



## Lenders Panel

The Ever  
Changing  
Mortgage  
Industry

March 10

## Dine For Charity

at the  
Shadowbrook

April 11

## REALTOR® Service Volunteer Program

May 10

OFFICIAL PUBLICATION OF THE SANTA CRUZ COUNTY ASSOCIATION OF REALTORS®

# REALTOR®

THE VOICE FOR REAL ESTATE IN SANTA CRUZ COUNTY

The REALTOR® is the official bimonthly newsletter of the Santa Cruz County Association of REALTORS® provided as a member service to inform, educate and update members on local, state and national news.

Santa Cruz County Association of REALTORS®

2525 Main Street, Soquel, CA 95073  
(831) 464-2000 (831) 464- 2881 (fax)

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# REALTOR®

THE VOICE FOR REAL ESTATE IN SANTA CRUZ COUNTY



# Message From The President



**Candace Bradfield**  
2017 SCCAR President  
Bradfield & Associates  
[bradfield@cruzio.com](mailto:bradfield@cruzio.com)  
831-212-1986

For those of you who know me, you know I love to talk and I love hearts, so here goes!

From my heart to yours thank you for an AWESOME day of celebration at our Installation and Awards luncheon on January 18. It was a day of welcoming in the new leadership and it was my birthday, score!

Our leadership team started off the year with a bang by attending the California Association of REALTORS® (C.A.R.) Business Meetings in January. It was fascinating to feel the energy of so many REALTORS® who had the same protective theme in mind...protecting properties rights, protecting consumers and protecting our livelihood!

The following is a summary of some of the action items approved by the C.A.R. Board of Directors during the meetings.

### Housing Affordability Fund

The C.A.R. Housing Affordability Fund allocated an additional \$500,000 towards a statewide Home Owners Association (HOA) first time homebuyer program, which would grant either \$2,500 or 6 months of HOA dues, whichever is less, to consumers that would qualify under the program requirements and restrictions.

### Home Ownership Housing

C.A.R. will support AB 30 (Caballero) which authorizes local governments to create overlay districts authorizing by-right infill development.

### Taxation and Government Finance

C.A.R. will "SPONSOR" legislation to update the current private transfer fee notice to also inform homebuyers of the FHA and FHFA regulations relating to PTFs and how those regulations may impair the ability to obtain financing.

### California REALTOR® Expo Advisory

The CALIFORNIA REALTOR® EXPO 2017 will be held in San Diego, California from October 10 to 12, 2017.

### Legal Action Fund Trustees

It was reported that, since the September 2016 meetings, the Legal Action Fund Trustees have reviewed 4 cases and approved filing amicus briefs in 2 cases:

*BIA v. City of San Ramon.* The Building Industry Association petitioned to request a hearing before the California Supreme Court involving the imposition of a Mello Roos tax for general services. With unusual quickness, the California Supreme Court declined the hearing.

*City of Santa Barbara point of sale "zoning" and inspection report.* The Trustees approved, subject to future funding approval, supporting the Santa Barbara AOR in challenging the requirement of a point of sale zoning report that includes an internal inspection for a \$465 fee as a mandatory warrantless search of the homes.

Two of the following cases were decided. One is in progress.

*Horiike v Coldwell Banker.* The California Supreme Court ruled that a salesperson representing the seller owes a fiduciary duty regarding disclosure to the buyer when the buyer and seller are represented by the same brokerage firm even though different salespersons represent the respective buyer and seller. The court held there is a duty to learn and disclose the material facts relating to the property. The court did not expand the duty into price or confidential issues. The case had an unusual procedural posture as the buyer stipulated that there was no liability for the

*Continued on next page.*

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# Message From The President *Continued*

buyer's salesperson or the broker relating to the buyer's salesperson's activities. The matter will go back to the trial court to determine if the fiduciary was actually breached.

*Gill v. Aires.* The California appellate court has ruled, in an unpublished decision, that the owner may maintain a slander of title action against a creditor of a broker who had filed a lis pendens against the owner's property because she had retained the debtor broker for services. The broker was the son-in-law of the owner. There were two properties involved and a second property had a different procedural history including a claim of fraudulent conveyance which the court held was related to title and possession. As to that claim, the court had expunged the lis pendens but the record was not sufficient to allow the slander of title claim. So even though a split decision, the court still upheld the position that one may not file a lis pendens on a broker's client based on constructive trust to collect a debt if it is unrelated to a claim to title or possession of a property.

*C.A.R. v. PDFfiller.* C.A.R. sued PDFfiller for copyright and trademark infringement of its forms and name. PDFfiller counter-claimed against C.A.R., REBS and zipLogix claiming the entities are trying to monopolize the market. C.A.R. has filed a motion to dismiss the antitrust claims and the hearing for that motion has not been set. Attempts at court supervised mediation did not result in a resolution. C.A.R. maintains that by PDF's action of copying its C.A.R.'s forms and stripping all password and other protections, is a violation of its copyrights and trademarks.

### Standard Forms Advisory Committee

It was reported that there were 18 Regional Representative reports given to the Standard Forms Advisory Committee (SFAC). The

issue of whether there should be initials on all pages of the SBSA was brought up again and the Regional Representatives polled their regions regarding this issue. It was discussed extensively by the SFAC and is being taken under consideration. Another option is being considered to add language before the parties' signature line on the last page of the SBSA acknowledging all 12 pages of the advisory.

The SFAC has formed a study group which will be working on a Team Agreement. The intent is to have a draft available for the study group for the May business meetings. The committee released a related form, the Agent Commission Sharing Agreement, in December. The SFAC reviewed approximately 20 forms that were partially revised last year for possible revision and release this year and began the process of reviewing the comments we have received since our last meeting.

**Save the date! Wednesday, May 3, 2017 for Legislative Day** Register with the Association to join us for Legislation Day 2017!

For the past 45 years, Legislative Day has remained C.A.R.'s pinnacle legislative event. Legislative Day gives California REALTORS® the opportunity to meet and discuss real estate issues directly with their state legislators and staff. Attending Legislative Day is not only a great investment in your business; it also provides you with an opportunity to hear from California's most dynamic political leaders and the leadership of your state association. After a rewarding day of business, join your fellow REALTORS® at the fabulous Capitol Reception! We look forward to seeing you again at this year's Legislative Day and hope to see many new faces as well! For details [click here](#).

I know this is a lot of information and I have more! Let's talk!

## Keep your forms compliant with Forms Advisor™

Forms Advisor™ is an online software program that identifies which C.A.R. Standard Forms you need for your transaction. It is a great risk management tool for REALTORS® as it offers the user direction, instruction and legal information specific to a transaction. Forms Advisor™ integrates seamlessly with zipForm® Plus and is also accessible via zipForm® Standard and at [www.car.org](http://www.car.org).

