

# NYSCAR News

Winter 2003-2004

New York State Commercial Association of REALTORS®, Inc.

## NYS Commercial Real Estate Conference opens June 2 in Verona

On June 2 and 3, 2004, NYSCAR will return to the Turning Stone Casino and Resort in Verona, New York for the Third Annual New York State Commercial Real Estate Conference.

Joe Rowley of CB Richard Ellis, Rochester, NY will chair the event. Sponsors will include Catylist Inc. (Ann Arbor Michigan), Hudson Valley Economic Development and the Plattsburgh Airbase Redevelopment Corporation (PARC).

This year's conference will be hosted by members of the REALTORS® Commercial Alliance; the NYS Chapters of CCIM and SIOR; and the Upstate NY Chapter of the National Association of Industrial and Office Properties (NAIOP).

Don't miss this excit-

ing opportunity to network with the best! Plan on attending this year's event, which is packed with top-notch programs.

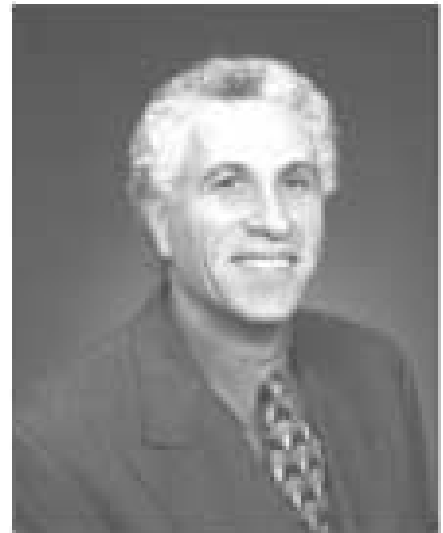
The conference will begin on June 2 with a first-class marketing session moderated by James T. Wilson CCIM, EMS from Orlando, FL. Bring your properties and make a deal!

The "Commercial Challenge" golf championship will also be held on June 2. Last year, NYSCAR's team won this challenge. The team consisted of Karen L. Lewis, CCIM, SIOR of Uniland Development; Harry Gleason of CB Richard Ellis; Robert Galliher, MAI of Galliher Appraisal Services; Richard Maxson of Catylist; and Joe Rowley of CB Richard Ellis.

If you would like to put a team together from your chapter to compete in this year's commercial challenge, please contact Joe Rowley at [joe.rowley@cbre.com](mailto:joe.rowley@cbre.com).

Nationally known speaker Mark Polon, CCIM is back by popular demand this year. He will be one of the featured speakers on June 3, teaching the programs, "Managing the Transaction... *Lead Your Transaction, Don't Follow It*" and "Demographic Data as a Client Service... *Knowing Information Equals Profitability*."

The transaction course will provide students with



Mark Polon, CCIM

an understanding of the transaction process and the importance of the information and communication. Students will learn how to handle offers; maintain common goals; manage the flow of information; the importance of counter offers; the best, worst and most likely sce-

*See Conference, p. 6*



### IN THIS ISSUE:

*Las Vegas Marketing Meeting • "ENVY Awards" • 2004 Committee Chairs*

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## **P**resident's Message

I am pleased to say that we are off to a great start in 2004! We had a very productive meeting in February at the Desmond Hotel & Conference Center in Albany. There was great participation and discussion by attendees.

Committee chairs and members were appointed at the meeting and NYSAR President Joseph L. Canfora installed the officers and governors. Please join me in welcoming new governors Dorian Chapman, Rochester; Sharon Langdon, Long Island; and John Mako, MAI, Syracuse.

New members of the board include President of the Upstate SIOR Chapter Jeff Emhoff, SIOR; and President of the NYS CCIM Chapter Jerome Norton, CCIM, SIOR. Robert Giniiecki, CCIM, Albany will serve another term on the board.

Special recognition was given to NYSCAR Past President Karen L. Lewis, CCIM, SIOR of Uniland Development who served as president in 2002 and 2003. The organization experienced tremendous growth under her leadership and she was thanked for her untiring efforts on behalf of the association.

At the conclusion of the board meeting, a training session was held for the Catylist commercial listing system. Jordan Ho from Catylist gave a detailed presentation of the system to show members the maximum benefit of the service.

I want to remind you that all members must complete the mandatory National Association of REALTORS® Code of Ethics train-



**Steve Perfit, CCIM, SIOR**

ing requirement by December 31, 2004. For your convenience, NAR offers two online ethics training courses at [www.realtor.org](http://www.realtor.org). If you have already taken the course within the last four years, either in person or online, please send a course completion certificate or letter from the sponsor to our office, if you have not already done so. We are monitoring the fulfillment of this requirement.

