

TEXAS REALTOR®

Succeed in Texas Real Estate

January/February 2018

MEET YOUR 2018 CHAIRMAN p. 16 KAKI LYBBERT



TREC
advertising
rule changes
p. 28

◆ TEXAS ASSOCIATION OF REALTORS® \$3.50

How to negotiate with anyone p. 32 ■ CLIENT, CUSTOMER, OR PROSPECT? p. 14



My
Why?

I'm selective about who I work for. So, when I heard about the origins of RE/MAX, I was intrigued. Their North Star was simple, yet radical: pay agents what they deserve. And that I can get behind.

Why RE/MAX? Their story is my why.



Find your why at
joinremax.com

Become immune to real estate ups and downs



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More than 80% of buyers say a good first impression is their top determining factor in choosing an agent.* That's why agents across North America rely on Ruby® to delight callers, foster loyalty, and build the word-of-mouth buzz that brings in new business.

Ruby's 100% live answering turns every call into an opportunity to build trust and strengthen your reputation. Our friendly, professional receptionists help you impress current clients and earn new ones—for a fraction of the cost of an on-site hire.

Let Ruby turn rings into relationships for your business!



Save \$75 off your first full month of service with promo code TAR75



LEARN MORE AT callruby.com/TAR
OR CALL 888-606-1750

*Zillow, Consumer Housing Trends Report, 2016

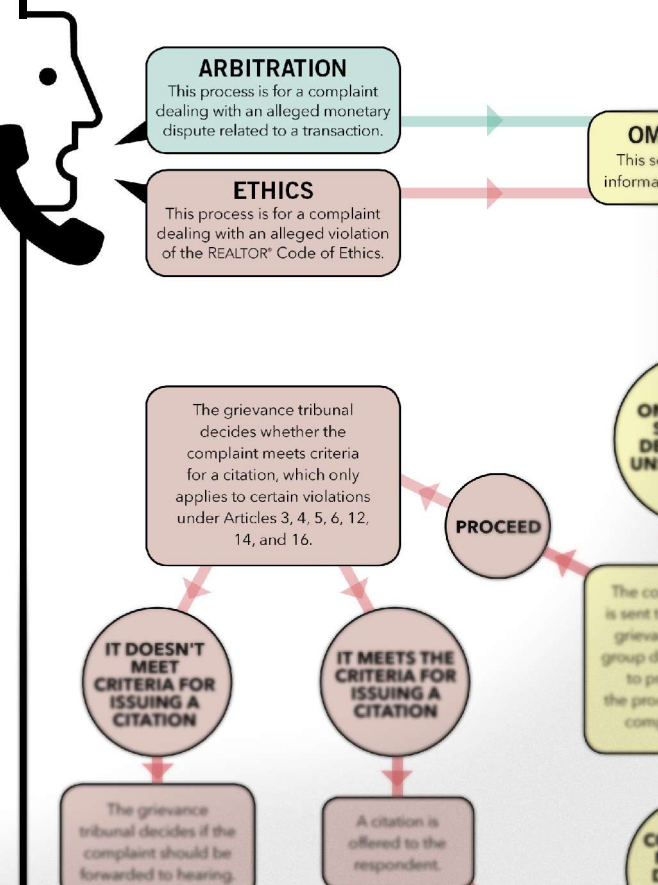


receptionists

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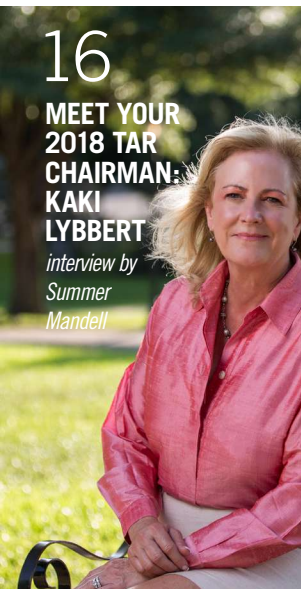
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interview by Summer Mandell



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The Texas Real Estate Commission in November revised its advertising rules, which go into effect May 15. Find out what those changes mean for your advertisements, website, and social media accounts.

Don't sell your home alone
Call John Smith, REALTOR®
512-123-4567
Jane Doe Realty

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Calculate out how much TREPAC has saved you this year.

Transfer tax

A tax on the transfer of real property would discourage homeownership in Texas. According to a leading economist, that translates into a 7% reduction in sales volume. That's why we've fought hard to stop repeated attempts to pass this insidious tax.

Sales volume x 0.07 x 3% = **Your savings**

Mixed-use vehicle tax

Some county tax assessor-collectors were targeting Texas REALTORS® for an ad-valorem (property) tax on personal vehicles. If left unchecked, this new tax could've spread statewide to all Texas REALTORS® and other independent contractors.

Vehicle value x 0.0275 = **Your savings**

Professional fees

We supported legislation to repeal the \$300 "occupational tax" that real estate brokers pay for their two-year license in Texas.

\$300

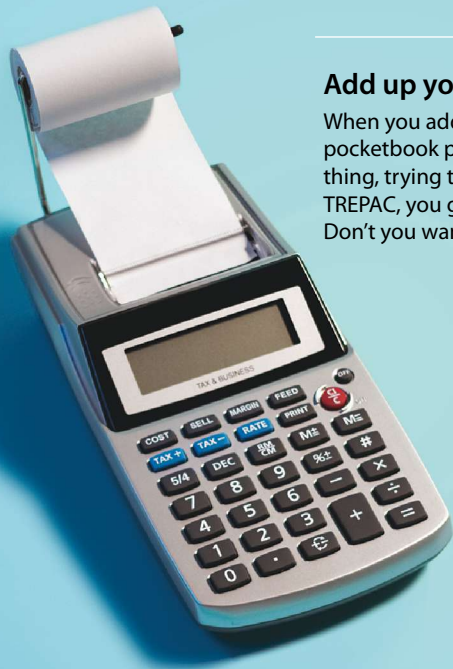
Tax on services

We've defeated numerous attempts to extend the state sales tax to professional services. Had it passed, your commissions would've been taxed at 8.25%.

Sales volume x 0.0825 x 3% = **Your savings**

Add up your total annual savings:

When you add it all up, TREPAC is an incredibly valuable pocketbook protector. But there's always someone, or some thing, trying to get into your pocketbook. By investing in TREPAC, you get to keep more of your hard-earned money. Don't you want to make that investment today?



TREPAC.com



@TexasTREPAC



facebook.com/TREPAC

TEXAS REALTOR®

January/February 2018-Volume 71-Number 1

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CHANGE OF ADDRESS OR EMAIL
TAR members should always send postal address or email changes to their local association.

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Federal law prohibits TREPAC and FedPAC from soliciting contributions from persons not included in the following groups: Members of the Texas Association of REALTORS®, all personnel of the associations, and the families from both groups. Contributions received from a person outside of these groups will be returned.

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ARE YOU USING DESIGNATION LOGOS IN YOUR MARKETING?



YOU INVESTED TIME AND MONEY TO EARN DESIGNATIONS AND CERTIFICATIONS. Promote your enhanced business knowledge by using the appropriate logos in your digital and print marketing.

The following certifications are offered by the Texas Association of REALTORS®. If you've earned any of these and would like the corresponding logo, call 800-873-9155.

- Texas Affordable Housing Specialist
- Texas Residential Leasing Specialist
- Texas Residential Property Manager
- Accredited Buyer's Representative: 800-648-6224
- Accredited Land Consultant: 800-441-5263
- At Home With Diversity: 800-874-6500, ext. 8393
- Certified Commercial Investment: 800-621-7027
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- Counselor of Real Estate: 312-329-8427
- e-PRO: 877-397-3132
- General Accredited Appraiser: 800-874-6500, ext. 8268
- Green: 800-498-9422
- Graduate, REALTOR® Institute: 800-873-9155
- Military Relocation Professional: 888-648-8321
- Performance Management: 800-245-8512
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- Resort & Second-Home Property Specialist: 800-874-6500, ext. 8268
- Seller Representative Specialist: 800-621-8738.
- Seniors Real Estate Specialist: 800-500-4564.
- Short Sales & Foreclosure Resource: 877-510-7855
- Society of Industrial and Office REALTORS®: 202-449-8200

Harvey recovery

WHERE THEY STAND NOW

Two Texas REALTORS® who were impacted by Hurricane Harvey shared their stories in the November issue of *Texas REALTOR®* magazine. We recently caught up with Jeanette Winfrey of Vidor and Melody Barlow of Cypress to see what's happened since the immediate aftermath of the storm.

Winfrey now keeps a pair of old shoes in her car for showing homes gutted by the storm and looks forward to when she can throw them away. Repairs on her own home were slated to start after the holidays. "Slowly, it's sinking in what we have been through, and I'm trying to help others in my town with their recovery," she says.

Barlow's house is back together after working through issues getting flood damage repaired. "Although we've gotten used to having the bed in the middle of the living room!" she says. The biggest struggle now, Barlow says, is the after effects of the bicycle accident suffered by her partner, Jamie. Jamie has been diagnosed with Complex Regional Pain Syndrome (CRPS), which is a chronic pain condition. Barlow says they welcome any insights from others suffering from CRPS.

DID YOU SEE ALL YOUR BENEFITS?

The booklet that came with this issue of the magazine includes information about the many benefits you receive as a member of the association. In addition to exclusive savings on products and services, you have members-only access to more than 100 legal forms, a free legal hotline, continuing education just for you ... and the list goes on. Check out the book and see what you get for your membership at texasrealestate.com/benefits.



TEXAS REALTOR® VOTER GUIDE AVAILABLE NOW

Find out which candidates in the March primaries support your business.

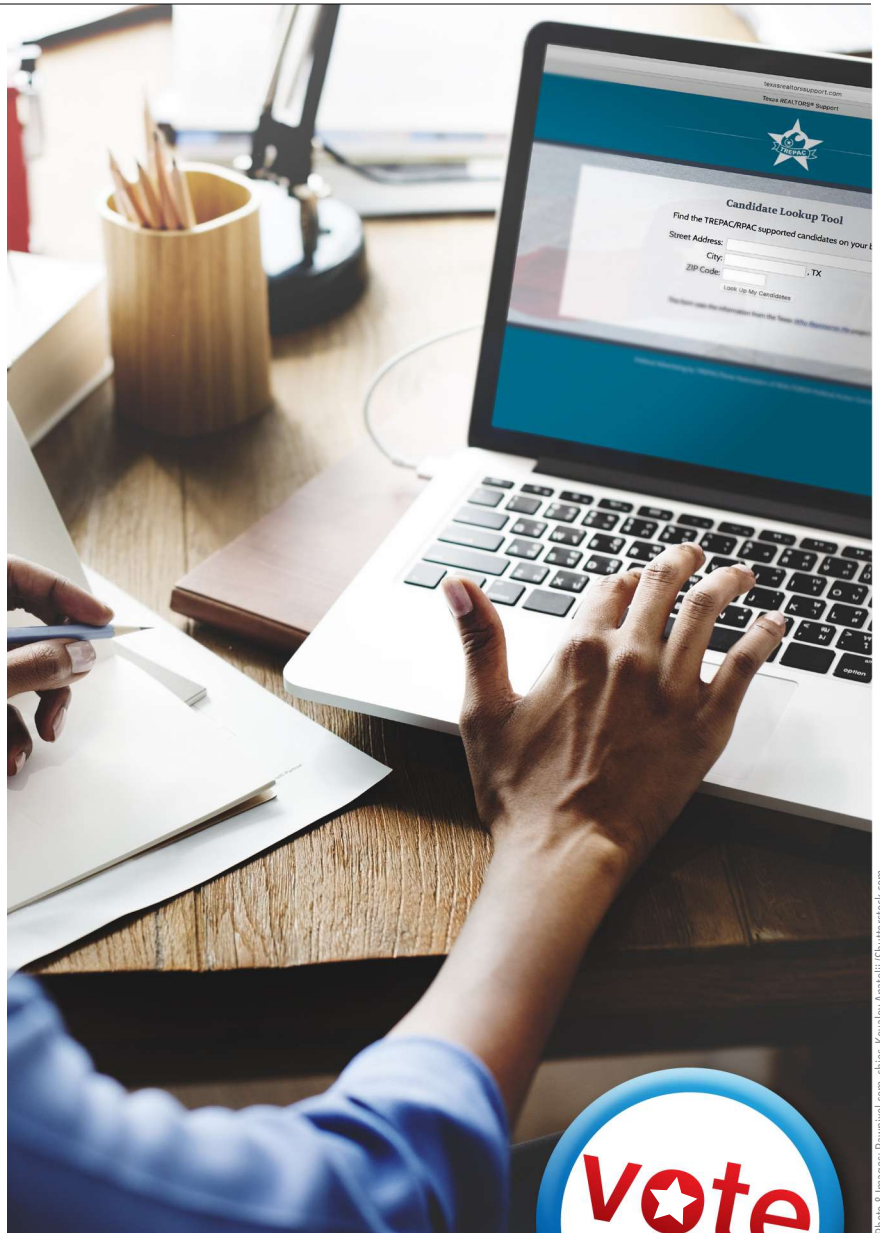
Primary elections are your chance to choose who you want on the November ballot. But how do you know which candidates are in your corner?

