

2010 - 2012 Mandatory Course

"Situations Which May Constitute Unprofessional Conduct"

Course Provider: Quality Workshops
Mailing Address: 389 Plank Road, Vergennes, VT 05491

Contact Person: Justin Rice – 802-877-2465

Web Address: <http://www.qualityworkshops.com>

E-mail Address: info@qualityworkshops.com

Program Offering Dates: Posted at Web Address

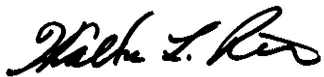
Number of Hours of Education: 4 cr. Hrs.

Instructor: Russell F. Niquette Jr., Esq.

Course Style: Classroom

Course Purpose: Continuing Education

We hereby certify that the information contained in this application is true and accurate to the best of my knowledge and belief. We have read the course responsibility checklist and agree to adhere to all requirements.



Walter L. Rice – Principle



Justin N. Rice – Sales and Marketing

I. Program Information

A. Course description

In the day-to-day practice of real estate, agents are required to make decisions that involve professional conduct. **The Mandatory Course for the 2010-2012 Renewal** has been outlined in detail by Vermont's Real Estate Commission to help licensees to review, analyze, and apply Vermont's Real Estate Rules relating to "*Situations Which May Constitute Unprofessional Conduct.*" This course gives agents the blueprint they need to evaluate a situation and make a professional decision based on the Rules to avoid legal problems and give their clients the best service possible.

B. Course outline

- 1) Introduction of instructor & guest speakers – 5 min.
- 2) Brief review of policies, expectations, and procedures – 10 min.
- 3) Course objectives & handouts – 10 min.
- 4) Presentation on "Situations Which May Constitute Unprofessional Conduct" – 120 min.
- 5) Application Discussions and Case Studies – 90 min
- 6) Closure, evaluation forms collected, & certificates issued – 10 min.

C. Learning objectives

1. To discuss requirements, purposes, issues, & VT Real Estate Rules of Professional Conduct related to **RESPA (Real Estate Settlement Procedures Act) and Other Federal Compliance.**
2. To know about some **Advertising Issues** & the related VT Real Estate Rules of Professional Conduct.
3. To understand & comply with **Material Facts Disclosures.**
4. To identify **Conflicts of Interest** with respect to dual agency, limited agency, & designated agency.
5. To understand how to comply in **Registering Your Brokerage Firm.**
6. To understand what **Mandatory Disclosure** includes.

7. To understand how to market property according to Vermont **Sign Laws**.
8. To identify proper office & operating procedures involving **Trust Accounts**.
9. To review 7- year retention policy on **Record Keeping** for all real-estate related documentation.
10. To understand when & when not to perform agency involving **Service Agreements**.

II. Implementation and Instruction:

Lectures, Small Group Dynamics, Guest Speakers (as available).

III. Technology & Aids:

CDs, DVD Videos, PowerPoint slide presentations, outline & related material handouts.

IV. Textbooks / Workbooks / Publications:

Handouts for each program is attached in Appendix B.

V. Instructor Information:

Complete information for each instructor is attached in Appendix A

Instructors / Address	Phone / Resume	Subjects / Topics	Qualifications
Russel F. Niquette Jr. Esq. PO Box 1 7-9 E. Allen St. Winooski, VT. 05404	802-655-0780 Resume - Yes	All	Active attorney with vast experience in laws of agency, 6 year instructor for Quality Workshops and believes in education as a means of litigation prevention.
Walter L. Rice 389 Plank Road Vergennes, Vermont 05491	802-877-2465 Resume - Yes	Distance Learning Only	Founder, Program Developer, and Principal and Instructor for Quality Workshops since 1992.

VI. Program Advertising:

Complete information for advertising is attached in Appendix A

The location for current programs for web site users is:

<http://www.qualityworkshops.com/liveprograms/index.htm>

All referenced links will be updated upon approval of these programs.

Quality Workshop's

Instructors, Marketing, & Principal Resumes

Russell F. Niquette, Jr. Esq.

Niquette, Niquette & Associates

9 East Allen Street, P.O. Box 1 * Winooski, Vermont 05404-001 * 802-655-0575

Education

Suffolk University Law School, Boston, MA – Juris Doctorate (1972-1975)

Norwich University, Norwich, Vermont (1961 – 1965)

Rice Memorial High - South Burlington, Vermont (1957 – 1961)

Professional Expertise

Niquette, Niquette & Associates

Real Estate Attorney (1974 - Present)

Real Estate Instructor (1992 - Present)

Agent for Common Wealth Land Title Insurance Company

Property Manager (Commercial & Residential)

Corporations & Partnership

Business & Civil Litigation

Wills & Probate

Quality Workshops Real Estate Education

Real Estate Instructor (1992 – Present)

Justin N. Rice

Quality Workshops - Marketing

PO Box 389 * Plank Road * Vergennes VT, 05491 * Ph/Fx: 802-877-2465

Education

University of Vermont – Burlington, Vermont (1998 -1999)

Coastal Carolina University – BS/BA Marketing – Conway, SC (2000-2003)

Professional Expertise

Quality Workshops

Sales & Marketing Manager (2004)

College Years Work Environments

Barnes & Noble

General Employment

Basin Harbor Golf Club

Pro-Shop & Customer Service

Travelin' Dogs

Fast Food Line Manager

Appendix A (Cont.)

