

August 23, 2007

Board of Director Minutes

Multiple Listing Service of the Wilmington Regional Association of REALTORS®

1444 S. 17th Street

Attending	Tom Adam	Jonathan Barfield	Bob Jamieson	Dan Kibler
	Dottie Kilpatrick	Susan Lacy	Mary Martin	Russ May
	April McDavid	Bob McKoy	Karen Parkin	Deb Quaranta
	Vance Young			
Absent:	Jeff Cunningham			
Staff:	Jerry Panz			

President Susan Lacy called the meeting to order at 10 AM. All members of the Board of Directors received notice of the meeting.

By Consent the following was approved:

1. The Consent Agenda (attached).
2. Adding Recommended Price as a default in iBox
3. Extending the hire for a temporary staff for 2 additional months at a cost not to exceed \$5,500.
4. Authorizing the officers to spend up to \$20,000 from the Issues Mobilization fund to fight the land transfer tax initiative in Pender County.
5. The minutes of this meeting.

There being no further business the meeting adjourned at 11:30 AM.



Jerry S. Panz, CAE, e-PRO, RCE
Secretary

Consent Agenda

Multiple Listing Service of the Wilmington Regional Association of REALTORS®

August 24, 2007

Approval of:

1. Email vote to delay Secure Logon 7/24/07
2. Email vote to waive July and August eKey fees
3. **Required changes to conform to NAR Policy: MLS Rules**
 - a. Section 7.3 h 4 Key Box allocations: *Key Boxes will be allocated as follows: firms with at least three listings but no more than 50 listings will be permitted to have two Key Boxes in reserve; firms with 51 or more listings will be allocated Key Boxes at 104% of the total listings (NOTE: any fraction will be rounded up to the next whole number. **Example:** A firm has 51 listings on file with MLS including "office exclusive listings." $51 \times 104\% = 53.04$ so they are entitled to have 54 Key Boxes). Listings as used above means eligible listings (current and under contract single family and multifamily and "office exclusive" or "exempt" listings excluding under construction properties).*
 - b. **Section 11:** *By the act of submitting any property listing data content to the association MLS, the participant represents that he has been authorized to grant and also thereby does grant authority for the association MLS to include the property listing data content in its copyrighted MLS compilation and also in any statistical report on comparables. Listing content includes, but is not limited to, photographs, images, graphics, audio and video recordings, virtual tours, drawings, descriptions, remarks, narratives, pricing information, and other details or information related to listed property.*
 - c. **IDX Rules Section 4:** *Participants may exclude select the listings from they choose to display on their IDX sites based only on objective criteria including, but not limited to, factors such as geography or location ("uptown", "downtown", etc.), list price, type of property, (e.g., condominiums, cooperatives, single-family detached, multi-family), or cooperative compensation offered by listing brokers, type of listing (e.g., exclusive right to sell or exclusive agency), or the level of service being provided by the listing firm. Selection of listings displayed on any IDX site must be independently made by each Participant. Examples include property type ("condos," "single family detached," "multi-family," etc.), price, or location ("downtown").*
4. Authorizing staff to purchase additional insurance coverage: Computer/Phone etc., to \$250,000 + Contents to \$200,000. **Cost:** \$2,910
5. Recommended change to Section 1 (Property Types) of the MLS Rules to **clarify** agreement with the RCA: 1. Residential, 2. Residential Income (**Rental**), Subdivided Vacant Lot; 4. Land and Ranch (**Only properties zoned residential or where the current use is residential [All other zonings and uses are permitted in the RCA/SENC MLS]**), 5. Mobile Homes, 6. Auction

Acknowledgement of:

Financial statements for July 2007

MLS Waivers Granted by Staff

Name	Company	Why Waived
Diane Winstead	Southeastern Realty, LLC	Clerical Only
Adrienne Trouton	Perfection Real Estate, LLC	Clerical Only
Ashley Nicole Seitter	Laney Real Estate Co.,Burgaw	Clerical Only
Carla Citarelli	Century 21 Action, Inc	Property Manager
John Bisette	Carolina's Choice Real Estate	Property Manager; Listing Coordinator

