



## **Policies**

(Updated July 2020)

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## Section 1. POLICY

Policy Formation. All statements of policy promulgated by The Bylaws Committee shall be presented to the Board of Directors for their review and action. Any policy instituted outside of the Bylaws Committee shall also be submitted to the Board of Directors for their review and action.

## Section 2. COMMUNICATIONS

- a) General Communications
- b) Copies of all communication between members and the Nevada REALTORS® and the NATIONAL ASSOCIATION OF REALTORS® should be sent to the Elko County Association of REALTORS®.
- c) In order to maintain continuity in Association programs and to provide historical records for the leadership, copies of all meeting minutes and correspondence from all committees shall be maintained in the master file at the Association office. Whenever possible, committee meetings should be held at the Association office to provide access to previous files and information.
- d) All mail from the Association office shall be sent to the Member's office address, unless written request to forward mail to the member's personal address is received in the Association office and placed in the member's personnel file.
- e) Office Roster. The roster of member offices will be made available only if a demonstrable benefit will accrue to the membership or the community or in accordance with General Policy Provisions 6(i).

## Section 3. FINANCE

- a) Dues Refund. No refund of association dues or application fees paid shall be made for any reason.
- b) Refunds Association Activities. No ticket refund to Association events will be made unless the ticket is returned, or reservation cancelled two (2) working days prior to the scheduled event.
- c) As per appendix for Fines and Fees (B) *(revised 1/8/19)*
- d) Arbitration Filing Fee. Members submitting arbitration requests shall include a \$300 filing fee.
- e) Grievance Administrative Processing Fee. Respondents found in violation of the Code of Ethics and Professional Standards will be assessed a \$500 administrative processing fee in addition to any other discipline imposed
- f) No personal or financial information to be held or on file at the board office.
- g) All receipts on credit card purchases and reimbursements must be presented and attached to statements and reviewed by the treasurer. *(revised 3/10/20)*
- h) Any unbudgeted expenditures to be approved by Board of Directors *(6/10/19)*
- i) Any Reimbursement request must be made with 30 days of transaction *(revised 3/10/20)*

## Section 4. OFFICERS

Job descriptions of the Board Officers shall be made a part of the yearly policy statements of the Association. See Section 12.

### PRESIDENT.

- a) The President is charged with the responsibility for the general direction of its affairs and to preside at all meetings. He/she is authorized to appoint all committees (subject to the approval of the Board of Directors), designated an ex-officio member of all committees (except Nominating, Grievance, Professional Standards and REALTOR of the YEAR Committees) where he/she has no vote, and is expected to perform such duties as may be assigned by the Board of Directors.

### PRESIDENT-ELECT

- b) The President-Elect shall perform the duties of the President in the event of his/her absence or disability and shall perform such other duties as may be enjoyed upon him/her by the President and/or the Board of Directors. President Elect shall present all correspondences from committees to Board of Directors.

### VICE PRESIDENT /SECRETARY

- c) The Vice President / Secretary shall serve in the absence of the President and President-Elect and familiarize him/herself with other duties and responsibilities of said office. They shall assist the president and president-elect in effecting the policies and/or decisions made by the Board of Directors.

### TREASURER

- d) The Treasurer is charged with the responsibility of ensuring properly prepared statements showing the income and expense of the Association's activities. In addition, the Treasurer, in cooperation with the Association Executive and the Budget and Finance Committee, prepares the annual budget which is approved by the Board of Directors at their January meeting.

## DIRECTORS

- e) Although the Board of Directors is responsible for the general overall management of the Association affairs, it is not responsible for the day-to-day operations. This is accomplished by the Association Executive of the Association in close coordination with elected officers and committees.

## ASSOCIATION EXECUTIVE

- f) The Association Executive serves as Chief Staff Executive of the Association and Multiple Listing Service, recommends, and participates in the formulation of new policies and makes decisions within existing policies as they have been approved by the Board of Directors.

