



BEE SAVVY

There's a New Sheriff In Town – Understanding the Job of Manager or Broker

Course Overview: What will we cover today and what will you learn?

This course begins with a Quiz – and The FOUR Questions...**Question ONE** –
“*Where are we now?*” How many in the class **ARE BROKERS** (or Broker
Salesman/Branch Managers):

How many years of Experience as Brokers/Managers do we have in the class?

How much formal training did you have before you became the Broker?

Let's go to the “Quiz”, the last page of the handout...

- 1) Can you explain the difference between NRS & NAC?
- 2) List the Federally Protected classes AND the most common *violations* of Fair Housing Law.
- 3) What are the two major anti-trust violations?
- 4) What are the ‘Mandatory’ disclosure forms for a Residential sale in Nevada (list them).
- 5) Besides your Real Estate license – a Nevada licensee must also have a State business license and *either* a City or a County license. How much do they cost and how long are they good for?
- 6) What are the potential sanctions/penalties for a violation of NAC 645?



7) What are the potential sanctions/penalties for violating NRS645?

Sometimes a company approaches their most successful sales agents and asks them to become the Sales Manager/Office Manager or Broker on the belief that someone that is good at one thing may be equally good at another.

How do we determine which role someone is best suited for – as the old phrase goes – *“We need the RIGHT people on the bus - and they need to be in the RIGHT seats.”*

NRS & NAC 645 – Standards for Management

STANDARDS OF PRACTICE

645.525	Naming of false consideration in document.
645.535	Exclusive agency agreements; placement of signs.
645.541	Authorization of licensee to negotiate directly with client of broker with exclusive authority to represent client.
645.546	Representation of clients under brokerage agreements: “Present all offers” and “exclusive agency representation” interpreted.
645.551	Exclusive buyer’s brokerage agreements: Inclusion of certain provisions regarding compensation of broker.
645.600	Responsibilities of broker regarding associated licensees, employees and operation of business; agreement to retain licensee as independent contractor.
645.605	Considerations in determining certain misconduct by licensee.
645.610	Restrictions on advertising; use of name under which licensee is licensed.
645.611	Advertisement of services: Use of terms “team” and “group.”
645.613	Dissemination of certain unsolicited information through Internet or electronic mail.
645.615	Use of sign to identify business.
645.620	Use of fictitious name.
645.627	Location of office.
645.630	Prompt tender of offers.
645.632	Notification of rejection of offer or counteroffer.
645.635	Disclosure of unmerchantable title.
645.637	Disclosure of relationship as agent or status as principal.
645.640	Disclosure of interest of licensee in certain transactions.
645.645	Inspections and audits by Division: Cooperation by broker; form for permission.
645.650	Periods for maintenance of certain records by broker and for provision of certain paperwork to broker.
645.655	Records of transactions; trust accounts.
645.657	Payment of deposits.
645.660	Disclosure of certain interests required before deposit of money.
645.665	Absence of broker from business for prolonged period.
645.670	Conduct of inspections by Division.
645.675	Agreements for advance fees.
645.678	Duties of broker operating agency which lists rentals for advance fee.
645.680	Form for complaints; investigations of licensees; action by Administrator on report of investigation.
645.690	Correction of certain deficiencies upon notice and request by Division.
645.695	Administrative fines and other sanctions.



NRS 645.510	Authority of license limited to person or place of business licensed.
NRS 645.520	Form and contents; limitation on association with or employment of broker-salesperson or salesperson.
NRS 645.530	Delivery; display; maintenance in place of business.
NRS 645.550	Broker required to maintain place of business; business required to be conducted from location designated in license; licensing of broker or owner-developer by county, city or town.
NRS 645.560	Broker: Erection, maintenance, size and placement of signs.
NRS 645.570	Notice of change of name, location of business or association; requirements for transfer of association; effect of failure to give notice.

NAC 645.600 **Responsibilities of broker** regarding associated licensees, employees and operation of business; agreement to retain licensee as independent contractor. ([NRS 645.050](#), [645.190](#))

1. Every real estate broker **shall** teach the licensees associated with him or her the **fundamentals** of real estate or time-share practice, or both, **and the ethics** of the profession. **The broker shall supervise** the activities of those licensees, the activities of his or her **employees** and **the operation** of his or her business.

