



ARIZONA DEPARTMENT OF REAL ESTATE BULLETIN



Volume 2015 • Issue 2



Judy Lowe
Commissioner

COMMISSIONER'S
CORNER

T E A M

WHAT'S REQUIRED OF TEAMS...???

Being invited to lead a “Break-Out Session” at the Arizona Association of REALTORS® (AAR) . Winter Conference in Prescott in March was an honor and great experience. The packed room of Realtors was very inter-active as we discussed Teams and the requirements of the Arizona Statutes, Rules and Policies enforced by the Arizona Department of Real Estate. After viewing a You Tube video produced by the National Association of Realtors ® (NAR) relating to Teams, we followed the Power Point presentation with a lively discussion. Some of the points covered included:

“Teams” within the Arizona real estate industry are not officially recognized entities in either Arizona Statute or Rule.

The existing Arizona statutes and rules that govern all real estate licensees do impact Teams, and how they are formed and function, through the application of existing license law or rules/policies.

An Employing Broker’s Designated Broker (DB) is responsible for the acts of all Associate Brokers, Salespersons, and other employees acting within the scope of their employment.

An Arizona real estate Team is made up of Arizona actively licensed real estate licensees. All members of a Team must work for the same DB. Unlicensed assistants may work with Teams, however, must be supervised by the Employing Broker (DB).

The same rules apply to advertising Teams as apply to individual licensees. ALL advertising must clearly and prominently display the name of the Employing Broker (Brokerage name) as licensed with ADRE. Licensees must never create the misrepresentation that the Team is an independent entity or separate from the Employing Broker. A.A.C R4-28-502; A.R.S. § 32-2153 (A) (4), (8).

The Employing Brokers Name must be: Clearly legible on the top or bottom of a flyer; Visible on the website front page, and each subsequent page without necessity of scrolling down, regardless of screen size; Stated on Social Media, unless not practical, then the ad information must be linked to the Employing Broker’s name, which is displayed clearly and prominently.

The Employing Broker shall not display any name at designated places of business (branch offices) named in the Broker’s license other than the name under which the Broker is licensed. An additional license is required for each branch office; branch office signs must conform to the provisions for the principal office and shall include the designation “branch office” A.R.S. § 32-2127(B).

Compensation definition = Any fee, salary, commission, money or other valuable consideration for services rendered or to be rendered, including the promise of consideration whether contingent or not. A.R.S. § 32-2101.

Each Team member must receive their compensation directly from the Employing Broker. The Broker cannot pay the team leader and have the team leader distribute the payments to the rest of the Team. A.R.S. § 32-2155(A); A.R.S. § 32-2153(A)(7).

Let’s remember that each member of the Team must sign all documents with their own name, and UNLICENSED ASSISTANTS ARE VERY RESTRICTED IN WHAT THEY CAN DO.

Also, the ADRE does not monitor the status/classification of Unlicensed Assistants as Independent Contractor or Employee.....the IRS and Labor Commission do.

THANKS to the ADRE “Realtor ® Partners” who contributed their questions and input to the successful session.

COMMISSIONER JUDY LOWE

ARIZONA MEXICO COMMISSION (AMC) – REAL ESTATE COMMITTEE– NEWS

What is the AMC Real Estate Committee and what are they up to?

The Arizona Mexico Commission (AMC) is a State of Arizona Commission, Chaired by the Governor. AMC’s mission is to, “improve the economic prosperity and quality of life for all Arizonans through strong, public/ private collaborations in advocacy, trade, networking and information.”

The AMC Real Estate Committee originally began as a Task Force in 2001. At that time Committee members, representing a diverse cross-section of experts including attorneys, real estate professionals, developers and government officials, were all appointed by Governor Hull. In 2004, the AMC Board of Directors approved what is now the AMC Real Estate Committee. The current Committee, who’s two Co-Chairs (one from the private sector and one from the public sector) remain appointed by the Governor, now appoints its own membership. Members continue to represent a wide cross-section of industry experts, many of whom have direct experience dealing in real estate transactions in Arizona and Mexico. ADRE is proud to have Commissioner Lowe as the public sector Co-chair. Her private sector counter-part is Gary Brasher, Broker with Russ Lyon Sotheby’s International of Tubac.

Through their efforts to build strong bi-lateral relationships and to provide information to professionals and the public, this dedicated group of committee members has accomplished many important tasks over the past 14 years. Some of the major accomplishments include the completion and distribution of consumer real estate guides, establishment of a process for Sonoran Developers to obtain an Arizona Development Public Report (which is required for a Sonoran Developer to market in Arizona), organizing and hosting Knowledge Exchange Symposiums with over 200 participants from Arizona and Sonora, and a video ‘Invest Now in Arizona & Sonora’ which is available at www.azre.gov and www.azmc.org.

As the Committee moves forward in 2015 they remain committed to building relationships and providing critical information to both industry professionals and consumers. Commissioner Lowe thanks committee members for volunteering their time and energy to this vital Arizona program.

Most recently, the Real Estate Committee has been proud to see one of its long-time members, David Farca, appointed by Governor Ducey as the President of the Board of Directors of the Arizona Mexico Commission. While David will be missed on the Real Estate committee, his leadership will be a tremendous asset to the work of the Arizona Mexico Commission. Congratulations to David!

AMC Real Estate Committee Members Include:

Commissioner Judy Lowe, Co-chair
Gary Brasher, Co-chair
Dave Arner
Diane Barroll
Mitch Creekmore
Doug Groppenbacher
Tim Kelley
Randall Lindsey
Ann Susko
Paul Waterman
Josh Meyer

ADRE HOLDS INDUSTRY MEETING WITH AMLA AND AZDFI

The ADRE had the privilege of meeting with the Arizona Mortgage Lenders Association (AMLA) and the Arizona Department of Financial Institutions (AZDFI) on Thursday April 6th to discuss industry topics and current issues. This productive dialogue proved very informative with both agencies and the association asking many questions of each other, while continuing to build a strong industry partnership.

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COMMISSIONER'S CONNECTIONS



Commissioner Lowe met with members of Brewer & Stratton Property Management on March 12, 2015.



On February 4, 2015, Commissioner Lowe was pleased to be invited, and to attend the induction ceremony for new Board Members of the AMPI Guaymas-San Carlos Chapter (the Mexican Association of Real Estate Professionals).

