

BYLAWS OF THE RACINE BOARD OF REALTORS[®], INC.

(As revised and approved by the membership 9/4/08)

ARTICLE I - NAME

SECTION 1. NAME. The name of this organization shall be the Racine Board of REALTORS[®], Inc., hereinafter referred to as the "Board".

SECTION 2. REALTORS[®]. Inclusion and retention of the registered collective membership mark "REALTORS[®]" in the name of the Board shall be governed by the Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS[®] as from time to time amended.

ARTICLE II - OBJECTIVES

The objectives of the Board are:

SECTION 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.

SECTION 2. To promote and maintain high standards of conduct in the real estate profession as expressed in the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS[®].

SECTION 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.

SECTION 4. To further the interests of home and other real property ownership.

SECTION 5. To unite those engaged in the real estate profession in this community with the Wisconsin Association of REALTORS[®] and the NATIONAL ASSOCIATION OF REALTORS[®], thereby furthering their own objectives throughout the State and nation, and obtaining the benefits and privileges of membership therein.

SECTION 6. To designate, for the benefit of the public, individuals authorized to use

the terms REALTOR[®] and REALTORS[®] as licensed, prescribed, and controlled by the NATIONAL ASSOCIATION OF REALTORS[®].

ARTICLE III - JURISDICTION

SECTION 1. The territorial jurisdiction of the Board as a Member of the NATIONAL ASSOCIATION OF REALTORS[®] is that part of Racine County east of the townships of Norway and Dover as approved by the Board of Directors of the National Association.

SECTION 2. Territorial jurisdiction is defined to mean:

(a) 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 the NATIONAL ASSOCIATION OF REALTORS[®], in return for which the Board agrees to protect and safeguard the property rights of the National Association in the terms.

ARTICLE IV - MEMBERSHIP

SECTION 1. There shall be eight classes of Members as follows:

(a) REALTOR[®] MEMBERS. REALTOR[®] Members, whether primary or secondary shall be:

(1) 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 State of Wisconsin or a State contiguous thereto. 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 a State contiguous thereto shall qualify for REALTOR[®] membership only, and each is required to hold REALTOR[®] membership (except as provided in the following paragraph) in a Board of REALTORS[®] within the State or a State contiguous thereto unless otherwise qualified for Institute Affiliate membership as described in Section 1(b) of Article IV.

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 Board in which one of the firm's principals holds REALTOR[®] membership, shall be required to hold REALTOR[®] membership unless otherwise qualified for Institute Affiliate membership as described in Section 1 of Article IV.

NOTE: REALTOR[®] members may obtain membership in a "secondary" Board in another

State.

(2) INDIVIDUALS who are engaged in the real estate profession other than as sole proprietors, partners, or corporate officers, or branch managers and are associated with a REALTOR® member and meet the qualifications set out in Article V.

(3) 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) franchises located within the United States, its insular possessions and the commonwealth of Puerto Rico, elected to membership pursuant to the provisions in the NAR Constitution and Bylaws. Such individuals shall enjoy all of the rights, privileges and obligations of REALTOR® membership (including compliance with the Code of Ethics) except: obligations related to Board mandated education, meeting attendance, or indoctrination classes or other similar requirements; the right to use the term Realtor in connection with their franchise organization's name; and the right to hold elective office in the local Board, State Association and NAR.

(4) PRIMARY AND SECONDARY REALTOR® MEMBERS. An individual is a primary member if the Board pays State and National dues based on such member. An individual is a secondary member if State and National dues are remitted through another Board. One of the principals in a real estate firm must be a Designated REALTOR® member of the Board in order for licensees affiliated with the firm to select the Board as their "primary" Board.

(5) DESIGNATED REALTOR® MEMBERS. Each firm shall designate in writing, one REALTOR® member who shall be responsible for all duties and obligations of membership including the obligation to arbitrate pursuant to Article 17 of the Code of Ethics and the payment of Board dues as established in Article X of the Bylaws. The "Designated REALTOR®" must be a sole proprietor, partner, corporate office 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 2, of the Bylaws.

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

(c) AFFILIATE MEMBERS. Affiliate members shall be real estate owners and other individuals or firms who, while not engaged in the real estate profession as defined in

paragraphs (a) or (b) of this section, have interests requiring information concerning real estate, and are in sympathy with the objectives of the Board. Affiliate membership shall also be granted to individuals licensed or certified to engage in real estate practice who, if otherwise eligible, do not elect to hold REALTOR[®] membership in the Board, provided the applicant is engaged exclusively in a specialty of the real estate business other than brokerage of real property.

(d) PUBLIC SERVICE MEMBERS. Public service members shall be individuals who are interested in 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 and established real estate business.

(e) HONORARY MEMBERS. Honorary members shall be individuals not engaged in the real estate profession who have performed notable service for the real estate profession, for the Board, or for the public and shall be considered for such membership by the Board of Directors on a case-to-case basis.

(f) STUDENT MEMBERS. 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.

ARTICLE V - QUALIFICATION AND ELECTION

SECTION 1. APPLICATION.

