

BYLAWS
and
RULES and REGULATIONS

Amended ~~March 2020~~ September 18, 2024



WHITE MOUNTAIN
ASSOCIATION OF REALTORS®



BYLAWS INDEX

ARTICLE	TITLE	SECTION(S)	PAGE
I	NAME	1-2	3
II	OBJECTIVES	1-6	3
III	JURISDICTION	1-2	3
IV	MEMBERSHIP	1	3-5
V	QUALIFICATION AND ELECTION	1-6	5-8
VI	PRIVILEGES AND OBLIGATIONS	1-12	8-10
VIII	USE OF THE TERMS REALTOR® AND REALTORS®	1-4	10-11
IX	STATE AND NATIONAL MEMBERSHIPS	1-3	11
X	DUES AND ASSESSMENTS	1-8	11-13
XI	OFFICERS AND DIRECTORS	1-7	13-14
XII	MEETINGS	1-6	15
XIII	COMMITTEES	1-4	15
XIV	FISCAL AND ELECTIVE YEAR	1-2	15
XV	RULES OF ORDER	1	15
XVI	AMENDMENTS	1-3	15-16
XVII	DISSOLUTION	1	16
XVIII	MULTIPLE LISTING	1-8	16-17

BYLAWS OF THE WHITE MOUNTAIN ASSOCIATION OF REALTORS® , INC.

As Amended ~~March 2020~~ **September 18, 2024**

ARTICLE I - NAME

Section 1. The name of the organization shall be the White Mountain Association of REALTORS®, Inc., hereinafter referred to as the “Association”.

Section 2. The inclusion and retention of the Registered Collective Membership Mark Realtors in the name of the Association shall be governed by the Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS® as from time to time amended.

ARTICLE II – OBJECTIVES

The objectives of the Association 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 ARIZONA 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 the membership therein.

Section 6. To designate, for the benefit of the public, individuals authorized to use the terms REALTOR® and REALTORS® are licensed, prescribed, and controlled by the NATIONAL ASSOCIATION OF REALTORS®.

ARTICLE III – JURISDICTION

Section 1. The territorial jurisdiction of the Association as a Member of the NATIONAL ASSOCIATION OF REALTORS® is Navajo and Apache Counties, Arizona (Amended 04/03)

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 Association agrees to protect and safeguard the property rights of the National Association in the terms.

ARTICLE IV – MEMBERSHIP

Section 1. There shall be seven (7) (amended 11/17) classes of Members as follows:

- (a) REALTORS® Members. REALTORS® Members, whether primary or secondary shall be:
 - (1) Individuals who, as sole proprietors, partners, corporate offices, or branch managers, are engaged actively in the real estate profession, including buying, selling, exchanging, renting, or leasing, managing, maintain or are associated with an established real estate office in the state of Arizona 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 an Association 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. (Amended 4/07)

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 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 the Institute Affiliate Membership as described in Section 1 (b) of Article IV. (Amended 01/01).

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

- (2) Individuals who are engaged in the real estate profession other than as sole proprietors, partners, or corporate offices, or branch office managers and are associated with a REALTOR® Member and meet the qualifications set out in Article V.
 - (3) Franchise REALTOR® Members. 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 the rights, privileges, and obligations of REALTOR® membership (including compliance with the Code of Ethics) except: obligations related to Association 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 association and National Association. (Amended 4/16)
 - (4) Primary and secondary REALTOR® Members. An individual is a primary member if the Association pays state and National dues based on such member. An individual is a secondary member if the State and National dues are remitted through another Association. One of the principals in a real estate firm must be a designated REALTOR® member of the Association in order for licenses affiliated with the firm to select the Association as their “primary” Association.
 - (5) Designated REALTOR® Members. Each firm (or office in the case of firms with multiple office locations) shall designate in writing one REALTOR® Member who shall be responsible for all duties and obligations of Membership including the obligation to arbitrate pursuant to Article 17 of the Code of Ethics and the payment of Association dues as established in Article X of the Bylaws. The “Designated REALTOR®” must be a sole proprietor, partner, corporate officer, or branch office manager acting on behalf of the firm's principal(s) and must meet all other qualification for REALTOR® Membership established in Article V, Section 2, of the Bylaws.
- (b) Institute Affiliate Members. Institute Affiliate members shall be individuals who hold a professional designation awarded by an Institute, Society, or Council affiliated with the NATIONAL ASSOCIATION OF REALTORS® that address 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® membership, subject to payment of applicable dues for such membership. (Amended 9/04)
 - (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 Association.
 - (d) Public Service Members. Public Service Members shall be individuals who are interested in the real estate profession as employees of an affiliated with educational, public utility, government, or other similar organizations, but who are not engaged in the real estate profession on their own account or in association with an 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 Association, or for the public.
 - (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 (2) 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.

