

Ventura County Coastal

Official Publication of the Ventura County Coastal Association of REALTORS®

September/October 2019



VCCAR SUPER REALTOR® EXPO

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2020 Officers and Directors
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VCCAR Helps Form Statewide
Sea Level-Rise Plan
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Having it All:
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VCCAR Needs You!

Jorge DeLeón
2019 VCCAR President



Jorge DeLeón

It's been said that committees are the lifeblood of any association, and that's especially true here at VCCAR since we revised and implemented our Strategic Plan a couple of years ago.

The Board depends on its committee members to come up with new ideas and run with them. And I have been impressed all year as your president on how energetic and enthusiastic our committee members have been. Because of their hard work, we have had great professional development program this year, along with the outstanding networking opportunities that VCCAR has long been known for.

But one of the core principles we have embraced as we work to make VCCAR an organization that's laser-focused on making its members the best-equipped REALTORS® in California is the need to constantly inject new blood into our decision-making process.

Nothing can sap an organization's innovation more than having the same cadre of volunteers forced to do the volunteer work year after year. That leads to burn out and the natural tendency to do the same things that we've always done. And when that happens, it's a disservice to our members.

So I want to encourage all our members to consider volunteering for one of our committees in 2020.

There is a wide range of opportunities, and the time commitment varies from a few meetings a year to more in-depth activities.

Here is a brief summary of what each committee is responsible for.

The **Affiliate Committee** acts as a liaison between Affiliate & REALTOR® members, plans and conducts Affiliate events, and assists in coordinating many Association functions and other special activities.

The **Finance Committee** ensures that our financial resources are properly allocated through the annual budget, provides a review of the monthly financials, and recommends financial policies.

The **Governing Documents Committee** reviews, updates, and revises – with the Board's approval – the bylaws and Policy Manual.

The **Grievance Committee** acts as a reviewing body for complaints turned into the Association to determine whether to dismiss or send them forward to the Professional Standards Committee for a hearing.

The **Leadership Development Committee** provides recommendations for nomination of officers and directors, recruits potential candidates for the VCCAR Leadership Academy, and plans the Installation event and the selection of our annual awards. You can read more about what the committee does on [Page 24](#).

The **Local Candidate Recommendation Committee** evaluates candidates for local offices and make recommendations to CREPAC, a C.A.R.-affiliated PAC.

The **Local Government Relations Committee** monitors local legislative and regulatory actions and trends and interprets for members, VCCAR, and the public their impact on the real estate industry and property ownership. LCRC also recommends approaches to influence the course and form of local legislation and regulations.

The **Multiple Listing Service Committee** addresses the diverse array of MLS issues, insures proper and efficient functioning of the MLS system, and strives to provide participants and subscribers with the highest quality real estate information, products, and services, and to foster cooperation to better serve their clients.

The **Professional Development Committee** plans and promotes VCCAR's diverse educational offerings, ensuring that all members are provided with unique programs for their specialty areas.

The **Professional Standards Committee** is VCCAR's judicial body and conducts due process hearings in accordance with Bylaws on alleged violations of the Code of Ethics and Arbitration, Bylaws and Articles of Incorporation. (Committee members must have served not less than one year on the Grievance Committee.)

And the **Young Professionals Network Committee** is a member-driven group that helps young real estate professionals excel in their careers by giving them the tools and encouragement to become involved in four core areas: REALTOR® Associations, the real estate industry, peers, and communities. YPN is not defined by an age, but by a mindset.

Application forms are [available online](#) and must be completed and submitted by November 8. The Board will approve members at its meeting on November 26 and committee members will be announced on December 15.

Please contact any board member, committee member, CEO Wyndi Austin, or Government Affairs Director Marta Golding Brown for more information about the committees you want to learn more about. And thank you in advance for your service to VCCAR! 🌱

“I want to encourage all our members to consider volunteering for one of our committees in 2020.”

New Officers, Directors Elected to Help Lead VCCAR in 2020

Sher Heard, the owner of Comfort Real Estate, was elected VCCAR 2020 president-elect while Ashley Anderson, an agent with Keller Williams West Ventura County, was chosen as first vice president in balloting by members last month.

Also elected were REALTOR® Directors Jeri Becker, owner of NextHome Pacific Coast Realty, and Troy Palmquist, founder and broker of record with The Address. Joey Siddens, a sales executive with Fidelity National Title, was chosen as Affiliate Director.

Under VCCAR's governance policies, 2019 President-Elect Tim Comstock automatically becomes president for next year.

Following are the statements prepared by the winning candidates.



Shar Heard

Heard: Serving this year as First Vice-President has been an honor and a valuable experience in many ways. Our Association work has never been more critical than it is today in our environment of disruption and innovation. Keeping the REALTOR® central to the transaction continues to be essential and one of my primary focus points. Additionally, my experience as a Brokerage Owner, REALTOR®, Affiliate and now Leader at VCCAR has prepared me for this next role as your President-Elect. My promise is to be a good steward of your funds, and forward thinking as I continue to serve.



Ashley Anderson

Anderson: I have been a Director for VCCAR for the last three years and have enjoyed giving back to the realtor community which has provided me with the opportunity to become such a success in our industry. I look forward to championing education, membership engagement, and realtor involvement in the community. I have been on the travel team for the last two years working to advance the REALTOR® agenda, including meeting with legislators in Sacramento. Prior to joining the Board, I was on the VCCAR grievance committee from 2015-2019 and served as the vice-chair for two years.



Jeri Becker

Becker: I would be honored to serve as a VCCAR Director. I am a graduate of Adolfo Camarillo High School; the University California, Davis (B.S. in Applied Behavioral Science); and a Juris Doctorate from Golden Gate University. My passions are homeownership, private property rights, affordability, sustainability and our innately needed role as Real Estate Agents in a changing industry. Relevant experience: 24-year real estate, business and estate attorney; VCCAR Governing Documents, Leadership and LGR Committees; Founding member of Realtors Coastal Commission Issues Work Group; Owner of NextHome Brokerag; Property Manager; and Real Estate renovator. It would be my pleasure to serve the membership.