The Commissioner commented, “as Co-Chair of the Arizona Mexico Commission Real Estate Committee, I was excited to have this opportunity to share in the induction ceremony and continue to build on this important cross-border relationship.”



Phoenix Association of Realtors (PAR) had a great turnout for Commissioner Lowe's presentation.

(L-R) Debbie Leadford, Education Director/PAR; Commissioner Judy Lowe; Diane Scherer, CEO/PAR



Solutions Real Estate's Leadership Class enjoyed their visit to ADRE and Heidi Zebro, Director of Business Development, Solutions Real Estate commented.

“Thank you again for all that you did. We were blown away by the hard work the ADRE staff put in for us. My take away was how each of you call daunting tasks and projects "exciting" and "opportunities". I have adopted that simple word change, what a difference!”
-Heidi Zebro, Director of Business Development, Solutions Real Estate



South East Valley Realtors came to ADRE on February 6, 2015 for the ADRE overview.

PLANNING A COMPANY EVENT? To stay up-to-date with what's happening in real estate, and to hear “What's Making the Phone Ring at ADRE?,” invite Commissioner Lowe to speak to your group.

For scheduling a potential date, contact Sarah Dobbins, the ADRE Chief of Staff at sdobbins@azre.gov

COMMISSIONER'S CONNECTIONS Continued



Commissioner Lowe and Louis Dettorre, Assistant Commissioner Operations/Legislative Affairs presented to a group of over 120 licensees at the Tucson Association of REALTORS® on May 4, 2015. Mr. Dettorre provided a legislative session update while Commissioner Lowe facilitated round table discussions on common investigations cases that are submitted to the Department.



Commissioner Lowe was honored to present the award for the Broker of the Year to Martha Appel at the Arizona Journal of Real Estate & Business First Annual Industry Awards on May 5, 2015.

ADVERTISING ON THE WEB...

A.R.S. §32-2163(D) states, *"The offering of real estate brokerage services specified by section 32-2101, paragraph 48 for compensation or any other thing of value pertaining to real property located in this state through an internet web site constitutes activity that requires a broker's license issued by the department."*

A.R.S. §32-2163(E) states, *"This section does not allow an out-of-state broker who is not licensed in this state to list, market or advertise in this state real property located in this state for sale, lease or exchange."*

INTERVIEW WITH ADRE COMMISSIONER JUDY LOWE

by [Arizona REALTORS](#) on April 6, 2015

Arizona Association of REALTORS® (AAR) President, Jim Sexton, and Arizona Department of Real Estate (ADRE) Commissioner, Judy Lowe, recently sat down at the AAR offices in Phoenix to discuss topics and issues that frequently cause disputes and violations for REALTORS® and consumers. This meeting was the first of several planned to discuss issues and problems being faced by REALTORS® and consumers alike.

Over the next several weeks, we will share information on their topics of discussion. See part two [here](#).

HOAs, Landlord-Tenant and Property Management Issues

The ADRE frequently receives complaints and calls regarding HOAs, however, these issues don't fall under the ADRE's jurisdiction. In 2011, the Arizona Legislature passed legislation providing Arizona homeowners and condominium and planned community associations (HOA's) a venue for resolving disputes. Therefore, the ADRE forwards all HOA problems to the [Department of Fire, Building and Life Safety](#) or the [Attorney General's Office](#) depending on the context of the issue.

Landlord and tenant issues also aren't under the ADRE's jurisdiction, so those issues are forwarded accordingly. For more information, see the [Arizona Residential Landlord and Tenant Act](#) or the [Tenant Rights and Responsibilities Handbook](#).

Property Management has been a focus of both the ADRE and AAR for several years. Property Management Trust accounting has improved as AAR has started the PM boot camp, as well, AAR is working on a Property Management certification program to further these improvement efforts. In regards to property management, and specifically continuing education (C/E) courses that pertain to property management, AAR provides many educational opportunities for property managers. For information on an upcoming Property Management Class on April 10th visit the [AAR calendar](#), as well, the Trust Account Reconciliation process information can be found on the [ADRE's website](#). The Commissioner shared that she encourages property managers to become REALTOR® members in order to gain access to quality property management specific courses.

AAR + ADRE

Of the 78,000 licensees in Arizona, 57,000 are active, and of those, 43,000 are REALTORS®! However, over the last year we've seen a trend of more licensees choosing to leave the industry. Arizona is currently losing more real estate agents each month than we are gaining – with approximately 500 leaving per month and 400 joining.

This article originally appeared in the Arizona REALTOR® Voice at www.blog.aaronline.com in March-April 2015.

by [Arizona REALTORS](#) on April 15,

AAR President Sexton recently spent time with ADRE Commissioner Lowe diving into what causes the ADRE phones to ring, the most common advertising complaints, what's putting REALTORS® and consumers at risk and many more topics. This is the second in a series of articles on what they discussed. See part one [here](#).

Commissioner Lowe States That All Real Estate Licensees and Brokerage Firms Must Advertise Only in Their Full Legal Name

An issue that comes up often is the ADRE position that real estate agents and brokerage firms must advertise only in their full legal name, ADRE approved nickname, or DBA ("Doing Business As"). Commissioner's Rule R4-28-301(D) states: "The Department shall issue to a qualified person a license bearing the legal name of the licensee and any additional nickname, corporate, or dba name that the Commissioner finds is not detrimental to the public interest. A professional corporation or professional limited liability company licensed under A.R.S. § 32-2125(B) shall not adopt a DBA name."

The Commissioner states that if you would like to do business and advertise under a name other than your full legal name, you must contact the ADRE and obtain approval for a nickname or DBA. This applies to both brokerage companies and individual licensees. Even dropping an "Inc." or "LLC" in advertising is considered a DBA name by the department.

Examples of nicknames that are considered acceptable would be Jim for James, Judy for Judith, Dale for C. Dale, and Tom for Thomas. Name approval is overseen by ADRE staff members. If the requested name change isn't standard, then higher level approval from the Commissioner is required. For information on applying for a nickname or DBA, go to the online [Licensee Personal Information form](#).

One misconception that President Sexton and Commissioner Lowe discussed was the idea that the ADRE actively seeks out advertising violations, which is not the case. More often than not, violations and concerns are brought to the department by real estate licensees.

For more information on real estate advertising guidelines, see [Real Estate Advertising Rules & Guidance](#) and [the ADRE Substantive Policy Statement \(SPS\) on Advertising](#).