Texas REALTORS® have done the work for you.

Local REALTOR® associations interview candidates and recommend those who support private-property rights and a strong real estate industry to the Texas Association of REALTORS® Political Action Committee (TREPAC) for consideration.

Don't miss your chance to play an integral role in the political process. During the March primaries, candidates run for their party's place on the November ballot. And in many cases, November races are actually decided during the March primaries because the candidates don't have opponents of another party.

**SEE THE TREPAC-SUPPORTED
CANDIDATES ON YOUR
MARCH 6 BALLOT AT
TEXASREALTORSSUPPORT.COM**



2018 OPPORTUNITY RACES

These candidates receive extra grassroots assistance from Texas REALTORS® to help them win their hotly contested primaries. See all the REALTOR®-supported candidates on your ballot at texasrealtorssupport.com.

SD 2 – CINDY BURKETT
SD 17 – JOAN HUFFMAN
SD 31 – KEL SELIGER
HD 4 – ASHLEY MCKEE
HD 8 – CODY HARRIS
HD 73 – DAVE CAMPBELL
HD 98 – GIOVANNI CAPRIGLIONE
HD 99 – CHARLIE GEREN
HD 102 – LINDA KOOP
HD 114 – JASON VILLALBA
HD 134 – SARAH DAVIS

WHAT THE TAX REFORM LAW MEANS FOR YOU AND YOUR CLIENTS

In December, President Trump signed the “Tax Cuts and Jobs Act” as passed by Congress. Below are several real estate-related provisions addressed in the new law.

Visit texasrealestate.com/taxreform to read NAR’s extensive analysis of the law’s impact on homeowners and real estate professionals.

WHAT THE LAW CHANGES

- **Mortgage interest deduction**
 - Reduces the limit on deductible mortgage debt to \$750,000 for new loans taken out after December 14, 2017.
 - Current loans of up to \$1 million are grandfathered and not subject to the new cap. Neither limit is indexed for inflation.
- **Home equity loan interest deduction**
 - Repeals the deduction for interest paid on home equity debt through December 31, 2025.
 - Interest remains deductible on home equity loans (or second mortgages) if the proceeds are used to substantially improve the residence.
- **State and local property tax deduction**
 - Caps the itemized deduction for state and local property taxes (and income or sales taxes) at \$10,000. This limit isn’t indexed for inflation.
 - This deduction was previously unlimited.
- **Moving expenses**
 - Repeals the moving expense deduction, except for members of the Armed Forces.
- **Standard deductions**
 - Doubles the standard deductions for individual filers (to \$12,000) and joint filers (to \$24,000). This deduction is indexed for inflation.
 - This greatly reduces the value of the itemized MID and property tax deductions as tax incentives for homeownership, as more filers are expected to take the standard deduction rather than itemizing.

WHAT WILL NOT CHANGE

- **Like-kind exchanges for real property**
 - Retains the Section 1031 Like Kind Exchange rule for real property, but repeals the use of Section 1031 for personal property.
- **Capital gains**
 - Retains current law related to capital gains on the sale of a principal residence.
- **Deductions for medical expenses and student loan interest**
 - Retains current law for these itemized deductions.



A RECORD-SETTING
RESPONSE ON
FEDERAL TAX REFORM

22.51%

of Texas REALTORS® sent messages to Congress during the tax reform discussion—the highest call for action response in history!

That's 17,767

of you who urged lawmakers to protect homeowners while reforming the tax code.



REALTOR® feedback

YOUR THOUGHTS ON FORMS, LEGAL VICTORIES, AND MORE FORMS

AVOID OVERSTEPPING YOUR BOUNDS

The November issue of *Texas REALTOR®* included an article about the fine line of a buyer's agent working directly with a seller at the request of the listing broker. **Bonnie Wilson** of San Antonio wrote in to remind us that TAR offers a form for this situation: *Notice From Buyer's Agent to Seller* (TAR 1504). "This little form may come in handy when a situation like this occurs."

DON'T MESS WITH TAR

Have you been threatened by a frivolous patent-infringement lawsuit? In a recent TAR legal victory, the association successfully argued for the invalidation of a patent that had been used to sue Texas real estate brokerages. **Linda Walker** of Temple congratulated us on the win. "Thank you all at TAR for everything you do

on our behalf, both in the forefront and behind the scenes," she wrote. "Don't mess with TAR," wrote **Jeff Kahn** of San Antonio. **Wanda Jean Deveraux, David Davis, Connie Felder, Dan Barrett, Bonnie Brown, and Elena Quiroz** also chimed in to say job well done.

WHO CAN USE TREC FORMS?

Some members would prefer it if the Texas Real Estate Commission didn't make its forms available to the public. "I don't agree that these forms should be available to people without a license," wrote **Shirley Howard** of Perryton. "Nothing is stopping people downloading the forms and filling them out for friends and neighbors." **Adriana Dwiggin**s of Harlingen agreed with Shirley: "TREC forms are always misused because ... friends help friends."

YOUR FEEDBACK ABOUT THIS MAGAZINE COUNTS

Last November, we launched the newly redesigned *Texas REALTOR®* magazine because of feedback from members like you. It's our goal to find ways to provide you with an even better resource, chock full of information that helps you in your day-to-day business. We need to know what you think about the redesign. Take our short survey at surveymonkey.com/r/2vm35n3 or email us at editor@texasrealtors.com.



NEW WEBINARS HELP YOU IMPROVE YOUR BUSINESS

REALTORS® Property Resource is offering free, Texas-specific webinars that show you how the RPR app can save you time and help you gain business. The monthly webinar series will cover a variety of topics, including how to use RPR to create a listing presentation, how to meet buyer's demands with RPR search tools, and how to seamlessly create accurate CMAs.

The next webinar, Broker Series Session 1: RPR Overview for Brokers and Managers is February 14. Save the date for the March 14 webinar, RPR Advanced Class: Impress Clients and Close More Deals with RPR. Learn more and register for upcoming RPR webinars at blog.narrpr.com/tar.

THE 2018 TAR LEADERSHIP TEAM RECENTLY SAT DOWN FOR A CONVERSATION WITH EDITORS OF THIS MAGAZINE. TURN TO PAGE 20 TO READ THEIR ANSWERS TO QUESTIONS ABOUT LEADERSHIP, MENTORS, AND MORE.



COMMERCIAL REAL ESTATE GROWTH SLOWING

While commercial real estate prices are projected to continue their upward rise over the next three years, the pace is likely to be lower than the long-term average, according to a forecast by the Urban Land Institute. Commercial rents are also expected to keep rising in all sectors, but with more modest increases than recent years.

NO-COST STAGING TIP

Your sellers may think their playroom/office/craft room shows versatility, but instead it's confusing and cluttered-looking to potential buyers. Ask sellers to focus on one feature of each room, even if it's not how they currently use it.

Consider potential buyers when deciding which room is for what. For instance, if the neighborhood is popular with young families, pump up the playroom aspects of the room and store the office supplies.



Photos: Monkey Business Images, Rawpixel.com/Shutterstock.com

ENCOURAGE ONLINE REVIEWS THE RIGHT WAY

Running afoul of websites' policies could get reviews of your business hidden or worse.



Websites like Yelp and Google may hide or delete reviews they think violate their terms of service, which typically forbid incentivizing reviews with payment, gifts, or other benefits. Violating a website's terms of service could also get your page deleted.

Recently, Yelp stated that asking your customers for reviews is a violation of its terms of service and could hurt your business's rating. The software Yelp uses to recommend reviews, which determines if they're visible or listed first, avoids reviews that appear to be solicited. Yelp's guidelines warn against soliciting mailing lists for reviews, running surveys that ask for reviews, or having staff compete to collect reviews.

Not all websites are as strict as Yelp about reviews, but reviews are supposed to be honest and unbiased. Pushing clients, family, or friends to write excessively flattering reviews could bring your page the wrong kind of attention.

For most review websites, such as Google and Facebook, it's acceptable at the end of a transaction to remind clients where they can review your services and provide a link. Websites also encourage businesses to engage with reviewers, showing that you monitor feedback and take it seriously. Using signage or branding provided by a website can help show off your positive reviews to potential clients as well as reminding past clients where to post their own feedback.

The main thing to keep in mind when encouraging reviews is to make your appeal in the normal course of a transaction and in a way that does not try to influence the content. Beyond terms of service and website policies, most potential clients can tell if something doesn't ring true about your online reviews.

WHAT YOU CAN DO:

- Use signage and branding available from the website where you collect reviews
- Provide links to profiles on review websites
- In the course of a transaction, remind clients where you collect reviews or recommendations.

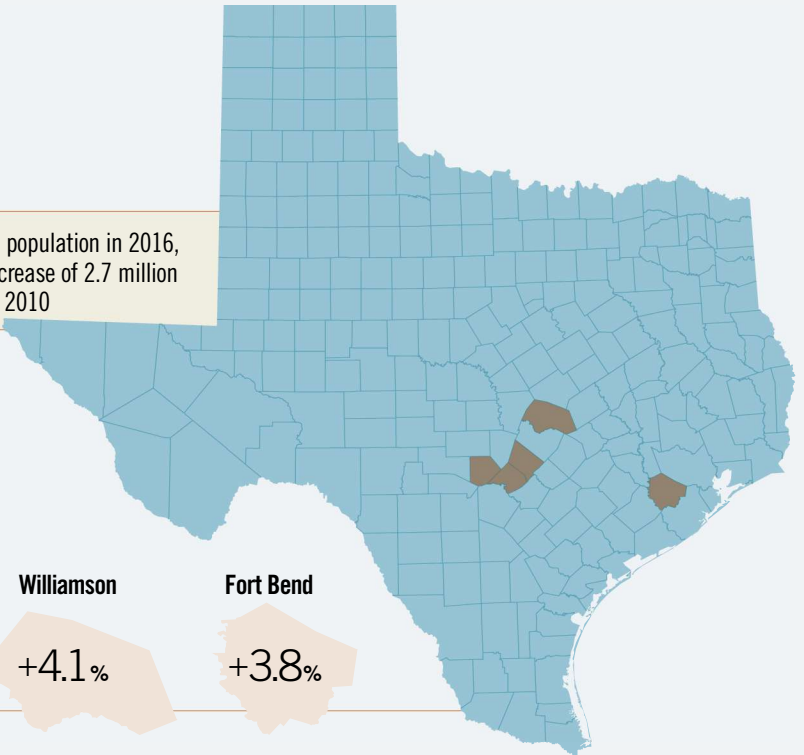
DO YOU USE REALTOR.COM?

If you've set up a free professional account at realtor.com, you can request ratings and reviews from verified clients directly through the website. You can also add recommendations written by friends, family, and colleagues to your profile. Find more information and instructions on how to edit your profile by searching "quick start guide" at support.realtor.com.