Troy Palmquist

Palmquist: With over 15 years of experience as a real estate professional, Troy Palmquist is the founder and broker of record of The Address – an independent real estate brokerage headquartered in Ventura County. Currently serving as VCCAR's Chair of the Leadership Development Committee, Palmquist believes it is time to reset, look at the benefits, and stop being afraid of paperwork, profits, and logistics of associations. We are here to make a difference in our work, in our relationships, and most importantly, in the way we affect the lives of others.



Joey Siddens

Siddens: Serving on the Board of Directors would be an honor! After almost 40 years in our Industry I'd hope that I can bring something of value to this great organization. I've been approached by a couple of existing Board Members that believe I'd be an asset to the VCCAR Board of Directors! As a past Affiliate Chair in 2004 and 2018, and past Chair of the 2017 Marketing Committee for the Ojai Board of Realtors, I believe I've always represented the "affiliates" with honor and integrity, and my goal as the 2020 VCCAR Affiliate Director would be to do that.

Incoming directors will join holdovers Armani Amezcua, Terri Davis, Rebeca Elliott, Bridget Goncalves, Jim Keith, and Sandra Seekins. Juliet Esquibias will continue serving as treasurer, and Jorge DeLeón will serve as immediate past president. 🌱

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VCCU membership is open to anyone who lives, works or attends school in Ventura or Santa Barbara counties. All loans subject to credit approval and secured by lien on owner-occupied home. Certain restrictions apply. VCCU is an equal housing lender.



Aubrey/Gordon VCF-208



VCCAR leaders present a donation to Habitat for Humanity of Ventura County. From left, Habitat chapter CEO Darcy Taylor, VCCAR CEO Wyndi Austin, VCCAR President Jorge DeLeón, VCCAR 2018 Affiliate Committee Chair Joey Siddens, and Habitat Director of Development and Communications Katie Norris.

VCCAR Donates \$10,800 to Help Housing Charities

Habitat for Humanity will have extra resources to provide affordable housing to county residents and the California Veterans Home in Ventura will be able to enhance its residents' environment thanks to recent donations from VCCAR.

The Association donated \$5,398.95 to each organization from proceeds from various fundraising events sponsored by the Association's Affiliate and Young Professional Network committees.

"REALTORS® are committed to making our communities a better place, and this is one way VCCAR strives to do just that," said 2019 President Jorge DeLeón. "Both CalVet and Habitat do outstanding work and we are proud to be able to help them provide housing for families and veterans."

Habitat for Humanity builds and sells affordable homes, provides low-cost home repairs, and advocates for policies that create more housing as it helps working families realize the dream of homeownership, and local chapter CEO Darcy Taylor said the contribution will be put to good use.

"We greatly appreciate Ventura County Coastal Association of REALTORS® contributions to Habitat for Humanity of Ventura County. Their generous donation supports our efforts to provide affordable housing and safe living conditions for low-income families struggling in our county. With incredible support from organizations like VCCAR, local families have the opportunity to build a brighter future," Taylor said.

The state's Veterans Homes Division provides aged or disabled veterans long-term care within a living environment that



VCCAR officials present a donation to the Veterans Home in Ventura. Front row: Cal Vet Administrator Julian Bond, VCCAR First Vice President Sher Heard, VCCAR President Jorge DeLeón, VCCAR President Elect Tim Comstock, and 2019 Affiliate Committee Chair Patty Estrada. Back row: 2018 Affiliate Committee Chair Joey Siddens and VCCAR CEO Wyndi Austin.

protects their dignity while promoting self-reliance and a sense of self-worth, said Ventura Home Administrator Julian Bond.

"On behalf of the Veterans Home residents, we are honored to receive the generous donation from VCCAR," Bond said. "The support that we receive from VCCAR shows the love, gratitude and admiration of our community partners for our veterans. The donated funds will be utilized to enhance the residents' environment and most importantly bring smiles to our nation's heroes."

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New Staff Member Joins VCCAR Team



Angel Rodarte

Angel Rodarte joined the VCCAR staff in September in the new role of Reception & Member Services Coordinator. She will greet and assist members at the office, process applications, help members with membership-related questions, and work on broker compliance.

From her most recent positions, Angel brings to this role management, customer service, reception, excellent computer skills, problem solving, and team leadership experience. Please say hello the next time you're in the office.

Mark Your Calendars for Upcoming Events

Several VCCAR events are coming up soon.

The popular **Real Estate Legal Update and Committee Rush** will take place on Thursday, October 24, from 3-5 p.m. at Levity Live and Copper Blues, 591 Collection Boulevard in Oxnard. Stella Ling, assistant general counsel for Berkshire Hathaway HomeServices California Properties, will once again give attendees an update on legal issues affecting agents and brokers. That will be followed by a chance for members to learn about VCCAR committees and consider joining for 2020. There will be networking, food and drinks, and prize drawings. [Sign up today.](#)

Newer agents and those who would appreciate a refresher should sign up for the last **Rookie Series** session this year,

which will take place on Friday, November 1, from 11:30 a.m. to 1 p.m. at the VCCAR office. The topic will be Build Your Farm: Fill Your Wallet. [You can register online.](#)

Finally, it's (almost) time for **REALTOR® Feud!** Just like in the long-running game show, teams of REALTORS® will be competing with all the fun and laughs of the traditional game but with a real estate twist. The fun event will take place on Thursday, November 14, from 6-9:30 p.m. at Oxnard Levity Live, 591 Collection Boulevard. REALTOR® and DJ extraordinaire Armani Amezcua will be your host and Darryl Geewax will be the emcee. Tickets and sponsorships will be available soon.

VCCAR Quoted in Ventura County Star Housing Article

VCCAR 2019 President Jorge DeLeón was among sources interviewed for an article in the *Ventura County Star* that discussed why 35,000 residents left the county between 2013 and 2017 while another 32,000 moved in.

While economist Matthew Fienup explained the net out-migration indicates the county's economy is weak, DeLeón said part of the influx was due to the presence of luxury homes in the county that are significantly less expensive than in Los Angeles County. He also said local agents are seeing people move to other areas but also seeing people move here from other parts of the country.

"Our agents are seeing people go to Arizona, Texas and Oregon, but we are also seeing people from different parts of the country coming here. We have had some influx of individuals from the East Coast, and seen new residents move from Nevada, Colorado, Venice Beach and Arcadia, so the sources of our new residents are from nearby and farther away," DeLeón said.

