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IREM Institute of Real Estate Management
Too often when business owners install a new roof, they're also installing extra costs – expenses they'll be paying off for years, even decades, to come.

Here's a simple comparison: two owners, two identical buildings.

Which is the smarter investment?

<table>
<thead>
<tr>
<th></th>
<th>Other Roof</th>
<th>Duro-Last® Roof</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roof Product Cost</td>
<td>$70,000</td>
<td>$88,000</td>
</tr>
<tr>
<td>+ Installation</td>
<td>$60,000</td>
<td>$45,000</td>
</tr>
<tr>
<td>(labor + overhead)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Tear-Off and</td>
<td>$12,500</td>
<td>$0</td>
</tr>
<tr>
<td>Disposal Costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Estimated</td>
<td>$5,000</td>
<td>$1,500</td>
</tr>
<tr>
<td>Maintenance Costs</td>
<td></td>
<td></td>
</tr>
<tr>
<td>(over 20 yrs.)</td>
<td>$7,750</td>
<td>$0</td>
</tr>
<tr>
<td>+ Estimated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Repair Costs</td>
<td>$0</td>
<td>($84,000)</td>
</tr>
<tr>
<td>(over 20 yrs.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>+ Estimated</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Energy Savings</td>
<td>$0</td>
<td></td>
</tr>
<tr>
<td>(over 20 yrs.)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>= Estimated Life-Cycle Costs</td>
<td>$155,250</td>
<td>$50,500</td>
</tr>
</tbody>
</table>

This chart is an example only.

The Duro-Last® roofing system is a highly-reflective reinforced thermoplastic single-ply membrane that is perfect for commercial and industrial buildings with flat or low-sloped roofs. Each Duro-Last roof is prefabricated to your building specifications in our controlled factory environment, including all accessories. The results? Duro-Last is the best long-term investment you can make in your building.

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www.duro-last.com/value

800-248-0280 • www.duro-last.com
The bottom line
Members and Institute make a difference together

No question, the highlight of my tenure as president of IREM this past year has been the opportunity to get out and visit with the fantastic members of our Institute. Traveling all over the states and abroad reminded me of the force behind this organization and the potential we have going forward.

Some of my most humbling, yet personally fulfilling moments as president were spent installing new CPM Members at the different chapters I visited. In one city, a gentleman I installed brought his entire family to the occasion. All who were present could see the pride on his face and in the eyes of his family. In a different city, another CPM had tears streaming down her face during the installation ceremony as all her hard work paid off in that proud moment in her career.

These moments allowed me to take a step back and realize how very important achieving the CPM designation is to real estate professionals, their families and their careers. They were a reminder that at the very heart of our IREM strategic initiatives and planning are people—consummate professionals who make a difference every day in the real estate management field through their knowledge, ethics and commitment.

And while our individual members are contributing so much to the field, IREM is doing its part, too. We've made huge strides in earning a seat at the table among other valued professions—further legitimizing real estate management as a viable profession.

Our legitimacy as an organization has also been solidified as other like-industry organizations have reached out to partner with IREM and have acknowledged the Institute as providing the gold standard of real estate education. We've shown we have international reach, and we've shown we have staying power. We kicked off the Institute's 75th anniversary year and installed the 20,000th CPM and 15,000th ARM.

The Institute has undergone a cultural change: IREM is a much more nimble organization now, with transparency in how it operates. Strong leadership is in place, and we've embedded a training process so organization leaders are better prepared to serve in their respective positions.

Yes, the sun is shining on IREM right now. I've seen it firsthand as I've traveled from chapter to chapter, city to city and country to country. Over the last four years, I've met amazing IREM Members; been impressed by local chapters' initiatives and commitment to the profession; and have developed unshakeable confidence in our leadership going forward. Also, I've also learned there's no place like home, and I can't think of a better home than IREM.

Bob Toothaker, CPM
2007 IREM President
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**In Session**

**House passes terrorism insurance bill**

The House passed the Terrorism Risk Insurance Revision Act (TRIA) of 2007 in September by a vote of 312 to 110. The legislation, H.R. 2761, will extend the federal backstop program, which is currently set to expire on December 31 of this year, for 15 years. The program makes coverage available for nuclear, biological, chemical or radiological attacks; requires the Treasury Department to report on the terrorism insurance market every two years, including analysis of terrorism insurance pricing impacts on commercial real estate; and establishes a blue ribbon commission tasked with recommending a long-term private market solution. The bill moved to the Senate at press time. IREM participates in a coalition that supports this bill and will continue to work for introduction and passage of this legislation.

**Senate and House differ on energy-efficiency**

This past summer, the U.S. Senate and House each passed energy bills that vary greatly. The Senate’s comprehensive energy legislation, passed on June 21, promotes a major expansion of renewable fuels and energy efficiency; the bill does not extend the energy-efficiency tax deduction for commercial buildings that IREM supports.


**Recovery period for leasehold improvements set to expire**

Congress has anticipated a review of depreciation since 2000, but other tax policy debates have intervened. Currently, the 15-year cost recovery period for leasehold improvements has been extended, but expires on December 31, 2007. If no legislation is passed prior to this date, the leasehold improvement depreciable life of nonresidential property will jump to 39 years. IREM Members lobbied their legislators during the 2007 Capitol Hill Visit Day in support of H.R. 1591, an appropriations bill that included a leasehold improvement provision. Unfortunately, H.R. 1591 was vetoed by the President, and the House vote to override the veto fell short of the two-thirds majority required. IREM continues to support an extension of the 15-year cost recovery period for leasehold improvements.

**Congress considers taxing carried interests at higher rate**

Legislation has been introduced by Representative Carl Levin that treats carried interests—additional profits received by private equity and hedge fund managers currently considered investment income, and taxed as long-term capital gains—as ordinary income taxable up to 35 percent. This would be a dramatic tax increase from the present law, which taxes capital gains and carried interests at 15 percent. The proposed bill, H.R. 2834, has created concern amongst the real estate community because it is likely to have an adverse impact on most real estate partnerships. In September, the House Ways and Means Committee held its first hearing on carried interests.

The companion bill in the Senate, S. 1624, focuses only on private equity and hedge funds, and applies exclusively to publicly traded partnerships. The issue is likely to continue to be a hot topic, and House and Senate leaders have all promised further discussion.

IREM supports a meaningful differential between tax rates for ordinary income and the tax rates for capital gains.
CPM Members lobby for copper theft ordinance

Over the last two years, metal theft—particularly copper—has been on the rise, largely due to a surge in the global demand for scrap metal. Across the United States, air conditioning units are being stolen from homes and buildings for the copper coils. In some areas, HVAC systems have been stolen from building rooftops, costing building owners thousands of dollars to replace the systems.

Marshall Gordon, CPM, has lobbied the city council in Memphis, Tenn., to pass a scrap metal ordinance. The IREM Memphis chapter has formed a coalition of utility companies, alcohol distributors, churches and cemeteries. Gordon testified on behalf of his IREM chapter, in front of the Memphis City Council on the proposed ordinance, and provided several provisions to strengthen the Memphis proposal. Using Gordon’s suggestions, the City Council’s proposed ordinance would require the following: Every junk and scrap metal dealer must keep a book recording each purchase; persons selling or trading scrap metal must present valid identification to the dealer at the time of sale; and sellers must wait three days before cashing payment vouchers. The City Council is expected to pass the ordinance.

IREM Members lobby against mandatory inspection fees

IREM Members in Emporia, Kan., are lobbying against a proposed ordinance mandating rental housing licensing and inspections for fees. The “Rental License Registration and Identification” ordinance would charge each property a fee based on the number of units, ranging from $50 for a building with three to six units to $550 for a building with more than 50 units. The city estimates it will generate over $100,000 from the initial licensing fees. Thereafter, each property will have to pay an annual license renewal fee, costing up to $550 a year.

In addition, rental housing properties will be charged for mandatory inspections. Apartment building owners or managers will be charged between $100 and $250 for an inspection. If a building fails an inspection, owners will also be charged a higher non-compliance re-inspection fee.

IREM Wichita Chapter Members have fought the proposal by attending commission meetings, circulating a petition and building a coalition.

For background, read the IREM briefing paper, “Mandatory Inspections of Rental Property by Municipalities for a Fee” located in the Public Policy section of the IREM Web site.

Smoking bans spread across the country

An increasing number of cities and states are enacting smoking bans in an effort to reduce second-hand smoke. The following chart highlights state smoking bans.

<table>
<thead>
<tr>
<th>LAW</th>
<th>STATES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibit smoking in almost all public places and workplaces, including restaurants and bars.</td>
<td>Arizona, California, Colorado, Connecticut, Delaware, Hawaii, Maine, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, Ohio, Rhode Island, Washington, Vermont, and Washington, D.C.</td>
</tr>
<tr>
<td>Prohibit smoking in most public places and workplaces, including restaurants. In 2009, smoking in bars will be prohibited.</td>
<td>Montana and Utah</td>
</tr>
<tr>
<td>Prohibit smoking in most public places and workplaces, including restaurants; however, stand-alone bars are exempt.</td>
<td>Florida, Idaho, Louisiana, and Nevada</td>
</tr>
<tr>
<td>Prohibit smoking in almost all public places and workplaces, including restaurants and bars (laws have not yet taken effect).</td>
<td>Illinois (1/1/2008), Maryland (2/1/2008), Minnesota (10/1/2007), and Oregon (1/1/2009)</td>
</tr>
</tbody>
</table>
Give green to get green

An estimated 0.2 percent of all federally funded research, or an average of $193 million per year, is spent on green building research, according to information from a United States Green Building Council (USGBC) study published in 2007.

Green Building Research Funding: An Assessment of Current Activity in the United States charts the money and resources allocated to green building research in order to identify gaps in scientific and technical information as they relate to sustainable building design.

Of the research funding allocated to green buildings, most funding went to researching green buildings' impact on energy and the atmosphere. About 45 percent of the energy research was related to energy efficiency topics; about 54 percent supported renewable energy technologies; and 1 percent related to other atmospheric issues. The report also noted the U.S. Department of Energy is by far the largest funder of building-related energy and atmosphere research.

**Total Green Building Research Funding by Topic, 2002-2005**

<table>
<thead>
<tr>
<th>Topic</th>
<th>Thousands of Dollars</th>
</tr>
</thead>
<tbody>
<tr>
<td>Energy and Atmosphere</td>
<td>631,740</td>
</tr>
<tr>
<td>Materials and Resources</td>
<td>175,380</td>
</tr>
<tr>
<td>Technology Transfer</td>
<td>31,280</td>
</tr>
<tr>
<td>Indoor Environmental Quality</td>
<td>18,380</td>
</tr>
<tr>
<td>Sustainable Sites</td>
<td>13,160</td>
</tr>
<tr>
<td>Water Efficiency</td>
<td>1,180</td>
</tr>
<tr>
<td>Comprehensive Green Building</td>
<td>1,240</td>
</tr>
<tr>
<td>Research Economic Research</td>
<td>650</td>
</tr>
</tbody>
</table>

Source: USGBC

It's a small world after all

India, Russia and China top the list of emerging countries for retail development, according to A.T. Kearney 2007 Global Retail Development Index. The index ranks the top 30 emerging countries for retail development using macroeconomic and retail-specific variables. Retailers like Wal-Mart and Starbucks have plans to enter the India market. Wal-Mart also plans to expand upon its presence in China. Consumer readiness is key to a retailer's success abroad. Consumers readiness for new ideas, new products and formats is just as important as the market's situation.

