

DIALOG

The periodic bulletin

from

The Arizona Department of Real Estate

Volume 2008 — Issue 4



Let The Conversation Continue:

A Message from the Commissioner

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For the past two months, I have focused my conversations with groups on several topics which continue to challenge our communities. Two of them, foreclosures and mortgage fraud, significantly impact our home values and our communities' well being. To better address these challenges, we are actively partnering with cities and counties, non-profits and industry leaders to create new and immediate solutions. To help educate Arizonans of existing resources, the Governor's Office recently launched a new website - [www.az211.gov](http://www.az211.gov). It compiles sources for child care, jobs, health care, foreclosure prevention and many other needs that families and individuals are facing today. I encourage you to visit the site, share it with others and make it a quick link on your own website!

We are also piloting a program with cities to address the growing number of code violations in neighborhoods that have large numbers of vacant homes. We expect this partnership to reduce blight and strengthen home values as a result.

We now have our Fall 2008 Community Outreach and Education (COE) program scheduled throughout Arizona with information posted at Find the location and date of our COE nearest you at [www.azre.gov](http://www.azre.gov) or by [clicking here](#). This is the fourth COE since March 2007 as we promote education among the Public and Industry so consumers are better protected in real estate transactions. I believe this COE will set a new level of participation. We will discuss the Governor's Growth Cabinet Scorecard and how communities can use it for their benefit, both financially and for smart growth. Also being covered are new real estate policies and statutes that increase consumer protection and target those who harm the public. As a member of the Governor's Growth Cabinet, I am excited to see the Scorecard being implemented effective January 1<sup>st</sup>, 2009.

In June, I issued two Substantive Policy Statements: [SPS 2008.05](#) brings clarity to continuing education requirements for real estate licensees and [SPS 2008.06](#) strengthens efforts to combat mortgage fraud. You can visit our website [www.AZRE.gov](http://www.AZRE.gov) to see them or just click on the SPS.

**Your** Department of Real Estate continues to promote mutual respect while protecting consumers and partnering with reputable industry practitioners towards this goal. As always, your feedback is appreciated and valued. I look forward to hearing from you.

Respectfully Yours,

Sam Wercinski  
Arizona's Real Estate Commissioner

## Combating Mortgage Fraud Top Priority for Department of Real Estate

The Arizona Department of Real Estate issued [Substantive Policy Statement \(SPS\) No. 2008.06](#) today to strengthen efforts against mortgage fraud. The purpose of the SPS is to prevent mortgage fraud through disclosure of premiums, credits and rebates offered by real estate licensees in a real estate transaction. Additionally, the Department is drafting stronger rules for real estate licensees which will specifically address mortgage fraud.

“Protecting consumers from mortgage fraud is a top priority. We are successfully holding licensees involved in fraud accountable by working closely with the Attorney General and the Department of Financial Institutions. Arizona consumers are better protected through this partnership,” stated Sam Wercinski, Arizona’s Real Estate Commissioner.

Wercinski also noted that the Real Estate Department plans to pursue legislation to strengthen its ability to take action against real estate licensees who participate in mortgage fraud.



**Mortgage Trouble? Toll-Free hotline 1-877-448-1211** available to provide you with referrals to Arizona organizations participating in the National Foreclosure Mitigation Counseling Program. There are over 20 organizations participating throughout Arizona.

***Feeling the Economic Crunch? Find the Financial Help You Need.*** Governor Napolitano’s Family Economic Relief project provides a way to get information out to Arizonans who are facing hardship given the current economic environment. With record home foreclosures, restrictions in the credit market, and increasing gasoline and food costs, what many people need is a simple way to access information and resources for assistance in their own communities. The Governor’s Office has posted the Family Economic Relief project in an easy to navigate format through a feature link on [www.az211.gov](http://www.az211.gov)

## COMBINE HEALTH AND FINANCIAL GOALS DURING THE ECONOMIC CRUNCH



Tucson, Arizona –Cooperative Extension Agent Linda Block believes that working on health and financial behavior changes together is a way to improve both aspects of life by just taking small steps during these difficult economic times. The Small Steps to Health and Wealth™ program has been developed to assist consumers in doing just that. By the middle of the year most of the New Year's resolutions to get more physical activity, lose weight or to save more money have fallen by the wayside. What are the reasons or the obstacles as to why this happens? Sometimes it is because the goals we set for ourselves are not attainable or we allow obstacles to get in the way of following up with a plan. Developing a plan in both of these areas is more critical now than ever before with increases in the cost of consumer goods and health care.