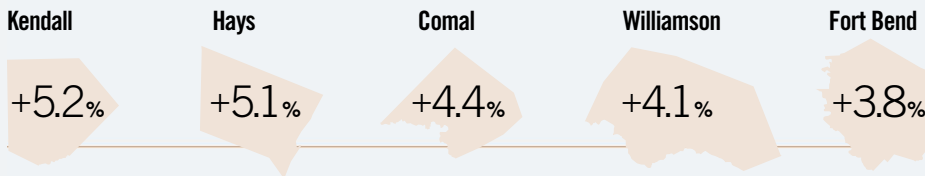
TEXAS POPULATION STATS

27.8 MILLION

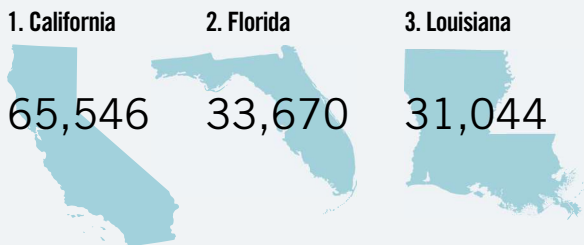
Texas population in 2016, an increase of 2.7 million since 2010



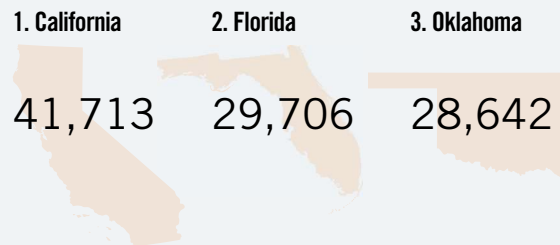
Counties with highest percentage gain in population, 2015 to 2016



Top states Texas residents **moved from** in 2015



Top states Texas residents **moved to** in 2015



Sources: U.S. Census Bureau; ACS Migration flows; Texas State Demographer Lloyd Potter

LATINOS REPORT DISCRIMINATION IN HOUSING

HOUSING IS ONE OF THE TOP THREE AREAS WHERE LATINOS IN THE U.S. REPORT DISCRIMINATION, according to a nationwide survey conducted by National Public Radio, the Robert Wood Johnson Foundation, and Harvard T.H. Chan School of Public Health. In Texas, nearly a third of first-time homebuyers are Latino, and Latinos account for 14% of all homebuyers, according to the *2017 Texas Homebuyers and Sellers Report*.

3 in 10 Latinos in the U.S. report having been discriminated against when trying to rent or buy housing.

43% of Latinos who earn less than \$25,000 per year report experiencing housing discrimination.

1 in 5 Latinos say that they or a family member have been told or felt as though they would not be welcome in a neighborhood, building, or housing development because they are Latino.

44% of Latinos who report living in a lower-income area say other Latinos in the area often face discrimination when trying to find housing.

Source: *Discrimination in America: Experiences and Views of Latinos*

WE HEARD THAT

If you're on the go, it may be easiest to take a call about the next negotiation step while in line for your morning coffee. But be careful . . . while those around you may not hear the other side of the conversation, what they hear *you* saying may be more than what your client wanted known.



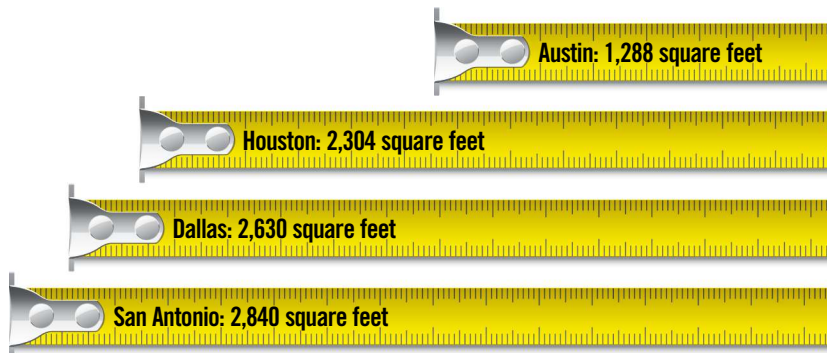
Even in-person conversations can be critical moments for confidentiality. For instance, imagine you're debriefing outside a home you just viewed with your clients. Would you want the neighbor walking her dog to overhear how they would offer more than asking because they love the house?

Always be mindful of who can eavesdrop on your crucial conversations. If your client—or an assistant or other agent—wants to start a discussion about a delicate topic, suggest you pause until you can get to a more private place.

Commercial

WHICH TEXAS CITY HAS THE MOST EXPENSIVE OFFICE SPACE?

Here's how much Class B office space you can get in the largest Texas cities for \$5,000 per month:



Source: CommercialCafe's analysis of second-quarter 2017 data reported by commercial real estate firms.

WE DISCOVERED THAT HIGH-PERFORMING CEOs DO NOT NECESSARILY STAND OUT FOR MAKING GREAT DECISIONS ALL THE TIME; RATHER, THEY STAND OUT FOR BEING MORE DECISIVE. THEY MAKE DECISIONS EARLIER, FASTER, AND WITH GREATER CONVICTION.

— Elena Lytkina Botelho, Kim Rosenkoetter Powell, Stephen Kincaid, and Dina Wang, *Harvard Business Review*, May/June 2017

REALTOR® insights

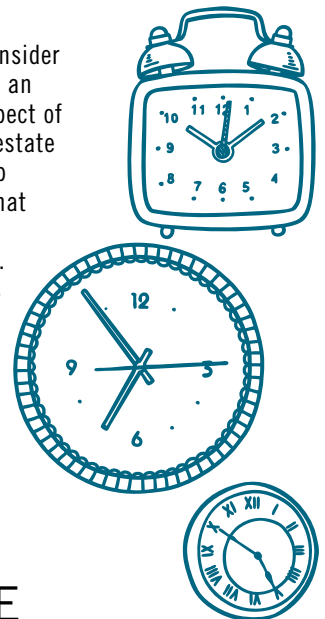
WANTED: MORE HOMES, FEWER AGENTS



74% of REALTORS® in the U.S. who sell residential real estate think there are too many residential agents in their area, while 70% believe there are too few homes for sale.

NOT WORKING 9-TO-5, BUT WORKING HARD

Two thirds of REALTORS® consider flexible hours an attractive aspect of being a real estate agent, the top answer for what you like best about the job. Even so, 14% of residential specialists and 21% of commercial specialists work at least 60 hours per week.



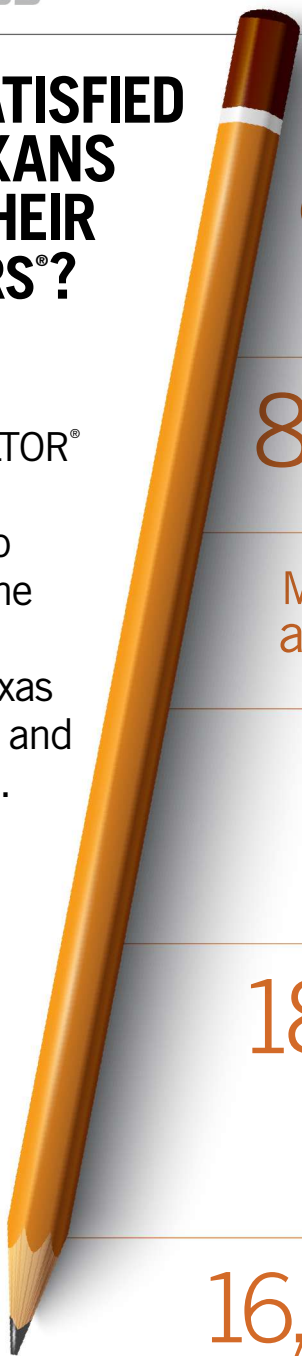
YOU'RE PROBABLY A PEOPLE-PERSON

The two most important skills for success in real estate are people skills and self-motivation, according to a survey of current REALTORS®. At the bottom of the list? Only 14% of respondents consider completion of higher education important.

Source: NAR's 2017 *Choosing a Career in Real Estate: A Perspective on Gender, Race, Ethnicity*

HOW SATISFIED ARE TEXANS WITH THEIR REALTORS®?

What the inaugural Texas REALTOR® Satisfaction Index has to say about the relationship between Texas REALTORS® and their clients.



98% of Texas homebuyers and sellers rated their experience with their REALTOR® either “good” or “excellent.”

8 in 10 said they didn't consider another broker if they'd already worked with a Texas REALTOR®.

More than a THIRD of Texas homebuyers and sellers found their Texas REALTOR® through a referral.

3.7 out of 5 was how Texas home sellers ranked understanding needs and requirements, the top factor in selecting a Texas REALTOR®.

18.2% of Texas homebuyers reported finding their Texas REALTOR® through traditional advertising methods, such as print, radio, or broadcast advertisements or billboards.

16,873 homebuyers and sellers participated in the Texas REALTOR® Satisfaction Index.

Homebuyer preferences

Six out of 10 people would spend more on a home so they can live in a walkable neighborhood. That's just one stat showing the increase in people who want to live in communities with easy access to shopping, restaurants, and parks, according to NAR's *2017 Community and Transportation Preferences Survey*.

The survey also found that more than half of respondents would be willing to live in a house with a small yard if they could walk to more places, versus a house similar in size with a larger yard and less walkability. In addition, more than half said they would prefer to live in an apartment or townhome instead of a detached home if that meant they could easily walk to places or commute to work.

Read more about these survey results at nar.realtor/reports/nar-2017-community-preference-survey.

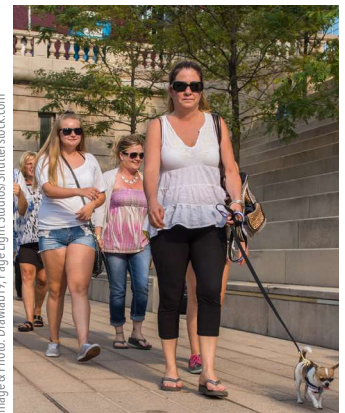


Image & Photo: Drawlab19, Page Light Studios/Shutterstock.com

Brokers

USE THIS RESOURCE TO EDUCATE YOUR AGENTS AND STAFF ON DIGITAL SECURITY BEST PRACTICES

The Electronic Frontier Foundation, a nonprofit digital rights group, has created a collection of resources you can use to educate others about online security threats. The Security Education Companion offers guides for the first-time security trainer, lessons on specific threats such as

phishing and malware, and teaching materials for topics like password managers and two-factor authentication, among many other items.

If you're looking to educate yourself about online threats to your business or you've been designated to train agents and staff on

best practices, the Security Education Companion can make it easier for you to get up to speed on a range of related topics and provide resources to use in your training sessions.

The Security Education Companion is available at sec.eff.org.

LEGAL & ETHICS

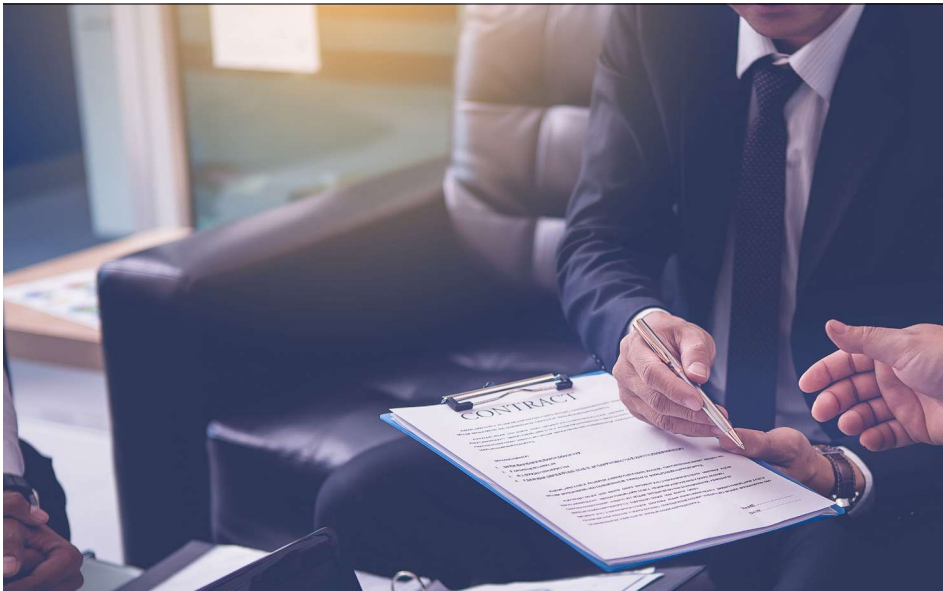


Photo: Panumas Yonubhai/Shutterstock.com

TREC CLARIFIES EXCEPTIONS TO MANDATORY USE OF CONTRACT FORMS

In November, TREC adopted changes to Section 537.11, Use of Standard Contract Forms, which take effect May 15. Here's what this means for you.