**MLS Financial Narrative
Month Ending July 2007**

Account Name	Monthly Narrative
Asset Accounts	
All Asset Accounts	In balance and Designated Reserves fully funded
Due From Duplin/Sampson	July check should be received in August
Inventory-Store	\$148.19 paid in July for basket supplies. A purchase order will be entered in Rapattoni in August when all supplies have been purchased. Basket will be sold as one item.
CURRENT LIABILITIES	
NC Unemployment Tax	Payment is due quarterly
Employee Health Deductions	Negative due to additional money owing from Chuck Mapson and Dayma Edwards. Will be paid by both in August.
REVENUES	
All Revenue Account	All accounts over budget except Contract Services with RCA. Partial payment will be made in August and final payment in November.
EXPENSES	
Computer Operations	Purchase of new servers
Keybox Expense	Quarterly payment for keys
Other Meeting Expense	New MLS system expense/Forms update with Will Martin
Postage and Shipping	Reimbursement from staff for using postage meter
Salary-Casual Labor	Increase for temp person for MLS
Tokens for MLS	Income for lost tokens

Multiple Listing Service of the WRAR

Balance Sheet as of July 31, 2007 without Audit or Review by CPA

ASSETS

Current Assets

Merrill Lynch Money Market	63,276.01	
BB&T-Operating Account	82,722.03	
Accounts Receivable-Membership	17,206.40	
Accounts Receivable-Other	480.56	
Due From Duplin/Sampson AOR	2,378.00	
Inventory-Store	16,763.32	
Prepaid Expenses	95.61	
Prepaid Taxes	34,282.00	
Total Current Assets		217,203.93

Property and Equipment

Accumulated Depreciation	(521,853.69)	
Office Furniture and Equipment	41,166.60	
Computer Equipment	156,237.70	
Lockbox Inventory	350,560.00	
Total Property and Equipment		26,110.61

Designated Reserves

Computer Reserve (FF-19,000)	19,000.00	
Operating Reserve (433,333)	34,000.00	
Copier Reserve (FF-15,000)	15,000.00	
Issues Mob Rsve(\$35,000)	35,000.00	
Server/Sftwre Rsvr(FF-25,000)	25,000.00	
Furniture/Fixt Rsrv(FF-10,000)	10,000.00	
Lockbox Reserve (344,000)	344,000.00	
Next MLS System(\$185,000)	185,000.00	
Total Designated Assets		667,000.00
Total Assets		910,314.54

LIABILITIES AND CAPITAL

Current Liabilities

NC Unemployment Tax Payable	144.30	
Employee Health Deductions	(155.87)	
Total Current Liabilities		(11.57)
Total Liabilities		(11.57)

Capital

Common Stock	500.00	
Retained Earnings	828,125.70	
Net Income	81,700.41	
Total Capital		910,326.11

Total Liabilities & Capital

910,314.54

Multiple Listing Service of the WRAR
Income Statement as of July 31, 2007 without Audit or Review by CPA

	Current Actual	Current Budget	Year to Date	Annual/Mo .Budget	Variance YTD
Revenues					
Contract Services with D-S	2,378.00	840.00	7,610.00	5,880.00	1,730.00
Contract Services with RCA	0.00	0.00	0.00	22,450.00	(22,450.00)
IDX Frame Site Fee	0.00	0.00	3,330.00	0.00	3,330.00
Int&IncVal-M/L Money Mrket	2,220.52	2,137.46 100,715.0	15,992.18	14,962.22	1,029.96
MLS Access Fees	108,930.00	0	756,326.75	705,005.00	51,321.75
MLS-Branch Office Fees	100.00	0.00	350.00	200.00	150.00
MLS Initiation Fees	6,000.00	2,500.00	59,000.00	17,500.00	41,500.00
MLS Comp Books (net)	0.00	0.00	1,853.13	0.00	1,853.13
MLS Firm User Fees	15,819.91	12,720.00	110,059.41	89,040.00	21,019.41
MLS Listing Fees-Staff	0.00	0.00	20.00	0.00	20.00
MLS & Keybox Fines	(340.00)	333.33	14,825.00	2,333.31	12,491.69
MLS Late Payment Fees	531.00	425.00	4,806.00	2,975.00	1,831.00
MLS Reinstatement Fees	340.00	200.00	2,200.00	1,400.00	800.00
MLS - Misc. Income	180.00	83.33	887.35	583.31	304.04
Supra Initiation Fee	3,590.00	0.00	20,210.00	5,000.00	15,210.00
Supra Monthly Fee	29,239.00	27,165.23	205,886.45	190,156.61	15,729.84
Store Income(net)	2,038.28	833.33	18,232.96	5,833.31	12,399.65
		147,952.6		1,063,318.7	
Total Revenues	171,026.71	8	1,221,589.23	6	158,270.47
Expenses					
Accounting & Consulting- CPA	0.00	833.33	5,017.00	5,833.31	(816.31)
Advertising	0.00	41.67	185.00	291.69	(106.69)
Bank Service Charges	3,830.11	3,225.36	28,075.58	22,577.52	5,498.06
Banquet Expenses	0.00	0.00	500.00	3,000.00	(2,500.00)
Clark Memorial	0.00	0.00	58.66	200.00	(141.34)
Contingency Fund	0.00	0.00	(673.20)	22,000.00	(22,673.20)
Computer Operations	27,400.89	4,955.47	40,444.37	34,688.29	5,756.08
Consulting Fees	0.00	0.00	1,101.07	0.00	1,101.07
Depreciation	0.00	0.00	363.64	22,572.00	(22,208.36)
Directors Meetings	0.00	625.00	0.00	4,375.00	(4,375.00)
Donations to Foundation	0.00	0.00	2,800.00	0.00	2,800.00
Dues, Mnt Agrmnts & Sbscrt	12.00	66.67	327.77	466.69	(138.92)
Econc & Mrkt Watch Report	0.00	0.00	3,000.00	3,000.00	0.00
Election Expense	0.00	0.00	227.50	0.00	227.50