The Small Steps to Health and Wealth™ program was developed to motivate participants to simultaneously improve their health and personal finances by taking small steps. A 132 page book is available which describes the 25 strategies that can be adopted to simultaneously improve one's health and personal finances.

However, it is recommended to just select 3 or 4 of the strategies and accomplish these before setting additional goals. *Small Steps to Health and Wealth™* was written by Rutgers Cooperative Extension faculty members Dr. Barbara O'Neill, CFP, and Dr. Karen Ensle, RD and is available through Cooperative Extension or at [www.nraes.org/](http://www.nraes.org/). Consisting of 35 short, user-friendly chapters, the *Small Steps to Health and Wealth™* workbook encourages participants to set

goals and take action to achieve them by identifying small progress steps. The book includes a discussion of similarities between health and personal finances. It concludes with a planning worksheets in each chapter for readers to use to set personal goals and action plans and a list of online health and personal finance resources.

The on-line registration for Small Steps to Health & Wealth™ is available through the University of Arizona Take Charge America Institute for Consumer Financial Education and Research at <http://tcainstitute.org/sshw> and additional information on the connection with health and wealth issues is available at Rutgers New Jersey Agricultural Experiment Station site at <http://njaes.rutgers.edu/healthfinance/>. For more information in Arizona, contact Linda Block at (520) 626-5161 X 105 or [lblock@cals.arizona.edu](mailto:lblock@cals.arizona.edu).



## Community Outreach &amp; Education Program

## Fall-Winter Schedule 2008

Continued page 3

**Navajo/Apache Counties**

Date: Tuesday, August 19, 2008

Time: 10:00 am – 1:00 pm

Host: White Mountain Association of REALTORS®

Location: Hampton Inn &amp; Suites, 1501 East Woolford Road, Pine Top, AZ

**Maricopa County**

Date: Tuesday, August 26, 2008

Time: 9:00 am - Noon

Host: City of Phoenix &amp; Phoenix Association of REALTORS®

Location: Devonshire Senior Center Auditorium, 2802 E. Devonshire Ave., Phoenix, AZ 85016

**Coconino/Yavapai**

Date: Thursday, September 4, 2008

Time: 1:00 pm – 4:00 pm

Host: Sedona Verde Valley Association of REALTORS®

Location: Sedona Library, 3520 White Bear Rd., Sedona, AZ

**La Paz County**

Date: Monday, September 8, 2008

Time: 12 Noon – 3:00 pm

Host: La Paz County &amp; La Paz Association of REALTORS®

Location: Board of Supervisors Meeting Room, 1108 Joshua Ave., Parker

**Mohave County**

Date: Tuesday, September 9, 2008

Time: 12 Noon – 3:00 pm

Host: Kingman/Golden Valley Association of REALTORS®

**Yuma County**

Date: Tuesday, September 16, 2008

Time: 10:00 am – 1:00 pm

Host: Yuma County &amp; Yuma Association of REALTORS®

Location: Board of Supervisors Auditorium, 198 S. Main Street, Yuma

**Graham/Greenlee County**

Date: Tuesday, October 7, 2008

Time: 9:00 am - Noon

Host: Graham County &amp; Graham/Greenlee Board of REALTORS®

Location: Board of Supervisors Meeting Room, 921 Thatcher Blvd, Safford, AZ

**Gila County**

Date: Thursday, October 9, 2008

Time: 10:00 am – 1:00 pm

Host: City of Globe &amp; Central Arizona Board of REALTORS®

Location: Besh Ba Gowah Museum, 1324 S Jesse Hayes Rd, Globe

**Pinal County**

Date: Tuesday, October 14, 2008

Time: 10:00 am – 1:00 pm

Host: City of Coolidge &amp; Western Pinal Association of REALTORS®

Location: City Council Chambers, 130 W. Central Avenue, Coolidge



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**Cochise County**

Date: Tuesday, October 21, 2008

Time: 11:00 am – 2:00 pm

Host: City of Sierra Vista & Southeast Arizona Association of REALTORS®

Location: Sierra Vista City Hall, Council Chambers, 1011 N. Coronado Drive

**Santa Cruz County**

Date: Wednesday, October 22, 2008

Time: 10:00 am – 1:00 pm

Host: Nogales-Santa Cruz County Chamber of Commerce & Santa Cruz County Board of REALTORS®