An 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 (1) that applicant agrees as a condition to membership to thoroughly familiarize himself with the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS[®], the Constitutions, Bylaws, and Policies and Procedures Manual of the Board, the State and National Associations, and if elected a member, will abide by the Constitutions and Bylaws and Policies and Procedures Manual of the Board, State and National Associations, and if a REALTOR[®] member will abide by the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS[®], including the obligation to arbitrate controversies arising out of real estate transactions as specified by Article 17 of the Code of Ethics, and is further specified in the Code of Ethics and Arbitration Manual of the National Association as from time to time amended, and (2) that applicant consents that the Board, through its membership committee or otherwise, may invite and receive information and comment about applicant from any member or other persons, and

that applicant agrees that any information and comment furnished to the Board 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. The applicant shall, with the form of application, have access to a copy of the Bylaws, Constitution, Policies and Procedures Manual and Code of Ethics referred to above.

SECTION 2. QUALIFICATION.

(a) An applicant for REALTOR[®] membership who is a sole proprietor, partner corporate officer, or branch manager of a real estate firm shall supply evidence satisfactory to the Membership Committee that he 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, has a place of business within the State or a State contiguous thereto (unless a secondary member), has no record or recent or pending bankruptcy, has no record of official sanctions involving unprofessional conduct, agrees to complete a course of instruction covering the Bylaws and Policies and Procedures Manual of the Board, the Bylaws of the State Association, and the Constitution and Bylaws and Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS[®], and shall pass such reasonable and nondiscriminatory written examination thereon as may be required by the committee, and shall agree that if elected to membership, will abide by such Constitution, Bylaws, Policies and Procedures Manual of the Board, and Code of Ethics.

(b) Individuals who are actively engaged in the real estate profession other than as sole proprietors, partners, corporate offices, or branch office managers in order to qualify for REALTOR[®] membership, shall at the time of application, be associated either as an employee or as an independent contractor with a Designated REALTOR[®] member of the Board or a Designated REALTOR[®] member of another Board (if a secondary member) and 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, shall complete a course of instruction covering the Bylaws and Policies and Procedures Manual of the Board, the Bylaws of the State Association, and the Constitution and Bylaws and Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS[®] and shall pass such reasonable and nondiscriminatory written examinations thereon as may be required by the committee and shall agree in writing that if elected to membership he will abide by the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS[®], and by the Constitution, Bylaws and Policies and Procedures Manual of the local Board, State Association, and the National Association. REALTOR[®] members may obtain membership in a secondary Board in another State.

(c) The Board will also consider the following in determining an applicant's qualifications for REALTOR[®] membership:

1. All final findings of Code of Ethics violations and violations of other membership duties reported from any other Association.
2. Pending ethics complaints (or hearings).
3. Unsatisfied discipline pending.
4. Pending arbitration requests (or hearings).
5. Unpaid arbitration awards or unpaid financial obligations to any other Association or Association MLS.

"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 Article V, Section 2 (a) Note 2) provided all other qualifications for membership have been satisfied. 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 months from the date that provisional membership is approved. Provisional members shall be considered REALTORS[®] and shall be subject to all of the same privileges and obligations of REALTOR[®] membership. 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.

SECTION 3. ELECTION.

The procedure for election to membership shall be as follows:

(a) Applicants for REALTOR[®] membership shall be granted provisional membership immediately upon submission of a completed application form and remittance of applicable Association dues and any application fee. Provisional members shall be considered REALTORS[®] and shall be subject to all of the same privileges and obligations of membership. Provisional membership is granted subject to subsequent review of the application by the Board of Directors. 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 (for example, completion of a mandatory orientation program) within a reasonable amount of time not to exceed six (6) months from the Association's receipt of their application, membership may, at the discretion of the Board of Directors, be terminated.

(b) 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 subsection (a) above. 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. Any application fee is non-refundable.

(c) 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 behalf, to be represented by counsel, and to make such statements as he deems relevant. The Board of Directors may also have counsel present. The Board of Directors shall require that written minutes be made of any hearing before it or may electronically or mechanically record the proceedings.

(d) If the Board of Directors determines that provisional membership should be terminated, it shall record its reasons with the secretary. 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 audit by the Board for a declaratory judgment by a court of competent jurisdiction of a final judgment declaring that the termination violates no rights of the individual.

SECTION 4. NEW MEMBER CODE OF ETHICS ORIENTATION:

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 hours and thirty minutes of instructional time. This requirement does not apply to applicants for REALTOR® membership or provisional members who have completed comparable orientation in another Association, provided that REALTOR® membership has been continuous, or that any break in membership is for one year or less.

Failure to satisfy this requirement within 90 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 the NATIONAL ASSOCIATION OF REALTORS®.

SECTION 5. CONTINUING MEMBER CODE OF ETHICS TRAINING:

Effective January 1, 2001, through December 31, 2004, and for successive four year periods thereafter, each REALTOR® member of the Association shall be required to complete quadrennial ethics training of not less than two hours and thirty minutes of instructional time as endorsed and provided by the NATIONAL ASSOCIATION OF REALTORS®. 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®, the NATIONAL ASSOCIATION OF REALTORS®, or any other

recognized educational institution or provider which meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to time. 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 four year cycle shall not be required to complete additional ethics training until a new four year cycle commences.

Failure to satisfy this requirement shall be considered a violation of a membership duty for which REALTOR® membership shall be suspended until such time as the training is completed.

Members suspended for failing to meet the requirement for the first four (4)-year cycle (2001 through 2004) will have until December 31, 2005 to meet the requirement. Failure to meet the requirement by that time will result in automatic termination of membership. Failure to meet the requirement for the second (2005 through 2008) cycle and subsequent four (4)-year cycles will result in suspension of membership for the first two months (January and February) of the year following the end of any four (4)-year cycle or until the requirement is met, whichever occurs sooner. On March 1 of that year, the membership of a member who is still suspended as of that date will be automatically terminated.