[Learn more](#)

## Get to Know the New CAR.org

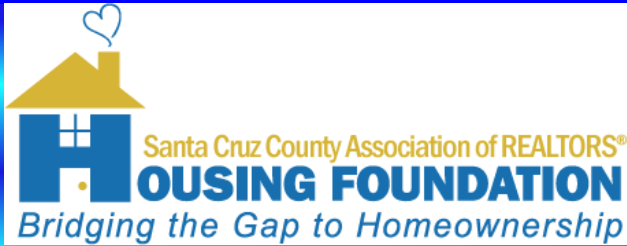
On Monday, Feb. 6, C.A.R. debuted its brand-new, fully redesigned website. New features, easy to use navigation plus a snazzy new design makes this upgrade a winner. Check out what's new at [www.car.org](http://www.car.org).



Congratulations to Grace Mundy, SCCAR Member and agent with Bailey Properties on earning the C.A.R. Honorary Member-for-Life status.

After 30 years in the business and as a member of SCCAR, she has definitely earned it!

We thank Grace for her commitment to our industry.



*Dave Deteso, 2017 Chair  
Wells Fargo Home Mortgage  
[david.r.deteso@wellsfargo.com](mailto:david.r.deteso@wellsfargo.com)  
831-234-1045*

## 2017: We Have a Great Story to Tell

As I begin 2017 as Chair of the Housing Foundation I want to thank the members of SCCAR for their wonderful support. The foundation, now in its 13<sup>th</sup> year, has helped over 250 families bridge the gap to home ownership. These results would simply not be possible without your contributions and support of our fund raising efforts. On behalf of our board of trustees, we are grateful for your continuing support of our mission to help first time homebuyers achieve home ownership! My focus this coming year will be twofold; we will make sure our foundation continues to say “thank you” for your support, and we will share the impact these grants are having in our community.

## Your Housing Foundation and What We Do:

The Foundation, through our various fundraising efforts, is able to offer two grant program that assist low income first time homebuyers in our community.

Closing Cost Assistant Grant - up to \$2,000 for first time home buyers purchasing a home in Santa Cruz County.

Community Heroes Grant - \$2,500 used in conjunction with our Closing Cost Assistance Grant. Our Community Heroes Grant

Program helps qualified police, firefighters, EMTS and veterans (including volunteers and support staff) purchase a home in Santa Cruz County.

## Why We Do It:

So a Cal Fire firefighter on a tight budget can own a home in a community he/she protects.

So a young couple with advanced degrees in physics and agricultural development can stay in their community raise a family and teach our children.

So a disabled veteran who was living in an RV that required him to move every three weeks would finally have a place to call home.

To quote trustee Connie Landes, we do this because, “We, as members of the real estate community, believe in the concept of homeownership as a cornerstone for strong neighborhoods, pride of ownership, and wealth creation.”

Lastly we do it because we believe in building community!

Learn more about the SCCAR Housing Foundation and our programs at [www.sccarhf.org](http://www.sccarhf.org).

*Lisa Mazzei  
Blue Adobe Mortgage  
831-212-0170  
[lisa@blueadobemortgage](mailto:lisa@blueadobemortgage).*

# A Lender's Perspective



If you ask anyone what the biggest obstacle is for new buyers getting into the housing market, you will probably hear that **lack of down payment** is the most common response!

While this is a hurdle for new buyers, I am often surprised at how many times I hear people say they must have a 20% down payment to purchase a home. And sometimes, I even hear this from people in the industry!

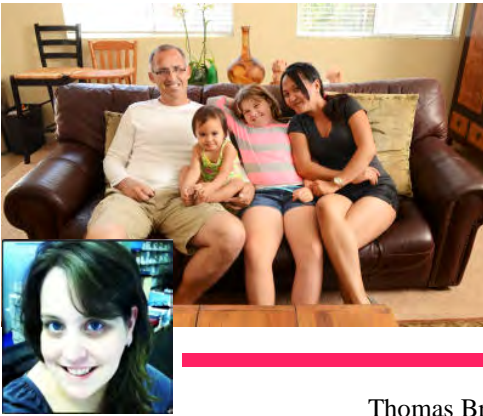
It's important to know the facts so we may best help our clients on the path to home ownership.

It is still possible to purchase a home with no down payment (VA or USDA), or 3% down payment. In addition, there are programs and sources for first time home buyers to consider.

There are a lot of people giving home loan advice. My question is, did they hear the entire story? Have they touched hundreds of files so that they can offer a true consultation on how to help others with their real estate goals? I always say two things: it's never an “if” it's a “when” and “I speak fluent mortgage so you don't have to.”

Now, more than ever, it is time to align our buyers with a team of professionals who can give them the facts. A home purchase may be more affordable than they think, and even if they can't qualify to buy now, they'll know what they need to do to get there.





***Thank you to the following contributors who made a donation to the Santa Cruz County Association of REALTORS® Housing Foundation. It is with your assistance that we are able to help low income families and individuals in our community become home owners. This helps make our community stronger and is indeed an honorable and worthy cause.***

Lori Adragna  
Kem J. Akol  
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Elaine M. Aldrich  
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# Local Seniors Need Your Help!

## *Volunteer for a day with RSVP!*



**Wednesday, May 10, 2017**

### What is RSVP?

RSVP (REALTOR® Service Volunteer Program) is an annual one day community outreach program that will take place on May 10, 2017. The program provides free assistance to qualified seniors who cannot otherwise perform certain household tasks due to physical or financial constraints.

### How Do I Volunteer?

Pick up an application at the SCCAR Office or online at [www.mysccar.org/rsvp](http://www.mysccar.org/rsvp)  
Complete the application and email or fax it to the SCCAR Office by Friday, March 31, 2017.  
Time commitment is approximately 4 - 6 hours.

### Services We Provide

- Wash windows
- Flip a mattress
- Rake leaves
- Change light bulbs
- Light vacuuming
- Remove trip hazards
- Change furnace filters
- Trim overgrown hedges
- Replace smoke detector batteries



### What recipients are saying...

*"You are the most wonderful and generous people I know. I am so very grateful and admire you for your selfless humanitarian gesture to help. Thank you!"*

*"This is a wonderful program. It's so thoughtful and generous of the volunteers. They have always been friendly and helpful."*

*"Best crew ever, my windows sparkle inside and out. Very friendly crew. Thanks again for the blessing."*

**More Information Online at:**  
[www.mysccar.org/rsvp](http://www.mysccar.org/rsvp)





# Education & Professional Development



Register Online by visiting our [Web Portal](#)

## March

### [zipForm Basic Training](#)

Wednesday, March 1, 9 – 11 am

Learn how to master your zipForm® account starting with the basics:

- > 3 Types of zipForm®
- > Navigate zipForm® Plus
- > Retention Dates & Storage
- > Templates and automation
- > Import MLS data using MLS-Connect
- > Form Editing & Shortcuts
- > Utilize Cloud Services

### [zipForm Advanced Training](#)

Wednesday, March 1, 12 – 2 pm

Learn to master your zipForm® account!

