



NAR to Appeal Burnett Trial Verdict After Being Found Liable for \$1.78B

KANSAS CITY, MO—The National Association of Realtors and two codefendants were found liable Tuesday (Oct. 31) in the federal Sitzer/Burnett trial, which challenged MLS rules and the real estate compensation model. The eight-person jury also found liable HomeServices of America and Keller Williams Realty, which were named in the lawsuit.

During the 11-day trial, NAR presented the facts and law about pro-consumer, pro-competition MLS rules, which class-action attorneys called into question. The case covers the Missouri markets of Kansas City, St. Louis, Springfield and Columbia.

“NAR rules prioritize consumers, support market-driven pricing and promote business competition,” the association said in a statement. “This matter is not close to being final, as we will appeal the jury’s verdict.”

In presenting their case, plaintiffs argued buyer representation is obsolete and should only be afforded to wealthy buyers who can pay for the services out of pocket. They also alleged commission rates are too high, buyer brokers are being paid too much and NAR

rules, along with the corporate defendants’ practices, lead to fixed pricing.

NAR countered that consumers are better off and business competition is able to thrive because of MLS rules and how well local broker marketplaces function. NAR’s cooperative compensation rule ensures efficient, transparent and equitable local broker marketplaces. Sellers can sell their home for more and have their home seen by more buyers, while buyers have more choices of homes and can afford representation. NAR also argued that Realtors are everyday working Americans who are experts at helping consumers navigate the complexities of home purchases, as well as advocating for fair housing and wealth-building for all.

NAR plans to appeal the jury’s verdict, but that process could take years to resolve. NAR says it remains committed to pro-consumer, pro-competition practices and is confident the association will ultimately prevail.

Key points that emerged throughout the trial:

About NAR

- The very reason NAR exists as



NAR President Tracy Kasper said the association will appeal the ruling and will request the court reduce the damages award of \$1.78 billion.

a trade association is because there was a need, identified more than 100 years ago, for a higher level of ethical practice in real estate.

- NAR rules are made as part of a public rulemaking process and are

consistently shared and made available publicly.

- NAR does not seek, track, receive or set commissions for buyers’ or sellers’ agents.

• NAR is an advocate and resource in the real estate market for its members and their clients, and only NAR members can call themselves Realtors.

• NAR membership includes robust benefits, such as exclusive access to health, home and auto insurance. NAR offers business and marketing services, as well as extensive opportunities for learning through designation and certification programs.

About Realtor Value

• Agents who are Realtors play a critical role in guiding consumers through all the legal, financial and community complexities of buying a home. They also make local broker marketplaces, which online housing portals tap into, possible because of all the information they input into those databases.

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Affordable Housing Stood Out as Recurring Theme of 2023 ‘Putnam County Day’ Event

By Mary T. Prenon

CARMEL—More than 100 people filled the banquet room at the Putnam County Golf Course recently for HGAR’s annual Putnam County Day. Invited legislative guests included New York State Senator Pete Harckham, New York State Assemblyman Matt Slater and Putnam County Executive Kevin Byrne. Commercial brokers from Houlihan Lawrence were also invited to speak.

While it’s no surprise that the lack of inventory and rising mortgage interest rates are keeping the housing market at bay, the recurring theme of the annual Putnam County Day seemed to concentrate on affordable housing—and the lack of it in our region. “There’s definitely an affordability crisis in this area,” said Harckham. “Seniors can’t afford to stay in their homes, while young people and service workers can’t afford to buy them.”

Harckham also discussed how school taxes are burdening current homeowners. “We’re proposing \$180 million in education funding to relieve some of the taxes,” he added. “We also want the governor to become more involved with local government to see what they need.”

County Executive Byrne joined Harckham in calling for more collaboration between state and local agencies. “There’s definitely a need for non-partisan efforts to make life more affordable here in the Hudson Valley,” said Byrne. “This is a great place to live, and our population has grown since the pandemic when people began leaving the city. But now with housing inventory so low, that’s creating challenges.”



From left, New York State Assemblyman Matt Slater, New York State Senator Pete Harckham, Putnam County Executive Kevin Byrne and HGAR Director of Government Affairs Alexander Roithmayr

PHOTO BY JOHN VECCHIOLLA

The group also examined ideas of rezoning land to convert vacant office buildings to residential units and updating the accessory dwelling unit laws. All agreed on the need for more transit-oriented development that would allow for residential housing near Metro-North train stations.