SECTION 6, STATUS CHANGES.

(a) A REALTOR® who changed the conditions under which he holds membership shall be required to provide written notification to the Board within 30 days. A REALTOR® (non-Principal) who becomes a Principal in the firms which he 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 but 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). 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 Board of their change in status, their new membership application will terminate automatically unless otherwise so directed by the Board of Directors.

A REALTOR® (or REALTOR-ASSOCIATE®, where applicable) who is transferring their license from one firm comprised of REALTOR® Principals to another firm comprised of REALTOR® Principals shall be subject to all of the privileges and obligations of membership during the period of transition. If the transfer is not completed within 30 days of the date the Board is advised of the disaffiliation with the current firm, membership will terminate automatically unless otherwise so directed by the Board of Directors.

The Board of Directors, at its discretion, may waive any qualification which the applicant has already fulfilled in accordance with the Board's Bylaws.

(b) 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.

(c) Dues shall be prorated from the first day of the quarter 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 1. The privileges and obligations of members, in addition to those otherwise provided in these Bylaws, shall be specified in this Article.

SECTION 2. Any member of the Board may be reprimanded, fined, placed on probation, suspended or expelled by the Board of Directors for a violation of these Bylaws and RBR Policies and Procedures not inconsistent with these Bylaws after a hearing as provided in the Code of Ethics and Arbitration Manual of the Board. Although members other than REALTOR® members are not subject to the Code of Ethics nor its enforcement by the Board, 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 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, 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 local Board, the State Association, and the NATIONAL ASSOCIATION OF REALTORS®.

SECTION 3. Any REALTOR® member of the Board 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 Board, provided that the discipline imposed is consistent with the discipline authorized by the Professional Standards Committee of the NATIONAL ASSOCIATION OF REALTORS® as set forth in the Code of Ethics and Arbitration Manual of the National Association.

SECTION 4. Resignations of members shall become effective when received in writing by the Board of Directors, provided, however, that if any member submitting the resignation is indebted to the Board for dues, fees, fines or other assessments of the Board or any of its

services, departments, divisions, or subsidiaries, the Board may condition the right of the resigning member to reapply for membership upon payment in full of all such monies owed.

SECTION 5. If a member resigns from the Board or otherwise causes membership to terminate with an Ethics complaint pending, that 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.

- (a) (a) 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 6. REALTOR[®] MEMBERS.

REALTOR[®] members, whether primary or secondary, in good standing whose financial obligations to the Board are paid in full shall be entitled to vote and to hold elective office in the Board; may use the terms REALTOR[®] and REALTORS[®], which use shall be subject to the provisions of Article VIII; and have the primary responsibility to safeguard and promote the standards, interests, and welfare of the Board and the real estate profession.

- (a) 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, or management control is relinquished, whichever may apply. 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 the connection of the disciplined member with the firm, partnership, or corporation is severed, or unless the REALTOR[®] who is suspended or expelled removes himself from any form or degree of management control of the firm for the term of the suspension or until readmission to membership, whichever may apply. Removal of an individual from any form or degree of management control must be certified to the Board by the member who is being suspended or expelled and by the individual who is assuming management control, and the signatures of such certification must be notarized. In the event the suspended or expelled member is so certified to have relinquished all form or degree of management control of the firm, the membership or other partners, corporate officers, or other individuals affiliated with the firm shall not be affected, and the firm, partnership or corporation may continue to use the terms REALTOR[®] and REALTORS[®] in connection with its business during the period

of suspension or until the former member is admitted to membership in the Board. The foregoing is not intended to preclude a suspended or expelled member from functioning as an employee or independent contractor, providing no management control is exercised. Further, the membership of REALTORS[®] other than Principals who are employed 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 unless connection of the disciplined member with the firm, partnership, or corporation is severed, or management control is relinquished, or unless the REALTOR[®] member (non-Principal) elects to sever his connection with the REALTOR[®] and affiliate with another REALTOR[®] in good standing in the Board, whichever may apply.

If a REALTOR[®] member other than a sole proprietor in a firm, partner in a partnership, or an officer of a corporation is suspended or expelled, the use of the terms REALTOR[®] or REALTORS[®] by the firm, partnership or corporation shall not be affected.

(b) In any action taken against a REALTOR[®] member for suspension or expulsion under section 6 (a) 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 (a) shall apply.

SECTION 7. INSTITUTE AFFILIATE MEMBERS. Institute Affiliate members shall have rights and privileges and be subject to obligation prescribed by the Board of Directors consistent with the Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS[®].

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 8. AFFILIATE MEMBERS. Affiliate members shall have rights and privileges and be subject to obligations prescribed by the Board of Directors.

SECTION 9. PUBLIC SERVICE MEMBERS. Public service members shall have rights and privileges and be subject to obligations prescribed by the Board of Directors.

SECTION 10. HONORARY MEMBERS. Honorary membership shall confer only the right to attend meetings and participate in discussions.

SECTION 12. STUDENT MEMBERS. Shall have rights and privileges and shall be subject to obligations prescribed by the Board of Directors.