## MISCELLANAEUS RELATED

- g) The job descriptions of the Board Officers shall be made a part of a yearly review by the Board of Directors.
- h) Association Executive Review. An annual review shall be conducted by the current President. President-elect and Immediate Past President, to evaluate and discuss the job description, duties, obligation, and performance with the Association Executive.
- i) Members of the Board of Directors will be required to attend a workshop provided by the State Association, or local board. The responsibility and liability of revenue and acceptance of the panel's decision must be considered by knowledgeable peers to uphold the principles of the Code of Ethics.
- j) Members of the Board of Directors are expected to attend luncheon and functions supporting the members.
- k) Executive officers and board of directors shall complete professional standard training at least every 5 years.

## Section 5. COMMITTEES

- a) **EDUCATIONAL COURSES.** All educational courses requiring Board promotion, endorsement of the use of the Board facilities must be investigated and coordinated by the Education Committee and approved by the Board of Directors.
- b) **PROFESSIONAL STANDARDS AND GRIEVANCE COMMITTEE WORKSHOP.** Members who accept appointment to Professional Standards and Grievance committees will be expected to attend a workshop provided by the state association or local board. Appointments to these committees to be carefully considered to provide ethical knowledgeable and dedicated members for service on these committees.
- c) **RISK REDUCTION/EQUAL OPPORTUNITY COMMITTEE JOB DESCRIPTION**

**Committee Members:** Committee members are selected from volunteer forms submitted on an annual basis to the Association. Committee representation shall be a mix of REALTOR®, Affiliate and Individual Affiliate members.

**Term:** Committee year is as defined by the Association bylaws (one-year total)

**Chairman:** Chairman appointed by the Association President with confirmation of the Board of Directors

**Meetings:** Committee meetings shall be at the call of the Chairman but shall be held at least quarterly.

**Attendance Requirements:** Any committee member missing two (2) regular or special meetings without excuse acceptable to the Chairman or Vice Chairman shall be removed from the committee.

**Duties:** The purpose of the Risk Reduction & Equal Opportunity Committee is to:

1. Reduce risk
2. Determine the areas of risk
3. Implement new forms and contracts and update current forms to minimize member risk
4. Maintain an awareness of future need for changes and how they affect the industry
5. Be aware and proactive in the implementation of laws, rules and regulations that put members at risk and subject to liability.