This article originally appeared in the Arizona REALTOR® Voice at www.blog.aaronline.com in March-April 2015.

INTERVIEW WITH ADRE COMMISSIONER JUDY LOWE

by [Arizona REALTORS](#) on April 24, 2015

Teams, Transaction Coordinators, and Assistants

The ADRE is focused on teams, transaction coordinators, and unlicensed assistants. If you are a part of a team or utilize the services of a transaction coordinator or assistant, make sure that you comply with the ADRE rules.

When it comes to team names, there are no regulations as far as the ADRE is concerned. In other words, real estate teams are not officially recognized entities in either Arizona statute or rule. Consequently, naming conventions and rules pertaining to teams are left to the broker. The ADRE is nonetheless clear that team names must not create the impression that the team is an independent entity or separate from the employing broker. The use of the words "Group" or "Associates" should be avoided because it creates the impression of a brokerage rather than a team. Furthermore, in choosing a team name, the Commissioner's Rules dictate that the team name cannot be deceptive as salespersons and brokers are prohibited from creating misleading impressions.

The same advertising rules apply to teams and individual licensees, meaning that all team advertising must clearly and prominently display the employing broker's name. For more information on real estate advertising guidelines review the [Real Estate Advertising Rules & Guidance](#). In addition, the ADRE Substantive Policy Statement (SPS) on Advertising can be found on the ADRE website [here](#).

The ADRE has received multiple inquiries and questions in regards to using non-local transaction coordinators. Transaction coordinators can only work for one brokerage as they need to be a licensee and a licensee can only hang their license with one broker. Can the coordinator live out of state? Yes, but they must be licensed in Arizona. It is possible to share a transaction coordinator, but all licensees must be members of the same brokerage firm.

The ADRE is also seeing numerous incidents of unlicensed assistants completing tasks that require a real estate license. Review the SPS on unlicensed assistants on the ADRE website [here](#) for what an unlicensed assistant can do. To help with these questions, AAR will be working on additional materials and resources to educate members on the dos and don'ts of utilizing assistants.

This concludes the articles arising from the first meeting between President Sexton and Commissioner Lowe, but each have the intentions of making these conversations a regular event. This would lead to both parties being able to discuss current and future needs and issues.

Stay tuned for more updates and information and many thanks to Commissioner Lowe for her time and help in educating our members.

This article originally appeared in the Arizona REALTOR® Voice at www.blog.aaronline.com in March-April 2015.

ADRE LEGISLATIVE UPDATE

The 52nd Legislature, 1st Regular Session adjourned sine die (Latin meaning "without assigning a day for a further meeting or hearing") at 3:37 AM on Friday April 3rd. Over 1,200 new pieces of legislation were introduced during the course of the 81 day session that began on January 12, 2015. Governor Douglas A. Ducey signed 324 pieces of legislation that passed the House and Senate.

The Department remained proactive throughout session contributing input to the Governor's staff, Legislators and the Capitol community on bills that could impact agency operations and the industry as a whole. ADRE would like to thank the associations and public stakeholders that provided valuable feedback during this important time of year. We appreciate your efforts to include the Department on issues that are significant to the industry and public. Your efforts are valued and appreciated.

The State's FY 2016 budget was signed on March 12th which included an appropriation for the Department of Real Estate of \$2.98 Million for the coming fiscal year, beginning July 1, 2015. The agency continues to move forward in streamlining its processes and procedures to maximize its budget and achieve even greater efficiencies. The ADRE has done this by utilizing technology and cross training personnel to ensure coverage in areas that need it the most.

A Legislative Overview for 2015 is available on the ADRE website at www.azre.gov. Please visit the State Legislature's website at www.azleg.gov to search all bills that went through the legislative process. The general effective date for all legislation enacted during the 2015 Legislative Session is July 3, 2015 unless otherwise stated.

Thank you for your support of ADRE and for all that you do to contribute to the economic health of the state of Arizona. Please reach out to the Department through the Message Center should you have any questions and we will be sure to provide a timely response.

-Louis Dettorre, Assistant Commissioner Operations/Legislative Liaison

WHAT'S HAPPENING AT ADRE?



DEVELOPMENT SERVICES AND THE DEVELOPMENT INDUSTRY

The first Learn and Lunch with ADRE's Development Services Division and the Development Industry was a success. There was positive dialogue between the participants (approximately 35 industry representatives) on an array of development application matters. Due to the overwhelming interest, ADRE will continue the events on a quarterly basis. A special thanks to the Pulte Group for sponsoring the delicious meal!

Below are guidance clarifications¹ for some of the topics that were discussed at the March 19, 2015 meeting:

Subsequent Owner Exemptions are only valid when granted by ADRE's Commissioner upon determining eligibility after submission and ADRE's review of a complete application.

A.R.S. 32-2181(B), 32-2181.02 (B)(2), and A.A.C. R4-28-B1207(A).

Lot Reservations are only valid when granted by ADRE's Commissioner upon determining eligibility after submission and ADRE's review of a complete written notice from the subdivider/developer of intent to accept lot reservations. A.R.S. 32-2181.03.

Material change information that requires a Public Report Amendment Application to be filed with ADRE is further described in the Statutes and Rules for subdivisions, timeshare, cemetery, membership camping and unsubdivided lands under A.R.S. Title 32, Chapter 20 Articles 4, 6, 7, 9 and 10 and A.A.C. Title 4, Chapter 28, R4-28-101 (definition), R4-28-B1203, R4-28-B1204 and will not be listed by common type anywhere as suggested. A developer should seek legal advice if they feel a change does not require an amendment application.



¹Guidance clarifications are not regulations or substantive policy statements of ADRE. The clarifications are to assist the public in its interactions with ADRE.

ABOVE AND BEYOND THE MINIMUM CONTINUING EDUCATION

Hats off to those real estate licensees who often take more than the required number of continuing education (CE) classes to enhance their professional development! ADRE's online CE banking system will accommodate the upload of any extra hours as long as the licensee enters all CE classes before they complete the online renewal process. If for any reason a licensee is not able to enter extra CE hours into the applicable CE period, ADRE staff will gladly enter the extra hours upon receipt of a written request along with copies of the CE certificate(s). Remember ADRE's public database displays all the completed CE courses for each licensee for the prior and current CE periods

Carla Randolph, Assistant Commissioner- Licensing , Education and Development Services

ADRE STAFF TRAINING

As part of ADRE's goal to promote a committed, skilled and accountable ADRE Team, ADRE provides staff training to all employees on a monthly basis. Training topics have included time management, public records, handling violence in the workplace and most recently ADRE staff has received information from two associations working with the Real Estate industry – Arizona Association of REALTORS® (AAR) and Arizona Real Estate Educators Association (AZREEA) .



