

Agency & Contracts

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

The Agency and Contract course helps a licensee obtain a working knowledge of how the art of agency representation can be performed through the creation of accurate, complete, and legal contracts. Real Estate licensees are required by law to document all aspects of their services including initial disclosure of services offered, listings agreements, buyer service agreements, agreements between brokerage firms, and purchase and sales agreements.

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 & discussions on Agency & Contracts – 120 min
5. Application discussions & case studies – 90 min.
6. Closure, evaluation forms collected, & certificates issued – 10 min.

C. Learning objectives

1. To identify the various types of agency relationships common in the real estate profession and the characteristics of each.
2. To describe the fiduciary duties involved in an agency relationship.
3. To explain the process by which agency is created and terminated and the role of disclosure in agency relationships.
4. To distinguish the duties owed by an agent to his or her client from those owed to customers.
5. To identify the requirements for a valid contract.
6. To describe the various types of contracts used in the real estate business.
7. To explain how contracts may be discharged.
8. To distinguish among bilateral and unilateral, executed and executory, and valid, void, and voidable contracts.

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.

Appendix A

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

Oct 25, 2010

ASA Bloomer Bldg

Rutland, VT

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

VT Real Estate Laws (2008 Required)

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

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

Understanding 1031 Exchange

- 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

<p><i>Vermont Real Estate Education Certificate / Receipt</i> 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>	
Course Title(s)	Cr. Hrs.	Required	Elective
	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	

Appendix B
Agency & Contracts
Course Outline, Handout, & PowerPoint

I. **Agency**

A. Laws of Agency

B. Definitions

1. Agent
2. Subagent
3. Principal
4. Agency
5. Fiduciary
6. Client
7. Customer
8. Non-agent
- 9.

C. An Agent Works **For** the Client and **With** the Customer

D. COALD

1. Care
2. Obedience
3. Accounting
4. Loyalty
5. Disclosure

E. Creation of Agency

1. Express Agency
2. Implied Agency
- 3.

F. Compensation

Agency & Contracts

Course Outline, Handout, & PowerPoint

- G. Termination of Agency

- H. Agency coupled with an interest

- I. Types of Agency Relationships
 - 1. Universal Agent

 - 2. General Agent

 - 3. Special Agent

 - 4. Designated Agent

- J. Limited Agency (Dual)

- K. Customer-Level Services

- L. Environmental Hazards

- M. Puffing

- N. Latent Defects

- O. Stigmatized Properties

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II. Real Estate Brokerage

- A. Caveat Emptor vs. Consumer Protection
- B. Real Estate License Laws
- C. Purpose of License Laws: Protect the Public
- D. Brokerage
- E. Broker-Salesperson Relationship
- F. Independent contractor vs. Employee
- G. Broker's Compensation
- H. Procuring Cause
- I. Salesperson's Compensation
- J. Transactional broker – Split Broker
- K. Antitrust Laws
- L. Price Fixing
- M. Group Boycotting
- N. Tie-in Agreements

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III. Listing & Buyer Agency Agreements

- A. Listing Agreements (employment contracts)
- B. Types of Listing Agreements:
 - 1. Exclusive Right to Sell
 - 2. Exclusive Agency
 - 3. Non-Exclusive (open)
- C. Net Listings: illegal
- D. Option Listing
- E. Termination of Agreements
- F. Expiration of Listing Period
- G. Pricing the Property
- H. Percentage Calculations (CPR)
- I. Buyer Agency Agreements (employment contracts)

IV. Case Analysis - Real & Hypothetical – Time Permitting

- A. Will be provided by Instructor