## Section 6. MEMBERSHIP

- a) ORIENTATION and MLS COURSES. All applicants must attend the first Orientation and MLS Course given after application is made (*if the REALTOR® has thoroughly considered whether the best interest of the clients would be better served by the participating in ECAR MLS and has chosen to participate in ECAR MLS*). Final membership will not be given until the applicant has attended an Orientation. New member orientation will be given on the third Thursday in April and the third Thursday in October. The applicant must notify the Board of Directors, in writing in advance if he/she will be unable to attend a class. An unexcused absence from an Orientation shall be grounds for requiring the individual to re-apply in the manner of a new applicant and subject to the same application fees and charges. The applicant may appeal the decision of the Board of Directors, in writing, based on any unanticipated emergency.
- b) Voluntary participation in ECAR MLS requires that a **Mandatory** orientation class be attended. MLS orientation will be given on the third Thursday in April and the third Thursday in October. The applicant must notify the Board of Directors, in writing in advance if they will be unable to attend a class. Failure to satisfy this requirement will result in denial of access to the MLS until at which time the orientation requirement has been satisfied and any reinstatement fees are paid in full. The applicant may appeal the decision of the Board of Directors, in writing, based on any unanticipated emergency.
- c) LAPSED MEMBERSHIP. Members, whose membership has been terminated, upon re-application, may petition the Board of Directors for a waiver of the requirement to attend the orientation course. The Board shall have the authority to approve or deny the request.
- d) NON-MEMBER DUES. REALTOR® Principals who have non-member licensees working exclusively as rental agents or office staff will **NOT** be exempt from payment of the Non-Member dues required by Article X, Section 2 of the Bylaws. The Designated REALTOR® shall be encouraged to promote membership in the Board for those non-members so that they may have access to the specialized services and opportunities available,
- e) INDIVIDUALS DROPPED FROM MEMBERSHIP. Upon notification by a member firm that an individual has left that firm, the individual shall be notified in writing That he/she has thirty (30) days to affiliate with another REALTOR firm or cause a non-REALTOR firm to join the Board. In either case a \$100.00 Transfer Fee is required. If neither option has been exercised at the end of thirty (30) days, the REALTOR will be dropped from membership in the Elko County Association of Realtors. If the dropped member applies for reinstatement within one year of dropping, he/she will pay a reinstatement fee. After one year, he/she will apply as a new member, paying all applicable fees.
- f) A NEW OFFICE is defined as: "A brand" new office, any name changes to the office i.e.: merger, sale, split of an office, a fee of \$500 will be charged to the broker member. ECAR must be notified with 5 business days of all changes.
- g) LOCATION CHANGE for the office will be charged a fee of \$100 per office changing location.
- h) A MEMBER CHANGING OFFICE will be charged a fee of \$100.
- i) INFORMATIONAL CHANGE FEE \$50 (name change or license status or any change completed with the Real Estate Division) (*revised 3/10/20*)
- j) If a member disputes a charge, that member must present the Board a written request for resolution.
- k) REALTOR/AFFILIATE MEMBERS. Any person who wishes to market proprietary goods and services to the membership must also join the Association as Affiliate
- l) When a member is both a Realtor and Affiliate, they are required to pay all dues and fees as TWO BUSINESSES (if each business is a separate licensed business entity). Including individuals seeking licensure or certification-----n as real estate appraisers who are under the direct supervision of an MLS participant or the Participant's licensed designee. See ECAR Bylaws article 18 section 5.
- m) Assistants with a license must join National Association of REALTORS®, Nevada REALTORS®, and Elko County Association of REALTORS® otherwise the Designated REALTOR® will be assessed a non-member licensee fee.
- n) STATEMENTS OF PROFESSIONAL STANDARDS POLICY.

## **MEDIATION AND DISPUTE RESOLUTION SERVICE POLICY**

### **PURPOSE:**

1. The Elko County Association of REALTORS® shall provide mediation under the following circumstances.
2. Disputes between REALTORS® involving real estate transactions and or commissions;
  - a. It shall not be necessary for a Request for Arbitration to be filed in order to initiate mediation.
  - b. In the event mediation is unsuccessful, the parties, may at their option, file a request for Arbitration.

3. Disputes between a REALTOR<sup>®</sup> and a client arising out of an agency relationship in a real estate transaction.
4. Disputes between a buyer and a seller, provided a REALTOR<sup>®</sup> was involved in the transaction.
5. Mediation of ethics disputes as provided for in the NAR Code of Ethics and Arbitration Manual.

#### CONDUCT OF MEDIATION:

Mediation shall be conducted in accordance with Appendix XI, to Part Four, and Appendix VI, Part Ten of the Code of Ethics and Arbitration Manual and the Elko County Association of REALTORS<sup>®</sup> Dispute Resolution System Mediation and Rules and Procedures.

#### MEDIATORS:

With the exception of outside, certified professional mediators, mediators shall be appointed by the President in accordance with Appendix VI, "Selection of Board Mediation Officer" of the Code of Ethics and Arbitration Manual.

Mediation officers shall be appointed for staggered three-year terms. There shall be at least three mediators appointed.

The President, at his/her option, may add certified professional mediators to the pool of REALTOR<sup>®</sup> mediators, provided the outside mediators agree to the guidelines established by the Association's Mediation Policy.

Mediators will be appointed to cases on a rotating basis. Parties to a mediation procedure shall have the option to accept or reject the assigned Mediators.