- (g) AAR President Member. The President of the Arizona Association of REALTORS® if not otherwise a member of the Board shall be a non-paying REALTOR® member in good standing with the White Mountain Association of REALTORS® (WMAR) Board, by virtue of the office. The AAR President shall not have the right to vote on WMAR matters or to hold elective office in the Board, but shall, when given authority by the Local Board, cast the number of votes allowed as our representative to the Delegate Body of the NATIONAL ASSOCIATION OF REALTORS®. (Amended 11/17)

ARTICLE V – QUALIFICATION AND ELECTION

Section 1. Application

- (a) An application for membership shall be made in such manner and form as may be prescribed by the Board of Directors and made it 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/herself with the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, the Constitutions, Bylaws, and Rules and Regulations of the Association, the State and National Association, and if elected a Member, will abide by the Constitution, Bylaws and Rules and Regulations of the Association, State and National Associations, and if a REALTOR® Member will abide by the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS® including the obligation to arbitrate (or to mediate if required by the association) controversies arising out of the real estate transactions as specified by Article 17 of the Code of Ethics, and as further specified in the Code of Ethics and Arbitration Manual of the NATIONAL ASSOCIATION OF REALTORS®, as from time to time amended, and (2) that applicant consents that the Association, 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 Association by any person in response to the invitation shall be conclusively deemed to be privileged and not form the basis of any action for slander, libel, or defamation of character. The applicant shall, with the form of application, have access to a copy of the Bylaws, Constitution, Rules and Regulations, Policy Statements, and Code of Ethics referred to above. (Amended 4/16)

Section 2 Qualification

- (a) An applicant for REALTOR® Membership who is a sole proprietor, partner, or 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 the appropriate state regulatory agency to engaged 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 of recent or pending bankruptcy*, has no record of official sanctions involving unprofessional conduct**, agrees to complete a course of instruction covering the Bylaws and Rules and Regulations of the Association, 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, he will abide by such Constitution, Bylaws, Rules and Regulations, and Code of Ethics.

(* **NO RECENT OR PENDING BANKRUPTCY** is intended to mean that the applicant or any real estate firm in which the applicant is a sole proprietor, general partner, or corporate officer, or branch manager, is not involved in any pending bankruptcy or insolvency proceeding or, has not been adjudged bankrupt in the past (3) years. If bankruptcy proceeding as described above exists, membership may not be rejected unless the Association establishes that its interests and those of its members and the public could not be adequately protected by requiring that the bankrupt applicant pay the date that the applicant is discharged from bankruptcy (whichever is later). In the event that an existing member initiates bankruptcy proceedings, the member may be placed on a "cash basis" from the date that bankruptcy is initiated until one (1) year from the date that the member has been discharged from bankruptcy.

(**) **NO RECORD OF OFFICAL SANCTIONS INVOLVING UNPROFESSIONAL CONDUCT** is intended to mean that the Association may only consider judgments within the past three (3) years of violations of (1) civil rights laws; (2) real estate license laws; (3) or other laws prohibiting unprofessional conduct against rendered by the courts or other lawful authorities.

Note 1: One or more of the requirements for REALTOR® Member Boards set forth above in Article V; section 2(a) may be deleted at the Board's discretion. However, Associations may NOT adopt membership qualifications more rigorous than specified in the Membership Qualification Criteria for REALTORS® Membership approved by the Board of Directors of the National Association.

