

Policies of Spokane Association of REALTORS®



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**POLICIES OF THE
SPOKANE ASSOCIATION OF REALTORS®**

KNOW ALL PERSONS BY THESE PRESENTS, that the undersigned, being the President and Secretary of the SPOKANE ASSOCIATION OF REALTORS®, a Washington nonprofit corporation (hereinafter referred to as "Association"), do hereby certify that the Following Policies have been duly adopted by the Association's Board of Directors. Capitalized terms that are used, but not define, in this document will have the meanings ascribed to them in the Association's Bylaws, as adopted from time to time.

Section 1
Use of REALTOR® Term

If a REALTOR® member is a principal in a real estate firm and is suspended or expelled, or if such a principal resigns from the Association, or if the membership of such a principal in the Association is otherwise terminated, the real estate firm and the REALTOR® members employed by or affiliated with such firm 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 real estate firm is severed, whichever may apply. The membership of all other principals of such real estate firm, and of all REALTOR® members employed by or affiliated with such real estate firm shall be suspended or terminated 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 real estate firm is severed, whichever may apply. Further, the membership 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 discipline Member or until readmission of the discipline Member or until connection of the discipline Member with the firm, partnership, or corporation is severed, or unless the REALTOR® Member (non-principal) elects to sever his connection with the REALTORS® and affiliate with another REALTOR® Member in good standing in the Association, whichever may apply. If a REALTOR® member who is other than a principal in a real estate firm is suspended or expelled, the use of the terms REALTOR® or REALTORS® by the real estate firm shall not be affected. In any action taken against a REALTOR® member for suspension or expulsion under this Section, 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 of this Section shall apply.

Section 2
Sanctions for Violations

Any member of the Association may be reprimanded, fined, placed on probation, suspended or expelled by the Board of Directors for a violation of the Bylaws, Association Rules and Regulations which are not inconsistent with the Bylaws, or these Policies; in each case, after a hearing as provided in the Code of Ethics and Arbitration Manual of the Association. Although members other than REALTOR® members are not subject to the Code of Ethics or its enforcement by the Association, such members are encouraged to abide by the principles established in the Code of Ethics of the National Association of REALTORS® and conduct their business and professional practices accordingly. Further, members other than REALTOR® members may, 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, reflects adversely on the terms REALTOR® or REALTORS®, and the real estate industry, or for conduct that is inconsistent with or adverse to the objectives and purposes of the Association, the State Association, or the National Association of REALTORS®.

Section 3
Resignation

Resignations of members shall become effective when received in writing by the Board of Directors, provided, however, that if the member submitting the resignation is indebted to the Association for dues, fees, fines, or other assessments of the Association or for any of its services, departments, divisions, or subsidiaries, the right of the resigning member to reapply for membership shall be conditioned upon payment in full of all such monies owed. If a member resigns from the Association or otherwise causes membership to terminate with an ethics complaint pending, the Association may condition the right of the resigning member to reapply for membership upon the applicant's certification that the member will submit to the pending ethics proceeding and will abide by the decision of the hearing panel. If a member resigns or otherwise causes membership to terminate, the duty

to submit to arbitration continues in effect even after membership lapses or is terminated, provided that the dispute arose while the former member was a REALTOR®.

Section 4

Designation of Designated REALTOR®

If only one REALTOR® member is principal of a real estate firm, such REALTOR® member shall certify such fact to the Association during the month of January of each year on a form provided by the Association and shall certify the Designated REALTOR® for such real estate firm to the Association therein. If two (2) or more REALTOR® members are principals of the same real estate firm, such REALTOR® members shall jointly certify the Designated REALTOR® for such real estate firm to the Association during the month of January of each year on a form provided by the Association. Such form may require the acceptance in writing of such designation and the responsibilities incident thereto by the Designated REALTOR®. Such designation shall remain in full force and effect until revoked in writing by the individual designated as the designated REALTOR® or superseded by a subsequent designation of a Designated REALTOR® by such real estate firm. If a Designated REALTOR® revokes their designation as the Designated REALTOR® for a real estate firm, becomes disqualified to act as Designated REALTOR® for such firm; or if the status of such individual as Designated REALTOR® for such firm otherwise terminates, the principal or principals of such firm shall immediately designate a new Designated REALTOR® for such firm. The Designated REALTOR® must be a REALTOR® member and must hold a current and valid license as a real estate managing broker pursuant to Chapter 18.85 of the Revised Code of Washington or a current and valid license or certification as a licensed or certified real estate appraiser pursuant to Chapter 18.140 of the Revised Code of Washington.

