



318 W. Apollo Ave
Bismarck, ND 58503-1412

NORTH DAKOTA ASSOCIATION OF REALTORS® ND REALTOR®

Interview with the Candidates

The NDAR Executive Committee met in June and interviewed the following candidates to be presented to the membership to be elected to office at the September 17, 2015 meeting in Watertown: Lyn Dwyer (Fargo

Moorhead), President Elect and Ben Schroeder (Fargo Moorhead), and Lorrie Nantt (Badlands) for Vice President. Cindy Harvey (Minot) will automatically advance to the office of President.

Following are questions answered by each NDAR candidate for office. Please note an absentee ballot can be found on page 9 if you will not be present at the General Membership Meeting in Watertown.



Lyn Dwyer

Town & Country Realty
Fargo

For President



Lorrie Nantt

RE/MAX Integrity Realty
Dickinson

For Vice President



Ben Schroeder

Park Co. REALTORS®
Fargo

For Vice President

Please share why you have decided to submit your name to run for office to serve your peers & the real estate industry as a whole?

I have been involved in the Association, both locally and state-wide, for many, many years. The experience has always been rewarding and I have learned so much from others through my involvement. At one point a couple of years ago, I thought I was done. I considered pulling out of

_____ Dwyer continued to page 3

Please share why you have decided to submit your name to run for office to serve your peers & the real estate industry as a whole?

I have submitted my name because I care. I care about the future of the North Dakota Association of REALTORS®, the local boards, and about REALTORS®. I believe I cannot sit back and wait for other people to "handle" it. I believe we have a responsibility to make sure

_____ Nantt continued to page 3

Please share why you have decided to submit your name to run for office to serve your peers & the real estate industry as a whole?

It all starts with giving back, in my mind. The Real Estate industry and all of the amazing REALTORS® I have met over the years have given me and my family so much joy and pride that I want to do my part to assure we stay relevant, continue to grow, educate each other, and

_____ Schroeder continued to page 5

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President's Message

By Greg Larson , 2015 NDAR President



Stuff happens doesn't it? I'm having a reality check in August. On the 19th I qualify for Social Security, which means I should be mature and learned and full of wisdom and one to whom one would go to for sage advice. Yeah...not.

Just ask the 10 year old who just fixed my phone (well maybe 19). I lost my voice mail and it wasn't pretty but it will make my point.

NDAR, NAR and our local board offices are doing a great job keeping us up to date. The tech teams we have are nothing short of amazing. We have at our fingertips a literal buffet of help and education. At the June board meetings in Fargo, the "Appy Hour" was one of the highlights of the meetings according to many who attended.

I know as well that most of the local board offices have regular training at their meetings as well. They put out valuable information in easily digestible nuggets for us all. In Bismarck, the tech committee renamed themselves the "Cloud Crowd" so we fogies won't be intimidated by them. It is great to have such tech savvy members in the state. FMAAR has it going on as well. I'm looking forward to being there this month as well as in Minot.

Things don't stop there. All of our MLS systems are constantly upgrading, making our work easier. They provide statistics at the push of a button it would have taken us hours to gather just a couple of years ago. We've got tons of information that is exclusively ours to use with our clients or prospects. We can readily demonstrate why more people are using REALTORS® now that ever. WE ARE THE KNOW.

At the state level, we are looking into ways to make meetings easier to attend, we're going to come up with a class on how to list and sell properties on a phone or pad, we're working on getting a desk top reference guide for agents use and the list goes on. One of the big things we've had for a while now is the NDAR Tech Help Line. 1-866-432-3029.

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North Dakota Association of REALTORS®

318 West Apollo Avenue
Bismarck, ND 58503
701-355-1010
800-279-2361

Fax 866-665-1011

info@ndrealtors.com
www.ndrealtors.com

2015 Officers

President: Century 21 Morrison Realty
Greg Larson
201 W Front Ave.
Bismarck, ND 58504
701-223-6654
glarson@century21morrison.com

President Elect: Elite Real Estate
Cindy Harvey
615 S. Broadway
Minot, ND 58701
701-838-4040
cindyharveyrealtor@gmail.com

Vice President: Town & Country Realty
Lyn Dwyer
2521 S. University Dr.
Fargo, ND 58103
701-293-3333
Lyn.m.dwyer@gmail.com

Past President: Elite Real Estate
Vicki Roller
1501 N 12th St., Suite 7
Bismarck, ND 58501
701-220-3903
vickiroller@gmail.com

Director at Large: RE/MAX Integrity Realty
Lorrie Nantt
669 12th St. W
Dickinson, ND 58601
701-483-9851
lnantt@remax.net



Dwyer continued from page 1

committee work and coasting into the last several years of my career. Quickly I realized how silly that was! Not only was I not ready to be done, I was ready to step into the next phase of leadership, to continue to learn through involvement and hopefully to offer my years of experience for the good of the Association. So here I am, ready to skid sideways, exhausted, into the next years!

How (or why) did you get started in real estate?

I started in real estate as a new college graduate with an education degree who needed a job to pay the bills until a teaching position opened up. I found that job as the receptionist/administrative assistant in a real estate office. I quickly fell in love with the industry so when that teaching job was offered, I turned it down (much to the dismay of my patient parents) and have never looked back.

What previous leadership positions have you held either within the REALTOR® organization or outside of it?

I have chaired many committees in NDAR and FMAAR over the years. I am currently the Vice President of NDAR. I serve on the Minnesota Professional Standards Committee and have for the past eight years. I also serve on NAR's Business Issues Policy Committee.

Your strong points?

Probably strongest is my long and varied career in so many facets of the real estate industry. I've done everything from administrative to marketing to accounting to closings to property management to residential sales to sales management. In addition to that, I genuinely enjoy and get along with so many personalities, which has worked well for me in sales management and I expect it will in leadership as well.

What is your most memorable moment in your real estate career?

I had many memorable moments working with my investor clients, Dave and Dave, many years ago. They specialized in small income properties near colleges so we never knew what we'd find when we entered a property. In one case, however, the listing agent proved to be the most memorable. He had a tri-plex listed and needed to be present for all showings. From the moment we got there, all the way through three apartments plus the basement, he talked non-stop, pointing out every detail, every nuance, every flaw, every feature, every dust particle. There truly wasn't a chance for Dave and Dave to ask a question or frankly, to even think. Certainly not for me to offer any advice. We left the house, got into my car and as I started to ask them what they thought, Dave said, "No, Lyn, stop. Could we please just sit here in silence?" Wow, did we laugh! Maybe you had to be there, but it truly was one of the funniest moments of my career!

Your specific plans or ideas for NDAR?