#### CRITERIA FOR APPOINTMENT AS A MEDIATOR:

1. Mediators must have held REALTOR<sup>®</sup> membership for at least two years. Certified Professional Mediators shall be exempt from REALTOR<sup>®</sup> membership requirement. Mediators should be those individuals who demonstrate a high ethical caliber, have substantial experience in the business. Among those who should be considered for appointment as mediators are past presidents, past members of the Board of Directors, current and past members of the Professional Standards Committee, as well as other members who may meet the criteria.
2. Mediators may serve as members of the Professional Standards Committee and hearing panels for cases in which they do not have a conflict of interest or have not conducted a prior mediation of the case.
3. Mediators may not serve on the Board of Directors.
4. Mediators must attend a mandatory training course and attend a refresher annually to maintain mediator status.
5. Newly appointed mediators must observe at least two mediations prior to assignment of a case as a mediator. In the case where a mediator can demonstrate previous mediation experience, he must observe only one mediation session prior to assignment of a case as a mediator. A certified professional mediator shall be exempt from observing a mediation session provided they can show evidence of having conducted more than two mediations in the past twelve months.

#### MEDIATION FEES:

1. The fee for mediation shall be \$100.00 from each of the parties and shall be non-refundable.
2. In the event of mediation between REALTORS<sup>®</sup> is unsuccessful, and the parties chose to arbitrate an arbitrable dispute no additional fees will be required for arbitration from the parties.

#### COMPENSATION TO MEDIATORS:

Mediators shall be compensated \$150.00 per mediation.

#### **ETHICS/MEDIATION POLICY**

**The following is modeled in part after Appendix XI to Part Four of the Code of Ethics and Arbitration Manual.**

#### **Appointment of mediators**

The Board President will select one or more ethics mediators to act on behalf of the committee. Mediators should be thoroughly familiar with the Code of Ethics, state real estate regulations, and current real estate practice.

### **Selection of Board Mediation Officer:**

Conducting successful mediation procedures requires tact, diplomacy, and a sense of equity. Careful consideration should be given by the Board President in selecting the Board's Mediation Officers.

A Board Mediation Officer(s) will be appointed for a term of three (3) years. It is strongly recommended that any individual serving as a Board Mediation Officer have extensive prior experience on the Board's Grievance Committee, Profession Standards Committee, and/or Board of Directors. The Mediation Officer should be thoroughly conversant with the Board ethics procedures as well as with the real estate rules and regulations of the state. If Mediation Officers are members the Grievance Committee, they shall not participate in the consideration of requests for arbitration or ethics complaints arising out of the same facts and circumstances giving rise to a matter they attempted to mediate. If Mediation Office are members of the Professional Standards Committee, they shall not serve on an arbitration Hearing Panel in cases where they had initially attempted to resolve the dispute prior to an arbitration hearing, or on an ethics Hearing Panel in cases where an ethics complaint arises out of the same facts and circumstances giving rise to a matter they attempted mediate. The Mediation Officer should be someone widely respected for fairness, experience, and impartiality.

### **Complaints that may be mediated**

Complaints brought by the public or by other Realtors® may be mediated under these procedures. Complaints brought the Grievance Committee and complaints alleging a violation of the public trust (as defined in Article IV, Section 2 of t NAR Bylaws) may not be mediated.

### **Initiation of ethics mediation procedures**

The ethics mediation process can be initiated in two ways. First, through filing a written ethics complaint. Second, through a personal, telephone, or written inquiry or complaint generally alleging potentially unethical conduct but which (a) is n filed on the appropriate form or (b) is not specific as to which Article(s) may have been violated.

Where a written ethics complaint in the appropriate form is received, it will be reviewed by the Grievance Committee a determination can be made whether a possible violation may have occurred or, alternatively, whether the complaint should be dismissed as not requiring a hearing. Where an informal inquiry or general letter of complaint that does n allege a potential violation of the public trust is received, it will not be reviewed by the Grievance Committee, but will referred to an ethics mediator.