Slater, the former Town Supervisor of Yorktown, touted planned developments there that are designed to bring in more affordable housing options. “We recognized the need to diversify our housing stock,” he said. “Each municipality is different and has its own set of challenges so it’s important to let local towns and villages take the lead on these.”

Plans for a boutique hotel, mixed

use development at the former Kmart and Soundview School properties are already under consideration in Yorktown. “One size doesn’t fill all and the state can’t tell local municipalities what’s best for them if they’ve never been there.”

Byrne added that more commercial developments in the area will add to the tax base, and mentioned the Brewster Yards project, a proposed sports and events destination. The facility will feature 828,500 square feet of baseball, softball and multi-purpose turf usage. This would include nine fields, concession stands, bathrooms and support buildings. In addition, Brewster Yards would feature a 45,000-square-foot indoor training facility.

Harckham assured Byrne that he and Slater will be there to help them. “We can be the squeaky wheel in Albany,” he said. “Let us know when you’re having issues with state agencies, and while we may not be able to determine the outcome, we can help make connections.”

Tom LaPerch, Associate Broker with Houlihan Lawrence’s Commercial Division, has also served as Chair of the Town of South Planning Board for 23 years. He, along with Steve Salomone, Houlihan Lawrence’s Director of Real Estate Investments, expressed some caution for the commercial market. “I think we’re entering a very uncertain time,” admitted Salomone. “Next year is a Presidential election and the economy could be difficult with investors possibly pulling back. Lending may be restricted as well.”

Salomone noted that many of the commercial deals are now being driven by cash or seller financing. “Of course, cash is king, but 90% of the calls I get are those asking if the seller will provide financing,” he said. “I think sellers also need to change their expectations or the market could remain stagnant.”

Both Salomone and LaPerch discussed the need for adapting now-vacant commercial properties to residential, recreational or medical use. “Warehousing is another usage and Putnam County has one of the largest areas of warehouses and outdoor storage for parking trucks and other equipment,” added LaPerch.

Other adaptive reuse projects under consideration include converting the former Lord & Taylor at the Dan-

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Lynda Fernandez, HGAR CEO



The 2024 HGAR Board of Directors



Brian Levine, Esq., HGAR General Counsel & Professional Standards Administrator



Tony D'Anzica, 2023 HGAR President

HGAR 107th Annual Member Appreciation Day

Westchester Marriott Hotel Tarrytown, Oct. 30, 2023

PHOTOS BY JOHN VECCHIOLLA



From left, Jennifer Andriach, Jackie Roznik, Michelle Gilliard and Jessica Mandakas, HGAR staff



From left, Lynda Fernandez, HGAR CEO; Tony D'Anzica, 2023 HGAR President; and Carmen Bauman, HGAR President-Elect



From left, Deb Budetti, HGAR Members Day Committee Chair; and Personal Branding panelists Chris Pagli, HGAR Social Media Manager; Stacey Cohen, President & CEO, Co-Communications; and Risa Hoag, President, GMG Public Relations, Inc.



From left, Leah Caro; Mark Boylan; Melissa King, COO, OneKey MLS; Mitch Skinner, Larson Skinner PLLC; Richard Haggerty, CEO, OneKey MLS; and Frank DellAccio, Chair, OneKey MLS Board of Managers.



From left, Neil Bush, JoAnne Murray and Laura Murray-Faggella of Allan M. Block Agency, Inc.



J.C. Polonia of Digitality Marketing, presenter of "Using Video to Convert Leads to Clients."



More than 50 exhibitors were on hand on this year's Member Appreciation Day.

HGAR 107th Annual Member Appreciation Day Westchester Marriott Hotel Tarrytown, Oct. 30, 2023

PHOTOS BY JOHN VECCHIOLLA



The Hudson United Mortgage group, sponsors of HGAR's RPAC Luncheon.



The A.S.A.P. Mortgage Corp. group, the Cocktail Party sponsors.



An HGAR member talks with Rich O'Donnell, co-owner of O'Donnell & Cullen Tax Consultants, the Premier Sponsor of Member's Day.

PHOTOS BY JOHN VECCHIOLLA



More than 100 HGAR members attended the RPAC Luncheon.



Keynote Speaker Alex Banayan, America's youngest best-selling author, engaged with the crowd on Member's Day.



From left, Matt McAllister, honored with HGAR's "Stephanie Crispinelli Humanitarian Award" and Crystal Hawkins-Syska, HGAR Recognition Committee Chair.