I want to be sure that the member is getting the most bang for their buck from NDAR and focus on communication with the member on the street so that everyone is able to see and know what NDAR does for them.

Nantt continued from page 1

that our Association runs as smoothly as it can.

How (or why) did you get started in real estate?

I have always loved houses. Even as a little girl, I always wanted to go check out homes. When my dad died of cancer in 2007, I found myself in decision mode. He had always told us to do what we love – it's 99% of the job. So, I decided that I needed to do it. I have always worked customer service, so that part was a natural.

What previous leadership positions have you held either within the Realtor organization or outside of it?

I have been president of such boards as Dickinson United Way, Dickinson Women of Today, the Bowling association in Dickinson, etc. I also worked my way through the chairs at the Badlands Board of REALTORS® and currently am Past President after 2 years of Presidency. I have been/am chairperson for several committees within the REALTOR® organization and outside of it (strategic planning for Dickinson Catholic Schools).

Your strong points?

I care! I think that's the best. I am also a decision maker, and am not afraid to make them if need be.

What is your most memorable moment in your real estate career?

My first sale. It was first time homebuyers who were getting married the following weekend. We were all so happy we cried.

Your specific plans or ideas for NDAR?

I plan to continue with the work that is being done currently. I plan to keep our Strategic Plan alive and going so that all REALTORS® across the State know, not only what we stand for, but what we are here for. I don't have specific plans at this time, except that I believe we can be stronger in many areas (technology for example).

Anything additional you would like to share?

I thought long and hard prior to accepting the Director at Large position, as I knew that many times, the expectation is to run the chairs. I knew that if I accepted, I would try to go all the way. I am committed to this. I am committed to NDAR. I am committed to our REALTORS®. I want to thank everyone for the opportunity to serve you.

President's Message continued from page 2

The Tech Help Line is free, available to all REALTOR® members and covers nearly every topic you need. They can help you with hardware, software, access, security, upgrading...well you name it. They are just sitting there waiting for us to call. So why not? I should have called them about my phone.

NAR, RPR and realtor.com are also ready with more help and information than we can absorb. It is really amazing. Last night I browsed all the stuff we have available to us and was so blown away I had to walk away and watch a Big Bang rerun just to relax.

And there's the hook. It's all available to us but how many of us use it? I know I don't enough. When we meet, we say the REALTOR® Pledge and in there is a part that says "I pledge myself to seek better to represent my clients by building my knowledge and competence..." These days, that includes becoming more technologically competent. Social media is part of it for sure as are apps and the rest. So is learning the ins and outs of how to harvest the vast field of information that there is for us to better serve our clients.

We are faced with a client base that is becoming more and more knowledgeable by the day. Those of us that are on top of the tech curve today will have our skill base eroded within the year if we're not careful. Today more

than ever Ben Franklin's words are true "When we fail to pursue knowledge we fail to move forward."

That is my encouragement to all of us. We are REALTORS®. We are without question the best at what we do. We are the essential link in helping millions of people reach their "American Dream." We will continue to stay on top as long as we're willing to continue with our education and application. Please make it a priority.

After literally 3 hours in a phone store with a customer service rep and on the phone with a tech support person looking at why my voice mail disappeared, the answer jumped out. A young man who had a name badge that said "trainee" asked the question, "When was your last upgrade on the phone and what was it?" The answer? It was a voicemail upgrade, and while the upgrade was being done between 2 and 3 AM, the messages were forwarded to a computer number (*964 if you're curious) and when the upgrade was finished, the messages and answering messages never made it back to my phone. Two key strokes later and all was restored. The kid who was there to learn had the answer.

May we always be the kid who is there to learn.

I am a REALTOR® and I live by the code.




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Schroeder continued from page 1

remain successful. Not only now but for years to come. My technology background and education would bring a substantial amount of value to our State Association in a time where things change so quickly it can make your head spin. That's when I am at my best. My wife puts it best "I can tell when you're not working on a project because you get crabby around the house" Funny and true at the same time.

How (or why) did you get started in real estate?

I was at a point in my life where I wanted to be in charge of my own destiny, and the fact I had been flipping houses as a hobby for many years with pretty good success. I figured it's either now or never and from that point forward I have never looked back because I immediately knew I had found my true passion.

What previous leadership positions have you held either within the REALTOR® organization or outside of it?

Incoming President for FMAAR (2016), FMAAR Board of Directors, Technology Chair both NDAR and FMAAR, Member of FMAAR Governmental Affairs Committee,

helped coach my daughters' basketball team for the last 4 years, graduate of The Chamber of Commerce Leadership Institute and asked to be key speaker at the graduation ceremony. My previous career was corporate sales for the FedEx Corporation where I was a regular speaker at their Regional sales meetings educating my peers on sales strategies, market penetration/retention, empowering others, and how to be an expert in your industry.

Your strong points?

I would say goal driven is probably my strongest point. If I set a goal whether it's monthly, yearly, or even daily I post it everywhere (even the bathroom mirror) and stay focused until the goal is met. Another strong point was learned and reinforced to me daily by my mother. Compassion for others, as we never know what struggles or issues people are dealing with. Instead of jumping to conclusions, be compassionate as others may need your help. Growing up on our family farm my father also taught me many valuable lessons, the biggest being "There is no substitute for hard work" and I think for how simple of a statement that is, the depth of it is endless.

What is your most memorable moment in your real estate career?

The first time I was nominated for FMAAR REALTOR® of the Year. I had no idea it was coming and when I was notified it absolutely floored me. In this industry I think more than others we as REALTORS® want to feel like "we belong" and for me that was the first time I felt like I belonged in this industry.

Your specific plans or ideas for NDAR?

Simple, I have been a part of teams both locally and at the state level to educate our members in the ongoing technology advancements. Technology has become in my mind the most important part and key to us as REALTORS® staying relevant to not only our clients but the public in general. We need to stay aggressive and informed to all that is going in the technology world; from the tools we use as REALTORS®, to protecting our very important MLS data. I also feel we need to look at our NDAR brand as a whole. NDAR is one of the premier state associations in the country and we need to brand it accordingly. Not only will that reflect who we are and how we operate, but the overall perception would significantly increase NDAR meeting attendance, interest, and commitment from new members both young and old.

Anything additional you would like to share?

If given the opportunity to serve the members of NDAR as their VP, I will respect who we are and how we got here while setting the foundation for a successful future.



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Chips From The Board

Badlands

BOARD OF REALTORS®

Greetings from the western edge of our beautiful state! The Badlands Board of REALTORS® activities have slowed down a bit from the successful fundraising this spring, but we are looking forward to a successful RPAC campaign! Also, an event highly anticipated, is our REALTOR®, Rookie, and Affiliate of the Year Awards Luncheon in August. We have some fine nominees to select from.

