



2018 Mandatory: Real Estate Best Practices

COURSE SYLLABUS

Roy L. Ponthier, Ph.D., Ed.D., CDEI, DREI
Executive Director

Instructor Background:

Roy L. Ponthier, Ph.D., Ed.D., CDEI, DREI

- Dr. Ponthier is a licensed Louisiana real estate broker, certified real estate and appraisal instructor, and Director of Executive Training Centers, LLC, an educational services company which offers in-class training in real estate, mortgage finance and appraisal, as well as online training through ProEducate, the company's web-based education division which offers real estate and mortgage finance related courses throughout the United States.
- Dr. Ponthier holds a B.S. degree from Southeastern Louisiana College. His graduate training was taken at Tulane University (M.S. and Ph.D.) and the University of New Orleans (M.Ed. and Ed.D.). He holds the Certified Distance Education Instructor (CDEI) certification awarded by the International Distance Education Certification Center (IDECC), as well as the Distinguished Real Estate Instructor (DREI) designation awarded by the Real Estate Educators Association in recognition of exceptional effectiveness in the classroom. Dr. Ponthier has served on the faculty of three Universities, currently teaches classes for The Real Estate Law Society of Loyola University Law School and has chaired college divisions of Computer Science, as well as Education. Since 1988 he has taught real estate related subjects to more than 73,000 students. He is a member of five academic honor societies, as well as MENSA, and author of more than two dozen internationally published scientific papers. He was Director of The Center for Computer Education, Inc., which trained teachers in computer science, and was president of Worldwide Information Network, Inc., a provider of Internet and television marketing in real estate. He has owned two mortgage companies, as well as a business brokerage company and a residential and commercial real estate company.
- Since early 2009, Dr. Ponthier has served on a work group for the Nationwide Mortgage Licensing System & Registry (NMLS&R) to help develop the functional specifications for mortgage pre-licensing and continuing education programs taught in the U.S. He is a member of the Real Estate Educator's Association, The South Central Educators Group, and the Louisiana Mortgage Bankers Association, for which he is Chair of the education committee. Dr. Ponthier's achievements have been documented in Who's Who (Oxford Edition), American Men and Women of Science, and the International Who's Who in Education.
- Dr. Ponthier has contracted with Loyola University of New Orleans, College of Law, to be the exclusive provider of online Continuing Legal Education (CLE) for the University.

Course Description:

This is the LREC mandated course for 2018. The course focuses on custom case studies that involve licensees who are in violation and will be presented with best practices to avoid such situations. Real estate licensees are taught many laws and rules that can be difficult to understand. Once agents are faced with real-world scenarios, they can better apply those laws and rules, have a true understanding of them, and better represent his or her client.

Required Course Material:

This course is entirely self-contained and does not require additional study materials.

REQUIRED HARDWARE and SOFTWARE:

- All course content is available online. To access the course, a student will need a PC, tablet, or other mobile device to access the Internet. The only software needed is an Internet browser such as Google Chrome, Firefox, Safari, etc.
- Any additional software, such as Adobe Reader, needed to access PDF files, is available in the course for immediate and free download.

Completion Expectations:

Prerequisites:

- There are no educational prerequisites for this course; however, students are expected to have high school level reading and mathematics ability.

Upon registering:

- Students must complete the course lessons/modules and the final exam before the course expiration date.
 - Course completion will include completion of all group discussions and case studies, if applicable.
 - Each lesson will have a quiz at the end that must be passed in order to continue to the next lesson.
 - The quiz will consist of multiple-choice format questions requiring a minimum passing score of 70%
 - Quiz questions will be displayed one at a time.
 - Upon submission of the student's response (answer) to each presented quiz question, the system will display the correct/incorrect answer.
 - The final exam questions are also presented in multiple-choice format requiring a passing score of 70% or higher.
 - If a passing score is not achieved on any quiz or the final exam, the exam will reset and student will be presented with a different set of randomly selected questions. Student will be allowed to retake until a passing score has been achieved, or until the course expires, whichever occurs first.
 - The username and password will be deactivated after the course expiration date has passed.

School Policies:

Registration:

- The student is responsible for verification of qualifications for licensing, before registering for a course of study.
- Registrants with any form of criminal history, including misdemeanor or felony convictions, or who are currently on parole, must contact the relevant licensing agency before registering for any pre-licensing or pre-certification course.
- An e-mail account is essential to participate in the online program.
- Any attempt to take the course under an assumed identity, or to accept assistance from others in completing any portion of the course, may result in rejection of a license application, revocation of an existing license, fines, or other penalty provided by law governing the relevant state regulatory agency to whom the student submitted documentation.

