction number (sequential).
2. Full names and addresses of buyer(s) and seller(s), with telephone and fax numbers.
3. Disclosed Dual Agency agreement (if applicable).