- > zipForm® Plus Advanced Features
- > Logging email chains
- > Sharing files and working together
- > zipTMS™ Transaction Mgmt System
- > Signing Forms
- > PDF Split

### [Notary Public Seminar & Exam](#)

Friday, March 3, 8:15 check in, 8:30 am – 3:30 pm with time for lunch

With a Notary Commission you will be able to give clients better service and promote yourself in a different way! It's simple, quick and inexpensive. The State test is given the same day as the seminar. This seminar is being presented by Duane Gomer Inc. an approved Notary Education vendor with the Secretary of State.

To register with a credit card please contact Duane Gomer Seminars at 949-457-8930.

### [Lenders Panel: The Ever-Changing Mortgage Industry](#)

Friday, March 10, 11:30 am – 1 pm

Join us for a discussion on the ever-changing mortgage industry including the new compliance rules! Have all your questions answered and concerns addressed by a panel of top local mortgage professionals. The changes in the mortgage industry affect all aspects of your business. Staying on top of these changes will help position you as a trusted adviser in real estate.

### TOPICS INCLUDE

- > New Compliance Rules
- > Current lending environment
- > Underwriting changes, the good, the bad and the ugly
- > How to bullet proof your escrow
- > Timing
- > Tips, tricks and strategies
- > Government loan programs
- > First Time Buyer Programs
- > Condo financing
- > Appraisals
- > A look behind the scenes

Panelists: Ryan Buckholdt, Opes Advisors, Lisa Cardoza, American Financial Network, Inc., Barry Braverman, New Equities, Inc., Mark Junod, On Q Financial, Robin Ronzano, Chase, Tai Boutell, Santa Cruz Home Finance  
Moderator: John Flaniken, American Dream Realty

### [MLSListings Essentials](#)

Wednesday, March 15, 9:30 am – 12:30 pm

This is the first and only class you are required to attend as an MLSListings subscriber. Part lecture, part lab, this powerful course will jumpstart your effectiveness with your new MLS.

MLS Listings will be tracking attendance carefully. Please arrive on time and with enough time to confirm your attendance. Any attendee who misses more than 15 combined minutes of the course will be required to take the course again.

Contact the MLS 800-546-5657 to register. SCCAR does not take registrations for this class.

### [Listing Management \(MLS\)](#)

Friday, March 24, 1 – 2:30 pm

Attend this class and you will learn the structure of the MLS-Listings listing management input wizard, along with tools and techniques for enhancing your listing market exposure, keeping the data current and staying compliant with the MLSListings rules and regulations.

*Education Offerings Continued on Next Page*

**Education & Professional Development** *continued*

**[SCCP: Affordable Housing](#)**

Friday, March 24, 9:30 am – 12:30 pm

The third in a series of presentations designed to provide REALTORS® with knowledge and information to better assist their clients in buying and selling real estate in Santa Cruz County. Topics to be covered: Programs currently available, How to get qualified, Mobile Home Parks facing legal issues which are prohibitive to lending, Different lending guidelines for rent, co-op and parcel-owned mobile parks, County and city update on rent control.

**[The Power of Public Records \(MLS\)](#)**

Friday, March 24, 10 – 11:30 am

Savvy home buyers and sellers can easily tell when an agent is prepared and wants their business. Public records are powerful tools for learning as much as possible about a property. Realist is a public records database that seamlessly works with the MLS-Listings platform to provide in-depth property and ownership data, market information and much more! Learn how to interpret the rich data that is available to you to boost your competitive edge.

**[Listing Management \(MLS\)](#)**

Friday, March 24, 1 – 2:30 pm

Attend this class and you will learn the structure of the MLS-Listings listing management input wizard, along with tools and techniques for enhancing your listing market exposure, keeping the data current and staying compliant with the MLSListings rules and regulations.

**[Custom Displays and Exports \(MLS\)](#)**

Monday, March 27, 10 – 11:30 am

Matrix can be customized to meet your viewing and exporting requirements to assist you with listing organization and deep data analysis. This course will discuss how to build your own data viewing formats and how to share that data into other digital tools.

**April**

**[Public Records Search \(MLS\)](#)**

Wednesday, April 12, 2017, 10 – 11:30 am

You will learn how to use the REALIST application to access public records and obtain detailed ownership, transaction and property characteristics information.

**[Homesnap \(MLS\)](#)**

Wednesday, April 12, 1 – 2:30 pm

Learn how to use the new Homesnap mobile application to retrieve agent-level data when you're in the field. This workshop will assist

in getting you set up, branded and connected to listing inventories and market activity while you're on the move.

**[MLSListings Essentials](#)**

Wednesday, April 19, 9:30 am – 12:30 pm

This is the first and only class you are required to attend as an MLSListings subscriber. Part lecture, part lab, this powerful course will jumpstart your effectiveness with your new MLS.

MLS Listings will be tracking attendance carefully. Please arrive on time and with enough time to confirm your attendance. Any attendee who misses more than 15 combined minutes of the course will be required to take the course again.

Contact the MLS 800-546-5657 to register. SCCAR does not take registrations for this class.

**[Listing Management \(MLS\)](#)**

Monday, April 24, 10 – 11:30 am

Attend this class and you will learn the structure of the MLS-Listings listing management input wizard, along with tools and techniques.

*Unless otherwise stated, all Education & Professional Development offerings are held at the SCCAR offices at 2525 Main Street, Soquel, CA 95073*



© Randy Glasbergen / glasbergen.com



# DINE FOR CHARITY

Tuesday, April 11, 2017



**HOW TO PARTICIPATE:** If you are making a reservation for dinner or enjoying appetizers in the Rockroom, please tell your Shadowbrook server your group affiliation is the 'SCCAR Housing Foundation'. Reservations can be made by phone at 831-475-1511 or online at [www.shadowbrookcapitola.com](http://www.shadowbrookcapitola.com)

Dine at the award winning Shadowbrook Restaurant and help low income, first time homebuyers in our community. On Tuesday, April 11th, the Shadowbrook will generously donate 30% of the evening's sales to the SCCAR Housing Foundation. These proceeds help fund our Closing Cost Grant Assistance Program whose monies help make the dream of homeownership a possibility for those in need. For more information about Housing Foundation programs, visit [www.sccarhf.org](http://www.sccarhf.org).



*Cornett Family enjoying their new home thanks to a Housing Foundation grant*

**Tuesday, April 11, 2017**

*Shadowbrook Restaurant*  
1750 Wharf Rd., Capitola, CA  
Hours 5- 8:45 pm



SCCARHF  
P: 831-464-2000 , F: 831-464-2881  
[www.sccarhf.org](http://www.sccarhf.org) | [facebook.com/scaorhf](https://facebook.com/scaorhf)



## Outgoing remarks from 2016 President Candie Noel

At our recent Installation event due to an agenda mix up, 2016 President Candie Noel was unable to present her outgoing remarks. Below are those remarks.