****Could you make a fairly complete list of “the fundamentals”?**

****How many articles are in the NAR Code of Ethics?**

NOTE: Article One – same as ‘Duty #1 on Duties Owed form’

2. The supervision described in subsection 1 includes, without limitation, the establishment of policies, rules, procedures and systems that allow the real estate broker to review, oversee and manage:

(a) The real estate transactions performed by a licensee who is associated with the real estate broker;

(b) Documents that may have a material effect upon the rights or obligations of a party to such a real estate transaction;

(c) The filing, storage and maintenance of such documents;

(d) The handling of money received on behalf of a real estate broker;

(e) The advertising of any service for which a real estate license is required; and

(f) **The familiarization by the licensee of the requirements of federal and state law governing real estate transactions, including, without limitation, prohibitions against discrimination.**

****List the Federally Protected Fair Housing classes:**



3. In establishing such policies, rules, procedures and systems, the real estate broker shall consider the number of licensees associated with the real estate broker, the number of employees employed by the real estate broker and the number and location of branch offices operated by the real estate broker.

4. A real estate broker **shall establish a system for monitoring compliance** (****a DUTY to monitor?**) with such policies, rules, procedures and systems. The real estate broker may use a real estate broker-salesperson to assist in administering the provisions of this section so long as the real estate broker does not relinquish overall responsibility for the supervision** (****a DUTY to supervise?**) of the acts of the licensees associated with the real estate broker.**

5. A real estate broker **may** enter into a written agreement with each licensee associated with the real estate broker **to retain the licensee as an independent contractor**. If such an agreement is entered into, it must:

- (a) Be signed and dated by the real estate broker and the licensee; and
- (b) Include the material aspects of the relationship between the real estate broker and the licensee, including, without limitation, the supervision by the real estate broker of the activities of the licensee for which a real estate license is required.

“If you can’t explain it simply, you don’t understand it well enough.”

Albert Einstein

NAC 645.645 Inspections and audits by Division: Cooperation by broker; form for permission. ([NRS 645.190](#), [645.195](#), [645.310](#), [645.313](#)) A broker shall, upon demand, provide the Division with the documents and the permission necessary for the Division to complete fully an inspection and audit, including an inspection and audit of any money accounts as provided in [NRS 645.310](#) and [645.313](#). Permission may be given on a form provided by the Division. The form must provide a bank, depositor or other holder of information with release from liability which might result from disclosure of the information required by the Division.

NAC 645.650 Periods for maintenance of certain records by broker and for provision of certain paperwork to broker. ([NRS 645.050](#), [645.190](#))

1. **A broker shall keep** complete real estate transaction and property management records **for at least 5 years after the date of the closing** or the last activity involving the property, including, **without limitation, offers that were not accepted and transactions that were not completed,** unless otherwise directed by the Division.



2. A salesperson or broker-salesperson must provide any paperwork to the broker with whom he or she is associated **within 5 calendar days** after that paperwork is executed by all the parties.

NAC 645.655 Records of transactions; trust accounts. ([NRS 645.050](#), [645.190](#), [645.195](#), [645.310](#), [645.633](#))

1. **Each real estate transaction** of a brokerage must be numbered consecutively or indexed to permit audit by a representative of the Division.

2. A complete record of each real estate transaction, together with records required to be maintained pursuant to [NRS 645.310](#), must be:

(a) Kept in this State; and

(b) Open to inspection and audit by the Division upon its request during its usual business hours, **as well as other hours during which the licensee regularly conducts his or her business.**

3. **If any records** the Division requests to inspect or audit pursuant to subsection 2 **are stored electronically**, access to a computer or other equipment used to store the information must be made available to the Division for use in its inspection or audit.

4. The real estate broker shall give written notice to the Division of the exact location of the records of the real estate broker and shall not remove them until he or she has delivered a notice which informs the Division of the new location.

5. A licensee shall not maintain a custodial or trust account from which money may be withdrawn without the signature of a licensee. A signature applied by use of a rubber stamp does not constitute the signature of a licensee for the purposes of this subsection.

6. A real estate salesperson may not be the only required signatory on a custodial or trust fund account. A real estate salesperson may be a cosigner of an account with his or her real estate broker.

