

NYSCAR *News*

Fall, 2009

New York State Commercial Association of REALTORS®, Inc.

REALTOR® of the Year Nominations Now Being Accepted

It's that time of year again to nominate an outstanding member for NYSCAR REALTOR® of the Year.

The criteria used when considering a candidate includes NYSCAR Association activity; committee work, special assignments, seminar activities, education work and offices held; State Association Activity: offices held, committee work attendance and participation at conventions, director's meeting, education work, etc.; NAR Activity: Local, state and national levels, participation in civic and service clubs, charitable activities, political activities, etc.; 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. (see enc.)

NYSCAR Meets in Saratoga Springs, New York



NYSCAR Past President, Edward S. Smith, Jr., Governor, Harvey Kolin, NYSCAR First VP, Joseph F. Rowley, Jr., Governors Alan Hendrickson and Donald E. Welch, SIOR

2010 Officers and Governors Elected

At the September 13th Board and Membership Meeting the following members were elected to serve as the 2010 Officers of NYSCAR: President, Joseph F. Rowley, Jr., Rochester; First VP, Michael Johnson, Buffalo; Second VP, John Lavelle, Pine Bush; Treasurer, Brian DiNardo, Rochester; Secretary, Guy Blake, CCIM, Kingston

The following Governors were also elected:

Kristin Badger-Bach, CCIM, Buffalo; Robert Gieniecki, CCIM, SEC, Albany; David M. Dworkin, Rochester; A. Gordon Furlani, Albany; Dennis Hennessy, SIOR, Syracuse

Congratulations to all!

In this Issue

Education - RCA Webinars - Legislative

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



2009 Officers

**Maureen D. Wilson, CCIM,
SIOR**

President

Pyramid Brokerage
84 Court Street, 3rd floor
Binghamton, NY 13901
(607) 754-5990

**Joseph F. Rowley, Jr.
First Vice President**

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

**Michael A. Johnson
Second Vice President**

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

**Richard H. Ferro, CCIM
Secretary**

Prudential Blake Atlantic Realty
8 Airline Drive, Suite 104
Albany, NY 12205
(518) 464-0870

**John Lavelle
Treasurer**

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

President's Message

I hope you are enjoying the Fall.

NYSCAR met in Saratoga Springs in September. The group reviewed the results of the Membership Satisfaction Surveys that had been received. It was interesting to note that 90% of the respondents said they have developed business relationships through NYSCAR. Regarding education, 85% of the respondents said that they attend education sessions to improve their business expertise while 35% of the respondents said they attend classes to satisfy their continuing education requirement. If you have not completed the survey, please go to www.nyscar.org (member's login section) to download a copy of the survey. Special thanks to John Lavelle for developing the survey!

Fall is always a busy time with an array of courses and conventions taking place. As you know, NYSCAR in cooperation with the Greater Capital Chapter will be sponsoring "Analysis and Marketing of Commercial Real Estate," on October 29, 2009 at the Holiday Inn on Wolf Road in Albany, New York. Education Chair, Bob Giniiecki, CCIM, SEC will instruct the class. On October 30, the Greater Capital Chapter will hold a marketing session. November 12, 2009 NYSCAR in cooperation with the Metro Long Island Chapter will sponsor "Discrimination Issues in Commercial Brokerage," at the Holiday Inn in Plainview,



Maureen D. Wilson, CCIM, SIOR

Long Island. NYSCAR Past President Edward S. Smith, Jr., ITI will instruct the 3 hour course in the morning. The afternoon will feature a marketing session sponsored by the chapter.

The National Association of REALTORS® will hold their annual convention in San Diego in November and the NJ, NY and PA Associations of REALTORS® will hold the Triple Play Conference in Atlantic City in December (see page 7/8).

We encourage your participation and appreciate your input and support of NYSCAR.

A handwritten signature in dark ink, appearing to read 'Maureen D. Wilson'.

Maureen D. Wilson, CCIM, SIOR
President

Legislative

New York State Historic Preservation Tax Credit.

Gov. David Paterson signed into law legislation to strengthen the New York State Historic Preservation Tax Credit. The program will create jobs, draw investments to main streets and preserve historic structures. New York's preservation tax credit was adopted in 2006, however, the program failed to provide adequate incentives to attract investment to struggling municipalities, particularly those upstate. The newly enhanced program will apply to taxable years beginning January 1, 2010 and will sunset on December 31, 2014. The enhancements signed into law by Paterson will:

- Increase the tax cap credit on both commercial and residential rehabilitation.
- Target the credit to distressed areas.
- Boost the share of rehab costs that commercial property owners can claim.
- Offer the tax credit as a rebate for lower income homeowners.

