

Adopted and Approved
2020 Calendar Year

BYLAWS



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Four Rivers Association of REALTORS®

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BYLAWS OF THE PAYETTE WASHINGTON COUNTIES BOARD OF REALTORS®, INC., DBA FOUR RIVERS ASSOCIATION OF REALTORS®

Adopted November 20, 2019; Effective January 01, 2020

Article I. NAME

Adoption of this article is required, verbatim, per NAR 2017 Model Bylaws; Section 1.02 is a mandatory provision.

Section 1.01 NAME

- 1) The name of this organization shall be Four Rivers Association of REALTORS®, hereinafter referred to as the "Association".

Section 1.02 REALTORS®

- 1) Inclusion and retention of the Registered Collective Membership Mark REALTORS® in the name of the Association shall be governed by the Constitution and Bylaws of the NATIONAL ASSOCIATION of REALTORS®, hereinafter referred to as NAR, as amended from time to time.

Article II. OBJECTIVES

Adoption of this article is required, verbatim, per NAR 2017 Model Bylaws.

Section 2.01 ASSOCIATION OBJECTIVES ARE:

- 1) To unite those engaged in the recognized branches of the Real Estate profession for the purpose of exerting a beneficial influence upon the profession and related interests.
- 2) To promote and maintain high standards of conduct in the Real Estate profession as expressed in the Code of Ethics of NAR.
- 3) To provide a unified medium for Real Estate owners and those engaged in the Real Estate profession whereby their interests may be safeguarded and advanced.
- 4) To further the interests of home and other real property ownership.
- 5) To unite those engaged in the Real Estate Profession in our communities with Idaho REALTORS® and/or Oregon Association of REALTORS® and NAR and thereby furthering their own objectives throughout the State and Nation and obtaining the benefits and privileges of membership therein.
- 6) To designate, for the benefit of the public, individuals authorized to use the terms of REALTOR® and REALTORS® as licensed, prescribed, and controlled by NAR.

Article III. JURISDICTION

Adoption of this article is required, verbatim, per NAR 2017 Model Bylaws.

Section 3.01 TERRITORIAL JURISDICTION

- 1) The territorial jurisdiction of the Association as a Member of NAR is to be Payette and Washington Counties, Idaho and Malheur County, Oregon.

Section 3.02 TERRITORIAL JURISDICTION DEFINED:

- 1) The right and duty to control the use of the terms REALTOR® and REALTORS®, subject to the conditions set forth in these Bylaws and those of NAR, in return for which the Association agrees to protect and safeguard the property rights of NAR in the terms.

Article IV. MEMBERSHIP

Adoption of this article is required, per NAR 2017 Model Bylaws; Section 4.01 (a-b) is a mandatory provision.

Section 4.01 THERE SHALL BE SEVEN (7) CLASSES OF MEMBERS, as follows:

- 1) **REALTOR® Members:** REALTOR® Members, whether primary or secondary shall be:
 - A. Individuals who, as sole proprietors, partners, corporate officers, or branch office managers, are engaged actively in the Real Estate profession, including buying, selling, exchanging, renting or leasing, managing, appraising for others for compensation, counseling, building, developing or subdividing Real Estate, and who maintain or are associated with an established Real Estate office in the States of Idaho and/or Oregon or a state contiguous thereto.
 - B. All persons who are partners in a partnership, or all officers in a corporation who are actively engaged in the Real Estate profession within the State or States contiguous thereto shall qualify for REALTOR® membership only, and each is required to hold REALTOR® membership (except as provided in the following paragraph) in an Association of REALTORS® within the State or States contiguous thereto, unless otherwise qualified for Institute Affiliate membership, as described in Article IV. Section 4.01.2.
 - a) In the case of a real estate firm, partnership or corporation, whose business activity is substantially all commercial, only those Principals actively engaged in the real estate business in connection with the same office, or any other offices within the jurisdiction of the Association, in which one of the firm's Principals holds REALTOR® membership unless otherwise qualified for Institution Affiliate-Membership as described in Article IV. Section 4.01.2.
 - C. Individuals who are engaged in the Real Estate profession, other than as sole proprietors, partners, corporate officers, or branch managers and are associated with a REALTOR® member and meet qualifications set out in the Article V.
 - D. Franchise REALTOR® Membership: Corporate officers (who may be licensed or unlicensed) of a Real Estate brokerage franchise organization, with at least one hundred fifty (150) franchisees located within the United States, its insular possessions and the commonwealth of Puerto Rico, elected to membership pursuant to the provisions in NAR *Constitution and Bylaws*. Such individuals shall enjoy all the rights, privileges and obligations of REALTOR® membership (including compliance with the Code of Ethics) except;
 - a) obligations related to Association-mandated education, meeting attendance, or indoctrination classes or other similar requirements;
 - b) the right to use the term REALTOR® in connection with their franchise organization's name; and,
 - c) the right to hold elective office in the Local, State, and National Associations.
 - E. Primary and Secondary REALTOR® Members: An individual is a primary member if the Association pays State and National dues based on such member. An individual is a secondary member if State and National dues are remitted through another Association.

- F. One of the Principals in the real estate firm must be a Principal Broker member of the Association for licensees affiliated with the firm, to select the Association as their *primary* Association.
 - a) The Principal Broker determines the primary state membership of individual REALTORS® in the firm or office.

- G. Principal Broker Members: Each firm (or office in the case of firms with multiple office locations) shall designate in writing one REALTOR® member who shall be responsible for all duties and obligations of membership, including the obligation to arbitrate (or to mediate if required by the Association) pursuant to Article 17 of the Code of Ethics and the payment of Association dues as established in Article X of the Bylaws.
 - a) The Principal Broker must be a sole proprietor, partner, corporate officer, or branch office manager acting on behalf of the firm's Principal(s) and must meet all other qualifications for REALTOR® membership established in Article V, Section 5.02 of the Bylaws.

NOTE: REALTOR® members may obtain membership in a “secondary” Association in another state.