Arizona Department of Public Safety (DPS) visits with the ADRE staff.



Pat Sheehan shares an overview of the Arizona Real Estate Educators Association (AZREEA) with the ADRE staff.



ADRE DEVELOPMENT SERVICES PARTICIPATES IN GOVERNOR DUCEY'S LEAN TRANSFORMATION

Expedited Public Report Applications can be processed at the "Speed of Business"

ADRE is pleased to announce that the Arizona Government Transformation Office selected its Expedited Public Report Application process in its first Permit Blitz project as part Governor's Ducey's goals for state agencies to operate at the "speed of business" by reduce processing time by 50% . The ADRE Development Services Team participated in a seven week training program to study the processes, and along with a seasoned coach looked at opportunities to cut wasted time in the current application process As a result, ADRE is now capable of processing the applications in 5 days instead of 10 days!

ADRE appreciates the participation and feedback during the Permit Blitz from three industry representatives, Denise Joyce of First American Title Insurance Company, Bonnie Matheson of DMB Associates and Joe Gutierrez, Jr. of Fidelity National Title Agency.

Those parties filing the Expedited Public Report Application can help in the process by referencing the application type on the "addressed to" section of the envelope (label) to ADRE as follows:

Addressed to sample:

Arizona Department of Real Estate
Development Services Division
RE: EXPEDITED APPLICATION
2910 N. 44th Street, Suite 100
Phoenix, Arizona 85018

Thank you for all you do for the development industry in Arizona!



ADRE staff members (L-R); Christina Bruce, Sarah Dobbins, Rose Fraze, and Carla Randolph meet with Pam Nicola, Coach, (center), on March 27, 2015

EDUCATION-INFORMATIONAL ALERT

A new Substantive Policy Statement (SPS) was issued to School Administrators/Owners effective March 20, 2015, titled: **Instructor Professional Development Requirements**. Click [here](#) to view the new SPS. This SPS will inform the regulated real estate education industry of ADRE's interpretation and implementation of the education statutes and rules under the ADRE's original jurisdiction, through the establishment of real estate instructor professional development requirements that were **previously implemented**.

The Real Estate Instructor Approval/Renewal/Change Application (ED-101) was slightly modified (click [here](#) to view the updated application) to include the following changes:

- Alternative for instructors that are real estate licensees to use the continuing education (CE) from prior CE periods towards their instructor continuing education requirement
- More flexibility around the Contract Writing (Boot Camp) continuing instructor education requirements
- Discontinuance of the Content Instructor Development Workshop Program
- Primary and Secondary Sponsor School Instructions
- Application reduced from 11 to 7 pages in length!
- As an accredited real estate school, please begin using the new application to submit to ADRE on behalf of instructor applicants requesting approval, renewal, or an update for a real estate course instructor/applicant. A fillable instructor application is coming soon!

Thank you for all you do for the Arizona real estate industry and the public that it serves.

-Commissioner, Judy Lowe

EDUCATION UPDATE

EDUCATION FACTS!

Average Passing Percentages for "First Time Exam Takers"				
EXAM TYPE	Jan-2015	Feb-2015	Mar-2015	Apr-2015
REAL ESTATE BROKER	79%	53%	47%	80%
REAL ESTATE SALESPERSON	61%	61%	61%	62%
CEMETERY BROKER	N/A	N/A	0%	N/A
CEMETERY SALESPERSON	82%	64%	100%	50%
MEMBERSHIP CAMPING BROKER	N/A	N/A	N/A	N/A
MEMBERSHIP CAMPING SALESPERSON	100%	N/A	N/A	100%
Total Number of Licensees (Individual and Entity) as of April 30, 2015				
78,252				
Active Continuing Education (CE) Courses as of April 30, 2015				
Live CE (Approximately)	2243			
Distance Learning CE (Approximately)	285			
ADRE Licensee Online CE Course Submissions January 27, 2015 through April 29, 2015				
Total courses entered	55446			
Distance Learning	29545			
Percentages Distance Learning	53			

TRANSFER OF REAL ESTATE CONTRACTS

Question: May a licensed salesperson transfer a real estate employment agreement and/or contract to their new employing Broker?

Answer: No, a licensed salesperson does not have the authority to make such transfers.

All employment agreements and contracts belong to the employing broker. The applicable statutes include:

A.R.S. § 32-2151.01(H) states the broker shall retain all real estate purchase agreements and employment agreements, or copies of these documents, in the employing broker's principal office, licensed branch office or off-site storage location if the Department has been provided written notice of the off-site storage location.

A.R.S. § 32-2151.02(B) states an employing broker shall not assign a real estate employment agreement to another broker without the express written consent of all parties to the agreement at the time of the assignment.

A.R.S. § 32-2153(A)(11) indicates a licensee may not induce any party to a contract to break the contract for the purpose of substituting a new contract with the same or a different principal, if the substitution is motivated by the personal gain of the licensee.

Prior to the transfer of employment agreements, such as listing agreements or buyer-broker agreements, the employing broker (brokerage) through the Designated Broker must obtain the written consent of the buyer or seller. Without such consent, the employment agreement may not be transferred.

Prior to the transfer of a purchase contract, property management agreement, etc., the employing broker (brokerage) through the Designated Broker must obtain the written consent of all involved parties. Without such consent, the contracts may not be transferred.

An Associate Broker may sign transfers on behalf of the employing broker, if a delegation of authority has been issued for such activity by the Designated Broker. A salesperson may not perform broker duties and; therefore, may not sign transfers on behalf of the employing broker.

ADRE forms associated with this sections:

[Click here](#) for the Delegation of Authority Application Instructions

[Click here](#) for the Delegation of Authority Form– LI-204

SINGLE FAMILY HOMES: PROPERTY MANAGEMENT OR ONSITE MANAGER

Question: Is a natural person doing property management for a single family home or homes, required to have an Arizona Real Estate license?

Answer: Conducting property management services, requires an Arizona Real Estate License, unless exempted by ARS § 32-2121(A)(6).