The top emerging countries for retail are:

1. India
2. Russia
3. China
4. Vietnam
5. Ukraine
6. Chile
7. Latvia
8. Malaysia
9. Mexico
10. Saudi Arabia
11. Tunisia

Source: A.T. Kearney 2007 Global Retail Development Index

Medical office market has strong pulse

The aging population is stimulating positive growth in the medical office building market, according to information in a 2007 Marcus and Millichap medical office research report. By the end of 2007, 14.5 million square feet of medical office space is expected to be developed, up from 13.2 million square feet in 2006. Confidence in the market's future is spurring investor demand. Transaction velocity has increased 9 percent, and the median sales price has risen 6.4 percent to $200 per square foot in the last year.

**Medical Office Sales Trends**

Source: Marcus & Millichap Research Services, CoStar Group, Inc.
**Green county**
The Nassau Legislature in Long Island, N.Y., unanimously passed a new “green building” law for the county in September. The law ensures buildings are designed to be more water and energy efficient, and environmentally friendly. The county has adopted the Leadership in Energy and Environmental Design (LEED) guidelines established by the United States Green Building Council (USGBC), a not-for-profit agency in Washington, D.C.

**Certified silver**
The Chicago office of Humana Inc. was recently awarded LEED® Silver certification by the U.S. Green Building Council (USGBC) in its Commercial Interiors category. Humana’s 55,000 square-foot office was designed to achieve LEED Certification for energy use, lighting, water and material use. Humana controls much of the design and functionality of the space it leases. LEED certification for a commercial interior means that Humana was evaluated only on its efforts to build out, furnish and manage its two floors, as opposed to the entire building.

**Setting the standard**
A proposed new standard that will provide minimum guidelines for green building practices is nearing completion. Standard 189P (Standard for the Design of High-Performance Green Buildings Except Low-Rise Residential Buildings) is being developed by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) in conjunction with the Illuminating Engineering Society of North America (IESNA) and the U.S. Green Building Council (USGBC). The standard is the first of its kind in the United States and will provide a baseline for sustainable design, construction and operations to drive green building into mainstream building practices.

**Sustainable studies**
A new study by United Nations Environment Programme (UNEP) Sustainable Buildings and Construction Initiative (SBCI), found that regulatory and control instruments such as building codes and appliance standards are the most effective way to increase energy efficiency, and mitigate the industry’s impact on global warming. The study, released at the recent “Sustainable Buildings 07” conference in Prague, Hungary, analyzed 80 case studies from 52 countries. Copies of the study can be downloaded at www.unepsbci.org.
Famous Properties

Heating up the holidays
Chicago's John Hancock Center exudes a festive spirit

by Diana Mirel

No matter how cold it gets in the Windy City, Chicagoans are always in the mood for a party. The Second City doesn’t hold back when it comes to holiday spirit. Its trademark holiday lights, events, famous department store windows and overall good cheer can make even the gloomiest winter day enjoyable.

Central to the city’s year-end holiday happenings is the John Hancock Center, which anchors Chicago’s most prestigious shopping district on north Michigan Avenue. While it may be the city’s second tallest building (next to the Sears Tower), its holiday spirit is second to none among the city’s impressive skyline. With an observatory and upscale restaurant on the top floors, retail space on the lower levels, and office and residential space completing the 100-story tower, the building has something for everyone.

KEEPING THE SPIRIT ALIVE

When Golub & Company, LLC and Goldman Sachs purchased the building from Shorenstein Co., in January this year, they were determined to maintain and improve upon the building’s traditional role as a warm, inviting and festive stop for visitors and tenants alike.

“Essentially, what we try to do every year is enhance the visitor and tenant experience during the holiday season,” said John Kapp, general manager.

After the Hancock’s renovation in the mid 1990s, the building’s ownership wanted to draw the north Michigan Avenue shoppers and visitors into the center. To do so, management purchased a large model train for the concourse during the holidays.

Since then, the model train has become central to the building’s holiday décor and is a huge draw. Construction of the train begins in October and takes about six weeks to install. It is then unveiled on the Wednesday before Thanksgiving.

“As a bit of a marketing tool, as well as being a gift back to the city, the building bought the train,” Kapp said. “It is wonderful to see the kids coming into the building to see the train.”

Attracting more visitors also allows the Hancock management to market the observatory, and, thus, bolsters business on the top floor. From Thanksgiving to Christmas, Santa and his sleigh are stationed in the observatory, where visitors can get their picture taken with Saint Nick and enjoy the spectacular city views.

While holiday spirit permeates inside the building, the Salvation Army Tree of Life in the building’s plaza takes the festivities to a whole other level. A typically 45-to 50-foot tall tree is erected on the plaza in one night and is covered in more than 10,000 lights over the course of two weeks. A kick-off luncheon the Wednesday before Thanksgiving sets the stage for the tree’s unveiling. Kapp said it’s essentially where the Salvation Army starts its bell-ringing/kettle collections.

“It gives [the Salvation Army] an opportunity to promote and kick [the holiday collection] off,” Kapp said. “After that, you begin to see the kettles all over the city. It gives me and the rest of the staff a great sense of pride in helping the Salvation Army do that.”

RESIDENT REVELRY

While much of the building’s holiday happenings focus on visitors, management also goes the extra mile for its 90 office and retail tenants. Each year, the Hancock management hosts a holiday party for its tenants.

“It is kind of a meet-and-greet, and it allows us to get in front of our tenants on a more casual basis and have a conversation with them,” Kapp said. “It allows us face time with them.”

In addition to the holiday party, the overall festive feeling throughout the building is exciting for tenants.

“Everything we promote for the tourists, we also promote for our tenants,” Kapp said.
"It is a nice place to work during the holidays. It is very convenient to shopping and it has a festive feel. We hope that when people walk into the building on a Monday thinking, 'Oh, I'm back at work,' the decorations will perk them up a little bit."

If individual tenants want to decorate their office spaces, the Hancock's management team is there with a helping hand.

"Tenants can decorate their spaces themselves and we have a staff that provides various services to the tenants throughout the year. So if they request our staff to help them put up a tree or string some lights, we can certainly accommodate them," Kapp said.

With so much happening around the building and more visitors coming through the doors each day during the season, the management team has to be even more organized and proactive. The building increases engineering, janitorial and security staff to ensure a positive experience for visitors and tenants.

"We need to be on our toes just because of the sheer volume of visitors," Kapp said.

Of course, this fine attention to detail and faster holiday pace is a small price to pay for the rewards of managing such a high-profile building during this time of year.

"I am a big fan of the holidays, and it is a great feeling to be able to be a part of helping to promote the holidays," Kapp said. "People are in a great mood. The building comes more alive from Thanksgiving to Christmas."

Furthermore, the building's holiday spirit goes above and beyond the Hancock's 100 stories.

"It enhances the city in the nation's eyes and the world's eyes," Kapp said. "[The Festival of Lights] is a great parade; it is a great experience and Chicago is a great town. When you see the Hancock in the skyline, you know that is Chicago. It is very visible and we just want to enhance that picture that people see in their minds when they think of the Hancock."

Diana Mirel is a contributing writer for JPM. Send questions regarding this article to mnaso@irem.org.
The Monopoly game was invented by Charles Darrow in 1933. He sold the rights to George Parker in 1935.

The problem of missing teeth was first discussed at length in 1728 by Pierre Fauchard in his book The Surgeon Dentist.

A third of the world’s people live on less than $2 a day, with 1.2 billion people living on less than $1 a day.

Greek philosopher Aristotle wrote Meteorologica in 350 BC—it remained the standard textbook on weather for 2,000 years.

The shortest stage play is Samuel Beckett’s “Breath”—35 seconds of screams and heavy breathing.

A green diamond is the rarest diamond.

Summer on Uranus lasts for 21 years—but so does winter.

About 30 percent of consumers use their credit card as their main means of buying Christmas goodies, and 86 percent of consumers do their Christmas shopping during December.

The first daily broadcast was started by the BBC in November 1936.

www.goodtobegreen.com
Seattle based Goodtobegreen.com, offers a variety of tools needed to construct sustainable buildings. The site features a directory for green building products, sustainable building materials and green building service providers. It also features a state-by-state incentives directory consisting of summaries of state, local, city, utility and federal tax breaks and financial incentives for all 50 states.

www.laundrywise.com
Laundrywise.com is a source for information on laundry water and energy conservation opportunities available in multifamily properties. The Web site offers facts, studies, news and a section called “What Can You Do” which offers ideas, lists and guides explaining how you can actively participate in laundry water and energy conservation.

www.secmag.com
Security Magazine features news on the latest security updates and products on the market to improve security measures across all industries. The Web site also offers columns and articles on security issues such as access control, video surveillance and new innovations in technology.

Pulse Points

Log on to www.irem.org/jpm to answer this issue’s online survey. Real-time results will appear on the site, and a final tally will be published in the next issue.

Question
Do you offer community intranets (resident portals) for residents to pay rent and utilities, or for other services?
A. Yes
B. No

The results are in from last issue’s poll
Do you have programs in place at your office to help the different generations work well together?

Yes 8.91 percent (9 responses)
No 91.08 percent (92 responses)

Vote Total 101
It’s time to roll up your old carpet and replace it with Sherwin-Williams One More Turn,¹ the solution-dyed nylon carpet that keeps its great looks longer than conventional piece-dyed carpet. One More Turn is unlike anything else you can buy, because the color is embedded through every fiber of the carpet, not just on the surface. So stains are easily removed and the color won’t fade after multiple cleanings.

To find out how to get more turns out of your carpet, contact your nearest Sherwin-Williams Floorcovering Center or representative or call 1-800-524-5979 to have a rep contact you.

¹ sherwin-williams.com 2006 The Sherwin-Williams Company
Fields of vision
New England states revitalize potentially toxic properties
by Emma Johnson

What is good for the environment is good for communities. And what is good for communities is good for real estate. This dynamic is thriving in the booming trend of cleaning up brownfield sites—properties deemed by the federal government as toxic or potentially toxic, and requiring environmental remediation.

Once considered high investment and litigation risks, developers are increasingly experiencing the benefits of investing in rehabbing brownfield sites. In fact, 50,000 sites have gone through state-sponsored cleanups since 1994, and experts estimate the total number—including those purely controlled by private efforts—exceeds 450,000.

A large portion of these projects are located in New England states, which have the nation's longest history of industry—and therefore the largest number of abandoned industrial properties. These are typically in older and densely populated communities. Further, the nationwide trend of re-urbanization in which inner-city living is once again desirable is especially concentrated in East Coast cities, upping the demand for downtown addresses.