2) **Institute Affiliate-Members:**

- A. Institute Affiliate members shall be individuals who hold a professional designation awarded by an Institute, Society, or Council affiliated with NAR that addresses a specialty area other than residential brokerage or individuals who otherwise hold class of membership in such Institute, Society, or Council that confers the right to hold office.
 - a) Any such individual, otherwise eligible may elect to hold REALTOR® or REALTOR-ASSOCIATE® membership, subject to payment of applicable dues for such membership.

3) **Affiliate-Members:**

- A. Affiliate members shall be Real Estate owners and other individuals’ firms who, while not engaged in the Real Estate profession as defined above but that have interests requiring information concerning Real Estate and are in sympathy with the objectives of the Association.

4) **Public Service Members:**

- A. Public Service members shall be individuals who are interested the Real Estate profession as employees of/or affiliated with educational, public utility, governmental, or other similar organizations, but are not engaged in the Real Estate profession on their own account or in association with an established Real Estate business.

5) **Honorary Members:**

- A. Honorary members shall be individuals not engaged in the Real Estate profession who have performed notable service for the Real Estate profession, for the Association or for the public.

6) **Student Members:**

- A. Student members shall be individuals who are seeking an undergraduate or graduate degree with a specialization or major in Real Estate at institutions of higher learning, and who have completed at least two years of college and at least one college level course in Real Estate but are not engaged in the Real Estate profession on their own account or not associated with an established Real Estate office.

7) **Product and Service Suppliers:**

- A. Product and Service Supplier Members shall be a business classification of affiliate members, whose business, while not engaged in the Real Estate profession as defined in

Article IV, Section 4.01.1, desires to support the local REALTOR® Association and are in sympathy with the objectives of the Association.

- a) The business or service of the Product and Service Supplier Member shall not be Real Estate related and they may choose not to participate in State and National membership.
- b) REALTOR® members who have a business not engaged in the Real Estate profession as defined in Article IV, Section 4.01.1 or 4.01.2 may qualify for this class of membership.

Article V. MEMBERSHIP QUALIFICATION AND ELECTION

Adoption of this article is required, verbatim, per NAR 2017 Model Bylaws

Section 5.01 APPLICATION

- 1) Application for membership shall be made in such manner and form as may be prescribed by the Board of Directors and made available to anyone requesting it. The application form shall contain among the statements to be signed by the applicant:
 - A. That the applicant agrees, as a condition to membership, to thoroughly familiarize himself/herself with the NAR Code of Ethics, the Constitutions, Bylaws, Rules and Regulations of the Association, the State and National Associations, and, if elected a member, will abide by the Constitutions, Bylaws and Rules and Regulations of the Association, State and National Associations and, if a REALTOR® member, will abide by the Code of Ethics of NAR, including the obligation to arbitrate (or to mediate if required by the Association) controversies arising out of Real Estate transactions as specified by Article 17 of the Code of Ethics, and as further specified in the NAR Code of Ethics and Arbitration Manual, as amended from time to time; and,
 - B. That the applicant consents that the Association, through this membership committee or otherwise, may invite and receive information and comment about the applicant from any member or other persons, and that the applicant agrees that any information and comment furnished to the Association by any person in response to the invitation shall be conclusively deemed to be privileged and not form the basis of any action for slander, libel, or defamation of character.
 - C. The applicant shall, with the form of application, have access to a copy of the Bylaws, Constitution, Rules and Regulations, and Code of Ethics referred to above.

Section 5.02 QUALIFICATION

- 1) An applicant for REALTOR® membership who is a sole proprietor, partner, corporate officer, or branch office manager of a Real Estate firm shall supply evidence satisfactory to the Association, through its Membership Committee or otherwise, that:
 - A. He/she is actively engaged in the Real Estate profession and maintains a current valid Real Estate Broker's or Salesperson's license or is licensed or certified by an appropriate State Regulatory Agency to engage in the appraisal of real property;
 - B. Has a place of business within the State of Idaho or Oregon, or a State Contiguous thereto (unless a secondary member);
 - C. Has no record of recent or pending bankruptcy*;
 - D. Has no record of official sanctions involving unprofessional conduct**;
 - E. Agrees to complete a course of instruction covering the Bylaws, Rules and Regulations of the Association, the Bylaws of the State Association, and the Constitution, Bylaws and Code of Ethics of NAR;

- F. Shall pass such reasonable and nondiscriminatory written examination thereon, as may be required by the committee; and,
 - G. Shall agree that, if elected to membership, he/she will abide by such Constitution, Bylaws, Rules and Regulations, and Code of Ethics.
- 2) Individuals who are actively engaged in the Real Estate profession other than as sole proprietors, partners, corporate officers, or branch managers, in order to qualify for REALTOR® membership, shall at the time of application:
- A. Be associated either as an employee or as an independent contractor with a Principal Broker member of the Association or a Principal Broker member of another Association, if a secondary member;
 - B. Must maintain a current, valid Real Estate Broker's or Salesperson's license or be licensed or certified by an appropriate State regulatory agency to engage in the appraisal of real property;
 - C. Have no record of official sanctions involving unprofessional conduct**;
 - D. Shall complete a course of instruction covering the Bylaws, Rules and Regulations of the Association, the Bylaws of the State Association, and the Constitution, Bylaws and Code of Ethics of NAR;
 - E. Shall pass such reasonable and nondiscriminatory written examinations thereon as may be required by the membership committee; and,
 - F. Shall agree in writing that, if elected to membership, he/she will abide by such Constitution, Bylaws, Rules and Regulations and the Code of Ethics.
- 3) The Association shall also consider the following in determining an applicant's qualifications for REALTOR® membership:
- A. All final findings of Code of Ethics violations and violations of other membership duties in this or any other REALTOR® Association within the past three (3) years;
 - B. Pending ethics complaints (or hearings);
 - C. Unsatisfied discipline pending;
 - D. Pending arbitration requests (or hearings);
 - E. Unpaid arbitration awards or unpaid financial obligations to this or any other REALTOR® Associations MLS; and,
 - F. Any misuse of the term REALTOR® or REALTORS® in the name of the applicant's firm.
- 4) "Provisional" membership may be granted in instances where ethics complaints or arbitration requests (or hearings) are pending in other Associations or where the applicant for membership has unsatisfied discipline pending in another Association, except for violations of the Code of Ethics (see NOTE 2 below), provided all other qualifications for membership have been satisfied.
- A. Associations may reconsider the membership status of such individuals when all pending ethics and arbitration matters, and related discipline have been resolved, or if such matters are not resolved within six (6) months from the date that provisional membership is approved.