When a license holder is negotiating contracts for the sale, exchange, option, lease, or rental of any interest in real property, he or she must use a mandatory TREC form if one is available for the transaction. But there are exceptions, and TREC adopted changes to two of those exceptions:

Forms created by a property owner or an attorney. Previously, a license holder could use other forms in transactions

for which a contract form has been prepared by a principal to the transaction or prepared by an attorney and required by a principal to the transaction. The updated rule changes "principal" to "property owner," which reflects the language in the Real Estate License Act.

Transactions without mandatory TREC forms or addenda. Prior to the rule change, a license holder could use other forms in transactions

for which no standard contract form had been promulgated by TREC if the form was prepared by a licensed Texas attorney and approved by the attorney for that kind of transaction. Approximately 50 TAR forms, like the *Commercial Contract – Improved Property* (TAR 1801) or the *Residential Lease* (TAR 2001), exist because of this exception. The updated rule requires forms like these to include certain information, such as who prepared the form and any restrictions on its use. All TAR forms that exist under this exception already contain the required information.

An addendum that changes the rights, obligations, or remedies of a party under a mandatory TREC contract or addendum form must include additional information. TAR offers one such form, the *Relocation Addendum* (TAR 1941). This form will be updated to include the newly required information.

Ethics

A SMALL CHANGE TO THE CODE OF ETHICS THAT CAN COST YOU

The National Association of REALTORS® made a slight edit to Standard of Practice 12-10 to emphasize that the Article 12 requirement that REALTORS® present a true picture in their advertising and representations to the public applies to the use of images. For example, enhancements or alterations to listing photos could be a violation of the Code if those enhancements or alterations mislead consumers about the property and its features.

TAR forms

While you can have an agency relationship with a buyer or tenant without a written agreement, the *Residential Buyer/Tenant Representation Agreement* (TAR 1501) puts the rights and obligations of the broker and client in writing, which helps avoid disputes. Also, having a written agreement allows you to enforce your right to collect commission from a buyer in accordance with the Texas Real Estate License Act.

Contract closeup

Paragraph E of the *Addendum for Property Subject to Mandatory Membership in a Property Owners Association* (TAR 1922, TREC 36-8) does two things. It authorizes the property owners association to release subdivision information or an updated resale certificate to the buyer, title company, or another broker. And, if the buyer doesn't require these documents but the title company does, it states who—buyer or seller—will pay the title company the cost of obtaining that information, depending on which box is checked.

LEGAL & ETHICS

Code of Ethics

IS HE YOUR CLIENT, CUSTOMER, OR PROSPECT? THERE'S A DIFFERENCE

THE WAY YOU APPLY THE CODE OF ETHICS IN YOUR BUSINESS MAY DEPEND ON WHETHER SOMEONE IS YOUR CLIENT, CUSTOMER, OR A PROSPECT. For instance, Article 1 says you should treat all parties honestly, but you must do more for your clients and protect and promote their interests. You must also preserve confidential information for clients in ways that don't apply to customers. Here are the definitions of client, customer, and prospect as put forth in Standard of Practice 1-2.

Prospect

A buyer, seller, tenant, or landlord who is not subject to a representation relationship with the REALTOR® or the REALTOR®'s firm.

Customer

A party to a real estate transaction who receives information, services, or benefits but has no contractual relationship with the REALTOR® or REALTOR®'s firm.

Client

A person or entity with whom a REALTOR® or a REALTOR®'s firm has an agency or legally recognized non-agency relationship.



Photos & Images: Syca Productions, SWATLANA'S HEINA/Shutterstock.com

Q

Can a sales agent negotiate a commission directly with a client without her broker's knowledge?

A

NO. Commission negotiations should only occur with a broker's knowledge and consent.

If a commission negotiation comes up between a sales agent and her client, she should tell the client that all negotiations are subject to her broker's approval.

In addition, the Real Estate License Act says a sales agent may only accept compensation for a real estate transaction from her sponsoring broker or a broker who previously sponsored her at the time she earned the compensation. This would preclude a sales agent from negotiating directly with a client without the broker's knowledge and consent if those negotiations are to receive compensation without her broker's involvement.

Legal Hotline

Members sometimes call when a seller is under contract but wants to accept a second offer that is higher. However, accepting the second offer is problematic. Doing so can bind the seller to two contracts to sell his property. An alternative that won't create problems for the seller would be to accept the second offer using the *Addendum for "Back-Up" Contract*. Then, if the original contract does not terminate by the date stated in the addendum, the backup contract is terminated. If the original contract is terminated by the date in the addendum, the backup contract will move into the primary position.

—Kinski Moss, deputy general counsel



800-873-9155

The Legal Hotline number, a TAR member benefit that allows you to speak with an attorney about real estate law and related issues.

24,733

That's the number of calls Texas Association of REALTORS® attorneys answered on the Legal Hotline in 2017. There were 25,565 calls in 2016.



10–11 a.m.

Is the most popular time callers contact the Legal Hotline.



6

The number of TAR attorneys on staff who field your calls.



Fact or fiction?

If you use your social media accounts for real estate business, the Texas Real Estate Commission requires you to have a link from those accounts to the *Consumer Protection Notice* and the *Information About Brokerage Services* notice.

FACT. TREC requires you to provide a link to the *Consumer Protection Notice* and a completed *Information About Brokerage Services* notice in a readily noticeable place on the homepage of your business websites. The term “business website” means a website—including social media—that is accessible to the public, has content controlled by the license holder, and has information about the license holder’s real estate business.

For social media accounts, the links may be located in the account’s profile or on a separate page or website through a direct link from the social media platform or profile.

2018 Chairman of the Board Kaki Lybbert


interview by Summer Mandell

KAKI LYBBERT DOES NOT GET FLUSTERED. But she did need a little extra time to ponder her answer to a question many successful REALTORS® get asked: How do you avoid getting burned out?

Those who know Lybbert well won't be surprised to hear her answer: "I don't know. *Burned out* is not in my vocabulary."

"It's not my nature," she says. "Even if you told me tomorrow, 'There is no more real estate to sell,' I would find something else to do. Going, going, going ... it's just the way I do things. So, I've never worried about being burned out."

Lybbert is a top producer and has been for quite some time. When you talk to her, it's easy to see why. She is equal parts problem-solver and pragmatic; straightforward and sincere; driven and dedicated. These attributes are just some of the reasons she's about to start her latest adventure—serving as your 2018 Texas Association of REALTORS® Chairman.



*"There's always
You just have
about it and..."*

Texas REALTOR®: What launched your career in real estate?

Lybbert: I had a business partner and we were doing land development—selling plots to homebuilders, individuals, or big groups like Hampton Homes. We'd done several different projects, and it paid a lot in real estate commissions. My partner suggested I get my real estate license and we'd work through me. So I did. Of course, I had to be sponsored by a broker. But I started working at it, and it was a good fit and I liked it. I really liked it. I still have the development company, and we don't do much anymore, but real estate was just such a good fit for me that I stayed with it.

What about it was a good fit for you?

It's problem solving, which is what I like. I like the challenges of real estate. I like the people.

At that time, I had two small children. I still worked a lot of hours, but it allowed me flexibility. It's one of those careers where



*... always a solution.
... never too late to think
... and you'll find it."*

Photo: courtesy of Keith Trigaci

you're the master of your own universe ... you know how much you earn is really about how hard do you want to work. I tend to be a hard worker. So I did really well. Within a couple of years, I was the number-one producer in that company and ended up changing to another one and continued in that position.

How did you reach that level of top producer?

I liked what I was doing. I was driven. That's just my nature. A few years into my career, somebody called and asked if I would sit on the board of directors for the local board of REALTORS®. I did that, and later someone talked me into moving up into one of the leadership spots. But I've got a history of being in leadership positions for other entities, so it was a natural fit. And I liked it. The people are the greatest. Once I got into the leadership side of the business, I continued to be a pretty high producer.

You've been in the business for more than 20 years at this point. What have you seen change over the years?

Well, the obvious is the technology. When I first got into real estate, we were still using the MLS books. We also had a computer that you could use to get into the MLS, but they were still delivering the books. That is probably the biggest change that most any of us who have been here this long have seen—the technology side of everything at your fingertips.

For quite a while, it's meant I can work anywhere. No longer do you have to write the contract, go present the contract in person, go back and get more signatures, and then still have to go back! That's all gone. You can do it that way, but certainly you don't have to, and your clients are expecting this to be easy.

But, there's been a lot of change in every industry in 20 years. And you know, everything is exponentially changing.

Are there things that haven't really changed about the business?

The people part of it hasn't changed. We're still dealing with what is for most people the largest purchase they will ever make. Their concerns are exactly the same today as they were then: How am I going to pay for it? What's the best house for me? What is the best location? Where are the best schools? All that stuff is all the same. Even for my great-great-uncle in Dallas in the early '20s, when people were first getting licensed. Their experience was probably exactly the same as far as dealing with people. It's just the pieces that put it together have evolved.

Are there are other REALTORS® in your family tree? I know you're interested in genealogy and you've done a lot of research about your family.

My father was president of the Dallas

“Always take the high road, no matter what it is somebody says or does to you. It’s not worth your time to stress over it.”

Homebuilders Association, which at that time was one of the largest homebuilders associations in the '50s. Out of college I worked for him at his building materials company. So it's always kind of been on that side, but I didn't really know how many REALTORS® we actually had in the family until I got into genealogy. I'm a native of Dallas and most of them were in Dallas. I found some from the early '20s.

My great-great-great grandfather came here with Stephen F. Austin in 1828 or 1829. I recently purchased a historical map of Texas that shows property ownership, and I found my grandfather's name and property. And right next to him is Stephen F. Austin's property, which is really cool.

So you've got very deep roots in Texas.

Very deep roots. I'm fifth-generation Texan, and the oldest graveyard in Brazos County is my family's private graveyard.

I love going into old courthouses and graveyards. I can hardly go by a graveyard that I don't want to go in and look around. One of my favorite cemeteries is the Texas State Cemetery in Austin. It is like Texas history. It is so interesting, the people there. It's one of my favorite places to go.

What is it that interests you about the genealogy research?

I'm a history buff anyway, and you just learn so much about the people and the times. ... I love the old maps and learning how they lived. It's a big puzzle. I am a problem-solver, and genealogy is a big puzzle. And don't ever believe somebody that tells you they have it all done, because that is impossible.

Is there anything about real estate that keeps you up at night?

No. No. I'm a problem-solver, but I'm not a worrier. I don't dwell on stuff. Things roll off me easily. I'm pretty thick-skinned about stuff, and I'm not going to stress. I

tell people all the time, “In this business, let it go.” Always take the high road, no matter what it is somebody says or does to you. It's not worth your time to stress over it. Today may seem awful, but tomorrow is a new day. So, I try to follow that myself, and that's what I tell other agents.

Is that a message you're trying to bring with you into your new position?

Not a conscious message. I mean, it is something that I tell people, to do your best and let the rest of it go. Don't carry stuff forward. ... As long as I do that, I can sleep at night. I may wake up in the middle of the night thinking, “OK, I need to do this,” when I'm working through a problem. But I don't stress over the problem. I'm always looking for solutions. There's always a solution. You just have to think about it and find it.

You've said that a responsibility of current leaders is to identify future leaders. Can you elaborate?

Anyone in leadership should make it their number-one priority to find their replacement. I will. My joy will be seeing somebody else come behind me and do it way better than I did. Of course I want to do well, but I want the next person to come along and do even better.

Success is when you have helped somebody else surpass what you've done. I love helping. I do a lot of new agent training or top producer training when I can. I love seeing the people who have an interest. I have a very short patience with people who don't want to give back.