SECTION 14. CERTIFICATION BY REALTOR®. "Designated" REALTOR® member of the Board shall certify to the Board during the month of February, on a form provided by the Board, a complete listing of all individuals licensed or certified in the REALTOR'S® office(s) and shall designate a primary Board for each individual who holds membership. Designated REALTORS® shall also identify any non-member licensees in the REALTOR'S® office(s) and if the Designated REALTOR® dues have been paid to another Board based on said non-member licensees, the Designated REALTOR® shall identify the Board to which dues have been remitted. These declarations shall be used for purposes of calculating dues under Article X, Section 2(a) of the Bylaws. "Designated" REALTOR® members shall also notify the Board 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 15. LEAVE OF ABSENCE AND TERMINATION OF MEMBERSHIP. Leave of absence for any member may be granted by the Board of Directors for any of the following: (a) Entry of individual into the armed forces; (b) Illness or incapacitation whereby the individual is completely inactive in the real estate business; (c) If an individual's status is such that he/she will be outside of the State of Wisconsin for the period of time for which the leave of absence is desired. After one year, said leave may be renewed at the discretion of the Board of Directors.

SECTION 16. REINSTATEMENT. Any former member who has been affiliated with the Board may be reinstated in the same classification of membership upon approval of the Board of Directors provided said former member was in good standing at the time of termination of membership. If the prior membership terminated within one year of the date of application for reinstatement, said member will be charged the reinstatement fee established by the Board of Directors and which is published in the Board's Policies and Procedures Manual, plus any new member reinstatement fee charged by the Wisconsin REALTORS® Association. If the prior membership terminated more than one year prior to the date of application for reinstatement, or if a former member not in good standing wishes to reinstate, all unpaid/past dues and /or fees shall be paid and the reinstatement fee shall be equal to new member fees. Any reinstated member must attend an orientation meeting regardless of time away from the Board.

SECTION 17. LEGAL LIABILITY TRAINING. Within two years of the date of election to membership, and every two years thereafter, each REALTOR® member of the Board shall be required to demonstrate that they have completed a course of instruction on Anti-Trust, Agency Laws, Civil Rights Laws, or the REALTORS® Code of Ethics, its interpretation and meaning and/or the procedures related to its enforcement.

This requirement will be considered satisfied upon presentation of evidence that the member has completed an education program conducted by another member Board, the State

Association of REALTORS[®], the NATIONAL ASSOCIATION OF REALTORS[®] or any of its affiliated institutes, societies or councils, or any other recognized institution which, in the opinion of the Board of Directors, is an adequate substitute for the training programs conducted by the Board.

Failure to satisfy this requirement biennially will result in membership being suspended from the date it otherwise would be renewed until such time that the member provides evidence of completion of the aforementioned educational requirements.

SECTION 18. 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 a hearing in accordance with the established procedures of the association.. Disciplinary action may also consist of any sanction authorized in the association's Code of Ethics and Arbitration Manual. 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. This explicitly includes any harassment based on the employee's status or membership in a class or individuals protected from employment discrimination under applicable federal, State or local fair employment law. Accordingly, any harassment based on any of the following classes, without limitation, is prohibited: An employee's age, race, creed, color, handicap, marital status, National origin, ancestry, arrest or conviction record or membership in any Reserve component of the military forces of the United States or this State.

The decision of the appropriate disciplinary action to be taken shall be made by the investigatory team shall be 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. 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.

ARTICLE VII - PROFESSIONAL STANDARDS AND ARBITRATION

SECTION 1. The responsibility of the Board and of Board 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 the NATIONAL ASSOCIATION OF REALTORS[®], 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 2. It shall be the duty and responsibility of every REALTOR[®] member of this Board to abide by the Constitution and Bylaws and the Policies and Procedures Manual of the Board, the Constitution and Bylaws of the State Association, the Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS[®], and to abide by the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS[®], 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 Board as from time to time amended.

SECTION 3. The responsibility of the Board and Board 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 into by the Board, which by this reference is made a part of these Bylaws.

ARTICLE VIII - USE OF THE TERMS REALTOR[®] AND REALTORS[®]

SECTION 1. Use of the terms REALTOR[®] and REALTORS[®] by members shall, at all times, be subject to the provisions of the Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS[®] and to the policies and procedures prescribed by its Board of Directors. The Board shall have the authority to control, jointly, and in full cooperation with the NATIONAL ASSOCIATION OF REALTORS[®], use of the terms within its jurisdiction. Any misuse of the terms by members is a violation of a 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 2. REALTOR[®] members of the Board 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 3. 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 Section 1(b) of Article IV.

(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. If a firm, partnership, or corporation operates additional places of business in which no Principal, partner, corporate officer, or branch office manager holds REALTOR[®] membership, the term REALTOR[®] or REALTORS[®] may not be used in any reference to those additional places of business.

SECTION 4. Institute Affiliate members shall not use the terms REALTOR[®] or REALTORS[®], nor the imprint of the emblem seal of the NATIONAL ASSOCIATION OF REALTORS[®].

ARTICLE IX - STATE AND NATIONAL MEMBERSHIPS

SECTION 1. The Board shall be a member of the NATIONAL ASSOCIATION OF REALTORS[®] and the Wisconsin REALTORS[®] Association. By reason of the Board's membership, each REALTOR[®] member of the member Board shall be entitled to membership in the NATIONAL ASSOCIATION OF REALTORS[®] and the Wisconsin REALTORS[®] Association. The Board shall continue as a member of the State and National Associations, unless by a majority vote of all of its REALTOR[®] members, decision is made to withdraw, in which case the State and National Associations shall be notified at least one month in advance of the date designated for the termination of such membership.

