



ARKANSAS

REAL ESTATE COMMISSION

N E W S L E T T E R

APRIL 2002

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Members of the Commission

Tom D. Baxley, Chairman
Benton

Virgil L. Miller, Jr., Vice Chairman
Little Rock

Mary Bassett
Fayetteville

P. Q. Gardner
Monticello

Ina Martin
Russellville

Commission Staff

Bill Williamson
Executive Director

Gary Isom
Deputy Executive Director

Governor Huckabee recently re-appointed Mary Bassett, Fayetteville, and Virgil L. Miller, Jr., Little Rock, to three-year terms on the Arkansas Real Estate Commission.

MARY BASSETT is Co-owner and Executive Broker of Dykes Bassett Mix and Associates and has been a licensed real estate agent since 1984. She has served in numerous real estate-related positions including Past President and Realtor of the Year for the Fayetteville Board of Realtors, Chairman of Risk Reduction Committee for Arkansas Realtors Assn. (ARA), Focus 2000 Committee (ARA), Education Committee (ARA), Nominating Committee (ARA), Strategic Planning Committee (ARA), Life Member AR Political Action (ARPAC), Fourth Term Member of ASI Item Writing Panel to develop questions for AR Real Estate Exam, Instructor, 12 Statewide Education Seminars on Real Estate Contracts, sponsored by ARA.



Mary Bassett

Mary just completed three years as a Director-at-Large (ARA).

Realtor designations that Mary holds are Certified Residential Specialist (CRS), Graduate of the Realtor Institute (GRI), and ARA Life Member Multi-Million Dollar Club. She has served as State Treasurer of the AR Chapter of CRS.

Mary is a member of the Association of Real Estate License Law Officials (ARELLO), and is Vice-Chairman, Commission Training Board.

Mary is married to Hank Broyles and has two children, John and Jennifer Bassett.



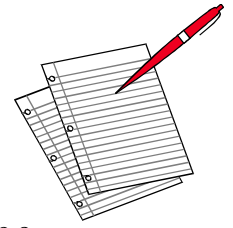
Virgil L. Miller, Jr.

VIRGIL L. MILLER, JR. is a Senior Vice President and Director of Community Development for Metropolitan National Bank in Little Rock. He joined Metropolitan National Bank in October 2000. His 25-year career in the financial services industry began in 1977 as a Management Trainee for a savings and loan.

He is a 1971 graduate of Wilbur D. Mills High School, Little Rock, and a 1975 graduate of Arkansas Tech University, Russellville, with a Bachelor of Science Degree in Business Administration. He also received a Certificate of Achievement (1979), Diploma of Merit (1981), and Degree of

From the Desk of . . .

The Executive Director...



At the February 2002 Commission meeting the Commissioners elected officers for the 2002 year. Commissioner Tom Baxley was elected Chairman and Commissioner Virgil Miller was elected Vice Chairman.

Tom Baxley is an industry member and is Principal Broker and Co-Owner of Phillips-Moudy-Duke Real Estate in Benton. He has been a licensed real estate agent since 1981.

Virgil Miller is a consumer member and is Senior Vice President & Director of Community Development for Metropolitan Bank in Little Rock. He is serving his third three-year term.

Congratulations to Tom and Virgil.

Use the KISS Principle for Agency Disclosure

We still get many calls and questions about Agency Representation disclosure and how to use the AREC Agency Representation Pamphlet (blue pamphlet). Nothing has changed regarding requirements of Regulations 8.1, 8.2, and 8.3, which require that you **verbally disclose who you represent to the other party in the transaction and confirm in writing that you made the disclosure**. This written confirmation that you represent the buyer or seller or both can be made as a part of the real estate contract before the parties sign the real estate contract or it can be made earlier. It is up to you to decide when and how you confirm in writing what you disclosed verbally about whom you represent in the transaction.

For example:

- If you represent the seller and you show that listing to a buyer who is not represented, you verbally disclose to the buyer that you represent the seller as required by Regulation 8.1. Before the buyer signs the real estate contract, you confirm in writing (i.e. in the real estate contract) what you verbally disclosed to the buyer, that you represent the seller. This written confirmation of your verbal disclosure can also be a separate document that reflects that you represent the seller (i.e. AREC Agency Representation pamphlet tear off disclosure form).
- If you represent the buyer and you show another firm's listing, you verbally disclose to the seller's agent that you represent the buyer as required by Regulation 8.2. Before the seller signs the real estate contract, you confirm in writing (i.e. in the real estate contract) what you verbally disclosed to the seller's agent, that you represent the buyer. This written confirmation of your verbal disclosure can also be a separate document that reflects that you represent the buyer (i.e. AREC Agency Representation pamphlet tear off disclosure form).
- If you represent both (Dual Agent), you verbally disclose to both that you represent the other as required by Regulation 8.3. Before both sign the real estate contract, you confirm in writing (i.e. in the real estate contract) what you verbally disclosed to both, that you represent both. This written confirmation of your verbal disclosure can also be a separate document that reflects that you represent the other (i.e. AREC Agency Representation pamphlet tear off disclosure form).