You can read the [entire article here.](#)

Nearly 100 Members Attend C.A.R.'s REImagine Conference

C.A.R.'s annual REImagine conference moved to the Los Angeles Convention Center this year, and as a result 98 VCCAR members registered to attend the event, held September 25-26. The conference featured breakout sessions, more than 125 speakers on a wide range of topics, networking events, and more than 200 exhibitors.

VCCAR's leadership team (near right) participated in a special luncheon with C.A.R. Chief Executive Joel Singer, and the Association also hosted a booth to allow members to meet REALTORS® from other parts of the state and to be a showcase for VCCAR's services. At far right, Past President Matt Capritto was one of the members to staff the booth.



DRE CE RENEWAL **DUANE GOMER**

Thursday, October 17
9:00 am - 12:00 pm

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Association of REALTORS®

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Real Estate LEGAL UPDATE



Stella H. Ling, Esq.

Assistant General Counsel
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Properties



**Which Committee
Will You Join?**

- < **Networking**
- < **Food, Drinks & Fun**
- < **PRIZE DRAWINGS!**



COMMITTEE RUSH

2:30PM: Check-in
3:00PM: Welcome
3:15PM: Legal Update
4:00PM: Committee Rush

REGISTER AT:

https://legal_rush.eventbrite.com

EXp Launches its Own Instant Offer Platform

Inman | October 3

EXp Realty is the latest real estate company to jump into the iBuyer business, following in the footsteps of NRT, Redfin and Keller Williams.

The virtual cloud-based real estate brokerage isn't exactly going to be buying homes, however. With Express Offers, announced Thursday, eXp Realty will solicit multiple buyers at once, yielding more than one cash offer.

[Read more](#)

California Boom Is Ending, Newsom Warns as 2020 Budget Writing Begins

Sacramento Bee | October 3

California's longest-ever period of economic growth is slowing, Gov. Gavin Newsom said Thursday, warning that next year's budget may not be as flush as this year's.

"You're already seeing the plane land in terms of the the slowdown," Newsom told reporters. "I think it's going to reflect in a more sober look at next year's budget."

[Read more](#)

Oxnard's North Shore at Mandalay Bay Project on Former Hazardous Site Moves Forward

Ventura County Star | September 29

A coastal housing development to be built on a former oil waste farm inched closer to fruition on Friday when the city of Oxnard finalized the project's map.

Community Development Director Jeff Lambert has approved the final subdivision map for North Shore at Mandalay Bay, a 292-home project on Fifth Street and Harbor Boulevard. With the maps approved, the project can now obtain grading permits and begin construction.

[Read more](#)

Trump's Decision to Revoke California's Ability to Limit Emissions Could Have Unintended Consequence

MarketWatch

By rescinding California's ability to set stricter standards for vehicle emissions, President Trump's move could adversely affect thousands of homeowners in the Golden State, a report released Friday said. Trump announced this month that his administration would no longer give California the authority to set automobile mileage standards stricter than those mandated by the federal government. California was granted the ability to impose tougher emissions regulations thanks a waiver Congress had issued as part of the Clean Air Act of 1970.

The new analysis from Realtor.com found that nearly half a million households live within a quarter mile of primary roads in California, as defined by the U.S. Census Bureau. Around 322,000 households reside in single-family homes in close proximity to these major thoroughfares, while around 98,000 live in nearby condos and 37,000 live in other multi-family dwellings such as apartment buildings and duplexes. These households are within the zone where homes are most affected by traffic pollution, according to the American Lung Association.

[Read more](#)

3 New Affordable Housing Projects in Ventura and Fillmore

KEYT | September 26

Housing Trust Fund Ventura County (HTF Ventura County) announces funding for three new affordable housing projects in Ventura and Fillmore.

They also received \$125,000 grant from the U.S. Department of the Treasury.

HTF Ventura County is helping to successfully change the landscape of Ventura County's affordable housing market. Its three newest funding projects would not be possible without ongoing community funding support and grants.

[Read more](#)

CA real estate agent attack spurs more reports from alleged victims

CNN | September 25

In the hours after a Los Angeles-area man was arrested for allegedly assaulting a California real estate agent during an open house, more people have reported attacks to authorities, police said Wednesday.

Alen Karaboghiosian, 45, was booked early Wednesday for assault with a deadly weapon and was held on \$130,000 bail, according to Lt. Chris Ramirez of the Los Angeles Police Department. Police say he is shown on surveillance video attacking a 51-year-old real estate agent on Sunday.

[Read more](#)

Local Cities Oppose Housing Legislation; Ask Newsom to Veto

Ventura County Star | September 25

Cities in Ventura County are opposing newly passed housing legislation, requesting Gov. Gavin Newsom to veto several housing bills. Cities cite concerns over loss of local control and avoiding a "one-size-fits-all" approach for housing as reasons for opposition.

Ventura County cities aren't alone — cities across the state are opposing several housing bills. The League of California Cities, which represents almost all of the state's 482 cities, is opposing bills related to accessory dwelling units, housing height and density, and development fees.

[Read more](#)

Southern California Home Prices Were Flat and Sales Fell in August

Los Angeles Times | September 25

The Southern California median home price was flat in August, while sales dipped from a year earlier as buyers struggled to afford sky-high housing costs.

The six-county region's median price clocked in at \$535,000 last month, unchanged from August 2018, according to a report released Wednesday from real estate data provider CoreLogic. Meanwhile, buyers purchased 1.2% fewer homes than a year earlier.

[Read more](#)

Super REALTOR® Expo A Huge Hit

An estimated 250 members attended the new Super REALTOR® Expo on October 3, and vendors really got into the theme with costumes and displays featuring superheroes seen throughout the Courtyard by Marriott in Oxnard.

"We kind of refreshed it a bit this year, said Affiliate Committee Chair Patty Estrada. "It was really fun and packed but not too packed. It was perfect."

The event, formerly the Trade Fair, also featured between five and 10 new vendors and there were about 25 raffle prizes.

The day began with a mock grievance hearing from 9-11 a.m., sponsored by the Professional Development and Grievance committees, designed to give members an opportunity to see how hearings are conducted. That was followed by a well-attended State of the Region Report presented by Dave Moran and Tony Biasotti.