Section 5

Certification by Designated REALTOR®

Designated REALTOR® members of the Association shall certify to the Association during the month of January of each year on a form provided by the Association, a complete listing of all individuals licensed or certified in the REALTOR®'s office(s) and shall designate a primary Association for each individual who holds membership. Designated REALTOR®s shall also identify any non-member licensees in the REALTOR®'s office(s) and if Designated REALTOR® dues have been paid to another Association based on said non-member licensees, the Designated REALTOR® shall identify the Association to which dues have been remitted. These declarations shall be used for purposes of calculating dues payable to the Association. Designated REALTOR® members shall also notify the Association of any addition or deletion of any individual subsequently employed by or affiliated as an independent contractor with such real estate firm or otherwise subsequently licensed to such Designated REALTOR® within thirty (30) days of the date of employment, affiliation or licensing of the individual.

Section 6

Harassment

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 by the investigatory team described below. 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. The decision of the appropriate disciplinary action to be taken shall be made by the investigatory team comprised of the President, and President-Elect and/or Vice President and one member of the Board of Directors selected by the highest-ranking officer not named in the complaint, upon consultation with legal counsel for the Association. Disciplinary action may include any sanction authorized in the Association's Code of Ethics and Arbitration Manual. If the complaint names the President, President-Elect or Vice President, 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.

Section 7

State Association Directorships

The members of the Board of Directors shall serve as a nominating committee to fill the positions assigned to the Association on the board of directors of the State Association. The Board of Directors shall timely submit a nominee for each available position.

Section 8
Dues and Financial Obligations

The Institutes, Societies and Councils of the National Association shall be responsible for collecting and remitting dues to the National Association for Institute Affiliate Members (\$105.00). The National Association shall credit \$35.00 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 \$35.00 amount will be credited to the COB, unless the Institute Affiliate Member directs that the dues be distributed to the other board. The National Association shall also credit \$35.00 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 9
Dues for Life Members

REALTOR® members who have been REALTOR® members for not less than twenty-five (25) consecutive years, have attained the age of sixty-five (65) years and have been so elected by the Board of Directors shall have life membership status with respect to dues. The dues of each life member shall be in such amount as is established by the Board of Directors; provided, however, that a life member of the Association who also has REALTOR® Emeritus status in the National Association of REALTORS® shall pay no dues.

Section 10
Payment of Dues

Dues for all members shall be payable annually in advance on the 1st day of January of each calendar year. The Board of Directors may, in its discretion, establish discounts for prepayment of dues, and establish fees for payment of dues by credit card. In January of each calendar year each Designated REALTOR® shall file with the Board of Directors a list of all licensees employed by or affiliated as independent contractors with such Designated REALTOR® and indicate thereon those of such licensees, if any, who are not themselves members. Such list shall be submitted to the Association with the dues payment of each Designated REALTOR®. If a Designated REALTOR® shall thereafter employ or affiliate with a licensee who is not a member, the Designated REALTOR® shall notify the Association thereof and such notice shall include the name of such licensee and the date of such employment or affiliation. Such notice shall be given within thirty (30) days following such employment or affiliation. If a Designated REALTOR® shall employ or affiliate with any licensee who is not a member or with any licensee whose membership is terminated for any reason, including nonpayment of dues, the dues of the Designated REALTOR® for the calendar year in which such event occurs shall be increased on a pro rata basis for the remainder of such calendar year in order to reflect the additional dues payable by the Designated REALTOR® as a result thereof. Such additional dues shall be payable within thirty (30) days following the vent resulting in such an increase in the dues payable by the Designated REALTOR®. Notwithstanding the foregoing provisions, there shall be no increase in the dues payable by a Designated REALTOR® as the result of employment or affiliation with a licensee who is not a member if such licensee shall apply for membership and pay the dues required in connection therewith within five (5) days following such employment or affiliation or, in the case of termination of membership of such licensee, if the Designated REALTOR® shall terminate such employment or affiliate within five (5) days following such termination of membership. All dues shall be non-refundable.