One exciting event this summer has been the completion and acceptance of our first Core Standards for NAR. Another accomplishment of our Board is the complete overhaul of our Bylaws. Many hours were spent in making them more user-friendly and less cumbersome to read. NAR gave us their approval on the updated document July 2nd, so we will be in compliance with them for the 2016 Core Standards. The Bylaws will be voted on by members at the August luncheon.

The housing market has not slowed down this year despite the drop in oil activity. In fact, we have seen an increase in sold residential properties of 7.8%, compared to last year at this time.

We are excited about the Convention of the Dakotas in Watertown, South Dakota in September. See you all there!

Barb Lupo,
Association Executive

Bismarck-Mandan

BOARD OF REALTORS®

Over the last couple of months the Bismarck-Mandan Board has been involved in, and sponsored, several events and meetings:

- United Way Day of Caring – our group will set up a new elementary school's library on August 12.
- Held our second broker/manager meeting of the year.
- Participated in the joint golf tournament with the Home Builder's Association.
- Held CE Courses on Code of Ethics and Enforcing the Code.

- Was the featured guest on a radio show hosted by the development association.
- Preparing CRS Course information for the October class.
- Membership tipped the 360 mark.
- Held an informational lunch for members interested in running for Board and Officer seats.
- Average sale price for residential sales in the first six months is \$253,807, up 5% over last year.

Nancy Deichert,
Association Executive

Fargo-Moorhead Area

ASSOCIATION OF REALTORS®

FMAAR recently held an event at the Fargo Brewing Company, "What's Brewin with RPAC". Sponsors donated food for the grill and door prizes. FMAAR raised over \$10,000 towards Issue Mobilization contributions. Congrats to all involved!

Congratulations to FMAAR's REALTOR® of the Year Candidates – Scott Breidenbach, Kevin Fisher, Nick Olson, Gena Syvertson and Vivian Thingelstad! We will honor our REALTOR® of the Year, Distinguished Service Award recipient, Affiliate of the Year Award recipient, Jim Fay Award recipient as well as our 25-year members and REALTOR® Emeritus members at our Annual Awards Banquet to be held at the Ramada on August 18th. This is also our Annual Meeting and our annual election of officers will be conducted. We look forward to President Greg and Jill visiting as our honored guests.

Our 26th Annual Golf Outing will be held on August 3rd at the Meadows in Moorhead. This is always a fun event and one members look forward to. For more information on this or any of our events, please visit fmrealtor.com.

Recently FMAAR and the Wahpeton-Breckenridge Board of REALTORS® reached an Agreement and will be merging our two Associations in the very near future. The Wahpeton-Breckenridge members will join FMAAR and will continue to operate their own MLS as a Committee of FMAAR's MLS. We are very much looking forward to working together and welcome the Wahpeton-Breckenridge members!

Please join FMAAR in supporting Dewey Uhlir for NAR Region 8 Regional Vice President for 2018. If you are attending the NAR Convention in San Diego, please plan to stay through Sunday night so that you may attend the Caucus Meetings and VOTE FOR DEWEY!

Marti Kaiser,
Executive Vice President

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Chips continued from page 6

Grand Forks Area Association of REALTORS®

Summer weather is finally here. Just like the weather, the market in the Grand Forks area is HOT. As compared to 2014, the number of sold units is up by 10% and total sales volume is up by 15%. Days on market is 5 days longer, which could be due to a few listings selling that had been on the market for over a year. Inventory is still tight, but it seems to be loosening up a little. This could be a record year if things progress as expected.

At our May Membership meeting we welcomed Pat Jergenson from the ND Real Estate Commission. Thanks for taking time out of your schedule and bringing us great information.

Early in June our Financial Committee put on a presentation to our members concerning the new TRID requirements. Big thanks to Ann-Marie Morrow, Sue Hildremyr, and Shea Gaier for all the great information.

Also in June we held our Annual Golf Tournament and Barbeque at Valley Golf Course in East Grand Forks.



Weather was wonderful and a great time was had by all. Our event was successful thanks to our Affiliate sponsors, Committee Chair Sharon Bredemeier and the rest of the Program Committee. We changed the tournament up this year and had a record number of golfers. After the golf tournament we had our annual RPAC Raffle. Sharon Lunski and the rest of the RPAC did a great job as this year's raffle was very successful.



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In July we had our "Stars of 2015" Honors Luncheon. Most Outstanding Rookie winner was Nicole Fournier. Affiliate of the Year winner was Ann-Marie Morrow. 2015 Local Superstar winner was Phil Vanyo, and the 2015 REALTOR® of the Year winner was Lynda Hartmann. Congratulations to all the fine nominees!!

John Colter,
Association Executive

Did You Know?

By Jill Beck



Jill Beck,
NDAR CEO

Hope you all have been able to enjoy the summer and take advantage of some downtime with family and friends.

As many of you are aware, in May of 2014 the NAR BOARD of Directors passed an initiative called the Core Standards that each board needed to comply with and meet by June 30, 2015 in order to retain their charter and to continue functioning as a board/association of REALTORS®. The premise behind it was that all members deserve the same minimum standards no matter what size the board. State ASSOCIATIONS also had to comply.

The standards fell into seven categories:

1. Code of Ethics
2. Advocacy
3. Consumer Outreach
4. Unification Efforts and Support of the REALTOR® Organization
5. Technology
6. Financial Solvency

Within each of these standards were numerous items that needed to be met that included having an interactive website, promoting calls to action, news releases on statistics and activities of the board, financial review or audit, electronic communication with members, involvement in the community, financial policies and the big one...a Strat Plan. Each local board now has a Strat Plan to guide them into the future and it needs to be reviewed each year and updated as needed. Grants were available from NAR to hire certified consultants to help with the creation of the plan.

The process was easily attainable for several of the bigger boards in the state which were already doing many of the requirements but the others had to work hard to come into

compliance. Through several meetings with leadership, members and at times with NDAR staff and leadership, several boards had to really examine where they are. The Wahpeton-Breckenridge Association found they were too small to maintain the standards on-going and are in the process of dissolving and joining the Fargo Moorhead Area Association while still maintaining a separate MLS. The Williston Board, after hiring a consultant to help them, realized they could not do it alone and requested that NDAR manage their board. The agreement is for two years and will be re-evaluated.

As of this writing we will be down to seven boards in the state, six of which have been certified as meeting the standards and one which has until July 30 to meet the deficiencies. Leadership and staff are very proud of the work that each board's staff and leadership put into this. While many of the benefits will not be seen this year, they will be in the near future as the intent is to raise the bar for REALTOR® Associations and ensure high quality service for REALTORS®.

