



ARIZONA
association of
REALTORS®

REAL SOLUTIONS. REALTOR® SUCCESS.

255 East Osborn Road, Suite 200 • Phoenix, Arizona 85012-2327 • www.aaronline.com
Toll-free within Arizona 800/426-7274 • Facsimile 602/351-2474 • Telephone 602/248-7787

MEMORANDUM

TO: Designated REALTORS® (Brokers)
FROM: Risk Management Director
SUBJECT: Legal Hotline Access Process

The following information explains how to obtain access to the Legal Hotline.

Primary access to the Hotline is for Designated Brokers, who may also give access to one REALTOR® or REALTOR-ASSOCIATE® per office and/or branch. If you would like to add one additional REALTOR® per branch please complete page six of this document and have both signature lines signed. The alternate REALTOR® will receive a separate Legal Hotline ID number. Only the Designated Broker is allowed to assign people to the Legal Hotline.

To sign up for the Hotline, please follow these steps:

1. Review the Hotline rules
2. Complete page 5 (and 6 if you are assigning an additional REALTOR®)
3. Send the completed pages by:
Email: christinasmalls@aaronline.com or
Fax: 602-351-2474

After receiving your signed agreement, you will receive an **email** with your ID number, a copy of the agreement, and the Legal Hotline contact information.

When you contact the Hotline, please provide your name, identification number, and have your question ready (please have it written down before you call). You will receive an answer at that time or within 48 hours by written communication (if research by the hotline attorney is required).

If you have further questions about the Legal Hotline, please contact Christina Smalls at 602-248-7787 or 1-800-426-7274.

Thank You!

A service of the Arizona Association of REALTORS®

The Arizona Association of REALTORS® is very pleased to provide an exciting member service that has far-reaching benefits to REALTORS® and the public they serve. The AAR Legal Hotline is designed to answer legally related questions about the many diversified areas of today's real estate industry.

This service is brought to REALTORS® as a member benefit, but also as a method of improving the professionalism of REALTORS® and the real estate industry itself.

PROGRAM PURPOSE

Q. What is the Legal Hotline?

A. The Hotline is designed for Designated REALTORS® (Designated Brokers) to have direct toll-free access to a qualified attorney who can provide information on real estate law and related matters. Further, the program is intended to provide legal preventative maintenance to all AAR members (through their brokers) and, through them, the public they serve.

Q. What are the Hotline's benefits?

A. The program will benefit AAR members and the real estate industry in general in the following ways:

1. Because of access to information that will help prevent REALTORS® from making mistakes, consequently, the image of REALTORS® in Arizona will be enhanced proportionately.
2. Major issues affecting REALTORS® in Arizona will be identified, providing early warning to AAR and allowing time for us to properly address the issues, legislatively, through educational programs or otherwise.
3. The Hotline's very inexpensive access will encourage all AAR Designated Brokers to ask questions that may not normally be considered "serious enough" to bother a private attorney and consequently go unasked, with the potential for a future problem. Possible legal entanglements and lawsuits may be avoided.
4. The public will be better served by having access to more informed and professional real estate personnel who protect the public's interest more completely by being adequately prepared to avoid potential problems in real estate transactions.

CAUTION: The information provided by the Hotline shall not be disclosed to other licensees or to the public as definitive legal advice. It is intended to provide another resource for you in the course of your real estate business.

PROGRAM OPERATION

Q. Exactly who can have access to the Hotline?

A. Designated REALTORS® (principals) and/or their designees. Their designees may be one additional REALTOR® from their firm and if there are branch offices involved, one REALTOR® from each branch. These designees will be identified only by the Designated REALTOR®. Once identified, they will be assigned their own personal identification number after signing a memorandum of understanding with AAR. Designated Brokers must also sign a memorandum of understanding before receiving their personal identification number.

Q. How do I get access to the Hotline?

A. If you are the Designated Broker or are a REALTOR® designated by the broker to have access, you must first receive your personal identification number by signing and submitting the Hotline agreement to AAR.

Q. What happens when my call is answered?

A. You will be asked for your name and identification number. Once your access to the Hotline has been cleared, you can ask your question. It will be restated for accuracy. (Hint: write down your question before you call.) If someone other than the attorney answers the call, you will then be immediately referred to the attorney.

Q. Will the attorney answer my question right away?

A. If your question falls into the scope of permissible topics, the attorney will attempt to give you an immediate answer.

Q. May I ask more than one question?

A. Only one question per call is allowed. The Hotline's intention is to provide a complete answer to you while at the same time, keeping the line open for others with access to the service.

Q. If I get a verbal answer, will I get it in writing later?

A. Yes, if you request a written response, a confirmation will follow within 48 hours. If you are not the Designated REALTOR®, a copy of your letter will also be mailed to him or her.

Q. I heard that AAR will be mailed a copy of my letter. Why?

A. AAR will be tracking the material and topics of calls made to the Hotline in order to help identify "hot" issues and concerns that should be addressed through educational opportunities, legislatively or otherwise.

Q. When is the Hotline available?

A. 9:30 a.m. – Noon and 2:00 p.m. - 4:30 p.m., Mondays - Fridays (except holidays)

Q. You mentioned "permissible topics" earlier. What topics may be addressed by the Hotline?

A. A detailed list of permissible topics can be found on page four of this document.

Q. Are there any specific topics the Hotline will *not* handle?

A. There may be several, but, specifically, questions concerning commission disputes between other members and questions concerning the Code of Ethics will *not* be handled by the Hotline. The caller will be directed to contact his or her local Board. Also, some questions may require extensive research or may fall outside the scope of permissible topics. In these cases, callers will be directed to contact outside counsel.