Section 11
Nonpayment of Dues

If dues are not paid within thirty (30) days after the due date, the nonpaying member is subject to suspension at the discretion of the Board of Directors. If dues are not paid within sixty (60) days after the due date, the membership of the nonpaying member may be terminated at the discretion of the Board of Directors. If dues are not paid within ninety (90) days of the due date, the membership of the nonpaying member shall automatically terminate. If dues are not paid within thirty (30) days of the dues date, a late charge shall become due and payable and such late charge must be paid as a condition of continued membership. The amount of such late charge shall be ten percent (10%) of the total dues payable by such member for each calendar month or portion thereof between the date of expiration of such thirty (30) day period and the date that such dues are actually paid.

Section 12
Nonpayment of Financial Obligations

Each Designated REALTOR® and all principals of their real estate firm shall be jointly and severally liable for payment to the Association of all of such firm's financial obligations to the Association and for payment to the Association of all financial obligations (other than dues and fines) of all members employed by or affiliated with such firm. In addition, each Participant in the Multiple Listing Service shall be liable for payment of all Multiple Listing fees for service to such Participant and service to all licensees having access to and use of the Multiple Listing Service through such Participant. No member shall be responsible for payment of the dues of another member and no member shall be responsible for payment of a fine imposed against another; provided this shall not preclude the levy of a fine jointly and severally against two (2) or more members under appropriate circumstances. If any financial obligation of a member to the Association other than dues is not paid within thirty (30) days after billing, all services of the Association to such member may be suspended until such obligation has been paid in full. If any such obligation is not paid within ninety (90) days of billing, the membership of the nonpaying member shall automatically terminate. If any such obligation is not paid within thirty (30) days of billing, a late charge shall become due and payable. The amount of such late charge shall be ten percent (10%) of the amount of such financial obligation for each calendar month or portion thereof between the date of expiration of such thirty (30) day period and the date that such financial obligation is actually paid in full.

Section 13
Reinstatement

A former member whose membership has terminated for nonpayment of dues or other financial obligations may apply for reinstatement in the manner prescribed for a new applicant for membership, after making payment in full of all dues and other financial obligations due to the Association as of the date of termination.

Section 14
Budget and Finance Committee

The Budget and Finance Committee shall advise the Board of Directors with respect to the financial matters of the Association and shall prepare an annual budget for the Association.

The Budget and Finance Committee shall be comprised of six (6) members. The Treasurer of the Association and the Chairperson-Elect of the Multiple Listing Steering Committee shall both be members of this Committee. The remaining members of the Committee shall be appointed by the President subject to confirmation by the Board of Directors.

These remaining members shall be divided into two (2) term classes of two (2) per class. The term of membership of each class shall be for two (2) years with the term of one of the classes expiring each year.

The Treasurer shall serve as Chairperson of the Budget and Finance Committee. The regular and special meetings of the Budget and Finance Committee shall be held at such time and place as the Committee Chairperson or the Board of Directors may from time to time designate. The Committee shall fix its own procedural rules governing its affairs and the conduct thereof. The President, President-Elect, immediate past Treasurer and the Executive Vice President of the Association shall be ex-officio members of the Budget and Finance Committee.

A member of the Budget and Finance Committee may be removed from office at a meeting of the membership expressly called for that purpose, with or without cause, by a vote of a majority of the members present at the meeting. The unexcused absence of a committee member from three or more consecutive meetings of the Budget and Finance Committee shall constitute a resignation of the committee membership of such committee member.

A member of the Budget and Finance Committee may resign at any time by filing a written resignation with the Secretary of the Association.

Any vacancy occurring in the committee membership may be filled by the affirmative vote of a majority of the Board of Directors, and each person so elected shall be elected for the unexpired term of the predecessor in office of such person.

Section 15
Professional Standards Committee

The Professional Standards Committee shall have the authority to hear matters concerning any alleged violation of the Code of Ethics of the National Association of REALTORS® the Constitution and Bylaws of the Board; the duties of membership in the Board; the Constitution and Bylaws of the Washington Association of REALTORS®, or the Constitution; Bylaws of the National Association of REALTORS®; and these Policies. The Professional Standards Committee shall also have the authority to arbitrate disputes and have the additional responsibilities and authority set forth in the Code of Ethics and Arbitration Manual as adopted by the Board of Directors and, from time to time, amended by the Board of Directors.