John Fleener, JDA Home Inspection



Court Williams, First American Title



Charlene and Court Williams, First American Title



Stephanie Ojeda (left) & Tiffany Poirier Movement Mortgage



Juliann Laufer, Guild Mortgage



Dee Lomeli (left) & Veronica de la Cruz, Union Bank



Smart Home Mortgage Raul Rodriguez, Larry Reyes, and Stacy Aguiar



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VCCAR Helps Form Statewide Group to Help Shape Sea Level-Rise Plans

Marta Golding Brown
VCCAR Government Affairs Director



Marta Golding Brown

The California Coastal Commission (CCC) exercises significant land use and development authority over the entire 1,100-mile California coast. Because the Commission has the power to approve or reject Local Coastal Programs (LCPs) enacted by city councils and county supervisors, its powers are broad – and history has shown that private property rights are subordinate as a priority to other considerations.

The Commission is now expanding its efforts to prepare for predicted sea level rise between now and 2100 and is developing plans that will limit what local governments will be able to do to protect private property should the predictions come true.

Because this issue will affect every community from San Diego to Crescent City, it is essential for REALTORS® and other private property advocates to speak with one voice as plans are drafted and reviewed up and down the state. To that end, VCCAR, the Santa Barbara AOR (SBAR) and San Mateo AOR (SAMCAR) have been working for over a year to forge a coalition that can be a partner in finding good solutions to this looming problem.

Those efforts have now paid off with the creation of Smart Coast California (SSCa). The new website, smartcoastca.com, is currently under construction but should be live soon. As of today, 25 of the 29 AORs that represent areas along the Pacific coast or San Francisco Bay have joined. VCCAR Immediate Past President Matt Capritto will serve as SSCa's Charter president, while 2019 SBAR President Thomas Schultheis will serve as vice president and 2018 Greater San Diego AOR Vice President Carla Farley will serve as secretary.

A total of 11 directors from AORs around the state will serve on the Executive Board. As the founders of the group, directors from VCCAR, SBAR, and SAMCAR will serve for the first three years. SBAR GAD Krista Pleiser and I will continue as primary staff members for the first two years.

Sounding the alarm

REALTORS® have voiced alarm that Commission guidelines could force the removal and relocation of houses that are still habitable and warned that creating hazard zones as the Commission is recommending would be a first step toward managed retreat.

"Zones will prematurely impose private property rights restrictions," Jeli Gavric, a CAR legislative advocate, told the commission in a letter in April. "Zones will stigmatize properties and potentially make them uninsurable."

To ward off draconian solutions, Capritto said he is confident SSCa will play an influential role in helping develop responsible policies that jurisdictions up and down the coast can live with.

"I am extremely proud that we have assembled this organization and have hired a top land use consultant, Don Schmitz, to help us identify solutions and advocate for reasonable efforts in response to projected sea level rise," Capritto said. "Don is an expert on the Coastal Act and previously served as a principal planner for the Commission's South Coast District. As such, he is recognized as one of the state's pre-eminent experts in coastal land use planning."

"During the months to come, SSCa will build a strong coalition of affected local governments and business organizations who will work with the Coastal Commission to find solutions to this problem that will take both environmental sensitivity and economic and private property needs into consideration."



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Speaking with one voice

He emphasized that REALTORS® and other business leaders must speak with one voice because if one jurisdiction adopts a plan that does not properly address private property rights, it is likely to become the standard the Commission will expect from everyone else.

Representatives from SAMCAR first raised the issue at CAR meetings in 2017 because many parts of San Mateo County are low-lying areas adjacent to the Bay and the ocean and area property owners were concerned about Residential Adaptation Guidelines being discussed by the Commission and its staff, and warned that all coastal areas would be facing the same issues sooner or later.

Created temporarily by a ballot initiative in 1972, and made permanent by the coastal act of 1976, commissioners and staff have never been shy about using its power to block development in the Coastal Zone – generally all land within 1,000 yards of the mean high tide line but extending inland for as much as five miles in some areas – that they see as inappropriate.

“The commission basically tells us what to do, and we’re expected to do it,” Jeff Jennings, at the time the mayor of Malibu, told the New York Times a decade ago. “And in many cases that extends down to the smallest details imaginable, like what color you paint your houses, what kind of light bulbs you can use in certain places.”

The Commission is requiring local governments to determine how sea level rise would affect its planning area, identify problem areas, develop adaptation measures, and draft an updated or new Local Coastal Program for the Commission to review and certify.

Five approaches considered

At this point, there are five broad approaches to deal with rising sea levels. The first is to wait and see how significant the problem is. Current estimates suggest ocean levels along much of the California coast could rise by between 1.5 inches and almost a foot by 2030 and between 4.5 inches and 2 feet by 2050. That’s a wide range and of course nobody really knows what impact climate change will have and how quickly it might occur.

The second is to accommodate rising water, such as raising beachfront homes and businesses onto piers. A third would increase efforts to protect property, such as building sea walls, while the fourth, called managed retreat, would basically abandon areas susceptible to flooding and relocate homes and businesses inland so beaches and public access would remain but move inland from their current locations. A fifth hybrid strategy would adopt elements of some or all of the other approaches.

Commission staff is strongly looking at managed retreat as a preferred alternative, but some lawyers argue that the commission is exceeding its mandate with its new residential adaptation language.

“The managed retreat policy appears to be a way in which the commission can take private property for public use without paying just compensation,” Larry Salzman, an attorney with the Pacific Legal Foundation, told the online publication E&E News, which covers energy and environmental news.

If the state wants to remove properties to let the beach migrate, it should do so under eminent domain, Salzman told the publication. That would mean condemning them and paying fair market value, he said. 🌊

Legislative Session Ends With Major Win and Major Loss for REALTORS®

Marta Golding Brown
VCCAR Government Affairs Director

The 2019 session of the California Legislature is over, with lawmakers due back in Sacramento in January. Governor Newsom, meanwhile, just has a few days left to sign or veto bills that lawmakers approved before the October 13 deadline.

For REALTORS®, there were several measures sponsored or supported by C.A.R. and several other bills that the state Association opposed. But two measures in particular will have a significant impact on the industry.

On the positive side, the Governor has signed into law AB 5, which puts into law a complex determination of who is an employee and who is an independent contractor. C.A.R. and local AORs like VCCAR worked hard to add provisions to the bill which fully protect REALTORS®’ ability to be an independent contractor and helps eliminate frivolous lawsuits.

