

Sponsors ..... 1

**Program Agenda ..... 2**

President’s Message ..... 3

Incoming President..... 4

Incoming Slate..... 4

RELANC History..... 5

Panelists

    UPL Panel..... 7

    Bankers on Wire Fraud ..... 7

Tech-Stravaganza

    CERTIFID ..... 8

    ALTA Registry..... 8



Real Estate Lawyers Association of North Carolina  
Annual Meeting Edition of Our Quarterly Newsletter



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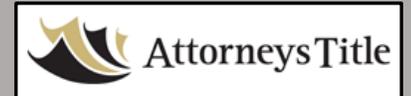
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**Real Estate Lawyers Association of North Carolina**  
**Tenth Anniversary Annual Meeting**  
**20/20 Vision ♦ RELANC Past, Present, & Future**  
February 21-22, 2020  
The Carolina Hotel at Pinehurst, 80 Carolina Vista Drive, Pinehurst, NC 28374



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Friday, February 21, 7:00 p.m. – 8:00 p.m.  
Welcome Reception for Early Arrivals in The Ryder Cup Lounge (adjacent to the lobby of the Carolina Hotel)  
Sponsored by Chicago Title

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Saturday, February 22  
Saturday's Coffee and Tea Sponsored by Magnolia Title & Sterling Title

- 8:00 a.m. – 9:15 Breakfast and Registration in the South Room  
Sponsored by Fidelity National Title Insurance
- 8:30 a.m. – 9:00 President Jim Arges – Welcome, Outgoing Remarks  
Report from the Wire Fraud Summits  
Report from Land Records Task Force Representative Randy Herman  
Presentation of 2020 RELANC Officers and Directors  
Incoming President Ken Gwynn – Remarks
- 9:00 a.m. – 9:15 Treasurer Sal Balsamo – Treasurer's Report, Presentation of Year-End 2018-2019 Financial Statements, Proposed 2020-2021 Budget, and Discussion of 2020-2021 Dues
- 9:15 a.m. – 9:45 20/20 Vision ♦ PAST: RELANC's First Ten Years  
Founding Member and Past President Ben Kuhn
- 9:45 a.m. – 10:15 20/20 Vision ♦ PRESENT Panel Discussion: The Unauthorized Practice of Law  
Kyle Smalling (NCBA RPS Consumer Protection Attorney) and Sal Balsamo  
*Moderated by Jim Arges*
- 10:15 a.m. – 10:30 Break
- 10:30 a.m. – 11:45 20/20 Vision ♦ PRESENT Keynote Panel: Bankers Respond to Wire Fraud \*  
Sara Boshart, Senior Vice President, TowneBank  
Donna Morris, VP, Sr. Financial Crimes Investigator, First Citizens Bank  
*Moderated by Jon Biggs & Ken Gwynn*  
*\* One (1) hour of General CLE Credit will be requested for this session.*
- 11:45 a.m. -12:45 20/20 Vision ♦ FUTURE: Tech-Stravaganza \*  
Thomas Cronkright II, Esq., CEO, CERTIFID  
Paul D Martin, ALTA Registry Director, American Land Title Association  
*\* One (1) hour of Technology CLE Credit will be requested for this session.*
- 12:45 p.m. – 1:15 20/20 Vision ♦ FUTURE: Lobbying Report  
Jim Harrell, James A. Harrell & Associates
- 1:15 p.m. Lunch: North Room  
Sponsored by Attorneys Title, Barrister's Title, Harbor City Title, & Metro Title

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# 2019 President's Message

Jim Arges, Arges Law Firm, P.C., Durham



As RELANC President this past year, I met and corresponded with attorneys from across the state. Through these contacts I determined that our two biggest concerns are the unauthorized practice of law by non-attorney settlement shops (and out-of-state title companies) and the threat that wire fraud presents to consumers and our practices. The focus of RELANC this year has been to develop new connections while continuing to strengthen our existing partnerships to address these concerns.