Section 16
Multiple Listing Service Committees

The regular and special meetings of the MLS Participants Committee and of the MLS Steering Committee shall be held at such time and place as the Committee Chairperson or the Board of Directors may from time to time designate. The Committees shall fix their own procedural rules governing their affairs and the conduct thereof. The President of the Association shall be a member of the MLS Participants Committee and the MLS Steering Committee. The President-Elect and Executive Vice President of the Association shall be ex-officio members of the MLS Steering Committee.

A member of the MLS Steering Committee may be removed from office at a meeting of the members of the MLS Participants Committee expressly called for that purpose, with or without cause, by a vote of a majority of the members of the MLS Participants Committee present at the meeting. The unexcused absence of a member of the MLS Steering Committee from three (3) or more consecutive meetings of said Committee shall constitute a resignation of the committee membership of such committee member.

A member of the MLS Participants Committee or the MLS Steering Committee may resign their committee membership at any time by filing a written resignation with the Secretary of the Association.

Any vacancy occurring in the MLS Steering Committee memberships held by the President of the Association, the Chairperson or Chairperson-Elect of the MLS Participants Committee shall be filled by the successor to such position. Any other vacancy occurring in the MLS Steering Committee may be filled by the affirmative vote of a majority of the remaining MLS Steering committee members, and each person so elected shall be elected for the unexpired term of the predecessor in office of such person. Any vacancy occurring in the Chairpersonship of the MLS Participants Committee shall be filled for the remainder of the unexpired term by the Chairperson-Elect of said Committee. Any vacancy in the position of Chairperson-Elect of said Committee may be filled only by a vote of the MLS Participants Committee and, if not so filled, said position shall remain vacant until the next annual meeting of the MLS Participants Committee.

Association members who are actively engaged in the real estate profession but are not MLS Participants, are nonetheless entitled to receive, by purchase or lease, all information other than current listing information that is generated wholly or in part by the MLS including "comparable" information, "sold" information and statistical reports. This information is provided for the exclusive use of Association members and individuals affiliated with Association members who are also engaged in the real estate profession and may not be transmitted, retransmitted or provided in any manner to any unauthorized individual, office or firm except as may be otherwise specified in the MLS Rules and Regulations. Association members who receive such information, either as an Association service or through the MLS, are subject to the applicable provisions of the MLS Rules and Regulations whether they participate in the MLS or not.

Section 17
Appointed Committees

The regular and special meetings of the Appointed Committees shall be held at such time and place as the Committee Chairperson, the Board of Directors or the President may from time to time designate. The Appointed Committee shall fix their own procedural rules governing their affairs and the conduct thereof. The President, President-Elect and Executive Vice President of the Association shall be ex-officio members of all Appointed Committees.

A member of any Appointed Committee may be removed from office at a meeting of the Board of Directors expressly called for that purpose, with or without cause, by a vote of a majority of the members of the Board of Directors present at the meeting. The unexcused absence of a committee member from three (3) or more consecutive meetings of an Appointed Committee shall constitute a resignation of the committee membership of such committee member. A committee member may resign at any time by filing a written notice with the Secretary of the Association.

Any vacancy occurring in any Appointed Committee may be filled by appointment by the President. All such appointments shall be subject to confirmation by the Board of Directors. Each person so appointed shall be elected for the unexpired term of the predecessor in office of such person.

Section 18
Divisions of the Association

The Board of Directors may in its discretion create Divisions of the Association for the different branches of the real estate profession in order to give the members who specialize in such branches opportunity for conference and cooperation.

Section 19
Whistleblowers

A whistleblower is a member of the Association who reports information that he or she has reasonable cause to believe discloses a violation of state or federal law to one or more of the parties below.

If a whistleblower has information that he or she reasonably believes discloses a violation of state or federal law, he or she should contact the President, President-Elect or Executive Vice President of the Association or, if the whistleblower believes that all three of the foregoing have engaged in such a violation, he or she should contact the highest ranking officer that he or she believes has not engaged in such a violation. A whistleblower may also contact the appropriate law enforcement or government agency. A whistleblower must exercise sound judgment to avoid baseless allegations. A member who intentionally files a false report of wrongdoing will be subject to discipline.

Insofar as possible, the confidentiality of a whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law or to provide accused individuals their legal rights of defense.