For more information, go to: http://www.ny.gov/governor/press/press_0729092.html

Power of Attorney Form

Please note there are changes to the Power of Attorney Form which became effective September 1, 2009. The state has put safeguards in place in the new POA law to properly alert principals about the powers they are giving to their agents. There are significant changes in execution requirements and content. If you are dealing with a Power of Attorney Form, please be sure to check with your attorney to be sure everything is in proper order. (New York General Obligations Law).

Many thanks to our
RPAC donors!

Over \$5,300.00 raised so far this year.....

Thanks to those of you answered our
Call For Action
regarding the pending Wetlands
Legislation.

Public hearings are now
being held on this issue.

Watch for an update
in the President's Column.

Saratoga Springs Meeting



Back row: Donald E. Welch, SIOR, Guy Blake, CCIM, Front row: Harvey Kolin, Alan Hendrickson and Pete Whitbeck



NYSCAR President Maureen D. Wilson, CCIM, SIOR and NYSCAR First VP Joseph F. Rowley, Jr.

Professional Standards Corner

The full Code of Ethics can be found at www.nyscar.org (member login) or at www.realtor.org This edition we are highlighting Article 12:

Article 12

REALTORS® shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, marketing, and other representations. REALTORS® shall ensure that their status as real estate professionals is readily apparent in their advertising, marketing, and other representations, and that the recipients of all real estate communications are, or have been, notified that those communications are from a real estate professional. (Amended 1/08)

Standard of Practice 12-1

REALTORS® may use the term “free” and similar terms in their advertising and in other representations provided that all terms governing availability of the offered product or service are clearly disclosed at the same time. (Amended 1/97)

Standard of Practice 12-2

REALTORS® may represent their services as “free” or without cost even if they expect to receive compensation from a source other than their client provided that the potential for the REALTOR® to obtain a benefit from a third party is clearly disclosed at the same time. (Amended 1/97)

Standard of Practice 12-3

The offering of premiums, prizes, merchandise discounts or other inducements to list, sell, purchase, or lease is not, in itself, unethical even if receipt of the benefit is contingent

on listing, selling, purchasing, or leasing through the REALTOR® making the offer. However, REALTORS® must exercise care and candor in any such advertising or other public or private representations so that any party interested in receiving or otherwise benefiting from the REALTOR®’s offer will have clear, thorough, advance understanding of all the terms and conditions of the offer. The offering of any inducements to do business is subject to the limitations and restrictions of state law and the ethical obligations established by any applicable Standard of Practice. (Amended 1/95)

Standard of Practice 12-4

REALTORS® shall not offer for sale/lease or advertise property without authority. When acting as listing brokers or as subagents, REALTORS® shall not quote a price different from that agreed upon with the seller/landlord. (Amended 1/93)

Standard of Practice 12-5

REALTORS® shall not advertise nor permit any person employed by or affiliated with them to advertise 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. (Adopted 11/86, Amended 1/07)

Standard of Practice 12-6

REALTORS®, when advertising unlisted real property for sale/lease in which they have an ownership interest, shall disclose their status as both owners/landlords and as REALTORS® or real estate licensees. (Amended 1/93)

Standard of Practice 12-7

Only REALTORS® who participated in the transaction as the listing broker or cooperating broker (selling broker) may claim to have “sold” the property. Prior to closing, a cooper-

ating broker may post a “sold” sign only with the consent of the listing broker. (Amended 1/96)

Standard of Practice 12-8

The obligation to present a true picture in representations to the public includes information presented, provided, or displayed on REALTORS®’ websites. REALTORS® shall use reasonable efforts to ensure that information on their websites is current. When it becomes apparent that information on a REALTOR®’s website is no longer current or accurate, REALTORS® shall promptly take corrective action. (Adopted 1/07)

Standard of Practice 12-9

REALTOR® firm websites shall disclose the firm’s name and state(s) of licensure in a reasonable and readily apparent manner.