In the wake of the State Bar's censure of attorney Ryan Shoaf we started fielding calls from attorneys throughout the state about instances of non-attorney settlement shops and out-of-state title companies. (You can check our Treasurer Sal Balsamo's excellent article in the Summer 2019 RELANC Newsletter at [relanc.com](http://relanc.com).) While limited in the amount of direct support we can offer on an individual basis for these complaints, the RELANC board decided at our November meeting that this a definite area of action for our organization. We have reached out to Kyle Smalling who succeeded RELANC founder, Ben Kuhn, as the North Carolina Bar Association Real Property Section Consumer Protection Attorney to coordinate and process these complaints. Kyle, Sal and I will convene a panel discussion at RELANC's annual meeting on February 21, 2020 to discuss UPL and what resources the Bar Association, RELANC and individual attorneys have at their disposal to report and enforce current law and ethic opinions.

RELANC was also a participant in a series of Wire Fraud Summits sponsored by Investors Title Insurance and the N.C. State Bar this year. Spearheaded by Jon Biggs, Investors Title Insurance Vice President for Risk Management and RELANC Attorney, and Barry McNeill, Deputy Counsel for the N.C. State Bar, the summits brought attorneys, real estate brokers, and bankers together to explore the issue of wire fraud. The wire fraud summits, held at the N.C. State Bar, allowed for direct communication between organizations including title companies, RPS, NCLTA, Lawyers Mutual, local, state and federal law enforcement agencies, Banks, Credit Unions, the N.C. Paralegal Association, N.C. Real Estate Commission, and the N.C. Association of Realtors. The Bankers Panel on Wire Fraud, that will be presented at the Annual Meeting, was developed from discussions at the summits and I believe you will find the information that the bankers bring will be invaluable.

RELANC has also identified new technology and products to aid our members in the fight against cyber fraud. We have invited Tom Cronkright, founder of CertifID, a product designed to provide a solution to the threat of cyber fraud, to participate in RELANC'S one-hour technology CLE at the annual meeting. His company developed CertifID in direct response to the wire fraud that he experienced as a title agency owner; since then Cronkrite has seen how education and adoption of technology can significantly reduce this risk of wire fraud. The technology component will be rounded out by Paul Martin of the ALTA Registry. We think you will find this interesting as well.

Our efforts to increase connections included our initiative at the N.C. Realtors® Convention in September (see my President's Message in the 2019 Fall Newsletter) and we will also be reaching out to the state's law schools starting with a visit to Campbell's Law School on March 17th to introduce ourselves to future real property law practitioners. The RELANC board has authorized a **new class of membership** in our association for students enrolled in ABA accredited law schools. We also have plans to reach out to young attorneys, including a discounted membership rate for lawyers in their first two years of practice.

I am looking forward to Ben Kuhn's keynote address at the annual meeting where he will lay out his vision for RELANC'S next ten years. While we have come a long way in a decade, the potential is even greater for our association. The key to our success has always been our dedicated members and I challenge each of you to stay involved and to urge your fellow real property practitioners to join our ranks.

*Jim Arges*



## 2020 President, Ken Gwynn Gwynn & Edwards, Raleigh

Ken Gwynn earned his undergraduate degree from Wake Forest University, cum laude, and his JD from Wake Forest University in 1984, where he was on Law Review. Before forming Gwynn & Edwards with J. Kenneth Edwards, he was a sole practitioner and a partner with Kirk, Kirk, Gwynn & Howell. Ken is a licensed by the NC State Bar and a member of the NC Bar Association and is a Past President of the Wake County Real Property Lawyers. In his free time, he attends First Presbyterian Church, Raleigh and is a member of the Board of Trustees of William Peace University in Raleigh.

We are delighted to have him as our President for 2020.