### **Participation in ethics mediation is voluntary**

Persons inquiring about the process for filing ethics complaints will be advised that ethics mediation is available as alternative to a formal ethics hearing provided that all parties agree to participate, and also be advised they may decline or withdraw from mediation and have their complaint considered at a formal ethics hearing. Similarly, Realtor complained about have the right to decline or withdraw from mediation and to have complaints against them consider at a formal ethics hearing.

### **Referral of complaints to the mediator**

When either a written ethics complaint in the appropriate form is reviewed by the Grievance Committee and t Grievance Committee concludes that a hearing is warranted, or when a general letter of inquiry or complaint is receive and the matter(s) complained of do not involve a possible violation of the "public trust", the materials received will referred to the ethics mediator who will contact the parties to schedule a meeting at a mutually agreeable time. "Pub trust" refers to misappropriation of client or customer funds or property, willful discrimination, or fraud resulting substantial economic harm.

During the mediation session the mediator will encourage all parties to openly and candidly discuss all issues and concerns giving rise to the inquiry or complaint, and to develop a resolution acceptable to all of the parties. In the event t mediator concludes that a potential violation of the public trust may have occurred, the mediation process shall immediately terminated, and the parties shall be advised of their right to pursue a formal ethics complaint; to pursue complaint with any appropriate governmental or regulatory body; to pursue litigation; or to pursue any other available remedy.

### **Nature of the mediated resolution**

The mediator and the parties have considerable latitude in fashioning a mutually acceptable resolution. Resolutions c include, but are not limited to, payment of disputed funds, repairs or restoration of property, written or oral apology, acknowledgement of a violation of the Code of Ethics. In cases where a Realtor® acknowledges that the Code has be violated, that admission may be sufficient to resolve the matter or, alternatively, the parties may agree that discipline should be imposed. The discipline may, at the agreement of all parties, include any of the forms of discipline establish in

the *Code of Ethics and Arbitration Manual* and may also include payment of monies to the complainant or to a third party. Also, the parties may agree that the complainant will withdraw a complaint or agree not to file a formal, written ethics complaint in return for the respondent's action or acknowledgement. Again, any discipline imposed must be agreed to by all of the parties.

**Referrals to the Grievance Committee or to state regulatory bodies**

Ethics mediators cannot refer concerns they have regarding the conduct of any party to mediation to the Grievance Committee, to the state real estate licensing authority or to any other regulatory body. This prohibition is intended ensure impartiality and avoid the possible appearance of bias. Mediators are, however, authorized to refer concerns th the public trust may have been violated to the Grievance Committee.

**Refusal to comply with agreed upon discipline**

Failure or refusal of a respondent to comply with the terms of any mutually agreed on resolution shall entitle t complaining party to resubmit the original complaint or, where a formal complaint in the appropriate form had not be filed, to file an ethics complaint. The time the matter was originally brought to the board or association's attention shall be considered the filing date for purposes of determining whether an ethics complaint is timely filed.

**Confidentiality of mediation process**

The allegations, discussions, and decisions rendered in ethics mediation proceedings are confidential and shall not reported or published by the board, any member of a tribunal, or any party under any circumstances except those established in the *Code of Ethics and Arbitration Manual* of the National Association as from time to time amended.

**Cost of Mediation**

The fee for mediation shall be \$100.00 from each of the parties.

Bylaws & Policy Committee Approved by Board of Directors:

07/27/20 Date Approved

07/28/20 Date Approved

## **Ethics Citation Policy**

The Elko County Association of REALTORS® Board of Directors has adopted the following Ethics Citation Policy and a “Citation Schedule” of potential violations covered which shall be made a part of this Policy. Only those citable offenses identified under Articles 1, 3, 4, 5, 6, 12, 14, and 16 shall be considered under the Ethics Citation Policy, provided the complaint does not also include articles which are not included in the Ethics Citation Policy, ie. Articles 2, 7, 8, 9, 10, 11, 13, 15 and/or 17. This information will be provided as part of the information sent to potential complainants considering filing ethics complaints.