- B. If a member resigns from another Association with an ethics complaint or arbitration request pending, the Association may condition membership on the applicant's certification that he/she will submit to the pending ethics or arbitration proceeding, in accordance with the established procedures of the Association to which the applicant has made application and will abide by the decision of the hearing panel.

NOTE 1: One or more of the requirements for REALTOR® membership set forth in Article V, Section 5.02 may be deleted at the Association's discretion. However, Associations may NOT adopt membership qualifications more rigorous than specified in the Membership Qualification Criteria for REALTOR® membership, approved by the Board of Directors of NAR.

NOTE 2: Article IV, Section 2 of NAR Bylaws prohibits member Boards from knowingly granting REALTOR® or REALTOR®-Associate membership to any applicant who has an unfulfilled sanction pending, which was imposed by another Association of REALTORS® for violation of the Code of Ethics.

* No "recent pending bankruptcy" is intended to mean that the applicant or any Real Estate firm in which the applicant is a sole proprietor, general partner, corporate officer or branch office manager is not involved in any pending bankruptcy or insolvency proceedings or has not been adjudged bankrupt in the past three (3) years. If a bankruptcy proceeding as described exists membership may not be rejected unless the Association establishes that its interests and those of its members and the public could not be adequately protected by requiring that the bankrupt applicant pay cash in advance for Association and MLS fees for up to one (1) year from the date that membership is approved or from the date that the applicant is discharged from bankruptcy, whichever is later. If an existing member initiates a bankruptcy proceeding the member may be placed on a "cash basis" from the date the bankruptcy was initiated until one (1) year from the date the member is discharged from bankruptcy.

** No "record of official sanctions involving unprofessional conduct" is intended to mean that the Association may only consider civil judgments imposed within the past seven (7) years involving judgments of; 1) Civil Rights Laws; 2) Real Estate License Laws, and; 3) other laws prohibiting unprofessional conduct against the applicant rendered by the courts or other lawful authorities. The Association may only consider criminal convictions within the past seven (7) years involving a crime that reasonably relates to the real estate business or puts clients, customers, or other real estate professionals at risk. The applicant must provide, and the Association must consider, mitigating factors relating to that criminal history.

Section 5.03 ELECTION

The procedure for election to membership shall be as follows:

- 1) The Association Executive, or duly authorized designee, shall determine whether the applicant is applying for the appropriate class of membership.
- 2) If the Association has adopted provisional membership applicants for REALTOR® membership may be granted provisional membership immediately upon submission of a completed application form and remittance of applicable association dues and any application fee.
 - A. Provisional members shall be considered REALTORS® and shall be subject to the same privileges and obligations of membership.
 - B. Provisional membership is granted subject to final review of the application by the Board of Directors.
- 3) If the board of directors determines that the individual does not meet all of the qualifications for membership as established in the association's Bylaws, or, if the individual does not satisfy all of the requirements of membership (i.e., completion of a mandatory orientation program) within

200 days from the association's receipt of their application, membership may, at the discretion of the Board of Directors, be terminated.

- A. The Board of Directors shall vote on the applicant's eligibility for membership. If the applicant receives a majority vote of the Board of Directors, he/she shall be declared elected to membership and shall be advised by via e-mail notice by the President.
- 4) Dues shall be computed from the date of application and shall be non-refundable unless the Association's Board of Directors terminates the individual's membership in accordance with Article V, Section 5.03.2.
 - A. In such instances, dues shall be returned to the individual less a prorated amount to cover the number of days that the individual received Association services and any application fee.
 - 5) The Board of Directors may not terminate any provisional membership without providing the provisional member with advance notice, an opportunity to appear before the Board of Directors, to call witnesses on his/her behalf, to be represented by counsel, and to make such statements as he/she deems relevant.
 - A. The Board of Directors may also have counsel present.
 - B. The Board of Directors shall require that written minutes be made of any hearing before it or may electronically or mechanically record the proceedings.
 - 6) If the Board of Directors determines that provisional membership should be terminated, it shall record its reasons with the Association Executive.
 - A. If the Board of Directors believes that termination of provisional membership may become the basis of litigation and a claim of damage by a provisional member, it may specify that termination shall become effective upon entry in a suit by the Association for a declaratory judgment by a court of competent jurisdiction of a final judgment declaring that the termination violates no rights of the applicant.

Section 5.04 NEW MEMBER CODE OF ETHICS ORIENTATION

- 1) Applicants for REALTOR® membership and provisional REALTOR® members, where applicable, shall complete an orientation program on the Code of Ethics of not less than two (2) hours and thirty (30) minutes of instructional time online.
 - A. This requirement does not apply to applicants for REALTOR® membership or provisional members who have completed comparable orientation in another Association, if REALTOR® membership has been continuous, or that any break in membership is one (1) year or less.
 - B. Failure to satisfy this requirement within 200 days of the date of application, or alternatively, the date that provisional membership was granted, will result in denial of the membership application or termination of provisional membership.

NOTE: Orientation programs must meet the learning objectives and minimum criteria established from time to time by NAR.

Section 5.05 REALTOR® CODE OF ETHICS TRAINING

- 1) Every REALTOR® member of the Association, except for REALTOR® members granted REALTOR® Emeritus status by NAR, shall be required to complete bi-annual Code of Ethics Training of not less than two (2) hours and thirty (30) minutes of instructional time.
 - A. This requirement will be satisfied upon presentation of documentation that the member has completed a course of instruction conducted by this or another Association, the State Association of REALTORS®, NAR, or any other recognized educational institution or provider which meets the learning objectives and minimum criteria established by NAR.