## 2020 Slate of Officers & Directors (see back page for 2019 Roster)

**President:** Ken Gwynn, Raleigh  
**Vice President:** Julian Robb, Winston-Salem  
**Treasurer:** Sal Balsamo, Charlotte  
**Secretary:** Marc Garren, Chapel Hill

### Directors

Richard “Dick” Archie, ENC*	Casey Heim, Raleigh
Jim Arges, Durham	Randy Herman, Cary
Sarah Bowman, Asheville	Ben Kuhn, Raleigh* <i>returning</i>
Michael Burt, Charlotte	Dan Portone, Charlotte
Elizabeth (Biz) Harrison, Raleigh	Julian Robb, Winston-Salem
Mike Gorenflo, Moore County	Chris Salyer, Fayetteville
Ken Gwynn, Raleigh	Michael Thompson, Asheville
JC Hearne, Wilmington	

**Immediate Past President:** Jim Arges, Durham

\* denotes new *or returning* board member

**Retiring:** Ashleigh Black, Raleigh, Ned Manning, ENC

# Annual Meeting Speakers and Panelists

## UPL Panelists



**Kyle Smalling** is an attorney and co-owner of Capital City Law. A native of Boone, North Carolina, Kyle spent his early years in the High Country before moving to Raleigh with his high school sweetheart and now wife, Laura. Kyle graduated from North Carolina State University with a degree in Chemical Engineering and obtained his law degree from Campbell University. He is also the Consumer Protection Committee Co-Chairperson for the NC Bar Association's Real Property Section.



**Sal Balsamo** is Operations & Underwriting Counsel as well as sole owner of Barrister's Title. A graduate of the Wake Forest University School of Law, he earned his Bachelor of Arts degree from Marquette University in Milwaukee, Wisconsin. Following Law school, Sal was a Judge Advocate in the United States Air Force. After an Honorable Discharge which ended his five-year term in the Air Force, he moved to Charlotte to open the Law Office of Salvatore Balsamo, P.C., a boutique law firm specializing in real estate closings. Sal personally conducted more than 8,000 residential and commercial real estate transactions. In 2006, Barrister's Title Services was born. Sal is a founding member and the only person who has ever served as Treasurer of RELANC and is also a member of the Mecklenburg Real Property Council.

## Banking Panelists



**Sara Boshart** is a Senior Vice President with TowneBank. She specializes in serving the banking needs of law firms and title companies. In her role, Sara is responsible for the development of profitable member relationships, including bringing new deposit relationships to the bank and providing an exceptional banking experience to her portfolio of members. She has been a RELANC Annual Meeting sponsor for several years. Previously, Sara enjoyed a successful career in the title industry, with a focus on developing new business partnerships and fostering existing relationships. Her numerous community affiliations include: Boy Scouts of America Troop 357, Cardinal Gibbons High School, Rise Against Hunger, and the Food Bank of Central & Eastern North Carolina. A native of Atlanta, Georgia, Sara grew up in Hendersonville, North Carolina. She currently resides in Raleigh with her husband and youngest son.



**Donna Morris** is Vice President and Senior Financial Crimes Investigator with First Citizens Bank where she has worked since 1991. She supervises corporate security and investigative services for the bank. Donna began her Banking career in 1974 and has served the banking industry for 45 years in a variety of positions and capacities. A Rocky Mount native, she attended Emmanuel College in Franklin Springs, Georgia. Because she is a recognized industry leader, she serves on numerous Financial Crimes Task Force Groups with Law Enforcement Agencies and is a member of the International Association of Financial Crimes Investigators.

# Ten Years of RELANC

by Jim Arges

Incorporated on September 16, 2010, RELANC was formed as a trade association to engage in advocacy on behalf of North Carolina real estate attorneys and to protect against consumer abuses that harm the citizens of this state.

RELANC was formed largely in response to a State Bar opinion in 2003 that many real estate attorneys believe opened the door wider for non-attorneys to handle and conduct closings. The State Bar was faced with the possibility of an antitrust lawsuit from the Federal Trade Commission and tried to tailor an opinion that gave a role for non-attorneys to perform certain acts in the closing process under the supervision of a lawyer. Unfortunately, non-attorney settlement shops and out-of-state title companies seized the opinion as an opportunity of justification for their business models by ignoring the attorney supervision aspect or by finding a licensed attorney who was willing to rubber stamp title opinions. It was in that atmosphere that the North Carolina Bar Association's Real Property Section (RPS) hired Ben Kuhn as its first consumer protection attorney in December 2005.