### **Appointment of a Citation Panel**

The President shall appoint with the approval of the Board of Directors a Citation Panel, comprised of at least five (5) individuals, 3 of which will review complaints to determine eligibility for the citation program and the appropriate citations. The Citation Panel shall be a subset of the association’s Professional Standards Committee. Individuals appointed to the Citation Panel shall have a high level of experience in hearing professional standards cases. Those qualified may include past presidents, past members of the Board of Directors and members of the Professional Standards Committee.

### **Initial Review by Grievance Committee and Citation Panel**

1. Complaints must be filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction or event, whichever is later.
2. When a Grievance Committee receives a written ethics complaint, it will review the complaint consistent with Sections 19 and 20 of the current NAR *Code of Ethics and Arbitration Manual*. The Grievance Committee may add or delete articles or respondents at this stage in the proceedings.
3. If the Grievance Committee determines that the complaint should be forwarded for a hearing, the Grievance Committee will first forward the complaint to the Association’s Citation Panel if it includes Articles and allegations covered by the Citation Schedule, i.e., if it is a “citable offense”.
  - a. If the complaint does not include alleged violations included in the Citation Schedule, or it includes some covered by the Citation Schedule and some that are not, the complaint shall be referred to the Professional Standards Committee for hearing consistent with the policies and procedures set forth in the *Code of Ethics and Arbitration Manual* for ethics hearings.
  - b. If the complaint includes *only* allegations of violations included in the Citation Schedule, the Citation Panel will issue a citation pursuant to Section III (below) and impose discipline consistent with the association’s Citation Schedule. In the event the members of the Citation Panel determine the conduct described in the complaint is sufficiently egregious to warrant a hearing rather than a citation, the complaint shall be referred to the Professional Standards Committee for hearing consistent with the policies and procedures set forth in the *Code of Ethics and Arbitration Manual* for ethics hearings.

### **Issuance of Citations**

1. Citations will be sent to respondents. A copy of the citation shall also be sent to the REALTOR® principal of respondents’ office. If the respondent changes firms before or after the complaint is filed but before the citation is issued, both the former and current REALTOR® principal will receive a copy of the citation.



- a. Staff will prepare a written summary of the complaint and the summary will be included with the citation to give the respondent sufficient information to understand the basis of the citation.
  - b. The complaint itself and the identity of the complainant may be kept confidential and unavailable to the respondent. This practice has been established effective July 24, 2020 and shall be followed consistently. If an anonymous complaint is filed, the identity of the complainant shall remain anonymous. Anonymous complaints are those where the complainant does not provide his identity and no attempt by staff will be made to secure the identity.
  - c. See section on Anonymous Complaints for procedure.
2. The respondent will have twenty (20) days from transmission of the citation to request a full due process hearing on the complaint.
    - a. If the respondent does not reply within ten (10) days of transmission the citation, a notice shall be issued to the respondent reminding the respondent of the deadline for requesting a hearing.
    - b. If the respondent accepts the citation, or if the respondent does not request a hearing within twenty (20) days of transmission of the citation, this shall be deemed to have been acceptance by the respondent and the final resolution of the complaint, after which it shall not be appealable or subject to any further review.
    - c. If the respondent accepts the citation, or if the respondent does not request a hearing within twenty (20) days of transmission of the citation, payment must be received by the association no later than five (5) days after the date of acceptance or time period to request a hearing has elapsed.
      - i. The case will be deemed to be closed upon receipt of payment, and notice will be provided to the complainant and the respondent's broker that a citation has been issued and paid.
      - ii. Failure to pay the citation amount within five (5) days after the date of acceptance or after the time period to request a hearing has expired will result in the automatic suspension of membership until the citation has been paid.
      - iii. When it is possible to correct a violation, ie. advertising, a respondent shall provide evidence to the Association that the violation has been corrected as soon as practicable but not to exceed 30 days from receipt of the citation notice.
      - iv. If the complaint is not anonymous, the Complainant will be notified of the Citation Panel's action.
    - d. If the respondent requests a hearing within the time specified, the complaint shall be referred for hearing. The complainant who initially filed the complaint shall be given the option to proceed as the complainant for the purposes of the hearing and will be afforded all due process rights provided for in the *Code of Ethics and Arbitration Manual*. Should the complainant be a member of the public who refuses or is unable to participate in the hearing, or should the complainant be a REALTOR® member who refuses or is unable to participate in the hearing, the provisions of Section 21(f)(3) in the NAR *Code of Ethics and Arbitration Manual* shall apply.