Evans Paull, senior policy analyst with the Northeast Midwest Institute, a Washington, D.C.-based think tank that tracks brownfield trends, said state and federal policy have made once untouchable properties into attractive business propositions for developers and local governments alike.

"Brownfield sites are often under-valued because the current owners can't or are afraid to deal with the environmental issues of the properties," Paull said. "Plus, there are regulation issues; it can take a long time to get through the up-front site preparation, and it can mean a greater investment. Many of the costs are uncertain."

GOVERNMENT SUPPORT
Until recently, there was also a greater degree of liability risk because of contamination, or perceived contamination, at brownfield sites. In 2002, however, Congress passed legislation stating that developers are immune from federal lawsuits regarding the contamination as long as they follow certain remediation procedures. This is just one in a series of steps taken by the federal government to encourage local governments and private interests to take on brownfield projects.

Another major incentive is financial. Since 1995, the Environmental Protection Agency (EPA) has invested $800 million in the assessment and cleanup of brownfields—an investment that has leveraged more than $9.8 billion in cleanup and redevelopment; assessed more than 10,700 properties; and helped to create more than 44,360 new jobs, according to Northeast Midwest Institute information.

The EPA funds are granted to either governments or non-profit organizations that can then lend the money to private sector businesses at very low or even zero percent interest. The EPA also makes grants available for site assessment and remediation. Starting in 2008, private companies are eligible for grants of up to $200,000 per project to assess contamination, and up to $1 million for remediation.

COMMUNITY BENEFIT
The majority of successful brownfield projects have resulted from local governments partnering with the private sector to better the communities at large, said Catherine...
Finneran, brownfields coordinator for Massachusetts Department of Environmental Protection. Massachusetts has one of the most active and oldest brownfield programs.

"A lot of communities are looking at large-scale redevelopment, and they see a brownfield project as just one component—in many cases the gateway project," Finneran said. "Cleaning up and redeveloping sites generates tax revenue and improves the quality of life in the neighborhood. If you redevelop a factory site, you bring thousands of workers with it, and businesses around that site get serviced."

One successful example of full community development from a single brownfield property is the United Shoe Machinery site in Beverly, Mass. Built at the turn of the 20th century, the then state-of-the-art shoe factory was the largest reinforced concrete structure in the world until 1937. For the next seven decades, it employed as many as 6,000 people, many of whom lived in the downtown Beverly neighborhood where the plant is located.

When United Shoe dismantled in the 1970s, the plant closed and the vacant building soon became a drag on the entire city of Beverly. The broken windows and overgrown grass became an eyesore, and the lack of commerce created an economic blight in the city center.

In the mid 1990s, Boston-based Cummings Properties bought the site for $500,000 and invested another $65 million of private funds to develop the 32-acre Cummings Center, a retail and office park that now employs 5,000 people and has been part of revitalizing downtown Beverly.

While Cummings did not use any EPA-sponsored funds, the company did work closely with the city of Beverly, which granted the project a 10-year tax abatement and worked closely with Cummings to bring the project to fruition. Today, Beverly property values are up and the city center is once again alive, Steve Drohosky, Cummings Properties vice president and the center's general manager said.

"We would do it again," he said. "We saw this as a diamond in the rough and it has actually turned into that."

Emma Johnson is a contributing writer for JPM. Questions regarding this article can be sent to mnaso@irem.org.
Undercover access
Security technology helps managers safeguard properties

by Cindy Clare, CPM

Access cards, key fobs and fingerprint scanning sound like items from the latest spy novel. However, these items provide types of controlled access widely used in commercial buildings for the last several years; they are now appearing on a regular basis at new apartment communities.

Access cards and key fobs—the new version of access cards—are used to give residents access to their communities and provide a secure way to control who has access. The card or fob gives tenants access to the garage, entrance into the building and access to their office suites. In some cases, the card or fob must also be used on the elevator to access a particular floor. Access cards are usually the size of a playing card. Key fobs are so small they fit on your key ring.

Both garden and high-rise residential communities are turning to such high-tech security access in the interest of protecting residents and properties. Access card systems can bring value to a property, and in effect, benefit a real estate manager. Certainly, providing additional security for residents and putting their minds at ease regarding who can enter their community can only help to market the community. Controlled access also allows managers to increase rents since residents perceive this as a tremendous amenity.

Additionally, access cards can help managers with their buildings' operations. They can be programmed from a computer in the leasing office, allowing managers to add and delete residents as needed. If a resident moves out and does not return the card or fob, the manager simply deletes the number from the system and the resident no longer has access. If cards or fobs are lost, they can be deleted from the system, saving the expense of re-keying.

In addition, a record is kept by the computer of all cards and fobs—and thereby, residents—that access spaces including the date and time. If vandalism occurs in an amenity area, it is much easier to find out who was in the space at the time the incident occurred.

Controlled access systems do require maintenance. For instance, the computer chips in the cards could go bad or the software controlling the controlled access system might need to be upgraded. But if properly maintained by the installation and maintenance company, the systems have minimal problems. Managers should have a maintenance contract with their vendor laying out how to handle such issues.

Installing the system during construction is easiest, but controlled access can be added to a property at a reasonable cost as long as electricity is available. If additional electric lines have to be pulled, the costs can become prohibitive. To find out more about controlled access, managers should call around to local companies that install and maintain such networks, or take referrals from other managers who have installed similar systems at their properties.

Keeping a property safe is central to quality property management, and implementing controlled access cards or key fobs certainly heightens security. Fortunately, this technology is not just futuristic gadgetry mentioned in the latest spy novel. It is a tangible tool that protects residents and properties, and puts the minds of managers at ease.

Cindy Clare, CPM (CClare@kettler.com), is president of Kettler Management Inc.
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An unfortunate truth in the property management business exists: Sometimes tenants fall behind in rent. And while it is important to note that under the Fair Debt and Collection Act property managers are not considered debt collectors, rent delinquencies and rent collection are still problems.

The Fair Debt and Collection Act’s purpose is to prevent abusive practices in consumer debt collection, to encourage fair debt collection, and to enable consumers to dispute or validate the accuracy of debt information. It sets guidelines for debt collectors regarding appropriate business practices, defines rights of consumers involved with debt collectors; and recommends penalties for violating the act.

When a property manager’s rent collection is incidental to his or her fiduciary duties to the property owner, he or she is not considered a debt collector, and therefore falls outside the statute. Still, managers worry that attempting to acquire rent might result in legal troubles because they are subject to other lawsuits related to rent collection. Also, while the act is a federal statute, various state and common law causes of action may apply to managers.

The act protects consumers whose financial obligation arises primarily for personal, family or household purposes. Collection efforts relating to commercial, office, retail and other non-residential property fall outside the act, which makes residential managers much more vulnerable.

Residential managers should work out a protocol for proceeding when rental payments fall into arrears. They should speak with an attorney about a roadmap that can be followed safely without running afoul of the law. Managers must make sure they’re up-to-date on new laws or court decisions that might govern their conduct, and they should exceed the standards imposed by the legislature and courts—it will help to avoid liability and high legal fees.

All renters’ financial obligations should be carefully noted, with a system put into place to track their compliance. When a renter falls into arrears, reach out shortly thereafter to find out why. Managers dissatisfied with the results of their outreach should document the arrears after noting the lease’s default provisions.

It is critical that property managers carefully note a lease’s cure provisions, or those rights a tenant has to bring her obligations current, before being in default. Managers should know when the tenant’s right to cure ends and what steps they have to take to place the tenant in default of her obligations. Once the tenant is in default, managers should consider their own rights and which of those rights they want to enforce.

They must also decide if they want to compromise. A property manager may want to compromise with a tenant whose payments are generally reliable. On the other hand, a manager may want to aggressively pursue all available remedies against a tenant who has consistently shirked his or her financial obligations on a space which can be readily re-leased.

All these decisions boil down to business considerations. By combining business acumen with legal expertise, the decisions can be made more easily and overdue rent can be collected.

Randall Airst, Esq., LLM (randall_airst@airstann.com) is a senior managing director at Airst Stann, a national property advisory firm for REITs, law firms, landlords and Fortune 100 tenants.
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Fill Your Vacancies Faster.
Risk and reward
Controlling risk is an essential part of property management

by Bob Demson, CPM Emeritus

Risk management is a prevalent part of our lives. We are constantly faced with decisions involving risk, like determining the best route to get to work with the least amount of traffic, or what to eat in order to keep our risk of poor health at bay.

But risk goes well beyond affecting our personal lives. The state of Iowa recently paid $6.7 million to settle lawsuits last year because of accidents on state properties and misbehavior of state employees. The state is taking steps to reduce its exposure to lawsuits by trying to identify risks and by training employees, according to information in the media.

Risk, of course, affects us in the property management business, too. We manage risk in a variety of ways, namely through risk avoidance, risk retention, risk control and risk transfer.

Avoidance involves eliminating the source of risk: If we have a swimming pool on our property, which is a risk, we fill it in to avoid the risk.

Managing risk through resident or tenant retention involves retaining the risk and dealing with it: If all our competitors have pools, it is then worth it for us to have a pool. To control risk in the pool scenario, we would focus on fencing, self-locking gates, signage, regular inspections and maintenance.

Finally, we could transfer some of the risk by carrying liability insurance.

As property managers, our biggest job in risk management is controlling risk, lessening the exposure of our client to risk and knowing when to transfer some of that risk to insurance. Controlling risks certainly starts with a physical inspection of a property and considering numerous circumstances.

What is the condition of driveways, parking areas and sidewalks? Do door and gate locks function properly? What is the condition of emergency lighting, fire extinguishers, fire sprinkler systems and alarms? Is an emergency evacuation plan in place? Do leases clearly spell out tenant and landlord obligations, and are they reviewed with new and renewing tenants?

After reviewing all areas of a property for risk, determine what to transfer to insurance and how much insurance is essential to carry. A good insurance agent, who is knowledgeable about your property type, is invaluable. Make sure tenants are aware of the insurance they need to carry on their personal property and the liability they are responsible for.

Additionally, be able to suggest the minimum and umbrella liability a client should carry. Know the property insurance amounts that should be carried and what is considered excluded coverage in the general policy. The exclusions will indicate the amount of additional coverage needed in the overall insurance package purchase. In counseling your client, weigh the amount of deductibles versus the cost savings and determine the best choices for the property.

Risk management is not just about buying insurance. Our job as property managers is to know the possible risks at our properties and how to deal with each one. When we have done all we can to ameliorate the risk, we must carefully determine where to transfer the balance of that risk.

Bob Demson, CPM Emeritus (rdemson@cox.net), is president of R/A Consultants Inc. He is an independent real estate consultant.
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Relationship repair
Responding to resident complaints requires diplomacy and discipline
by Deborah Westphal, CPM

"Please do not judge us by the problem but by the way we handle the situation!"

In a perfect world, residents would get along; all rents would be paid; renewal rate increases would be embraced; employees would ensure calls were returned immediately; service requests would be done in warp speed; crime would cease; and gates would never malfunction.

Settling complaints does not require giving in to a demanding resident and handing over everything he or she asks for.