What are some ways you think Texas REALTORS® should be giving back?

It could be volunteering or even continuing their own education. It doesn't have to be leadership. It could be doing something at the local board. It can be just taking more

classes and getting better at your work. More skilled REALTORS® out there looks better for all of us.

The number-one danger to our industry is agents who are not competent—according to the DANGER Report NAR commissioned a few years ago—and that's who I have a problem with. It's all about their dollar. Everything has to be right for *them*. They're not at all interested in the industry. So, it's a very selfish attitude, and I have very little patience with that.

But there are so many great REALTORS®. I love finding the person who enjoys learning, wants to get on a committee, do something with their board, or even do community service. It's that mindset of giving back to something other than you.

What do you want new members to know about TAR and the year ahead?

If real estate is going to be your profession, pay attention. Learn what's available to you through TAR, like your member benefits. You don't get successful in this business by staying in your little cocoon. I would love to see many more of you come to our conferences and regional meetings because it's a people business, even beyond clients. As I work with people, I get so involved in their lives. And that carries on because it is a relationship business. It's all about trust. It's about doing the right thing. Care about your reputation. Know who your fiduciary duty is to; it's not to yourself. You know, I like to cash the check, but it's not about me. It's about relationships.

Is there anything else you want members to know about your role in 2018?

I didn't come into this position with a preconceived notion of wanting to fix something. There really isn't anything to fix. My mission is to continue exactly what we've got going, because it's so good.

I also don't come representing any faction. I'm not in any niche. I represent all Texas REALTORS®.

Every piece of what we do here in Texas resonates with people from all over the country. NAR staff and other REALTORS® look to Texas and ask us, “Is there anything that y'all don't do better than anybody else?” My answer is always no. ❖

SUMMER MANDELL is managing editor for Texas REALTOR®.

FILL-IN-THE-BLANK

WITH KAKI LYBBERT

If you're in my city, you have to see the Denton Courthouse and Square.

In my free time, you can find me playing golf.

New agents should always answer their phone.

You might not know that I had a FIFA referee license.

I've been a Texas REALTOR® for 23 years.

I have my ABR, CRS, and SRES designations.

I'm a direct descendant of Daniel Boone and Thomas Jefferson.

My favorite Texas food is chili with beans, cheese, Fritos, and jalapeños.

I am an LSU Tiger, but a big fan of both OU and TCU football.

I've served as the chairman of the Major Investor Council for NAR, 2012 Chairman for TREPAC, on the 2016 RPAC Fundraising Forum for NAR, and 2018 NAR Chairman of Corporate Ally Council.

The best boss I've ever had is

Carol Bounds, who was my second broker and would later become my business partner. Her knowledge of the industry and her people skills were phenomenal. I had a work ethic, but hers was even stronger than mine. She was the best person I ever worked with on a one-on-one basis.

If I could swap places with anyone, it would be my great-great-grandmother. She came into Texas in the late 1820s and lived to about 1900. She came in with the Stephen F. Austin group. I think about what she would've seen. She outlived two husbands and had 13 children. It would have been a tough life, but I'd love to see what she did.



ABOVE: Lybbert with her husband Roger Foster at her installation last year.
BELOW: Lybbert leads a meeting with the 2018 Leadership Team.



MEET YOUR 2018 LEADERSHIP TEAM

The 2018 Leadership Team sat down with the editors of *Texas REALTOR*® magazine to talk about leadership, mentors, business, and more. Here is an edited version of the conversation.

WHAT ARE THE MOST IMPORTANT DECISIONS YOU HAVE MADE AS A LEADER?

Vicki Fullerton, immediate past chairman: Surrounding myself with good, qualified people, and then identifying the leadership qualities of other people and asking them to become engaged.

Cindi Bulla, secretary/treasurer: I've learned the leadership advancement process is integral. It's frustrating for some because it moves slowly, but you learn something from every step. The person elected at the local level becomes your voice at the next level, and so on.

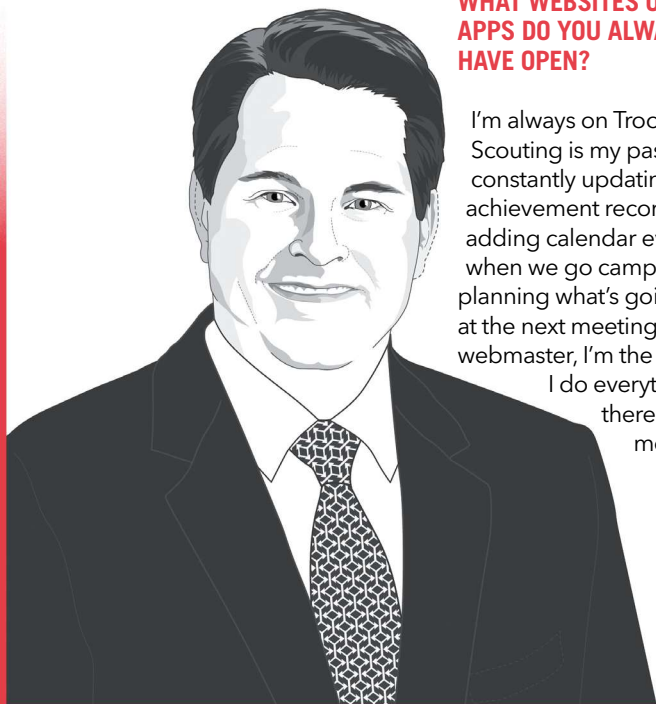
Tray Bates, chairman-elect: Getting involved. I came into this as a commercial practitioner, with that real myopic focus. The decision to get involved in local board

leadership, or at the state level, has been such a huge enhancement to my personal growth, my career, my networking, and my knowledge about the industry.

WHERE DO YOU GO FOR ADVICE OR INFORMATION?

Tray: I go to my key people who I know will give me unfiltered advice. Cultivating those key people around you is important for anyone in a leadership role. I also stay up-to-date on a number of publications and try to read as much as possible.

Vicki: I have a great deal of confidence in some of my mentors and other people who've been there along the way with me and have the same experiences. You rely on their judgment because they will shoot straight with



WHAT WEBSITES OR APPS DO YOU ALWAYS HAVE OPEN?

I'm always on TroopTrack. Scouting is my passion. I'm constantly updating scouts' achievement records, adding calendar events for when we go camping, or planning what's going on at the next meeting. I'm the webmaster, I'm the leader, I do everything on there. It keeps me busy.

CHAIRMAN-ELECT
TRAY BATES CCIM, CIPS, SIOR

Corpus Christi | 361-434-0036 | tray@batescommercial.com

DO YOU HAVE A PASSION PROJECT?

I am obsessed with working to make my local government better. Amarillo is one of those places that has so much potential. And the REALTOR® organization has had a profound impact on the city through its advocacy and grassroots mobilization efforts. It's put Amarillo on the most positive course I've seen in my lifetime.



SECRETARY/TREASURER
CINDI BULLA GRI, TRLP

Amarillo | 806-236-5100 | cindibulla@gmail.com

you, and that's the key in my evaluation.

Cindi: When you volunteer, you serve with other volunteers, and those are the givers. You're elbow-to-elbow with bright people who are gathering information and sharing it with others. Vetted sources of good, accurate information are at your fingertips.

Travis Kessler, CEO/president: We have an exercise in the Texas REALTORS® Leadership Program where we ask attendees to think about someone they view as an effective leader and consider what that leader does to be successful. Use those traits to model your own leadership style.

HOW DID YOU FIND YOUR FIRST MENTOR?

Cindi: I didn't go in search of mentors; they found me.

Past TAR chairmen Brooke Hunt and Leslie Rouda Smith always say one of the primary jobs in leadership is to find your replacement. I was fortunate enough to encounter people who identified and encouraged me. I've kept those mentors, and they're still the people I can trust to be honest with me. Those are the people you need to keep you grounded and make sure you stay focused on the mission.

I had a local association executive who struck a perfect balance between strong leadership and executive management, making sure the member was responsible for bringing in the ideology and mission. Amarillo Association of REALTORS® Association Executive Denise Price helped me understand my role and hers from the very beginning and that has made every journey easier since.

KEY ISSUES FOR 2018

The TAR Leadership Team will be focusing on the following issues during 2018:

- Develop a new strategic plan to guide the association through 2020
- Develop a member portal for access to the Data Relevance market statistics
- Expand and refine Breaking New Ground initiatives for Governmental Affairs—including use of REALTOR® Party and political advocacy funds and consumer engagement initiatives
- Expand member participation and input to shape our public policy positions for the 2019 Texas Legislative Session
- Roll out the new texasrealestate.com
- Celebrate the 50th Anniversary of the federal Fair Housing Act
- Rebrand the association as Texas REALTORS® instead of the Texas Association of REALTORS®
- Expand member outreach involvement through Texas REALTORS® 360 (regional meetings)
- Maintain the culture of success in TREPAC investments
- Maintain the association's relevancy.

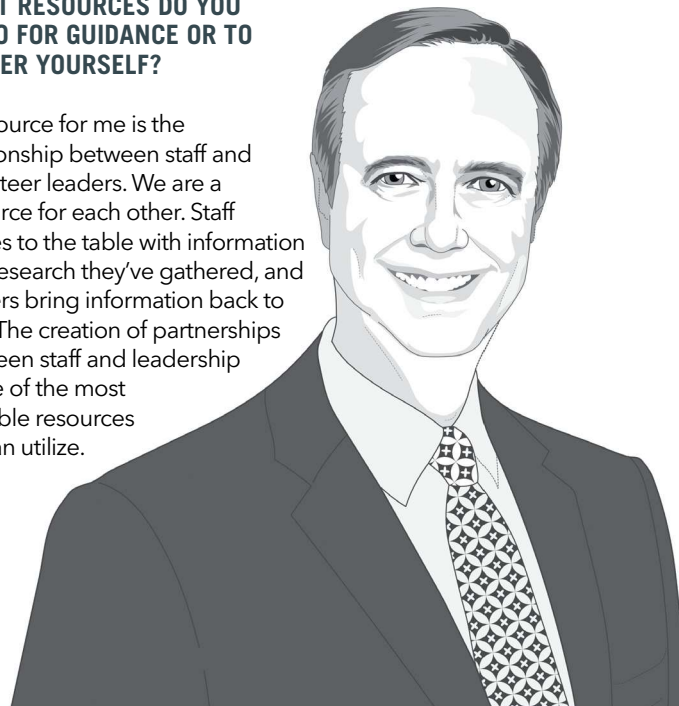
IF YOU COULD ADD AN EXTRA HOUR TO THE DAY, HOW WOULD YOU USE IT?



It's a four-letter word: golf. Before The Woodlands got really developed, my late husband and I figured out a routine. We could take just a few clubs with us and play three holes. You'd come back and you'd feel refreshed somehow. If I had another hour in a day, I'd be out there on the short stuff.

WHAT RESOURCES DO YOU GO TO FOR GUIDANCE OR TO BETTER YOURSELF?

A resource for me is the relationship between staff and volunteer leaders. We are a resource for each other. Staff comes to the table with information and research they've gathered, and leaders bring information back to staff. The creation of partnerships between staff and leadership is one of the most valuable resources we can utilize.



IMMEDIATE PAST CHAIRMAN
VICKI FULLERTON ABR, CRS, E-PRO

The Woodlands | 281-367-7770 | vicki@wt.net

PRESIDENT/CEO
TRAVIS KESSLER RCE, CAE

Texas | 800-873-9155 | tkessler@texasrealtors.com

Tray: I am still close to many of the mentors I started out with. And as I grew into leadership roles, I developed new mentors. It was my mentors who approached me about getting involved in leadership at TAR. There are so many talented people around that you develop friendships and relationships at all levels of the association.

Vicki: As your experience broadens, so does your circle of mentors. You pull in people from different aspects while still maintaining the core group.

Travis: I look for mentors who run effective meetings. I also look for mentors I think are good speakers. ... Find a mentor you can trust who will give you honest answers.

We also all need mentors we trust and are knowledgeable in certain topic areas because we can't know everything ourselves. Having mentors who are credible influencers also increases your ability to effectively spread your message.

WHO IS THE BEST BOSS YOU'VE EVER HAD?