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

- (b) Individuals who are actively engaged in the real estate profession other than as a sole proprietors, partner, corporate officer, or branch managers in order to qualify for REALTOR® Membership shall at the same time of application be associated either as an employee or as an independent contractor with a Designated REALTOR® Member of the Association 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 Rules and Regulations of the Association, the Bylaws of the State Association, and the Constitution, Bylaws and the 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 Membership Committee, and shall agree in writing that if elected to membership will abide by such Constitution, Bylaws, Rules and Regulations, and the Code of Ethics. (Amended 9/05)
- (c) The Association will also consider the following in determining an applicant's qualifications for REALTOR® membership:
 - 1. All final findings of the Code of Ethics violations and violations of other membership duties in any other association within the past three (3) years.
 - 2. Pending ethics complaints (or hearing)
 - 3. Unsatisfied discipline pending
 - 4. Pending arbitration requests (or hearing)
 - 5. Unpaid arbitration awards or unpaid obligations to any other association or association MLS.
 - 6. Any misuse of the term REALTOR® or REALTORS® in the name of the applicant's firm names, email address or web address. (Adopted 4/16)

“Provisional” membership may be granted in instances where ethics complaints or arbitration requests (or hearing) 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 the association may condition membership on the applicant's certification that ~~“he/she”~~“member” 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. (Amended 9/2024)

Section 3. Election.

The procedure for election to membership shall be as follows:

- (a) Applications 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 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 the qualifications for membership (for example, completion of a mandatory orientation program) within 60 days from the association's receipt of their application, membership may, at the discretion of the Board of Directors, be terminated. (Amended 9/04)

- (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 and any application fees.
- (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 witness 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 the written minutes be made of any hearing before it or may electronically or mechanically record the proceeding.
- (d) If the Board of Directors determines that provisional membership should be terminated, it shall record its reasons with the Association Executives. If the Board of Directors believes that termination of provisional membership may become the basis of litigation and a claim of damage by a provisional member, it may specify that termination shall become effective upon entry in a suit by the Board for a declaratory judgment by the court of competent jurisdiction of a final judgment declaring that the termination violates no right of the individual. (Amended 9/04)

Section 4. Status Changes

- (a) A REALTOR® who changes the conditions under which ~~he/she~~ **member** holds membership shall be required to provide written notification to the Association within thirty (30) days. A REALTOR® (non-principal) who becomes a principal in the firm with which he has been licensed or alternatively, becomes a principal in a new firm which will be comprised of REALTOR® (principal) Members but shall, during the period of transition from one status of membership to another, be subject to all the privileges and obligations of a REALTOR® (principal). If the REALTOR® (non-principal) does not satisfy the requirements established in the Bylaws for the category of membership to which they have transferred within thirty (30) days of the date they advised the Association of their change in status, their new membership application will terminate automatically unless otherwise so directed by the Board of Directors. (Amended 9/2024)
- (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.

Section 5. Orientation

- (a) Applications for REALTOR® membership and provisional REALTOR® members, (where applicable), shall complete an Orientation Program consisting of (no less than 3 hours) on the Code of Ethics within 60 days from when a completed membership application is received by the Association. The Code of Ethics required portion is met for the applicants for REALTOR® membership or provisional members who have completed a Code of Ethics course within the last ~~two~~ **three** years and provide written proof of said course, provided that REALTOR® membership has been continuous, or that any break in membership is for ~~two~~ **three** years or less. Failure to satisfy the Code of Ethics requirement within 60 days from when a completed application is received by the Association will result in termination of membership. (Amended 09/11) (Amended 9/2024)

Note: Orientation programs must meet the learning objectives and minimum criteria established from time to time by the NATIONAL ASSOCIATION OF REALTORS® (Adopted 01/01)

Section 6. Continuing Member Code of Ethics Training

- (a) Effective January 1, 2019, through December 31, 2021, and for successive three-year periods thereafter, each REALTOR® member of the Association (except for REALTOR® members granted REALTOR® Emeritus status

by the National Association) shall be required to complete ethics training of not less than two (2) hours and thirty (30) minutes of instructional time. This requirement will be satisfied upon presentation of documentation that the member has completed a course of instruction conducted by this or another REALTOR® association, the State Association of REALTORS®, or the NATIONAL ASSOCIATION OF REALTORS®, 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 three-year cycle shall not be required to complete additional ethics training until a new three-year cycle commences.