Websites of REALTORS® and non-member licensees affiliated with a REALTOR® firm shall disclose the firm’s name and that REALTOR®’s or non-member licensee’s state(s) of licensure in a reasonable and readily apparent manner. (Adopted 1/07)

Standard of Practice 12-10 REALTORS®’ obligation to present a true picture in their advertising and representations to the public includes the URLs and domain names they use, and prohibits REALTORS® from: engaging in deceptive or unauthorized framing of real estate brokerage websites; manipulating (e.g., presenting content developed by others) listing content in any way that produces a deceptive or misleading result; or deceptively using metatags, keywords or other devices/methods

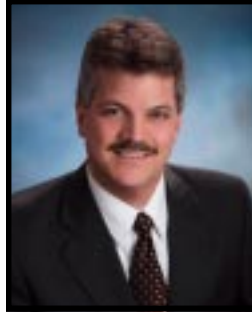
ods to direct, drive, or divert Internet traffic, or to otherwise mislead consumers. (Adopted 1/07)

Standard of Practice 12-11 REALTORS® intending to share or sell consumer information gathered via the Internet shall disclose that possibility in a reasonable and readily apparent manner. (Adopted 1/07)

Standard of Practice 12-12 REALTORS® shall not: use URLs or domain names that present less than a true picture, or register URLs or domain names which, if used, would present less than a true picture. (Adopted 1/08)

Standard of Practice 12-13 The obligation to present a true picture in advertising, marketing, and representations allows REALTORS® to use and display only professional designations, certifications, and other credentials to which they are legitimately entitled. (Adopted 1/08)

Ted Welter receives CCIM Designation



Ted Welter, General Manager of Charter Real Estate Brokerage Services, was awarded the Certified Commercial Investment Member (CCIM) designation by the CCIM Institute, one of the leading commercial real estate associations in the world. The designation was awarded in August in Chicago.

Additionally, Welter has long held the Certified Property Manager (CPM) designation conferred by the Institute of Real Estate Management (IREM).

Welter is responsible for leading a team of commercial real estate brokers and sales associates in the sales and leasing of commercial and medical office, retail, multi-family, warehouse, industrial properties and land parcels across New York State. He has been with CHARTER or its parent -- The Cabot Group -- for more than twenty-five years and has negotiated more than \$200 million in lease and sale transactions for clients ranging from single asset owners to institutional clients with large multi-site portfolios.

Mr. Welter serves as a Governor on the Board of the NYS Commercial Association of REALTORS® and Director of the Rochester Area Chapter of NYSCAR.

NAR Monthly Commercial Podcast

2009 NAR Treasurer and Commercial REALTOR® James L. Helsel, Jr., CCIM, SIOR provides an audio update on NAR's efforts to support commercial real estate on the **last Tuesday** of each month. A REALTOR® for 34 years, Helsel holds multiple professional designations and is a Partner with RSR REALTOR®, a full-service real estate company in Harrisburg, PA. Please go to www.realtor.org/commercial/commercial_podcast for more information.

Member News

If you have earned a national designation or have some other member news that you would like to share, please email to Sherry at sherry@nycap.rr.com

FREE LEGAL

HOTLINE
518-436-9727

Authoritative legal information on a wide variety of real estate law issues. We answer all your real estate legal questions for free!

Monday - Thursday
9 a.m. - 1 p.m.

NYSAR's Legal Hotline does not provide a client-lawyer relationship. For confidential legal advice, consult an attorney.

New York State
Association of REALTORS®

NYSCAR Education

October 29, 2009
Holiay Inn
205 Wolf Road
Albany, NY

Analysis and Marketing of Commercial Real Estate

7.5 hours

instructed by Robert Giniecki,
CCIM, SEC



October 29, 2009 – NYSCAR, in cooperation with the Greater Capital Chapter of NYSCAR will sponsor “Analysis and Marketing of Commercial Real Estate,” instructed by Robert Giniecki, CCIM, SEC. This 7.5 hour course will be held at the Holiday Inn on Wolf Road in Albany will acquaint the real estate practitioner with the factors that influence the various classifications of commercial property, including the impact on conditions, economic analysis, demographics and location status. In addition, the course will review the criteria of commercial property users and the determination of the “highest and best uses” of a commercial property and ultimate valuation standards applied by commercial users and investors. The course will also cover the elements of a property feasibility, development process and preparation of critical property data and characteristics. Also, on behalf of a client, how to make the determination of the appropriate marketing process for a property as well as the site location planning for commercial buyers and tenants will be covered. (Marketing Session will be held on Oct. 30 at the Holiday Inn) **For details, please go to www.nyscar.org**

November 12, 2009
Holiday Inn
215 Sunnyside Blvd.
Plainview, NY

Discrimination Issues in Commercial Brokerage

3 hours

instructed by
Edward S. Smith, Jr., ITI



November 12, 2009 – “Discrimination Issues in Commercial Brokerage” will be sponsored by NYSCAR in cooperation with the Metro Long Island Chapter of NYSCAR. This 3 hour course will be instructed by NYSCAR Past President Edward S. Smith, Jr., ITI. Since July 2008, renewing your real estate license requires 22 ½ hours of continuing education credit every two years, which must also now include 3 hours of Fair Housing/Discrimination education. The course includes the American Disability Act, understanding laws, adapting buildings and tax advantages for improving accessibility, an overview of fair housing laws, federal, state and local discrimination laws, definitions of illegal actions and inadvertent discrimination will be discussed. The course will be held in the morning and the chapter will sponsor a marketing session in the afternoon. The course and the marketing session will be held at the Holiday Inn in Plainview, New York.