Cindi: My first job in Amarillo was a savings and loan position back when the industry was already going down. I had no experience for the position. When I went to interview, the new CEO told me she had been hired to go down with the ship—the people who hired her didn't think she knew, but she did—and she was hiring me for the same reason. She said, "I know you don't have any experience, but we can either come out of this like heroes or we're no worse off if it fails." I said, "You know what? That sounds like a challenge."

Travis: The best boss I've ever had has been the REALTOR® organization. I've only worked for the REALTOR® organization my entire career. I started with TAR out of college, and to be the CEO has been my lifelong journey and aspiration. The number one lesson I learned in my early days of working at TAR was be respectful of others and they will respect you. The second was that if you surround yourself with effective people, you'll grow personally and professionally. The third lesson

was to always go beyond expectations. All this came from early bosses in the REALTOR® organization.

Tray: Earlier in my career I worked for a group called CMD Realty Investors in Dallas, and my boss there was Bob Gibbons. He recognized my talents and allowed me to exercise them to meet the vision and goals. I was able to excel there and become a top producer. I'm a third-generation real estate broker, and that experience helped me decide it was time to come back home and bring what I had learned to my family.

Vicki: Back in my corporate days at Northern National Gas Company, I was hired to be the program coordinator and aquatics director and develop a women's fitness and aquatics program for our corporation. And when I talked to my boss, Bob Gaita, I asked what his expectations were. He said to use my experience and develop a program employees and their families could use. Beyond that, it was mine. He trusted me. When I wanted to expand a program, he'd say, "Go ahead; show me what you're going to do." He had confidence that I was going to do it.

I left to move to Texas. At the time, I didn't know what my next career was going to be, but I had the confidence to know that if I could start something from nothing and develop it into a full-fledged program, I could do anything. And when I couldn't find a job in corporate fitness in Houston, real estate came into play.

CAN YOU REMEMBER THE PIECE OF ADVICE THAT HAS MOST AFFECTED YOUR BUSINESS?

Cindi: I can, and it was given to me by someone I consider a mentor: 2008 TAR Chairman Randy Jeffers. I remember opening my business and being overwhelmed by all the rules I had to be in compliance with. Randy agreed the rules are important, but he also said that when in doubt, just do the right thing. To pretend I am the consumer and do exactly what I would want done. Almost every time you're going to find that is what the rule said in the first place.

**"Always do the right thing because it's the right thing to do."
—Tray Bates**

Tray: At the association level, always remember the member, and do what's right for the member. At the business level, always do the right thing because it's the right thing to do. That's real simple. I've talked to my kids about that, too. It just plays well for everybody.

Vicki: My brother was the head of the legal department for commercial real estate at a firm in Dallas, and he said, "Vicki, I don't ever want to represent you in a court of law in the state of Texas. So don't practice law. Fill in the blanks; answer the questions if you know the answers; if you do not have the answers, say "I don't know, I will get back to you." It has stuck with me, and it has served me well. ♦

Attend the Texas real estate event of the year



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One-day-only Trade Expo on Sept. 9 with over 150 vendors exhibiting the latest in products and services.

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Keynote speaker
Vernice "FlyGirl" Armour



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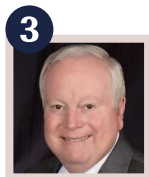
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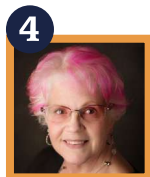
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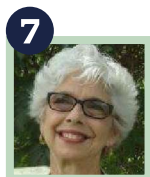
4
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The regional vice presidents are your representatives for policy decisions at TAR. Their role is to gather feedback from their regions and provide it to TAR's Executive Board so it can make informed decisions about association policies. If you ever want to provide feedback or have questions about how these policy

decisions are made, contact your regional vice president.

Regional vice presidents are also available for board luncheons or office presentations and can share the latest information about the industry and your association, including how TAR advocates on your behalf or the valuable member benefits you receive.



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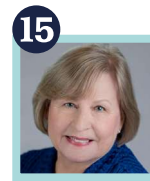
15
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15
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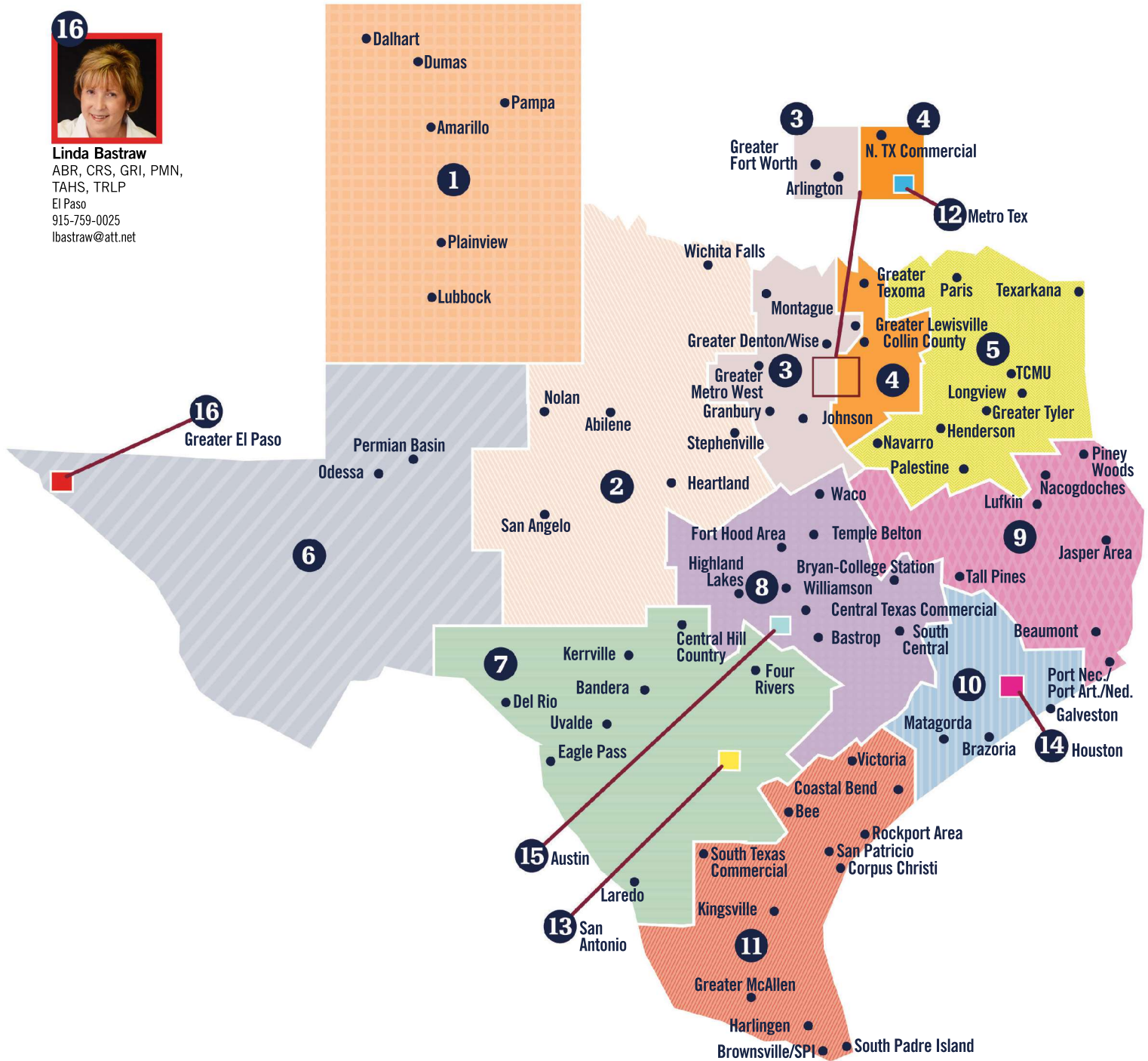
15
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15
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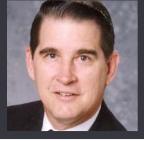
16
Linda Bastraw
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2018 COMMITTEE CHAIRS

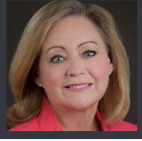
Learn more about what these committees do at texasrealestate.com and look for the volunteer signup in May.

ASSOCIATION EXECUTIVES COUNCIL



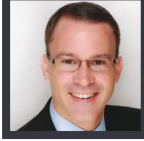
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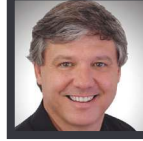
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ISSUES MOBILIZATION



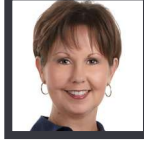
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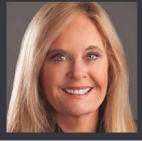
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PUBLIC POLICY BUSINESS ISSUES



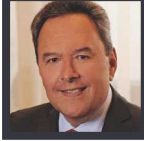
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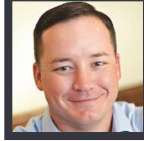
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2018 EXECUTIVE BOARD APPOINTEES

These appointees join the Leadership Team and regional vice presidents to constitute the 2018 Executive Board.

The Executive Board manages all the association's affairs except the following, which require approval of the TAR Board of Directors:

- Amending the association's bylaws

- Electing officers
- Approving expenditures more than 10% of the annual budget
- Approving the strategic plan
- Approving increases in membership dues
- Defining regional boundaries.

ASSOCIATION EXECUTIVES APPOINTEE



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APPOINTEE



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APPOINTEE

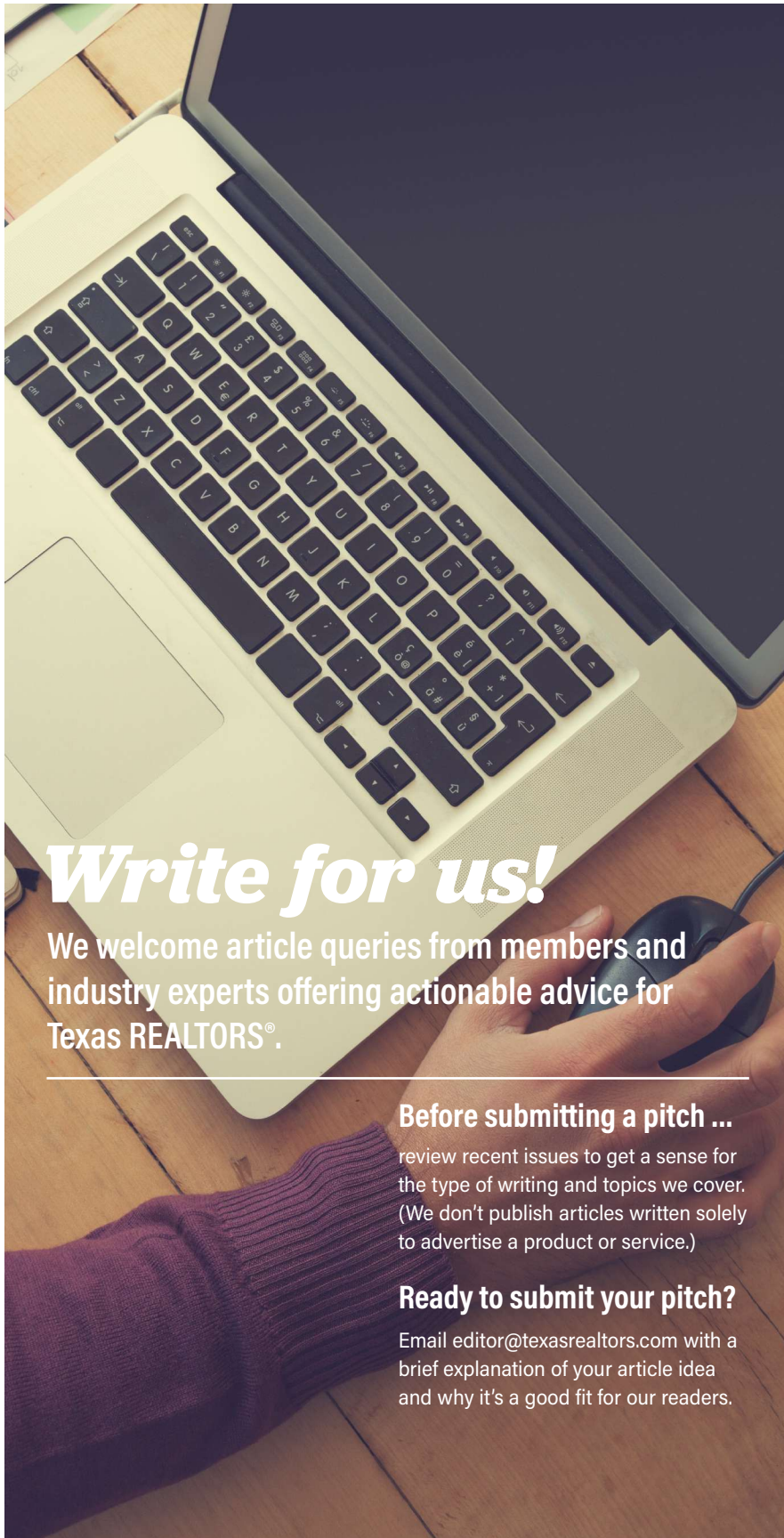


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APPOINTEE



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Write for us!