Thank you. It's been a pleasure and honor to serve you this year. The past year has been a rewarding journey. It's been a year of growth, involvement, and learning, for myself and for our Association. None of this could have been done without you the members. You are very much appreciated. I encourage everyone to become involved with your association, and to bring a friend. You are the association. Your association is only as great as you make it.

There are some people who have made the year very special with their support and guidance.

The first is actually from my cat, Ms. Lillie McNasty. She thanks Marilyn Johnson for taking good care of her while Candie was very rudely and thoughtlessly away at C.A.R. conferences.

Thank you to my brokers, Robert Bailey and Paul Bailey. You are the best, as always.

Thank you to my friend Barbara Palmer, for everything you do.

My executive committee ended up with some unusual challenges this past year. Thank you Lauren Spencer, Sandy Kaplan, Morgan Lukina, Randy Turnquist, and Candace Bradfield for your support and efforts, you all went above and beyond with the tough decisions.

The 2016 Board of Directors were awesome! Thank you Fred Antaki, Deborah Callaway, Pete Cullen, Connie Landes, Greg Mann, Jackie Heath, Morgan Lukina, Randy Turnquist, Candace Bradfield and Renee Mello for your awesome service.

Of course, no one would be here without our dedicated, hard working staff. Linda Zoccoli, Katy Clark, Andrea Harbert, Norma Milete, and Robert Singleton. Thank you for all you do to make this the best ever Association of Realtors®.

A special thank you to Kathy Hartman, our Executive Officer, for your hard work, guidance, dedication, and support for the association.

In closing here again are those famous words of wisdom from Martina Navratilova, "The difference between involvement and commitment is like ham and eggs. The chicken is involved; the pig is committed." I encourage all of you to become involved in your association. You will not regret it. Thank you very much.

## SCCAR Welcomes the Following New Members!

### **REALTOR® Members**

#### ***Capital Financial Realty***

Gerald Morris  
Peggy Youmans

#### ***Coldwell Banker***

Natasha Mingay  
Robin Seagrave

#### ***James Beebe, Broker***

James Beebe

#### ***New Equities, Inc.***

Barry Braverman

#### ***Open Homes Realty***

Tom Needham

#### ***Pearson Properties***

Stephen Pearson

#### ***Schneider Estates***

Talia Lesser

#### ***Shaffer & Associates***

Ronnie Shaffer

### **Affiliate Member**

#### ***Seabright Mortgage***

Joe Hutson



## Help Lead Your Association!

SCCAR is now accepting applications for service on the 2018 Board of Directors. The SCCAR Board is made up of volunteer members who live and work in Santa Cruz County. These individuals are elected annually and help guide the direction of the Association. Join a distinguished group of professionals to support the mission of SCCAR: "The purpose of the Santa Cruz County Association of REALTORS® is to enhance the professionalism and integrity of our members and to protect and promote private property rights." Being a part of this process provides a great opportunity to exercise your leadership abilities or gain leadership skills!

Interested REALTOR® members of SCCAR are encouraged to complete and submit an [application](#) no later than Monday, April 3, 2017.

If you have questions, please contact Kathy Hartman at 831.464.2000 or email [kathy@mysccar.org](mailto:kathy@mysccar.org)

## 2017 Key Billing Notice

The 2017 Key & Tour bills will be sent out in March. Please be aware that they will be sent via email or mail depending on your contact method preference.

Please be sure SCCAR has your current mailing and/or email address on file to help us ensure proper delivery and avoid deactivation of service and late fees. Contact us at 831-464-2000, check your [profile online](#) or ask any staff member in person!

Gmail users please be aware that emails from a third party are filtered by Gmail and placed under your Promotions tab. To prevent this from happening, simply find an email from us under your Promotions tab, drag it to your Primary tab and choose "Yes" when asked if you want to do this for future messages. Use this link <http://tinyurl.com/mosn337> to find more information on Gmail tabs and this process.

## Congratulations to our 2016 SCCP Graduates!

The Santa Cruz County Pro (SCCP) series is designed to provide REALTORS® with knowledge and information to better assist their clients in buying and selling real estate in Santa Cruz County.

The members below have completed this series and have obtained advanced skills about the workings and nature of Santa Cruz County communities.

- Bo Baker**
- Alan Barich**
- Ann Berry-Kline**
- Tai Boutell**
- Sunny Brandt**
- Sheila Connelly**
- Michael Ferguson**
- Orion Flansaas**
- Angel Garcia**
- Seabea Ghoph**
- Kathie Gomes**
- Kristin Hurley**
- Neal Langholz**
- Morgan Lyng Lukina**
- Megan Lyng**
- Beth Mariano**
- Katherine Massena**
- Marti Meyer**
- Jeanne Mulhern**
- Barbara Pearson**
- John Ribera**
- Randy Turnquist**
- Jeff Wille**

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Santa Cruz County Association of REALTORS®

# Legislative Day

WEDNESDAY | May 3, 2017



All SCCAR members are encouraged to join REALTORS® from around the state to meet with legislators and discuss important issues affecting California's REALTORS® and property owners. Laws created in Sacramento have a tremendous impact on your ability to do business from point of sale mandates to taxes to housing opportunities. Attending Legislative Day is not only a great investment in your business; it also provides you with an opportunity to hear from California's most dynamic political leaders and the leadership of your state association. **VOTE. ACT. INVEST.**

**RSVP by Wed, April 12, 2017**

Free to SCCAR members who contributed the additional \$49 to the REALTOR® Action Fund (RAF). Cost for non RAF participants is \$49. Register online at [www.mysccar.org](http://www.mysccar.org) or complete the form below. Reservations made that do not attend will be charged \$49.

**Seating is limited!  
Be sure to register early!**

### Itinerary in Sacramento

- \* 8-9 am : Registration, Sacramento Conv. Center > Must be seated by 9 am
- \* 9- 11:30 am: Opening Session; Hear keynote speakers and be briefed on current and proposed legislation that will affect your business.
- \* 11:30 am - 1 pm: Region 10 Luncheon
- \* 1- 5 pm: Meet with legislators and attend a member director forum
- \* 5- 7 pm: Capitol Reception; mix, mingle & network with fellow REALTORS & legislators. Free to those who contributed \$148 to RAF!

Let's Carpool! SCCAR will give the carpool driver a \$50 gas card!

Name: \_\_\_\_\_ Company: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Cash Visa MasterCard American Express Check #: \_\_\_\_\_ Check payable to SCCAR

Name on card: \_\_\_\_\_ Billing Address: \_\_\_\_\_

Account#: \_\_\_\_\_ Exp. date: \_\_\_\_\_ 3 digit security code: \_\_\_\_\_



# Don't Forget the Federal Trade Commission

by Sue Johnson

The new president will appoint two commissioners and a chairperson, and this could impact your business. When it comes to enforcement of federal consumer protection laws, most people think of the Consumer Financial Protection Bureau (CFPB). But there's another agency that should not be overlooked when watching President Trump's appointments in the coming months. That is the Federal Trade Commission (FTC).