SECTION 2. The Board recognizes the exclusive property rights of the NATIONAL ASSOCIATION OF REALTORS[®] in the terms REALTOR[®] and REALTORS[®]. The Board shall discontinue use of the terms in any form in its name, upon ceasing to be a member of the National Association, or upon a determination by the Board of Directors of the National Association that it has violated the conditions imposed upon the terms.

SECTION 3. The Board adopts the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS[®] and agrees to enforce the code among its REALTOR[®] members. The Board and all of its members agree to abide by the Constitution, Bylaws, Policies and Procedures Manual, and policies of the National Association and the Wisconsin REALTORS[®] Association as shall be from time to time updated.

ARTICLE X-DUES AND ASSESSMENTS

SECTION 1. APPLICATION FEE. The Board of Directors may adopt an application fee

for all classes of membership in reasonable amount, not exceeding (3) times the amount of the annual dues for membership, which shall be required to accompany each application for REALTOR® membership and which shall become the property of the Board upon final approval of the application. All application fees for all classes of membership shall be established annually by the Board of Directors and published in the Racine Board of REALTORS® Policies and Procedures Manual.

SECTION 2. THE ANNUAL DUES OF MEMBERS SHALL BE AS FOLLOWS:

(a) REALTOR® MEMBERS. The annual dues of each Designated REALTOR® member shall be in such amount as established annually by the Board of Directors and shall be referenced in the Policies and Procedures Manual, plus any additional amount to be established annually by the Board of Directors times the number of real estate salespersons and licensed or certified appraisers who (1) are employed by or affiliated as independent contractors, or who are otherwise directly or indirectly licensed with such REALTOR® member, and (2) are not REALTOR® members of any Board in the State or a State contiguous thereto or Institute Affiliate members of the Board. In calculating the dues payable to the Board by a Designated REALTOR® member, non-member licensees as defined in Section 2(a) (1) of this Article shall not be included in the computation of dues if the DR has paid dues based on said non-member licensees in another Board in the State, provided the Designated REALTOR® notifies the Board in writing of the identity of the Board to which dues have been remitted. In the case of a Designated REALTOR® 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 Designated REALTOR® (as defined in (1) and (2) of this paragraph) in the office where the Designated REALTOR® holds membership, and any other offices of the firm located within the jurisdiction of this Board.

(1) 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 Constitution of the NATIONAL ASSOCIATION OF REALTORS®. 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 Section 2 (a) (1) hereof) provided that such licensee is not otherwise included in the computation of dues payable by the Principal, partner or corporate officer of the entity.

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, managing, counseling or appraising real property. 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 Designated REALTOR®.

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. However, membership dues shall not be prorated if the licensee held REALTOR® or REALTOR-ASSOCIATE® membership during the preceding calendar year

(b) The dues of each REALTOR® member other than the Designated REALTOR® shall be in such amount as established annually by the Board of Directors.

(c) The annual dues of each Institute Affiliate member shall be as established in Article II of the Bylaws of the NATIONAL ASSOCIATION OF REALTORS®.

NOTE: 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 (\$75.00). The National Association shall credit \$25.00 to the account of a local Association for each Institute Affiliate member whose office address is within the assigned territorial jurisdictions of that Association, provided, however, if the office location is also within the territorial jurisdictions of a Commercial Overlay Board (COB), the \$25.00 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 \$25.00 to the account of the State Associations for each Institute Affiliate member whose office address is within the territorial jurisdiction of the State Association. Local and State Associations may not establish any entrance, initiation fees or dues for Institute Affiliate members, but may provide service packages to which Institute Affiliate members may voluntarily subscribe.

(d) The dues of each Affiliate member shall be in such amount as established annually by the Board of Directors.

(e) The dues of each Public Servant member shall be in such amount as established annually by the Board of Directors.

(f) The dues of each Honorary member shall be in such amount as established annually by the Board of Directors.

(g) The dues of each Student member shall be in such amount as established annually by

the Board of Directors.

SECTION 3. DUES PAYABLE. Dues for all members shall be payable annually in advance on the first day of October. Dues shall be computed from the date of application and granting of provisional membership.

(a) In the event a sales licensee or licensed or certified appraiser who holds REALTOR[®] membership is dropped for nonpayment of Board dues, and the individual remains with the Designated REALTOR'S[®] firm, the dues obligation of the "Designated" REALTOR[®] (as set forth in Article X, Section 2(a)) will be increased to reflect the addition of a non-member licensee. Dues shall be calculated from the first day of the current fiscal year and are payable within 30 days of the notice of termination.

SECTION 4. NONPAYMENT OF FINANCIAL OBLIGATIONS. If dues, fees, fines, or other assessments including amounts owed to the Board are not paid within (1) month after the due date, the nonpaying member is subject to suspension at the discretion of the Board of Directors. Two (2) months after the due date, membership of the nonpaying member may be terminated at the discretion of the Board of Directors. Three (3) months after the due date, membership of the nonpaying member shall automatically terminate unless within that time the amount due is paid. However, no action shall be taken to suspend or expel a member for nonpayment of disputed amounts until the accuracy of the amount owed has been confirmed by the Board of Directors. A former member who has had his membership terminated for nonpayment of dues, fees, fines, other assessments duly levied in accordance with the provisions of these Bylaws or the provisions of the Policies and Procedures Manual of the RBR 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.

