

NYSCAR *News*

Winter, 2010

New York State Commercial Association of REALTORS®, Inc.
Bringing Commercial Real Estate Practitioners Together

Rowley Installed as NYSCAR President



Joseph F. Rowley, Jr. taking the oath of office

Joseph F. Rowley, Jr. (CB Richard Ellis-Rochester) was installed as the 2010 President of the New York State Commercial Association of REALTORS® at the January 30, 2010 meeting of the Association at the Desmond Hotel in Albany, New York. Patrick Reilly, VP of Board and Member Services, NYSAR, conducted the installation.

Rowley joined the CB Richard Ellis/Rochester team in July, 2001 bringing with him over 16 years of experience in the commercial real estate industry. He started his career in commercial real estate in

Rochester in 1985. Since he has been with CB Richard Ellis, he has generated over \$85 million in sale and lease transactions.

He serves as the 2010 Chair of the Commercial Issues Working Group for the NYS Association of REALTORS® and also serves on the Commercial Legislative and Regulatory Issues Committee for the National Association of REALTORS®.

Rowley was the recipient of the 2006 NYSCAR REALTOR® of the Year Award.

In 2008 and 2009, he was recognized for Commercial Deal of the Year by the Rochester Chapter of NYSCAR. In 2004 and 2009, he was also recognized by NYSCAR Rochester for his Meritorious Service to the organization.

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Lavelle Named REALTOR® of the Year



(left) Mike A. Johnson (Buffalo) congratulates John Lavelle (Pine Bush) for being named the 2009 NYSCAR ROTY.

John Lavelle (R.J. Smith Realty, Pine Bush, NY) was named REALTOR® of the Year for 2009 for the New York State Commercial Association of REALTORS® at the Association's Board of Governors' meeting held January 30, 2010 at the Desmond Hotel in Albany, New York. Last year's recipient, Michael A. Johnson (Realty USA, Buffalo) presented John with the award.

The purpose of the award is to recognize an outstanding active member of the New York State

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New York State Commercial Association of REALTORS®, Inc. 130 Washington Avenue
Albany, New York 12210 phone: 518-463-0300 x 507 fax: 518-462-5474, www.nyscar.org



President's Message

2010 Officers

Joseph F. Rowley, Jr.
President

CB/Richard Ellis, Rochester
120 Corporate Woods, Suite 210
Rochester, NY 14623
(585) 240-8080

Michael A. Johnson
First Vice President

Realty USA
505 Center Street
Lewiston, NY 14092
(716) 754-7115

John Lavelle
Second Vice President

R.J. Smith Realty
55 Main St., PO Box 668
Pine Bush, NY 12566
(845) 744-2095

Brian J. DiNardo
Treasurer

DiNardo Realty Corp.
202 North Washington St.
East Rochester, NY 14445
(585) 235-6300

Guy Blake, CCIM
Secretary

Pyramid Brokerage
356 Meadow Ave., 2nd floor
Newburgh, NY 12550
(845) 522-5900

NYSCAR held its first meeting of the year on January 30, 2010 at the Desmond Hotel and Conference Center in Albany, New York.

I am happy to report that it was a fantastic meeting to kick off the year. The officers and governors were installed by Pat Reilly, VP Board and Member Services, NYSAR, committee chairs and vice chairs were approved, committee reports and chapter reports were given and several members were honored with awards.

This year the 9th Annual NYS Commercial Real Estate Conference will be chaired by John Lavelle (Pine Bush). The committee has been meeting every few weeks to plan the conference. There is a great line-up of speakers and programs which we know you will enjoy. We are thrilled to have Dr. Mark Dotzour as the keynote speaker on June 16. Plans for the marketing session are also taking shape. This year the marketing form will be on-line. Each participant will fill out their property data and submit it electronically for the marketing books.

If you or your company would like to exhibit at the conference, please email Ali Mann today at amann@nysar.com for a sponsor form.

We have two education courses coming up in March on Long Island in cooperation with the Metro Long Island Chapter and April in Fishkill in cooperation with the



Joseph F. Rowley, Jr.