Location: TBD

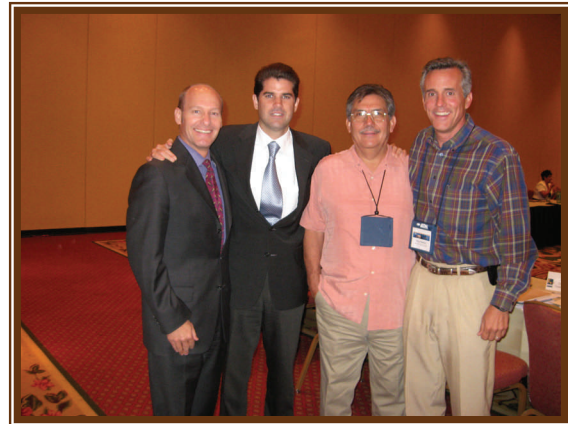
**Pima County**

Date: Thursday, October 23, 2008

Time: 10:00 am – 1:00 pm

Host: City of Oro Valley & Tucson Association of REALTORS®

Location: Oro Valley City Hall, Council Chambers, 11000 N. La Canada Drive, Oro Valley



Pictured above: Commissioner Sam Wercinski, Epifanio Salido, Director of Tourism, State of Sonora, Edmundo Chavez, Director ICRESON, State of Sonora and Gary Brasher, Co-Chair Real Estate Committee.

The Arizona-Mexico Commission Summer Plenary Session was held on June 20, 2008 at the J.W. Marriott Desert Ridge Resort.

The Real Estate Committee held a meeting at 1 pm on June 20, 2008. The Co-Chairs present at the meeting were: Gary Brasher and Sam Wercinski.

For the Sonora Committee, Co-Chairs Edmundo Chavez and Francisco Burrola attended.

Presentations included Armando Diaz Brown, Secretary of Economy for the State of Sonora; Epifanio Salido, Director of Tourism; Sam Wercinski, Arizona’s Real Estate Commissioner as well as participation by the public.





# Pack to School!

This year's goal is to collect a greater number of supplies to benefit a larger number of students. Participating schools are located throughout the state and are selected based on their percentage of students qualifying for the Free and Reduced Lunch program.

The 2008 Pack to School drive began July 1 and will continue through July 31. Look for collection boxes in the lobby of the Department of Real Estate and throughout the building.

Last year industry joined the Department of Real Estate in collecting school supplies. A special "Thank You" goes to Dan Schwartz Realty, Inc, and West USA Realty as well as the countless others in industry that made last years campaign a success! Please help us make the 2008 drive our biggest collection yet!

Pictured below are last year's recipients!



## Shopping List

- Activity books
- Backpacks
- Hand sanitizer
- Calculators
- Colored markers
- Coloring books
- Crayons
- Dictionaries
- Erasers
- Facial tissue
- Glue sticks
- Spiral notebooks
- Loose-leaf/lined notebook paper
- Pencil Sharpeners
- Pencils (#2)
- Reading books (5-14 yrs.)
- Rulers
- Thesauruses
- Three-ring binders
- Washable paint sets
- Blunt scissors

## International Rescue Committee – Economic Development Programs

Since 1933 the International Rescue Committee has been assisting those who have been uprooted by oppression or violent conflict. Now, seventy-five years later, the organization is still doing humanitarian work right here in Arizona. Working in forty-two countries and twenty-four states, the International Rescue Committee has two offices in Arizona: one in Tucson and one in Phoenix. Both offices serve refugees who have been selected by the United States government to resettle here in Arizona. Here in Arizona, flourishing economic development programs provide refugees a hand-up in helping them achieve the American Dream. Refugees are able to dream of being home-owners and entrepreneurs.

This is where Sam Wercinski, Commissioner of the Arizona Department of Real Estate, has a part to play. Commissioner Wercinski sits on the Loan Advisory Committee of the International Rescue Committee's Microenterprise Development Program. The program assists refugees who wish to begin or expand small businesses. A business counselor provides one-to-one technical assistance, individualized to each refugee entrepreneur's needs. The program is able to offer assistance to limited-English speaking participants through interpreters or multi-lingual staff. The program also refers participants to mainstream resources, like the Small Business Development Center, to give them greater assistance.