What's next with this initiative is that each local board and state association will have to certify compliance with the standard by June 30 of each subsequent year or be subject to revocation of their charter.

In closing I want to thank each of you for the opportunity to work in different positions with the NDAR for 25 years. The gift that each local board/association contributed to was truly appreciated and a great surprise at our Board of Directors meeting – it's not too often I don't know what is happening at our meetings, but this was one of them! A requirement with the gift is that I use it for some personal pampering and rest, so we will see what this winter brings around for a vacation. Thank you also to all the leadership teams and 26 Presidents I have worked with over the years as well as to the 8 Presidents I have worked closely with in the last eight years as the CEO.

I love our REALTOR® Family and I know many industries don't understand how you are all in competition yet can work so well together to further the Association or to help a member in need. We know why...it is because we are a very caring profession and want to further that professionalism.

Keep up the great work to make our boards and associations functioning so well and make sure to make some time to enjoy our summer as we know what is coming not too far down the road.

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OFFICIAL NOTICE OF MEETING

ALL REALTOR® members of the NDAR are hereby notified of the Annual General Membership Meeting as follows: Thursday, September 17, 2015 – Best Western Ramkota Inn, Watertown, SD

ELECTION OF OFFICERS

The Election

The election of officers and directors shall be held at the Annual Membership Meeting of the Association. Date: Thursday, September 17, 2015; Time: 2:15 pm; Place: Room TBD, Best Western Ramkota Inn, Watertown, SD

ARTICLE VIII. Section 1. Nominations Task Force

The Task Force shall nominate at least one candidate for each office and position on the Board of Directors, which is filled by election of the membership. Additional candidates, who must be members in good standing, may be placed into nominations by submitting a nominating petition, provided by the Association that contains signatures of at least 50 members in good standing. Such petitions must be received at the Association office no later than 45 days before the election.

Nominations by the Nominating Committee and by petitions shall be disseminated to the general membership at least 30 days prior to the election. The election is held during the Annual Membership Meeting of the Association.

As the need should arise, the Task Force shall additionally nominate candidates for the position of Director to the National Association of REALTORS®.

ARTICLE VI. Section 1. Annual Membership Meeting

The Association shall have an Annual Membership Meeting for its Members in the month of September at a time and place as has been designated by the Board of Directors. The meeting will always be held in conjunction with the Annual Convention of the Association. Members, as listed in Article II, Section 1, B, C, and D, and who are considered to be in good standing per Article III, Section 3, are entitled to fully participate and vote on all matters which come before the Annual Membership Meeting without any further restriction as to qualifications.

Section I(A). Voting procedures for REALTOR® Members. Voting in Person

REALTOR® and REALTOR® Associate members who are present at the annual or special membership meeting and who are members in good standing (Article III Section 3) shall be entitled to vote at such meetings.

Absentee Voting

REALTORS® and REALTOR® Associates who are members in good standing (Article III, Section 3) and who are not present at the annual or special membership meeting may vote by absentee ballot. Absentee ballots will be published to members by the Association with descriptions of the substance of any proposals at least 30 days prior to a membership meeting.

Section I(B). Absentee Ballots

Absentee ballots must be received by the Association office 10 days prior to the annual membership meeting.

2015 ABSENTEE VOTING BALLOT

Any REALTOR® member who will not be able to attend the General Membership Meeting on September 17, 2015 at 2:15 pm at the Best Western Ramkota, Watertown, SD may vote by Absentee Ballot. A vote on these candidates is scheduled at this time. ALL ABSENTEE BALLOTS MUST BE RECEIVED AT THE NDAR OFFICE NO LATER THAN SEPTEMBER 7, 2015

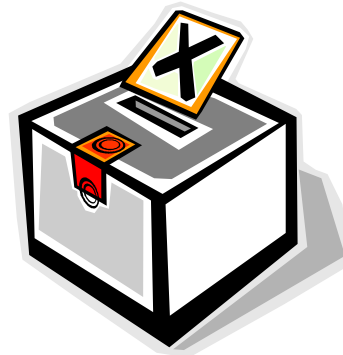
NDAR Election of Officers:

The Nominating Committee places in nomination the following REALTORS®:

For President: [] Cindy Harvey (automatically advances to President via last year's election)

For President Elect: [] Lyn Dwyer

For Vice President: (Vote for 1) [] Ben Schroeder [] Lorrie Nantt



I hereby certify that I am a REALTOR® in good standing.

Print Name Local Board Signature Date

Ballots must be received at the NDAR Office no later than September 7, 2015.

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A Legal Review

By Casey Chapman



Casey Chapman,
Attorney at Law,
NDAR Legal Council

Remember You Are Independent

From time to time, real estate brokers and agents alike remind themselves that agents operate under the concept of an independent contract.

In the legal world, the status, which stands opposite independent contracting, is employment, i.e., is this worker an independent contractor or an employee? The classic legal test, in making the distinction, is whether the worker's supervisor has the right to control the details of the work. Thus, if someone has the right to control the details of the worker's tasks, the worker is probably an employee. If the worker is expected to achieve a final result, but if the worker has the right to determine the method by which that result is achieved, free from any substantial control by another, the person is probably an independent contractor. One example of an independent contractor would be the plumber, whom you call to your house when you have a plumbing problem. You ask the plumber to fix the problem, but you do not have the right to tell the plumber how to do the work; thus, the plumber is an independent contractor. When you pay the plumber for work performed, you are not concerned about withholding tax, or with paying premiums for workers compensation or unemployment.

Traditionally, in real estate brokerages, this distinction has been honored by the fact that, as an example, sales meetings are considered beneficial but not mandatory, real estate brokers monitor and guide the actions of agents but do not specifically control every facet of the agent's sales activities, and real estate agents do not punch a time clock. Further, if a broker follows the IRS guidelines, there will be a written independent contract between the agent and the broker.

For years, that traditional system has worked very well, and, for years, brokers and agents have pointed to their ability, via independent contracting, to avoid the obligations and issues surrounding tax withholding, unemployment premiums, and worker compensation premiums. However, a recent court case reminds us that there are more potential issues, surrounding the distinction between employment and independent contracting, than the avoidance of tax withholding and government premiums.

In a recent court case in Massachusetts, several licensed agents brought a claim against their former broker. However, their concern was neither tax withholding nor government premiums. Instead, the former agents claimed that, because they should have been classified as employees, rather than as independent contractors, they were entitled to the protections of the minimum wage and overtime regulations.