Hudson Valley Chapter. On March 16, Bob Gliniecki, CCIM, SEC will teach Analysis, Valuation and Marketing of Business Opportunity Properties and on April 21, Chuck Sutherland, SEC will teach Creative Real Estate Formulas. See enclosed inserts for registration information or go to www.nyscar.org for a registration form.

Also, if you have not yet sent in your picture to be displayed on the website, please do so today. Send your professional picture to Sherry at sherry@nycap.rr.com

If you have an idea for one of our committees, please e-mail the chairman (listed on page 4 of this newsletter). We are always encouraging the members to get involved and look forward to your input.

Sincerely,

A handwritten signature in blue ink that reads "Joseph F. Rowley, Jr." The signature is written in a cursive style.

Joseph F. Rowley, Jr.
President

Lavelle

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Commercial Association of REALTORS® (NYSCAR) for the year.

The following activities are used for consideration:

1) NYSCAR Association Activity: committee work, special assignments, seminar activities, educational work and offices held

2) State Association Activity: offices held, committee work, attendance and participation at conventions, director's meetings, education work, etc

3) NAR Activity: National offices, committee work, membership and work in institutes, attendance at national conventions, etc.

4) Civic Activity: Local, state and national levels, participation in civic and service clubs, charitable activities, political activities, etc.

5) Business Accomplishments: Recognized good business conduct and adherence to REALTOR® Code of Ethics, service to clients, imaginative and creative advertising, imaginative and creative real estate solutions, rehabilitation programs, land utilization, etc.

Lavelle is the 2010 Second Vice President of the New York State Association of REALTORS® and the Chairman of the organization's Annual Conference which will be held June 14-16, 2010 at the Turning Stone Resort and Casino in Verona, NY. He has served as the Association's Treasurer. He has been active on legislative issues and developed a membership satisfaction survey for the organization. Lavelle was also the first recipient of NYSCAR Meritorious Service Award which he received last year. John also serves as Chairman of the Orange County Alliance for Balanced Growth, and is on the Board of Directors of the Orange County Citizens Foundation.

John's focus is mainly on industrial and commercial development, specializing in site location analysis, state and local financial incentives and community coordination. He has experience in working with national and corporate site selectors, knowledge of economic development incentives and programs and using computer based GIS systems for site analysis. His familiarity with the national economic development scene is often credited with helping his clients gain the upper hand when seeking a new location.

Dr. Mark Dotzour Announced as Key-note speaker for the Annual Conference



Dr. Dotzour will be the keynote speaker for the 9th Annual NYS Commercial Real Estate Conference in June. Dr. Dotzour is the Chief Economist and Director of Research for the Real Estate Center at Texas A&M University in College Station, Texas. He earned his Ph.D. in the Department of Finance at the University of Texas at Austin in 1987 and served as Associate Professor of Real Estate and Finance at Wichita State University for 10 years. Dr. Dotzour was the keynote speaker four years ago and was enormously popular!

The conference will feature a 1.5 day marketing session, five commercial education classes, leasing roundtable, golf and numerous networking opportunities.

The conference flier will be mailed to each NYSCAR member, as well as e-mailed to you in March. Don't miss this great opportunity to network with your colleagues and earn continuing education credit.

See you there!



Jim Walker, President, Hudson Valley Chapter, NYSCAR (left) and Guy Blake, CCIM, NYSCAR Secretary (right) congratulate John on being named NYSCAR REALTOR® of the Year.