We welcome article queries from members and industry experts offering actionable advice for Texas REALTORS®.

Before submitting a pitch ...

review recent issues to get a sense for the type of writing and topics we cover. (We don't publish articles written solely to advertise a product or service.)

Ready to submit your pitch?

Email editor@texasrealtors.com with a brief explanation of your article idea and why it's a good fit for our readers.



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ISRAEL SUSTER, Attorney

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- Disputes and Litigation Regarding Sale of Homes and Commercial Properties, including Fraud and DTPA Claims. Litigation stemming from foreclosure sales.
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- Tenant Claims, Suits, Evictions and Appeals.
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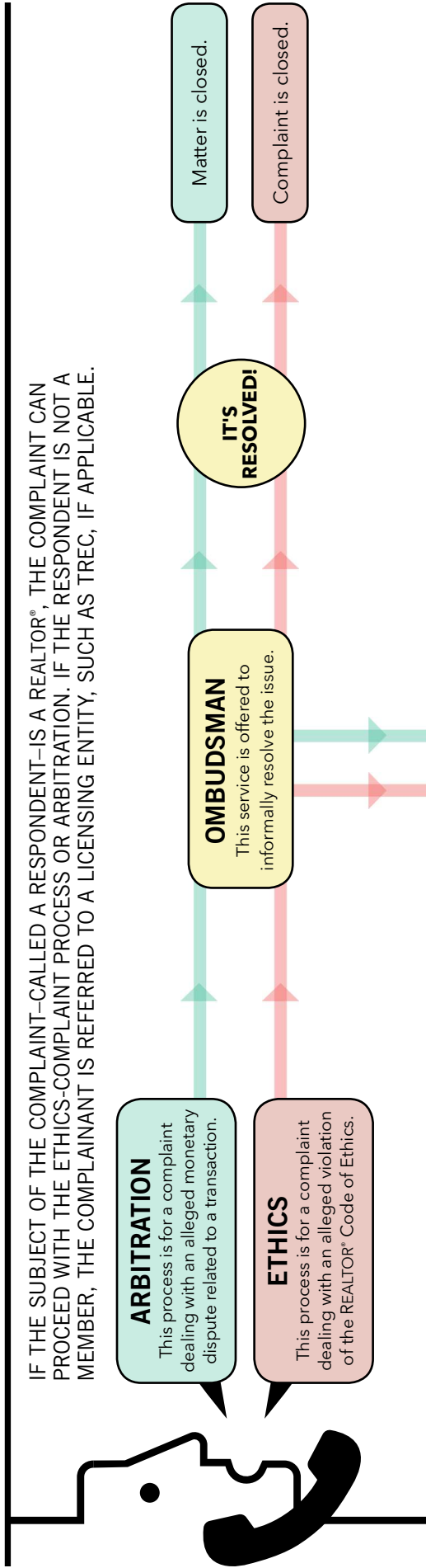
HEY! WAIT! I'VE GOT A COMPLAINT

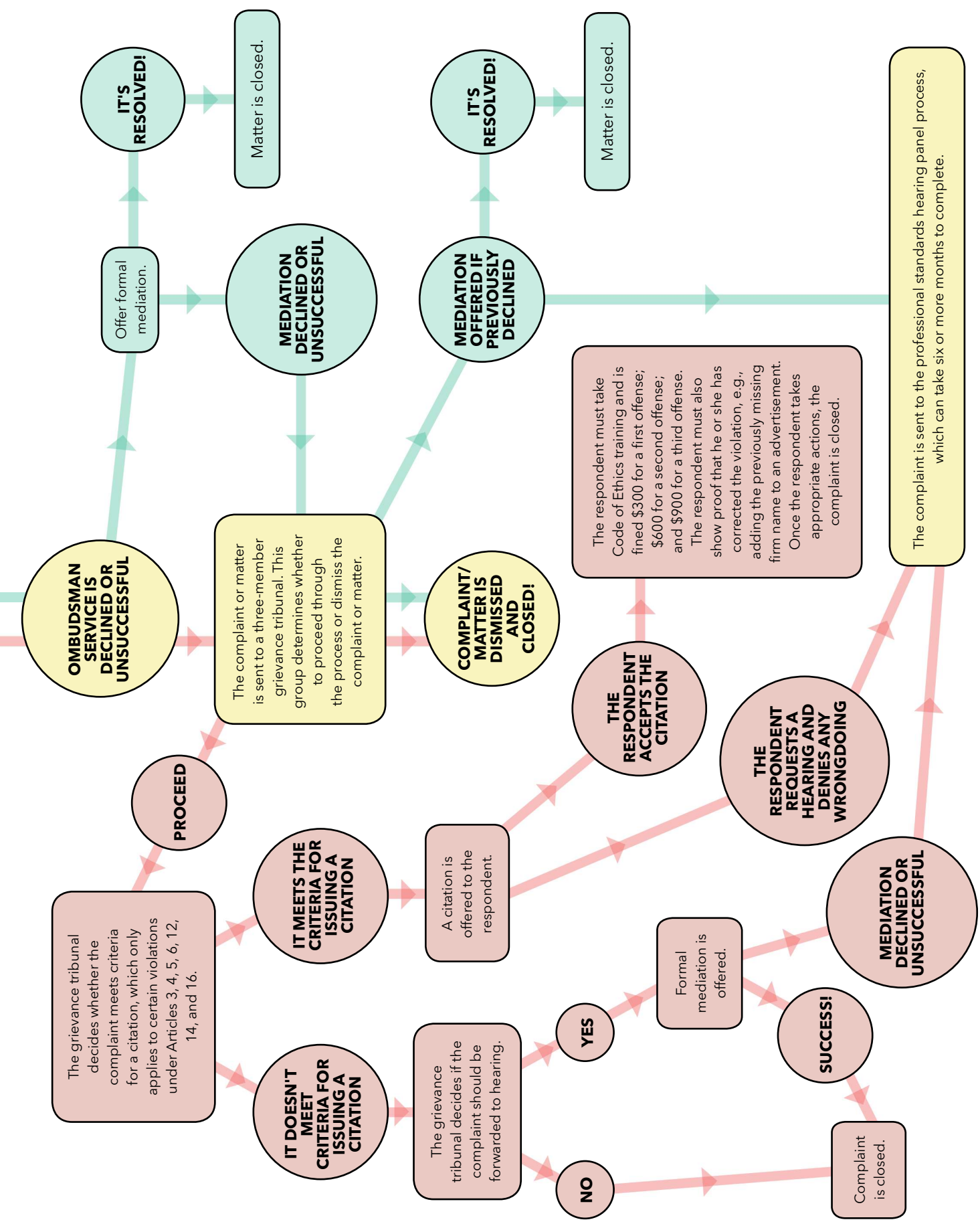
Sometimes real estate transactions get derailed, and those involved are left feeling wronged and frustrated. Alleged transgressions by real estate license holders and Texas REALTOR® members can be formally handled through a complaint with the Texas Real Estate Commission, the Texas Association of REALTORS®, or both. TAR accepts Code of Ethics complaints from consumers and other REALTORS®. Here's how the Code of Ethics complaint process works.

The Code of Ethics outlines a REALTOR®'s obligations to clients, colleagues, and the general public. Anyone who believes a REALTOR® has violated the Code of Ethics may file a complaint with the Texas Association of REALTORS®. TAR only deals with complaints made against members of the association.

A person who files a complaint must show how the respondent's actions violated the association's professional code of ethics. A hearing panel determines whether the code has been violated, not whether the law or real estate regulations have been broken. TREC or the courts make those decisions.

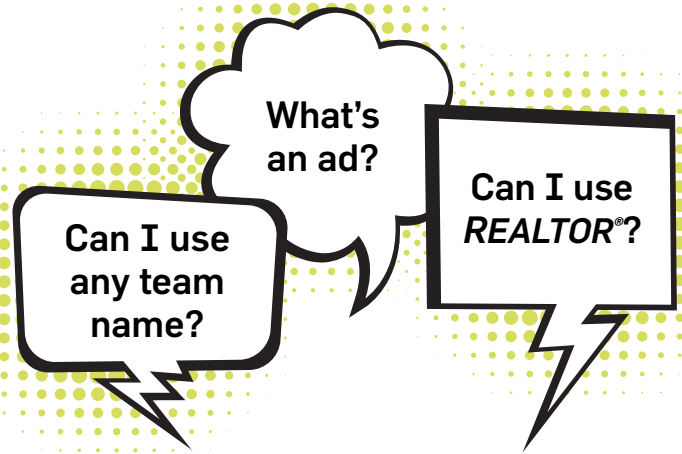
REALTORS® may be disciplined by having to complete educational courses. More severe forms of discipline, including fines, suspension, and membership termination, may be imposed for serious or repeated violations. TAR cannot revoke an individual's real estate license. Here's a basic overview of how the Code of Ethics complaint process works.





ARE YOUR ADS LEGAL?

The Texas Real Estate Commission in November revised its advertising rules, which go into effect May 15. Find out what those changes mean for your advertisements, website, and social media accounts.



You likely have questions if you've heard about changes the Texas Real Estate Commission made to its advertising rules. The answers below will help you comply with the new rules, which are effective May 15.

What's considered an ad?

It's any form of communication by or on behalf of a license holder designed to attract the public to use real estate brokerage services. This includes publications, brochures, radio or television broadcasts, business stationery, business cards, displays, signs, billboards, and all electronic media—email, text messages, social media, and websites.

The only exception to the advertising rules is communication between a license holder and his or her current client.

What do my ads have to say?

All license holders' advertisements must include the license holder's name or team name. Ads also must include the

Do these examples comply with the law and the Code?

*In this example, John Smith is a sales agent sponsored by Jane Doe Realty.

Don't sell your home alone
Call John Smith
512-123-4567

TREC rules: No. The ad is missing the broker's name.

Article 12 of the Code Ethics: No. The ad is missing the REALTOR's firm name and professional status.

*In this example, John Smith is a sales agent sponsored by Jane Doe Realty.

Don't sell your home alone
Call John Smith, REALTOR®
512-123-4567
Jane Doe Realty

TREC rules: Yes. Assuming the broker's name is half the font size of the largest contact info, this ad is in compliance because it contains the license holder's name and the broker's name.

Article 12 of the Code Ethics: Yes. The ad contains the REALTOR's firm name and professional status.

broker's name in at least half the size of the largest contact information for any sales agent, associated broker, or team name contained in the advertisement. The broker's name can be the name on the broker's TREC license, an alternate name registered with TREC (if the broker is an individual), or an assumed business name registered with TREC. Contact information can be anything used to contact a license holder, such as the license holder's name or phone number.

How do I comply with advertising rules in texts or on social media?

The required information—the license holder's name or team name and the broker's name—may be located on a separate page or on the account user profile page of the license holder as long as the account profile or separate page is readily accessible by a direct link from the social media or text. In addition, the license holder's name or team name and the broker's name must be readily noticeable on the account profile page or separate page that is linked.

Can I use any name as a team name?