SECTION 5. DEPOSIT. All monies received by the Board for any purpose shall be deposited to the credit of the Board in a financial institution or institutions selected by resolution of the Board of Directors.

SECTION 6. EXPENDITURES. The Board of Directors shall administer the finances of the Board but shall not incur an obligation in excess of the available cash on hand without authorization by vote of a majority of all the active members voting.

SECTION 7. NOTICE OF DUES, FEES, FINES, ASSESSMENTS, AND OTHER FINANCIAL OBLIGATIONS OF MEMBERS. All dues, fees, fines, assessments, or other financial obligations to the Board shall be noted to the delinquent Board member in writing setting forth the amount owed and due date.

SECTION 8. The dues of REALTOR[®] members who are REALTOR[®] Emeriti (as recognized by the National Association), past Presidents of the National Association or recipients of the distinguished service award shall be as determined by the Board of Directors.

ARTICLE XI - OFFICERS AND DIRECTORS

SECTION 1. OFFICERS. The voting officers of the Board shall be President, President-Elect and Secretary/Treasurer who shall be elected. They shall be elected for a term of one year. The officers shall be the Executive Committee of the Racine Board of REALTORS[®], Inc., and may exercise the powers of the Board of Directors between meetings of the Board, except may not: amend the Bylaws, make rules or regulations governing nominations or elections or prescribe regulations for Professional Standards proceedings. The Executive Committee shall report any actions taken to the Board of Directors at its next scheduled meeting.

SECTION 2. DUTIES OF OFFICERS. The duties of the officers shall be such as by their titles, by general usage, would indicate and such as may be assigned to them by the Board of Directors. It shall be the particular duty of Secretary to keep the records of the Board and to carry on all necessary correspondence with the NATIONAL ASSOCIATION OF REALTORS[®] and the Wisconsin REALTORS[®] Association.

SECTION 3. BOARD OF DIRECTORS. The governing body of the Board shall be a Board of Directors consisting of the elected Officers and 7 REALTOR[®] members of the Board. Directors shall be elected for a term of three years, except at organization, one-third of the elective Directors shall be elected for terms of one, two and three years, respectively, or for such lesser terms as may be necessary to complete the fiscal year, thereafter, as many Directors shall be elected each year as are required to fill the vacancies. The Immediate Past-President will automatically assume a one year term on the Board of Directors as a voting member.

SECTION 4.(a) **ELECTION OF OFFICERS AND DIRECTORS.** At least two months before the annual election, a nominating committee shall be appointed by the President, with the approval of the Board of Directors. The nominating committee shall select one candidate for each office and one candidate for each place to be filled on the Board of Directors, (shall come from current or past active committee members). The report of the nominating committee shall be distributed to each member eligible to vote four (4) weeks preceding the election. Additional candidates for the offices to be filled may be placed in nomination by a petition signed by at least 10% of the REALTOR[®] members eligible to vote. The petition shall be filed with the Secretary at least two (2) weeks before the election. The Secretary shall send notice of such additional nominations to all members eligible to vote at least 10 days before the election.

(b) The elections of Officers and Directors shall take place at any regularly-scheduled meeting prior to June. Election shall be by unsigned ballot of REALTOR® members, and all votes shall be cast in person. The ballot shall contain the names of all candidates and the offices for which they are nominated.

SECTION 5. VACANCIES. Vacancies among the Officers and Board of Directors shall be filled by a simple majority vote of the Board of Directors until the next annual election.

SECTION 6. REMOVAL OF OFFICERS AND DIRECTORS. In the event that 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 under the following procedure:

(a) A petition requiring the removal of an Officer or Director and signed by not less than one-third of the voting membership or a majority of all Directors shall be filed with the President, or if the President is the subject of the petition, with the next-ranking Officer, and shall specifically set forth the reasons the individual is deemed to be disqualified from further service.

(b) Upon receipt of the petition, and not less than (20) days or more than (45) days thereafter, a special meeting of the voting membership of the Board shall be held, and the sole business of the meeting shall be to consider the charge against the Officer or Director, and to render a decision on such petition.

(c) The special meeting shall be noticed to all voting members at least (10) days prior to the meeting, and shall be conducted by the President of the Board unless the President's continued service in office is being considered at the meeting. In such case, the next-ranking Officer will conduct the meeting of the hearing by the members. Provided that a simple majority of the total current membership is present, a three-fourths vote of members present and voting shall be required for removal from office.

ARTICLE XII - MEETINGS

SECTION 1. ANNUAL MEETINGS. The annual meeting of the Board shall be held during October of each year, the date, place and hour to be designated by the Board of Directors.

SECTION 2. MEETINGS OF DIRECTORS. The Board of Directors shall designate a regular time and place of meetings. Absence from three regular meetings without an excuse deemed valid by the Board of Directors shall be construed as resignation.

SECTION 3. OTHER MEETINGS. Meetings of the members may be held at other times as the President or the Board of Directors may determine, or upon the written request of at least 10% of the members eligible to vote.

SECTION 4. NOTICE OF MEETINGS. Written notice shall be given to every member entitled to participate in the meeting at least (10) days preceding all meetings. If a special meeting is called, it shall be accompanied by a statement of the purpose of the meeting.

SECTION 5. QUORUM. Business matters, including amendments to these Bylaws, can be approved by an affirmative vote of 75% of REALTOR® members who are present at the membership meeting. A quorum at a Board of Directors meeting shall consist of a minimum of six (6) Directors. To pass a motion, it is necessary to have a minimum of six (6) affirmative votes. The Directors may not conduct any business of the Board in any manner other than at any scheduled meeting of the Board of Directors. At a committee meeting, business shall be conducted and motions passed by a simple majority of committee members in attendance.