AB 5 clarifies that existing law governing REALTORS® is not displaced by the Dynamex decision, the state Supreme Court ruling that changed the way independent contractor status is analyzed in California. Instead, the new law recognizes

and reinforces Business and Professions Code § 10032 which allows real estate licensees to be independent contractors for “statutory purposes” as long as they meet three conditions:

- 1) They hold a real estate license;
- 2) Substantially all their remuneration is directly related to sales or other output rather than to the number of hours worked; and
- 3) The parties have a written contract stating that the individual will not be treated as an employee with respect to those services for state tax purposes.

“AB 5 states definitively that the Dynamex decision does not apply to real estate licensees.”

This three-part test follows the federal tax code as well.

AB 5 also indicates that if the classification in the B&P Code is not applicable then question of independent contractor status would be governed by "the Borello test," which is based on factors of control, instead of those established by Dynamex. However, even if the Borello test does apply, the duties of broker supervision and control under the real estate licensing law cannot be considered as factors.

This puts to rest some plaintiffs' assertions that obeying the real estate law of broker supervision and the requirement that a salesperson must work under only one broker results in an employee status, which was never the case. In this regard, as part of C.A.R.'s real estate clean-up legislation, which was signed into law last year, all references to "employing broker" and "employee" were removed from the B&P Code.

Finally, AB 5 states definitively that the Dynamex decision does not apply to real estate licensees and adds that the law relating to real estate licensees applies retroactively to existing claims and actions to the maximum extent permitted by law.

Lawmakers Send Rent Control Measure to Governor

However, lawmakers also approved AB 1482, which moves California toward statewide rent control. Although at our publication deadline the Governor had not yet acted on the measure, he and legislative leaders announced at the end of August that they had struck a deal which led to final passage of the bill. It is all but certain the measure will become law.

C.A.R. and local AORs lobbied hard against the bill, which comes just months after voters soundly rejected rent control

last November. In a statement issued after the bill was enacted, C.A.R. President Jared Martin said REALTORS® would continue working with lawmakers to address numerous shortcomings.

"Throughout the debate, REALTORS® advocated for a balanced solution that protected renters and respected the rights of property owners. While several of our recommendations were included in AB 1482, including the exemption of single-family homes and condominiums, the final bill did not do enough to increase the supply of affordable rental housing. Even legislators who voted yes did so acknowledging its shortcomings," Martin said.

"Although we did not prevail, we remain steadfast in our commitment to overcome California's historic housing supply and affordability crisis. Much more work remains ahead of us, and as we have said from the beginning, REALTORS® appreciate the commitment of Gov. Gavin Newsom, Democrats, and Republicans to continue working to incentivize the production of new housing for rental and sale. We look forward to working with the Newsom administration and California Legislature to fight for homeownership because providing housing is critical to Californians."

He also expressed disappointment that the California Apartment Association and the California Business Roundtable did not stand firm in opposing the measure.

"Only C.A.R. advocated for small 'mom and pop' investors by successfully obtaining an exemption for single-family homes and condominiums," he said. "In the final days, REALTORS® stood firm and made our case against AB 1482 based solely on its policy." 🌱

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Having it All: Turning Off Your On-Call Button

BY Michele Lerner

Northern Virginia Association of REALTORS®

If you find yourself answering phone calls at 11 p.m. and text messages at 5 a.m. or you can't remember the last time you saw your son play basketball, you may have succumbed to a common affliction among real estate agents: excessive availability.

While most REALTORS® pride themselves on their responsiveness to customers and to other real estate professionals, the "Always on Call" lifestyle can quickly lead to agent burnout.

"Real estate agents are our own worst enemy about accessibility," says Carol Temple, a REALTOR® with Coldwell Banker Residential Brokerage in Arlington.

As an industry, real estate has room for improvement, says Anslie Stokes Milligan, a REALTOR® with McEneaney Associates in Washington, D.C.

"We don't expect any other professional to be 100 percent on call 365 days a year," Milligan says.

At the same time, she recognizes that there are times when it's essential to go full throttle on work, especially during the peak spring and fall markets.

"If you nurture your business every day and work on your business as well as in your business, it's easier to manage it year-round," says Milligan.

Editor's note: Helping REALTORS® achieve work-life balance is an important NAR and C.A.R. priority. This column, which first appeared in NVAR's January-February 2018 magazine, is frequently cited as a great resource and is used here by permission.

Real estate agents face an internal conflict, says Michelle Carlstrom, founder and principal consultant with Build a Better Culture in Baltimore: they love what they do and find meaning out of helping their clients, but can easily end up overloaded.

"REALTORS®, and people in other professions, too, are judged by how quickly they get back to someone," says Carlstrom. "But it's a biased judgment. People think it's OK to interrupt their agent while she's at her kid's soccer game, but it's not OK for their agent to interrupt them while they're in a meeting."

Breaking that cycle of instant responsiveness takes discipline and a re-evaluation of how you want to spend your time, says Carlstrom.

Managing your schedule is essential

Successful REALTORS® manage their clients and their time.

"If you don't have a schedule to follow, you're what I call a 'pop-tart' REALTOR® who just responds to everything as it pops up," says Tim Harris, a Las Vegas-based real estate coach.

Harris believes a morning routine is essential to give you a sense of calm and the confidence that you can control your day.



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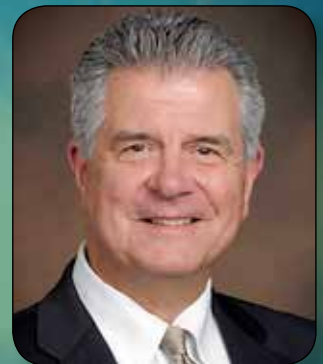
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“I recommend a media-free morning, which means no email, no texts, no voice mail, no social media, and no traditional media,” says Harris. “You need to start your day with exercise, gratitude for your family, and some spiritual activity such as meditating or prayer.”

While not every real estate agent can skip checking messages in the morning, most do establish a schedule that encompasses their personal and business activities.

“I make every personal appointment for the year in January for things like the doctor, the dentist, and haircuts,” says Temple.

Temple also schedules two or three vacations and a few long weekends, making reservations in advance so she commits to them.