The Department frequently receives questions regarding the management of single family homes from individuals who believe they are acting as an onsite manager because they physically go to only one single family residence per day and; therefore, argue the activity is exempt and they may conduct this activity without a license.

The Department's Licensing statutes include a list of exemptions from licensure. The statute, A.R.S. § 32-2121(A)(6), provides an exemption related to unlicensed persons involved in Multi-Family Housing:

“Natural persons who are acting as residential leasing agents or **on-site managers** of residential rental property, who are performing residential leasing activities on residential income property at no more than one location during the period of the agents' or on-site managers' regular workday, who do not receive special compensation (*i.e., commissions and fees*) ... and who are employed by the owner or the owner's licensed management agent to perform the duties customarily associated with that employment. ...”

The above referenced exemption applies only to Multi-Family Housing, not single family residences. All property management related to single family homes is a licensed activity. Licensed activity may only:

- Be conducted on behalf of the employing broker
- Involve only real estate activities authorized by the Broker; and,
- Property Management services may only be performed for property owners who have entered into a property management agreement with the employing broker.



Brokers in Substantive Compliance
AUDIT HONOR ROLL- January through March 2015

ABBREVIATIONS USED IN SUBSTANTIVE COMPLIANCE

EBAR -= Electronic Broker Audit Review

Lic. No.	Broker Name	Employing Broker	Type
BR004868000	Abrams, Timothy M.	Key Group, Ltd.	Onsite
BR018130000	Adams, Cynthia Kay	Desert 2 Mountain Realty	Onsite
BR529996000	Aimone, Joseph D.	Gorenter	Onsite
BR117173000	Almaguer, Mary F.	Apache Gold Realty	Onsite
BR002981000	Applewhite, Robert A.	Applewhite Property Services, LLC	Onsite
BR541719000	Archer, Scott T.	Barclay Real Estate Services, LLC	Onsite
BR012661000	Arevalo, Luis	FSL Management	Onsite
BR102660000	Aronoff, Robin "Rob" D.	Scotia Group Management, LLC	Onsite
BR008218000	Asa, Maryann	A.S.A. Realty	Onsite
BR526314000	Asay, Judi	Dynamic Asset Management, LLC	Onsite
BR504393000	Barnett, Ralph ("Kirk")	BL REALTY GROUP, LLC	Onsite
BR004493000	Bawden, Lamont W.	Taylor Land Two Company	Onsite
BR505627000	Belsanti, Leslie Lyn	Da Vinci Realty, LLC	Onsite
BR038580000	Bennett, Christopher R.	Bennett Properties, LLC	Onsite
BR561220000	Biederman V, George W.	RAB Realty	Onsite
BR517936000	Bishop, Sean M.	Middlefork Commercial, LLC	Onsite
BR006707000	Blegen, Joseph N.	Camidor Property Services	Onsite
BR535791000	Borchard, Lisa K.	Real Property Management - West Valley	Onsite
BR508258000	Brown, Dana L.	AZ Cornerstone Realty, LLC	Onsite
BR552375000	Chambers, Ronald "Ron" L.	Client Advocate Realty	Onsite
BR008293000	Courtney, Randal "Randy" L.	Courtney Valleywide Properties	Onsite
BR102698000	Cunningham, Christine M.	Jones Lange Lasalle Americas, Inc.	Onsite
BR042091000	Dietz, William "Will" E. III	RE/MAX Excalibur	Onsite
BR556471000	Erb, Allen M.	Erb Realty & Property Management, LLC	EBAR
BR515528000	George, Angelique D.	Grindstone Property Management, LLC	Onsite

Brokers in Substantive Compliance AUDIT HONOR ROLL continued

ABBREVIATIONS USED IN SUBSTANTIVE COMPLIANCE

EBAR -= Electronic Broker Audit Review

Lic. No.	Broker Name	Employing Broker	Type
BR635642000	Good, Daniel "Dan" J.	Buena Vista Realty	EBAR
BR564160000	Hathcock, Russell A.	East Valley Property Management, LLC	Onsite
BR004548000	Hays-Sherman, Ginny M.	SB-Ginny Hays Realty	Onsite
BR012863000	Lee, David R.	David Lee Real Estate Company, LLC	Onsite
BR003783000	MacIntyre, David W.	Arizona Best Real Estate	Onsite
BR008896000	Petersen, Kevin D.	Petersen Properties & Management	Onsite
BR535944000	Reidhead, Jarrett W.	Tucson Integrity Realty, LLC	Onsite
BR005892000	Schust, Richard D.	First United Realty, Inc.	Onsite

DISCIPLINARY ACTIONS

ABBREVIATIONS USED IN DISCIPLINARY ACTIONS

CP = Civil Penalty

CE = Continuing Ed

PL = Provisional License

J&S = Joint &
Severally

PM = Practice Monitor

BA = Broker
Acknowledgement

Name	Brokerage at time of violation	Location	Summary	Order
Arizona Prime Estates, LLC; LC576357000	Arizona Prime Estates, LLC; Dale Gorny, DB	Apache Junction, Arizona	Trust account violations; trust account shortage; providing false information, conversion and commingling, Previous Cease & Desist Order	License Revoked, \$4,000 CP
Arnold, Alyssa SA647908000	United Broker's Group	Chandler, Arizona	Failed to timely disclose a November 2014 misdemeanor DUI conviction	ASA \$400 CP
Bennett, Starr Ann SA510754000	Statewide Realty, LLC	Peoria, Arizona	August 2014 Judgment of Guilt; production and possession of marijuana, failed to report w/in 10 days	CFO License Reinstatement: 2yr PL/PM,