Course Participation:

- Students are asked to please be certain that their address book is updated to include acceptance of e-mails from StudentServices@ProEducate.com and Instructor@ProEducate.com
- Instructors may not, in any venue, answer questions of a personal, professional, business, or legal nature, and students should not interpret any information received from instructors, or course content, as being legal or professional advice.
- The instructional staff will respond to questions by e-mail as quickly as possible. In general, questions received by noon on any business day are responded to by 5 pm the following business day. Students who abuse the e-mail opportunity may be dropped from the course, solely at the discretion of the school, without penalty to the school beyond refund of tuition.

School Contact Information:

- **By Phone:** For questions regarding **administrative** issues, the administrative offices may be contacted by phone at (504) 454-9866 or (800) 966-9866, weekdays between 8 a.m. and 5 p.m. central time.
- **By E-mail:** Ask technical or course content questions 24 hours a day by e-mailing the school office at the addresses listed below. A response will typically be received by close of business on the next business day.
 - **StudentServices@ProEducate.com for questions or comments about registration, technical assistance, administrative issues, or purchases from the online store.**
 - **Instructor@ProEducate.com for questions regarding course content.**
- **In Person:** We are in the office to assist you with administrative questions Monday – Friday 8:00 a.m. to 5:00 p.m. central time. We are located at 4200 S. I-10 Service Rd. W., Suite 134, Metairie, Louisiana 70001 (Boy Scouts of America Building).

Additional Information Regarding the Online Course:

- During the allotted class time, students will have access to the course 24 hours a day and may login and work on the assignments at their convenience.
- Instructors are constantly monitoring the student's progress throughout the course.
- During the course, if the students have questions about the course content, they may click on the “e-mail instructor” button and send a question to the instructor.
 - E-mails received by 3 PM on any business day will be responded to on the next business day.
 - Students are asked to please be very specific about the location of the content they are questioning (lesson #, topic, etc.)
 - Instructors are permitted to respond only to questions specifically related to the course content.
 - Questions regarding personal situations, unrelated to the specific course material or of a legal nature, may not be responded to.
- The course also makes a detailed glossary available to the students (located in the course resource materials). Students may click on the glossary to study the definition of terms with which they are not familiar. The “Resource Materials” section of the course makes forms and documents available to assist students in their studies.
- Upon completion of the course material, each student will be required to respond to a course evaluation in addition to a multiple choice final examination.

Learning Objectives, Lessons, Assignments, and Outline:

Lesson	Learning Objectives <i>Upon Completion of Module, each student will be able to:</i>	Time
Course Orientation		5:00
Agent Duties Part 1	<ul style="list-style-type: none"> • Discuss each of the fiduciary duties owed clients and customers and give a general description of each. • Go over details of the required disclosures licensees must provide within the real estate transaction. • Discuss the required disclosures licensees must provide when they have an ownership interest in a property. • Understand the disclosure of material defects and the laws that can affect the sale. • Discuss the licensee's role regarding what information can and should be kept confidential. 	51:52
Lesson Quiz		3:00
Agent Duties Part 2	<ul style="list-style-type: none"> • Understand the preparations, presentation and annotation of offers. Review specific lines of the Residential Agreement to Buy and Sell. • Analyze the correct procedure for presentation of backup offers. • How agents may be guilty of unauthorized practice of law. • The pitfalls of giving of tax advice. • Review various scenarios where agents are conducting unprofessional and unethical practices. • Describe the pitfalls of failing to show clients homes listed by certain brokerage companies based on reputation or past experiences. • Understand the ethical implications of clients and/or licensees taking pictures and recording videos of a property a licensee does not have listed. 	52:27
Lesson Quiz		3:00
Real Estate Laws & Regulations	<ul style="list-style-type: none"> • Federal fair housing statutes. • Fair housing obligations as they pertain to service and assistive animals. • Laws regarding social medial advertising and the proper procedure for the one click away rule. • Discuss the team advertising rules and laws, including "coming soon" advertising. 	49:34
Lesson Quiz		3:00
Agent Conduct and Ethics	<ul style="list-style-type: none"> • Objectives of the duty of Reasonable Care. • LREC recordkeeping requirements in general as well as specific regulations regarding electronic messages and text messages. • Review deposit and commingling requirements in sales and property management transactions. • Understand what licensees are supposed to do with sales escrow deposit checks coming into their possession. • Look at the agent's responsibility and liability in measuring a home. • Saving SMS messages and emails. 	42:10
Lesson Quiz		3:00
Final Exam	Measures student's competency.	20:00
End-of-Course Survey	Measures course presentation, materials, content and instructor competency.	5:00