Equipment Maint & Purchase	0.00	0.00	238.62	0.00	238.62
Filing Fees	0.00	0.00	0.00	20.00	(20.00)
Governmental Affairs	1,459.91	0.00	6,592.23	0.00	6,592.23
iCheck	0.00	0.00	0.00	8,894.76	(8,894.76)
iMapp, Inc (tax service)	0.00	11,731.20	31,229.55	35,193.60	(3,964.05)
Insurance-Computer Equipment	0.00	0.00	0.00	1,575.00	(1,575.00)
Insurance-Employee Bond	0.00	0.00	0.00	800.00	(800.00)
Insurance-Equipment	0.00	0.00	0.00	600.00	(600.00)
Insurance-Health	6,617.31	5,082.00	32,205.31	35,574.00	(3,368.69)
				Annual/Mo	
	Current Actual	Current Budget	Year to Date	. Budget	Variance YTD
Insurance-Workman's Comp	615.00	0.00	615.00	2,450.00	(1,835.00)
IRA Employer Contributions	981.52	1,123.25	7,247.31	7,862.75	(615.44)
Issues Mobilization Funds	0.00	0.00	3,900.00	0.00	3,900.00
Keybox Expense	68,059.57	916.67	275,352.09	6,416.69	268,935.40
Leadership Training	0.00	208.33	0.00	1,458.31	(1,458.31)
Lease-Building	4,324.80	4,324.80	30,273.60	30,273.60	0.00
Legal Fees	2,359.00	1,041.67	8,629.76	7,291.69	1,338.07
Misc. Expenses	0.00	40.70	1,490.65	284.90	1,205.75
MLS Committee Meeting	0.00	0.00	688.63	600.00	88.63
NAR-Travel	2,132.20	2,035.83	9,018.00	14,250.81	(5,232.81)
NCAR Directors Expenses	8.89	1,137.04	4,579.26	7,959.28	(3,380.02)
Office Supplies	273.40	750.00	5,071.27	5,250.00	(178.73)
Orientation	0.00	0.00	0.00	5,500.00	(5,500.00)
Other Meetings Expense	2,040.33	833.33	15,853.53	5,833.31	10,020.22
PossibleNow.com	0.00	0.00	0.00	3,000.00	(3,000.00)
Postage and Shipping	(16.68)	416.67	2,685.31	2,916.69	(231.38)
Postage Meter	0.00	0.00	745.67	1,600.00	(854.33)
Printing	0.00	0.00	148.40	500.00	(351.60)
Quest	0.00	42,770.00	263,368.00	299,390.00	(36,022.00)
Rapattoni MLS	21,868.86	0.00	21,868.86	0.00	21,868.86
Salary-Casual Labor	2,116.50	100.00	8,556.34	700.00	7,856.34
Reserves	0.00	5,140.00	0.00	35,980.00	(35,980.00)
Software License & Upgrades	0.00	133.33	0.00	933.31	(933.31)
Strategic Plan	0.00	0.00	11,168.47	2,000.00	9,168.47
Supra Key Expense	0.00	81,495.69	0.00	244,487.07	7)
Taxes-Employers FICA	3,608.81	2,243.20	18,571.46	15,702.40	2,869.06
Taxes-Employment Security	144.30	54.57	1,874.81	381.99	1,492.82

