

McLennan
C O M M U N I T Y
C O L L E G E

WACO, TEXAS

**COURSE SYLLABUS AND
INSTRUCTOR PLAN**

Law of Agency

RELE 2301.F1

TAMMY TULL, MBA, MS

This is an 8-week course delivered face-to-face.

****COVID 19 Notice:**

McLennan Community College is committed to providing you with every resource you need to reach your academic goals. We are also concerned for your safety. We are working through COVID-19 guidelines to make sure we offer a safe environment for you and our faculty. This will include smaller class sizes to manage social distancing and proper cleaning techniques. You will have the advantage of a physical classroom experience but may also need to work part of the time online as we adjust to limited classroom capacity. This will also allow us the flexibility to move online if so directed by federal, state and/or local COVID 19 guidelines. Faculty and staff are preparing now to ensure that you have the best experience in the midst of these uncertain times.

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Course Description:

Provides a study in law of agency including principal-agent and master-servant relationships, the authority of an agent, the termination of an agent's authority, the fiduciary and other duties of an agent, employment law, deceptive trade practices, listing or buying procedures, and the disclosure of an agency. Texas Real Estate Commission requires this course before sitting for the salesman licensure exam. Semester Hours 3 (3 lec).

Prerequisites and/or Corequisites:

None

Course Notes and Instructor Recommendations:

- Refer to the syllabus, often
- Take quizzes and exams
- Prepare for class-Read the assignments and do your work
- Turn in your work properly and on time **No Late Work Accepted*
- Check for feedback and learn from your mistakes
- Ask Questions

Instructor Information:

Instructor Name: Tammy Tull
E-mail: ttull@mclennan.edu
Office Phone Number: 254-299-8662
Office Location: BT 206
Office/Teacher Conference Hours: M 9:00 a.m. -10:30 a.m.; T 3:30 p.m. – 5:00 p.m.;
or by appointment

Department Information:

Program Director: Annette Bigham
E-Mail: abigham@mclennan.edu
Office Phone Number: 254-299-8690
Office Location: BT 201A

Department Head:

Department Head: Frank Graves
E-Mail: fgraves@mclennan.edu
Office Phone Number: 254-299-8126
Office Location: ADM 301

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Required Text & Materials:

Title: Texas Real Estate Agency
Edition: 9th
Publisher: Dearborn Real Estate Education
ISBN: 978-1-4754-5814-5

MCC Bookstore Website: <http://www.mclennan.edu/bookstore/>

Student Support/Resources:

MCC provides a variety of services to support student success in the classroom and in your academic pursuits to include counseling, tutors, technology help desk, advising, financial aid, etc. A listing of these and the many other services available to our students is available at <http://www.mclennan.edu/campus-resource-guide/>

College personnel recognize that food, housing, and transportation are essential for student success. If you are having trouble securing these resources, we encourage you to contact a success coach by calling (254) 299-8226. Students can visit the Completion Center Monday-Friday from 8:00 a.m.-5:00 p.m. to meet with a success coach and receive additional resources and support to help reach academic and personal goals. Paulanne's Pantry (MCC's food pantry) is open 12:00 p.m.-1:00 p.m., Monday-Friday, without an appointment. The Completion Center and pantry are located on the Second Floor of the Student Services Center (SSC).

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Minimum Technical Skills:

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Backup Plan for Technology:

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that all assignments and activities will be due on the date specified in the Instructor Plan, unless otherwise noted by the instructor.

Click Here for the Minimum System Requirements to Utilize MCC's D2L|Brightspace:

<https://www.mclennan.edu/center-for-teaching-and-learning/Faculty%20and%20Staff%20Commons/requirements.html>

Click on the link above for information on the minimum system requirements needed to reliably access your courses in MCC's D2L|Brightspace learning management system.14.

Email Policy:

McLennan Community College would like to remind you of the policy

<http://www.mclennan.edu/employees/policy-manual/docs/E-XXXI-B.pdf> regarding college email. All students, faculty, and staff are encouraged to use their McLennan email addresses when conducting college business. A student's McLennan email address is the preferred email address that college employees should use for official college information or business. Students are expected to read and, if needed, respond in a timely manner to college emails.

Instructional Uses of Email:

Faculty members can determine classroom use of email or electronic communications. Faculty should expect and encourage students to check the college email on a regular basis. Faculty should inform students in the course syllabus if another communication method is to be used and of any special or unusual expectations for electronic communications. If a faculty member prefers not to communicate by email with her/his students, it should be reflected in the course syllabus and information should be provided for the preferred form of communication.

Email on Mobile Devices:

The College recommends that you set up your mobile device to receive McLennan emails.

Forwarding Emails:

You may forward the emails that come to your McLennan address to alternate email addresses; however, the College will not be held responsible for emails forwarded to an alternate address that may become lost or placed in junk or spam filters.