“I never miss a settlement, I just suggest another day so I don’t have to cancel reservations or appointments,” says Temple.

Milligan says the goal for her team is to have specific days off each week, although it sometimes is necessary to respond to issues on those days.

“I try to handle day-to-day things during business hours so I can be home with my kids,” says Milligan. “Everyone should decide when their day ends. I stop work at 5:30 and then usually do one last look at messages at 7 or 8 in case I need to respond to something.”

Team members who work with Phyllis Patterson, a REALTOR® with TTR Sotheby’s International Realty in Alexandria, don’t have regularly designated days off, but they do schedule time off on an as-needed basis. Adding personal appointments to your calendar helps you honor those commitments, too.

“It’s perfectly acceptable to tell a client you have another appointment, even if that appointment is volunteering at your child’s school,” says Milligan. “At the same time, I know I have our transaction manager who will respond to time-sensitive requests when I’m busy.”

Setting expectations with clients is an important part of maintaining control over your schedule, says Brittany Patterson, a REALTOR® with TTR Sotheby’s International Realty in Alexandria.

“I set boundaries and explain to people that I will ignore messages that aren’t urgent between 10 p.m. and 8 a.m.,” she says.

Temple gets up at 5 a.m. and ends her day early.

“I tell my clients, ‘I promise not to call you at 5 a.m. if you promise not to call me after 7 p.m.’,” Temple says.

Carlstrom recommends scheduling a “catch-up day” about once each month to recover from your busy schedule and to take care of emails or other items that have started to accumulate.

Some agents specify a time each day when they’ll respond to all messages.

Focus on activities that matter

In your work life and your personal life, figuring out what you must do and what you can let go is an important part of controlling your schedule and your time.

“Use the technology and tools available to reduce your involvement with things where you’re really not needed,” suggests Milligan. “For instance, you can put the Showing Time app on your seller’s phone and let them respond to requests. You can put disclosures right in the MLS so you free up the time it takes to send them individually to people.”

Many agents get involved in community activities, which can be time-consuming but also energizing if it’s a cause you care about.

“We like to be engaged in the charities we support, so we have what we call a ‘get our nails dirty’ attitude,” says Phyllis Patterson.

Saying yes to activities you enjoy can be easier when you’re not tied down with an overly demanding client.

“I’ve developed a sixth sense about people over time and know right away if we’ll work well together or not,” says Temple. “I interview buyers and sellers just like they interview me because I know if I’m uneasy about them it will only get worse. It’s OK to turn down clients.”

When you’re overloaded, says Carlstrom, it’s typical for your own priorities to be the first to go, which only adds to your stress.

“It may sound counterintuitive, but instead of trying to turn off your activities, you should actually add something new that has nothing to do with your current social circle,” says Carlstrom. “Volunteer at a new activity or play a new sport, anything that adds a new line to a social life that isn’t work-related.”

Team approach or go-it-alone

While some agents insist that being part of a team is the only way to achieve a strong real estate career and maintain a personal life, not everyone agrees.

“I’ve never been part of a team because you either manage people or you’re being managed, and I don’t want to do either of those things,” says Temple. “I plug everything into my calendar and work around that.”

Milligan says that her team, which includes three licensed agents as well as support staff, allows everyone to take time off without any lapse in customer service.

“If we’re putting ourselves out there as an industry that’s always available, we need to communicate to agents how to do this,” says Milligan. “If you’re not on a team, you at least have to partner with another agent so you can cover for each other and respond to emails, texts, and calls.”

Internal communication with the team and access to a shared calendar as well as a transaction management system keeps Milligan’s team serving clients with a high level of professionalism.

“You have to be part of a team to pinch hit for each other and to fully back each other up so you can take vacations,” says Phyllis Patterson. “While I’m not working 24/7, the team is. I don’t see any other way to handle a large volume of transactions.”



Physical strength is part of success

Scheduling time for exercise, stress reduction, and sleep may seem burdensome when you're already busy, but these essential elements can keep you in good health.

"It's hard to stay focused on your business if you're not physically taking care of yourself," says Harris.

Milligan wakes up at the same time every day, exercises and tries to avoid having an erratic schedule.

Shutting down at night and making room in her schedule for sleep and exercise are important to Brittany Patterson, too, who also says it's important to maintain a healthy social life. Her mother, Phyllis Patterson, fits in a fast 20-minute walk and meditates 10 minutes per day with the help of an app.

Investing time in important relationships is part of staying healthy, too, says Carlstrom.

"Try to manage your technology and be really present with people," says Carlstrom. "And don't forget to schedule fun and practice gratitude."


Changing the real estate culture

While being responsive to clients and colleagues is a matter of pride for most agents, many also think REALTORS® could simplify their work life.

"As an industry we should establish a better standard of doing more during the workday," says Milligan. "I try never to work at 9 p.m., because no one does their best at that time of day."

For example, she points to agents who say they will present offers to their clients at 6 p.m., which means negotiations will take place that night. She says agents should ask their clients to be available at noon to present offers so negotiations can be handled during business hours.

"I'd like to see the purchase contract change, since it always sets deadlines at 9 p.m.," says Phyllis Patterson. "Changing it to 5 or 6 p.m. would mean fewer late nights for agents."

Establish your priorities and your schedule to figure out how to mesh business and personal needs. Setting and communicating your expectations can go a long way toward avoiding burnout and allowing you to work full steam ahead when necessary. 

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Newer Committee's Focus is Developing Future Leaders

One of VCCAR's newest and largest committees is Leadership Development, which was established a couple of years ago primarily to recommend candidates to run for officer and director positions and recruit candidates for the VCCAR Leadership Academy,



Troy Palmquist

This year's Chair, Troy Palmquist, said the committee's mission is simple: "We're helping develop the future leaders of VCCAR," he added.

"It's a good entry into the politics of the Board, and one of the most rewarding things has been seeing two groups of graduates go through the Leadership Academy."

The Academy's creation was driven by former President Matt Capritto and CEO Wyndi Austin, and Palmquist noted that while the committee reviewed the curriculum for this year's sessions, they didn't make any changes "because the program they built was really good."

Austin said organizations that thrive tend to have new volunteers stepping forward regularly and bring new ideas forward, and she said the Leadership Academy has done that. Seven members from the 2018 class have served or are serving on committees, and all eight from this year's class have expressed interest in doing so – and many from both groups have indicated a desire to eventually serve as a director or officer.