As you can see from the front page, our premier event, the Third Annual Commercial Real Estate Conference, will be held June 2 to 3 at the Turning Stone Casino in Verona, NY. This has been an outstanding event that grows each year. We encourage your participation, look forward to your support, and to another successful conference. See you in June!

Sincerely,

**Stephen Perfit, CCIM, SIOR  
President**

# Attorney general voices opposition to rule that allows banks to bypass state laws



**Attorney General Eliot Spitzer addresses REALTORS® at NYSAR’s Business Meetings.**

New York State Attorney General Eliot Spitzer addressed members of the New York State Association of REALTORS® during the association’s Mid-Winter Meetings in Albany on February 10.

Spitzer discussed a number of topics including his opposition to regulatory changes made by the Office of the Comptroller of the Currency (OCC) that identify the types of state laws that are preempted for national banks.

Spitzer said, “The new rule would have a negative effect on commerce

in New York state. Preemption by OCC would be horrendous.”

The OCC regulation went into effect on February 12, 2004 and grants nationally chartered banks broad preemption of state real estate lending related laws and consumer protections. All 50 state attorneys general, NYSAR, and the National Association of REALTORS® strongly oppose the OCC changes.

“The fact pattern demonstrates perfectly why OCC preemption would be bad,” Spitzer said before describing

a situation in which a consumer went to the Attorney General’s office for help when a national bank threatened to foreclose on the individual’s already paid-off home. Spitzer’s concern, which is shared by REALTORS®, is that the OCC may not have the resources to adequately handle all consumer complaints.

“No one calls the OCC in this situation,” Spitzer said. “People don’t think about calling the OCC. There aren’t people there who are waiting for consumer calls. We have to

banks in their effort to provide real estate brokerage services. In a letter to the OCC, NAR requested that a regulation be adopted that would prohibit national banks that are exempt from state control from entering real estate brokerage and property management. NAR writes that such a rule “would provide the real estate industry with the assurance it needs that the issue of [national] banks’ involvement in real estate brokerage activities will not be decided unilaterally by administrative fiat.”

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‘The new rule would have a negative effect on commerce in New York state.’

- NYS Attorney General Eliot Spitzer

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be there to protect consumers. You want states closer to businesses to learn how to better regulate.”

NAR is wary of the OCC action because it undermines the important role states play in providing consumer protections and because it may aid national

Spitzer requested the association’s continued assistance in opposing the regulation. “You collectively have to stand up and be heard,” he said. NYSAR members in attendance were asked to contact their member of Congress and urge immediate legislative action against the rule.

# NYSCAR members attend marketing meeting in Las Vegas

**By Robert Gliniecki, CCIM**

A by-invitation-only creative real estate marketing meeting for United States and Canadian real estate brokers was held in December at the Flamingo Hotel in Las Vegas.

Ten NYSCAR members attended the event sponsored by the Society of Exchange Counselors. NYSCAR attendees included Blanca Aponte, Ed Berlinski, Corey

Bishop, Don Dobroski, Joel Dropkin, Paul Manza, Dan Panosian, Don Welch, Pete West, and Bob Gliniecki, CCIM, SEC who was also the meeting chairperson.

Prior to the three-day marketing meeting, Chet Allen, CCIM, SEC presented the two-day seminar "Syndicating & Developing Big Money Real Estate." Christopher A. Wilson, Esq. also presented the

brief seminar "Effectively Using Other People's Money," regarding real estate transactions and the legal consideration in doing so. Both of the education courses and the marketing meeting achieved maximum attendance.

More than 250 formal properties were presented with a high value range from \$30,000 to \$17,800,000 in addition to those brokers who represented clients having cash to invest and quick have/want presentations.

In addition to SECs that provided general presentation moderator assistance, the lead moderators were Larry Browning, CCIM, SEC, IN; Ron Bowde, CCIM, SEC, IN; Steve England, FLI, SEC, KS; Harry Kennerk, SEC, IN; Chuck Sutherland, CCIM, SEC, TX; Hunter Quistgard, SEC, NV; Bill Warr, CCIM, SEC, IL; and Jim Wilson, CCIM, SEC, FL.