From left, Nan Palumbo, winner of HGAR's "Spirit Award" and Crystal Hawkins-Syska, HGAR Recognition Committee Chair



From left, Christian Prostano, the second winner of HGAR's "Spirit Award" and Crystal Hawkins-Syska, HGAR Recognition Committee Chair.

2023 HGAR Award Winners



From left, Joseph Lippolis, named HGAR's "Extra Mile Award" winner, with Crystal Hawkins-Syska, HGAR Recognition Committee Chair.



From left, Kathy Zamachansky, who was honored with the "Albert P. Schatz Legislative Advocacy Award" and Crystal Hawkins-Syska, HGAR Recognition Committee Chair.

PHOTOS BY JOHN VECCHIOLLA



From left, MacKenzie Forsberg, winner of HGAR's "Excellence in Commercial Real Estate Award," and Crystal Hawkins-Syska, HGAR Recognition Committee Chair.



From left, Tiffany French, winner of HGAR's "Up & Coming Award," with Crystal Hawkins-Syska, HGAR Recognition Committee Chair



Lou Budetti of ERA Insite Realty Services, accepting the second "Up & Coming Award" for Tracey Scaro with Crystal Hawkins-Syska, HGAR Recognition Committee Chair



From left, Rey Hollingsworth Falu and Carol Christiansen, Co-Chairs of HGAR's Broker/Owner/Manager Committee



Thank You to our Event Sponsors.

Broker/Owner/Manager Meeting: Cooperation, NAR and Our Future

HGAR Offices, White Plains Thursday, Nov. 2, 2023

PHOTOS BY JOHN VECCHIOLLA



Brian Levine, Esq., HGAR General Counsel and Professional Standards Administrator



From left, Kenyatta Jones-Arietta, Ron Garafalo and JP Endres, panelists



It was a full house at HGAR's final Broker/Owner/Manager event for 2023.



Rey Hollingsworth Falu, Co-Chair of HGAR's Broker/Owner/Manager Committee



Lynda Fernandez, HGAR CEO



From left, Steve Gross, Economic Development Director, Orange County; Carol McCann, HGAR Regional Director, Orange County; and Conor Eckert, Senior Development Officer and VP of Business Attraction, Orange County Partnership



HGAR President Tony D'Anzica

HGAR's 'Orange County Day'

Salisbury Mills Fire House Wednesday, Oct. 11, 2023



From left, Emily Adams, Chris Carbone and Layla Boyles



Brian Levine, HGAR's General Counsel and Professional Standards Administrator



Carol McCann, HGAR Regional Director, Orange County



From left, Larry Curasi, Renee Zurlo and Nancy Curasi



From left, Ron Garafalo; Leah Caro; Carol McCann, HGAR Regional Director, Orange County; Lynda Fernandez, HGAR CEO and Tony D'Anzica, HGAR President.

PHOTOS BY JOHN VECCHIOLLA



Tony D'Anzica, HGAR President



Gary Connolly, HGAR Chief Strategy Officer



From left, Matthew Leffel and Carl Satina of Mr. Inspections, an event sponsor; Aaron Velez, HGAR Regional Director, Putnam County; Michael Chernick of Robison; Paul Hart and Terry Lockery, Prosperity Home Mortgage, additional event sponsors.

HGAR's 'Putnam County Day'

Putnam County Golf Course, Mahopac

Monday, Nov. 6, 2023



From left, Steve Salomone and Tom LaPerch of Houlihan Lawrence Commercial



Aaron Velez, HGAR Regional Director, Putnam County



From left, Clayton Livingston, HGAR CID President and Steve Salomone of Houlihan Lawrence Commercial



From left, Alex Roithmayr, HGAR Government Affairs Director; New York State Senator Pete Harckham; New York State Assemblyman Matt Slater, Lynda Fernandez, HGAR CEO and Tony D'Anzica, HGAR President.



An ariel view of the Putnam County Golf Course banquet room.

HGAR'S Global Business Council Receives Platinum Achievement Award from NAR

WHITE PLAINS—The Global Business Council of the Hudson Gateway Association of Realtors has received the prestigious 2023 Platinum Global Achievement Award from the National Association of Realtors.

HGAR's Global Business Council, which was formed in 2018, received a Platinum Award last year and earned a Gold Global Achievement Award in 2020 and 2021 and a Silver designation in 2019. In 2021, HGAR was awarded the Ambassador Association of the Year Award by NAR for its focused efforts in creating new and innovative programming benefiting both US and Portuguese Realtors.