- B. REALTOR® members who have completed training as a requirement of membership in another Association and REALTOR® members who have completed the New Member Code of Ethics Orientation during any two (2) year cycle shall not be required to complete additional ethics training until a new two (2) year cycle commences.
- 2) Failure to satisfy the required periodic ethics training shall be considered a violation of a membership duty and will result in suspension of membership, at the discretion of the Board of Directors, for the first two months (January and February) of the year following the end of any two (2) year cycle or until the requirement is met, whichever occurs sooner.
- A. The membership of a member who is still suspended as of March 1 of that same year will be terminated at the discretion of the Board of Directors.

Section 5.06 STATUS AND INFORMATION CHANGE

- 1) A REALTOR® who changes the conditions under which he/she holds membership shall be required to provide written notification to the Association with 30 days.
- A. A REALTOR® (non-Principal) who becomes a Principal in the firm with which he/she has been licensed or, alternatively, becomes a Principal in a new firm which will be comprised of REALTOR® Principals, may be required to satisfy any previously unsatisfied membership requirements applicable to REALTOR® Principal members, and shall, during the period of transition from one status of membership to another, be subject to all of the privileges and obligations of a REALTOR® Principal.
 - B. If the REALTOR® (non-Principal) does not satisfy the requirements established in these Bylaws for the category of membership to which they have transferred within 30 days of the date they advised the Association of their change in status, their new membership application will terminate automatically, unless otherwise so directed by the Board of Directors.
 - C. Changes in contact information must be provided to the Board of Directors via e-mail within 30 days from the date the change was made effective.
- 2) A REALTOR® or REALTOR-ASSOCIATE®, where applicable, who is transferring his/her license from one firm comprised of REALTOR® Principals to another firm comprised of REALTOR® Principals shall be subject to all the privileges and obligations of membership during the period of transition.
- A. If the transfer is not completed within 30 days of the date the Association is advised of the disaffiliation with the current firm, the membership will terminate automatically unless otherwise directed by the Board of Directors.
 - B. The Board of Directors, at its discretion, may waive any qualification that the applicant has already fulfilled in accordance with the Association's Bylaws.
- 3) Any application fee related to a change in membership status shall be reduced by an amount equal to any application fee previously paid by the applicant.
- 4) Dues shall be prorated from the first day of the month in which the member is notified of election by the Board of Directors and shall be based on the new membership status for the remainder of the year.

Article VI. PRIVILEGES AND OBLIGATIONS

Section 6.01 SPECIFICATION OF PRIVILEGES AND OBLIGATIONS

- 1) The Privileges and Obligations of Members, any in addition to those otherwise provided in these Bylaws, shall be specified in this Article.

Section 6.02 REPRIMANDS, FINES, PROBATION, SUSPENSION OR EXPULSION

- 1) Any member of the Association may be reprimanded, fined, placed on probation, suspended, or expelled by the Board of Directors for a violation of these Bylaws and the Association Policies and Procedures consistent with these Bylaws, after a hearing as provided in the Code of Ethics and Arbitration Manual of the Association.
 - A. Although members other than REALTORS® are not subject to the Code of Ethics, nor its enforcement by the Association, such members are encouraged to abide by the principles established in the Code of Ethics of NAR and conduct their business and professional practices accordingly.
- 2) Members other than REALTORS® may, upon recommendation of the membership committee, or upon recommendation by a hearing panel of the Professional Standards Committee, be subject to discipline as described above, for any conduct, which, in the opinion of the Board of Directors, applied on a nondiscriminatory basis:
 - A. Reflects adversely on the terms REALTOR® or REALTORS® and the Real Estate Industry
 - B. That is inconsistent with, or adverse to the objectives and purposes of the Local Association, the State Association, and NAR.

Section 6.03 DISCIPLINARY AUTHORITY

- 1) Any REALTOR® member of the Association may be disciplined by the Board of Directors for violations of the Code of Ethics or other duties of membership, after a hearing as described in the Code of Ethics and Arbitration Manual of the Association, provided that the discipline imposed is consistent with the discipline authorized by the Professional Standards Committee of NAR as set forth in the Code of Ethics and Arbitration Manual of NAR.

Section 6.04 RESIGNATION

- 1) The resignation of a member shall become effective when received in writing by the Board of Directors.
- 2) If the member submitting the resignation is indebted to the Association for dues, fee, fines, or other assessments of the Association or any of its services, departments, divisions, or subsidiaries, the Board of Directors may condition the right of the resigning member to reapply for membership upon payment in full of all such monies owed.

Section 6.05 RESIGNATION/TERMINATION WITH A PENDING ETHICS COMPLAINT

- 1) If a member resigns from the Association or otherwise causes membership to terminate with an ethics complaint pending, the Board of Directors may condition the right of the resigning member to reapply for membership upon the applicant's certification that he/she will submit to the pending ethics proceeding and will abide by the decision of the hearing panel.
- 2) If a member resigns or otherwise causes membership to terminate, the duty to submit to arbitration, or to mediation if required by the Association, continues in effect even after membership lapses or is terminated, provided that the dispute arose while the former member was a REALTOR®.