DISCIPLINARY ACTIONS CONTINUED

Name	Brokerage at time of violation	Location	Summary	Order
Blush, Nyema SA654705000 (Candidate)		Litchfield Park, Arizona	Failed to timely disclose a February 2008 misdemeanor DUI conviction	ASA \$400 CP
Brennan, Vincent SA655694000 (Candidate)		Chandler, Arizona	September 2007 Consent Agreement and Order of Discipline from another licensing agency.	2 yr. PL/PM
Butler, Ronald BR5424200000	Quality Tucson Properties	Tucson, Arizona	Failure to maintain property management records, failed to maintain Owner & Tenant funds in a trust account, commingled Owner/ Tenant funds w/broker's operating funds, failure to provide Department with requested records.	\$1,000 CP, Revocation of license
Buttler, Carl SA014989000	West USA Realty	Peoria, Arizona	Failed to timely disclose an October 2013 "Failure to Comply with a Court Order" misdemeanor conviction	ASA \$750 CP
Champie, Codie SA656270000 (Candidate)		Chino Valley, Arizona	February 2009, Misdemeanor conviction "Issuing a bad check"	2 yr. PL/PM
Gausden, Brain SA523719000	Western Retail Advisors, LLC	Scottsdale, Arizona	Unlicensed real estate activity	ASA \$500 CP
Gorny, Dale M BR030036000	Arizona Prime Estates, LLC Dale Gorny, DB	Apache Junction, Arizona	Trust account violations; trust account shortage; providing false information, conversion and commingling, Previous Cease & Desist Order	License Revoked, \$4,000 CP,
Guardian Management Arizona, LLC LC630682000	Guardian Property Services	Portland, Oregon	Unlicensed real estate activity	\$3,000 CP
Hunton, Mark BR536237000	Guardian Management Arizona, LLC	Phoenix, Arizona	Unauthorized compensation	Surrender of License
Keon, Patrick SA63062500	US Preferred Realty, Inc.	Mesa, Arizona	Failed to timely disclose an April 2014 misdemeanor DUI conviction	ASA \$750 CP

DISCIPLINARY ACTIONS CONTINUED

Name	Brokerage at time of violation	Location	Summary	Order
Klie-Buckee, Shelly SA104905000	Dave Froehlich Realty	Scottsdale, Arizona	Failed to timely disclose a September 2014 misdemeanor DUI conviction	ASA \$400 CP
Mackenna, Mark SA552662000	Power Realty Group, LLC	Mesa, Arizona	Represented an entity other than the employing broker, accepted compensation as a licensee from other than the employing broker	\$2,000 CP, 2 yr. PL/PM
Meka, Paul SA012708000 (Candidate)		Greer, Arizona	April 2009 Misprision of a Felony	License Granted 2 yr. PL/PM
Mendelson, Alex P SA625027000	AZ Paradise Realty	Scottsdale, Arizona	Received compensation for real estate services not paid through employing broker.	\$3,000 CP, 2 yr. PL/PM, 12 hrs. CE in Commissioner Standards
Quality Tucson Properties, (Ronald Butler) SE542400000	Self Employed dba: Quality Tucson Properties	Tucson, Arizona	Failure to maintain property management records, failed to maintain Owner & Tenant funds in a trust account, commingled Owner/ Tenant funds w/broker's operating funds, failure to provide Department with requested records.	Revocation of license.
Renowden, Christopher SA627950000	Treehouse Realty, LLC	Queen Creek, Arizona	Unlicensed real estate activity	ASA \$500 CP
Sabatina, Rich SA531325000 (Candidate)		Desert Hills, Arizona	March 2010 conviction, attempt to commit forgery, fraud and conspiracy; September 2008 conviction for assault-intent/reckless/injure	2 yr. PL/PM, \$5,000 Surety Bond
Scheiner, Mark SA634201000	Homesmart, LLC	Scottsdale, Arizona	October 2014 felony conviction for attempted sale/transportation of marijuana, 12months incarceration.	Summary of Suspension of license

DISCIPLINARY ACTIONS CONTINUED

Name	Brokerage at time of violation	Location	Summary	Order
Shaw, Lorraine C SA631520000	Tierra Antigua Realty, LLC	Tucson, Arizona	Failed to timely disclose w/in 10 days change of residence address, failed to maintain a complete record of a transaction.	\$200 CP
Starr, Jerome Martin BR555468000	Desert Investment Advisors, LLC	Scottsdale, Arizona	Trust account violations; trust account shortage, failed to provide required documents, failed to maintain records of all transactions, allowed unlicensed activity by third party, journals and client ledgers not in balance, PMTA's not reconciled monthly & commingled & converted.	Cease and Desist Order Property Management Activities.
Stevens, Brad BR027795000	The Louis Group, LLC	Phoenix, Arizona	Unlicensed entity	\$2,000 CP, 12 hrs. CE in Commissioner's Standards
Streich-Franklin, Susan D BR012317000	QMC, Inc (QMC Rental Service)	Bullhead City, Arizona	Trust account violations; PMA verbiage not clear; PMTA's not in balance resulting in shortage; failed to supervise activities of salespersons & others under broker's employ.	\$2,000 CP, 2 yr. PL, 12 hrs. CE in Commissioner's Standards, \$30,000 Surety Bond
Swallows, Carolyn SA037448000	Swallows and Associates Realty, Inc.	Glendale, Arizona	Unlicensed real estate activity	ASA \$500 CP
Tietge, Mark R BR110897000	Real Estate & More Property Services, LLC	Glendale, Arizona	Trust account violations; ledgers not in balance, failure to maintain PMTA bank reconciliations, trust account shortage, false information.	\$4,000 CP, 2 yr. PL, 12 hrs. CE in Commissioners Standards, \$30,000 Surety Bond
Torrecillas, Adrain SA644036000	Keller Williams Arizona Realty	Scottsdale, Arizona	Failed to timely disclose a July 2013 Trespassing conviction	ASA \$750 CP
Waldbillig, Tiffannii SA575739000	AZ Real Estate and Property Management, LLC	Scottsdale, Arizona	Failed to timely disclose a September 2013 misdemeanor DUI conviction	ASA \$750 CP

LICENSE SURRENDER

ARS §32-2137(A) - Surrender License

If the Department has commenced a disciplinary proceeding **against** a licensee, the licensee may request in writing for **approval** to voluntarily surrender their license to the Department, only, if the surrender of the license occurs not less than 10 days prior to a hearing. After acceptance of the voluntary surrender, **“the Department shall not thereafter issue a license under this chapter to the licensee.”**

Choosing to surrender a license would forego a licensee’s ability to ever apply for a license through the Arizona Department of Real Estate in the future.

LAST NAME	FIRST NAME	LIC NUMBER	E & C FILE	SURRENDER DATE
Hunton	Mark	BR536237000	15F-DI-096	1/28/15

REQUIREMENTS TO MAINTAIN DEFINITE PLACE OF BUSINESS

THE BROKER’S BUSINESS LOCATION

The Arizona Revised Statute, A.R.S. § 32-2126, requires the employing broker to have a definite place of business, as well as office signage containing specific information.