Palmquist said current Vice Chair Katie Connelly is a prime example of how leadership development works. She was a member of last year's Leadership Academy, has served as vice chair this year and will be committee chair in 2020.

"We have examples like that throughout our committees," he added.

The committee has several other responsibilities, including leading the planning for the annual Installation ceremony, helping organize the annual Committee Rush, and encouraging nominations for the three annual awards presented at Installation – REALTOR® of the Year, Broker/Owner/Office Manager of the Year, and Affiliate of the Year.

Chair:

Troy Palmquist

Vice Chair:

Katie Connelly

Members:

Vicente Arzate
Salena Bracamontes
Carolyn Braun
Ryan Bruns
Karen Campbell
James Eberhardt
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Tressa Golden
Bridget Goncalves
Cheryl Graham
Kathy Gray
Jim Keith
Michele Mueller
Cami Pinsak
Vanessa Rice
Kathryn Turner

Staff Liaison:

Wyndi Austin

Director Liaison:

Matt Capritto



Pop-Up Event Features Tristan Ahumada

Tristan Ahumada, the CEO of Labcoat Agents – which has built the largest closed real estate group on Facebook – gave a well-received presentation to about 60 members at a pop-up event on September 12 sponsored by YPN, said Committee Chair Erica Holmes.

Ahumada presented numerous tips on how to be better agents and discussed how technology can be a great tool and answered many questions from the attendees.



Left, Ahumada during his presentation. Above, from left, Sterling Granger, Vanessa Rice, Carlos Camargo, Dee Lomeli, Erica Holmes, and Bridget Goncalves.



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Home Sales, Prices Both Fell Slightly in August

Home sales and prices around Ventura County fell slightly in August compared to July's numbers – but were mainly a bit higher than they were in August 2018, according to statistics compiled by Ventura County Regional Data Share and MLS.

In August, there were 660 closed sales, down 3.9% from July but a 1.7% increase from August 2018. Sales for the year through August are basically even with the total from a year ago, with 4,427 recorded so far.

New pending sales showed the same pattern, with 681 in August compared to 708 in July (down 3.8%) and 655 a year ago (up 4.0%).

The median sales price in August was \$605,000, down 1.6% from \$597,195 in July but a 1.7% increase from the previous year. And

the median sales price per square foot was \$353, down 1.7% from July and down 1.4% from August 2018.

Listings were lower across the board in August, with 742 new listings, compared to 851 in the previous month (down 12.8%) and down 6.2% from the prior year. There were 1,840 active listings at the end of the month, which was down 8.5% from July and down 9.0% from August 2018.

Median listing prices continued to rise, to \$699,000. That was up 0.2% from July and up 7.5% from the prior August. That registered at \$366 per square foot, which was 2.2% higher than July and 3.1% above the prior year. 🌴



Market Data Report

VCCAR Report

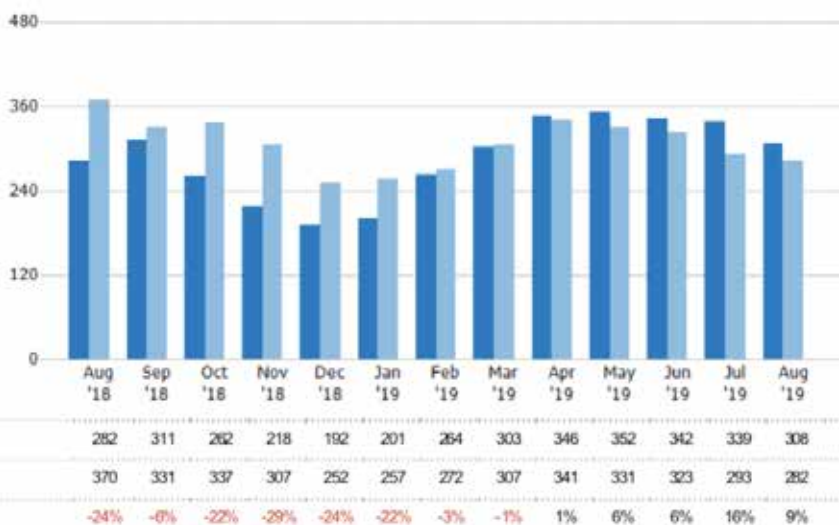
Pending Sales

The number of residential properties with accepted offers that were available at the end each month.

Filters Used

State: CA
County: Ventura County, California
Property Type:
Condo/Townhouse/Apt, Single
Family Residence

Month/ Year	Count	% Chg.
Aug '19	308	9.2%
Aug '18	282	-23.8%
Aug '17	370	25.4%



NEW MEMBERS



11 New REALTORS® Join VCCAR in August



Eleven new REALTORS® went through new-member orientation in August and received their pins from 2019 President Jorge DeLeón.

Front Row: VCCAR board member and instructor Ashley Anderson; Trista Newton, RE/MAX Gold Coast-Beach Marina, Oxnard; Kimberly Castillo, Keller Williams West Ventura County, Oxnard; Michael Murray, Michael George Murray, broker, Oxnard; Kathy Abbott-Mayer, Sun Coast Real Estate Downtown, Ventura; Robert Porras, Forsyth & Rizzie Realtors, Oxnard; Kathleen Higgins, Ventura Real Estate Co., Ventura; Frankie Rositas; and DeLeón.

Second Row: Lerin Neill, VC Property Shoppe, Ventura; Mike Asbee, Lotus Real Estate Group, Downey; Theral Pfankuchen, Keller Williams West Ventura County, Camarillo; and Arthur Kiledjian, Premier Realty Associates, San Diego. 🌱

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REALTORS®

Roy Sherman, CFA
Sherman Asset Management



Roy Sherman, CFA

Retirement Plan Comparison: Solo 401(k) vs. SEP IRA

An independent agent or a business owner has a significant advantage when it comes to retirement planning. Unlike an employee, an agent or owner has wide latitude with what kind of plan that they may use. They also have the ability to be very generous to themselves or skip the plan altogether, and they may change their minds from year to year. Two of the most commonly used plans are the Solo 401(k) and the SEP IRA. Each has strengths and weaknesses, so understanding each will help you better plan for your future.