Failure to satisfy the required periodic ethics training shall be considered a violation of membership duty. Failure to meet the requirement in any three-year cycle will result in suspension of membership for the first two months (January and February) of the year following the end of any three-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. (Adopted 01/01, Amended 4/16, Amended 4/17, Amended 3/2020)

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 Association may be reprimanded, fined, placed on probation, suspended, or expelled by the Board of Directors for a violation of these Bylaws and Association Rules and Regulations not inconsistent with these Bylaws, after a hearing as provided in the Code of Ethics and Arbitration Manual of the ~~Association~~ **NATIONAL ASSOCIATION OF REALTORS®**. Although Members other than REALTORS® are not subject to the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, such Members are encouraged to abide by the principles established in the Code of Ethics and conduct their business and professional practices accordingly. Further, Members other than REALTORS® may, upon recommendation of the Membership Committee, or upon recommendation by a hearing panel of the Professional Standards Committee, be subject to discipline as described above, for any conduct, which in the opinion of the Board of Directors, applied on a nondiscriminatory basis, 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 purpose of the local Association, the State Association, and the NATIONAL ASSOCIATION OF REALTORS®. (Amended 4/16) (Amended 9/2024)

Section 3. Any Realtor® Member of the Association may be disciplined by the Board of the Directors for violations of the Code of Ethics or other duties of membership, after a hearing as described in the Code of Ethics and Arbitration Manual of the ~~Association~~ **NATIONAL ASSOCIATION OF REALTORS®**, 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 ~~Association~~ **NATIONAL ASSOCIATION OF REALTORS®**. (Adopted 4/16) (Amended 9/2024)

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 Association for dues, fees, fines, or other assessments of the Association or any of its services, departments, divisions, or subsidiaries, the Association may condition the right of the Member to reapply for Membership upon payment in full of all such monies owed.

Section 5. If a Member resigns from the Association 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~~ **the member** will submit to the pending ethics proceeding and will abide by the decision of the hearing panel. (Amended 9/2024)

- (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.

- (a) REALTOR® Members, whether primary or secondary, in good standing whose financial obligations to the Association are paid in full shall be entitled to vote and hold elective office in the Association; may use the term 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 Association and the real estate profession.
- (b) 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 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 Association 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 of 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 Association. 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 REALTOR® 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 – principle) elects to sever his connection with the REALTOR® and affiliate with another REALTOR® Member in good standing in the Association, 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 term REALTOR® and REALTORS® by the firm, partnership or corporation shall not be affected.

- (c) In any action taken against a Designated REALTOR® Member for suspension or expulsion under 6(b) 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 provision in Article VI, Section 6(b) shall apply. (Amended 9/05)

Section 7. Institute Affiliate Members. Institute Affiliate Members shall have rights and privileges and be subject to obligations prescribed by the Board of Directors consistent with the Constitution and Bylaws of 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. (Adopted 03/03)

Section 8. Affiliate Members. Affiliate Member 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 11. Student Members. Student Members shall have rights and privileges and be subject to obligations prescribed by the Board of Directors.

Section 12. Harassment. Any Member may be reprimanded, placed on probation, suspended, or expelled for harassment of an Association or MLS employee or an Association officer or director after an investigation in accordance with the procedures of Code of Ethics and Arbitration Manual of the ~~Association~~ **NATIONAL ASSOCIATION OF REALTORS®**. 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 conduct, or threats to do the same, or any 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 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 Code of Ethics and Arbitration Manual of the ~~Association's Code of Ethics and Arbitration Manual~~ **NATIONAL ASSOCIATION OF REALTORS®**. 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 directors selected by the highest-ranking officer not named in the complaint. (Adopted 4/16) (Amended 9/2024)

ARTICLE VII – PROFESSIONAL STANDARDS AND ARBITRATION

Section 1. The responsibility of the Association and of Association Members relating to the enforcement of the Code of Ethics, the disciplining of Members, and the arbitration of disputes, and the organization and procedures incident thereto, shall be governed by the Code of Ethics and Arbitration manual of 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 Association to abide by the Constitution and Bylaws and Rules and Regulations of the Association, 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 mediate and 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 as set forth in the Code of Ethics and Arbitration Manual of the ~~Code of Ethics and Arbitration Manual of this Association~~ **NATIONAL ASSOCIATION OF REALTORS®**-as from time to time amended. (Amended 04/13) (Amended 9/2024)