ARTICLE XIII - COMMITTEES

SECTION 1. STANDING COMMITTEES. The President-Elect shall appoint from among the active members, subject to confirmation by the Board of Directors, the following standing committees, consisting of 50% carryover from past committee members if possible: Professional Standards, Personnel (Immediate five Past-Presidents), Finance, Nominating, Bylaws and Equal Opportunity. Nominating shall consist of only REALTORS® who were past recipients of either ROY or Special Recognition awards or past Presidents of the Board.

Appointments to the Professional Standards Committee and Grievance Committee shall be consistent with the cooperative Professional Standards enforcement agreement of the Board.

SECTION 2. SPECIAL COMMITTEES. The President shall appoint, subject to confirmation by the Board of Directors, such special committees as deemed necessary.

SECTION 3. ORGANIZATION. All committees shall be of such size and shall have duties, functions, and powers as assigned by the President or the Board of Directors except as otherwise provided in these Bylaws.

SECTION 4. PRESIDENT AND PRESIDENT-ELECT. The President and President-Elect shall be ex-officio members of all standing and special committees (except as otherwise provided in these Bylaws) with voting power on all issues, and shall be notified of all scheduled meetings.

SECTION 5. RETIRING PRESIDENT. The retiring President shall be a member of the Board of Directors for one year.

ARTICLE XIV - FISCAL AND ELECTIVE YEAR

SECTION 1. The fiscal and elective year of the Board shall be October 1st through September 30th.

ARTICLE XV - RULES OF ORDER

SECTION 1. Robert's Rules of Order, latest edition, shall be recognized as the authority governing the meetings of the Board, its Board of Directors and committees, in all instances wherein provisions do not conflict with these Bylaws.

ARTICLE XVI - AMENDMENTS

SECTION 1. These Bylaws may be amended by an affirmative vote of 75% of the REALTOR[®] members present and qualified to vote at any membership meeting, provided the substance of such proposed amendment or amendments shall be plainly stated in the call for the meeting, except that the Board of Directors may, at any regular or special meeting of the Board of Directors at which a quorum is present, approve amendments to the Bylaws which are mandated by NAR policy.

SECTION 2. Notice of all meetings at which amendments are to be considered shall be distributed to every member eligible to vote at least 10 days prior to meeting.

SECTION 3. Amendments to these Bylaws affecting the admission or qualification of REALTOR[®] and Institute Affiliate members, the use of the terms REALTOR[®] and REALTORS[®], or any alteration in the territorial jurisdiction of the Board shall become effective upon their approval as authorized by the Board of Directors of the NATIONAL ASSOCIATION OF REALTORS[®].

ARTICLE XVII - DISSOLUTION

SECTION 1. Upon the dissolution of this Board, the Board of Directors, after providing for the payment of all obligations, shall distribute any remaining assets to the Wisconsin REALTORS[®] Association or, within its discretion, to any other non-profit tax exempt organization.

ARTICLE XVIII - MULTIPLE LISTING

SECTION 1. AUTHORITY. The Racine Board of REALTORS[®], Inc. shall maintain, for the use of its members, a Multiple Listing Service; or the Racine Board of REALTORS[®], Inc., in lieu of maintaining its own Multiple Listing Service may enter into an agreement with another Multiple Listing Service to provide a Multiple Listing Service to its members; either of which shall be subject to the Bylaws of the Racine Board of REALTORS[®], Inc. and the Bylaws and/or Rules and Regulations of the Service.

SECTION 2. PURPOSE. A MULTIPLE LISTING SERVICE IS:

A facility for the orderly correlation and dissemination of listing information among participants so that they may better serve their clients and customers and the public.

A means by which authorized Participants make blanket unilateral offers of compensation to other participants (acting as subagents, buyer agents, or a non-agency capacity defined by law); by which cooperation among participants is enhanced; by which information is accumulated and disseminated to enable authorized participants to prepare appraisals, analyses, and other valuations of real property for bona fide clients and customers; by which Participants engaging in a real estate appraisal contribute to common data bases; and is a facility for the orderly correlation and dissemination of listing information so participants may better serve their clients and the public. Entitlement to compensation is determined by the cooperating Broker's performance as a procuring cause of the sale (or lease).

SECTION 3. PARTICIPATION. (a) Any REALTOR[®] member of this or any other Board who is a Principal, partner, or corporate officer, or branch manager acting on behalf of the Principal, without further qualification, shall be eligible to participate in Multiple Listing upon agreeing in writing to conform to the Rules and Regulations thereof and to pay the cost incidental thereto. However, under no circumstances is any individual or firm, regardless of membership status, entitled to Multiple Listing Service "membership" or "participation" unless they hold a current, valid real estate broker's license and are capable of offering and accepting cooperation and compensation to and from other Participants or are licensed or certified by an appropriate State regulatory agency to engage in the appraisal of real property. Use of information developed by or published by a Board Multiple Listing Service is strictly limited to the activities and authorized under a Participant's licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey "participation," or "membership" or any right of access to information developed or published by a Board Multiple Listing Service where access to such information is prohibited by law.