### **Anonymous Complaint Process**

1. An anonymous complaint must include the following:
  - a. Full name of Respondent
  - b. Date of incident
  - c. Supporting documentation

If one of these elements is not included, the staff has the authority not to forward to the Grievance Committee for review.

2. Anonymous complaints may only be considered under the citation program for alleged violations of Articles 1, 3, 4, 5, 6, 12, 14 and/or 16 provided the complainant has provided sufficient documentation giving evidence of the alleged violation.
3. The same procedures as outlined above are followed for anonymous complaints with the following exception:
  - a. Anonymous complaints alleging other than citable offenses under Articles 1, 3, 4, 5, 6, 12, 14 and/or 16 shall automatically be dismissed by the Grievance Committee.
  - b. In the event the respondent does not accept the citation, the respondent will provide a reply before the citation complaint goes to the Citation Panel, and the Citation Panel will make the determination as to whether there is sufficient evidential documentation to support the alleged violation. If the Citation Panel determines there is sufficient evidential documentation, the Citation Panel will become the complainant. A member of the Citation Panel will present the case as the complainant at the hearing. If the Citation Panel determines there is insufficient evidential documentation, the Panel shall dismiss the anonymous complaint.
4. Elko County Association of REALTORS® staff has no authority to, and is prohibited from, taking additional steps to gather more information on behalf of the Citation Panel.
5. Mediation will not be offered to the parties in anonymous citation complaint.
6. No assistance shall be provided by either an Ombudsman or a member of the Grievance Committee in filing an anonymous complaint.

### **Limitations**

1. Any REALTOR® is limited in the number and type of citations that he/she may receive, according to the following rules:
  - a. No more than two (2) citations will be issued to a member within a consecutive twelve (12) month period, starting on the date the first complaint was filed, at the same association. After two (2) citations within a consecutive twelve (12) month period of the same citable offense, the alleged violation will be referred to the Grievance Committee and processed in preparation for an ethics hearing. The member will not be eligible for the Citation Program.
  - b. No more than three (3) citations will be issued to a member within a consecutive thirty-six (36) month period, starting on the date the first complaint was filed, at the same association. An allegation of the same citable offense within a consecutive thirty-six (36) month period, will result in the matter being automatically referred to a hearing. After three (3) citations within a consecutive thirty-six (36) month period of the same citable offense, the alleged violation will be referred to the Grievance Committee and processed in preparation for an ethics hearing. The member will not be eligible for the Citation Program.
  - c. No additional citations are permitted where the cumulative fine for the citations issued would be more than \$5,000.00 in any three (3) year period at the same association.
  - d. The Elko County Association of REALTORS® has adopted an escalating fine schedule for repeat citations. The Citation Panel may only consider the past citations for the particular conduct alleged in the complaint.
  - e. Escalating fine shall be as follows:
    - i. First Offense - \$300 plus additional education at the option of the Citation Panel
    - ii. Second Offense - \$600, plus additional education the option of the Citation Panel
    - iii. Third Offense - \$900, plus additional education at the option of the Citation Panel