## About the FTC

The Federal Trade Commission (FTC or Commission) is a bipartisan, independent agency with a dual mission—to protect consumers by stopping unfair and deceptive acts or practices in or affecting commerce (UDAP), and to promote competition by challenging anticompetitive business practices.

The FTC is headed by five commissioners, nominated by the President and confirmed by the Senate. The President chooses one commissioner to act as chairperson and no more than three Commissioners can be of the same political party. It currently has two open seats, so President Trump will fill two seats and appoint a new chairperson, giving the Commission a 3-2 Republican majority for the first time in nearly a decade. Why is it important not to forget the FTC? Here are a few examples of areas in which it has jurisdictional authority over non-bank entities in the real estate and financial marketplace.

## Real Estate Competition

The FTC has long opposed efforts by Multiple Listing Services (MLS) and real estate associations to restrict the ability of non-traditional real estate brokers (e.g., fee-for-service brokers, discount full-service brokers, and internet referral networks) to compete.

In a 2007 joint study by the U.S. Department of Justice, entitled "Competition in the Real Estate Industry," the FTC said that attempts by real estate brokers to restrict non-traditional business models "hinder competition in the industry." It recommended that the FTC and DOJ "continue to monitor the cooperative conduct of private associations of real estate brokers, and bring enforcement actions in appropriate circumstances" if the conduct is anticompetitive and violates antitrust laws."

The FTC has brought enforcement actions over the years to stop rules that restrict non-traditional listing agreements from being displayed on public real estate websites. Most resulted in consent orders in which the MLS or association agreed not to adopt or enforce such rules for 10 years. Each violation of the consent orders carried a civil penalty of \$11,000. The Commission also opposed proposed state laws requiring that real estate professionals entering into exclusive service provision agreements with their clients provide state-mandated minimum service packages.

## Unfair and Deceptive Acts or Practices (UDAP)

Section 5 of the Federal Trade Commission (FTC) Act gives the Commission UDAP authority over most non-bank entities (including real estate brokers) that are not subject to the CFPB's UDAAP (unfair, deceptive and abusive acts and practices) jurisdiction. It also has

concurrent jurisdiction with the CFPB over federal consumer protection statutes (such as the Truth in Lending Act) that specify that violations of certain practices are to be treated as if they were "unfair or deceptive" acts or practices under Section 5. Some financial services attorneys speculate whether or not the FTC will step up its enforcement of UDAP and specific federal consumer protection laws against non-bank entities if the CFPB Director is made removable without cause as a result of the *PHH Corp vs. CFPB* case or Congressional action.

## Data Security

Since Dodd-Frank did not transfer to the CFPB authority to enforce the data security requirements of the Gramm-Leach-Bliley Act and the Fair Credit Reporting Act, the FTC retained the authority to enforce these requirements. It also has the authority to pursue data security violations under the UDAP clause of the FTC Act. During the Obama administration, it aggressively pursued enforcement actions related to data privacy and security.

## The Do-Not-Call Registry

The FTC enforces the Do-Not-Call Registry, which gives consumers the ability to place their telephone number on the registry and prohibits telemarketers from calling anyone whose name is on the registry unless they meet certain criteria. It has been aggressive in assuring that companies abide by the Do-Not-Call Registry rules. According to its website, it brought 105 enforcement actions and recovered over \$41 million in civil penalties and \$33 million in redress or disgorgement.

## The Future of the FTC under President Trump

While we do not yet know the Trump administration's priorities for the FTC, he appointed Dr. Joshua D. Wright, a Republican FTC Commissioner from 2013-2015, to lead FTC transition efforts. Wright was considered by *The Wall Street Journal* to be the most conservative FTC Commissioner during his tenure. Nevertheless, the shaping of the FTC in the Trump Administration bears watching. As one Washington, D.C. financial services attorney says, "Once the FTC finds you, you can never get rid of them."

*This article originally appeared in the February 2017 issue of the REAL Trends Newsletter is reprinted with permission of REAL Trends, Inc. Copyright 2017.*

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# Installation Sets an Inspirational Agenda



*President Candace Bradfield and Lilian Molda, Lawrie & Lawrie Properties*

“Building Community” is the platform of our 2017 President Candace Bradfield and it was in full force at our Installation and Awards event held January 18, 2017. Members were reminded of the impact they have on our community and industry, and the importance of being involved by President Candace Bradfield, special guest retired Congressman Sam Farr and Housing Foundation chair Dave Deteso.

Congratulations to our outstanding award winners: Pete Cullen, REALTOR® of the Year, Suzanne Schmidt, Affiliate of the Year and former Congressman Sam Farr, for Community Service. It was an inspirational day that set an agenda we look forward to seeing put into the action in the coming year.

Thank you to all who helped us celebrate and to our sponsors: Bailey Properties, Allen Property Group, Inc., MLSListings, Coastal Homes Magazine, Bay Federal Credit Union and Supra.



*Community Service Award recipient former Congressman Sam Farr and Past President Barbara Palmer*



*REALTOR® of the Year Pete Cullen*



*2017 Officers and Directors*



*Affiliate of the Year Suzanne Schmidt*



*President Candace Bradfield, Former Congressman Sam Farr, Past President Barbara Palmer and Director Sandy Kaplan*



*Director Sandy Kaplan, Inez Pandolfi and Foundation Chair Dave Deteso*

*More Pictures on Next Page*



# Installation Celebration



*Director Pete Cullen,  
President Candace Bradfield  
and SCCAR GAD  
Robert Singleton*



*Old Republic Title is in the  
house!*



*President Elect Renee  
Mello and SILVAR  
CEO Paul Cardus*



*Celebrating Candace's  
Birthday*



*Immediate Past President  
Candie Noel and Past C.A.R. &  
SCCAR President Robert Bailey*



*Paul Bailey, Past C.A.R. & SCCAR President  
Robert Bailey and former Congressman  
Sam Farr*

# Does it Really Make a Difference?

*In the age of the internet, where numerous industries have been turned inside out by the web, the residential brokerage industry has seen only process change, not a fundamental change.*

*by Steve Murray, REAL Trends publisher*

We often get asked about new business models. Most recently, the questions have been about firms like Compass, EXP, Next Home and Fathom Realty. While each is interesting in its own way and may have a larger impact down the road, none of that is certain. Besides, by the time they reach maturity and scale, it may not matter.

### High Level of Service

For the past 30 years of REAL Trends, and 40 years of my career, there is one thing industry professionals talk about in hushed tones. When will consumers begin to demand consistently high levels of professional services? What will happen to our industry when that happens? How will we survive that wave of change?

### Fundamental Change?

In the age of the internet, where numerous industries have been turned inside out by the web, the residential brokerage industry has seen only process change, not a fundamental change. We've used the web to improve our processes and transaction productivity (on each transaction), but we haven't seen housing consumers make themselves heard regarding overall professionalism. Estimates are that 30 to 40 percent or more of the Realtor® membership didn't do a single transaction in 2016.

