

THE GIARDINELLI

LAW GROUP, APC

JOHN V. GIARDINELLI

SYLVIA J. SIMMONS
J NISWONGER
KELLY A. NEAVEL

2011 PROFESSIONAL STANDARDS TRAINING TABLE OF CONTENTS

1. Recent Developments – A Discussion
 - a. National Cases and Trends
 - b. Arbitrations/Ethics cases
 - c. Citation Policies, Consolidated MLS Rules and Trends (a brief report)
 - d. Social Networking
 - e. Other Miscellaneous Issues
2. Code of Ethics
 - a. Code of Ethics and Standards of Practice of the National Association of REALTORS® Effective January 1, 2011
 - b. The Code of Ethics – De-Mystified!”
3. Professional Standards Overview
4. Role of the Grievance Committee
5. Hearing Panel Preparation and Etiquette
 - a. Staff’s Perspective (Discussion)
6. Professional Standards Hearing Panel
 - a. Evidence Evaluation Handout
 - b. Remote Testimony Policy (Sample)
7. Directors’ Role in Professional Standards
8. Drafting Findings of Fact and Sanctioning Guidelines
 - a. Samples
9. Arbitration / Procuring Cause Guidelines / Recent Cases
 - a. C.A.R. Procuring Cause Guidelines
 - b. N.A.R. Arbitration Worksheet

ABOUT THE SPEAKER

John Giardinelli received his undergraduate degree from the University of California, Irvine, in 1974 and his law degree from Western State University in 1977. He has been a practicing attorney since 1977. Mr. Giardinelli is a principal in The Giardinelli Law Group, A Professional Corporation. The law firm focuses on transaction and litigation in real estate law, business law, and employment law. Mr. Giardinelli has an extensive background in real estate and business transactions and litigation of real estate related matters. He represents several Associations of REALTORS® with a total membership exceeding 30,000, administers several professional standards programs, is an instructor for Professional Realty Institute (GRI), has taught a real estate class for the California State University, and has testified a number of times as an expert witness. He is a frequent writer, speaker, and teacher on issues of interest to real estate professionals. He has presented several talks at the California Association of REALTORS® Convention and Legal Affairs Forum. He was a member of a City Council (through 2002), has served as a mayor, and as the Chair of the Western Riverside Council of Governments, a Joint Powers authority consisting (at the time) of 19 cities and the County of Riverside.

Education:

- Western State University College of Law
Juris Doctor, 1977
 - Honors Graduate
 - Law Review
 - Moot Court/State Competition
 - Student Government - Class Vice President and Student Body Ombudsman
 - AmJur Award Winner
 - Phi Alpha Law Fraternity
 - Passed California State Bar Examination on first attempt
- University of California, Irvine
Bachelor of Arts, History, 1974
 - Honors Graduate

Professional

Organizations:

- Member of the Bar, State of California, admitted December 21, 1977
- Member of the Federal Bar, admitted June 4, 1989

Experience:

- Attorney with The Giardinelli Law Group, APC (including predecessor entities) since 1977
- President of the Canyon Lake Property Owners Association from 1984 to 1987
- Member of the City Council for the City of Canyon Lake
 - Inaugural Council from 1990 to 1996
 - Mayor for 1994 and 1995
 - Council Member in 2002
- Member of the Executive Committee of the Western Riverside Council of Government from 1990 to 1996
 - Chairperson 1994
- Member of Linfield Christian School Board of Trustees from 1994 to present
 - Secretary and Treasurer
 - Chairperson of the Education and Technology Committee
 - Chairperson of the Policy/Documents Committee
 - Member of the Committee of the Board
- Member of the Board of Trustees of the San Jacinto Junior College Foundation from 1999 to 2001
- Member of the Advisory Committee of the Animal Friends of the Valley from 1999 to present

- Member of the Men’s Ministries Board of the Canyon Lake Community Church
- Chair, Master Planning Committee of the Canyon Lake Community Church

Clientele: Variety of business and real estate clients, including Associations of REALTORS®. Current Associations are:

- Beverly Hills/Greater Los Angeles Association of REALTORS®
- Big Bear Association of REALTORS®
- Coronado Real Estate Association
- Downey Association of REALTORS®
- Hemet-San Jacinto Association of REALTORS®
- Pacific West Association of REALTORS®
- Southwest Riverside County Association of REALTORS®
- Tri-Counties Association of REALTORS®

Author: Various articles and newsletters. Monthly newsletter (“Courtside”)

Sample of Courses Taught:

- Residential Purchase Agreements and Forms
- Buyer/Broker Representation
- Risk Management (DRE credit approved)
- Current Events/Trends
- Professional Standards/Ethics; including training for directors, arbitrators and hearing officers, as well as training for Grievance Committee members (Certified Instructor by the California Association of REALTORS®)
- Legal Issues (GRI Institute)
- Legal Issues Facing Associations
- Unserved Listings and Agency Duties
- Director/Officer Obligations
- MLS Rules and Enforcement
- Agency
- Foreclosure/Predatory Lending/ Selling in a Down Market
- MLS Trends/Role of Attorney in MLS
- Legal Aspects of Listings and Seller Representation
- Procuring Cause/Commissions
- Equity Purchase Statutes (California Association of REALTORS® Legal Affairs Forum)
- Mortgage Fraud (City Councils, REALTOR® Associations, and California Association of REALTORS®)

Miscellaneous:

- Arbitrator – Real Estate Matters
- Mediator
- Expert Witness and Consultation
- Married to Kristy from 1976 to present, with two children, Erica and Bryan