Contribution limits:

Both plans feature a maximum contribution of \$56,000 in 2019, but the Solo 401(k) allows participants over the age of 50 to add an additional \$6,000 to their plan. This is called a catch-up contribution. The SEP IRA has no such catch-up contribution.

Benefit maximization:

The SEP IRA allows a maximum of 20% of your income to be contributed to the plan. This means that you must have business income of \$280,000 in order to maximize your contribution. In the Solo 401(k), you are allowed to contribute 100% of your income, up to \$19,000. After that you are subject to the same 20% maximum as the SEP IRA. This means that you only need \$195,863 of business income in order to maximize your contribution.

Tax diversification:

A SEP IRA can only be funded with pre-tax dollars, but a Solo 401(k) can be funded with both pre-tax dollars and after-tax dollars. The after-tax dollars (aka Roth contribution) can allow for more creative withdrawal strategies once you are in retirement. Since we are unable to know our retirement tax rate ahead of time, it is wise to diversify the types of tax treatment across your investment accounts.

Loan provisions:

It's simple: Solo 401(k) allows loans, SEP IRA does not. If you access your SEP IRA money before age 59½, you will owe income taxes plus a 10% penalty (unless an exclusion applies). In a Solo 401(k), this problem can be avoided by loaning yourself money from the plan. You may lend yourself up to \$50,000 or half of the plan's investment value, whichever is less. You must pay yourself back within five years at a reasonable interest rate, but this is far better than credit card or personal debt. Just because you can, don't set up a Solo 401(k) with the intention of borrowing from it later. It is only there as a safety net.

Admin responsibility:

SEP IRAs require no ongoing paperwork after set-up. Solo 401(k)'s do. For a Solo 401(k), you must either serve as your own administrator or hire one. A hired administrator may cost you tens of thousands of dollars over the lifetime of the plan. Choosing to serve as your own administrator is doable, but you must keep careful records and mark your calendar for regulatory filings due once per year (if your plan is worth more than \$250,000).

Establishment date:

A Solo 401(k) has an earlier establishment requirement than a SEP IRA. For tax year 2019, a Solo 401(k) must be established by December 31, 2019, whereas a SEP IRA can be established up until your tax return filing. If you file an extension for your personal tax return you can wait until October 15, 2020, to set up your SEP IRA.

Consider your business income, age, income predictability, and desire for admin responsibility as you decide what works best for you. If you still aren't confident to make the decision yourself, or if you require something even more creative, consult with your financial planner. 🌴

“Each has strengths and weaknesses, so understanding each will help you better plan for your future.”

UPCOMING Meetings/Events

OCTOBER 8

MLS Committee Meeting
Board Room
3:00 - 4:00 pm

OCTOBER 9

Committee Business
Planning Session
Training Room
2:00 - 5:00 pm

OCTOBER 10

REFAT Meeting
Board Room
10:00 - 11:00 am

Local Government Relations
Committee Meeting
Board Room
2:00 - 5:00 pm

OCTOBER 11

Finance Committee
Meeting
Board Room
1:00 - 2:30 pm

Special VCMLS
Board Meeting
Board Room
3:00 - 5:00 pm

OCTOBER 15

YPN Committee Meeting
Board Room
10:00 - 11:00 am

OCTOBER 17

Duane Gomer:
DRE License, Renewal,
Review, and Testing
Training Room
9:00 am - 12:00 pm

OCTOBER 18

Leadership Development
Committee Meeting
Board Room
9:00 - 10:00 am

MLS Rules & Regulations

Training Room
10:00 am - 12:00 pm

OCTOBER 21

Professional MLO Education
Training Room
8:30 am - 5:00 pm

Board of Directors Meeting

Board Room
9:00 - 11:00 am

VCRDS Meeting
Board Room
1:00 - 3:00 pm

Professional Development Committee Meeting

Board Room
2:00 - 3:00 pm

OCTOBER 22

Flexmls - Beginners
Training Room
9:00 - 10:30

Flexmls - Advanced

Training Room
11:00 am - 12:00 pm

2019 REFAT Annual Fraud Awareness Forum

Residence Inn Oxnard River
Ridge, Oxnard, CA 93036
11:30 am - 1:15 pm

OCTOBER 24

New Member Orientation
Training Room
9:00 am - 12:00 pm

MLS Orientation

Training Room
1:00 - 4:00 pm

Legal Update & Committee Rush

Oxnard Levity Live &
Copper Blues
591 Collection Blvd.
Oxnard, CA 93030
3:00 - 5:30 pm

NOVEMBER 1

Rookie Series: Build Your
Farm, Fill Your Wallet
Training Room
11:30 am - 1:00 pm

NOVEMBER 5

Duane Gomer: Notary Class
Training Room
8:30 am - 5:00 pm

NOVEMBER 6

LCRC Meeting
Board Room
2:00 - 3:00 pm

NOVEMBER 8

NAR REALTORS® Conference
& Expo
San Francisco, CA

Finance Committee Meeting

Board Room
1:00 - 2:00 pm

NOVEMBER 12

Affiliate Committee Meeting
Board Room
10:00 - 11:00 am

MLS Committee Meeting

Board Room
3:00 - 4:00 pm

NOVEMBER 14

REFAT Meeting
Board Room
10:00 - 11:00

Local Government Relations Committee Meeting

Board Room
2:30 - 4:00 pm

REALTOR® Feud

Oxnard Levity Live &
Copper Blues
591 Collection Blvd.
Oxnard, CA 93030
6:00 - 9:30 pm

NOVEMBER 15

Leadership Development
Committee Meeting
Board Room
9:00 - 10:00 am

NOVEMBER 18

VCRDS Meeting
Board Room
1:00 - 3:00 pm

Professional Development Committee Meeting

Board Room
2:00 - 3:00 pm

NOVEMBER 19

Flexmls - Beginners
Training Room
9:00 - 10:30

YPN Committee Meeting

Board Room
10:00 - 11:00 am

Flexmls - Advanced

Training Room
11:00 am - 12:00 pm

NOVEMBER 21

New Member Orientation
Training Room
9:00 am - 12:00 pm

MLS Orientation

Training Room
1:00 - 4:00 pm

NOVEMBER 26

Board of Directors Meeting
Board Room
9:00 - 11:00 am

NOVEMBER 28 & 29

VCCAR is Closed for
Thanksgiving