After having fled their homes, most refugees come motivated, but seldom with many resources. New businesses require capital, but that may be another obstacle refugees face because of their lack of credit history. To help overcome this obstacle, the program offers first-time loans of up to \$10,000. Commissioner Wercinski sits on the Loan Advisory Committee which makes the loan decisions. Business counselors help clients through the application process and writing a business plan. Although simpler than a formal bank loan, it still prepares a client for what American lending practices. The Loan Advisory Committee may include certain conditions, such as a business owner obtaining a certain license prior to the loan being disbursed. In that regard, each client is helped towards becoming a formal business that can succeed in America's competitive business environment. To date, the program has lent \$151,000 to 20 individuals. The program has helped start 21 businesses, strengthened 19 businesses, and helped create 43 jobs.

The farming program helps refugees become farmers right here in Phoenix, providing training and technical assistance. Over thirty participants have enrolled and twelve of them are currently working on a fourteen acre organic farm in the west valley. Over the Fourth of July weekend, clients began harvesting the first fruits of their labor: zucchini. Melons, cantaloupe, watermelon, okra, Armenian cucumbers, and peppers are maturing as well.

The Individual Development Accounts Program helps participants save for a home or business asset. For a set time, participants save each month and must complete eight hours of financial education. When they reach their savings goal, the program matches their savings to help them obtain their asset. Business owners are match 1:1 and can purchase items like equipment or inventory. Most participants save towards a home. Many participants save \$5000 and may receive a match of \$19,000 towards down-payment and closing costs. Over 100 families have purchased homes and over \$12,000,000 in assets have been accumulated.

The Financial Education Program helps refugees become familiar with the U.S. financial landscape. Workshops cover budgeting, banking, credit, and home ownership. One-to-one assistance in credit counseling and repair are common. This year, over 100 new arrivals opened bank accounts and learned to use them successfully. Approximately 1000 participants are engaged annually.

**Continued on page 8**

## International Rescue Committee – Economic Development Programs

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We know that refugees bring an incredible amount of skills and initiative when it comes to creating their new lives here in America. They are both an asset to the community and to their new country. Giving them the skills they need to access what is around them is all they need to become successful and achieve the American Dream!

Editor's Note: The article was written by Jon Vosper, Program Manager at International Rescue Committee. For additional information please contact Mr. Vosper at [jon.vosper@theIRC.org](mailto:jon.vosper@theIRC.org), 602-433-2440 x.235 .



Commissioner Wercinski speaking with two participants of the IRC.

## Jack Jackson Jr. appointed to Real Estate Advisory Board



Jack Jackson Jr.

In June 2008, Governor Janet Napolitano appointed Jack C. Jackson, Jr. to the Arizona Real Estate Advisory Board. Jack C. Jackson is a member of the Navajo Nation. He brings a vast amount of experience to the Board. He served in the 46th. Arizona State Legislature from 2003-2005. Since obtaining his Juris Doctorate degree from Syracuse University School of Law, he has worked diligently representing tribal governments and organizations.

In 2005, Jack was appointed by the Governor Napolitano as the Executive director of the Arizona Commission of Indian Affairs. He left this post to run for Congress as a Representative for Congressional District One.

Since may 2006, Jack has been working AeroCare Medical Transport, Inc. as the Director of Community Relations. Previous board memberships include President Clinton's Advisory Council on HIV/AIDS, National Native American AIDS Prevention Center, Phoenix Body Positive, Arizonans for Cultural Development, Arizona League of Conservation Voters and the International Network of Gay and Lesbians Officials.



## Department Reorganization

Commissioner Wercinski announced reorganization to advance Public Protection and Consumer Service. In anticipating future demands and more efficiency in the Department.

Commissioner Wercinski announced the following leadership assignments:

**Tom Adams**- Assistant Commissioner for Licensing and Professional Education.

**Janet Blair** - Assistant Commissioner for Licensing Investigations and Auditing.

**Roy Tanney**- Assistant Commissioner for Development Investigations and Services.

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### SPS 2008.05 - Continuing Education Requirements for Renewal of Four-Year License

Arizona's Real Estate Commissioner Sam Wercinski released Substantive Policy Statement No. 2008.05 today. The SPS is designed to clarify for the industry our policy on regulating continuing education for licensees with a four-year license. You may [click here](#) for a copy of the SPS. Please direct questions to Assistant Commissioner Tory Anderson at [tanderson@azre.gov](mailto:tanderson@azre.gov).