Section 6.06 REALTOR® STATUS

- 1) REALTOR® members, whether primary or secondary, in good standing whose financial obligations to the Association are paid in full shall be entitled to:
 - A. Vote
 - B. Hold elected office in the Association
 - C. May use the terms REALTOR® and REALTORS®, which use shall be subject to the provisions of Article VIII

- D. Have the primary responsibility to safeguard and promote the standards, interests, and welfare of the Association and the Real Estate profession.
- 2) If a REALTOR® member is a sole proprietor in a firm, a partner in a partnership or an officer in a corporation and is suspended or expelled, the firm, partnership or corporation shall not use the terms REALTOR® or REALTORS® in connection with its business during the period of suspension, or until readmission to REALTOR® membership, or unless connection with the firm, partnership, or corporation is severed, whichever may apply.
 - A. The membership of all other Principals, partners or corporate officers shall suspend or terminate during the period of suspension of the disciplined member, or until readmission of the disciplined member, or unless connection of the disciplined member with the firm, partnership, or corporation is severed, whichever may apply.
 - B. Further, the members of REALTORS® other than Principals who are employed by or affiliated as independent contractors with the disciplined member shall suspend or terminate during the period of suspension of the disciplined member or until readmission of the disciplined member or until connection of the disciplined member with the firm, partnership, or corporation is severed, or unless the REALTOR® member (non-Principal) elects to sever his/her connection with the REALTOR® and affiliate with another REALTOR® member in good standing in the Association, whichever may apply.
 - a) If a REALTOR® member who is other than a Principal in a firm, partnership, or corporation is suspended or expelled, the use of the terms REALTOR® or REALTORS® by the firm, partnership, or corporation shall not be affected.
 - 3) In any action taken against a REALTOR® member for suspension or expulsion under Article VI, Section 6.02 hereof, notice of such action shall be given to all REALTORS® employed by or affiliated as independent contractors with such REALTOR® member and they shall be advised that the provisions in Article VI, Section 6.02 apply.

Section 6.07 INSTITUTE AFFILIATE MEMBERS

- 1) Institute Affiliate members shall have rights and privileges and be subject to obligations prescribed by the Board of Directors consistent with the Constitution and Bylaws of NAR.

NOTE: Local Associations establish the rights and privileges to be conferred on Institute Affiliate members except that no Institute Affiliate member may be granted the right to use the term REALTOR®, REALTOR-ASSOCIATE®, or the REALTOR® logo; to serve as President of the Local Association; or to be a participant in the Local Association's Multiple Listing Service.

Section 6.08 AFFILIATE MEMBERS

- 1) Affiliate members shall have rights and privileges and be subject to obligations prescribed by the Board of Directors.

Section 6.09 PUBLIC SERVICE MEMBERS

- 1) Public Service members shall have rights and privileges and be subject to obligations prescribed by the Board of Directors.

Section 6.10 HONORARY MEMBERS

- 1) Honorary membership shall confer only the right to attend meetings and participate in discussions.

Section 6.11 STUDENT MEMBERS

- 1) Student members shall have rights and privileges and be subject to obligations prescribed by the Board of Directors.

Section 6.12 PRODUCT AND SERVICE SUPPLIER MEMBERS

- 1) Product and Service Supplier Members shall have rights and privileges and be subject to obligations prescribed by the Board of Directors.

Section 6.13 CERTIFICATION BY PRINCIPAL BROKER

- 1) Principal Broker members of the Association shall certify to the Association during the month of January, on a form provided by the Association, a complete listing of all individuals licensed or certified in the Principal Broker's office(s) and shall designate a Primary State and Local Association for each individual who holds membership.
 - A. Principal Broker shall also identify any non-member licensees in the REALTOR®'s office(s) and if Principal Broker dues have been paid to another Association based on said non-member licensees, the Principal Broker shall identify the Association to which dues have been remitted.
 - B. Principal Broker members shall also notify the Association of any additional individual(s) licensed or certified with the firm(s) within 30 days of the date of affiliation or severance of the individual.

Section 6.14 HARASSMENT

- 1) Any member of the Association may be reprimanded, placed on probation, suspended or expelled for harassment of an Association or MLS Employee or Association Officer or Director after an investigation in accordance with the procedures of the Association.
 - A. As used in this section, harassment means any verbal or physical conduct including threatening or obscene language, unwelcome sexual advances, stalking, actions including strikes, shoves, kicks, or other similar physical contact, or threats to do the same, or any other conduct with the purpose or effect of unreasonably interfering with an individual's work performance by creating a hostile, intimidating or offensive work environment.
- 2) Upon consultation with legal counsel for the Association, the decision of the appropriate disciplinary action to be taken shall be made by the investigatory team comprised of the President, President-Elect and one member of the Board of Directors selected by the highest-ranking officer not named in the complaint.
 - A. If the complaint names the President or President-Elect they may not participate in the proceedings and shall be replaced by the immediate past President, or alternatively, by another member of the Board of Directors selected by the highest-ranking officer not named in the complaint.
 - B. Disciplinary action may include any sanction authorized in the Association's Code of Ethics and Arbitration Manual.

NOTE: Guidance for processing complaints of harassment are available on line at <http://www.REALTOR.org>, or from the Member Policy Department.

Article VII. PROFESSIONAL STANDARDS AND ARBITRATION

Section 7.01 ENFORCEMENT OF THE CODE OF ETHICS

- 1) The responsibility of the Association and of Association members relating to the enforcement of the Code of Ethics, the disciplining of members, and the arbitration of disputes, and the organization and procedures incident thereto, shall be governed by the Code of Ethics and Arbitration Manual of NAR, as amended from time to time, which is by this reference incorporated into these Bylaws, provided however, that any provision deemed inconsistent with State Law shall be deleted or amended to comply with State Law.

Section 7.02 DUTIES AND RESPONSIBILITIES

- 1) It shall be the duty and responsibility of every REALTOR® member of this Association to abide by the Constitution, Bylaws and the Rules and Regulations of the Association, the Constitution and Bylaws of the State Association, the Constitution and Bylaws of NAR, and to abide by the Code of Ethics of NAR, including the duty to arbitrate controversies arising out of Real Estate transactions as specified by Article 17 of the Code of Ethics, and as further defined and in accordance with the procedures set forth in the Code of Ethics and Arbitration Manual of this Association, as amended from time to time.

Section 7.03 THE COOPERATIVE PROFESSIONAL ENFORCEMENT STANDARDS

- 1) The responsibility of the Association and Association members relating to the enforcement of the Code of Ethics, the disciplining of members, the arbitration of disputes, and the organization and procedures incident thereto, shall be consistent with the cooperative professional standards enforcement agreement entered in to by the Association, which by this reference is made a part of these Bylaws.