These former agents were compensated, during their tenure with the broker, via commissions based on sales. However, the former agents pointed out that they were required to spend a certain amount of time in the office answering the phone, to undergo specific training, to

A Legal Review continued to page 11

Your support is greatly appreciated in my candidacy for 2018 Region 8 Vice President!

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A Legal Review continued from page 10

follow a dress code, and to be disciplined if they failed to meet their productivity targets. Thus, the former agents claimed that they should have been paid a minimum wage and should have been compensated for overtime.

In a decision issued in early June 2015, an appeals court in Massachusetts concluded that these former agents should remain classified as independent contractors, not as employees. The court noted that brokers, by law, are required to supervise the activities of an agent. However, the court also concluded that a broker, who complies with the duty of supervision, should not thereby lose the ability to maintain an independent contract with an agent.

In Massachusetts, as in North Dakota, only brokers can receive a commission, and agents are required to be affiliated with the broker. The court in Massachusetts concluded that these statutory requirements provided a sufficient basis to allow the courts to find that real estate agents can be independent contractors, in spite of supervision by the broker.

This court decision from Massachusetts should not be interpreted, however, to encourage North Dakota brokers to start exercising absolute control over the actions of their agents. Those traditional concepts regarding

meetings, working hours, and the like, should still be honored, with the understanding that there will always be a need to respect the fine line between the broker's obligation of supervision and an excessive application of the right to control the agent's work. That Massachusetts broker, for whatever reason, decided to increase its supervision to the borders of that fine line; the court still allowed the broker to claim an independent contractor status, but the broker was "punished" through the cost and strain of a legal proceeding.


Instead, this court case should be read as an endorsement of the time-honored concept of independent contracting in real estate agency. In order to avoid trouble, think "supervision," not "control."




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Spare Key Helps Families In Crisis

When Spare Key, www.sparekey.org, was founded in 1997 by Robb and Patsy Keech, its goal was simple: Help children with critical illness and serious injury by making a housing grant on behalf of their families.

First-time parents, Robb and Patsy, experienced first-hand the nightmare that comes when finding out that their healthy baby boy, Derian, was in fact facing a life threatening heart condition.

Within hours of his birth he was being wheeled into the emergency room for his first of what would be many major surgeries on his little heart.

As the hospital stays became longer and more frequent, Robb and Patsy were concerned they might fall behind on their housing payments and lose their home. With both parents having to make the choice between going back to work or being with Derian they were blessed to find their friends and family stepping up to make sure they never missed a housing payment.

When Derian earned his "Angel Wings" at the age of 2 ½ years old, Robb and Patsy wanted to do something that would pay it forward and create a living legacy to their son.

Not long after, they created Spare Key. Since doing so, the organization has served over 2,800 critically ill or seriously injured children by making more than \$2.8 million in housing grants on behalf of their families.

In 2013, Spare Key expanded to North Dakota and South Dakota where the need for its services continues to grow every year. Thanks to the generosity of REALTORS® throughout South Dakota and North Dakota, Spare Key has been able to raise tens of thousands of dollars to help families "Bounce and not Break."

At the 2014 REALTOR® Convention of the Dakotas, generous REALTORS® raised nearly \$10,000 to help support Spare Key's expansion – and to match a generous grant from the Otto Bremer Foundation.



Spare Key is excited to be attending the 2015 REALTOR® Convention of the Dakotas where it hopes to update members on the progress of the organization's growth in both North Dakota and South Dakota.

One initiative Spare Key will talk about is the Spare Key Ambassador Program.

This unique and innovative program can be an important marketing tool for REALTORS® as well as a great way to give back and help families in our community.

The Spare Key Ambassador Program allows REALTORS® to make a donation of any size on each transaction they close. Many REALTORS® in the Ambassador Program tell their prospective customers that by doing business with them they will make a donation to Spare Key in their name to help families in their community.

Spare Key, in turn, will promote the REALTORS® participation by sending a press release to local media, making sure that beneficiary families are aware of the donation by the REALTORS® and confirm to the customer that the donation was made on their behalf and in their name to Spare Key.

It's a "win-win" for Spare Key and REALTORS®.

Spare Key receives important funds to continue to grow its mission in North and South Dakota.

REALTORS® are able to give back and be recognized for their important commitment to the community.

You will have an opportunity to learn more about how you and your Agency can be involved with this great program. In the meantime, if you have any questions, feel free to contact Mary Peszek at Spare Key at Mary@sparekey.org or by phone at 952-406-8872.



From the North Dakota Real Estate Commission

** Beginning this year – with the approval of the proposed Administrative Rules - the continuing education cycle will be from November 16th of each year to November 15th of the following year.

** License renewals will be due on November 15th of each year. We have coordinated with RISC insurance and they will be mailing the E&O insurance forms to you late August or early September.

** The new continuing education deadline will be here before you know it. Do not wait until the last minute! You will need to complete 9 hours of continuing education by November 15, 2015 to renew your license for 2016. 6 hours are elective and 3 hours of mandatory continuing education in personal safety.

** Effective April 1, 2015 any applicant for licensure with the North Dakota Real Estate Commission or a licensee whose licensure is subject to investigation by the Commission shall be subject to a statewide and nationwide criminal history record check. This will extend the license application process an additional 2 to 3 weeks.

NEWS FLASH!

Save the Date!

NDAR will be offering year end education on October 20-21 in Bismarck with 9 CE hours available. Topics will include a Broker Class, Code of Ethics, and Personal Safety presented by the Safety Council (which will cover the mandatory topic for 2015).

Class information & registration will be available soon.



2015 REALTOR® RING Day

**Save
the
Date**



Friday, December 4



2015-2016 Interim Studies Begin

Government Affairs Update
Nancy R. Willis, GAD

Legislative Committees will study the following topics during the 2015-16 Interim. Some of the studies were mandated under legislation passed in the 2015 Legislative Session and others were optional and were selected by Legislative Management. Out of 44 studies approved, 16 were required and the remaining 28 were selected. Those of interest to us and their assigned committees are highlighted. Committees began work starting July 20, 2015.