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### License Fees Schedule

The Department of Real Estate is pleased to announce that as of July 7, 2008, it has revised the fee schedule for licensing and services provided to the Industry. Sam Wercinski, Arizona's Real Estate Commissioner stated that "We have eliminated fees for real estate licensees being hired or transferred, expecting to save practitioners nearly \$400,000.00 in Fiscal Year 2009. Eliminating this expense will also provide savings to companies who wish to consolidate branch offices or merge with another firm." The Department also lowered the online license renewal fee for the second year in a row. This will encourage more agents and brokers to use our online system when they renew for a four-year license. Individuals applying for a real estate license will now pay more for the initial two-year license which Commissioner Wercinski believes better reflects its value. Legal Subdividers will also share in the savings with a 10% reduction in the initial filing fee. See our new fee schedule [http://www.azre.gov/PUBLIC\\_INFO/Documents/Fee\\_Schedule.pdf](http://www.azre.gov/PUBLIC_INFO/Documents/Fee_Schedule.pdf)

# Editorial

## Buying a Home

By

Tory Anderson

I am currently in the process of purchasing a resale home. We are scheduled to close escrow on July 16. This has been an emotional time - stress & excitement mixed all into one!!

The first part of our home-buying process began with our agent, a real estate licensee and a REALTOR. Thanks to her guidance, we picked a neighborhood that fit our needs almost perfectly. It was not a neighborhood we had originally considered; and we are so grateful that she brought it to our attention. We simply told her what we were looking for in a neighborhood, and she asked us to consider this one.

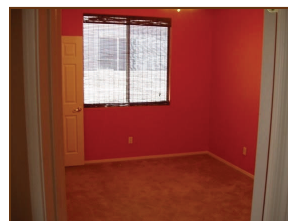
While going through this process, we also secured our financing. Of course, we submitted our personal financial information to a loan originator. Now, the loan originator we dealt with is a friend of a friend, and we trusted him with our most personal information (like social security numbers and bank accounts). I couldn't help but imagine the horrific harm an unscrupulous person could inflict on us with all of our personal information. It's quite frightening. That's why it's so important to conduct background checks on loan originators - something that SB1028 requires.

The next step was negotiating with the current homeowner (a bank). Since this was a foreclosed home, the bank insisted that the house would be sold "AS-IS" and that we as buyers had to give up our rights to a Disclosure Report and CLUE report. So that meant I had a lot of research to do in my 7-day inspection period. My real estate licensee had provided me with the [Buyer's Advisory](#) and I also utilized [ADRE's Home Buyers' and Renters' Bill of Rights](#) to find out about expansive soils, earth fissures, flood zones, schools, police, crime, etc. We also utilized the services of an experienced home inspector to learn if there were any major problems with the house. Luckily, there were no deal-breakers and we

and we decided to move forward with the purchase.

Three weeks before the closing date, we found out from our lender that we needed an executed 12-month lease on our current property before the loan would close. This put us in the position of trying to find a renter fast. Friends of ours offered to sign a lease to help us out so we would have something to turn into the lender. Our friends told us a loan originator told them to do that on their property. Isn't that interesting? If you are as informed as I am, you would recognize right away that this is mortgage fraud. Another good reason why loan originators should be licensed and receive continuing education.

I'm happy to report that we have found strong, real tenants for our home and we are well on our way to closing on time. I appreciate all of the professional service and advice our real estate licensee gave us in this transaction. Her communication and advocacy have been superb. This is the second home we've purchased, and having the help of a licensed real estate agent was key. Plus, it doesn't hurt to have the Real Estate Commissioner as a boss. (ha, ha)



"An orange bedroom in my new house. Yes, we have some painting to do."

**Editor's Note:** Tory Anderson is Assistant Commissioner - Policy and Special Projects at ADRE.

### Northern Arizona Presence

The Department continues to research how to best provide services to Northern Arizona. For the next **6 months** the Department will be conducting an alternating pilot program between Flagstaff and Prescott.

#### Schedule:

4/30 Flagstaff (**Completed**)  
 5/22 Prescott **Completed**  
 6/25 Flagstaff **Completed**  
 7/24 Prescott  
 8/27 Flagstaff  
 9/25 Prescott

#### Meeting Locations:

Flagstaff-

Pioneer Title (Conference Room)  
 1016 W. University Ave, Second Floor  
 Flagstaff, AZ

Prescott-

Prescott Public Library (Bump Room)  
 215 E. Goodwin Street  
 Prescott, AZ



### DID YOU KNOW?

This year, we added new services to our Online System, including the ability to **complete Entity Renewals** online and allowing schools to share courses without sending any paperwork to the Department.