Article VIII. USE OF THE TERMS REALTOR® AND REALTORS®

Section 8.01 NAR PROVISIONS

- 1) Use of the terms REALTOR® and REALTORS® by members shall always be subject to the provisions of the Constitution and Bylaws of NAR, and to the Rules and Regulations prescribed by its Board of Directors.
 - A. The Association shall have the authority to control, jointly and in full cooperation with NAR, use of the terms within its jurisdiction.
 - B. Any misuse of the terms by members is a violation of membership duty and may subject members to disciplinary action by the Board of Directors after a hearing as provided for in the Association's Code of Ethics and Arbitration Manual.

Section 8.02 PRIVILEGE

- 1) REALTOR® members of the Association shall have the privilege of using the terms REALTOR® and REALTORS® in connection with their places of business within the State or a State Contiguous thereto so long as they remain REALTOR® members in good standing. No other class of members shall have this privilege.

Section 8.03 PRINCIPALS

- 1) A REALTOR® member who is a Principal of a Real Estate firm, partnership, or corporation may use the terms REALTOR® and REALTORS® only if all the Principals of such firm, partnership, or corporation, who are actively engaged in the Real Estate profession within the State or a State Contiguous thereto, are REALTOR® members or Institute Affiliate members as described in Article IV, Section 4.01.1.B.
 - A. In the case of a REALTOR® member who is a Principal of a Real Estate firm, partnership, or corporation whose business activity is substantially all commercial, the right to use the term REALTOR® or REALTORS® shall be limited to office locations in which a Principal, partner, corporate officer or branch office manager of the firm, partnership, or corporation holds REALTOR® membership.
 - B. If a firm, partnership, or corporation operates additional places of business in which no Principal, partner, corporate officer or branch office manager holds REALTOR® or REALTORS® may not be used in any reference to those additional places of business.

Section 8.04 INSTITUTE AFFILIATE MEMBERS

- 1) Institute Affiliate members shall not use the terms REALTOR® or REALTORS®, nor the imprint of the emblem seal of NAR.

Article IX. STATE AND NATIONAL MEMBERSHIPS

Section 9.01 ASSOCIATION MEMBERSHIP

- 1) The Association shall be a Member of NAR, the Idaho Association of REALTORS® and the Oregon Association of REALTORS®.
 - A. The Association shall continue as a member of the State and National Associations, unless by a majority vote of all its REALTOR® members, a decision is made to withdraw.
 - a) The State and National Associations shall be notified of such withdrawal at least one month in advance of the date designated for termination of such membership.

- 2) By reason of the Association's Membership, each REALTOR® member of the Member Association shall be entitled to membership in NAR, and, upon payment of dues as established by the Idaho Association of REALTORS®, to membership in its State Association, or upon payment of dues to the Oregon Association of REALTORS® to membership in its Association.

Section 9.02 EXCLUSIVE PROPERTY RIGHTS OF NAR

- 1) The Association recognizes the exclusive property rights of NAR in the terms REALTOR® and REALTORS®.
 - A. The Association shall discontinue use of the terms, in any form, in its name upon ceasing to be a member of NAR, or upon a determination by the Board of Directors of NAR that it has violated the conditions imposed upon the terms.

Section 9.03 ADOPTION OF THE NAR CODE OF ETHICS

- 1) The Association adopts the Code of Ethics of NAR and agrees to enforce the Code among its REALTOR® members.

- 2) The Association and all its members agree to abide by the Constitution, Bylaws, Rules and Regulations, and policies of NAR and the Idaho and Oregon Associations of REALTORS®.

Article X. DUES AND ASSESSMENTS (POLICIES AND PROCEDURES ARTICLE V, SECTION 5.05)

Section 10.01 APPLICATION FEE

- 1) The Board of Directors may adopt an application fee for REALTOR® membership in a reasonable amount, not exceeding three (3) times the amount of the annual dues for REALTOR® membership, which shall be required to accompany each application for REALTOR® membership and which shall become the property of the Association upon final approval of the application.

Section 10.02 DUES

The annual dues of members shall be as follows:

- 1) REALTOR® Members: The annual dues of each Principal Broker shall be in such amount as established annually by the Board of Directors, plus an additional amount to be established annually by the Board of Directors times the number of Real Estate Salespersons and licensed or certified appraisers who are:
 - A. Employed by or affiliated as independent contractors, or who are otherwise directly or indirectly licensed with such REALTOR® member; and,

 - B. Non-REALTOR® members of any Association in the State or a State Contiguous thereto or Institute Affiliate members of the Association.
 - a) In calculating the dues payable to the Association by a Principal Broker member, non-member licensees as defined in Article X, Section 10.02.1, A and B shall not be included in the computation of dues if the Principal Broker has paid dues based on said non-member licensees in another Association in the State or a State

Contiguous thereto, provided the Principal Broker notifies the Association in writing of the identity of the Association to which dues have been remitted.