Kuhn immediately set to work with the objective to gain an in-depth understanding of the real property conveyancing system and how this system functioned in North Carolina. Through conversations with real property practitioners, Kuhn became attuned to their concerns, stating that, "at that time the unauthorized practice of law was a lot more prevalent in the wake of the Federal Trade Commission letter and the resulting ethics opinion." Kuhn soon realized that practitioners expected the Bar Association to do something that it was fundamentally not structured to do – namely respond to particular practice concerns of real property attorneys whether it be legislative or regulatory. Kuhn recognized this when he stated,

The Bar Association is focused on much broader issues such as access to justice and funding for the courts. The larger and more diverse Bar Association is very good for focusing energy and influence as to such broad-based issues of concern to the practicing bar and the public. But when it comes to more practice-specific advocacy, particularly in area of real estate law and consumer protection, there was a demonstrated need for a much more nimble and focused advocacy group to exert influence and pressure on policy-makers. That is the role RELANC was formed to fulfill.

Sometimes the RPS did get involved, such as in the issue of third-party vetting, but the Bar Association, in general, felt uncomfortable when it went out on the limb for one particular practice section. This was due to other practice sections invariably feeling that particular actions were not advantageous to their clients and/or interest



**Ben Kuhn, RELANC Founder**

groups tied to their practice areas. There was often internal conflict on which issues the Bar Association would advocate. This is understandable in the context of the larger Bar Association, but for a subset of over 2,000 practicing real estate attorneys there was a demonstrated need and desire for more focused advocacy. We just needed folks dedicated to getting something started.

It was during that time period, 2005 to 2008, that Kuhn began to understand that limitation and said to himself, "well the trial lawyers have their own advocacy group, perhaps real estate attorneys should emulate their model?" He realized that it was because of the limitations of the Bar Association that the trial lawyers formed their own very powerful trade association. In order to develop a real-estate centric trade association to help form and shape relevant policy at the legislature, Kuhn investigated the trial attorney's advocacy group by looking at by-laws, websites, and how it was funded. After looking at the size of the litigation section membership and the RPS's membership within the Bar Association (about 2,000), Kuhn realized that he was seeing comparable membership levels for RPS (over 2,000) and realized that there should be a trade association that advocates exclusively on behalf of real property attorneys. Kuhn considered the proposition for a few years and discussed it with other attorneys including Adam Foodman, a practitioner in Charlotte whom Kuhn worked closely with on the RPS Council.

In late August of 2010, Foodman convened a meeting at his Charlotte office of five attorneys, including Kuhn, Bob Burris, Michael Burt (President of Morehead Title Company) and Dan Terry. This small group of attorneys made plans for a meeting later in the day of a larger group of Charlotte area real estate attorneys to discuss how and whether to form an advocacy group that would focus on the concerns material to real estate attorneys across the State. Steve Brown, an attorney with Investors Title Company, was in Charlotte that day and got word that he should attend the meeting. After hearing the group's plans he reported back to his company and Investors Title agreed to provide \$5,000.00 in seed money

and logistical support for a “barn storming campaign” across the state of North Carolina. This campaign consisted of Kuhn, Foodman, and others meeting with real property practitioners in over a dozen cities across the state from Jacksonville to Asheville. The campaign meetings were held in the fall and winter of 2010 and into January 2011. This campaign resulted in the first annual meeting of RELANC being held in February 2011 at the Grandover resort in Greensboro.

During RELANC’s first year Foodman and Kuhn handled lobbyist duties until the budget could accommodate the association’s first paid lobbyist, Lisa Piercy. Current lobbyist, Jim Harrell, took over in 2013 upon Piercy’s retirement. Membership levels hovered in the 150-member range during RELANC’S first few years until the hiring of Executive Director Bonnie Biggs in 2015 when levels started increasing over 200+ members.

The Legal Zoom litigation of 2015-16 demonstrated that RELANC is willing to stand up for its members and North Carolina consumers. Legal Zoom gave the organization a real voice in the legislature (Harrell is regularly contacted for RELANC’s input on any new piece of legislation that concerns real property or the practice of law) and membership rolls have increased to 500 plus as North Carolina real property lawyers have realized the benefit that a trade association devoted solely their practice areas can provide.