Keep it Simple by following these steps:

- Use the AREC Agency Representation pamphlet to educate and inform potential buyers and sellers about the types of agency relationships practiced in Arkansas and by your firm. No signature needed.
- Use Listing Contracts and Buyer Agency Agreements to establish your agency relationship with your clients (sellers and buyers) and to confirm your company's agency practice (i.e. no sub-agency offered). If practicing dual agency, you must have written consent from both buyer and seller to act as a dual agent as required by Regulation 8.3.
- Comply with Regulations 8.1 & 8.2 by verbally disclosing whom you represent to the other party in the transaction. Confirm that disclosure in writing prior to buyer or seller signing any document related to the transaction, such as an offer, lease, or rental agreement. Disclosure can be confirmed in the real estate contract or in a separate document (i.e. AREC Agency Representation pamphlet tear off disclosure form).

Copies of the AREC Agency Representation pamphlet are available at the AREC office at no charge. The pamphlet can also be copied. Use of this pamphlet's disclosure form is not mandatory. The cost of producing these pamphlets is paid from the Real Estate Recovery Fund.

Bill Williamson

FORMAL

Hearing



DECISIONS

The following information is extracted from Findings of Fact, Conclusions of Law and Order which were issued for Hearings conducted by the Commission from January through March 2002. Formal Hearing Decisions that have been appealed are not listed.

Hal E. Henson, Principal Broker, Fayetteville: In Formal Hearing #2038 the Commissioners ordered that "...Respondent Henson's real estate license be suspended for one year from the date of this hearing (1-7-02), and at that time he be permitted to petition and appear before the Commission in order to determine continued treatment and qualifications for re-licensing, and it will be at that time that the Commission will determine whether Respondent Henson is entitled to be re-licensed under the Arkansas Real Estate Laws and Regulations."

The Commission found Mr. Henson guilty of violating Arkansas Code Annotated §17-42-311(a)(3). Mr. Henson was convicted of a crime involving moral turpitude.

Roy D. Grant, Sr., Salesperson, Yellville: In Formal Hearing #2041 the Commissioners ordered that "...Respondent Roy D. Grant, Sr.'s real estate salesperson's license is revoked immediately."

The Commission found Mr. Grant guilty of violating Arkansas Code Annotated §17-42-311(a)(3). Mr. Grant was convicted of a crime involving moral turpitude.

Virgil L. Miller, Jr.
Continued from page 1

Distinction (1983) from the Institute of Financial Education. He is a graduate of the Broadway School of Real Estate and received his Arkansas Real Estate License in 1987.

He currently serves on the boards of AR Capitol Corporation, Downtown L.R. Kiwanis Club, and L.R. Residential Housing and Public Facilities Board.

As an active volunteer, he has been involved in numerous community service activities with such organizations as the AR Arts Center, Black Community Developers, Boy Scouts of America, Friends of Central AR Libraries, KUAR/KLRE, Optimist

Club of Wrightsville, NAACP, and the Quapaw Quarter Association. His awards have included the following, inaugural Dr. Martin Luther King, Jr. Leadership Award (Dr. Martin Luther King, Jr. Commission and Alpha Phi Fraternity), Fair Housing Award (ARELLO), Award of Merit and Silver Beaver (Boy Scouts), Trustee Award (AR Museum Assn.), Man of Distinction (Retired and Senior Volunteers Program of Central AR), Superintendent's Citation (L.R. School District), Whitney M. Young, Jr. Service Award (Boy Scouts), and Black Corporate Executive of the Year (NAACP Region VI Fair Share).

Update Your TRUST ACCOUNT

Has the bank where your firm's Trust Account is maintained changed its name or address? Has the name or account number changed for your firm's Trust Account?

If you responded "Yes" to any of these questions, contact AREC for a "Trust (Escrow) Account Information" form to update information on file.

ARKANSAS REAL ESTATE COMMISSION
612 SOUTH SUMMIT STREET
LITTLE ROCK AR 72201-4740

If you wish to have your name removed from this mailing list please write the Commission at the address above.

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Little Rock, AR



Supplying the right information to AREC when opening a new real estate firm will speed the process along...It can be as easy as 1-2-3.

1 The first thing would be the **Name Approval Form**. According to Regulation 7.1, the proposed name of the firm cannot be confusingly similar to the name of another firm, cannot be misleading, or in any way be confusing to the public.

2 The second thing would be the **display of the firm's sign and photographs** *once the name is approved*. The sign is to be permanently attached, clearly visible to the public, and displayed in a manner to clearly indicate to the public that the principal broker is engaged in the real

estate business. The sign, therefore, is to include the words "real estate," "realty," or other words approved by the commission, which clearly indicate to the public the broker is engaged in the real estate business according to Arkansas Code Annotated §17-42-309 and Regulation 7.3. Photographs of the sign and of the front or other part of the building where the sign is displayed shall be furnished to the commission.

3 Completing the appropriate forms and submitting fees would be the last items needed to accompany photographs of your sign. If you are a new broker, you will complete the Initial Issuance of Broker's License form, or if you are an existing broker you will complete the Broker Transfer form and submit it with the appropriate fees.

That's it!

Helpful resources in opening your office that the Commission has on hand are booklets, *Regulation 8 & 10 Quick Reference Guide* and *Trust Account Record Keeping Guide*. One of the most important tools is your Real Estate License Law, Time-Share Law, Regulations and Federal Fair Housing Summary Booklet.

Joyce Wilkerson
Director of Licensing

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