

Brokerage Relationships Explained - Seller

The B&B Team's Agency/Representation Policy:

We are familiar with agency law as it relates to real estate in Virginia, North Carolina, Maryland, Maine, Delaware, New York, and Pennsylvania, though each state operates somewhat distinctly. We can act as seller's representative (agent), buyer's representative (agent), or disclosed dual representative (dual agent). Nationwide we serve as consultants to buyers, sellers, and their real estate representatives. Because buyers/transfer consulting clients typically need our expertise, and we routinely require confidential information to assess their needs, we presume to act as buyer's representatives and will preserve confidentiality, regardless of whether we are acting in a licensed real estate capacity or as consultants. Representation agreements will be formalized based upon the state and nature of our relationship. This may create a dual representation with the sellers/transfer clients we also represent when the buyer wishes to acquire an in-house offering. In all cases, whether for sellers or buyers, we always disclose our relationships in accordance with the respective state laws and ethical business practice and explain the options. This rather complicated area of the business is one which we take very seriously. We want you to be comfortable with us and our role. Laws change and customs differ from state to state, and we may work with the same client in a number of different states, so please ask for clarification. We are happy to provide references of clients with whom we have worked as disclosed dual representatives.

Our licensed office in Maine practices Disclosed Dual Agency and not the more common Appointed Agency as you see in the listing agreement. Since there are only two of us licensed in Maine, one is a Designated Broker (DB), Rick Wolf, and myself, Dana Moos, a Broker. There would have to be a third licensee in order to practice Appointed Agency, where a specific agent is appointed by the DB to represent a buyer or seller. Therefore, we must strike that language in the agreement. If a seller ever wishes NOT to agree to Disclosed Dual Agency, please let us know, we can try to handle the situation differently.

I have attached "Brokerage Relationships" form as I'm required to do by the Maine Real Estate Commission. This explains the difference between Client and Customer level services.

Until you sign the listing agreement for brokerage services, you are a Customer. Once you sign the agreement, you are a Client.

In the event someone inquires of your listing, then I would become a Disclosed Dual Agent, where I represent both parties whose interests are adverse in the same transaction, if both parties permit it. There are certain things I cannot disclose as a Disclosed Dual Agent. They are: the buyer's ability to buy as well as the buyer's motivation for buying. I cannot disclose the seller's bottom line they will accept as well as the seller's motivation for selling. Any other information can be disclosed to both parties. Sometimes each party discloses the reason for buying or selling. Most of the time it's that the buyers want to get into the B&B business, and the seller is ready to retire, to spend more time with family, to move elsewhere etc. The goal as a Disclosed Dual Agent is to bring the parties together in a fair manner where both are pleased with the deal to which they have agreed. It would be my job to be equally fair to both, not to advise one party to the detriment of the other.

Often times in hospitality and lodging brokerage, the Broker represents both sides as it's a different type of transaction than residential real estate and a broker who's well versed in this business can often make both parties happy. This situation allows me to be the only one person who can talk to all parties. This helps minimize anything that is sometimes lost in translation during the conveyance of information, opinion, etc, from either side. This also helps that I am the one who can speak with both attorneys and accountants, rather than the "opposing players" going through "opposing brokers" which can often create a very pessimistic situation. This is a business transaction and is in the interest of buyer and seller to work together to get to the closing table and ensure a smooth transition in the best interests of the guests on the books.

I've been a disclosed dual agent several times (all of my current sellers permit it) and many of The B&B Team's closings have been by disclosed dual agency relationships. And all parties have remained pleased well beyond the closing table. That, to us, is the most important thing! I maintain relationships with my buyers and want them to feel free to ask advice years down the road. I want them to succeed.

See my list of Disclosed Dual Agent Sales on my website



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