Agriculture

- (Required) Study of Century Code to eliminate provisions related to agriculture that are irrelevant or duplicative or that need clarification or should be re-arranged in a logical order (*Agriculture and Natural Resources Committee*)

Business

- Study required motor vehicle insurance
- Study issues related to employment restrictions in public assistance programs

Economic Impact

- Study issues related to the development of a civilian ground center related to the deployment of unmanned aerial vehicles (UAVs)
- Study the oil and gas tax revenue allocation formulas (*Energy Development and Transmission Committee*)

Education

- (Required) Study content standards and assessments for grades K-12
- Study the nature and scope of career and technical education available to students in ND
- Study the use of seclusion and restraint procedures in schools

Elections

- Study voter registration and policies to implement a voter registration system

- Study verification of citizenship status for the purpose of voting, including absentee and mail ballot voting

Energy & Transmission

- Study one-call excavation notice (*Economic Impact Committee*)
- Study the provision of natural gas service to underserved communities (*Economic Impact Committee*)
- Study the impact and costs of federal EPA regulations on carbon dioxide emissions for new and existing electric generation units

Government Finance

- (Required) Study statutory and regulatory requirements placed on ND government agencies by federal agencies as a condition for receipt of federal funds
- (Required) Study the functions of the Budget Section and review its ability to authorize financial decisions, including approval of FTEs, University System projects and project scope changes
- Study state contributions for state employee health insurance premiums, including setting a maximum contribution

Government Services

- Study the feasibility of placing the Upper Great Plains Transportation Institute under the administrative authority of DOT

Health Care Reform

- (Required) Study the proposed and final federal rules issued by HHS related to the essential health benefits under the federal Affordable Care Act
- Continue studying the needs and challenges of the ND healthcare delivery system

Health Services

- Study the feasibility and desirability of UND acquiring the building that houses the UND forensic pathology center

Interim Studies continued to page 15

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www.JimMcCreary.com
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Fargo, ND 58103



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Real Estate Professionals
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Cell: 701.290.2283
823 State Avenue Suite D
Dickinson, ND 58601
shirleydukart@homeandlandcompany.com



Interim Studies continued from page 14

- Continue studying improvement of death investigation systems in the state
- Continue studying the provision of dental services in the state

Higher Education

- Study the delivery methods of higher education courses offered by higher education institutions
- Study the missions of all two-year institutions and the missions of any other institutions under the control of the State Board of Higher Education
- Study the administrative costs at institutions under the control of the State Board of Higher Education
- Study ND higher public education for the purpose of developing and implementing a governance model that articulates the role of the State Board of Higher Education and its Chairman and of the Commissioner of Higher Education

Human Services

- Study family caregiver supports and services
- Study behavioral health needs of youth and adults to include access, availability and delivery of services

Incarceration

- (Required) Creation of an Incarceration Issues Committee to study pretrial services, sentencing alternatives, treatment options and other related issues
- (Required) Study justice reinvestment reforms Must include representatives from the executive and judicial branches.

Justice

- Study the registration requirements for sexual offenders and offenders against children

Natural Resources

- Study whether or not ND Game and Fish should provide licenses to entities for fundraising purposes

Political Subdivisions

- (Required) Conduct a study to develop a proposed transition plan for transferring the

costs of operating social services programs from county property tax levies to state general fund appropriations (*Political Subdivision Taxation Committee*)

Taxation

- (Required) Study current oil and gas recovery and enhanced recovery techniques to evaluate existing and alternative tax incentives (*Taxation Committee*)
- (Required) Study the oil extraction tax exemption for incremental production from a tertiary recovery project that uses carbon dioxide
- (Required) Study the analysis of economic development incentives (*Political Subdivision Taxation Committee*)
- Study sales and use taxation application for purchases by contractors on behalf of an exempt entity

Transportation

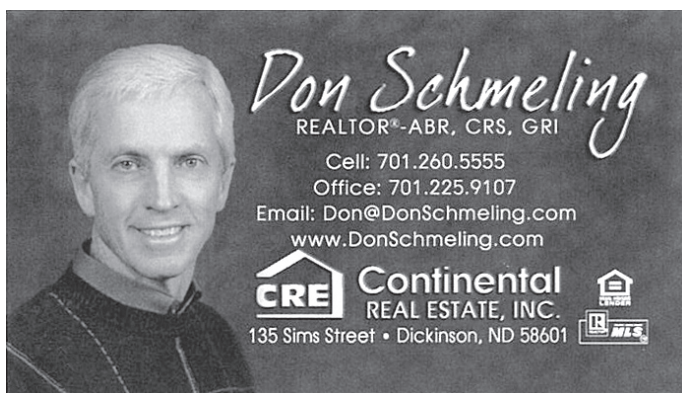
- (Required) Study truck size and weight provisions to ensure ND is in harmony with the Western States Transportation Alliance
- (Required) Study truck permitting systems in oil and gas producing counties
- Study special transportation funding distributions to political subdivisions (*Transportation Committee*)

Tribal

- Study the feasibility and desirability of funding Indian veterans' service representatives to provide equivalent services as county veterans' services officers

Water (*Water Topics Overview Committee*)

- (Required) Assign to the Water Topics Overview Committee the responsibility of studying the use of quick take in eminent domain by water resource districts
- (Required) Study options available for providing a sustainable water supply to central and eastern ND
- Study the impact on owners of land inundated by rising waters in Devils Lake and Stump Lake



Don Schmeling
REALTOR®-ABR, CRS, GRI
Cell: 701.260.5555
Office: 701.225.9107
Email: Don@DonSchmeling.com
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Website: www.ndappraiserboard.org / E-mail: jcampbell@bis.midco.net

NOTEWORTHY NEWS JULY 2015

Dave Lanpher elected as Board Chair:

The ND Appraiser Board elected new leadership at its June 8, 2015 board meeting. After serving almost four years on the Board, Dave Lanpher was elected as Chair, replacing Joe Ibach. Dave was appointed as public member to the Board in October of 2011. Dave is a Realtor and Broker Associate at Park Company Realtors, in Fargo. Thank you, Dave, for accepting the position as Board Chair.

Joe has served on the Board since 1993 and has held the position of Board Chair since 1996. The current Board and Staff would like to thank Joe for his 19 years of commitment in the leadership role.

Kathy Maier Reappointed to the Board:

Governor Dalrymple has reappointed Ms. Kathy Maier to serve another term on the ND Appraiser Board. Kathy is a Certified Residential Appraiser and owner of Maier Appraisal & Consulting, LLC. She provides real estate appraisal service to the Bismarck/Mandan community and outlying areas. Kathy represents one of the three appraiser members on the Board. Her term is a five-year term, ending June 30, 2020. Thank you, Kathy, for your willingness to serve another term on the Board.

The next Board member term to expire is appraiser member Joe Ibach on June 30, 2016. Mr. Ibach will not be eligible for reappointment for another term until two years have passed.

If you are considering making application for an appointment to the Appraiser Board, you are encouraged to attend the ND Appraiser Board meetings to grasp a better understanding of how the Board works and the time commitment involved in serving on a Board. All Board meetings are "open meetings", online conference call meetings inclusive.