Methods of Teaching and Learning:

Lecture, discussions, participation, assignments, tests, and quizzes.

Course Objectives:

Upon completion of the course, students will be able to:

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Unit 1: Agency Concepts

- Describe agency and how The Real Estate License Act and the TREC Rules work together to define it, regulate it, and enforce it.
- Identify the different parties in agency relationships, which might include clients, customers, or both.
- Discuss factors that make it important for real estate license holders to study and understand agency.
- Describe the basic relationship between principals and agents and the basic duties owed the principal.

Unit 2: Basic Agency Relationship, Disclosure, and Duties to the Client

- Describe in practical terms who agents are and how authority is given to agents.
- Describe the three classifications of agency and how they are used in real estate transactions.
- List the fiduciary duties and responsibilities that an agent owes to a client.
- Describe the Information About Brokerage Services form and the requirement it fulfills in a real estate transaction.

Unit 3: Duties and Disclosures to Third Parties

- Describe third parties, the obligations a license holder has to those parties, and the legal concerns associated with the failure to properly fulfill those obligations.
- Describe a buyer's rights and a seller's obligations under Section 5.008 of the Texas Property Code and how the obligations can be fulfilled.
- Describe material facts as they relate to a property's physical condition, title, and survey.
- Describe the different types of stigmas associated with real estate and the disclosure issues surrounding stigmatized properties.

Unit 4: Seller Agency

- Describe the requirements for and different types of listing agreements and arrangements, which include express and implied agreements, exclusive right to sell listings, exclusive-agency listings, open listings, and net listings.
- Describe the benefits of seller agency and how choosing to represent sellers only affects a brokerage's practices.
- Explain what subagency is, how it is created, and the concerns associated with subagency arrangements.
- Describe the disclosure required of a seller's agent to a seller and to a buyer.

Unit 5: Buyer Agency

- Describe the rights and obligations of each party in a sample buyer representation agreement.
- Describe the factors to consider in representing a buyer and how the relationship is created.
- Describe the benefits of the buyer-agency relationship to the buyer/tenant and the agent.
- Describe the importance of written compensation agreements and identify the various fee arrangements involved in buyer agency.
- List the disclosure obligations of a buyer's broker.

Unit 6: Intermediary Brokerage

- Describe the events and issues that led to the need for and creation of intermediary
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brokerage.

- Discuss the complications of representing more than one party in a transaction.
- Describe how intermediary brokerage works in a real estate transaction, and how it is created, how appointed license holders are used, and the concerns associated with the intermediary relationship.
- Explain the role of the intermediary relationship outside of residential transactions.
- Describe the problems that occur with dual representation, whether intentional or unintended.

Unit 7: Creation and Termination of Agency

- Describe how agency is created and different types of agency.
- Explain the legal importance of acting for a principal, constructive or imputed notice, imputed knowledge, and professional and ethical responsibility once an agency relationship has started.
- Explain how agency is terminated.
- List the agent duties that remain in effect after termination of the relationship.

Unit 8: Clarifying Agency Relationships

- Explain how the policy of Decide, Disclose, Document, and Do clarifies agency relationships and ensure proper agency disclosures.
- Describe the steps for creating a company policy for disclosure.

Unit 9: Employment Issues

- Describe the rights and obligations of a license holder as set forth in a sample independent contractor agreement.
- Differentiate between an independent contractor and an employee.
- Describe the employment relationships and compensation concerns for brokers, principals, sales associates, and personal assistants.
- Describe the complex relationships that can occur in real estate transactions and how compensation is handled in these situations.

Unit 10: Agency, Ethics, and the Law

- Distinguish between laws, ethics, and morals and identify examples of each.
- List the various federal and Texas laws that guide a license holder's conduct in a real estate transaction.
- Describe the role of TREL A and TREC in guiding license holder conduct and protecting the public.
- Describe the role professional codes of ethics have in guiding license holder/member conduct.
- Describe ways in which laws and ethics work together to guide a license holder's actions.

Unit 11: Deceptive Trade Practices and Consumer Protection Act

- Describe the 2011 exemption to the DTPA as it applies to real estate license holders and differentiate between fraud and misrepresentation.
- Describe the DTPA-Consumer Protection Act and its implications for real estate license holders.
- Identify the economic damages for mental anguish provided for under the DTPA and how it differs if an act is committed knowingly, intentionally, or both.

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- Describe how a license holder can limit liability for deceptive or misleading acts or practices.

Unit 12: Implementation and Presentation

- Describe the steps a license holder can take to prevent issues and manage risk in their real estate practice.
- Describe the process a broker should follow in working for or with a seller.
- Describe the process a broker should follow in working for or with a buyer.
- Describe how multiple offers, default, and commissions can become problematic in a real estate transaction and how to prevent issues in these areas.