HGAR President and Global Council Co-Chair Tony D'Anzica said of this year's achievement award: "Thanks to our expanded global initiatives and programming, HGAR has been able to engage more deeply with so many of our members, new and old. Our members are learning that being exposed to global strategies and partnerships broadens their knowledge, creates referral opportunities, elevates professionalism, and expands business networks across our entire region, as well as nationally and internationally—all of which helps our members succeed and thrive both locally and globally."

He added, "I am very proud of our Hudson Gateway Association of Realtors Global Business Council. This incredible honor from NAR recognizes all of the effort and hard work that goes into building relationships around the world and creating exceptional and innovative programming." He cited the efforts of HGAR Chief Executive Officer Lynda Fernandez, Staff Liaison Cathleen Stack, along with Global Business Council Co-Chair Christina Prozano, in growing the council's influence and reach both in the U.S. and abroad.

The Global Achievement Program is designed to recognize and reward the

most active associations in global business. Among the more than 130 global business councils nationwide, each of these organizations has demonstrated the utmost commitment to helping members capture their share of the global real estate market in the United States, in addition to connecting their council and members to the global community in their local area.

Participating councils are divided into four status classifications based on their level of activity: Silver, Gold, Platinum and Diamond. A council need not meet every criterion listed for a given status level if the size or demographics of its parent association do not warrant or allow it to do so. Those councils achieving each status classification are reviewed on a case-by-case basis and announced by the National Association of Realtors Engagement Team. A council's status year begins at NAR's Realtors Conference & Expo. Councils are evaluated in five focus areas: Business Plan, Marketing & Communication, Events/Education, Outreach, and Benchmarking.

HGAR's Stack noted that NAR also evaluated HGAR's activities, such as the Ambassador Association with Portugal, so HGAR would like to give credit to its partners from Portugal International Realty (PIR) and APEMIP in Portugal for its achievement award. HGAR's Global Council will receive its Platinum Global Achievement Award on Wednesday, Nov. 15 at a ceremony at the Anaheim (CA) Marriott Hotel.

The HGAR Global Council staged the 17th Annual Global Real Estate Summit at the Fordham University Law School in New York City on Oct. 18-19. The event was a huge success that drew real estate professionals from 13 states, three countries, and HGAR's Portugal Trade Mission guests. The two-day event offered valuable insights into the latest market data, trends, resources, and tips to jump start or grow global business



HGAR Delegation to MIPIM Real Estate Conference in Cannes France in the NAR USA Pavilion, from left: Johnny Noon, NAR Director of Engagement, Commercial Real Estate; Carmen Bauman, HGAR President Elect; Cathleen Stack, HGAR, CMO, Global Liaison; Julia Livingston, MKDA; Anthony Domathoti, HGAR Immediate Past President; Tony D'Anzica, HGAR President; Jana Currier, HGAR COO; Jennifer Rousset, Howard Hanna Rand Realty; Clayton Livingston, HGAR CID President and Kevin Sears, NAR First Vice President.

and better understand global cultures.

A total of 10 associations, including HGAR, co-hosted the event that featured dynamic speakers, Economic Development and Commercial/Global Real Estate panels and moderators, event guests and Fordham University Real Estate Institute officials. The 2023 event included a pre-summit property tour at 3Eleven NYC and two Certified International Property Specialist (CIPS) hosted networking events.

Some of the highlights of other HGAR's Global Council's activities in 2023 include:

- HGAR sent a delegation to the MIPIM conference in Cannes, France in March 2023. MIPIM is an annual four-day conference attracting thousands of real estate and related professionals throughout the globe and offering hundreds of exhibitors and events. HGAR was an exhibitor in the NAR USA Pavilion, representing the New York Region.

- HGAR President D'Anzica and Immediate Past President Anthony Domathoti represented HGAR at three Global conferences in Western Europe. On June 28th they attended the Western European Leadership Summit hosted by the National Association of Realtors. On June 29-30, they attended the Inmoción in Granada, Spain and on July 4th, the Inmoción in Lisbon Portugal, hosted by HGAR Partner, APEMIP.

- HGAR sponsored and collaborated with FIABCI USA and UN Habitat on a program on Sustainable Cities in July 2023 in New York City.