When it comes to resident complaints, understanding the best way to handle concerns requires more training than just corporate passing the directive, "We’re going to provide exceptional customer service."

When the corporate office is contacted by residents, ask if the resident has contacted the on-site manager. If not, assure the resident that the manager is the responsible associate to resolve his or her concern. The representative should get the resident’s apartment number, contact number, and then immediately contact the manager for proper follow up. Corporate should have a simple tracking system that requires all calls to be logged, and proper follow up from the manager should be documented to ensure operational excellence.

For the resident insisting on sharing the story with the corporate representative, it is important to get all the facts before making any final decisions. Nothing is more embarrassing than being the decision maker and only having part of the story, and then making an uninformed decision.

Take time to document the information from the resident, contact the manager and get feedback, then call the resident back or have the manager call back on your behalf.

The greater objective as it relates to resident retention is: keep fine tuning “resident relations” skills and learn how to respond in an appropriate manner. Doing this without responding defensively or quoting policies in hopes of “educating” an irate resident takes training. It is extremely important to not take residents’ comments personally. Managers who have been properly trained to manage without an ego make communications and the decision-making process much more manageable.

Settling complaints does not require giving in to a demanding resident and handing over everything he or she asks for. It is imperative, however, that management calm the situation down. Displaying empathy, tact and diplomacy is critical, even with unbalanced individuals. Once you can be disciplined enough to put yourself in their position, the work gets easier from there.

When someone complains, it is an opportunity to make things right! Make sure you hear every word, acknowledge you understood them, sympathize with their situation and respond with what you can do to remedy the situation.

If associates are struggling with complaints, recommend they read customer service books like The Servant by James Hunter; and Customer Mania by Ken Blanchard.

The philosophy, “please do not judge us by the problem but by the way we handle the situation,” can help create satisfaction in a climate where resident expectations and competition is greater than ever before.


Deborah Westphal, CPM (dwestphal@greystar.com), is a regional property manager at Greystar Management Company.
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The Institute of Real Estate Management is built on an ethical foundation. As an IREM Member, you subscribe to a code of ethics that is vigorously enforced. The code is a point of pride for our organization, and those who follow it are well respected in the real estate industry.

Many of us manage properties with high monetary values attached. Similarly, we regularly deal with budgets and incomes in the same range. The properties and money are not a manager's only responsibilities either. We also carry the burden of decisions regarding operations, conditions and people.

With so many responsibilities and so many decisions to make, having a set of ethical guidelines at your fingertips is not only resourceful, it can be the difference between a career-making and career-breaking decision.

The world of real estate is constantly evolving. As it expands and changes, the world of regulations can hardly keep up. For example, one of the fastest growing segments of property management today is the management of common interest developments, which include condominiums, planned unit developments and cooperatives.

Since this is a relatively new area, many jurisdictions have no statutes as to the licensing or oversight of common interest development managers. The departments of real estate in most jurisdictions have said that a real estate license is not required because the manager is not managing real estate—the manager is managing a corporation.

This lack of regulation creates an environment whereby it's up to the decision makers themselves to act ethically. But don't be fooled. In spite of the seemingly lax, "it's your life, you choose," environment, those openly and notably operating under a strict code of ethics will win out in the end.

Most common interest development boards of directors, made up of association members, take comfort in knowing a manager applies ethics when guiding the association through various decisions—like which legitimate vendors to use and how to appropriately facilitate meetings. In fact, it is likely a board might choose to enlist your services over another manager as a result of your adherence to an ethics code.

As a member of an organization built on its members subscribing to a code of ethics for almost 75 years, take the opportunity to highlight this aspect when selling your services to a client or employer. Become familiar with the revised IREM Code of Ethics that went into effect in January 2007.

Having a set of ethical guidelines at your fingertips is not only resourceful, it can be the difference between a career-making and career-breaking decision.

Maybe even present the code to the board of directors and point out how it affects your action on their behalf. Finally, ensure your staff and those you work with are with familiar with the code of ethics you follow.

Subscribing to a stringent code of ethics certainly gives you an advantage over the other companies not managed by an IREM Member.

Bob Demson, CPM Emeritus (rdemson@cox.net), is president of R/A Consultants Inc. He is an independent real estate consultant.
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Diverting Design Disaster

Property managers resolve unsightly or impractical design problems by Claire Bushey
The pipes were a disaster waiting to happen, and Jennifer Baiamonte, CPM®, knew it. Too bad no one listened to her.

Some years ago, Baiamonte was slated to manage a developing Ohio apartment complex that had plans to place plumbing and electrical meters beneath an outside staircase. Baiamonte, who has since become a property manager with Duke Realty Corporation, took one look and realized the pipes would freeze during brutal Midwestern winters. She told the development company about this problem, but it decided to stick with its design.

The project continued smoothly until the week residents were scheduled to move in, when, as Baiamonte predicted, the pipes froze and burst. Gushing water damaged drywall and carpet. It delayed the building’s opening by two weeks, and the owner was forced to pay for some residents to stay in a hotel.

It’s a horror story, but it’s not uncommon. Plenty of other property managers have their own tales of office buildings lacking first-floor mailrooms or shopping centers built without an easy way to remove snow from the parking lot.

“You’d walk into a property and say, ‘Why did they do this?’” said Bob Toothaker, CPM, chairman of the Real Estate Management Corporation in South Bend, Ind., and 2007 president of the Institute of Real Estate Management.

Such situations stem from a development process routinely excluding property managers until the last minute, despite their practical knowledge about how buildings should function. But even when the developer hands over a migraine along with the master key, property managers still can take steps to market and manage a building successfully.

SINS OF OMISSION

The expertise property managers can bring to the design process has long been undervalued or unnoticed by developers and architects, said Richard Muhlebach, CPM, and senior management director of Kennedy-Wilson Properties Northwest Ltd., in Bellevue, Wash. Although construction takes months, and developing a project can take years, property managers typically have been summoned shortly before tenants or residents occupied the building.

The sin isn’t so much one of commission as omission, said Randy Woodbury, CPM and vice president of property management at Woodbury Corporation in Salt Lake City. Architects, like anybody else, are unaware of what they don’t know, and they often don’t realize property managers can
help. Consequently, they design buildings where changing an impossible-to-reach light bulb creates misery.

"I've always thought every architect should have to operate his building for a year before he's allowed to design the next one," Woodbury said.

This lack of cooperation has made for a slew of missed opportunities. Property managers can help developers predict operating costs and set rents appropriate for the targeted market. They know which trendy amenities will attract tenants or residents and can argue to keep them when developers start looking for ways to cut costs—understanding it's better to spend more than expected than to construct a building no one wants to lease.

Most importantly, property managers can offer advice on the unromantic details that make tenants' and residents' lives happy or hellish—the kind of details no one else notices until it is too late.

They know which accent colors will brighten an apartment, which appliances are hot, and which finishes are easy to clean or high-maintenance nightmares. They know where to place the lighting and security cameras. And they know Dumpsters belong out of sight but must still be accessible to garbage trucks—a seemingly obvious detail, but one designers often forget.

One company built an office building with elevator shafts, but no room to house the elevator motors; they didn't discover the problem until they were preparing to install the elevators. Another developer built a hotel without rubber bumpers lining the hallways, subjecting the walls to endless battery by luggage cart wheels.

Design missteps, which are only funny when someone else foots the bill to fix them, arise because architects and developers often don't understand how a building operates after the Tyvek comes off and residents move in.

"They don't do the day-to-day living with the building, and sometimes what's aesthetically pleasing is not practical," Baiamonte said.

**BETWEEN A ROCK AND A HARD PLACE**

Property managers who get stuck with a poorly designed property may need to swallow the expense and retrofit the building. Toothaker recalled one property where the builder forgot to put the gas lines inside the building. The owner couldn't afford to install them inside at that late stage, so they were added to the building's exterior.

"It was ugly, and it's ugly today, but it was the only thing we could do," Toothaker said.

But as long as the design problem doesn't affect the building's safety or function, tenants and residents can move in before the owner decides whether cosmetic fixes can remedy the situation or whether an expensive retrofit is required.

Because owners typically pay for the retrofit, a good property manager presents several options along with their price tags, and then makes a recommendation, Muhlebach said. That includes the price of doing nothing, which can mean higher operating costs or lower occupancy rates in the long run. Individuals and companies planning to own the building for the long haul are more inclined to retrofit than those hoping to sell in five years.

"Usually it comes down to being a pure financial analysis and testing the depths of the pockets that have to fund it," Woodbury said.

Some fixes need not be so drastic. Mats installed at the entrance of a commercial building with light-colored carpet in the lobby can absorb dirt and help keep the carpet clean, thereby reducing maintenance costs. Installing stronger fans can help even out hot and cold air from a poorly placed
HVAC system. If sidewalks are poorly placed and residents trample the grass, place stepping stones over the preferred path. Better landscaping and new art for the walls improve a property’s overall look but don’t cost a lot.

Sometimes a problem can be mitigated through creative redecorating. Baiamonte was once assigned to manage a Midwest property built without coat closets—a necessity during freezing winters. Baiamonte converted the linen closet to a coat closet, using hooks because the enclosure was too shallow to accommodate hangers. She used a closet organizer to make space for linens in the master bedroom’s closet. Crisis averted.

“You work with what you have,” said Fred Prassas, CPM, and president of PMC Management Group in La Crosse, Wis.

**Selling Points**

Although some design errors make a building uncomfortable for tenants or residents, other flaws can make it difficult to find anyone willing to sign a lease in the first place. Again, property managers can take several steps to address these problems and successfully market the property.

Prassas recalled one developer who used to build two-bedroom, two-bathroom apartments. When the law changed to specify certain requirements for handicapped accessibility, the developer switched to building a single, large bathroom that could accommodate a wheelchair’s turning radius.

PMC Management Group suggested providing a mix of single-bathroom units with the double-bathroom units because having two bathrooms was an attractive feature in an apartment. But the developer, concerned about ease of construction, chose the cookie-cutter route and made all the building’s units one-bathroom. Ultimately, because the developer abandoned an attractive feature, the building brought in less money.

If a building’s design has serious problems, property managers may need to spend more money advertising the building or lower the rent in order to lease enough units to make the development profitable. The amount of extra advertising or the size of the discount will vary depending on the particular...
"It's a question of how many times do we have to pay that tuition?"

At least a couple property managers said it's becoming easier to get that seat at the table. National companies that develop, build and manage properties keep property managers on staff, and they are bringing them into the process sooner, Muhlebach said. Woodbury said the situation has improved some in the industry over the last five years, and his own company has consulted on a few projects before ground was broken.

Several factors are driving the increasing inclusion of property managers in the development process, Toothaker said. Increasing government regulation of properties has called for increased expertise on satisfying requirements, governing everything from handicap accessibility to the environmentally unfriendly chemicals in refrigerators.

Technology, too, has played a role. Developers are realizing property managers can advise them on how to equip a new building with the infrastructure needed to support an array of technology—from PDAs and computers to hairdryers.

Baiamonte said property managers must keep pace with technological changes because residents and tenants demand those innovations in their homes and offices. If an apartment complex were built today without Internet capabilities, she said it would be so archaic it wouldn't open.