Walter L. Rice

Quality Workshops - Principal

389 Plank Road * Vergennes VT, 05491 * Ph/Fx: 802-877-2465

Education

Quality Workshops & USEA Forms (1992 – present)
Digital Computer Equipment Management Training (1984 – 1991)
Trinity College - B.S. Business - Burlington, Vt. (1982)
University of Vermont - Engineering Math & Science – (1968–1977)
Vermont Technical College - A.S. Eng. Randolph, Vt. (1968)

Professional Expertise

Quality Workshops (1992-Present)

Founder, Instructor, Course Designer, Consultant

Digital Computer (1983-1992)

Liaison Engineering Support, ISO9000
Mechanical Engineering Manager
Senior Design Assurance Engineer
Senior Quality Engineer

Real Estate Licensee (1973-Present)

Pollendar Real Estate, Clark Real Estate, DBA-Broker (1982-Present)

Simmonds Precision (1968-1983)

Aerospace Technology-Military, Commercial, and NASA
Quality Manager
Senior Reliability Engineer
Qualification Technician

Appendix A (Cont.)

Sample post card advertisement

WWW.QualityWorkshops.Com

! Real Estate Renewal Programs!

VREC Approved for 4 Cr. Hrs. Each

Mar 28, 2012

ASA Bloomer Bldg

Rutland, VT

VT Real Estate Laws (2008 Required)

**8:00 am
to
12:15 pm**

- Old English Common Law
- History
- Creation of VT Laws
- Title 26, Chapter 41 (RE Laws)
- Unprofessional Conduct
- Case Study Workshops

Understanding 1031 Exchange

**12:45 pm
to
5:00 pm**

- History of 1031 Exchanges
- Capital gains taxes
- Installment Sales, pros and cons
- Simple to Multiparty Exchanges
- Current 1031 Laws
- Forms used to execute 1031's

Instructor:

Russel F. Niquette Jr. , Esq.



Pre-Registration Required

Call 802-877-2465 to Register

MC / Visa or Check

\$ Price of Program \$

Appendix A (Cont.)

Sample Evaluation Form

Vermont Real Estate Commission Evaluation Sheet for Quality Workshops

Student's Name:	Course Title / No.:
Instructor(s):	Location / Date:

General Instructions: The purpose of this form is to obtain information concerning the instructor of this course, the course itself, and instructional materials. Each student in the class must complete a form. The student will turn in the form to the instructor at the end of the course. This evaluation is important. It is used by instructors for improving or validating their teaching methods and for gaining feedback on course content. Evaluations are also used by the Real Estate Commission when determining future course, and instructor approvals.. "Ex" means Excellent.

Evaluation	Ex	Good	Fair	Poor
How would you rate this instructor's knowledge and command over the subject matter?				
Were the instructor's oral and/or visual presentations easily understandable?				
Was the instructor skillful at handling student questions and opinions?				
Did the instructor relate the course content to professional practice?				
Did the handouts or exercises enhance the course content?				
Did the instructor stimulate your interest in learning the subject matter?				
How likely would you be to recommend this instructor to fellow licensees?				
How would you rate the quality of the handout materials?				
Please rate the degree to which the course outline was followed?				
How likely would you be to recommend this course to other students, regardless of the instructor?				
Could this course benefit from effective use of technology (computers, video, etc.)?				

General Comments: Please comment on the back of this evaluation on how you feel any of the above topics might be improved upon. Include comments on instructor's knowledge of subject, general environment, class organization and management.

Sample Certificate

<h3 style="margin: 0;"><i>Vermont Real Estate Education Certificate / Receipt</i></h3> <p style="margin: 0;">Issued by: Quality Workshops www.qualityworkshops.com Phone: 1-802-877-2465</p>			
Location: _____		Enrollment Fees: _____ \$85 _____	
Date: _____		Instructor: <u>Russel F. Niquette Jr., Esq.</u>	
<u>Course Title(s)</u>	<u>Cr. Hrs.</u>	<u>Required</u>	<u>Elective</u>
	4		
Students Name (Print): _____		Students Signature: _____	
The above student has successfully completed the subject course(s) at the location(s) and date(s) as noted. These courses have been approved by the Vermont Real Estate Continued Education Committee for the number of indicated credit hours for the student's elective continued education, or the VREC Required Course.			
Important information for Student/Licensee: You must retain this Certificate in your personal records for a minimum of four years from the date of issue.			
Student's Name must match the course provider's Sign-in Sheet, subject to Vermont's Real Estate Commission audits. Any falsification with respect to courses attended will be cause for criminal proceedings.		Sponsor: Quality Workshops	