The Portugal Trade Mission delegates visit HGAR's headquarters in White Plains on October 17th for a day of

education and networking with HGAR Members during their weeklong stay in New York.

- HGAR is the NAR Ambassador Association to Portugal. HGAR hosted a delegation of 10 real estate professionals from Portugal for a Trade Mission the week of October 16th. The Trade Mission included an educational day with HGAR Members at their headquarters in White Plains discussing market updates on the U.S. and Portugal Markets, Investing in Portugal Real Estate and Global Tax Issues, followed by a tour of the Yonkers City Hall, a meet and greet with the Yonkers Deputy Mayor, Anthony Landi, a tour and history of the daylighting of the Saw Mill River given by Ned Sullivan, President of Scenic Hudson and a reception at the Yonkers Portuguese American Community Center. The group also spent time shadowing NYC HGAR Members, sightseeing and going on property tours in Manhattan and Brooklyn. The group also attended the October 19th Global Real Estate Summit.

- HGAR's Global Business Council recently hosted a virtual market update with NAR India.

New Memorandums of Understanding (MOUs) were signed in 2023 with 5/8/2023—COFECI - CRECI, the Federal Council of Real Estate Brokers, Brazil; 6/29/2023—SIRA Spanish International Realty Alliance, Madrid, Spain, API Associació D'agents Immobiliaris de Catalunya, Barcelona, Spain.

Throughout the year HGAR has collaborated with several other Global Business Councils in the USA and Canada on programming that included market updates on Ireland, Poland and Canada.



The Portugal Trade Mission delegates visit HGAR's headquarters in White Plains on October 17th for a day of education and networking with HGAR Members during their weeklong stay in New York.

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- Real estate agents are consumers' advocates. They lead as entrepreneurs, experts and philanthropists to protect consumers, build generational wealth and contribute to local and national economies.

- Having a local expert manage the process is more important than ever. All of the sellers who testified in the case said they used an agent and were very satisfied with the services provided to them.

About Broker Compensation

- Agent compensation is set between brokers and their clients and has always been negotiable at any

point in the transaction, as set forth in NAR's publicly available guidance for members. And those costs are spelled out to buyers and sellers.

- If buyers had to pay out of pocket for representation, that would reduce the number of buyers and the money buyers have to purchase homes from sellers.

- Every plaintiff in this case knew the commission they were paying to their agent and agreed to it in writing.

- The cooperative compensation rule ensures both buyers and sellers are well represented and that the buyer broker knows what they will be paid before they commence work.

For more about what the trial out-

come means and related questions, visit [competition.realtor](https://www.competition.realtor) to also find facts, infographics, videos, articles and other content to share about the value of Realtors and how local broker marketplaces increase consumer access and opportunity and foster business competition.

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Editor's Note: Shortly after the verdict was announced, attorneys for the plaintiffs in the Sitzer/Burnett trial filed a new nationwide commissions lawsuit against the National Association of Realtors and brokerage

firms Compass, eXp, Redfin, Howard Hanna Real Estate, United Real Estate, Douglas Elliman and Weichert, Realtors in U.S. District Court in Western Missouri. The plaintiffs in the new case are seeking class action status, according to multiple published reports. NAR President Tracy Kasper in a prepared statement, said, "We will appeal the liability finding because we stand by the fact that NAR rules serve the best interests of consumers, support market-driven pricing and advance business competition. We remain optimistic we will ultimately prevail. In the interim, we will ask the court to reduce the damages awarded by the jury (\$1.78 billion)."

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bury Mall into residential units and turning the former Christmas Tree Shop at Poughkeepsie's South Hill's Mall into the Hudson Valley Pickleball & Golf Center.

The Village of Brewster is reviewing the Brewster Crossings development

of 408 rental apartments, a brewery, café, shops and a 500-car parking garage, and in Patterson, plans for Patterson Crossings, a 400,000-square-foot retail center on Route 311, are moving along as well.

Along the county's Main Streets, both agreed that smaller footprints are

in demand. "Retail is not dead, but just resized," said Salomone. "Main Streets are coming back, and we're starting to see a lot of new restaurants as well. There's definitely a resurgence in small businesses."

The Putnam County Day program also featured updates on HGAR initia-

tives presented by HGAR President Tony D'Anzica and HGAR Chief Executive Officer Lynda Fernandez and OneKey MLS by HGAR Chief Strategy Officer Gary Connolly.

Putnam County Day was sponsored by Robison, Prosperity Mortgage, and Mr. Inspections.