The last major factor influencing the inclusion of property managers in the development process has been the rise of real estate investment trusts—entities that put investors' money in real estate and generate returns through rents or mortgage lending. Because the trusts often are publicly traded, it has become even more important not to waste money on real estate projects, Toothaker said.

Still, persuading developers to let property managers contribute early in the game remains an uphill battle for most property managers.

"Our goal is to get them to have a role for us to play because there's a lot that we can contribute," Prassas said. "We're the ones who are going to have to make the property work, ultimately." ☐

Claire Bushey is a contributing writer for JPM. Send questions regarding this article to mnas0@irem.org.
The Institute of Real Estate Management congratulates our 2008 leadership installed during our Fall Business and Governance Meetings on October 19, 2007.

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#### Regional Vice Presidents

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<td>Susan L. Considine</td>
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<td>Income Properties of Raleigh, Inc.</td>
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<td>Chrystal Skead</td>
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EXPERT OPINION

Property managers showcase their expertise in the courtroom as expert witnesses
by Diana Mirel
When Diane Whipple, a 33-year-old lacrosse coach was mauled and killed in 2001 by another resident’s dog in her San Francisco apartment building, E. Robert Miller, CPM® of E. Robert Miller & Associates, was asked to serve as an expert witness in the high-profile wrongful death case that ensued: Whipple's mother and Whipple's life partner each brought separate wrongful death claims against the dog owners, the building owner and the building's property management firm.

Miller’s role was to discuss the building owner’s and property manager’s liability. His testimony focused on the fact that the 40-unit building did not have a resident manager, despite a California law requiring a manager in any building with 16 units or more. Eventually, the civil cases for both Whipple’s mother and partner were settled.

Currently a high demand for property management expert witnesses exists. The demand is not a matter of more lawsuits or more cases today. Rather, it is a result of attorneys not understanding property management and needing experts to explain the field. Further compounding the problem is few property managers are willing to do expert witness work, said Paul L. White, CPM, and president of Paul L. White and Associates.

This leaves the field wide open for experienced and educated real estate managers. However, a manager cannot jump into expert witness work blindly. Along with significant property management experience, experts must understand their role, have knowledge of the legal system and establish credibility.

GOING INTO BATTLE
One of the major roles of expert witnesses is to act as consultants. Before sitting on the witness stand, they advise and educate the acting attorney who hired them about the real estate management industry and its professional standards so it can be determined whether those standards were met in the particular case.

Miller said expert witnesses are not “hired guns.” Rather, they are expected to be impartial and objective authorities, regardless of which party has hired them. “Expert witnesses are not advocates,” Miller said. “They don’t care either way. They are providing information to the judge, jury and other lawyers as to what is standard in the industry.”

To adequately provide that information to all parties, expert witnesses must spend time carefully reviewing case documents like the management contracts agreed upon by the involved building owners, tenants and property management firms. They must also review depositions. Depositions are the sworn testimonies of witnesses outside of court. Those testimonies are part of the discovery process in which litigants obtain information from one another in preparation for trial.

These materials are crucial to the case because they help expert witnesses understand all sides of the case and gather the necessary information needed to make an expert opinion about how industry standards apply to the case.

Miller has worked on cases with more than 70 depositions to review. He said depositions often include hundreds of pages and take hours to read. Upon reviewing the material, experts then prepare a written report detailing how industry standards apply to the situation.

Experts also prepare for a deposition or trial by having an attorney question them from both party’s perspectives so they know what to expect. Experts should also get a feel for the other party’s attorney and how he or she performs in court. By knowing what kind of personality he or she will be dealing with, the expert witness can mentally prepare for the questioning. By reading the depositions, Miller said a witness can get a feel for how the two attorneys get along and if they are at battle.

“You know if they are battling, you’ll be battling,” Miller said.

IN AND OUT
Once an expert witness has gone through all the rigorous preparation and enters the courtroom, it’s a whole new experience.

On the day an expert witness is to be questioned, it becomes a waiting game. Experts are typically not allowed in the courtroom so they cannot hear other witnesses’ testimonies. White said he does not usually enter the courtroom until he is called to testify, and he usually waits for three to six hours to be called.

Once on the stand for depositions or in the courtroom, White said he spends, on average, two to three hours testifying. However, the length of time obviously varies depending on the case and the attorneys involved.

Expert witnesses are typically questioned straight through, without taking any breaks, which can be quite exhausting. White said. Experts typically testify in one day, and rarely are they called back.

“They want me to get there, get on the stand and get out,” White said. “Seldom does it work that way, but I have never spent more than a day at the courthouse.”
COOL AND COLLECTED

To be effective in the courtroom, expert witnesses need to stay calm and confident under pressure.

"Being opinionated and not easily intimidated are helpful traits in this business," said Ann Reisch, CPM, and president of Reisch Consulting Group Inc. "A person also needs to have thick skin at times to enjoy this kind of work. The legal system is designed to be an adversarial system, and as experts, we become a part of that system."

Expert witnesses must also be effective communicators. Answering questions clearly, confidently and concisely will establish certain credibility with the judge and jury.

"You need to be able to express yourself clearly," White said. "State what you investigated, what the facts were, what your opinions are. You do not want to start speculating from the witness chair."

Experts must also remember to only answer questions as they pertain to property management.

"You could go into court and say, 'I don't think she was hurt so much.' And the lawyers will say, 'Mr. Miller, are you a doctor?''" Miller said. "Or you could say, 'Legally, I think he had a right to do that.' And the lawyers will say, 'Mr. Miller, you're not a lawyer.' You have to be very careful of what you say."

Being under the gun in a deposition or trial can be quite nerve-racking for an expert witness no matter how comfortable or confident they are in a courtroom.

"There is no question you get butterflies," Miller said. "It is very stressful because the attorneys are depending on you to represent them from what you told them about the standards."

Furthering the tension, experts often testify against other property managers. However, Miller said in his experience he has been fortunate to rarely find cases involving CPM Members or AMO firms; instead, it is the less experienced, untrained managers who find themselves in litigation.

"If they have done gross negligence as a property manager and you get up there and say they were terrible managers and they didn't do a good job, then your name is mud with that firm," Miller said. "But there is nothing you can do about that."

RESERVE THE RIGHT

Expert witnesses can control, however, the number of cases and the types of cases they take. Typically they work on civil cases involving everything from common slip-and-fall litigation to high-profile wrongful death suits, with the legal issues centering on the property management company's practices and operations.

Experts typically determine the cases they're willing to take after being contacted by an attorney soliciting their expertise. The attorneys explain the area in which they need the expert's expertise and how many documents the experts will likely have to review. The expert then decides whether or not he or she has the expertise to be involved in this case.

Rarely will experts back out once they acquire a good sense of what the case is about and the work involved after their initial conversations with the lawyer. However, lawyers can opt not to use the expert further if the expert's findings conflict with their case.

White was once hired for a personal injury case in which the plaintiff said he was injured in a parking lot because of the lot's poor lighting and other property-specific reasons. But when White reviewed the case documents, he found the plaintiff's information to be factually inaccurate. White actually advised the attorney to settle the case, saying his testimony would not be able to support the plaintiff's statements.

"I always reserve the right in my retainer agreement that I may find facts that are contrary to what they want...I don't guarantee that I will be able to support their case," White said.

"Being opinionated and not easily intimidated are helpful traits in this business. A person also needs to have thick skin at times to enjoy this kind of work."

—Ann Reisch, CPM, and president of Reisch Consulting Group Inc.

White also said he prefers to keep his distance from certain cases: He never accepts cases in Florida because that is his home base.

PLAY YOUR CARDS RIGHT

Before an expert witness can turn down a case, they have to be asked to take cases. Miller said interested property managers should get their foot in the door by reaching out to established expert witnesses to become part of their team and assist on cases.

Additionally, both new and seasoned expert witnesses can benefit from training courses and events. SEAK Inc., is a company that provides customized training and education for expert witnesses. Professional organizations like the Forensic
Expert Witness Association teach everything from testifying to writing reports.

Property managers with little legal background who are interested in breaking into the expert witness field should seek advice from current expert witnesses in the industry, White said. Making one’s interest known to the right people can result in positive feedback and a possible referral, he said.

Of course, the challenge is many attorneys are reluctant to hire someone with no prior expert witness experience.

“The more you do it, the more credibility you have,” Miller said. “So you’re between a rock and a hard place. If you want to get into it and you’ve never done it before, who is going to hire you?”

Acquiring credibility as an expert witness comes with being active in professional organizations, remaining current in the industry and obtaining certifications, designations and continuing education.

Miller keeps himself at the forefront of the industry and further cements his credibility as an expert by teaching property management classes at the College of San Mateo and courses for IREM and the National Association of Realtors.

“One of the reasons you do teaching in our industry is to show that you’re still in the game,” Miller said. “You are also still gathering knowledge because you learn from the students.”

Expert witnesses should also be comfortable with and knowledgeable about the legal system.

“They need to learn almost as much about the legal system and the expert witness system as they know about property management. If they have both, they are very valuable witnesses,” said Steven Babitsky, Esq., president of SEAK Inc.

FALLING IN TO THE FIELD

Property managers decide to go into expert witness work for a variety of reasons. Becoming an expert witness came unexpectedly for Miller. When Miller reached his 50s, he could not find a job, despite having managed 53,000 apartment units and having a group of people work for him.

After Miller was asked to testify in one case in 1996, a few more cases followed. He then realized this was a way to earn a living while still utilizing his property management skills. Now, Miller has 315 cases under his belt and more than 10 years experience as an expert witness.

“Being an expert witness is exciting because you are still in property management, but you’re using your talents differently,” he said. “It is nice to know someone listened to you and a wrong has been righted.”

White got into the field after a lawyer contacted his local IREM chapter looking for an expert witness. White accepted the case because he was comfortable with the material and because it seemed like an interesting new experience. From there, people continued to contact him for cases. Although he prefers not to do this work full-time and typically takes just a few cases per year, he has had plenty of success.

Reisch got involved after speaking to a lawyer friend about expert witnesses. She thought it would be interesting and realized this was something she could do as a CPM.

EYE ON THE PRIZE

Whether being an expert witness is full-time work or brings in supplementary income, it can be a lucrative field depending on the witness’ experience and credibility in the industry.

When expert witnesses are deciding to take on a case, they must determine how much it is worth for them to get involved with the case. An expert witness’s hourly rate should be agreed upon upfront. White charges an hourly fee that increases when he testifies in court and in depositions, and he has all his expenses reimbursed. He said depending on an expert’s experience, they can be paid anywhere from $25 per hour to $375 an hour.

Once witnesses determine their hourly rate and make a rough estimate of how much time a case will take based on the amount of documents to review and whether or not the attorneys expect the case to go to trial, experts should determine an appropriate retainer agreement. A retainer is a contract between the expert witness and the attorney that notes an agreed upon advance fee in order to retain the services of the expert witness.

Babitsky of SEAK said expert witnesses should request 5-10 hours of time in advance as their retainer. If someone charges $300 per hour, he or she would suggest $1,500-$3,000 as a retainer.