A.R.S. § 32-2126(A) states in part, “Each employing broker shall have and maintain a definite place of business.”

In order to comply with this statute, the employing broker (entity) must have a specific physical location where a client may visit during normal business hours to ask questions, sign documents or pay rent and where the transaction and employment records are maintained. This is the employing broker’s business location on file with the Department.

The following scenarios do not meet the statutory requirement for a “definite place of business.” The employing broker’s business location listed with the Department is:

- A UPS or Mail Boxes, Etc. or other similar mail drop box location.
- An executive suite location in which the broker utilizes an office on an hourly basis or a conference room used by licensees to meet clients, as needed; however, the employing broker maintains no permanent presence at the location and has no leased, dedicated office space within the executive suite.
- A “virtual office” location. The Department licenses only “brick and mortar” office locations.

A.R.S. § 32-2126(B) states, in part, “Each designated broker and, if applicable, each employing broker shall cause a sign to be affixed at the entrance to the broker’s place of business, in a place and position clearly visible to all entering the place of business, with the name of the broker, the name under which the broker is doing business if other than the broker’s given name, and sufficient wording to establish that the person is a real estate broker”

- In addition to the above office signage requirements, pursuant to A.R.S. § 32-2127(B), signage for a Branch Office location shall include the words “Branch Office” and at the Broker’s discretion, may include the name of the Branch Manager.
- A Broker with a home office is not required to have signage in accordance with the Department’s Substantive Policy Statement No. 2005.15 IF the Broker
 - Maintains a home office in the broker’s PRIMARY RESIDENCE,
 - Handles FEWER THAN 3 transactions a year (0, 1 or 2), and
 - Has no real estate related employees licensed or unlicensed.

All other Brokers with a home office must fully comply with the requirements of A.R.S. § 32-2126(B).

FAILURE TO MAINTAIN DEFINITE PLACE OF BUSINESS

YELLOW HIGHLIGHTED NAMES IN THIS SECTION REPRESENT BROKERS WHO FAILED TO CONTACT THE DEPARTMENT AND/OR CORRECT THEIR OFFICE ADDRESS IN ORDER TO COME INTO COMPLIANCE

BROKER'S NAME	LIC. #	ENTITY NAME	OFFICE LOCATION	CITY
ALMADA, ALFONSO R.	BR554641000	SWOBODA HOSPITALITY SPECIALISTS	PLAZA EXECUTIVE SUITES	PHOENIX
ALMOSLINO, DAVID R.	BR626289000	THE ALMO FINANCIAL GROUP, LLC	UPS STORE	PHOENIX
BAYLESS, JAMES C.	BR007106000	FIRST CLASS REALTY	ISLANDS EXECUTIVE SUITES	GILBERT
BLAZEK, FRANK	BR009227000	LIKE LUXURY PROPERTIES	REGUS EXECUTIVE SUITES	SCOTTSDALE
BOSLIN, JAY C.	BR113238000	BILTMORE REAL ESTATE COMPANY, LLC	REGUS OFFICE SUITES	PHOENIX
BROEKER, MICHAEL F.	BR530548000	BROEKER REALTY	U.S. POST OFFICE	CHANDLER
CANDELARIA, ROBERTA K.	BR561500000	PHOENIX URBAN SPACES, LLC	REGUS OFFICE SUITES	PHOENIX
CASEY, DANN D.	BR570982000	CASEY CAPITAL INVESTMENTS	REGUS EXECUTIVE SUITES	SCOTTSDALE
CHERRY, ANN	BR637093000	ANN CHERRY	PLAZA EXECUTIVE SUITES	MESA
CUNNINGHAM, PATRICIA A.	BR553142000	TAILORED MARKETING, INC.	PLAZA EXECUTIVE SUITES	PHOENIX
DEARING, DONNA	BR628403000	A.S.K. CONSULTING GROUP	REGUS EXECUTIVE SUITES	SCOTTSDALE
DUNBAR, GLENNIS G.	BR005827000	JWILLIAMS STAFFING, INC.	BOX OFFICE THISTLE LANDING	PHOENIX
DZIEDZIC, HEATHER H.	BR568811000	PORTRAIT REAL ESTATE	PLAZA EXECUTIVE SUITES	SCOTTSDALE
ELLSWORTH, KEVIN M.	BR521694000	NEW HOMES STORE	ALLIANCE BUSINESS CENTER	SCOTTSDALE
ENDERLIN, RICHARD	BR584716000	RICHARD ENDERLIN	PLAZA EXECUTIVE SUITES	PHOENIX
FISHER, STEVEN E.	BR033653000	FISHER COMMERCIAL REAL ESTATE	REGUS OFFICE SUITES	PHOENIX
FRANCIS, CHRISTINE A. "CHRYS"	BR038933000	ASHFORD MANAGEMENT SERVICES, INC.	SIMPLY SUITES VIRTUAL OFFICE	PHOENIX
FRANKLIN, MICHAEL E.	BR542168000	THE PROPERTY SHOP REALTY & INVESTMENTS, LLC	MY OFFICE BUSINESS SUITES	PEORIA
GAMBS, THERESA	BR548050000	REAL ESTATE TEMPS	ALLIANCE BUSINESS CENTER	SCOTTSDALE
GETZ, LUCAS W.	BR549193000	SALCO PROPERTY MANAGEMENT	REGUS OFFICE SUITES	PEORIA
GREEN, PAUL M.	BR544637000	ALPHA REALTY	REGUS OFFICE SUITES	PHOENIX
HUMPHREY, JERRY A.	BR007018000	DOMAINE REAL ESTATE	REGUS OFFICE SUITES	PHOENIX
JONES, KENNETH J.	BR525361000	SELLERNET	PLAZA EXECUTIVE SUITES	PHOENIX
KJOS, BRIAN K.	BR104714000	SEQUOIA RESTAURANT & ENTERTAINMENT GROUP, LLC	REGUS EXECUTIVE SUITES	SCOTTSDALE
KOGUT, BARBARA C.	BR571070000	ARIZONA OASIS REALTY	BOX OFFICE THISTLE LANDING	PHOENIX
KRAVETS, ALAN R.	BR014135000	GENESIS ACQUISITION MANAGEMENT, INC.	REGUS OFFICE SUITES	PHOENIX
LANEY, DAVID R.	BR629946000	SPERRY VAN NESS/REALSTAR ADVISORS	REGUS OFFICE SUITES	TEMPE
LINDGREN, JOEL A.	BR528764000	THE ARIZONA REAL ESTATE COMPANY.COM	ALLIANCE BUSINESS CENTER	SCOTTSDALE
MADDEN, ROBERT "ROB" B. II	BR531198000	GREEN LEAF REALTY, LLC	ALLIANCE VIRTUAL OFFICE	SCOTTSDALE