7. A real estate broker who files for relief under the bankruptcy laws of the United States shall immediately terminate each trust account established pursuant to [NRS 645.310](#) and deposit all money from each trust account into escrow with executed instructions to the escrow agent or officer to disburse the money pursuant to the agreement under which it was originally deposited.

8. A real estate broker who is engaged in property management for one or more clients shall maintain two separate property management trust accounts distinct from any trust account that the real estate broker may have for other real estate transactions. One trust account must be used solely for activities relating to rental operations, and the other trust account must be used solely for security deposits. A real estate broker shall maintain a ledger account for each unit of property he or she manages regardless of whether the client owns more than one unit under the real estate broker's management. All rents and deposits for each unit must be deposited into and credited to each property's management trust account, and all authorized repairs and expenses must be paid out of the corresponding ledger account. For the purposes of this subsection, "unit" means one single-family dwelling unit.

9. Property management and real estate transaction trust accounts must be reconciled monthly by the real estate broker or the designee of the real estate broker within 30 days after receipt of the bank statement. A real estate broker who permits any trust account, including any ledger account, to fall into deficit and remain in deficit for more than 45 consecutive days in 1



year is subject to discipline pursuant to paragraph (h) of subsection 1 of [NRS 645.633](#) or other applicable charges, or both.

[Real Estate Adv. Comm'n, § VII subsec. 10 pars. a, b, d & e, eff. 10-31-75]—(NAC A by Real Estate Comm'n, 6-3-86; A by Real Estate Div., 3-1-96; A by Real Estate Comm'n by R111-01, 12-17-2001; R031-04, 11-30-2004, eff. 7-1-2005)

NAC 645.665 Absence of broker from business for prolonged period. ([NRS 645.050](#), [645.190](#)) **A broker shall not be absent from his or her business for 30 days or more if the broker is the only broker in his or her office** unless the broker inactivates his or her license or otherwise notifies the Division in advance. Failure to observe this requirement is a ground for suspension. If a broker will be absent from his or her business for 30 days or more, the broker must designate an office manager in accordance with [NAC 645.178](#) or make other arrangements approved by the Division in advance.

NAC 645.670 Conduct of inspections by Division. ([NRS 645.050](#), [645.190](#), [645.195](#), [645.310](#))

1. The Division may use a form of its design to conduct any inspection and require the broker or office manager in charge of the office being inspected to sign such a form.
2. Such an inspection must include, but need not be limited to:
 - (a) The address of the real estate office or time-share office.
 - (b) The sign identifying the office.
 - (c) The procedure used to deposit money.
 - (d) The trust records.
 - (e) The indexing or numbering system used in filing records.
 - (f) Advertising.
 - (g) The availability of current statutes and regulations at the place of business.
 - (h) Any affiliation with a developer as defined in [chapter 119](#) or [119A](#) of NRS.
 - (i) Any documentation required by [chapter 119](#) or [119A](#) of NRS or the federal Land Sales Act.

NRS 645 – Standards for Management

(“Quality service is STANDARDS, met or exceeded.”)

NRS 645.660 Knowledge of associate or employer of violation by licensee or employee; penalties.



1. Any unlawful act or violation of any of the provisions of this chapter **by any licensee** is not cause to suspend, revoke or deny the renewal of the license of any person associated with the licensee, **unless it appears** to the satisfaction of the Commission that the **associate knew or should have known** thereof. **A course of dealing** shown to have been persistently and consistently followed by any licensee constitutes prima facie evidence of such knowledge upon the part of the associate.

2. If it appears that a registered owner-developer knew or should have known of any unlawful act or violation on the part of a real estate broker, broker-salesperson or salesperson employed by the registered owner-developer, in the course of his or her employment, the Commission may suspend, revoke or deny the renewal of the registered owner-developer's registration and may assess a civil penalty of not more than \$5,000.

3. The Commission may suspend, revoke or deny the renewal of the license of a real estate broker and may assess a civil penalty of not more than \$5,000 against the broker if it appears he or she has failed to maintain adequate supervision of a salesperson or broker-salesperson associated with the broker and that person commits any unlawful act or violates any of the provisions of this chapter.

Job Descriptions:

A Manager has FIVE Jobs – Recruit, Train, Direct, Motivate and Upgrade

*****Recruiting starts with _____.***

Retention starts with Recognition.