Section 3. The responsibility of the Association and of Association members relating to the enforcement of the Code of Ethics, the disciplining of members, the arbitration of disputes, and the organization and procedures incident thereto, shall be consistent with the ARIZONA ASSOCIATION OF REALTORS® Statewide Professional Standards Enforcement Agreement entered into the Board of Directors, 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 Rules and Regulations prescribed by its Board of Directors. The Association 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. (Amended 4/07)

Section 2. REALTOR® Members of the Association shall have the privilege of using the terms REALTOR® and REALTORS® in connection with their places of business within the state or a state contiguous thereto so long as they remain REALTOR® Members in good standing. No other class of Members shall have this privilege.

Section 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 of the Association 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 REALTORS® shall be limited to office locations in which a principal, partner, corporate officer, or branch manager of the firm, partnership, or corporate 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. (Amended 01/01)

Section 4. Institute Affiliate Members shall not use the terms REALTOR® or REALTORS®, or the imprint of the emblem seal of the NATIONAL ASSOCIATION OF REALTORS®.

ARTICLE IX – STATE AND NATIONAL MEMBERSHIPS

Section 1. The Association shall be a Member of the NATIONAL ASSOCIATION OF REALTORS® and the ARIZONA ASSOCIATION OF REALTORS®. By reason of the Association each REALTOR® Member of the Member Association shall be entitled to membership in the NATIONAL ASSOCIATION OF REALTORS® and the ARIZONA ASSOCIATION OF REALTORS® without further payment of dues. The Association shall continue as a Member of the State and National Association, unless by a majority vote of all of its REALTOR® Members, decision is made to withdraw, in which case the State and National Association shall be notified at least one month in advance of the date designated for the termination of such membership.

Section 2. The Association recognizes the exclusive property rights of the NATIONAL ASSOCIATION OF REALTORS® in the terms REALTOR® and REALTORS®. The Association 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 Association adopts the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS® and agrees to enforce the Code among its REALTOR® Members. The Association and all of its Members agree to abide by the Constitution, Bylaws, Rules and Regulations, and policies of the NATIONAL ASSOCIATION OF REALTORS® and the ARIZONA ASSOCIATION OF REALTORS®.

ARTICLE X – DUES AND ASSESSMENTS

Section 1. Application Fee. The Board of Directors may adopt an application fee for REALTOR® Membership in reasonable amount not exceeding three (3) times the amount of the annual dues for REALTOR® Membership, which shall be required to accompany each application for REALTOR® Membership and which shall become the property of the Association upon final approval of the application. All application fees are subject to change by the Association's Board of Directors at any time. (Amended 4/16)

Section 2. Dues. 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, plus an additional amount to be established annually by the Board of Directors times the number of real estate salespersons and licensed or certified appraisers who (1) are employed by or affiliated as independent contractors, or who are otherwise directly or indirectly licensed with such REALTOR® Member, and (2) who are not REALTOR® Members of any Board in the state or a state contiguous thereto or Institute Affiliated Members of the Board. In calculating the dues payable to the Board by a Designated REALTOR® Member, non-member licensees as defined in (1) and (2) of this paragraph shall not be included in the computation of dues if 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 licenses shall be limited to licenses 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. (Amended 05/04)

- (1) For the purposes 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 of state contiguous thereto and who, as a principal, partner, corporate officers, 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, corporate officer, or branch office manager of the entity. (Amended 05/04)

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 the 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 individual disclosed on such form shall not be deemed to be licensed with the REALTOR® filing the form for purpose of this Section and shall not be included in calculating the annual dues of the Designated REALTOR®. (Amended 05/04)

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® membership in the Association. However, membership dues shall not be prorated if the licensee held REALTOR® membership during the preceding calendar year. (Amended 05/04)

- (b) **REALTOR® Members.** The annual dues of REALTOR® Members other than the Designated REALTOR® shall be as established annually by the Board of Directors.
- (c) **Institute Affiliated Members.** The annual dues of each Institute Affiliated 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 the 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 \$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 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. (Adopted 03/03)

- (d) **Affiliated Members.** The annual dues of each Affiliate Member shall be in such amount as established annually by the Board of Directors.
- (e) **Public Service Members.** The annual dues for each Public Service Member shall be in such amount as established annually by the Board of Directors.
- (f) **Honorary Member.** The annual dues of each Honorary Member shall be in such amount as established annually by the Board of Directors.