Q. What if I want to use the Legal Hotline law firm as my own attorney?

A. You are not prohibited from engaging the law firm as your attorney. However, any attorney-client relationships can only be established *outside* the Hotline and *must* be initiated by a member through the law firm's phone number. Any calls handled through the Hotline *do not result in an attorney-client relationship*. The Hotline is a course of legal information and no such attorney-client relationship is intended or implied.

HOTLINE DO'S AND DON'TS

- DO** *email or fax* your questions to the Legal Hotline, if you don't need an immediate response. This will allow the Hotline to be available more often for callers who need immediate answers.
- DO** write your questions down before calling the Hotline. Understand what you are asking and why. This will save the attorney and you valuable time.
- DO** limit your questions to those topics under "permissible topics."
- DON'T** call the Hotline with questions about the Code of Ethics and disputes between you and other members. Please direct those questions to your local association.
- DON'T** expect the Hotline law firm to give you complicated legal advice. They will provide answers to your questions regarding the permissible topics that do not require detailed research or that require legal advice dealing with personal litigation, etc. You will be referred to private counsel for that type of legal advice.
- DON'T** ask Hotline attorneys for advice about personal legal questions, for example, your divorce, your bankruptcy or your will.
- DON'T** ask questions about more than one topic per call. If you have more than one issue to discuss, you must make another call to the Hotline. This allows the Hotline to be more accessible to everyone.

PERMISSIBLE HOTLINE TOPICS

Advertising

Agency

Anti-Trust

Brokerage

Commissions

Contracts

Disclosure

Fair Housing

Financing

Foreclosures, REOs and Liens

Landlord/Tenant Issues

Listings

Loan Modifications

Miscellaneous

Remedies

Short Sales

Subdivision

Title/Interest in Property

**Arizona Association of REALTORS® LEGAL HOTLINE
MEMORANDUM OF UNDERSTANDING AND AGREEMENT**

As a **Designated REALTOR® (Broker)** and a member of the Arizona Association of REALTORS® (AAR) I agree that I have read and understood the explanation of the Hotline purpose and operation. I understand that the Hotline is part of the AAR legal preventative maintenance program and is intended to keep the Association abreast of legal developments and concerns involving real estate brokerage and sales.

I further understand that the Association has contracted with the Hotline law firm to provide a source of legal information to me and will not be acting as an attorney for myself or my firm by answering my Hotline questions.

I understand and agree that AAR, by contracting for this service, assumes no actual or implied responsibility for any improper use or misuse of responses to questions through this service.

I also understand and agree that I may not convey or imply to others such as clients, customers or other licensees any information obtained through this service in such a manner so as to be construed that I am providing legal advice or in such a manner so as to be construed that AAR is rendering legal advice.

I understand and agree that AAR, by providing this service, will not be legally responsible for any potential misrepresentations or errors made by the law firm.

By signing this agreement, I am requesting the assignment of a personal identification number that will be used **only** by me to access the Hotline. I will not allow any other person, whether it is an Association member, a client, or a customer to access the Hotline with my personal identification number. I agree that I will be responsible for informing the Association of those members in my firm who I have designated to use the Hotline. I understand they will have their own personal identification numbers upon signing a memorandum of understanding and agreement with the Association.

I further agree that if I and/or any of those I have designated to use the Hotline cease to be a member of the Association access to the Legal Hotline will cease. I understand that if there is a change in firm affiliation, access may be denied, if only temporarily.

Name: _____ Date: _____

Firm: _____

Address: _____ City: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Signature: _____

(To be completed by AAR) **HOTLINE ID #** _____

Please print, fill out completely and return via fax to 602-351-2474 or email to christinasmalls@aaronline.com

**Arizona Association of REALTORS® LEGAL HOTLINE
MEMORANDUM OF UNDERSTANDING AND AGREEMENT**

FOR ADDITIONAL REALTOR® as Requested by Designated REALTOR® (Broker)

As a REALTOR® and a member of the Arizona Association of REALTORS® (AAR) I agree that I have read and understood the explanation of the Hotline purpose and operation. I understand that the Hotline is part of the AAR legal preventative maintenance program and is intended to keep the Association abreast of legal developments and concerns involving real estate brokerage and sales.

I further understand that the Association has contracted with the Hotline law firm to provide a source of legal information to me and will not be acting as an attorney for myself or my firm by answering my Hotline questions.

I understand and agree that AAR, by contracting for this service, assumes no actual or implied responsibility for any improper use or misuse of responses to questions through this service.

I also understand and agree that I may not convey or imply to others such as clients, customers or other licensees any information obtained through this service in such a manner so as to be construed that I am providing legal advice or in such a manner so as to be construed that AAR is rendering legal advice.

I understand and agree that AAR, by providing this service, will not be legally responsible for any potential misrepresentations or errors made by the law firm.

By signing this agreement, I am requesting the assignment of a personal identification number that will be used only by me to access the Hotline. I will not allow any other person, whether it is an association member, a client, or a customer to access the Hotline with my personal identification number. I agree that I will be responsible for informing the Association of those members in my firm who I have designated to use the Hotline. I understand they will have their own personal identification numbers upon signing a memorandum of understanding and agreement with the Association.

I further agree that if I cease to be a member of the Association my access to the Legal Hotline will cease. I understand that if there is a change in firm affiliation, access may be denied, if only temporarily.

Name: _____ Date: _____

Firm/ Broker's Name: _____

Address: _____ City: _____ Zip: _____

Phone: _____ Fax: _____ Email: _____

Signature: _____

Designated Broker's Signature: _____

(To be completed by AAR) **HOTLINE ID #** _____

Please print, fill out completely and return via fax to 602-351-2474 or email to christinasmalls@aaronline.com