Training doesn't work! When it's An EVENT.

***Direct – K.J.S.S. "Win the Day!" = 5 conversations, 4 days/week - 3x5
10x10 – the NUMBER is 80***

Everyone is MOTIVATED – not all by the same things!

***A good example of "Upgrade" would be...Agents that have earned a
"Designation" – OR Increase in Per/Person/Productivity (10 agents
doing 10 transactions per year is better than 20 agents doing 2
transactions per year).***

A Broker has FIVE Jobs – The Vision of the company – both Crafting and Consistently Communicating same, the *legal* and compliance issues, *HIRING* staff (including the Manager), Tracking Results and Monitoring the Market for *Shifts*.



Vision! Tip – Have Fun! Making Money! Serving our Clients!

Hiring tip – Hire for ONE DAY! Send them out to look @ New Homes! Without “Product Knowledge”, they aren’t really in the business!

Wait, Jim, how about PROFIT?

**The great aim of education is ACTION –
not knowledge. [Herbert Spencer](#) English philosopher (1820 -**

Job Description;

As the President of your own Real Estate empire – anyone you hired, you would want to be sure that they had a CLEAR Job Description. What are they supposed to do and in what order? The model below may not be the best but if you have a better one – please send it to me. Thanks, Jim@jimdague.com

CLOSE SALES – Whether you take the route of helping Sellers or helping Buyers – you don’t get paid for your efforts, you get paid for results! If you asked 10 real estate agents – “What is your job?” You would get answers like; “Communicating with my clients.”, or “Giving great service.” The truth is that all the ‘great service’ or ‘communication’ is POINTLESS if you don’t CLOSE SALES. **NEVER** lose sight of this fundamental thought and belief.

The following strategies should SUPPORT that principle!



BUILD YOUR FOUNDATION – YOUR FORTUNE – Otherwise known as your data base, sphere of influence or *address book*. This is the **ONLY** thing you have to Sell when you decide you don't want to do this any more. If you pay attention to this from Day One – as a 'Corner Stone' of your empire you will be ahead of 80% of the people trying to sell real estate.

CULTIVATE YOUR FORTUNE! - The activities below need to be viewed in context with 'How do I maximize the return to my business/fortune when I execute the strategies? Every contact carries within it the possibility of adding to your Fortune – are you **minding your own business?**

OBTAIN LISTINGS – Listings are the lifeblood of any real estate sales associate or company. An active, full-time, sales associate should expect to get a **minimum** of two listings per month their first year in the business and four listings per month from their second year forward. It is a truth that to get Buyers – get Listings and about 70% of your Listing clients should also be a Buyer client for you. Listings are also proven to be more 'time effective' activities than working with Buyers. If you don't feel like you are good at Listings and/or working with Sellers – **then GET good at it!!**

PROSPECT CONSTANTLY – Each sales associate should be working an **organized** program daily for meeting people who have real estate needs. The program should be written, specific, measurable, and reviewed periodically with management. The plan is this; **Start with** a) leads – anyone referred to you or that has called on a sign or dropped by an open house or that you met that showed an interest in doing business – leads are the most **perishable** prospect and you will beat yourself up every time one of them 'falls through the cracks'. Work leads first. Next – your *current* clients and customers – anyone you are currently working with will be *most likely* to send you referrals. They also give you an unbeatable opportunity to show how good you really are. **After** leads and current clients and customers – you go to your Fortune (your database) – who here should get some attention?



MARKETING LISTINGS – You are responsible to aggressively market the properties (which is really prospecting) you have listed until those properties are sold and the transactions are closed. A sales associate should have and follow a well thought out and written marketing plan for each and every listing they take.

COMMUNICATION WITH CLIENTS – Sales associates should be in constant communication with sellers and buyers --- once per week minimum. The time to communicate about a problem is when it first arises --- putting it off, only makes it worse. A good contact management system can help you with this.

TOURING PROPERTY – An active full-time agent should be previewing (or showing) property constantly --- a minimum of 5 other Broker's listings every day, 4 days a week – plus, all company listings. This is the only way an agent can keep up responsibly with the market in our area.

