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HOT TOPICS

Licensing of Builder Sales Agents

The Maryland General Assembly and Governor O'Malley has signed into law House Bill 1288 – Licensure. This bill requires that all sales agents for new homes be licensed through the Maryland Real Estate Commission.

Several organizations are working with the Attorney General's office to clarify concerns raised by this bill, some of which are:

Scope of the Builder Exemption – This bill narrows significantly the scope of exemption for home builders and their staff

Builder/Broker Relationship – Do sales agents have to be separate from the building company or can a builder/broker entity provide affiliation required for licensed real estate agents of the builder.

Role of the Attorney as the Broker of Record – Does the new bill restrict in any way an attorney without a brokerage license?

Passage of a corrective bill – can one be obtained that relieves the industry from the frustration of sorting out this new law?

NURSING HOME ABUSE: NOT ALL ARE CREATED EQUAL

One of the most difficult decisions you may have to make is when the care for your loved one requires that you admit them to a nursing home facility. Even more difficult is recognizing and dealing with nursing home abuse when your loved one has been put in the hands of negligent or even criminal nursing home care providers. As a former EMT, I can assure you that not all nursing homes are created equal.

In this day and age and as our population continues to live longer, the nursing home industry continues to boom. While there are many quality facilities that provide superb care, one of the unfortunate side affects of this boom are the alarming rates and incidents of physical, mental and emotional abuse suffered by residents at the hands of under qualified facilities. This is particularly true because nursing home residents are most vulnerable due to age, illness or disability, and often times unable to speak up when they are being abused.

There are some things you can do to prevent the likelihood that a loved one falls victim to nursing home abuse and it begins before your loved one becomes a resident at such a facility:

- **FIRST:** Do your homework. Interview several facilities to get a better understanding of how they operate and to make a well informed choice. Tour the facility, talk to residents about their care, and keep notes on the condition of the facility, staff and residents. Is it clean? Are staff and residents happy or does everyone look miserable. What kind of activities are there? How are staff hired (i.e. background checks), trained and supervised? What is the hiring criteria considered? Have they had any problems with incidents of abuse and what did they do to correct them? These are just some examples.

HOWARD COUNTY LAW GOES GREEN

The Ulman administration is aggressively pursuing simultaneous policies of (a) controlled growth in western Howard County; and (b) the promotion on a county-wide basis of the construction of both residential and commercial buildings in accordance with certain "Green Building" standards in order to both mitigate energy and environmental impacts; and improve the health and productivity of the building's occupants.

This policy when focused on residential structures is generally referenced as the "Green Neighborhoods Initiative or Project"; and when focused on commercial structures, the "Green Building Law".

The Commission through Josh Feldmark seems well organized and versed on the subject matter. It appears that the Commission has considered the "Green Law" of several other state jurisdictions and has adopted its 3 Bills by picking and choosing among the "best" aspects of such Law as they define it, consistent with the policies referenced above.

As presently structured, Residential Site Plans submitted on or after July 1st, 2008 will be subject to evaluation for compliance with the Green Neighborhoods Initiative on a voluntary basis. Projects in the pipeline prior to July 1st, 2008 will be processed under the existing law. It appears that effective July 1st, 2008, 100 fewer Allocations will be available each year in the rural west.

1. **Compliance Not Required.** As currently drafted, the subject Bills encourage compliance with the administration's policies by creating "rewards" for those who comply.
2. **Compliance Rewards.** The

Maryland Farmland Prices Still Rising

Although slowed, the value of farmland in Maryland has not felt the effects of a slumping real estate market. Increases in value were lower this year (3.9%) compared to 12.7% in 2006, however, the modest gain still makes farmland in Maryland unaffordable to maintain an agricultural lifestyle for young buyers. The average market price for an acre of farmland in Maryland is now \$9,250 an acre. Most Maryland farmland is sold for residential development.

- SECOND: Don't be afraid to ask the tough questions. Trust your gut instinct; if you feel you are getting anything less than completely honest answers this should be cause for concern. You can also contact the Maryland Health Care Commission toll free at 1-(877) 245-1762 or go to their web site at <http://mhcc.maryland.gov>. You can use several resources including consumer guides which include important checklists when interviewing a managed care facility.

- THIRD: If your loved one is already a resident of a nursing home facility, look for early indications that they are not getting the quality care they deserve. Some common signs of abuse can include, bed sores, unexplained injuries, malnutrition, improper administration of medications, rapid weight loss, unsanitary living conditions and unexpected death. Notify staff and management of your concerns and if nothing is being done, contact the appropriate authorities immediately.

While we may not be able to avoid death and taxes, through education and careful planning we can minimize the risk of our loved ones becoming victimized by this horrible and potentially catastrophic reality. The last thing anyone should have to endure at the end stages of life is the physical, mental and emotional trauma caused not only to themselves but to their families as well.

"Rewards" are essentially divided between residential and commercial projects.

3. Compliance Process. The compliance process also differs significantly between eligible Residential and Commercial Projects.

Opponents of this proposed policy perceive an unfairness of taking allocations from the west to "fund" the Green Allocations. To learn more about the Howard County Green Building Law, please contact our office at 410-995-1100.

IN CASE OF EMERGENCY

The following is an article that we ran across at Coover & Barr, LLC and wanted to pass on to our clients:

We all carry our mobile phones with names & numbers stored in its memory but nobody, other than ourselves, knows which of these numbers belong to our closest family or friends.

If we were to be involved in an accident or were taken ill, the people attending us would have our mobile phone but wouldn't know who to call. Yes, there are hundreds of numbers stored but which one is the contact person in case of an emergency? Hence this "ICE" (In Case of Emergency) Campaign.

The concept of "ICE" is catching on quickly. It is a method of contact during emergency situations. As cell phones are carried by the majority of the population, all you need to do is store the number of a contact person or persons who should be contacted during emergency under the name "ICE" (In Case Of Emergency).

The idea was thought up by a paramedic who found that when he went to the scenes of accidents, there were always mobile phones with patients, but they didn't know which number to call. He therefore thought that it would be a good idea if there was a nationally recognized name for this purpose. In an emergency situation, Emergency Service personnel and hospital Staff would be able to quickly contact the right person by simply dialing the number you have stored as "ICE".

For more than one contact name simply enter ICE1, ICE2 and ICE3 etc., or ICE John Doe, ICE Jane Doe, etc.. A great idea that will make a difference!