**Governor Napolitano signed bill into law!**

### Legislative Update on SB 1028

On June 25<sup>th</sup>, the Arizona Legislature passed SB1028 – Loan Originator Licensing. This bill requires that all loan originators in Arizona must be licensed by 2010, and will be regulated by the Department of Financial Institutions. Applicants for a Loan Originator License must pay a license fee, complete a course of study approved by the Department, and pass an exam. Also, loan originators must not have a felony conviction in any state for a crime of breach of trust or dishonesty.

The Department of Real Estate supports this bill. Licensing loan originators just makes sense. It will raise the standards for loan originators, ensure a minimum education level, and will also protect consumers by ensuring the individual processing the loan application is a person of good character.

## Disciplinary Actions

**Name** Christopher Barkley

**Location:** Phoenix, Arizona

**License** Unlicensed Individual

**Summary:** Respondent sold multiple subdivided lots without complying with applicable subdivision statutes and rules.

**Order** June 6, 2008

**Action** Vacate Cease and Desist, in compliance with terms of 08.22.2006 Consent Order

**Name** Mark Bosworth

**Location:** Phoenix, Arizona

**License** Unlicensed Individual

**Summary:** Conducted unlicensed property management activities, civil judgments in excess of \$12,000,000

**Order** April 3, 2008

**Action** Cease & Desist unlicensed real estate activities in the State of Arizona

**Name** Gateway Lots, LLC, Flannery & Allen LLC

**Location:** Las Vegas, NV

**License** Unlicensed Entity

**Summary:** Respondent sold multiple subdivided lots without complying with applicable subdivision statutes and rules.

**Order** June 4, 2008

**Action** Vacate Cease and Desist, in compliance with terms of 08.22.2006 Consent Order

**Name** Stephen Judd

**Location:** Lake Havasu City, Arizona

**License** SA042461000

**Summary:** Failure to comply with terms of April 26, 2006 Consent Order

**Order** March 24, 2008

**Name** John K. Norris

**Location:** Phoenix, Arizona

**License** BR009198000

**Summary:** Respondent convicted on 02.19.2008 of Conspiracy to Steal Trade Secrets in US District Court, Southern District of Arizona, placed on 3 years Probation

**Order** June 17, 2008

**Action** Summary Suspension of License

**Name** Jon & Kelly Liljander Phoenix  
Vacation Rental Homes

**Location:** Chandler, Arizona

**License** Unlicensed Individuals/Entity

**Summary:** Conducted unlicensed property management activities

**Order** June 16, 2008

**Action** Cease and Desist

**Name** April Rivera

**Location:** Patagonia, Arizona

**License** Unlicensed Individual

**Summary:** Petitioner convicted of multiple violations from 1999 through 2007, including Assault, Bad Check Utterance, Animal Cruelty, Disorderly Conduct, DUI and Shoplifting

**Order** April 3, 2008

**Action** Denial of License





**Total Disciplinary Actions Resolved through Issuance of Provisional License and the Accelerated Settlement Agreement Process (ASAP)**

	April-May 2008	June 2008
Advertising	1	1
Adverse Judgments	0	1
Commingling Money	1	0
Convictions	8	14
Convictions-Felonies	0	1
Failure to Disclose in a Timely Manner	15	23
Failure to Respond	0	1
Failure to Supervise	2	1
Misrepresentation	0	1
Multiple Violations	1	2
Negligence	1	
Non-Compliance with Order	1	
Other Jurisdiction Sanction	1	3
Subdivisions (Illegal)	0	1
Subdivision Violations	2	5
Unlicensed Activity	2	2
<b>Grand Total</b>	<b>35</b>	<b>56</b>

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### *DIALOG*

#### THE PERIODIC BULLETIN FROM THE ARIZONA DEPARTMENT OF REAL ESTATE

An official publication of the State of Arizona

JANET NAPOLITANO  
Governor

DEPARTMENT OF REAL ESTATE

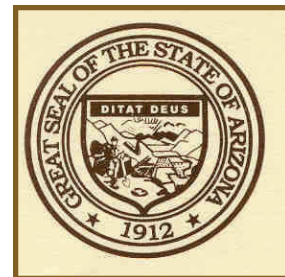
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