SELLING PROPERTY – When working with prospective purchasers, our responsibility is to listen to what people are telling us they want, and to know our market well enough so that we can make a match. It is also our responsibility to assist purchasers with financing and to follow transactions through the close of escrow.

SHOWING PROPERTY – The only way to sell property is to expose it to prospective purchasers. Sales associates need to have a good knowledge of the market and show property that will meet purchasers' needs.

GOALS – The evidence is indisputable, those who set goals for themselves and have direction accomplish much more than those without. Set yearly goals for and then break them down into quarterly, monthly and daily **activities**. Review these periodically with management.



FOLLOW-UP SYSTEM – In addition to the client follow-up program made available by the company, those sales associates who systematically keep in touch with past customers and clients have a much better opportunity for a successful long-term real estate career. Sales associates should develop a combined program of calling and mailing to maintain regular periodic follow-up.

TEAM PLAYER – The most successful sales associates and real estate companies are those who have learned that cooperation, rather than rivalry is the most profitable way to conduct business in real estate. An inter-dependent office where people realize that their success is directly related to the success of the office itself is the healthiest and most productive environment to work in.

FLOOR TIME – Is an opportunity for sales associates to come into contact with the public with real estate needs. It is also the salesperson's responsibility to the office and fellow agents to keep the office open, and to provide accurate information to people who call the office with inquiries.

Some Assembly Required - **SALES MEETINGS** – Sales meetings are the way we can communicate with each other in the most efficient manner. Be **on purpose** when you attend meetings and find out who in the group has a buyer or seller you might be able to match one of your prospects up with. If you are not putting together 4 sales per year as a result of attending meetings – you are not paying attention!

FOLLOW-UP ESCROWS – Sales associates should be aware of the progress of their pending transactions at all times. This is critical on both pending sales and listings sold. When a problem arises in a transaction it is much easier to resolve it if it is



taken care of immediately rather than later. In addition, each associate should have a checklist to track the progress of the transaction with expected completion and target dates. When target dates pass without progress, then this should indicate that a possible problem exists with the transaction, and requires your attention.

BOARD INVOLVEMENT – after a sales associate has reached consistent, production and success, we encourage you to become involved with the Board of REALTORS®. Our professional association works best when competent professionals become involved in committees and other functions of the Board.

CONTINUING EDUCATION – This business is dynamic and constantly changing. Professionals must constantly expose themselves to new information. Education must be a continuous process. Have a “Learning Plan”.

If you think Education is expensive – try Ignorance.

POSITIVE ATTITUDE – when you are in the office or with the public, a sales associate must strive to exhibit a positive attitude. If you are so down that you are unable to do so, it may be worthwhile to spend some time by yourself until you can be more positive. Your attitude is really under your control.

“You can act yourself into a new way of thinking more easily than you can think yourself into a new way of acting.”

Dr. Dean Martin

RECRUITING – The best way to build a strong office is to hire the best people. When you encounter someone you feel is truly professional – *invite them* to speak with your Broker. It is up to all of us to help the company grow and prosper.

Dispute Resolution: How would you handle the following scenario?



New agent approaches you, looking for help. *“Can I just go with someone when they take a listing so I can SEE how its done?”*

Ten minutes later, your Top Producer comes in and asks, *“I’m buried - don’t we have someone new around here that would be willing to help out for a small portion of the commission?”*

They co-list the property – and upon closing the new agent comes to you and says, *“I did ALL the work - I should get 80% of the commission and Ms. Top Producer should get 20% referral.”*

The Policy Manual says 50/50 unless a written change.

From MANAGEMENT to LEADERSHIP!

You MANAGE things. You lead people.

The function of an Organization is to develop the people in the Organization.

The imprinting period & Discovery Learning?

The function of a Business is to get and keep customers profitably.

A Business is defined as an entity that thrives and prosperes without you.

A Business Plan has –

Short Range 90 Days or less

Mid Range 90 Days to One Year

Long Range One Year +



The Plan has Goals/Targets, daily, weekly, monthly quarterly and annual.

Strategy is defined as:

Right _____, Right _____, Right _____.

Other Resources...

“Change is inevitable, growth is optional.”

Anonymous

Your Personal Growth will be a direct result of:

Your Intake, Your Associations

Your Affirmations



Character vs. Competence

Can I _____ you?