The society conducts six invitational marketing meetings annually throughout North America. The purpose of these meetings is to provide members and guests with the opportunity to meet and conduct business. Those attending are among the most outstanding investment brokers in North America. Invitations are provided to brokers who have demonstrated integrity, competence, and creative real estate transaction ability.

Meetings scheduled for 2004 will be held in Tulsa, OK; Louisville, KY; Sun River Resort, OR; Burlington, VT; and Irvine, CA.

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# Association seeks nominations for commercial 'ENVY Award'



If you know a commercial developer who makes environmental preservation a priority in their projects, don't let them miss out on an opportunity to receive recognition for their hard work and care. Nominate a builder or encourage them to submit their project for the New York State Association of REALTORS® "ENVY Awards" program.

The "ENVY Awards" were launched in 2003 to showcase REALTOR® concern for environmental preservation. The awards honor a commercial developer and residential homebuilder for their efforts to build in harmony with New York state's beautiful and varied environment.

Last year's commercial winner, Lake Placid Group, embodied the ideals of the award. Their winning project, the Placid Outpost, is a neighborhood mall located on a 6.6-acre parcel and consists of 4 separate buildings, housing 13 different businesses in 74,145 square feet of retail and office space. Located in

North Elba, NY, it offers an aesthetically pleasing gateway into the world renowned Olympic Village of Lake Placid.

The first view one sees is a combination of expansive lawn, flowers, native logs and stone, combined with a commanding view of the majestic Whiteface Mountain. To further enhance its appearance, existing white spruce trees were preserved during construction; boulders on the property were incorporated into the design; all electricity, telephone and cable lines were buried underground; and an underground irrigation sprinkler system was developed. It was the first large-scale commercial development in its area to have a storm water drainage system achieve a lower level of runoff than existed before the development.

In 2004, all commercial developments completed within New York state are eligible for the competition. A panel of environmental

experts will select the winner based on a number of criteria including the preservation of natural flora and fauna. The winner will receive statewide publicity and recognition at a special ceremony during NYSAR's Fall Business Meetings.

Although the competition deadline is not until August 2, 2004, it is important to get this information out now in order to give the builders and developers sufficient time to apply.

There is no entry fee or application form. However, applicants must submit a written overview of the development, supporting material and a complete set of land development plans.

If there is a project you feel is worthy of receiving the "ENVY Award," simply fill out and return the enclosed nomination form.

For more information, visit [www.realtorenyaward.com](http://www.realtorenyaward.com) or contact NYSAR's Communications Department at 518/463-0300 x308.

## New law permits servicemembers to terminate commercial leases

The Servicemembers Civil Relief Act was signed into law on December 19, 2003. The new federal law permits servicemembers to terminate commercial leases without liability for breach if after they signed the lease they either entered military service or received military orders for a permanent change of station.

The act also prohibits a prop-

erty owner or landlord from terminating certain sales or lease contracts and evicting servicemembers or their families. Violations of this law are punishable by criminal fines and up to one year in jail. For more details, visit [www.realtor.org](http://www.realtor.org).

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## NYSCAR member news

NYSCAR member Edward S. Smith Jr. was recently appointed to regional director for the Long Island Metro area with Coldwell Banker Commercial NRT.

Coldwell Banker NRT recently acquired the former Coldwell Banker Sammis and National Home Finders companies. Currently housed within the 24 community offices of the company are 60 agents, trained in commercial and investment real estate brokerage, who will now be

operating as Coldwell Banker Commercial NRT.

In his new role, Smith will direct and expand this division, develop new branch offices of strictly commercial agents and seek acquisition of other commercial firms.

Smith will continue to distribute his monthly newsletter and teach CE courses for boards of REALTORS® and the Real Estate Practitioners Institute at Long Island University.

## Conference

from page 1

narios; and conflict resolution procedures. Students will also be able to work on a case study.

The demographic data course will provide students with an understanding of the movement from data to wisdom, the impact of internal and external forces, importance of client needs analysis and the impact of population trends on real estate.

Chuck Sutherland, SEC from Dallas, TX will also be a featured speaker on June 3. He will teach the full-day "Creative Real Estate Solutions" course, covering formulas, cash sales and exchanges, use of sale-leasebacks, financing, basic steps of development, turning vacant land into an income solution, and syndication.

We are pleased to announce that the luncheon portion of the day will feature an economic forecast from Charles Klatskin, SIOR of Binswanger Klatskin, Teterboro, NJ; Howard T.

Saperston Jr., SIOR of Saperston Real Estate, Buffalo, NY; and David T. Houston Jr., CRE, SIOR of Colliers Houston & Co, Teaneck,



**Chuck Sutherland, SEC**

NJ. These gentlemen were a big hit at last year's conference and we look forward to welcoming them back again this year.