For details & registration form, please go to: www.nyscar.org

Free Educational Webinars from the REALTORS® Commercial Alliance

The RCA is proud to announce that it is launching free monthly webinars to offer RCA members and association staff valuable information to support their business growth and development. Unlike the Top Dogs webinars that are primarily focused on commercial real estate training, the RCA 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 one hour session is to arm attendees with knowledge and information to support their overall business needs. Each session will feature a 2009 Signature Series speaker and is first come, first served, with a maximum of 200 attendees.

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

Upcoming Webinars

**November 19 Webinar Topic:
“How To Win Competition”**

**December 9 Webinar Topic:
“Building Effective Client Relationships”**

go to:
[www.realtor.org/commercial/
free_educational_webinars](http://www.realtor.org/commercial/free_educational_webinars)

REALTORS® Triple Play

December 8-10, 2009 - Triple Play Conference, Atlantic City, NJ, sponsored by the New York, New Jersey and Pennsylvania Associations of REALTORS®. Join thousands of REALTORS® who attend Triple Play each year. Please go to www.realtorstripleplay.com for schedule and registration information.



November 13-16, 2009 – National Association of REALTORS® Annual Conference will be held in San Diego, California. This large conference features 500 vendors, national speakers, committee meetings and much more! Please go to www.realtor.org and click on “meetings & expo” for a full conference schedule and registration information.

NEW for 2009! The Commercial Block at the Expo

Friday, November 13th through Monday, November 16th

NAR has mapped out a central location where you'll find the commercial real estate products and services you need to support your business. Located adjacent to the NAR Pavilion, the Commercial Block will feature exhibitors that have been selected for their relevance and quality – all in one place!

Education Sessions: Friday, November 13th through Monday, November 16th. Friday sessions area geared towards the REALTOR® who is thinking about or new to commercial real estate. Saturday features programming aimed at those who are more experienced commercial practitioners.

**National Association of REALTORS®
Annual Convention
November 13-16, 2009
San Diego, California
www.realtor.org
meetings**

**REALTORS® Triple Play
December 8-10, 2009
Atlantic City, NJ
www.realtorstripleplay.com**

NYSCAR Chapter Meeting Schedule

Greater Capital: Email Walt Lotz, CCIM for details - waltlotz@aol.com

Hudson Valley-Meets the second Tuesday of each month. Email Guy Blake, CCIM gblake@pyramidbrokerage.com

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

Rochester Area: Meets the second Thursday of each month. Email Kevin Bruckner, 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 Patty Collins at pcollins@coldwellbankermeridian.com

2009 NYSCAR Chairs

Bylaws, Fred Cantor, fred.cantor@aol.com

Education, Bob Giniecki, CCIM, SEC,

foresiteprop@att.net

Finance, John Lavelle, jlavelle@rjsmithrealty.com

Member Services

Donald E. Welch, SIOR, dwelchsior@aol.com

Grievance, Karen Lewis, CCIM, SIOR,

kewis@uniland.com

Member Development, Richard Ferro, CCIM,

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National Affairs, Michael Johnson,

mjohnson@realtyusa.com

Professional Standards, Fred Cantor, fred.cantor@aol.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, Joseph F. Rowley, Jr., joe.rowley@cbre.com

Triple Play

REALTOR® Convention & Trade Expo

sponsored by

NJ, NY and PA Associations
of REALTORS®

**Atlantic City, NJ
December 8-10**

Register online
at www.realtorstripleplay.com
and save \$10.00 (full schedule is
also available on the site)

(partial schedule)

December 8

“Trends in Green Buildings”

Joe Scarpa

Turning Real Estate
Knowledge into Income
Tim Conley, CCIM

December 9

Analyze This: Determining
to Buy or Not to Buy Investments
Prabhjit Singh

Reinvent Yourself
Billy Procida

December 10

Commercial/Investment Marketing Session
Robert Gliniecki, CCIM, SEC

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***