- (g) **Student Member.** The annual 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 of the first day of January. Dues for new Members shall be computed from the date of application and granting of provisional membership. (Amended 10/13)

- (a) In the event a sales licensee or certified appraiser who holds REALTOR® Membership is dropped for nonpayment of Association 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 thirty (30) days of notice of termination. (Amended 4/16)

Section 4. Nonpayment of Financial Obligations. If all financial obligations other than Dues Payable (fees, fines, or other assessments), including amounts owed to the Association or the Association's Multiple Listing Service are not paid within one (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/her/their membership terminated for nonpayment of dues, fees, fines, or other assessments duly levied in accordance with the provisions of these Bylaws or the provisions of the other Rules and Regulations of the Association 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. (Amended 04/13) (Amended 9/2024)

Section 5. Deposit. All monies received by the Association for any purpose shall be deposited to the credit of the Association in a financial institute or institution selected by resolution of the Board of Directors.

Section 6. Expenditures. The Board of Directors shall administer the day-to-day finances of the Association. Capital expenditures in excess of \$20,000 may not be made unless authorized by 51% of the Members present and eligible to vote at any meeting at which a quorum is present. (Amended 4/07)

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 Association or Association Multiple Listing Service shall be notified to the delinquent Association Member in writing setting forth the amount owed and due date.

Section 8. Honorary Member. The dues of REALTOR® Members who are REALTOR® Emeritus (as recognized by the National Association), Past Presidents of National Association or recipients of the Distinguished Service Award shall be as determined by the Board of Directors.

ARTICLE XII – OFFICERS AND DIRECTORS

Section 1. Officers. The elected officers of the Association shall be a President, a President-Elect, a 1st Vice-President, and a Treasurer. They shall be elected for terms of one (1) year with the exception of the Treasurer who shall be elected for terms of two (2) years.

- (a) The Board of Directors may employ an administrative officer who shall have the title "Association Executive."
- (b) Unless in the event of filling a vacancy, as needed, and approved by the Board of Directors; no Officer shall serve as a Director in the year immediately following their term as an Officer. (Amended 04/13)

Section 2. Duties of Officers. The duties of the officers shall be such as their titles, by general usage, would indicate and as the Board of Directors may assign to them.

- (a) The Association Executive shall be the Chief Administrator and Executive Secretary to the Board of Directors,

responsible to the Association for the effective conduct of the affairs of the Association, and to perform such duties as the Association may require and define.

Section 3. Board of Directors. The governing body of the Association shall be a Board of Directors consisting of the elected officers, and eight (8) REALTOR® Members of the Association. Directors shall be elected to serve for terms of three (3) years. Thereafter, as many Directors shall be elected each year as are required to fill vacancies. (Amended 04/10)

- (a) Unless in the event of filling a vacancy, as needed, and approved by the Board of Directors; no Director shall serve for more than two (2) consecutive three (3) year terms. (Adopted 04/13)

Section 4. Election of Officers and Directors.

- (a) Requests for nominations for Directors and Officer positions, as well as a list of those eligible for Officer positions, shall be sent to all REALTOR® members four (4) weeks prior to the Spring meeting. Any REALTOR® member may complete the nomination form for themselves or others. Qualifications for positions are part of the Policy of the Association. (Amended 09/04)
- (b) Upon verification of willingness to run, all nominees fulfilling minimum criteria of office shall be placed on a ballot to be delivered electronically to all REALTOR® members. Those running for office may submit a campaign statement of no more than 250 words to be provided with the ballots. Ballots shall be delivered electronically to members two (2) weeks prior to the Spring meeting and must be returned to the Association office within 48 hours prior to the meeting. (Amended 12/07)
- (c) The President, with the approval of the Board of Directors shall appoint an Election Committee of three (3) REALTOR® Members. The ballots shall be due to the Association 48 hours before the Spring meeting and the votes compiled by the Election Committee. In case of a tie vote, the issue shall be determined by a run-off vote. The results shall be announced at the annual Spring meeting (Amended 09/04)

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

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 twenty (20) days or more than forty-five (45) days thereafter, a special meeting of the voting membership of the Association 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 ten (10) days prior to the meeting and shall be conducted by the President of the Association unless the President's continued service in the 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 a Quorum is present, a three-fourths vote of Members present and voting shall be required for removal of office.