January 30, 2010 NYSCAR Meeting Highlights

2010 NYSCAR Chairs/Vice Chairs

Bylaws, John Lavelle,
jlavelle@rjsmithrealty.com

Education, Ed Smith, Jr., ITI,
edward.smith@cbmoves.com;
Bob Giniecki, CCIM, SEC, (VC)
foresiteprop@att.net

Finance, Brian DiNardo,
bdinardo@dinardorealty.com

Grievance, Bob Giniecki, CCIM,
SEC, foresiteprop@att.net

Business Development, Brian
DiNardo,
bdinardo@dinardorealty.com

Legislative Committee:

Jerry Lott, jerrylott@hotmail.com

Joe Rowley, VC,
joe.rowley@cbre.com

**Member Communications and
Promotions:** Alan Hendrickson,
marketas@optonline.net
Membership Development
Guy Blake, CCIM

gblake@pyramidbrokerage.com

Professional Standards, David M.
Dworkin, lld@frontiernet.net Bob
Strell, VC, rstrellmba@yahoo.com

RPAC, Michael Johnson,
mjohnson@realtyusa.com

Standard Forms, Bob Giniecki,
CCIM, SEC, foresiteprop@att.net

Strategic Planning, Joseph F.
Rowley, Jr., joe.rowley@cbre.com

Technology, Ed Smith, Jr., ITI,
edward.smith@cbmoves.com
John Fletcher, VC,
john@fletchercapital.com

Maureen D. Wilson, CCIM, SIOR Honored as the 2008-2009 NYSCAR President



Maureen D. Wilson, CCIM, SIOR (Pyramid Brokerage, Binghamton, NY) was honored with a President's plaque for her untiring efforts on behalf of the Association.

Under President Wilson's leadership, the association completed its first strategic plan, the organization's website and held many successful education programs, including the annual conference at Turning Stone Resort and Casino in Verona, NY.

NYSCAR Board

Some of the Board members pictured outside the meeting room at the Desmond Hotel in Albany, NY. **Jim Kelly, CCIM, Ed Smith, Jr., Mike Johnson, Harvey Kolin, Brian J. DiNardo, Maureen D. Wilson, CCIM, SIOR, John Lavelle, Donald E. Welch, SIOR, Guy Blake, CCIM, Alan Hendrickson, Dennis Hennessy, SIOR, Joseph F. Rowley, Jr., Bob Giniecki, CCIM, SEC and Jim Walker.**



January 30, 2010 NYSCAR Meeting Highlights

Welch Awarded REALTOR® Emeritus from the National Association of REALTORS®



NYSCAR President Joseph F. Rowley, Jr. congratulates Donald E. Welch, SIOR

Donald E. Welch, SIOR, DEW Real Estate, Albany, NY was honored by his fellow NYSCAR Board Members for receiving REALTOR® Emeritus status from the National Association of REALTORS® (NAR) His status as REALTOR® Emeritus was approved at the NAR Annual Conference held in San Diego, California in November.

To qualify for REALTOR® Emeritus status, you must have been a REALTOR® for 40 consecutive years. Welch has been a REALTOR® since 1958 when he started with Picotte Realty in Albany, New York.

Welch, a founding member of NYSCAR, has served on the Board of Governors since the Board's inception, serving on numerous committees including the Annual Conference Planning Committee.

He has held the prestigious SIOR designation since 1973 and was awarded the NYSCAR REALTOR® of the Year in 2002.

Welch, when not selling, leasing or exchanging real estate is always looking for a better mouse trap! He is one of the original founders of the first Commercial/Industrial organizations in the

USA. Back in the '60's a group put together the Commercial, Industrial Real Estate Brokers, Inc CIREB, which was a group of Brokers that wanted a vehicle to sell commercial/industrial real estate. He was their President in '72/73.

Welch, was invited to join the exclusive "SIOR," and he did back in 1972.

Welch, is still selling real estate today, because he loves the art of the deal!

Rowley

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- 2009, 2008 and 2004 Co-Deal of the Year by the Rochester Area Chapter of NYSCAR
- Recipient of the 2007 REALTORS® Commercial Alliance National Award for Outstanding Achievement in the Commercial Real Estate Industry
- 2002 Commercial REALTOR® of the Year by the Rochester Area Chapter of NYSCAR



Primack Named LICN 2009 REALTOR® of the Year



Leonard Primack, President of Leonard Primack Associates, Ltd, Commack, NY was named 2009 REALTOR® of the Year by the Long Island Commercial Network, a division of the Long Island Board of REALTORS®.