No. A team name is a name used by one or more license holders sponsored by

or associated with the same broker that is not the broker's name or an assumed business name of the broker. Team names must end with the terms *team* or *group*. Team names cannot contain terms that imply that the team is offering brokerage services independent of the broker. Some prohibited terms are *realty*, *brokerage*, *company*, and *associates*. The terms *real estate* and *properties* are acceptable as part of a team name as long as the team name ends with the terms *team* or *group*. Keep in mind that the ad must still contain the name of the broker. Before you use a team name in an ad, the broker must register the team name with TREC.

My team name doesn't end with *team* or *group* and is already registered as an assumed business name (DBA) with TREC. Can I use it in my advertising?

No. All team names must end with *team* or *group* and must not include the terms *realty*, *brokerage*, *company*, or *associates*. A new team name that meets the requirements of the new rules will have to be registered with TREC by your broker before you use that team name in advertising.

Can a sales agent who is the owner or president of a brokerage use that title in advertising?

No. Even though the sales agent may hold such a title, using it in advertising implies the sales agent is responsible for the operations of the brokerage. Similarly, a sales agent cannot use the title CEO, COO, or other similar title in advertising. Remember, this extends to email or website addresses.

Can I use an assumed business name of my broker in my advertising?

Yes. Before a broker, associated broker, or sponsored sales agent starts using a broker's assumed business name in an advertisement, the broker must register the name with TREC and the broker must provide written evidence of legal authority to use such name in Texas, such as registration of the name with the secretary of state's or county clerk's office. A form to register a broker's assumed business name, *Notice of DBA or Assumed Name for a Broker's License*, is available on TREC's website.

Can I use an alternate name in my advertising?

Yes. Before using it, the alternate name

*In this example, The Smith Company is a team name. The Smith Team is sponsored by Jane Doe Realty.



TREC rules: No. The team name cannot have the term *company* in it and it does not end with *team* or *group*, and the broker's name must be included in the ad.

Article 12 of the Code Ethics: No. The ad is missing the REALTOR®'s firm name (a team name alone is not the name of the firm), and the term *REALTOR®* cannot be used in connection with a team name.

*In this example, The Smith Team is a team name.

The Smith Team is sponsored by Jane Doe Realty. ABC Realty is an assumed business name for Jane Doe Realty and registered with TREC.



TREC rules: Yes. The ad contains the team name ending with the term *team*, and it contains the broker's assumed business name.

Article 12 of the Code Ethics: Yes. The ad contains the firm name and professional status.

must be registered with TREC using the *Notice of Alternate Name Used by a Sales Agent or Broker License*.

Can I use a nickname or my middle name in my advertising?

TREC calls these alternate names. Before using them in your ads, you must register them with TREC. You do not need to register a name that is a common derivative of the name on your license, such as Bill for William.

How do I register my team name with TREC?

A form to register team names, *Notice of Team Name for a Broker's License*, is available on TREC's website.

Can I use REALTOR® in my ads?

Yes. Only members of the REALTOR® association may use the term REALTOR®, and only in connection with—not part of—a personal or firm name. However, the term cannot be used in connection with a team name.

How do these changes relate to the Code of Ethics?

Article 12 of the NAR Code of Ethics requires your firm and status as a real estate professional in all advertisements. According to NAR's *Professionalism in Real Estate Practice* publication, "this may be accomplished by including the terms REALTOR®, REALTORS®, or by disclosing their status as a licensed broker, appraiser, property manager, or other real estate professional." A professional standards hearing panel determines whether a REALTOR® has violated Article 12. ❖

WHAT MAKES AN AD MISLEADING OR DECEPTIVE?

Section 535.155(d) of the Texas Real Estate Commission rules outlines 20 ways an advertisement could mislead or deceive the public, including any advertisement ...

- That is inaccurate in any material fact or representation
- That identifies a sales agent as a broker
- That contains the name of a sales agent whose name is, in whole or in part, used in a broker's name and that implies that the sales agent is responsible for the operation of the brokerage
- About the value of a property, unless it is based on an appraisal that is disclosed and readily available upon request by a party or it is given in compliance with Section 535.17
- That implies the person making the advertisement was involved in a transaction regarding a property when the person had no such role
- About a property that is subject to an exclusive listing agreement without the permission of the listing broker and without disclosing the name of the listing broker unless the listing broker has expressly agreed in writing to waive disclosure.

Do these examples comply with the law or the Code?

*In this example, John Smith is a sales agent sponsored by Jane Doe Realty. John Smith & Associates is registered as an assumed business name with TREC.

Don't sell your home alone

**Call John Smith, REALTOR®
512-123-4567
John Smith & Associates**

TREC rules: No. Although it includes an assumed business name that may be registered with TREC, the ad is not in compliance because this is a team name. Team names must end with *team* or *group* and must not include the terms *realty*, *brokerage*, *company*, or *associates*.

Article 12 of the Code Ethics: Yes. The ad contains the REALTOR®'s firm name and professional status.

*In this example, Chris Doe is a broker associated with his wife, Jane Doe. Jane Doe is the designated broker of the brokerage entity and has registered Doe Realty as an assumed business name.

Don't sell your home alone

**Call Chris Doe, REALTOR®
512-123-4567
Doe Realty**

TREC rules: No. Although it includes an assumed business name registered with TREC, the ad is not in compliance because it implies that the associated broker is responsible for the operation of the brokerage. TREC says adding *associated broker* to the ad is one way to make it compliant.

Article 12 of the Code Ethics: Yes. The ad contains the REALTOR®'s firm name and professional status.

DON'T LET SCAMMERS STEAL YOUR DOWNPAYMENT

Criminals are targeting homebuyers and stealing huge sums of money. If you're not careful, you could be tricked into sending your entire downpayment to a thief. Here's how to keep your money safe.

BEWARE OF EMAILS WITH WIRING INSTRUCTIONS

In the most common scam, you receive an email (or text or voicemail) that appears to come from a legitimate source, like the title company, your real estate agent, the mortgage lender, or the settlement officer in charge of your real estate closing. However, the fraudulent message contains instructions to wire your downpayment funds directly into the account of a cybercriminal.

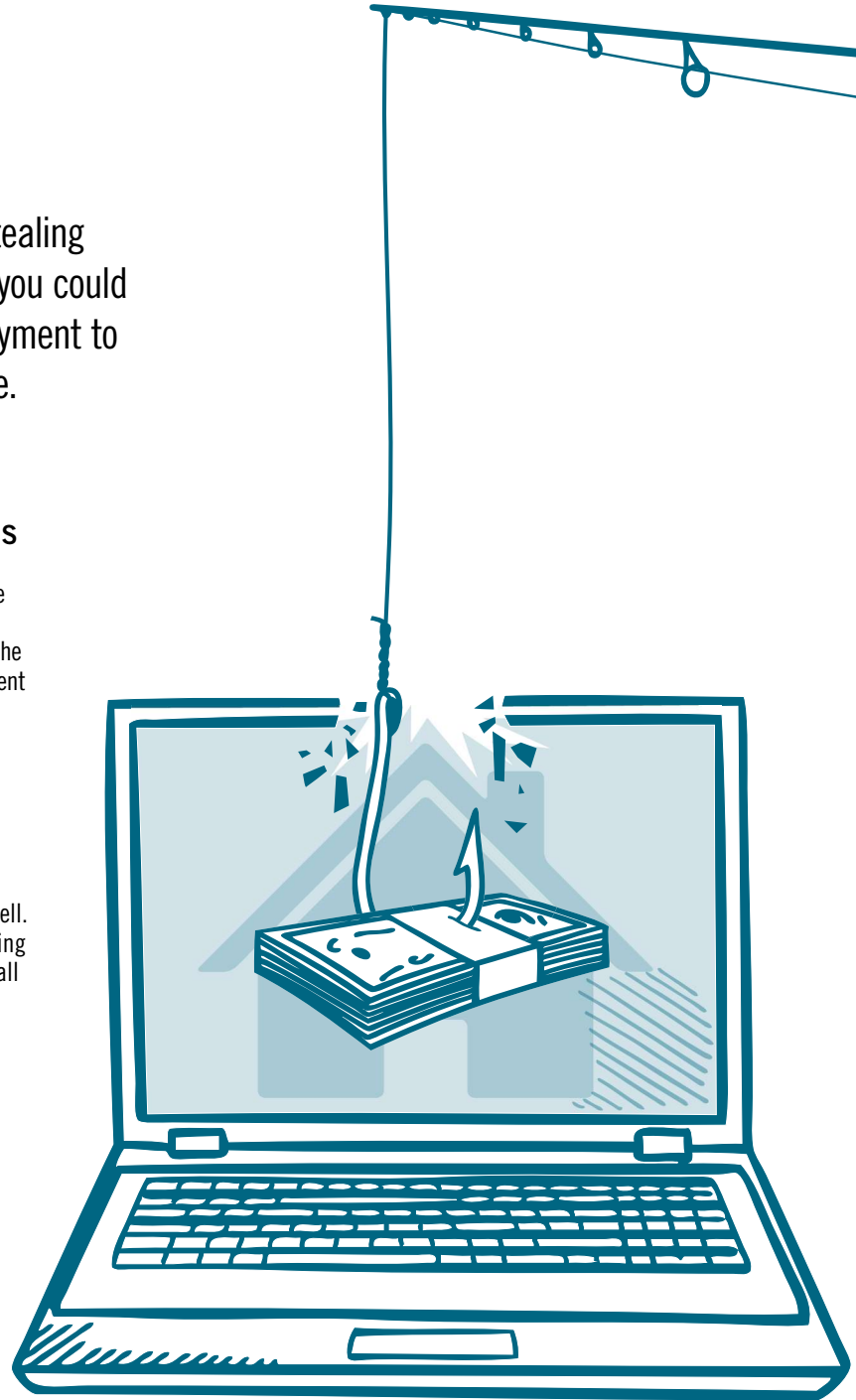
HOW TO PROTECT YOURSELF

- Be suspicious of any message with money-wiring instructions. Red flags include changes or updates to wire details you previously received. However, a first message with wiring instructions or a message to "re-send" or "verify" instructions could be fraudulent as well.
- Before you send any funds, call your settlement or closing agent at a phone number you know is correct. Do not call any number from the message you received.
- After you wire funds with instructions you have independently verified, call your settlement agent to confirm the funds were received.

WHAT TO DO IF YOU SUSPECT YOU'VE BEEN VICTIMIZED

Act quickly. The sooner you report wire fraud, the better your chances of recovering your funds.

- Contact your bank to report the fraudulent activity.
- Notify your local FBI office.
- File a complaint online at the FBI's Internet Crime Complaint Center at ic3.gov.



Talk with your REALTOR® about ways to make sure your real estate transaction proceeds safely and securely.

TAKE 5

HOW TO NEGOTIATE WITH ANYBODY

YOU DON'T NEED TO STUDY PERSONALITY TYPES TO HANDLE TRANSACTIONS WITH DIFFERENT PEOPLE. In his class “The Psychology of Sales and Negotiation,” sales expert, author, and instructor EksAyn Anderson explains that by following a few basic principles, you can successfully negotiate with anyone while building relationships for future deals.

Contact EksAyn Anderson at 801-669-2425 or eks@xfactoredge.com.

1 SLOW DOWN

Take a minute to listen and understand the other party's position. Whether it's your clients or people on the other side of the closing table, find out their terms before you jump in with your offer.

2 TAILOR YOUR APPROACH

People like to do business with people who have similar personalities. You don't have to become a different person—just don't use the same approach with everyone. If you're dealing with someone who's blunt and all-business, ditch the small talk and get to the point.

3 FIND COMMON GROUND

Look for things you agree on. Before you discuss the items the parties aren't in agreement about, recognize the many issues you've already settled.

4 REINFORCE THE POSITIVE

The most effective way to influence people is through positive reinforcement. That means rewarding people with your words for behavior you want to see more of. For example, say “I appreciate you making your house available in the evenings this week for showings. It's been a huge help.”

5 REMEMBER THE GOLDEN RULE

It sounds trite, but treating others as you want them to treat you *does* work. That doesn't mean you have to be a pushover, though. Be nice and stick to the basic principles of the Golden Rule.

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