Section 7. Interpretation and Enforcement of Bylaws and Rules. The Board of Directors shall have the express authority to interpret and enforce these Bylaws as well as any other governing rules and regulations. (Adopted 4/16)

ARTICLE XII – MEETINGS

Section 1. Semi-Annual Meeting. The semi-annual meeting of the Association shall be held once in the spring, and once in the fall of each year, the date, place, and hour to be designated by the Board of Directors. (Amended 09/04)

Section 2. Meeting of Directors. The Board of Directors shall designate a regular time and place of meeting. Absence from three (3) regular meetings without an excuse deemed valid by the Executive Committee, shall be construed as resignation. (Amended 10/19/2018)

Section 3. Other Meeting. 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 twenty percent (20%) of the Members eligible to vote.

Section 4. Notice of Meeting. Notice shall be delivered electronically to every Member entitled to participate in the meeting at least one (1) week preceding all meetings. If a special meeting is called, it shall be accompanied by a statement of the purpose of the meeting. (Amended 12/07)

Section 5. Quorum. A quorum for the transaction of business at a general membership meeting shall consist of ten percent (10%) of the Members eligible to vote. A quorum for the transaction of business at a Board of Directors meeting shall consist of fifty- five percent (55%) of those eligible to vote. (Amended 9/05)

Section 6. Electronic Transaction of Business. To the fullest extent permitted by law, the Board of Directors may conduct business by electronic means. (Adopted 04/11)

ARTICLE XIII – COMMITTEES

Section 1. Multiple Listing Service Committees. The MLS Committee shall be co-chaired by the President – Elect and the 1st Vice President.

Section 2. Finance Committee. The Finance Committee shall be chaired by the Treasurer, the committee to be made up of the President, President-Elect, 1st Vice President, Past President, and Association Executive.

Section 3. Standing Committees. The President shall appoint from among the REALTOR® members, subject to confirmation by the Board of Directors, the following standing committees: Education, Government Affairs and Broker/Owner. (Amended 04/03) The White Mountain Association of REALTORS® participates in statewide Professional Standards and Grievance Committees through the ARIZONA ASSOCIATION OF REALTORS®. (09/05)

Section 4. Special Committees. The President may appoint, subject to confirmation by the Board of Directors, special committees or task force as deemed necessary.

ARTICLE XIV – FISCAL AND ELECTIVE YEAR

Section 1. The Fiscal year of the Association shall be January 1 to December 31.

Section 2. The elective year of the Association shall be ~~November 1 to October 31~~ **January 1 to December 31. (Amended 9/2024)**

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 Association, its Board of Directors, and committees, in all instances wherein its provisions do not conflict with the Bylaws.

ARTICLE XVI – AMENDMENTS

Section 1. These Bylaws may be amended by a majority vote of the Members present and qualified to vote at any meeting at which a quorum is present, 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 delivered electronically to every Member eligible to vote at least one (1) week prior to the meeting. (Amended 12/07)

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 Association 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 or winding up of affairs of this Association, the Board of Directors, after providing for the payment of all obligations, shall distribute any remaining assets to the ARIZONA ASSOCIATION OF REALTORS®, or within its discretion, to any other non- profit tax exempt organization.

ARTICLE XVIII – MULTIPLE LISTING

Section 1. Authority. The Association of REALTORS® shall maintain for the use of its Members a Multiple Listing Service, which shall be subject to the Bylaws of the White Mountain Association of REALTORS® and such Rules and Regulations as may be hereinafter adopted. (Amended 09/04)

Section 2. Purpose. A Multiple Listing Service is (Amended 4/07)

- (a) A means by which authorized Participants makes blanket unilateral offers of compensation to other participants (acting as subagents, buyer agent, or in other agency or non- agency capacities defined by law);
- (b) A means by which cooperation among Participants is enhanced;
- (c) A means by which information is accumulated and disseminated to enable authorized Participants to prepare appraisals, analysis, and other valuations of real property for bona fide clients and customers;
- (d) A means by which Participants engaging in real estate appraisal contribute to common data bases;
- (e) 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).