### 2003 RPAC Honor Roll

*The following members have contributed a minimum of \$99 to RPAC each year.*

**Fred M. Cantor, Dutchess  
David Dworkin, Rochester  
Max Gurvitch, Brooklyn  
Mike Johnson, Buffalo  
Karen L. Lewis, Rochester  
Mike McDonough, Buffalo  
Edward S. Smith Jr.,  
Long Island**



Additional features include a three-hour brownfields course in the morning session and a demonstration of the Catylist Information Exchange System in the afternoon. If you have not had training, please be sure to attend this program. You will learn everything you need to know to maximize the full potential of the system.

**Don't miss this exciting opportunity to network with the best!**

As you can see, this year's real estate conference will have something for everyone. Don't miss out on this opportunity to earn continuing education credit, network, learn, and have fun.

A promotional brochure detailing the events of the conference will be e-mailed to you shortly and posted online at [www.nyscarxchange.com](http://www.nyscarxchange.com). We look forward to seeing you in June!

## Commercial real estate lending on the rise

Commercial banks are starting to make more loans on office, retail, and industrial properties in response to improving market conditions and more competition from other lenders, according to a Federal Reserve Board survey.

More than 75 percent of the respondent banks said they securitized less than 5 percent of the commercial real estate loans they originated in the past year. They noted that the commercial loans they hold in portfolio generally performed better than

loans in securitizations because they were able to refinance the loans as interest rates declined.

One of NAR's regulatory goals for 2004 is to amend the rules governing Real Estate Mortgage Investment Conduits, the vehicle by which commercial loans are securitized, so that securitization becomes more attractive to borrowers. In this way, NAR hopes to build on this growth in commercial lending.

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### Chapter Meeting Schedule



**Hudson Valley:** Meets the second Tuesday of each month. Call Chapter President Joe Deegan, CCIM at 845/334-9700.

**Long Island:** Meets the fourth Tuesday of each month. Call Alan L. Berger, EMS at 516/741-7400 x264.

**Southern Tier:** Meets the first Friday of each month. Call Wayne Jensen, SEC at 607/651-9446.

**Western New York:** Meets the third Thursday of each month. Call Alan Hastings at 716/886-3325.

**Rochester:** Meets the second Thursday of each month. Call Joe Rowley at 585/240-8080.

## 2004 Committee Chairs

### Bylaws Committee

David M. Dworkin  
lld@frontiernet.net

### Education Committee

Maureen Wilson CCIM, SIOR  
mwilson@pyramidbrokerage.com

### Finance Committee

David M. Dworkin  
lld@frontiernet.net

### Grievance Committee

Karen L. Lewis, CCIM, SIOR  
klewis@uniland.com

### Member Services, Business Opportunities & Special Events

Don Welch, SIOR  
dwelchsior@aol.com

### Membership Development

David M. Dworkin  
lld@frontiernet.net

### Standard Forms

Bob Gliniecki, CCIM

### Technology

John LaVelle  
jlavelle@rjsmithrealty.com

### National Affairs & Legislative Committee

Mike Johnson  
mjohnson@realtyusa.com

### Professional Standards

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### RPAC

Max Gurvitch  
realmaxg@cs.com

### Strategic & Long Range Planning

Mike McDonough  
mike@mchomes.com

## NAR comments on Bush proposal to reconfigure tax

In comments submitted to the House Ways and Means Committee on the Bush FY 2005 Budget, NAR said that the president's budget proposal to reconfigure the tax computation for depreciation recapture when investment real estate is sold could have the indirect effect of increasing tax rates in the future.

The proposal would tax half the recapture amount at the ordinary income rate and half at the capital gains rate. If tax rates increase in the future so would recapture rates, according to the proposed formula.

NAR also reiterated its strong opposition to the 1997 tax law change that set the depreciation

recapture rate at 25 percent and its belief that depreciation recapture should be taxed at capital gains rates. For more information visit, [www.realtor.org/realtorae.nsf/pages/pr#comments](http://www.realtor.org/realtorae.nsf/pages/pr#comments).

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### *Have you fulfilled your mandatory NAR Code of Ethics training?*

*There's less than a year left for REALTORS® to complete your mandatory NAR Code of Ethics training. To assist commercial members in completing this requirement, NAR offers two online ethics training courses at [www.realtor.org](http://www.realtor.org).*



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