- b) In the case of a Principal Broker member in a firm, partnership, or corporation whose business activity is substantially all commercial any assessments for non-member licensees shall be limited to licensees affiliated with the Principal Broker, as defined in Article X, Section 10.02.1, A and B, in the office where the Principal Broker holds membership, and any other offices of the firm located within the jurisdiction of this Association.
 - C. A REALTOR® with a direct or indirect ownership interest in an entity engaged exclusively in soliciting and/or referring clients and customers to the REALTOR® for consideration on a substantially exclusive basis shall annually file with the Association on a form approved by the Association a list of the licensees affiliated with that entity and shall certify that all of the licensees affiliated with the entity are solely engaged in referring clients and customers and are not engaged in listing, selling, leasing, renting, managing, counseling, or appraising real property.
 - a) The individuals disclosed on such form shall not be deemed to be licensed with the REALTOR® filing the form for purposes of this section and shall not be included in calculating the annual dues of the Principal Broker.
 - D. The exemption for any licensee included on the certification form shall automatically be revoked upon the individual being engaged in Real Estate licensed activities, (e.g., listing, selling, leasing, renting, managing, counseling, or appraising real property), other than referrals, and dues for the current fiscal year shall be payable.
 - E. Membership dues shall be prorated for any licensee included on a certification form submitted to the Association who, during the same calendar year, applies for REALTOR® or REALTOR-ASSOCIATE® membership in the Association.
 - a) Membership dues shall not be prorated if the licensee held REALTOR® or REALTOR-ASSOCIATE® membership during the preceding calendar year.
- 2) REALTOR® Members
 - A. The annual dues of REALTOR® members other than the Principal Broker shall be as established annually by the Board of Directors.
 - 3) Institute Affiliate-Members
 - A. The annual dues of each Institute Affiliate member shall be as established in Article II of the NAR Bylaws.
 - 4) Affiliate-Members
 - A. The annual dues of each Affiliate member shall be as established annually by the Board of Directors.
 - 5) Public Service Members
 - A. The annual dues of each Public Service member shall be as established annually by the Board of Directors.
 - 6) Honorary Members
 - A. Dues payable, if any, shall be at the discretion of the Board of Directors.
 - 7) Student Members
 - A. Dues payable, if any, shall be at the discretion of the Board of Directors.

- 8) Product and Service Suppliers
 - A. The dues of each Product and Service Supplier member shall be in such amount as established annually by the Board of Directors,

NOTE: For the purpose of this section a REALTOR® member of a Member Board shall be held to be any member who has a place or places of business within the State or a State Contiguous thereto and who, as a Principal, partner, corporate office, or branch office manager of a Real Estate firm, partnership, or corporation, is actively engaged in the Real Estate profession as defined in Article III, Section 1 of the NAR Constitution. An individual shall be deemed to be licensed with a REALTOR® if the license of the individual is held by the REALTOR® or by any broker who is licensed with the REALTOR®, or by any entity in which the REALTOR® has a direct or indirect ownership interest and which is engaged in other aspects of the Real Estate business (except as provided for in Article X, Section 10.02.1, A) provided that such licensee is not otherwise included in the computation of dues payable by the Principal, partner, corporate officer, or branch office manager of the entity.

NOTE: The Institutes, Societies, and Councils of NAR shall be responsible for collecting and remitting dues to NAR for Institute Affiliate members (\$105). NAR shall credit \$35 to the account of a Local Association for each Institute Affiliate-Member whose office address is within the assigned territorial jurisdiction of that Association, provided, however, if the office location is also within the territorial jurisdiction of a Commercial Overlay Board (COB), the \$35 amount will be credited to the COB, unless the Institute Affiliate member directs that the dues be distributed to the other Association. NAR shall also credit \$35 to the account of State Associations for each Institute Affiliate member whose office address is located within the territorial jurisdiction of the State Association. Local and State Associations may not establish any additional entrance, initiation fees or dues for Institute Affiliate members, but may provide service packages to which Institute Affiliate members may voluntarily subscribe.

Section 10.03 DUES PAYABLE (Policies and Procedures Article V, Section 5.04)

- 1) Dues for all members shall be payable annually in advance of the first day of January.
- 2) Dues for new members shall be computed from the first day of the month in which provisional membership is granted and shall be prorated for the remainder of the year.

Section 10.04 NON-PAYMENT OF FINANCIAL OBLIGATIONS (Policies and Procedures Article V, Section 5.05)

- 1) If dues, fines, or other assessments including amounts owed to the Association or the Association's Multiple Listing Service are not paid by January 15th of each year the unpaid member will be inactivated in NRDS.
 - A. Members who fail to pay by February 28th will be inactivated in NRDS on March 1st by their primary association.
 - B. IR will send a notice via email to the broker of every unpaid agent no later than January 15th. This notice shall include information about the February 15th deadline for cutting off that broker's office from accessing Idaho REALTORS® forms. This notice will also include options for the broker, which include paying the delinquent dues for the agent or inactivating the unpaid agent with the Idaho Real Estate Commission.
- 2) A former member who has had his/her membership terminated for nonpayment of dues, fees, fines, or other assessments, duly levied in accordance with the provisions of these Bylaws or the provisions of other Rules and Regulations of the Board or any of its services, departments, divisions, or subsidiaries may apply for reinstatement in a manner prescribed for new applicants for membership, after making payment in full of all accounts due as of the date of termination, including a reinstatement fee of \$100 if Idaho and \$50 if Oregon.
 - A. The Principal Broker must also pay a reinstatement fee of \$100 if Idaho and \$50 if Oregon.

- 3) Invoices that run 90 days past due will be turned over to a collection agency for retrieval of funds.
- 4) The membership status of any member sent to collections for nonpayment of fines, fees, dues and other assessments shall be terminated at the discretion of the Board of Directors.

Section 10.05 DEPOSITS AND EXPENDITURES (Policies and Procedures Article I, Section 1.02)

- 1) Deposits and expenditures of funds shall be in accordance with policies established by the Board of Directors.

Section 10.06 NOTICE OF DUES, FEES, FINES, ASSESSMENTS AND OTHER FINANCIAL OBLIGATIONS

- 1) All dues, fees, fines, assessments, or other financial obligations to the Association or Association Multiple Listing Service shall be noticed to the delinquent Association member in writing setting forth the amount owed and the due date.

Section 10.07 DUES FOR REALTORS® EMERITI (Policies and Procedures Article V, Section 5.04)

- 1) The dues of REALTOR® members who are REALTOR® Emeriti, as recognized by NAR, past Presidents and past Treasurers of NAR, or recipients of the Distinguished Service Award shall be so determined by the Board of Directors.