FAILURE TO MAINTAIN DEFINITE PLACE OF BUSINESS

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BROKER'S NAME	LIC. #	ENTITY NAME	OFFICE LOCATION	CITY
MAHER, MARC	BR516889000	NORTH GATEWAY REALTY	MY OFFICE BUSINESS SUITES	PHOENIX
MALLARO, THOMAS C.	BR113607000	TALKA INTERNATIONAL REALTY, LLC	ALLIANCE BUSINESS CENTER	SCOTTSDALE
MARTIN, EDWARD M.	BR520415000	LOGIX PROPERTIES	REGUS EXECUTIVE SUITES	SCOTTSDALE
MCCLUSKY, SHAUN E.	BR542365000	RINCON VENTURES, INC.	PLAZA EXECUTIVE SUITES	PHOENIX
MONACO, MARY ANN	BR525637000	YOUR AZ REALTY COMPANY	REGUS EXECUTIVE SUITES	SCOTTSDALE
MONTENEGRINO, JOSEPH J.	BR544237000	AS ONE REALTY, INC.	ALLIANCE BUSINESS CENTER	SCOTTSDALE
MOORE, THOMAS S. III	BR635039000	AMERICAN HOMEFRONT REALTY, LLC	REGUS OFFICE SUITES	CHANDLER
MURPHY, JOSEPH F. JR.	BR514640000	FINANCIAL CONCEPTS OF SCOTTSDALE, LLC	REGUS EXECUTIVE SUITES	SCOTTSDALE
MURRAY, URSULA R.	BR638868000	MARQUISE PROPERTY MANAGEMENT	REGUS EXECUTIVE SUITES	SCOTTSDALE
MYLES, WINNFORT J.	BR520347000	THE VIRTUAL REALTY GROUP	PLAZA EXECUTIVE SUITES	PHOENIX
O'SULLIVAN, PATRICK W.	BR634211000	CAP CORE REAL ESTATE, LLC	REGUS OFFICE SUITES	TEMPE
PETERS, KIMBERLY "KYM" T.	BR534187000	LOTUS HOME SALES AND PROPERTY MANAGEMENT, LLC	BOX OFFICE THISTLE LANDING	PHOENIX
POLANCO, TIMOTHY A.	BR540613000	ARIZONA E HOMES, LLC	MY OFFICE BUSINESS SUITES	GLENDALE
RACKE, DANIELLE R.	BR565388000	RED HOUSE REALTY	UPS STORE	PHOENIX
RAHI, LYNDA	BR509702000	DISTINCTIVE REAL ESTATE VENTURES OF ARIZONA, LLC	UPS STORE	SCOTTSDALE
RUCKER, DAVID	BR029608000	ARIZONA REAL ESTATE SERVICES	ALLIANCE VIRTUAL OFFICE	SCOTTSDALE
SHAW, ROBERT "BOB" G.	BR580019000	RELAY REALTY	ISLANDS EXECUTIVE SUITES	GILBERT
SLAUGHTER, GREG L.	BR523408000	RESULTS GUARANTEED REALTY, LLC (dba RGR)	GATEWAY EXECUTIVE SUITES	GILBERT
SPINKS, MARK V.	BR520304000	LEGENDARY REALTY & INVESTMENT	BOX OFFICE THISTLE LANDING	PHOENIX
THOMAS, STEVE G.	BR003499000	LANDNET VENTURES	REGUS EXECUTIVE SUITES	SCOTTSDALE
THOMPSON, YALONDA M.	BR556428000	SUPERIOR HOME QUEST	PLAZA EXECUTIVE SUITES	MESA
WALLEN, MICHAEL R.	BR014217000	TURNKEY REALTY	PLAZA EXECUTIVE SUITES	SCOTTSDALE
WILSON, GARY R.	BR631196000	PHOENIX REAL ESTATE BROKERS	PLAZA EXECUTIVE SUITES	PHOENIX
WIRTHS, GLORIA J.	BR514229000	AZ PROPERTY SHOP	MY OFFICE BUSINESS SUITES	GLENDALE
ZIEGLER, CONNIE F.	BR628604000	STARLING INTERNATIONAL REALTY, LLC	REGUS EXECUTIVE SUITES	SCOTTSDALE

WELCOME TO THE ADRE TEAM



Joe Lestinsky joined ADRE in March 2015 as an Investigator. He has more than 20 year s' experience working in the investigative field. Joe is married to his wife of 22 years and has three children, ages 21, 19 and 14 (two kids in college and one in high school). He also has a lazy Chihuahua named "Chica" and his hobbies include spending time with family and cooking.




Mary-Carol Ennis joined ADRE as an Auditor in March 2015. Most recently, Mary-Carol has been investigating mortgage fraud for the federal government and GSEs. When she is not working, Mary-Carol enjoys spending time with her 5 year old daughter and husband. Mary-Carol also enjoys golfing, traveling and reading.



Wendy Flack joined ADRE as a Customer Service Rep.in April 2015. She also has extensive clerical background, including with the State of Arizona. Wendy is a married mother of 3 girls and in her spare time enjoys, camping, travel, and theatre.

CALENDAR OF EVENTS

Monday, May 25, 2015		ADRE will be closed in observance of Memorial Day
Tuesday, June 9, 2015		Education Advisory Committee Meeting (open to the public)
Wednesday, June 10, 2015		Real Estate Advisory Board Meeting (open to the public)
Thursday, June 18, 2015		Learn and Lunch (see page 7 for details)- Pre-Registration is required due to limited seating
Prior to meetings, check with the Department to ensure that the meeting has not been postponed or the location changed.		



Official Publication
ARIZONA DEPARTMENT OF REAL ESTATE
2910 N. 44th St, Suite 100
Phoenix, Arizona 85018

VOLUME 2015 - ISSUE 2

The Periodic Bulletin from the
Arizona Department of
Real Estate

*An official publication of the
State of Arizona*

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