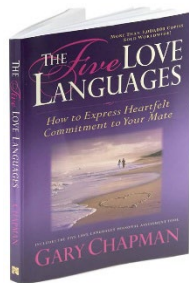
Are you _____ at what you do?



- REC ~ Recruiting
- RET ~ Retention
- PRFT ~ Profits
- YB ~ Your Brand
- AWC ~ Creating A winning Culture
- OT&C ~ Ongoing Training and Coaching



More, Better, Different? - Thanks Tom Ferry & YouTube



The *Five* Love Languages by Gary Chapman

- 1) Quality _____
- 2) Acts of _____
- 3) _____ of Affirmation
- 4) _____
- 5) Physical _____

“They always say that time changes things, but you actually have to change them yourself.”

Andy Warhol



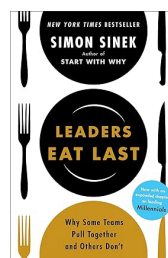
Michael Gerber

You don't have to be great to read,
but you have to read to be great!

Andrew Carnegie

What book would YOU recommend?

We end up at the beginning!



Assignment – READ (or Listen to)

1616SKILLS SETS ASSESSMENT – “Where am I now?”

MY CURRENT SKILL LEVEL

On a scale of 1-10 (10 being the best)

Business Plan

- Real Simple – Is it in writing? Does it have short, mid and long range targets?
- Do you have a NUMBER of closed transactions you need to hit this year to make your INCOME goal?
- Does it have strategies? _____
- Do you carry it with you? _____

Prospecting Skills (Finding Qualified Buyers and Sellers)

- Do you have set times you prospect? _____
- Do you have a Referral stream of business _____
- Do you have a clearly defined target market _____

(Question – could this be PART of your defense that you used ‘Reasonable Skill’ in ‘**Promoting**’ your clients interest?

Listings – The Mechanics – Forms

- How knowledgeable are you at explaining the forms? _____
- CMA/Market Research – Is yours in color? _____
- Do you have Charts/Graphs? _____

**The Presentation – Getting them to say “Yes”**

- Do you have a Step by Step process? _____
- What does BATNA stand for? _____
- How many books have you read, or how many courses have you taken in “Negotiating Skills”?

Preparing a Net Sheet – Estimating Buyer and Seller costs

- Could you fill one out right now? _____
- Do you “have an app” for that? _____

Product Knowledge

- How much time do you spend previewing or showing property each week?

Buyers – Converting an inquiry into an appointment

- I understand how to qualify leads and understand following up with leads. _____
- I listen to clients’ questions and objections. _____
- I know how to overcome clients’ objections. _____

Buyer Broker Presentation

- Fair Trade? How comfortable are you giving a Buyer Broker Presentation so that they want to sign an **EXCLUSIVE** Buyer’s Broker Agreement with you? _____

Selling NEW Homes! (What % of the current market is this?)

- How knowledgeable are you about the registration process? _____
- How comfortable are you with the Builder Purchase Paperwork? _____
- Do you know WHEN you ACTUALLY have a sale? _____
- What are you able to negotiate for your client? _____
- What happens if the Builder is ready EARLY? Or LATE? _____

Selling Short Sale Properties

- How comfortable are you selling Short Sale Properties to Buyers? _____
- How many have you closed this year? _____

Technology/Internet – Your site and marketing – Social Media



- Do you ever check to see your site's position in the major search engines? _____
- Do you have email groups you send to? _____
- How knowledgeable are you regarding marketing on Face Book? _____
- Are you on Face Book? _____
- Do you have a Fan Page? _____
- Do you have a blog on your web site? _____

What's Missing? Are there "*skill sets*" you KNOW that you need – that are not on the list?

Opening Quiz - There's a New Sheriff In Town...

The Rules, Laws, Statutes and Regulations

How much of this do you already know?

Where are we now?

- 1) What is the difference between 'Law', 'Statute' and 'Regulation'?
- 2) List the Federally Protected classes AND the most common *violations* of Fair Housing Law.
- 3) What are the two major anti-trust violations?
- 4) What are the 'Mandatory' disclosure forms for a Residential sale in Nevada (list them).



- 5) Besides your Real Estate license – a Nevada licensee must also have a State business license and *either* a City or a County license. How much do they cost and how long are they good for?
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