To determine his retainer, White calculates the minimum amount it will take for him to get involved in the case and then doubles that amount as the requested retainer. For instance, if he wants a minimum of $1,000 to get involved, he asks for $2,000, with $1,000 of that non-refundable if the case settles before the work begins. White notes a good rule of thumb is ensuring the retainer is about 50 percent of what one will make from the case.

In addition to helping property managers grow their income, expert witness work also helps property managers grow professionally, another reason many managers break into the business.

“It is a great way to learn what is going on in the industry,” Reisch said, “and it makes me a better professional in the field of property management by learning from other people’s situations.”

Diana Mirel is a contributing writer for JPM. Send questions regarding this article to mnaso@irem.org.
Exploring the Great Expanse

Real estate managers look to grow businesses and provide new services by Allan Richter
There was a time when real estate managers could scan the competitive landscape without seeing much difference in the services offered. Real estate management pretty much involved preparing units for occupancy, collecting rents, and providing upkeep and maintenance services. Those days are long gone.

More and more real estate managers are providing additional services to bring ancillary income into their firms and remain competitive in the marketplace. From adding leasing to their menu of services to expanding their portfolios to include niche properties, real estate managers are exploring new possibilities for business.

"If I want to continue to grow my business I have to offer other services for my owners that will be a win-win for them and me," said Sylvia Hill, CPM®, and president of HMS Development Inc., a San Jose, Calif., property management firm. "I can no longer continue to do business the old way and expect to continue to grow."

**BROADENING HORIZONS**

Doing business the old way meant focusing on offering one service, whereas doing business the new way means branching out and offering an additional or a multitude of additional real estate management related services.

Some real estate managers have branched out by offering consulting services to property owners and developers. Others are bringing in additional income in the legal arena by serving as expert witnesses on real estate issues like lease disputes, or by acting as court-appointed receivers and turning around financially strapped properties that may be in disrepair. Still, others are offering their property owner clients a broader menu of extremely specific services.

Hill added an eviction protection program to her management firm's list of services in 2003. Property owners can enlist in the program by paying an additional management fee. The fee covers any costs involved with an eviction—from attorney fees and court costs to paying for eviction notices to be served to a resident.
HMS pools the money from the various owners who elect to pay the fee and then divides that money among the actual evictions that happen over the course of the year. She said owners can take a real hit financially when they go through eviction proceedings, so paying a fee upfront and knowing it’s taken care of has broad appeal.

Vickie Gaskill, CPM, owner of Bell-Anderson and Associates, AMO, in Kent, Wash., expanded her full-service real estate management business by offering bookkeeping-only accounting services to homeowners association clients not interested in full-service management. She said it’s a niche a lot of management firms are not addressing, even though the demand is there. The company started the service after fielding a slew of inquiries about such an offering. Instead of referring the business out, the company took the business on.

Breaking into emerging niche markets, like military housing, is another way to expand. Marlton, N.J.-based First Montgomery Group, AMO, took over the Joint Military Base McGuire-Dix in McGuire, N.J., to expand its residential real estate management business. Mike Haydinger, the company’s vice president, said the company was able to double its portfolio size by acquiring the 2,400 military apartments.

Jesse Holland, CPM®, diversified his business by starting a consulting program called Property Coach—a quarterly one-day training program for site managers, assistant managers and maintenance supervisors. Holland is president of Sunrise Management & Consulting, in Latham, N.Y. He said he saw a need in the marketplace for such a service and an opportunity to distinguish his company from other companies out there.

Holland said unless companies somehow differentiate, they’re the same as the next management firm. He said management firms need a compelling reason—outside of lower pricing—for building owners to hire them because at a certain point, lower prices don’t offer enough of a return.

“If we’re all delivering the same experience to customers, then we’re all the same,” Holland said. “[Property Coach] is unique to the industry. You can only get the Property Coach from us.”

**MONEY, MONEY, MONEY**

Differentiating one’s business from the competition isn’t the only reason to diversify. There are as many reasons to diversify a business as there are ways to diversify a business. Holland said the additional income is certainly an advantageous reason to branch out.

“Having multiple income streams is always helpful from a business standpoint,” he said.

Hill said HMS’ eviction protection program has been profitable since its inception. She said 10 percent of the company’s profit can now be attributed to the program and the revenue it generates. The company also offers a maintenance and renovation service—

Gaskill said the company didn’t initially have to invest in any additional overhead like software or staff. She said bookkeeping-only accounts are also less labor intensive in terms of time spent on the accounts and the required interaction with people or boards of directors.

“It affects the bottom line, and it’s income that doesn’t come with having to go to night meetings or having massive contact with people.”

**AT THE CORE**

Rhonda Abrams, president of the Planning Shop, a provider of business planning resources, said diversification is like insurance—it helps in a changing market when one line of business might not be thriving. She said diversification also helps to grow a business if that business has otherwise maxed out its growth potential in a particular area.

“I’m a big believer in reasonable diver-
sification," Abrams said. "It helps insulate you from specific fluctuations in any one given market or one line of work."

By reasonable diversification, Abrams said she meant business owners shouldn't stray too far from their core business concept. She said business owners should leverage what they already know or the resources they already have and truly understand the market to diversify.

"Build on your core knowledge and core expertise," Abrams said. "The idea is not to start from scratch but to build from what you already have."

She said business owners must be careful not to neglect the foundation of their business when adding new services because diversifying can do more harm than good if owners don't stay focused.

"It takes resources, time, personnel and money from your existing core business," Abrams said. "If you stop keeping your eye on the ball, you can lose income from what you already have."

All those concerns were reasons Gaskill's Bell-Anderson and Associates didn't expand by offering new services, but instead reconfigured the model for the bookkeeping service it already offered. The staff, the hardware and the software were already in place, making the transition easy and seamless.

"I didn't have to go outside my comfort level to provide this service at all," Gaskill said. "I already had the processes in place. The nature of this [service] is it takes care of itself. It does not really interfere with our management business."

**MITIGATING RISK**

With time, money and personnel being shifted away from the core business to offer new services—even if the new services are closely related to the firm's core function—diversifying can be risky. Risk can be mitigated, though, by taking time with the transition, making sure the resources are...
available and through plenty of planning and research.

Holland of Sunrise Management & Consulting, said his company's expansion into its Property Coach consulting program worked largely because the business grew out of work the company performed internally first.

Sunrise, which manages 1,500 units today, realized about four years ago that many of the site workers at its properties were young, low paid and not trained in real estate theory. So the company, now a decade old, took many of the practices it had refined over the years to develop a training program for its staff. Only after experiencing success internally did Sunrise take the program to the open market.

"It was a minimal risk because we were able to run it internally first," Holland said. "We worked out all the bugs. My first performance, if you will, wasn't nearly as good as the second, third, fourth or fifth."

First Montgomery Group minimized the risk of expanding into military housing by staying close to its core function of residential management and by taking on local properties, not properties spread across the country. To further mitigate risk, the company sold 1,000 of its non-military apartments just before taking over the military housing, freeing up bookkeeping staff for the new work, Haydinger said. It also hired another 50 employees before taking on the new venture.

Hill of HMS said it's important to evaluate the company's business plan and build the new service into the plan. She said companies need to take a look at their competition and what they're offering; what expenses or resources, like new computers, new staff or larger office space, will be involved with the new service; and the anticipated sales or return on offering the new service. She said networking with other professionals can help answer a lot of questions.

"Find somebody who is already doing what you want to do and talk to them," Hill said. "Use your network."

Gaskill said research is a vital element to diversifying one's business. She said she does a lot of online research through professional real estate associations like IREM to answer her pressing real estate business questions. She also said the education from professional associations is invaluable. Ultimately, she said expanding a company's services takes a great deal of work and time.

"Do a lot of research and a lot of financial planning. Don't think you're going to click a button on your computer and it's finished, because it's not," Gaskill said. "It's just like starting any business. Give it time."

**BREAD AND BUTTER**

Diversifying can be a long, hard path fraught with roadblocks. Those who have diversified beyond traditional real estate management said there are prerequisites for expansion to help avoid those obstacles.

Growing too fast can strain resources; on the other hand, dragging your feet can mean missed opportunity. A successful diversification, therefore, happens when there is a perfect confluence of a stable, healthy core property management business and the readiness to jump when opportunity presents itself.

"Once you've grown your core business and have your core business to a fairly solid foundation, then you can start diversifying to a second channel," Abrams said. "You need to build one business at a time so you're not going off in all sorts of different directions—which can be tempting."

By taking a closer look at a business' operations and being strategic about expanding while remaining focused on the lifeblood of the organization, business owners can more easily and successfully diversify their businesses, Abrams said.

"[Diversifying] can take your attention away from taking care of your bread and butter business," Abrams said. "Be careful to look at the structure of your business and make sure you're not neglecting that business while you diversify."

Allan Richter is a contributing writer for JPM. Send questions regarding this article to mnaso@irem.org.
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How Many Properties Can a Property Manager Manage?

Assigning managers the appropriate number of properties to manage requires a mix of intuition and calculation

by Hal Cottingham, CPM and Richard Muhlebach, CPM
The oldest question in the real estate management profession is, "How many properties can a property manager manage?" The answer has always been, "Well, it depends."

Executive property managers often use their intuition to determine when a property manager has reached the maximum number of properties he or she can manage. However, quantifying the number of properties a property manager can manage can be achieved methodically.

**METHOD TO THE MADNESS**

Calculating the number of properties a manager can manage first requires evaluating the operations of a company and then rating the management activities of each property. To achieve this, companies should develop a point system taking such factors into consideration.

To develop a point system, the executive property manager must first determine a set of criteria used to evaluate the company's management philosophy, how its operations work, and the experience of its property managers. Each property should then be assigned a score based on its management activities as they relate to the determined criteria.

Companies also need to establish a range of points each property manager should be able to handle. They can then assign managers properties with a total point score within that range. Ultimately, the final determination of the number of properties a property manager can manage combines the objectivity of the evaluation process and the executive property manager's intuitive understanding of how his or her company and managers operate.

This process can be used to evaluate a variety of commercial and residential property types. An evaluation form can easily be developed for any property type or a portfolio of mixed-property types.

**INVARIABLY COMPLEX**

To accurately assess a company, five variables should be taken into account. Each of the variables is used to determine how the property management company operates, which then forms the base for the range of property points within a portfolio that a typical property manager could manage.

The first variable to consider when...
assessing a company is whether a property management company or division is managing properties owned by the firm or its parent company—known as in-house management—or whether the firm is providing third-party management services.

Generally, managing in-house properties is easier than managing third-party properties: In-house management has one client with one set of goals and objectives, one accounting system, one set of reporting requirements and uses one property management software program. Firms providing third-party management services, however, have multiple clients with different goals and objectives, more reporting requirements, multiple required software programs, and the list goes on.

As a result, property managers working for firms managing their own properties should be able to manage more properties or be assigned a higher number of property points than property managers working for third-party property management firms.

Another variable to consider when assessing a company is its operations. The firm should take a close look at its administrative and accounting support, the supervision and resources available to its property managers and additional duties assigned to property managers.