NOTE: A Member Board's dues obligation to NAR is reduced by an amount equal to the amount which the Board is assessed for a REALTOR® Member, times the number of REALTOR® Emeriti, as recognized by NAR, past Presidents and past Treasurers of NAR, and recipients of the Distinguished Service Award of NAR who are REALTOR® Members of the Board. The dues obligation of such individuals to the local Board should be reduced to reflect the reduction in the Board's dues obligation to NAR. The Board may, at its option, choose to have no dues requirement for such individuals except as may be required to meet the Board's obligation to the State Association with respect to such individuals. Member Boards should determine whether the dues payable by the Board to the State Association are reduced with respect to such individuals. It should be noted that this does not affect a Principal Broker's dues obligation to the Board with respect to those licensees employed by or affiliated with the Principal Broker who are not Members of the local Board.

Section 10.08 ANNUAL REQUIREMENT TO FILE MEMBER REPORT

- 1) By January 1 of each year Member Board and Association shall file with Idaho REALTORS®, in such a format as mutually agreed upon by Idaho REALTORS® and the member Board/Association, an alphabetical list of those employed by or affiliated as independent contractors with REALTOR® members.
 - A. This shall be certified by the President and Secretary of the Member Board, and that Member Board shall report to the State the alphabetical list, sorted by last name, which will include:
 - a) NRDS number of its REALTORS®
 - b) IREC issued license number of its REALTORS®
 - c) Institute Affiliate, Affiliate-Members and the Real Estate salespersons; and,
 - d) The licensed and certified appraisers

Article XI. OFFICERS AND DIRECTORS

Section 11.01 OFFICERS (Policies and Procedures Article I, Section 1.01)

1. The elected officers of the Association shall be:
 - A. President
 - a) Serves a one-year term
 - b) Effective January 2020 shall hold dual licensure in both Idaho and Oregon.
 - c) Has held the position of President-Elect
 - d) Shall be the successor to the office of Immediate Past President

- B. President-Elect
 - a) Serves a one-year term
 - b) Shall automatically ascend to the office of President
 - c) Should hold a dual licensure in both Idaho and Oregon
 - a. Should a dual licensed REALTOR® not be available to seek office, an Idaho or Oregon licensed REALTOR® may run for President-Elect.
 - d) If there is no REALTOR® member with (1) one-year prior Board experience, then anyone in the Association may hold office of President-Elect;

- C. Secretary/Treasurer
 - a) Serve a two-year term

Section 11.02 DUTIES OF OFFICERS (Policies and Procedures Article I, Section 1.02)

- 1) The duties of the officers shall be such as their titles, by general usage, would indicate and such as may be assigned to them by the Board of Directors.

Section 11.03 BOARD OF DIRECTORS (Policies and Procedures Article I, Section 1.01)

- 1) The governing body of the Association shall be a Board of Directors consisting of the President, President-Elect, Secretary/Treasurer, the immediate past President of the Association, and seven (7) elected REALTOR® members of the Association, one (1) each representing those positions listed below.

- 2) At least one (1) of either Malheur, Payette or Washington County Directors shall be licensed in the State of Oregon.

- 3) Should one or more of the counties fail to provide a qualified and duly elected Director to serve, the remaining Directors shall appoint one from anywhere in the Association.
 - A. Malheur County Director
 - a. Serves a three (3) year term
 - b. Must be a local REALTOR®, preferably from Malheur County

 - B. Payette County Director
 - a. Serves a three (3) year term
 - b. Must be a local REALTOR®, preferably from Payette County

 - C. Washington County Director
 - a. Serves a three (3) year term
 - b. Must be a local REALTOR®, preferably from Washington County

 - D. The Association Representative to the IMLS (preferably one who holds dual licensure in Idaho and Oregon)
 - a. Serves a two-year term
 - b. May come from anywhere within the Association
 - c. Must be a local REALTOR®

 - E. Affiliate-Member Director
 - a. Serves a two-year term
 - b. Must be an individual affiliate member of the Association, or an employee of a current affiliate member

 - F. Director of the Idaho Association of REALTORS®
 - a. Serves a three-year term
 - b. Must be a licensed REALTOR® in the State of Idaho

- G. Director of the Oregon Association of REALTORS®
 - a. Serves a three-year term
 - b. Must be a licensed REALTOR® in the State of Oregon

Section 11.04 ELECTIONS OF OFFICERS AND DIRECTORS (Policies and Procedures Article 2, Section 2.03)

- 1) The Board of Directors shall identify one (1) candidate for each office and one (1) candidate for each place to be filled on the Board of Directors no less than two (2) months prior to the Annual Election.
- 2) The election of officers and directors shall take place at the annual meeting.
- 3) In the case of a tie the President will have the deciding vote.

Section 11.05 VACANCIES (Policies and Procedures Article 2, Section 2.04)

- 1) Vacancies among the officers and the Board of Directors shall be filled by a simple majority vote of the Board of Directors until the next annual election.

Section 11.06 REMOVAL OF OFFICERS AND DIRECTORS (Policies and Procedures, Article I, Section 1.03)

- 1) If an Officer or Director is deemed to be incapable of fulfilling the duties for which elected, but will not resign from office voluntarily, the Officer or Director may be removed from office in accordance with Policies and Procedures.

Section 11.07 ASSOCIATION EXECUTIVE

- 1) There shall be an Association Executive, hired by the Board of Directors, who shall be the Administrative Officer of the Association.
- 2) The Association Executive shall have the authority to hire, supervise, evaluate and terminate other staff, if any, and shall perform such other duties as prescribed by the Board of Directors.

Section 11.08 ABSENTEE VOTING (Policies and Procedures, Article 2, Section 2.05)

- 1) Guidelines for absentee elections shall be conducted in accordance with Policies and Procedures.

Article XII. COMMITTEES

Section 12.01 ALL COMMITTEES (Policies and Procedures, Article I, Section 1.05)

- 1) All committees will be filled on a volunteer basis except for the REALTOR® of the Year, which will consist of the last three (3) recipients
- 2) A list of available committees will be given out at the end of each year for the upcoming year.

Article XIII. FISCAL AND ELECTIVE YEAR

Section 13.01 FISCAL YEAR

- 1) The fiscal year of the Association shall be January 1 to December 31.

Section 13.02 ELECTIVE YEAR

- 1) The elective year of the Association shall be January 1 to December 31.

