

About the GBAR Brokerage Counseling Hotline

The Brokerage Counseling Hotline was established to help members avoid costly mistakes and better manage the legal risks that are inherent in real estate business practice.

Who Can Use the Hotline?

Designated REALTORS® and their authorized Office Managers (i.e., REALTORS® who are authorized to represent the principal broker) have direct access to the hotline. Sales agents receive benefits of the service through their designated brokers and office managers. Sales agents who call the hotline are referred back to their principal broker or office manager. *(Policy in effect as of 7/1/05).*

Service Limitations.

The purpose of the hotline is to provide members with **general information** on laws, regulations, policies and court decisions that affect real estate transactions and brokerage activities, and on matters pertaining to the application and interpretation of the REALTOR® Code of Ethics. The hotline **is not** intended to provide legal opinions or advice on personal matters or matters involving specific transactions or disputes between brokers and their agents and/or clients and customers (e.g., deposit refunds, commission disputes). In such cases, members should consult their own attorneys.

Examples of appropriate questions:

“Can a Purchase & Sale Agreement be signed on a Sunday?” (Yes)

“How long am I required to keep agency disclosure forms? (3 years)

“Can a facilitator recommend a home inspector to a buyer?” (No)

Examples of inappropriate questions:

“I have a client who has threatened to sue me for not returning his deposit. I do not think I am legally bound to return the deposit, but I am not sure. What should I do?” (Consult your attorney)

“I represented the buyers in the sale of a property at 2 West Street, but the listing broker is refusing to pay me the bonus published in the MLS. How do I get my money?” (Consult your attorney and/or review dispute resolution information on GBAR’s website)

“My company currently has a single agency policy. Is designated agency a better option for us?” (Consult your attorney)

How does the Hotline Work?

The Brokerage Counseling hotline service is currently provided by GBREB’s General Counsel, Philip Lapatin of Holland & Knight, LLP. Holland & Knight maintains a telephone line dedicated solely for hotline users. Using the published hotline phone number, rather than Holland and Knight’s main phone number, expedites response time.

Hotline calls go into a voice mail system, where members receive detailed instructions and information on how to leave a question or place a request. Periodically throughout the day, the paralegal logs calls, verifies that the caller is a Designated REALTOR® or authorized Office Manager in good standing, and refers questions to Attorney Lapatin for response.

When Can I Expect a Response?

Calls are returned as quickly as possible, usually within the same day. Calls placed after 3:30 p.m. on weekdays are answered the next day, and calls placed after 3:30 p.m. on Fridays and on weekends are returned on the following Monday. Although every effort is made to return calls promptly, response time may exceed 24 hours during peak seasonal cycles or periods immediately preceding and following enactment of new laws and/or regulations.

Terms and Conditions of Use.

In using the hotline service, designated brokers and authorized office managers should understand and acknowledge the following terms and conditions:

1. The hotline service is intended to provide **general information** on laws, regulations, policies and court decisions that affect real estate transactions and brokerage activities and on matters pertaining to the application and interpretation of the REALTOR® Code of Ethics.
2. No attorney-client relationship is created or intended.
3. Neither Holland & Knight nor GBREB assumes actual or implied responsibility for any improper use of information provided through the service.
4. Neither Holland and Knight nor GBREB is liable for potential misrepresentations or errors made in responding to questions.
5. Members may not convey information obtained through the hotline to others (e.g., clients, customers, agents) in a way that suggests or implies that the member, Holland & Knight and/or GBREB is rendering legal advice.

Brokerage Counseling Hotline

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