Some firms assign accounting responsibilities like calculating the commercial tenants' pro rata share of pass-through charges, year-end reconciliations and percentage rent adjustments to their property managers. Other firms believe their accounting personnel can more efficiently and accurately perform these calculations and would rather have their property managers in the field managing their properties.

Property managers who are lacking or sharing administrative assistants,

SCORING MANAGEMENT ACTIVITIES
Management firms should take into account the following variables when assigning each property with a management activity score. Although certain property activities are generic to all property types, other activities or variables are property-specific.

Property Size: Larger properties usually have more ongoing management activities.

Age of the Property: Older properties usually require more maintenance and have other issues needing to be addressed.

Number of Tenants: The time needed to deal with commercial tenant billings, rent collections, year-end reconciliations of pass-through charges and maintenance requests are in direct proportion to the number of tenants in a property.

Tenant Relations and Other Tenant Issues: Many commercial property management firms have a policy mandating their property managers visit each tenant from a monthly to quarterly basis. Some tenants may be visited more often. These visits can take anywhere from a few minutes to a half hour.

Property Location: Even with cell phones, text messaging and laptop computers, time traveling by automobile or plane takes away from management efficiency.

Community Involvement: Even though property managers seldom need to be directly involved in the community, they sometimes need to represent the property on community issues or municipal regulations, and it is usually time-consuming.

Specific Property Challenges: These properties include problem tenants, major maintenance issues, security problems and other challenges.

Management Responsibilities: Whether property managers have additional duties, like leasing and tenant improvement supervision, has a big impact their time.

Property Renovations: Although property management firms are often paid a substantial fee for supervising or coordinating the renovation work of a general contractor or several contractors, this service is time consuming.

On-site Maintenance Personnel: Properties with on-site maintenance personnel relieve property managers of many day-to-day operational tasks. On-site maintenance personnel can promptly respond to maintenance requests, call contractors and vendors, supervise contractors and respond to tenants' operational issues.
or who are assigned additional duties like leasing, accounting tasks and tenant improvement supervision, will have less time to manage properties. If this is the case they should be assigned fewer properties to manage. Even so, the income from transactions and tenant improvement supervision often far exceeds the income generated by assigning one or two more properties to a property manager’s portfolio.

The level of service provided by the property management firm is also an important variable that should be analyzed. All property owners do not need the same level of service. Institution owners require a higher level of service than local owners who visit their property regularly and do not need sophisticated accounting reports. In fact, the local owner will prefer to pay a lower fee for a lower level of service.

The final variable companies should take into account while doing their assessment is the experience and capabilities of their property managers. Experienced property managers can manage a larger or more challenging portfolio than a neophyte. Firms should develop two ranges of points their property managers can manage, one for the experienced manager and the other for the entry level property managers.

The work habits and efficiency of the property manager will also determine the number of properties he or she can manage. Does the property manager have transaction experience leasing, refinancing or selling properties? Can the property manager supervise or coordinate tenant improvements? These and other skills will determine which properties and the number of properties a property manager can manage.

**ANALYZE THIS**

After assessing the management company, a rating system is then developed for each property and its management activities. Each property management activity and the property’s location are assigned a number and they are totaled for a property’s score.

When developing the points for each property’s management activity, the executive property manager considers a whole new set of variables (discussed in the sidebar on page 42) to develop a baseline for each management activity. Each property’s management activity or variable are then evaluated using the baseline points. The executive property manager can rate the properties the firm currently manages and this can be the starting point for creating the system discussed.

After the executive property manager has developed company specific criteria, determined the level of activity for the baseline of service for each variable, and issued, implemented and used the method for a while, he or she will become comfortable with the system created and assigning points and over time may modify the number of points used to determine portfolio sizes.

Every property management company has its own management philosophy and methods to operate its company. Each property management company develops a market niche, including the types of properties it manages, the geographic area or areas it operates in, the level and types of services it provides and the type of property ownership or clients it serves.

The last step of the analysis is to assign properties to property managers based on the range of points they can manage. The executive property manager determines the number of points an entry level to an experienced property manager can manage based on the firm’s operations, market niche and management philosophy.

The intuitive component of assigning properties to property managers takes into consideration intangibles like matching a client’s personality with that of the property manager, matching specific talents and experiences of the property manager to the requirements of the property and other subjective factors.

A rating system can be developed evaluating the management intensity of each property. Incorporating the rating system into how the company operates allows for an objective system to determine the number of properties in a property manager’s portfolio.

So, how many properties can a property manager manage? It is a question than can be quantified. Though the answer to the question is company-specific, each company can establish criteria to determine the number of properties each of its property managers can manage.

Questions regarding this article can be sent to mnasor@rem.org.
**what's up?** News and Notes from IREM® Headquarters

### Landing the deals

- **Divaris Real Estate Inc.** which comprises Divaris Property Management Corp., AMO, made the following business transactions:
  - It has partnered with developer James Doran Company and become exclusive leasing agents of retail space for Midlothian Town Center, a 35-acre mixed-use development in Richmond, Va.
  - It has been appointed to manage Lynnhaven Green, a 55,688 square-foot shopping center in Virginia Beach, Va., owned by Lone Ranger.
  - It leased 7,308 square feet of office space at Interstate Corporate Center in Norfolk, Va., to Diane L.H. Coltrine, M.D.
  - It leased 8,782 square feet of office space in Washington, D.C., and 5,683 square feet of office space at Patriot Park Business Center at New Town in Williamsburg, Va., to LeClair Ryan.
  - It leased 3,906 square feet of office space at 249 Central Park Avenue in the Town Center of Virginia Beach, Va., to Strayer University.
  - It leased 10,000 square feet of retail space in The Marquis at Williamsburg, Va., to ULTA.
  - Colliers Turley Martin Tucker, AMO, leased 809,225 square feet of office space in Lebanon, Ind., to the Hachette Book Group for 10 years.
  - Block & Company, AMO, announced the sale of Northridge Shopping Center, a 210,000 square-foot building in Olathe, Kan., to GDA Acquisitions for in excess of $43 million.
  - D.L. Saunders Real Estate Corporation, AMO, made the following business transactions:
    - It leased 122,000 square feet of office space in the Park Plaza Office Building in Boston.
    - It leased 9,000 square feet of space at 29-33 Newbury Street in Boston.
    - It leased 6,600 square feet of space at 39-45 Newbury Street in Boston.
    - It leased 23,000 square feet of space at One State Street in Providence, R.I.

### Awards and recognition

**Barbara Campbell, CPM,** recently received the “Governor’s Award for Exemplary Service to the Retail Industry” at the Ho’okela, an annual awards ceremony in Hawaii that has recognized and honored retailers, and retail businesses, since 1985.

The “Governor’s Award,” established in 1997, is a special acknowledgment of an individual who has exhibited exemplary dedication, commitment and contribution to the retail industry.

**IREM recognizes 20,000th CPM® designation**

IREM reached a historic milestone recently when it awarded its 20,000th CERTIFIED PROPERTY MANAGER designation. Jordan K. Debes, CPM, a real estate manager for the Cabot Group, based in Rochester, N.Y., is the honored recipient.
### RVP Corner

In RVP Corner JPM shares the thoughts and opinions of an IREM Regional Vice President on a single topic covered in the magazine. This issue, IREM Region 13 Vice President Jason Stowe, CPM, discusses business expansion and diversifying services.

Stowe oversees seven chapters in North Carolina, South Carolina and Tennessee, and serves as vice president of Income Properties of Raleigh Inc., in North Carolina.

#### When should you expand your business?

When you have the knowledge to perform the tasks at hand, the manpower to adapt to the change and the infrastructure to handle it. The change has to become a part of your strategic plan. A company should expand to meet the goals and objectives of their clients.

#### How can expansion benefit a property management company?

Expanding and diversifying services can lead to a broader base of clients whose needs go beyond the traditional roles of reporting income and expenses. Your company can take on more of an advisory role and serve as a “one-stop shop” for the investors’ real estate needs.

#### What are the dangers of expanding or diversifying your business?

The dangers of expanding or diversifying services is losing track of your niche in the market that you serve. Forgetting what got you to where you are in order to become all things to all investors could be detrimental to your business. You can’t lose track of your company’s core values to accommodate what looks good on paper. There has to be strong support in your analysis to make certain expansion changes.

#### How do you alter your business plan to accommodate changes?

As you review your plan and make additional goals, you have to make sure you’re able to continue to provide the level of service on what you are currently doing before you take on expansion and diversifying. Although sometimes you have to make a leap of faith, in most cases, you can ease into something new without causing a negative effect on how you serve your clients.

#### How can you help staff embrace change?

Change is never easy and there will always be resistance whether in a one-person shop or a business with thousands of employees. Having a solid plan of action and a team approach is how I embrace change. Keeping the staff informed, being willing to listen to their concerns, and at the same time providing guidance throughout the change, is crucial. High moral standards in the workplace provides a positive affect on change.

#### What areas of expansion are becoming more popular?

Companies are going global. They are providing countless amenities to their clients, like financing valuation and tax counseling.
Know Your IREM Code of Professional Ethics

Article 12: Duty to Tenants and Others

Since 1978, 11 complaints have been forwarded to the Ethics Hearing and Discipline Board citing violations of Article 12: Duty to Tenants and Others. The wording of Article 12 is as follows:

A Member shall competently manage the property of the client with due regard for the rights, responsibilities and benefits of the tenants or residents and others lawfully on the property. A Member shall not engage in any conduct that is in conscious disregard for the safety and health of those persons lawfully on the premises of the client's property.

As an example from years past, the IREM Ethics Hearing and Discipline Board found a CPM in violation of Article 12 and Article 10 (compliance with laws) when it was determined leasing agents had not followed company policies in disclosing lead-based paint in pre-1978 apartment buildings. Because the company was an AMO firm, violations of the AMO code were found as well.

The Hearing Board concluded the member had a legal and an ethical duty to tenants. In addition, an AMO firm is responsible for the conduct of its employees and others over whom it has supervision or control.

Another type of violation of Article 12 can occur when a CPM fails to educate owners about the requirements of ethical real estate management. In a past complaint citing issues of safety, the Hearing Board found that a CPM Member's response to a complaining tenant did not address the serious problems raised by the tenant. The board further found that the CPM showed no evidence of having informed the owner of the property of safe housing issues that should have been resolved before tenancy. The CPM appealed the decision of the Hearing Board but the Appeal Board upheld the Hearing Board's decision.

No matter what kind of property is being managed, it is the duty of a member to educate the property owner on providing safe housing for tenants. As is taught in the IREM ethics course (ETH800), sometimes a member must make the decision not to manage for owners who make it impossible to follow the IREM Code of Ethics.

The IREM Code of Professional Ethics carries a clear and powerful message to the marketplace that IREM Members act in an ethical manner. Spread the word—display the code proudly in your place of business. To purchase the IREM Code of Professional Ethics, log on to www.irem.org. Move your cursor over the Publications tab at the top of the page and select Bookstore from the drop-down menu. In the Search box type Code of Ethics.
**AMO® Spotlight**

To earn the Accredited Management Organization (AMO) designation from IREM, a company must demonstrate a high level of performance, experience and financial stability, and have a CPM in an executive position. AMO firms must meet ethics and other stringent requirements, proving their value to the industry. JPM talked to Joe Pappalardo, Executive CPM and president of Latter & Blum Management Inc, about his company and what the AMO accreditation means.