Course Outline

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- Course Orientation
- Agent Duties – Part 1
 - Introduction
 - Learning Objectives
 - Review of Fiduciary Duties
 - O-L-D-C-A-R
 - Obedience
 - Loyalty
 - Disclosure
 - Confidentiality
 - Accounting
 - Reasonable Care
 - Disclosure
 - Property Condition Disclosure
 - Agency Disclosure
 - Dual Agency Disclosure
 - Case Study – Written Permission to Advertise a property for Sale
 - Case Study – Agency Disclosure Form
 - Case Study – New Construction
 - Case Study – Purchase Agreement
 - Case Study – Disclosure of Ownership
 - “NK” Instead of “No” on the Property Disclosure Form
 - Case Study – “NK” Instead of “No” on the Property Disclosure Form
 - Errors and Omissions Claims Handling
 - Confidentiality
 - Case Study – Material Defects
 - Case Study – Disclosure of Confidential Information
 - Lesson Quiz
- Agent Duties – Part 2
 - Introduction
 - Learning Objectives
 - Accounting
 - Case Study – Escrow Account Maintenance
 - Case Study – Property Management
 - Case Study – Sales Deposit Checks
 - Receipts and Deposits
 - Withdrawals
 - Closing Process
 - Trust Account Record Keeping
 - Reasonable care
 - Property Measurement
 - Case Study – Duty to Measure
 - Specific Duty Not Mandated
 - Recordkeeping
 - Agent/Client Contact and Discussions
 - Text Messages
 - E-mails
 - Case Study – Text Messages
 - Lesson Quiz

- Real Estate Law and Regulations
 - Introduction
 - Learning Objectives
 - Fair Housing
 - Civil Rights Act of 1866
 - Civil Rights Act of 1964
 - Civil Rights Act of 1968
 - Fair Housing in Louisiana
 - Service and Assistance Animals
 - Pet Fees
 - Case Study – Service and Assistive Animals
 - Case Study – Kent State University, August, 2014
 - Case Study – University of Nebraska, October 2011
 - Advertising
 - Suggestions for Good Advertising
 - Truth in Advertising
 - Advertisements by Franchise Organizations
 - Other Common Errors
 - Advertising vs. Promotions or Promotional Products
 - Enforcement
 - Case Study – Advertising on Social Media
 - Case Study – Team Advertising
 - Case Study – “Coming Soon” Advertisements
 - Lesson Quiz
- Agent Conduct and Ethics
 - Introduction
 - Learning Objectives
 - Documenting Offers
 - LREC Rules
 - Case Study – Presentation of Offers
 - Case Study – Back-up Offers
 - Giving Legal and Tax Advise
 - Case Study – Are you Practicing Law?
 - Case Study – Unauthorized Practice of Law
 - Case Study – Giving Tax Advice
 - Unethical and Unprofessional Actions
 - Ethics
 - Professionalism
 - Not Returning Phone Calls and E-Mails
 - Not Having All Paperwork with an Offer
 - Buyer's Agent Does Not Show Homes with Lower-Than-Typical Cooperating Compensation Offered by Listing Broker.
 - A Buyer, Already Under Contract with Another Agent, Wants to Contract You for Services.
 - Listing Agent Accepts Listing with an Unrealistic Asking Price for the Marketing Opportunity.
 - Taking Pictures and Recording Videos of a Property You Have Not Listed.
 - Lesson Quiz
- ARELLO Evaluation
- Final Exam

Course Final Examination

- Students will be administered a timed final examination consisting of multiple choice questions.
 - The final exam for this course consists of 40 multiple choice questions
 - Time limit = 20 minutes
- The countdown timer will be located in upper left-hand corner of the screen.
- In order to pass, you must score at least a 70% on the final exam.
- While you are taking this exam, you must answer at least one question each 5 minutes or the system will time you out and you will have to begin the exam again.
- Students who fail the examination may retake throughout the duration of their course.

End-of-Course Evaluation

Each student is required complete an evaluation of both the course and instructional services. This evaluation will take only a few moments to complete, but is required before a certificate of completion can be issued.