Surveys of housing consumers continue to indicate that having a relationship with a sales associate is the most important determining factor in who they chose—not experience or productivity. They chose that person because it was someone they know or a friend knows. Old-timers in the business will tell you that it's been this way forever. The same old-timers will tell you that sooner or later this will change. It just hasn't yet.

As to new business models, they are interesting, and some may become successful. But, they don't address the coming consumer changes any more than the incumbents do. They address how and where services to agents will be delivered and at what cost. While we do not subscribe to the notion that technology will soon crater our business; we do believe that changes of a more dramatic nature are coming.

### What Changes?

When will housing consumers start to choose a sales associate for reasons other than they know one or someone referred them? Today, more than two-thirds of buyers choose their sales associate this way. What changes would be wrought should this number decline to one-half and the other half found their sales associate online, through rankings, ratings and reviews?

What would this do to the ability of new sales associates to enter the business? What would the impact be on those who pay their dues and fees to Realtor® Associations and MLSs but have far less chance to refer clients for a referral fee? What would this do to the economics of the brokerage firm? Would the resulting consolidation because of fewer agents and teams affect the number of Realtors and brokerage firms?

### Seeing the Impact Today

In fact, we already see some of the impact from this today. The consolidation of market shares among fewer sales associates has been underway for some time. In some markets, the top 20 percent of sales associates already control more than 80 percent of the listing side of the transactional volume. While their share of the buy side is not nearly as strong, it is increasing. One example is the number of teams doing more than 75 sides on REAL Trends Americas Best—it's more than doubled in the last three years. The top 250 teams increased their volume by more than 41 percent over the last three years, while top individual sales associates' volume has declined.

There are many areas where the fundamental change in the way consumers find and select a sales associate could impact industry economics. We can't list them all. While we don't subscribe to the theory that consumers will bail on the use of sales associates for selling and buying homes, we think this foundational area of our business by itself could have a material impact on how the business is organized.

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## Affiliate Expert's Corner

Janice Perry, Area Director  
 Santa Cruz and Monterey County  
 O: 408-370-3801 C: 408-340-3475  
[Janice.perry@tourfactory.com](mailto:Janice.perry@tourfactory.com)



### New Mobile friendly FLEX Tour and the I-Guide Split Screen format

#### A More Engaging Mixed Media

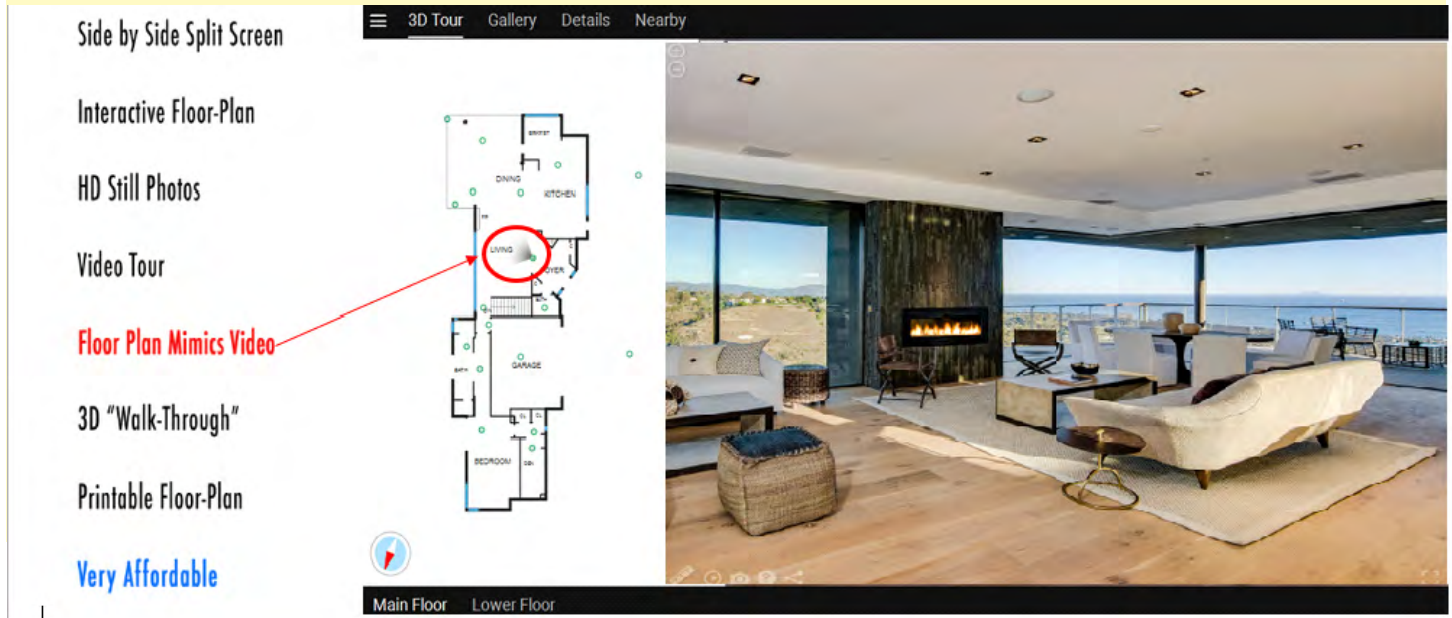
The **Flex Tour** has a modern look and mobile first design that draws and keeps attention on the visual elements chosen by the agent. Elements may include professional photography, aerial media, videography and 3D floorplans. The **Flex Tour** offers an immersive and media rich experience. Check out an example of the new Flex Tour including our newest product using the I-Guide camera which provides the Split Screen interactive format. <http://www.tourfactory.com/idxr1719536>.

Whether the buyer is viewing still photos, video, a floorplan, or a 3D tour, the traditional linear presentation is always disjointed and fragmented. It is sometimes difficult for the buyer to connect the pieces of the property in their mind to form an overall favorable impression of the property. The **Split Screen format** solves this problem because it is the **ONLY** internet marketing technology that displays multiple marketing mediums on the viewing screen **SIMULTANEOUSLY** to

keep the buyer on the agent's listing page longer.

Mixed media is already a very important form of entertainment in our society and the Split Screen format within the Flex Tour makes the viewing experience more engaging.

The Split Screen format is not only more engaging, it is also more affordable. One camera performs multiple functions lowering costs. Our Split Screen format offers a complete new listing **digital marketing solution** which includes a 3D/360° tour with exterior shots, a video tour, the (all-important centerpiece) side-by-side interactive floor plan display and printable floorplan pdf files. These features come bundled in a captivating and user friendly, multi-media internet presentation. We are excited to offer these new cutting edge technologies to you to help you win more listings and grow your business.