**How did Latter & Blum Management Inc. get started in the real estate business?**

Latter & Blum was founded in 1916 and began operations with six employees. Robert W. Merrick acquired the firm in 1986 and then in 1989, he and I founded Latter & Blum Property Management Inc., a full-service brokerage company, to concentrate on delivering quality property management services to our clients.

**Why did Latter & Blum decide to become an AMO firm? What are the benefits of the accreditation?**

As a member of IREM and a past president of the Louisiana IREM chapter, I recognized the benefit in the training required for AMO accreditation, and the fact that potential clients would be more attracted to a firm that had earned the distinction of being an AMO firm. The accreditation is indicative of a firm that has a commitment to professionalism and high ethical standards.

**Your company encourages employees to receive CPM training. Why does Latter & Blum advocate this training?**

We advocate the training because we know that it is the best available. IREM instructors are well trained, knowledgeable and have a great deal of experience. The information a student receives in IREM courses is practical yet sophisticated. A CPM is trained to understand all aspects of investment real estate—from construction and operational issues to financial analysis and marketing.

**How has the training helped employees and the company?**

This type of training is critical to being a good property manager. It has helped our employees by making them become more knowledgeable and therefore more confident. They have all benefited financially because a CPM is worth more to our firm. Our company has benefited by having a more professional and talented staff.

**Latter & Blum has 12 CPM Members spread across your Louisiana market area in New Orleans, Baton Rouge and Lafayette. How has their presence affected the working procedures and culture of the firm?**

It is truly a pleasure having so much talent in-house. A more highly trained staff gives us more depth and the ability to handle more properties with maximum efficiency. Our managers are able to rely upon each other for suggestions. This has fostered a team approach I feel is important to effective real estate management.

**What are the current real estate market trends in the city of New Orleans?**

New Orleans is still attempting to recover from the devastating effects of Hurricane Katrina. The recovery will take many years, but in the interim there is plenty of work to be done.

We are assisting clients in the development of new properties and the redevelopment of properties that were destroyed. The pace of the recovery depends upon the return of former citizens who have been displaced for over two years. Generally, it is a buyer’s market and there are opportunities for investors here in light of the incentives that are available.
## Course Listings

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For the most up-to-date course listings, please visit [www.irem.org/education](http://www.irem.org/education).

## COURSE CODES KEY

- **ARMEXM**-ARM Certification Exam
- **ASM604**-Investment Real Estate Financing and Valuation - Part One
- **ASM604**-Investment Real Estate Financing and Valuation - Part Two
- **ASM605**-Investment Real Estate Financing and Valuation - Part Three
- **BDM601**-Maximizing Profit: Growth Strategies for Real Estate Management Companies
- **BDM602**-Property Management Plans: The IREM Model
- **CPEMXM**-CPM Certification Exam
- **CPEMXM**-CPM Certification Exam Preparation Seminar
- **ETH800**-Ethics for the Real Estate Manager
- **FIN402**-Investment Real Estate: Financial Tools
- **HCPEXM**-HCCP Exam
- **HRS402**-Human Resource Essentials for Real Estate Managers
- **LTC401**-Housing Credits: Compliance Challenges and Solutions
- **MKL404**-Marketing and Leasing: Retail Properties
- **MKL405**-Marketing and Leasing: Multifamily Properties
- **MKL406**-Marketing and Leasing: Office Buildings
- **MNT402**-Property Maintenance and Risk Management
- **MPSA01**-Management Plan Skills Assessment
- **RES201**-Successful Site Management

For more information, visit [www.irem.org/education](http://www.irem.org/education).
IREM Foundation establishes new scholarship fund

Bette Fears, an ACCREDITED RESIDENTIAL MANAGER, and an honored member of IREM, passed away in early August 2007, due to a tragic event on the property, ParkPlace Apartments, where she served as the community manager in Coeur d'Alene, Idaho.

John Bennett, CPM, president of Tomlinson Black Management Inc., AMO, the management firm for ParkPlace Apartments said, "We developed significant respect for Bette and her contributions to the success of ParkPlace, and the betterment of the apartment management industry. We had great pride of association for Bette as a professional colleague. Bette's involvement in IREM activities and its governance were her pride and joy. It was our privilege to assist in providing a platform for Bette to actively participate in those activities at the local, regional and national levels."

The IREM Foundation Board of Directors, in conjunction with Inland Northwest Chapter No. 49, based in Spokane, Wash., is pleased to announce the launch of the Bette Fears ARM Memorial Scholarship Fund.

The foundation honors Bette's contributions to the real estate management profession and to IREM in establishing this scholarship fund to support individuals in the pursuit of the ARM certification or for ARM Members who pursue the CPM designation. As a member of the foundation's scholarship committee, Bette brought a sense of caring for all scholarship applicants as they showed their desire to advance their careers in multifamily real estate management.

This fund will join the Paul H. Rittle Sr. Memorial Scholarship, the Donald M. Furbush Scholarship and the George M. Brooker Collegiate Scholarship for minorities programs, which Bette supported with her work for so many years. Proceeds from this fund will provide scholarship assistance to individuals from Bette's home chapter as well as to other individuals around the country.

Contributors are asked to make their check payable to the IREM Foundation and forward their contributions to 430 N. Michigan Ave., Chicago IL 60611. The IREM Foundation is a 501(c) (3) organization and all contributions are tax deductible. All donors will receive a letter from the foundation acknowledging their gift.

The IREM Foundation is pleased to launch the Bette Fears ARMS Scholarship in honor of the life and work of Bette Fears as a new and important vehicle to assist on-site apartment managers in the advancement of their careers as multifamily residential real estate professionals. Please direct any question about the launch of the fund to John C. Chikow, Executive Director, at 312-329-6056.
When the power goes out
Developing a plan for power failure prevents panic

by James H. Cantrell, CPM

What do you do when the power at your property goes out? If you have developed an emergency plan for power failure, your plan will be put into operation. If not, prepare yourself for panic and chaos.

Natural disasters like hurricanes, earthquakes and tornadoes occur throughout the world, and inevitably, one of the effects of these occurrences is usually a power failure or blackout.

If you've had the opportunity to travel to developing nations, you might have experienced a lack of power. Certain parts of China and Africa, for example, do not have the infrastructure for continuous power. Even in first class hotels in Asia I have seen a card on top of the TV that read, “From 1 a.m. to 5 a.m., there is no electricity provided to this room.” Additionally, while shopping in the neighborhood streets, entire blocks would be blacked out from time to time.

Certain areas of the world, particularly in developing nations, continue to have this problem. In the United States we have experienced complete shutdowns of our power grids—black out entire regions of the country. Major cities will also experience blackouts of several blocks when there is a problem with transformer failure or distribution. When this happens, the affected power company addresses the problem immediately, but there is a period of time when your property will not have power.

As a property manager, you need to address this possibility before it happens. You should establish an emergency plan. In developing an emergency plan for power failure, there are several important items to consider:

1) Know how power failure affects your property
   - Do you have an emergency generator? What does it provide power to?
   - Can garage doors be opened manually?
   - Do building alarms go off during a power failure? How are they reset?
   - Which doors can open and which will not without power?
   - If your property has a sump pump, will it operate?
   - When power is restored, will your equipment go on automatically or will it need to be restarted?
   - Will the initial surge of power damage equipment when it comes on?

2) Have a plan to deal with your staff
   - Establish an in-house emergency planning team. Practice the plan.
   - Have a backup plan for off-site access to key documents and procedures, in case staff can’t get to work.

3) Make sure your tenants/residents are your top priority
   - All residents should receive an emergency procedure program during orientation.
   - In the event of an emergency, do not use elevators to vacate the property. Emergency exits should be used.
   - Know which residents may have disabilities or issues that require additional assistance.

4) Prepare to go through a power failure
   - Call the power company to advise them of the problem.
   - Have flashlights, two-way radios and a supply of provisions (water and some food items). The amount of provisions will depend on where you live.
   - Above all else, stay calm and reassure those around you.

During a massive power failure, you may not be able to have a rapid response from police, fire or medical personnel. You will need to deal with all issues until they arrive.

One of the most common things that occurs during a power failure is having people trapped in an elevator. In a medical emergency, use all of your efforts to open the door. First call the elevator company. If the fire department is called and they respond first, they may use their equipment to pry open the elevator door. If this occurs, the cost could be up to $20,000 to repair the damage.

IREM has several publications on emergency preparedness which are excellent resources to begin or update your emergency planning. One in particular is, “Before Disaster Strikes: Developing An Emergency Procedures Manual.”

Above all else, take the time to plan and prepare. You will be glad you did.

James H. Cantrell, CPM, is the president of Cantrell, Harris & Associates, in San Francisco. Questions regarding this article can be sent to mnaso@irem.org.
Competitive spirit

**Value Acceleration: The Secrets to Building an Unbeatable Competitive Advantage** by Mitchell Goozé and Ralph Mroz shares how to leverage 20th century accomplishments into 21st century competitive advantage. This book shows where the source of competitive advantage now lies and how you can achieve it in your company. **Value Acceleration** discusses the crucial need for process management in marketing, and offers a comprehensive process model of the entire marketing function and proven principles to manage your marketing process effectively and efficiently.

Visit [www.valueacceleration.com](http://www.valueacceleration.com) for more information.

In case of emergency

GuideSafe from Prepared Response Inc., is a new online system that gives building owners and tenants instant access to emergency procedures. The Web-based solution prepares office workers for a variety of potential incidents from broken water pipes to terrorist attacks. Designed to bridge the gap until help arrives, GuideSafe is simple to use—tenants click a red icon on their computer desktop to access easy-to-understand safety procedures specific to their building. GuideSafe also allows property managers to communicate status updates to all tenants during emergencies.

Visit [www.guidesafe.com](http://www.guidesafe.com) for more information.

Guard duty

Escalator Guard is a reusable protective cover for escalators and moving walkways. Designed to eliminate dust, debris and collateral damage from construction work at shopping malls, airports and convention centers, Escalator Guard is fabricated with a unique two-inch thick foam copolymer laminated with a tough, acrylic/PVC veneer. Escalator Guard's modular panels are designed to fit any size escalator or moving walkway and can be easily installed, dismantled and shipped to worksites. Visit [www.doorguardllc.com](http://www.doorguardllc.com) for more information.

Finish first

Glidden's new line of Endurance stains and finishes features three oil/acrylic offerings, reformulated to meet VOC guidelines nationwide and produce less odor during application. Available in a semi-transparent deck and siding stain, a semi-transparent natural wood tone deck and siding finish, and a clear deck and siding sealer, the new oil/acrylic products are formulated to enhance the natural beauty of clapboard, cement fiber board, shingles, siding, beams and fences, as well as pressure-treated woods like cedar, redwood, fir and pine.

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