At RELANC’s 10th annual meeting on February 22, 2020 in Pinehurst, Kuhn will deliver the keynote address and will challenge members to take the next step and to grow our association to over 1,000 members. Kuhn wants RELANC to “mature” and advocate on a broad spectrum of real estate issues of interest members and their consumer-clients. Kuhn elaborated,

We need to cultivate new leadership from the younger ranks and fold in their concerns too. Get them invested and plugged in to the issues that impact and will shape their professional careers as one day they will take the reins and lead RELANC in whatever direction they feel best in the future depending on what the needs and concerns of their practice and their consumer-clients.

The keynote address will highlight several actions that Kuhn believes will lead to the goal of increasing RELANC’s membership and advocacy power. Some of the issues to be discussed include the smart and targeted use of social media, broad-based marketing, social events such as lunch and learn programs, developing new leadership from young attorneys, seeking feedback from current members and keeping them up to date with relevant CLE programs and resources, and providing personalized member services, programs, and benefits. One area of particular attention, one that Kuhn believes is mission-critical to RELANC’s growth and development as an influential trade association of professionals with an already significant footprint and presence in law and policy affecting most citizens of the State who use, rent,

own, and/or develop real estate, is to work hard on membership retention, renewals, and to create urgency and resources to continue developing new members by reaching out to law schools, law firms, and other outlets where the value of RELANC can be demonstrated for all of the real estate bar across North Carolina. This is what will keep RELANC both active and relevant for the next 10 years and beyond.

RELANC has accomplished much in its first ten years and with continued dedication among the state’s real property lawyers there is much more to achieve.

## Past Chairs/Presidents



Adam Foodman



Bob Ramseur



Tom Steele



Alan Ferguson



Hunter Edwards



Chris Salyer



Ashleigh Black



Jim Arges

# Tech-Stravaganza: Wire Fraud Preventative Measures



Tom Cronkright



CertifID protects you, your company and your customers from wire fraud. This easy to use solution allows you to validate customer identities, securely share wiring information, and guarantee each transfer. By leveraging industry leading security practices and real-time identity verification CertifID guarantees every transaction up to \$1,000,000 against fraud. The company protects over \$1 Billion in wire transactions every month, nationwide.

CertifID empowers any two parties to safely and securely exchange wiring instructions. Sign up, then begin sending requests to anyone involved in sending, receiving or changing wiring instructions in a transaction. CertifID ensures the authenticity of transaction-related communications by overlapping four proven processes:

- Digital Verification:** We ensure each user is connecting through trusted devices that they own or use on a regular basis.
- Knowledge Based Authentication (KBA):** We've created a series of customized "out of wallet" questions that only the authorized individual could know or answer.
- Two-Factor Authentication (2FA):** We require a unique one-time code that users must provide from a device that has been validated via text, call or Google Authenticator.
- Bank Account Certification:** We confirm and display the institution routing information and allow the account holder to confirm his/her own bank credentials before funds are transferred.

Paul Martin



The national ALTA Title & Settlement Agent Registry (ALTA Registry) is a searchable online database of underwriter-confirmed title agent companies, **real estate attorneys**, and underwriter direct offices.

Lenders and their vendors, title agents, underwriters, and other participants in the closing process must be able to identify each other and communicate in a timely and consistent manner throughout the mortgage transaction. **Because there has been no unique ID number used across the industry to help match provider records in different databases, communication has often been difficult and costly for the title industry and its customers.** This challenge can also impact compliance and vendor oversight requirements and the need for collaboration throughout the transaction.

As the national trade association for the land title insurance industry, ALTA is perfectly positioned to develop and maintain this industry utility. ALTA offers a unique 7-digit identifier, the ALTA ID, which is automatically assigned to each new database record as a permanent ID number and is never changed, reassigned, or reused. Branch offices have their own ALTA IDs and may be connected to primary business locations with no requirement for consecutive or numerically correlated ALTA ID numbers. ALTA ID numbers are available for free to title agents and to real estate attorneys.



# RELANC



Bonnie Biggs, Executive Director

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<http://www.relanc.com>