Scheduled Upcoming Appraiser Board Meeting dates:

7/31: Teleconference Call

Agenda:

-Roll Call/Introductions

-Applicant for Certified General

Kim Vachal

9/21: Board meeting - Bismarck

11/30: Board meeting- Fargo

Upcoming Board Sponsored Education:

The Board is working with Craig Steinley to bring in the following education:

- Supervisory/Trainee course (required for all apprentice applicants and new supervisors)
- 2016-2017 7-hour National USPAP Update (December 2015-two locations: Fargo & Bismarck)

Closing Process Changes (RESPA/TILA) Pushed Back to Oct. 3

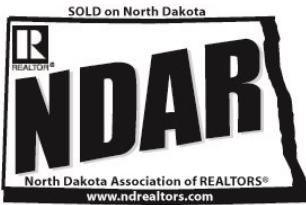
The Consumer Financial Protection Bureau (CFPB) has announced that new closing forms and procedures now will take effect Oct. 3. The date gives lenders, title agents and real estate professionals an additional two months to prepare for the changes, which originally were scheduled to take effect Aug. 1.

For more than 30 years, Federal law has required lenders to provide two different disclosure forms to consumers applying for a mortgage. The law also generally has required the two different forms at or shortly before closing on the loan. Two Federal agencies developed these forms separately, under two Federal laws: the Truth in Lending Act (TILA) and the Real Estate Settlement Procedures Act of 1974 (RESPA).

The Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act) established the Consumer Financial Protection Bureau (CFPB) and, among other activities, directed the CFPB to integrate the mortgage loan disclosures under TILA and RESPA Sections 4 and 5. The Good Faith Estimate (GFE)

and the initial Truth-in-Lending disclosure have been combined into a new form the Loan Estimate. The HUD-1 and final Truth-in Lending disclosure have been combined into another new form, the Closing Disclosure. The new rule requires that the Closing Disclosure be provided to consumers at least three business days before consummation of the loan

The regulation that takes effect on October 3, called the TILA-RESPA rule, provides samples of the forms and provides a detailed explanation of how the forms should be filled out and used. The rule applies to most closed-end consumer mortgages, but does not apply to home equity lines of credit (HELOCs), reverse mortgages, or mortgages secured by a mobile home or by a dwelling that is not attached to real property. The final rule also does not apply to loans made by persons who are not considered "creditors."



Calendar of Events

Updated 07/17/15

2015

- Aug 10-11** NAR Leadership Summit, Chicago, IL
- Sept 16-18** REALTOR® Convention of the Dakotas, Watertown, SD
- Oct 13** Leadership Summit Bismarck, ND
- Oct 20-21** End of Year Education, Bismarck, ND
- Oct TBA** NDAR Board & Committee Mtgs
- Nov 11-16** NAR Convention San Diego, CA

2016

- Feb 16-17** ND Housing Conference
- Mar 11-14** AE Institute, San Antonio, TX
- May 9-14** NAR Midyear Mtgs, Washington, DC
- Aug 22-23** NAR Leadership Summit, Chicago, IL
- Sept 14-16** REALTOR® Convention of the Dakotas, Fargo, ND
- Nov 2-7** NAR Convention, Orlando, FL

2017

- Feb 6-8** NDAR Meetings & Leg Impact Day
- Feb 7-8** ND Housing Conference
- Mar 17-20** AE Institute, Denver, CO

2018

2015

January	February	March	April
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RPAC Corner



Larry Louser,
Preferred Minot Real Estate
RPAC Trustee

NAR Approves North Dakota REALTORS® for Emeritus Status

The Board of Directors of the National Association of REALTORS® approved six North Dakota members for Emeritus Status during the REALTORS® Legislative Meetings and Trade Expo in May. Last November at the NAR Convention in New Orleans there were four North Dakota members recognized. The following individuals have received the honor of Emeritus Status for having been active members of the REALTOR® family for forty plus years: Charles Huber, Bismarck Mandan; Ron Volk, Bismarck Mandan; Jack Kavaney, Bismarck Mandan; Norman Streifel, Williston; Neil Graf, Fargo Moorhead; Al Jaeger, Fargo Moorhead; Jerry Nelson, Fargo Moorhead; Mark Nelson, Fargo Moorhead; Vernon Pederson, Fargo Moorhead, and Kris Sheridan, Fargo Moorhead.

To see others awarded the Emeritus status please visit the NDAR website - www.ndrealtors.com - and click on the Information Button/Member Info/Emeritus

Why invest in RPAC? Good question.

The response is that your investment in RPAC helps elect people to office. RPAC does not buy votes. RPAC gives us elected officials' ears. But we must take advantage of having their ears, by informing them of our issues and our view on these issues. Just as NAR and NDAR keep us posted on issues of importance to REALTORS®, we must in turn pass that information on to our elected officials. One way we do this is by responding to Calls for Action.

As food for thought -- some of you may be thinking of running for an elected position. What better way to get our views known! NDAR trustees will support REALTORS® in good standing running for office with RPAC contributions. That's a good way to get a return on investment of our RPAC dollars.



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20,000 REALTORS® and guests

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San Diego is the perfect destination for a working vacation, combining blue skies, a majestic coastline and mild temperatures with world-class attractions, unique restaurants and exciting nightlife. A variety of NAR-organized tours are available to local sites and destinations. Plus, hotel rates start at \$149/night, and there are airline discounts for attendees.

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2015 REALTOR® Convention of the Dakotas
“REALTORS® the Crystal Clear Choice”
Tentative Schedule

TUESDAY, SEPTEMBER 15, 2015

SDAR Executive Committee Meeting	TBD
Registration	3:00 p.m. - 8:00 p.m.
Trade Show/Vendor Set-Up	3:00 p.m. - 8:00 p.m.
*Flight Tasting by Riedel, Redlin Art Center (Transportation provided; Convention Name Badge is Entry; Dress Code – Business Casual No Jeans or Shorts)	6:30 p.m.

WEDNESDAY, SEPTEMBER 16, 2015

CRS Breakfast (<i>Prior R.S.V.P. Required</i>)	7:15 a.m.-8:15 a.m.
Registration	8:00 a.m.-6:00 p.m.
CE Session - <i>“Time Management for Busy People”</i> **Dakota CRS Chapter Course; Instructor: Adorna Carroll – CE Pending	8:30 a.m.-11:30 a.m.
Trade Show Vendor Set-Up	8:00 a.m.-9:00 a.m.
Trade Show Open	9:00 a.m.-6:00 p.m.
Registration and Lunch for registered golfers ***Golf Tournament @ Prairie Winds Golf Course	11:30 a.m.-12:30 p.m.
CE Session - <i>“Safety & Self Defense Seminar”</i> REALTOR® Safety Course Instructor: Rich & Beret Ohm – CE: 3 Hrs. Req. CE	1 p.m. Shotgun Start 1:30 p.m.-4:30 p.m.
Ice Breaker Reception <i>Featuring “Orange Whip”</i>	6:00-8:00 p.m. 9:00-11:00 p.m.