Course Grading Information:

Grading Scale

A	447.5 and above
B	397.5-447.4
C	347.5-397.4
D	297.5-347.4
F	<i>Below 297.5</i>

Points Distribution

Assignment	Details	Points Available
Quizzes	5 Quizzes worth 20 points each	100
Assignments/Participation	Varies	300
Final Exam	Comprehensive	100
<i>The overall grade is based on a scale of 500 points</i>	<i>NO LATE WORK WILL BE ACCEPTED</i>	<i>500 POINTS TOTAL</i>

SPECIAL NOTE: Students will earn a zero if caught cheating, plagiarizing, or colluding with others to gain grade advantage in the course, either for themselves or others.

Late Work, Attendance, and Make Up Work Policies:

No late work will be accepted and work not submitted by due date and time will earn a zero. Attendance policies will be enforced. Student who misses more than 25% of class will be dropped from the course. Review MCC Rules and Policies here:

<http://www.mclennan.edu/highlander-guide/policies>

Student Behavioral Expectations or Conduct Policy:

- Professor and Students are expected to treat each other and peers with courtesy, dignity, and respect.

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- Students are expected to convey an attitude that seeks to take full advantage of the education opportunity and participate in class activities and discussions.
 - Attendance is important for academic success and students are expected to participate in all activities for maximum learning effectiveness.

* [Click Here for the MCC Academic Integrity Statement](#)

(www.mclennan.edu/academic-integrity)

The link above will provide you with information about academic integrity, dishonesty, and cheating.

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* [Click Here for the MCC Attendance/Absences Policy](#)

(www.mclennan.edu/highlander-guide/policies)

Click on the link above for the college policies on attendance and absences. Your instructor may have guidelines specific to this course.

Accommodations/ADA Statement

Any student who is a qualified individual with a disability may request reasonable accommodations to assist with providing equal access to educational opportunities. Students should contact the Accommodations Coordinator as soon as possible to provide documentation and make necessary arrangements. Once that process is completed, appropriate verification will be provided to the student and instructor. Please note that instructors are not required to provide classroom accommodations to students until appropriate verification has been provided by the Accommodations Coordinator. Instructors should not provide accommodations unless approved by the Accommodations Coordinator. For additional information, please visit mclennan.edu/disability.

Students with questions or who require assistance with disabilities involving physical, classroom, or testing accommodations should contact:

disabilities@mclennan.edu

254-299-8122

Room 319, Student Services Center

* [Click Here for more information about Title IX](#)

(www.mclennan.edu/titleix)

We care about your safety, and value an environment where students and instructors can successfully teach and learn together. If you or someone you know experiences unwelcomed behavior, we are here to help. Individuals who would like to report an incident of sexual

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misconduct are encouraged to immediately contact the Title IX Coordinator at titleix@mclennan.edu or by calling Dr. Drew Canham (Vice President for Student Success) at 299-8645. Individuals also may contact the MCC Police Department at 299-8911 or the MCC Student Counseling Center at MCC by calling 299-8210. The MCC Student Counseling Center is a confidential resource for students.

McLennan's Title IX webpage (<http://www.mclennan.edu/titleix/>) contains more information about definitions, reporting, confidentiality, resources, and what to do if you or someone you know is a victim of sexual misconduct, gender-based violence or the crimes of rape, acquaintance rape, sexual assault, sexual harassment, stalking, dating violence or domestic violence.

** You will need to access each link separately through your Web browser (for example: Internet Explorer, Mozilla, Chrome, or Safari) to print each link's information.*

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Course Schedule:

This schedule is subject to change. Notification of changes will be announced during class, posted in Brightspace and/or delivered by MCC student e-mail. Students are responsible for checking all forms of communication.

Date	Class Agenda	Items Due
10/19/22- 10/25/22	Chapters 1, 2, and 3 In-Class Assignment	Quiz 1, Homework 1 Due 10/25/22
10/26/22- 11/01/22	Chapters 4 and 5 In-Class Assignment	Quiz 2, Homework 2 Due 11/01/22
11/02/22- 11/08/22	Chapters 6, 7, and 8 In-Class Assignment	Quiz 3, Homework 3 Due 11/08/22
11/09/22- 11/15/22	Chapters 9 and 10 In-Class Assignment	Quiz 4, Homework 4 Due 11/15/22
11/16/22- 11/22/22	Chapters 11 and 12 In-Class Assignment	Quiz 5, Homework 5 Due 11/22/22
11/23/22- 11/29/22	Thanksgiving Week	Thanksgiving Week
11/30/22- 12/06/22	Final Exam	Comprehensive Final Exam In Class

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- [Email Setup for Androids](#)

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Disclaimer:

The resources and policies listed above are merely for informational purposes and are subject to change without notice or obligation. The College reserves the right to change policies and other requirements in compliance with State and Federal laws. The provisions of this document do not constitute a contract.