Taxes-Franchise	0.00	0.00	0.00	735.00	(735.00)
Taxes-Income	0.00	0.00	36,194.00	0.00	36,194.00
Taxes-Property Business Equip	0.00	0.00	0.00	100.00	(100.00)
Taxes-FUTA	17.91	0.00	629.01	210.00	419.01
Technology Seminar	0.00	0.00	0.00	5,000.00	(5,000.00)
Telephone/Computer Lines	930.20	580.00	5,186.96	4,060.00	1,126.96
Tokens for MLS (Net)	(344.00)	0.00	(408.00)	0.00	(408.00)
Travel & Education CEO	46.08	0.00	3,384.91	10,396.23	(7,011.32)
Travel & Education Staff	900.24	0.00	1,487.20	12,720.42	(11,233.22)
Wages Expense	47,174.04	28,199.65	250,015.22	197,397.55	52,617.67
		200,105.4		1,135,303.8	
Total Expenses	196,561.19	3	1,139,888.82	6	4,584.96
		(52,152.7			
Net Income	(25,534.48)	5)	81,700.41	(71,985.10)	153,685.51

Background Paper on Agency

Legal Issues

1. NCREC requires brokerage agreements to be in writing with the limited exception of a buyer agency agreement: *However, any such oral buyer agency agreement must be reduced to writing no later than the time any party in the transaction seeks to extend any offer to any other party.*
2. **Material Facts:** The status of every listing that is provided to a party in a transaction is a material fact. A CMA that fails to note applicable properties and their status as part of the data set would be construed under both the law and the ***Code of Ethics*** as a breach of the listing agent's fiduciary duty. A buyer's agent who failed to obtain the permission to EXCLUDE properties that would otherwise meet the requirements of the buyer would be a breach of their fiduciary duty.
3. Article 2 requires specific disclosure of material facts that would affect the buyer's decision in a transaction. Could the fact that a property had been on the market for a longer period of time than market conditions warrant and the fact that a Seller had entered into a Contingent Sale Addendum indicate something to a buyer's agent? (If not, then you should eliminate DOM and CDOM from the system)
4. Article 3 of the ***Code of Ethics*** as interpreted by Standard of Practice 3-6 requires specific disclosure of accepted offers including offers with unresolved contingencies to any broker seeking cooperation. If not disclosed and COMMUNICATED to the buyer through MLS, then how?
5. A buyer's agent would need specific authorization from the buyer client to exclude them. That authorization is not in the current buyer agency agreements promulgated by NCAR.
6. A buyer's agent would need specific authorization either noted in the file after a discussion where the buyer had informed consent or, preferably, in writing by inserting language into the buyer agency agreement.
7. Clearly the **buyer** has the right to exclude any listing but the agent should not unless such exclusion were part of the buyer's criteria. Without such express permission it would be considered a breach of a fiduciary duty.
8. The Board could decide to uncheck all status and leave it up to the agents to make an applicable disclosure and form an agreement with the buyer's informed consent.

Board's Decision: Uncheck everything with no default; Check only Active. (Note: This entire issue was discussed during the design meetings and they chose what you currently see in the MLS. You do not need a motion to do nothing but would need a motion to change it.)

IMAPP is pleased to announce the upcoming release of ICHECK Version 3.0. This will be a complimentary upgrade for all of our existing clients and another reason why ICHECK is the Nation's leading provider of MLS Data Verification!

Following is a list of the new features:

- **Error Progression** – Extends the current single warning and fine notice levels to unlimited custom Warning and Fine notification levels *per Error*
- **Agent Progression** – Extends the current single warning and fine notice levels to unlimited custom Warning and Fine notification levels *per Agent*
- **Template Manager** – Progression support for Merge Fields allowing custom messages per level – ie different Fine Amount per level or any custom message
- The **Report Filter** in Warnings tab has been added to Corrections & Fines tab
- Additional Column **Sorting**: Notification (Letter, Email), Status (Correction, Excused, FalsePos)
- New **Pagination buttons**
- New **Report**
 - § Monthly Notification Summary with Bar Graphs and the ability to view per Board for Regional MLS's. Indicates % of Warnings Issued, % Corrected and % Fined
 - Added graphing to the following **Reports**
 - § Error Rules & Statistics
 - § False Positive Report
 - § Error Statistics
 - § Monthly Summary
- **Color Key** added to Corrections, and Fines tab
- New **Administrative ICONS**
- New **IMAPP logo** banner
- New **ICHECK logo** with version number

The date of release for ICHECK Version 3.0 will be announced following a brief period of beta testing.