Primack formed his company in 1977 specializing in commercial industrial financing which ranges from conventional mortgages, industrial revenue bonds, United States small business administration financing, New York State financing, arranging joint venture partnerships and construction financing. He is currently serving as secretary for the Metro LI Chapter, NYSCAR, member of the Board of Directors of the Long Island Commercial Network, a member of the Board of Directors of the Real Estate Practitioners Institute and member of the Commercial Industrial Brokers Society.



Professional Standards Corner

David M. Dworkin, Chair (Rochester)
Robert Strell, Vice Chair (Buffalo)



2010 Key REALTOR Code of Ethics - Professional Standards Changes

This summary highlights substantive issues and changes, but is not all-inclusive. For complete information detailing all changes see the 2010 Professional Standards Code of Ethics and Arbitration Manual (all shaded areas are new) or visit the NAR Board Policy and Programs website (<http://realtor.org/mempolweb.nsf/comnameweb>; search on "Professional Standards Committee Actions").

Changes to the Code of Ethics and Standards of Practice

(underscoring indicates additions, strikeouts indicate deletions)

- Standard of Practice 3-2 revised ~~REALTORS® shall, with respect to offers of compensation to another REALTOR®, timely communicate To be effective, any change of in compensation offered for cooperative services must be communicated to the other REALTOR® prior to the time such that REALTOR® produces submits~~ an offer to purchase/lease the property. (Amended 1/10)

Note: Professional Policy Statement 31, "Cooperation" Defined, was amended to reflect that to be effective changes to cooperative compensation need to be made prior to the time an offer to purchase is submitted (as opposed to produced).

- Standard of Practice 3-9 new REALTORS® shall not provide access to listed property on terms other than those established by the owner or the listing broker. (Adopted 1/10)

- Revised Article 11

The services which REALTORS® provide to their clients and customers shall conform to the standards of practice and competence which are reasonably expected in the specific real estate disciplines in which they engage; specifically, residential real estate brokerage, real property management, commercial and industrial real estate brokerage, land brokerage, real estate appraisal, real estate counseling, real estate syndication, real estate auction, and international real estate.

REALTORS® shall not undertake to provide specialized professional services concerning a type of property or service that is outside their field of competence unless they engage the assistance of one who is competent on such types of property or service, or unless the facts are fully disclosed to the client. Any persons engaged to provide such assistance shall be so identified to the client and their contribution to the assignment should be set forth. (Amended 1/10)

- Standard of Practice 11-1 revised When REALTORS® prepare opinions of real property value or price, other than in pursuit of a listing or to assist a potential purchaser in formulating a purchase offer, such opinions shall include the following unless the party requesting the opinion requires a specific type of report or different data set:

- 1) identification of the subject property
- 2) date prepared
- 3) defined value or price
- 4) limiting conditions, including statements of purpose(s) and intended user(s)

5) any present or contemplated interest, including the possibility of representing the seller/landlord or buyers/tenants

6) basis for the opinion, including applicable market data

7) if the opinion is not an appraisal, a statement to that effect (Amended 1/10)

- Standard of Practice 12-5 revised REALTORS® shall not advertise nor permit any person employed by or affiliated with them to advertise real estate services or listed property in any medium (e.g., electronically, print, radio, television, etc.) without disclosing the name of that REALTOR®'s firm in a reasonable and readily apparent manner. (Amended 1/10)

- Standard of Practice 15-2 revised The obligation to refrain from making false or misleading statements about competitors, competitors' businesses and competitors' business practices includes the duty to not knowingly or recklessly publish, repeat, retransmit, or republish false or misleading statements made by others. This duty applies whether false or misleading statements are repeated in person, in writing, by technological means (e.g., the Internet), or by any other means. (Amended 1/10)

- Standard of Practice 15-3 new The obligation to refrain from making false or misleading statements about competitors, competitors' businesses and competitors' business practices includes the duty to publish a clarification about or to remove statements made by others on electronic media the REALTOR® controls

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NYSCAR Education

Edward S. Smith, Jr., ITI, Chair
(Long Island)
Robert Giniiecki, CCIM, SEC,
Vice Chair (Albany)



Analysis, Valuation and Market- ing of Business Opportunities Properties - March 16, 2010

Robert Giniiecki, CCIM, SEC
Instructor
Holiday Inn, Plainview
3.5 hour course

Gain an overview of the unique aspects of business property transactions which encompass both the business and the related real estate. Also learn more about the various forms of business and real estate ownership and respective government regulations affecting business property.

