



# **Real Estate Agency - 2016 LREC Mandatory**

## **Course Orientation**

*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 63,000 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 course covers every aspect of agency relations in real estate transactions. This course includes steps in complying with agency law; rules common to all agency relationships; dual agency/designated agency requirements and obligations; disadvantages of subagency and vicarious liability. This course meets the Louisiana Real Estate Commission's 2016 requirement for the four hour mandatory continuing education course.

### **Required Course Material:**

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

#### **REQUIRED HARDWARE and SOFTWARE (Internet-Based Courses):**

All course materials are available online. To access, a student will need a connection to the Internet. Any Internet speed will be adequate for the text-based version; however, a high speed connection is recommended for the course presented in PowerPoint/Audio format, so the student may appreciate the visual aesthetics of the presentation. Any additional software, such as Adobe Reader (needed to access the .pdf files), is available in the course for immediate 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.
  - Each lesson/module will have a quiz at the end that must be passed in order to continue to the next lesson/module.
    - 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 for the student's review.
  - The final exam questions are also presented in multiple-choice format requiring a passing score of 70% or higher.
  - The username and password will be deactivated after the course expiration date has passed.
- The course completion certificate will be issued to the student upon passing the final exam at end of the course.

## **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, administrative issues, purchases from the online store, or technical issues.**
  - **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 course at their convenience.
- Students will be issued a completion certificate upon successful completion of 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. Students may click on the glossary to study the definition of terms with which they are not familiar.
- The “Resources” 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.

## Course Outline

### INTRODUCTION

- Course Syllabus and Introduction

### INTRODUCTION TO REAL ESTATE AGENCY

- **Real Estate Agency Law Key Terms**
- **Agency Part 1**
  - The Agency Relationship
    - Basic roles
      - principal (client) hires agent (broker) to find a ready, willing, and able customer (buyer, seller, tenant);
      - client-agent fiduciary foundations: trust, confidence, good faith
    - Types of agency
      - universal: represent in business and personal matters;
        - can contract for principal
      - general: represent in business matters;
        - agent can contract for principal
      - special: represent in single business transaction;
        - normally agent cannot contract for principal;
        - the brokerage relationship is usually special agency
    - Creating an agency relationship
      - created by express written or oral agreement or as an implied agreement by actions of either party
    - Terminating an agency relationship
      - causes:
        - fulfillment;
        - expiration;
        - mutual agreement;
        - incapacity;
        - abandonment; or destruction of property;
        - renunciation;
        - breach;
        - bankruptcy;
        - revocation of license
- **Agency Part 2**
  - Fiduciary Duties
    - Agent's duties to the client
      - skill, care, diligence;
      - loyalty;
      - obedience;
      - confidentiality;
      - disclosure;
      - accounting
    - Agent's duties to the customer
      - honesty and fair dealing;
      - exercise of reasonable care and skill;
      - proper disclosures;
      - danger areas: misrepresentation; advising beyond expertise
    - Principal's duties
      - availability;
      - provide information;
      - compensation
    - Breach of duty
      - liabilities: loss of listing, compensation, license; suit for damages

- **Agency Part 3**

- Forms of Real Estate Agency
  - Single agency
    - seller agency;
    - buyer agency;
    - tenant representation
  - Subagency
    - outside brokers and agents who help listing agent;
    - listing broker's own agents
  - Dual agency
    - representing both sides;
    - potential conflict of interest;
    - must disclose, obtain written consent;
    - types: voluntary by consent;
    - involuntary by actions of parties (implied agency);
    - duties: all but full disclosure and loyalty
  - No agency
    - "facilitator" or "transaction broker";
    - representing neither party in the transaction;
    - duties to both parties: accounting; skill, care and diligence; honesty and fair dealing;
    - disclosures affecting property value

- **Agency Part 4**

- Agency Disclosure Rules
  - Objectives of disclosure
    - declare;
    - explain;
    - offer choice;
    - obtain documented consent
  - Seller agent disclosures
    - to client: in writing on or before listing is executed;
    - to customer: prior to substantive contact, in writing; oral permitted but must have written follow-up
  - Buyer agent disclosures
    - in writing;
    - upon first contact with listing agent or seller
  - Dual agent disclosures
    - "informed, written consent";
    - may not disclose: price or financing positions or motivations unless authorized
  - Facilitator disclosures
    - on becoming transaction broker or on substantive contact whichever is first
- **Review of Disclosures:** Sample disclosures are provided in the course resource materials.

- **Lesson Quiz**

## **LOUISIANA LAW OF AGENCY**

- **Louisiana Law of Agency Part 1**

- Overview/Objectives
- The Concept
- Mandate
- "Special Legislation" – The History and Background of the Real Estate Licensing Law

- **Louisiana Law of Agency Part 2**

- Definitions
- Relationships Between Licensees and Persons
- Duties of Licensees Representing Clients
- Licensees Relationship with Customers
- Termination of Agency Relationship

- Compensation; Agency Relationship
  - Dual Agency
- **Louisiana Law of Agency Part 3**
  - Subagency
  - Vicarious Liability
  - Examples (Case Studies)
- **A Review of Real Estate Agency Law**
- **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 = 60 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.

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Orientation Acknowledgement:

I have read the Course Orientation provided at the beginning of this course, and I have been provided with the opportunity to ask questions pertaining to the information contained in the Course Orientation.

By my signature below, I acknowledge that I fully understand the information contained in the Course Orientation.

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Student's Signature