### Are Name Badges Solicitation Material?

At our recent legal update event in February, the 2018 Advertising Uniform Standard (what solicitation material you must you include your BRE license number and broker identity on) was one of the topics of most interest. Since that meeting, we had a question from a few members regarding name badges and whether they were included in C.A.R.'s definition of solicitation materials. SCCAR contacted the C.A.R. legal hotline to find an answer. In true legal fashion, it depended. It depended on what

the intended use of wearing the badge was. Was it merely to identify yourself at a company event? Or was it to identify yourself as a REALTOR® at a public event? SCCAR and C.A.R. agreed it was better to err on the side of caution and instead of trying to determine intended use on a daily basis just to print the required information on your name badge. For further clarification on this law and others that go into effect on January 1, 2018, please visit [this page](#)

# MLS UPDATE

## MLSListings, Inc.

## The Theo App You Wanted is Now Here

For everyone already using myTheo and asking for a mobile version, myTheo is now available as an app for Apple devices. This means you now have MLS-Listings data directly at your fingertips.

- Private remarks and commission info always at the ready
- Accurate and customizable broker tour info
- Property status change notification within five minutes
- Mobile and multi-family home search
- Only app that understands MLS areas
- And much more

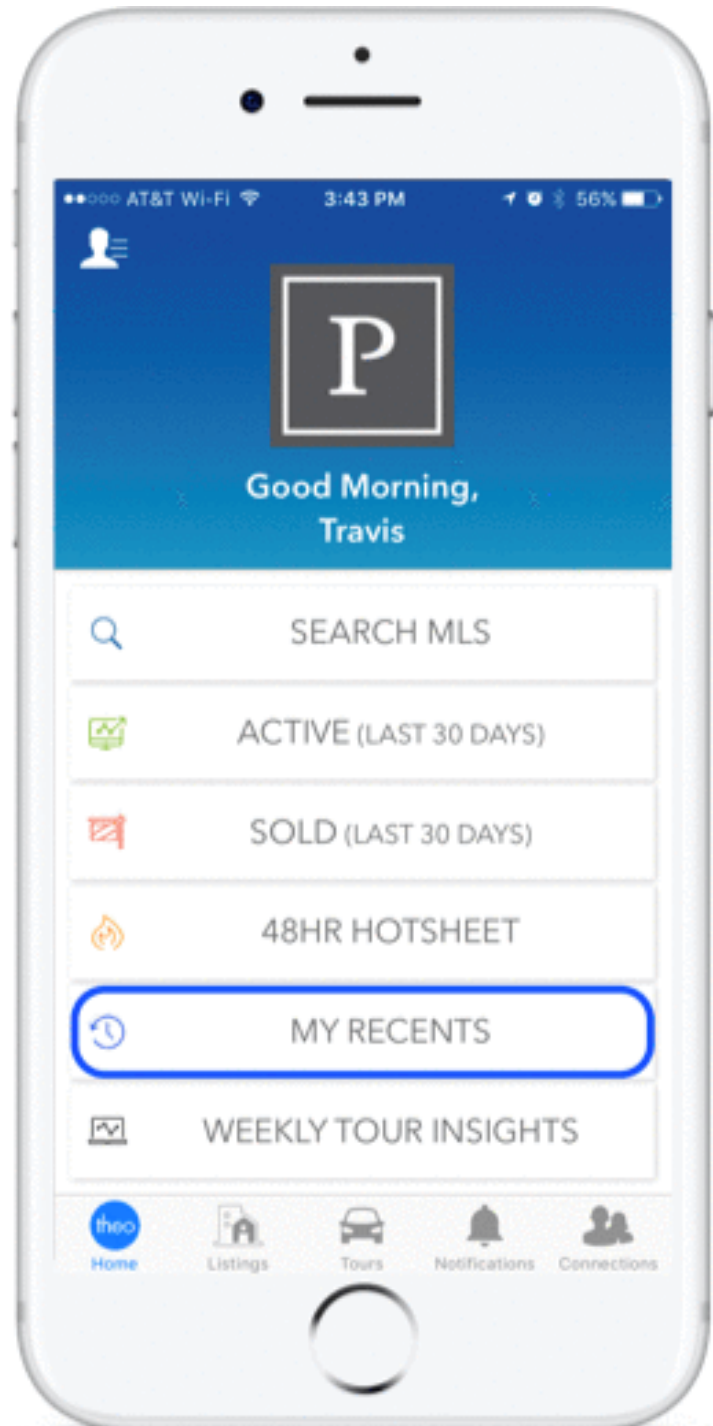
**myTheo is *FREE* for all MLSListings subscribers!**

If you already have a Theo account and have used theplatform.com previously, simply download the app from the Apple App Store and sign in using the same information.

If you want to give Theo a try, follow these simple steps:

1. Sign up on the [myTheo website](#)
2. Enter your info, get a welcome email
3. Download the iOS app from the App Store and log into the app with the same info

**Remember, myTheo is *free* with your MLSListings subscription.**





Santa Cruz County Housing Statistics

December 2016: Santa Cruz County - Single Family Residential

City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	10	42	22	90	\$1,090,431	\$912,500	\$490.00	96%	\$23,989,500	2,243	88,035	2.1
Ben Lomond	1	7	4	81	\$548,250	\$561,500	\$416.00	99%	\$2,193,000	1,315	10,824	1.1
Boulder Creek	4	22	15	54	\$626,466	\$598,000	\$389.00	100%	\$9,397,000	1,718	17,284	1.5
Brookdale	0	3	1	55	\$506,000	\$506,000	\$396.00	96%	\$506,000	1,278	10,149	9
Captola	5	6	5	16	\$1,009,000	\$875,000	\$1,104.00	100%	\$5,045,000	1,100	3,012	1.5
Corralitos	1	6	1	14	\$815,000	\$815,000	\$466.00	100%	\$815,000	1,750	210,787	4.5
Davenport	1	0	1	0	\$639,000	\$639,000	\$596.00	100%	\$639,000	1,072	5,097	0
Felton	3	6	8	37	\$610,250	\$597,500	\$432.00	98%	\$4,882,000	1,495	45,558	0.9
Freedom	0	4	0									
La Selva Beach	0	8	1	58	\$1,190,000	\$1,190,000	\$373.00	95%	\$1,190,000	3,190	17,598	3
Los Gatos	0	10	5	111	\$951,900	\$1,000,000	\$455.00	90%	\$4,759,500	2,385	272,040	2.3
Mount Hermon	0	1	0									
Santa Cruz	25	79	33	49	\$996,585	\$889,000	\$470.00	98%	\$32,887,320	2,142	36,225	2.1
Scotts Valley	6	19	7	13	\$795,428	\$655,000	\$483.00	103%	\$5,568,000	1,563	5,843	1.5
Soquel	4	11	6	40	\$907,833	\$940,000	\$458.00	101%	\$5,447,000	2,199	66,552	2.4
Watsonville	16	49	13	55	\$671,153	\$565,000	\$400.00	99%	\$8,725,000	1,696	84,084	2.9
Royal Oaks	0	12	6	50	\$434,150	\$484,950	\$373.00	89%	\$2,604,900	1,323	96,937	3