In addition, a review will be made on analyzing and properly understanding the related financial statements, development of property information, seller and buyer objectives and requirements, listing, purchase, sale contract review and financing feasibility. This class will also review numerous methods to setting the value of a business opportunity.

**See enclosed
brochures
to register**

**or go to
www.nyscar.org
for a registration
form**

Creative Real Estate Formulas April 21, 2010

Chuck Sutherland, SEC
Instructor
Hotel Sierra, Fishkill
7.5 hour course

Course Topical Outline:

- Create Value using Creative Real Estate Formulas
- Creative Transaction Structures
- Convey Value of Cash in a Transaction
- Exchange Transactions That Work
- Joint Ventures (Types) and Benefits
- Methodology of Sale Leasebacks
- Partners as a Source of Financing
- Value and Uses of Secondary Financing
- Substitution of Collateral a Financing Tool
- Subordinate the Carry-Back Financing Facts
- Real Estate Development Considerations
- Creating Alternative uses for Property
- Straight Syndication of Transactions
- Undivided Interests
- Adding Expertise to Generate Transactions
- Syndication Via Note With Percentage Of Profits
- Negotiation and Benefits to all Parties

Free Educational Webinars from the REALTORS® Com- mercial Alliance

NAR Commercial offers free monthly webinars designed to supply members and association staff with valuable information to support their business growth and development. These prerecorded webinars will address a mix of topics ranging from sales techniques to marketing to negotiations that can be applied to commercial real estate, or any business.

The goal of each webinar is to arm attendees with knowledge and information to support their overall business needs. Each session will feature a 2010 Signature Series speaker.

Check back regularly for future sessions - they will be added on a monthly basis.

go to http://www.realtor.org/commercial/free_educational_webinars

Webinars

Topic: "121 Ways to Market Yourself"

Speaker: Bob McComb, Co-creator, Top Dogs Commercial Real Estate Training

Topic: "Getting The Tenant Rep Agreement Signed is Easy!"

Speaker: Andy Zezas, SIOR, Real Estate Strategies Corporation

Professional Standards

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once the REALTOR® knows the statement is false or misleading.

(Adopted 1/10)

- Standard of Practice 16-20 revised REALTORS®, prior to or after ~~terminating~~ their relationship with their current firm is terminated, shall not induce clients of their current firm to cancel exclusive contractual agreements between the client and that firm. This does not preclude REALTORS® (principals) from establishing agreements with their associated licensees governing assignability of exclusive agreements. (Amended 1/10)

NYSCAR Chapter Meeting Schedule

Greater Capital:
Email Bob Giniecki, CCIM,
SEC for details
foresiteprop@att.net

Hudson Valley
Meets the second Tuesday
of each month. Email Jim
Walker
jfw0432@optonline.net

Metro Long Island
E-mail Harvey Kolin for
details, harvey@hkolin.com

Rochester Area: Meets
the second Thursday of
each month. Email Kevin
Bruckner, MAI
kevin@btrca.com

So. Tier: Meets the first
Friday of each month.
Email Doug Rein,
dgrein@teamrein.com

Western NY: Meets the
third Thursday of each
month. E-mail John
Fletcher,
john@fletchercapital.com

New York State Commercial Association of REALTORS®, Inc.

130 Washington Avenue
Albany, New York 12210-2220

Save the Dates!
June 14-16, 2010
9th Annual
**New York State
Commercial
Real Estate
Conference**
**Turning Stone
Resort & Casino**
Verona, NY