"Situations Which May Constitute Unprofessional Conduct"

Course Outline, Handout, & PowerPoint

RESPA (Real Estate Settlement Procedures Act) and Other Federal Compliance

- Requirements, purposes, & issues of RESPA (Real Estate Settlement Procedures Act) and Other Federal Compliance.
- Understand, disclose to client, and plan for potential home closing delays which may be caused by lender compliance with RESPA and other related federal laws and rules.
- Disclose business affiliations and that an individual is not obligated to use affiliated business services (eg. insurance, lender, and inspection services).
- Taking unearned fees or unearned benefits (kickbacks).
- How RESPA has proven helpful to both buyers and sellers of real estate.
- How the RESPA regulations have affected brokerage practices.
- See competency provisions at 26 VSA §2296(a)(3) and 3 VSA §129a(b)(2). Also see 3 VSA §129a(a)(3) (failure to comply with provisions of federal...statutes or rules governing the practice of the profession).

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Course Outline, Handout, & PowerPoint

Advertising Issues

- Using advertisements which are dishonest or misleading (26 VSA §2296(a)(2)) or that are intended or have a tendency to deceive (3 VSA §129a(a)(2)).
- Advertising another firm's listing without disclosing the other firm and agent's name. See Rule 4.12(d); includes dissemination of MLS data sheets showing other firm's listings to persons who have not received the mandatory consumer disclosure required by Rule 4.6.

Material Facts Disclosure

- Disclose a material fact concerning the condition of the property in all instances where the agent has knowledge of the fact. See Rule 4.5(a) for customers; see Rule 4.3(a) for clients.
- Disclose a material fact concerning the condition of the property that the agent should have known about under principles related to competency. See 3 VSA §129a (b)(2) (To conform to the essential standards of acceptable and prevailing practice).
- Disclose a previous failed inspection. See Newsletter, Spring 2010.
- Terminate the service agreement when the principal refuses to consent. See Rule 4.5(b).

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Conflicts of Interest

- Maintain an office policy on conflicts of interest; (i.e. you have two buyer clients who want to make an offer on same property; you have a buyer client and a seller client that want to come together on a transaction).
- Include a provision for avoiding dual agency and other conflicts in service agreements used by the agent.
- Suggesting that "limited agency" under Rule 4.4 occurs automatically when a conflict of interest develops between a seller and buyer client.
- Comply strictly with the "limited agency" procedures set forth in Rule 4.4 including a thorough explanation to the clients of the effects of limited agency.
- Engaging in the unlawful practice of designated agency.

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Registering Your Brokerage Firm

- Register a brokerage firm as required by Rules.

- Register “trade name” when and as required. See advertising exemption in Rule 4.12(b) created by 2008 rules amendments.

- See 26 VSA §2294. Also see Rule 2.3(b) and Rule 2.6. Also see Rule 3.4 and 3 VSA 129a(a)(14) for complete list of “change items” which must be communicated to the commission and/or OPR. See Rules 4.1 and 4.2 for conduct of licensees related to location in main or branch offices.

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Mandatory Disclosure

- Provide mandatory consumer disclosure as required by Rule 4.6.
- Provide the disclosure before accepting an agency (ie. every client file should show proof of disclosure having been completed prior to entering into the service agreement).
- Provide disclosure to a FSBO seller.
- Renew the disclosure as needed to avoid a customer's misplaced belief that s/he is being represented by the agent when that is not in fact the case.

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Sign Laws

- Comply with Vermont's sign law when placing "for sale" signs or "open house" signs. See 10 VSA §493(2) and §495. See Rule 4.12(c).

- Place signs "on premise" as currently interpreted and enforced by the TIC (no signs in common driveway unless wholly owned).

Trust Accounts

- Provide a closing statement required by Rule 4.14(b)

- Commingling money (Examples: To make a timely deposit into trust account; early withdrawal of deposit except upon termination of the transaction; early withdrawal of funds before scheduled closing even if in anticipation of closing; mixing lease and rental deposits).

- Comply with provisions for handling disputed deposits. See Rule 4.7(d).

- Maintain proper accounts and/or to communicate information to the Commission as required by Rule 4.7. Also see 26 VSA §2214.

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Record Keeping

- Keep accurate and complete records as required by Rule 4.14.
- Maintain and follow office policy for documentation and record keeping.
- Preserve electronic communications from a transaction (e.g. emails).

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Course Outline, Handout, & PowerPoint

Service Agreement Issues

- Performing brokerage services when the listing has expired.
- Listing a property while it is still under contract with another firm.
- Entering into a buyer service agreement without checking to see if buyer has executed another contract with another firm.
- Include a clear description of whether and how other firms will be compensated (e.g. the buyer brokerage firm or the cooperating (selling) brokerage firm).
- Clearly state any limitations on services.