December 2016: Santa Cruz County - Common Interest Development

City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	1	24	6	72	\$590,466	\$579,650	\$451	99%	\$3,542,800	1,322	1,401	3.3
Boulder Creek	0	2	2	51	\$355,000	\$355,000	\$409	101%	\$710,000	964	631	1.2
Captola	3	6	2	37	\$710,000	\$710,000	\$592	102%	\$1,420,000	1,167	653	1.3
La Selva Beach	0	0	1	10	\$531,000	\$531,000	\$483	95%	\$531,000	1,100		0
Santa Cruz	9	20	14	45	\$969,726	\$516,500	\$476	100%	\$7,976,176	1,154	964	1.5
Scotts Valley	3	2	5	30	\$546,800	\$490,000	\$450	100%	\$2,734,000	1,188	1,472	0.5
Soquel	0	1	1	15	\$498,000	\$498,000	\$431	98%	\$498,000	1,155	610	1
Watsonville	2	14	5	12	\$459,000	\$350,000	\$324	101%	\$2,295,000	1,148	1,027	2.1

January 2017: Santa Cruz County - Single Family Residential

City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	16	39	21	85	\$1,184,070	\$1,145,000	\$479	98%	\$24,865,470	2,558	152,924	2
Ben Lomond	2	5	4	87	\$572,850	\$521,200	\$531	99%	\$2,291,400	1,164	17,010	0.9
Boulder Creek	3	15	11	52	\$643,472	\$650,000	\$470	98%	\$7,078,195	1,461	126,581	1
Brookdale	1	1	2	167	\$710,000	\$710,000	\$397	96%	\$1,420,000	1,885	35,589	1
Captola	5	6	3	5	\$1,358,333	\$960,000	\$906	100%	\$4,075,000	1,650	6,534	1.3
Corralitos	1	6	1	13	\$995,000	\$995,000	\$387	100%	\$995,000	2,570	43,124	9
Felton	8	13	2	99	\$815,000	\$815,000	\$483	97%	\$1,630,000	1,978	28,811	2.6
Freedom	1	3	2	30	\$513,449	\$513,450	\$438	100%	\$1,026,899	1,218	12,698	4.5
La Selva Beach	4	5	3	140	\$847,500	\$990,000	\$496	95%	\$2,542,500	1,785	7,187	2.5
Los Gatos	5	11	4	75	\$857,250	\$915,000	\$506	95%	\$3,429,000	1,988	125,050	2.5
Mount Hermon	2	3	0									
Santa Cruz	43	91	27	34	\$880,785	\$801,000	\$585	101%	\$23,781,200	1,534	19,831	2.7
Scotts Valley	1	11	11	28	\$880,193	\$826,000	\$480	101%	\$9,682,125	1,829	11,599	1
Soquel	4	13	3	12	\$1,107,000	\$1,179,000	\$463	100%	\$3,321,000	2,231	79,454	2.8
Watsonville	18	46	20	53	\$599,668	\$515,000	\$374	98%	\$11,993,375	1,618	11,687	2.4
Royal Oaks	3	11	3	16	\$407,000	\$435,000	\$434	106%	\$1,221,000	1,057	51,667	2.5

January 2017: Santa Cruz County - Common Interest Development

City	New	Inventory	Sold	Avg. DOM	Avg. Sale Price	Median Sale Price	Median \$/Sqft	% LP Rec'd	Sale Volume	Avg. Home Sq. Ft.	Avg. Lot Sq. Ft.	Months of Inventory
Aptos	6	21	7	46	\$616,250	\$607,000	\$407	99%	\$4,313,750	1,473	1,138	3.2
Boulder Creek	0	2	0									
Captola	4	6	5	26	\$397,300	\$420,000	\$492	100%	\$1,986,500	784	951	1.3
Santa Cruz	12	14	19	59	\$546,649	\$490,000	\$464	98%	\$10,386,341	1,100	1,100	0.9
Scotts Valley	5	7	1	17	\$469,000	\$469,000	\$463	99%	\$469,000	1,012	1,002	2.3
Soquel	2	1	1	0	\$416,012	\$416,012	\$360	100%	\$416,012	1,155	566	1.5
Watsonville	11	19	4	60	\$461,225	\$397,450	\$389	97%	\$1,844,900	1,163	1,034	2.9

Data provided by MLS Listings, Inc.



## March 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
			1 <a href="#">zipForm Basic Training</a> <a href="#">zipForm Advanced Training</a>	2 <a href="#">Tour Marketing Meeting</a> 8:30 - 9 am	3 Local Government Relations Committee Mtg. 8:30 am <a href="#">Notary Public &amp; Exam</a> 8:15 am	4
5	6	7	8 Housing Foundation Meeting - 2 pm	9 <a href="#">Tour Marketing Meeting</a> 8:30 - 9 am	10 Board of Directors 8:30 am <a href="#">Lenders Panel</a> 11:30 am	11
12 	13 Education Committee Mtg. 9:30 am	14 Affiliates Committee Mtg. 11 am	15 <a href="#">MLS Listings Essentials</a> 9:30 am	16 <a href="#">Tour Marketing Meeting</a> 8:30 - 9 am	17 	18
19	20 	21	22	23 <a href="#">Tour Marketing Meeting</a> 8:30 - 9 am MREP Mixer 5 - 7 pm	24 SCCP: <a href="#">Affordable Housing</a> 9:30 am <a href="#">Power of Public Records</a> 10 am <a href="#">Listing Management</a> 1 pm	25
26	27 <a href="#">Custom Displays &amp; Exports</a> 10 am	28 Events Committee Mtg. 11 am	29	30 <a href="#">Tour Marketing Meeting</a> 8:30 - 9 am	31	

## April 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6 <a href="#">Tour Marketing Meeting</a> 8:30 - 9 am	7 Local Government Relations Committee Mtg. 8:30 am	8
9	10 Education Committee Mtg. 9:30 am	11 Affiliates Committee Mtg. 11 am  <a href="#">Dine for Charity @ Shadowbrook</a>	12 Housing Foundation Meeting - 2 pm <a href="#">Public Records Search</a> - 10 am <a href="#">Homersio</a> 1 pm	13 <a href="#">Tour Marketing Meeting</a> 8:30 - 9 am	14 SCCAR Closed	15
16 	17	18	19 <a href="#">MLS Listings Essentials</a> 9:30 am	20 <a href="#">Tour Marketing Meeting</a> 8:30 - 9 am	21 Board of Directors 8:30 am	22 
23	24 Budget & Finance 10 am <a href="#">Listing Management (MLS)</a> - 10 am	25 Events Committee Mtg. 11 am	26 	27 <a href="#">Tour Marketing Meeting</a> 8:30 - 9 am	28	29
30						

View our Calendar Online at [www.mysccar.org](http://www.mysccar.org)