While offers of compensation made by listing brokers to cooperating brokers through MLS are unconditional, * a listing brokers obligation to compensate a cooperating broker who was the procuring cause of sale (or lease) may be excused to compensate a cooperating broker who was the procuring cause of sale (or lease) may be excused if its determined through arbitration that, through no fault of the listing broker and in the exercise of good faith and reasonable care, it was impossible or financially unfeasible for the listing broker to collect a commission pursuant to the listing agreement. In such instances, entitlement to cooperative compensation offered through MLS would be a question to be determined by an arbitration hearing panel based on all relevant facts and circumstances including, but not limited to, why it was impossible or financially unfeasible for the listing broker to collect some or all the commission established in the listing agreements; at what point in the transaction did the listing broker know (or should have known) that some or all of the commission established in the listing agreement might not be paid; and how promptly had the listing broker communicated to cooperating brokers that the commission established in the listing agreement might not be paid. (Adopted 04/09)

*Compensation is unconditional except where local MLS rules permit listing brokers to reserve the right to reduce compensation offers to cooperating brokers in the event that the commission established in a listing contract is reduced by court actions of a lender. (Adopted 04/09)

Section 3. Participation. Any REALTOR® Member of this or any other Association 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 costs incidental

thereto. However, under no circumstances is any individual or firm, regardless of membership status, entitled to Multiple Listing Service “Membership” or “Participants” unless they hold a current valid real estate broker’s license and offer or accept compensation to and from other Participants or are licensed or certified by and appropriate state regulatory agency to engage in the appraisal of real property. Use of information developed by or published by an Association Multiple Listing Service is strictly limited to the activities 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 an Association Multiple Listing Service where access to such information is prohibited by law. (Amended 09/04)

Note: Mere possession of a broker’s license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm offers or accepts cooperation and compensation means that the participant actively endeavors during the operation of its real estate business to list a real property of the type listed on the MLS and/or to accept offers of cooperation and compensation made by listing brokers, or agents in the MLS. “Actively” means on a continual and ongoing basis during the operation of the participant’s real estate business. The “actively” requirement is not intended to preclude MLS participation by a participant or potential participant that operates a real estate business on a part-time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the requirement is not intended to deny MLS participation to a participant or a potential participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit an MLS to deny participation based on the level of service provided by the participant or potential participant as long as the level of service satisfies state law. (Adopted 04/09)

The Key is that the participant or potential participant actively endeavors to make or accept offers of cooperation and compensation with respect to properties of the type that are listed on the MLS in which participation is sought. This requirement does not permit an MLS to deny participation to a participant or potential participant that operates a “Virtual Office Website” (VOW) (including a VOW that the participant uses to refer customers to other participants) if the participant or potential participant actively endeavors to make or accept offers of cooperation and compensation. An MLS may evaluate whether a participant or potential participant actively endeavors during the operation of its real estate business to offer or accept cooperation and compensation only if the MLS has a reasonable basis to believe that the participant or potential participant is in fact not doing so. The membership requirement shall be applied in a nondiscriminatory manner to all participants and potential participants. (Adopted 04/09)

Section 4. Supervision. The activity shall be operated under the supervision of the Multiple Listing Committee, in accordance with the Rules and Regulations, subject to approval by the Board of Directors.

Section 5. Appointment of Committee. (Amended 09/12) The President-Elect and 1st Vice President shall serve as Co-Chairpersons and appoint a Multiple Listing Committee. The Multiple Listing Committee shall consist of a minimum of five (5) members, with the majority being Brokers. All members of the Committee shall be Participants in Multiple Listing Service except, at the option of the local Association, REALTORS® affiliated with Participants may be appointed to service.

Section 6. Vacancies. Vacancies in unexpired terms shall be filled as in the case of original appointees.

Section 7. Attendance. Any Committee Member who fails to attend three (3) consecutive regular or special meetings of the Committee without excuse acceptable to the Chairman of the Committee, shall be deemed to have resigned from the Committee and the vacancy shall be filled as herein provided for original appointees.

Section 8. Subscribers. Subscribers (or users) of the Multiple Listing Service include non-principal brokers, sales associates, and licensed and certified appraisers affiliated with Participants, and other affiliate members approved by the Board of Directors. (Amended 9/2024)