Please contact Christy Baird at 888-462-7701 or CBaird@IMAPP.com with any questions regarding ICHECK Version 3.0.

PS...If you are interested in adding Agent Reported to your existing ICHECK system please let us know, discounts for existing clients are available through 2007.

Improving New Hanover County Online Data Access, August 15th, 2007

Purpose:

To discuss the FTP data downloading site and online mapping services New Hanover County is currently make available from our website, and to collect ideas, comments, and suggestions regarding ways to improve the access or content of the services.

Online Mapping Services

Discussion of Likes & Dislikes regarding:

- Hosted tax site – www.etax.nhcgov.com

It would be nice to display the lot dimensions on the map. *Comment: Brian Bell*

It would be nice to have “Select a Parcel” set as the default tool on the map. *Comment: Michael Otlesburg*

Is it possible to hyperlink the “Book & Page” reference for each listed property sale to the actual document on the ROD website? *Comment: Brian Bell, Michael Otlesburg, Steve Cavanaugh, & Others*

- Base Map
- Planning Zones Map
- Voting Districts Map
- School Districts Map (NHC School system HAS agreed for NHC to host this as a GIS mapping layer !!!!!!!)
- Environmental Information
- Topographical Map
- Flood Zone Map
- Tidal Creek & Water Quality Map
- Fire Zones & ISO Ratings Map

Other Online Services

- ROD Records Search

Can text be added above the input boxes for Book & Page to remind people to remove any leading zeros when entering search values? For example Page “0294” should be entered as “294”, if not the search returns without a match. This is a problem because the etax.nhcgov.com site displays the leading zeros. This is causing confusion to our users. *Comment: Brian Bell*

- Finance Dept Website

Can a web page be created on the website that will list ALL County work that is currently open for bid? *Comment: Sarah Bon*

FTP Data Files

Discussion of Likes & Dislikes regarding:

Create a "Data Catalog" listing all data available online for FTP download, to include a brief description of each data set. Comment: Brian Bell

- GIS Data FTP Files

Add a GUI like Wake County to download one or two ortho tiles of a specific area. The interface helps those unfamiliar with the county find the correct tiles. If there was a way to have this interface along with the FTP style download you have at NHC it would be ideal.

<http://lnweb02.co.wake.nc.us/gis/gismaps.nsf> comment: Scott Williams

- Inspections Data FTP Files

Create Monthly Summary Reports or Permits & C.O.'s issued for both residential and commercial permits. The reports should include a value amount in dollars of each summary type. Also it would be beneficial to also list by address all individual residential and commercial permits issued during the same time period. Comment: Sarah Bon

- Tax Data FTP Files

Create a Microsoft Access Database (MDB) version of each of the NHCLTTAX files currently available on the FTP site. Comment: Michael Otlesburg, Steve Dellies, & Others

- Register of Deeds Data FTP Files

Create weekly or monthly extracts of processed records to offer a "recent changes" version of the ROD data in addition to the current extract that contains all ROD data records. Comment: Sarah Bon, Brian Bell

- Health Inspections Data FTP Files

It would be nice to search restaurant health inspections by date. Comment: Sarah Bon
Is it possible to provide a file that lists well and septic permits issued in a weekly or monthly extract? Comment: Brian Bell, Michael Otlesburg, & Others (**This will provide sewer and well information for the MLS to auto pop**)

Email from NAR Member Policy Department upon submission of revised MLS Rules

Jerry: Thank you for the revised MLS rules and regulations. You can expect to hear from us in four weeks. We acknowledge that the Wilmington Regional Association of REALTORS® (WRAR) has signed an MLS reciprocity agreement which allows your members reciprocity to the MLS of the Brunswick County Association of REALTORS®.

We appreciate all you do as an Association Executive. It's nice to see you staying on top of your game. If we can be of service, please let us know.

Sincerely,

Dan

Daniel M. Hanrahan, Policy Consultant

Member Policy Department

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