THURSDAY, SEPTEMBER 17, 2015

Continental Breakfast	7:30-8:30 a.m.
Registration & Trade Show Open	8:00 a.m.-Noon
CE Session - <i>“Shift Happens”</i> Instructor: Adorna Carroll – CE Pending	8:30-11:30 a.m.
CE Session - <i>“Sellers... What they Need, Want, Expect and Pay For”</i> Instructor: Chuck Bode – CE Pending	8:30-11:30 a.m.
REALTOR® of the Year Lunch	Noon-2 p.m.
Trade Show Open	2:00-6:00 p.m.
North Dakota Board of Directors and Membership Meeting	2:15-4:30 p.m.
South Dakota Board of Directors and Membership Meeting	2:15-4:30 p.m.
RPAC Reception – (Invitation Only; Minimum Investment of \$99) (Transportation provided to Elks Club, 600 W Kemp in Watertown; Convention Name Badge is Entry)	5:00–6:30 p.m.
Installation Banquet	7:00-9:00 p.m.
Live Music with <i>“Debbie Duncan & the Big Band”</i>	9:00-12:00 p.m.

FRIDAY, SEPTEMBER 18, 2015

Breakfast/Prize drawings and Vendor prizes	8:00-9:00 a.m.
CE Session - <i>“Negotiations and Pricing”</i> Instructor: Chuck Bode - CE Pending	9:15 a.m.-12:15 p.m.

- * Flight Tasting by Riedel - Optional event with Separate Registration and Fee Required
- **Dakota CRS Chapter Education: Members Free/Non-Members \$40
- ***Golf – Separate fee and Pre-Registration Required

2015 CONVENTION REGISTRATION INFORMATION

REALTORS® . . .

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September 16 - 18, 2015

REGISTRANT INFORMATION



CONVENTION HEADQUARTERS

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(reserved for BOD / Sold Out)

Hotels Available with Convention Rates

Quality Inn & Suites, I-29, (866) 460-7456
Holiday Inn Express, I-29 & 212, (800) 465-4329
Country Inn & Suites, I-29 & 212, (800) 456-4000
Hampton Inn & Suites, I-29 & US 212,
(605) 878-1800

More hotels with Convention rate available upon request



ADORNA CARROLL,
DSA, ABR/M, SRS, CRB, RI, SRES,
SFR, PMN, ePRO

Adorna is an Owner/Partner of Dynamic Directions and is also one of the owners of Realty3 Inc. She is considered one of the most effective facilitators of Leadership

Training, Bylaw Revision Facilitation and Strategic Planning for MLSs, companies and real estate associations in the US and Canada.



CHUCK BODE, CRS

REALTOR®, a former high school teacher and coach Chuck Bode has a rare blend of humor, real world experience and passion for the real estate industry. He is a featured speaker at many state conventions, NAR's National Convention, private compa-

ny programs and CRS sales rallies.

Debbie Duncan & The Big Band



**TUESDAY
SEPT. 15TH
EVENING
EVENT
120 PERSON LIMIT**

"Flight Tasting by Riedel"
@
The Redlin Art Center Pavilion

Date of Registration _____
Name _____
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Registration Fees - Full registration includes all convention activities and education except the Tuesday night event "Flight Tasting by Riedel", Golf, and Dakota CRS Chapter Education.

REALTOR® / Assn. Staff Early Bird Registration (ends July 31, 2015)	\$170 _____
REALTOR® / Assn. Staff Registration (After July 31, 2015 thru Sept. 11, 2015)	\$215 _____
Licensee Non-Member Registration Fee (ends July 31, 2015)	\$210 _____
Licensee Non-Member Registration Fee (After July 31, 2015 thru Sept. 11, 2015)	\$255 _____
Non-Licensed Spouse/Guest	\$100 _____
Total	\$ _____

Members registered for convention are eligible to register for the events below:

- ◆ "Flight Tasting by Riedel" - see separate registration form** (120 person limit)
- ◆ Golf - see separate registration form**
- ◆ Additional Registrants (affiliates/vendors/sponsors) - see separate registration form**

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Refund Policy: With a written cancellation before or by close of business on July 31, 2015, the Northeast SD Association of REALTORS® will refund your registration fee minus \$40.00 administrative processing fee. After July 31, 2015, one-half of the registration fee will be refunded. No refunds available after August 15, 2015. No shows will not be refunded. All refund requests will be processed following the convention.

**Price not included in registration fee and requires completion of separate form

Housing Incentive Fund Under Way

Affordable Housing Developments in Need of Contributions

BISMARCK, ND – The North Dakota Housing Incentive Fund (HIF) is well underway with 24 housing projects given conditional commitments of funds, but contributions from taxpayers are needed to move them forward.

HIF relies on taxpayer support to provide low-cost financing to developers of affordable multifamily housing. The projects, located across the state, will split \$34.7 million leveraging \$181.5 million in development costs and creating 985 housing units of which 285 are targeted to households that provide essential community services. Approximately one-third of the developments will provide housing for special needs households including disabled, homeless and elderly individuals and families.

"We look forward to hearing from more of our past contributors and encourage new businesses and individuals to support the Housing Incentive Fund so we can get these important projects completed," said Jolene Kline, NDHFA executive director.

NDHFA began accepting contributions into the fund on July 1. In order to be able to honor its financial commitments, the agency must fully capitalize the fund, raising \$30 million by Dec. 31, 2016.

In addition to the \$30 million in tax credit authority given to NDHFA by the state legislature during the 2015 session, the agency also received \$5 million from

profits earned by Bank of North Dakota. NDHFA will receive another \$5 million from BND contingent upon the bank earning \$130 million in profits during calendar year 2015. NDHFA will hold another application round when additional program funding becomes available.

HIF contributions can be targeted to a specific project or designated for general use in a community or region. Individuals and businesses that contribute to HIF receive a dollar-for-dollar state tax credit.

More information on HIF is available online at www.ndhousingincentivefund.org or by contacting NDHFA at (800) 292-8621 or hfainfo@nd.gov.

The Industrial Commission, consisting of Governor Jack Dalrymple as chairman, Agriculture Commissioner Doug Goehring and Attorney General Wayne Stenehjem, oversees North Dakota Housing Finance Agency, the fund administrator.

NDHFA is a self-supporting state agency that finances the creation and rehabilitation of affordable housing across North Dakota.



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RITA SCHUSTER

REALTOR® CRS, GRI
Res: 701-772-0027
Cellular: 701-739-0405
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