SECTION 4. ACCESS TO COMPARABLE AND STATISTICAL INFORMATION. Board members who are actively engaged in real estate brokerage, management, mortgage financing, appraising, land development or building, but who do not participate in the MLS, are nonetheless entitled to receive, by purchase or lease, 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 Board members and individuals affiliated with Board members who are also engaged in the real estate business and may not be transmitted, retransmitted, or provided in any manner to any unauthorized individual, office or firm except as otherwise specified in the MLS Rules and Regulations. Board members who receive such information, either as a Board service or through the Board’s MLS, are subject to the applicable provision of the MLS Rules and Regulations whether they participate in the MLS or not.

REVISED: 07/30/94, 11/09/94, 04/26/95, 09/12/96, 09/10/97, 07/08/98, 10/14/98, 08/09/00, 09/12/01, 02/13/02, 10/30/07.

MEMBERSHIP POLICY STATEMENTS APPROVED BY THE BOARD OF DIRECTORS

NATIONAL ASSOCIATION OF REALTORS®

(The following policy statements are information, and not part of the Bylaws.)

Statements of membership policy related to implementation of Board of Choice that, effective upon approval by the Board of Directors, the following statements of membership policy and amendments to the model Board Bylaws to implant the Board of Choice proposal be adopted.

1. The Primary Board of affiliation elected by a REALTOR® must be in the State where the REALTOR® is licensed and maintains his/her principal place of business. Licensees affiliated with a REALTOR® firm may choose as their “Primary” Board any Board in the State where the firm maintains a “Designated” REALTOR®.
2. Membership shall be available in a Secondary Board on terms and conditions no more stringent than the requirements established in the Board’s Bylaws for REALTOR® and (REALTOR-ASSOCIATE® where applicable) membership. The privileges of membership shall be the same including the right to vote and hold office. Membership will be granted to individuals who hold REALTOR® or REALTOR-ASSOCIATE® membership in their Primary Board without any requirement that the Designated REALTOR® they are licensed or affiliated with hold membership in the Secondary Board. However, MLS services will only be available

if the Designated REALTOR[®] participates in the MLS. Board dues shall not include a National allocation since NAR dues have been paid through the member's Primary Board. A State allocation may only be included if the member's Primary Board is located in a different State.

3. REALTORS[®] shall be entitled to purchase services from Boards other than their Primary Board without the necessity of holding a membership in those Boards. Service fees will be determined by the individual Boards except that fees for MLS services may not exceed those for members of the Board. However, the Board may require that a REALTOR[®] (Principal) be licensed in the State as a condition of MLS participation.

CONCERNING BOARD OF CHOICE ACROSS STATE LINES

That the membership choices currently provided under Board of Choice be expanded across State lines as follows:

Members may join a Primary Board across contiguous State lines. State Association membership would be in the State where Primary Board membership is held. To become effective July 1, 1996, with optional local portability of membership records (files) Board adoption sooner.

PORTABILITY OF MEMBERSHIP RECORDS (FILES)

In order to facilitate timely processing of applications for membership and to assist Associations in determining an applicant's qualification for REALTOR[®] or REALTOR[®]-Association membership, Associations shall, based on a request from another Association, share information about current or former members. Minimum "core" member information shall include:

1. Previous applications for membership.
2. All final findings of Code of Ethics violations of other membership duties within the past three (3) years (when available).
3. Pending complaints alleging violations of the Code of Ethics or alleging violations of other membership duties.
4. Incomplete or (pending) disciplinary measures.
5. Pending Arbitration requests (or Hearings).
6. Unpaid Arbitration awards or unpaid financial obligations to the Association or its MLS.

An Association may, at its discretion, consider information received from other Associations when determining whether an applicant satisfies the Association's membership requirements as established in the Association's Bylaws (not to exceed NAR'S membership qualification criteria).

CLARIFICATION OF THE TERM "PRINCIPAL"

The term "Principal" as used in the NAR Constitution and Bylaws and in other relevant policies, includes licensed or certified individuals who are sole proprietors, partners in a partnership, officers or majority shareholders of a corporations, or office managers (including branch office managers) acting on behalf of principals of a real estate firm.

SECONDARY MEMBERSHIP IN A BOARD/ASSOCIATION

When a member has joined a primary Association and paid Local, State and National Dues, secondary membership may be held in a local Association in another State (provided the applicant meets all of the qualifications for membership) without holding membership in that State Association, or alternatively, secondary membership may be held directly in the State Association without holding membership in a local Association in that State.

MEMBERSHIP REQUIREMENTS RELATED TO MULTIPLE OFFICE LOCATIONS

When considering an applicant for REALTOR[®] membership who is a Principal in a real estate firm, Associations have an obligation to determine that all of the Principals of the real estate Firm who are actively engaged in the real estate business in the State are either applying for or already hold REALTOR[®] membership (or Institute Affiliate membership, if applicable) in a Board or Association.

If an Association (local, State or National) is notified by another Association that a REALTOR[®] member has an office location elsewhere in the State that is not functioning as a "REALTOR[®]-OFFICE" (i.e., licensees affiliated with the office are not members or are not accounted for under the DR dues formula) the ASSOCIATION where the REALTOR[®] holds primary membership shall be responsible, in cooperation with the State and National Associations, for ensuring compliance with applicable membership policies (i.e., that said licensees hold membership in the REALTOR'S[®] primary Association – or some other Association in the State where the firm maintains a Designated REALTOR[®] presence – or that dues have been paid to an Association based on non-member licensees affiliated with the office).

09/04/08