- iv. The citation shall be the same whether one article has been cited or several articles have been named as citable offenses, ie. there will be no increase in the citation because more than one Article has been cited.
2. The fact that a respondent has previously been issued a citation for any violation – whether or not it was paid – shall not be admissible in any ethics or arbitration hearing, including a hearing to consider a complaint where the respondent rejected a citation and requested a hearing. A hearing panel may consider citations previously issued to the respondent for the purpose of determining appropriate discipline as provided in Subsection IV below.
3. Where a hearing panel finds a violation of the Code of Ethics after a hearing, it may consider past citations in determining an appropriate sanction only if the citation was issued for the same violation at issue in the hearing. By way of example, if a citation was issued for failure to disclose a dual or variable rate commission under Standard of Practice 3-4, that citation could not be considered if a hearing panel later found a violation of Article 3 on some other grounds. Hearing panels will not be informed of past citations for other violations.
4. Association staff will track the number of citations issued, the number of citations paid, and the violations for which citations were issued. This information may be provided in the aggregate to the Board of Directors and the membership, but will not include details about the complaints, nor identify the complainants or respondents.
5. The allegations, discussions and decisions made in the citation process are confidential and shall not be reported or published by the Association, or any member of a tribunal, or any party under any circumstances excepted those established in the Limitations Section of this policy and the Code of Ethics and Arbitration Manual of the National Association of REALTORS® as from time to time amended. (Added as an amendment by NAR 5/15)

**Citation Schedule of Fines**

	<b>Applicable Article and Standard of Practice</b>	<b>Fine</b>	<b>Ethics Training</b>
		The following escalating fines shall apply: 1st offense - \$300 2nd offense - \$600 3rd offense - \$900	Additional education can be applied at the discretion of the Citation Panel at any tier of an offense.:
<b>Article 1</b>			
Failure to fully disclose and obtain consent from both parties when representing both the seller/landlord and buyer/tenant in the same transaction	Article 1, supported by Standard of Practice 1-5		
Failure to submit offers and counter-offers objectively and as quickly as possible	Article 1, supported by Standard of Practice 1-6		
Failure on the part of a listing broker to provide, as soon as practical, written affirmation that an offer was presented or written notification that the seller/landlord has waived the obligation to have the offer presented, upon written request of a cooperating broker submitting an offer.	Article 1, supported by Standard of Practice 1-7		
Failure to advise sellers/landlords of information specified in Standard of Practice 1-12 prior to entering into a listing contract	Article 1, supported by Standard of Practice 1-12		
Failure to advise buyers/tenants of information specified in Standard of Practice 1-13 prior to entering into a buyer/tenant agreement	Article 1, supported by Standard of Practice 1-13		
Accessing or using, or allowing others to access or use, a property managed or listed on terms other than those authorized by the owner or seller	Article 1, supported by Standard of Practice 1-16		

<b>Article 3</b>			
Failure to communicate a change in compensation for cooperative services prior to the time that REALTOR® submits an offer to purchase/lease the property	Article 3, supported by Standard of Practice 3-2		
As a listing broker, attempting to unilaterally modify the offered compensation with respect to a cooperative transaction after a REALTOR® has submitted an offer to purchase or lease that property	Article 3, supported by Standard of Practice 3-2		
Failing to disclose existence of dual or variable rate commission arrangements	Article 3, supported by Standard of Practice 3-4		
Failure to disclose to cooperating brokers differential that would result in dual or variable rate commission arrangement if sale/lease results through efforts of seller/landlord	Article 3, supported by Standard of Practice 3-4		
Failing to disclose existence of accepted offers, including offers with unresolved contingencies, to cooperating brokers	Article 3, supported by Standard of Practice 3-6		
Misrepresenting the availability of access to show or inspect a listed property	Article 3, supported by Standard of Practice 3-8		
Providing access to listed property on terms other than those established by the owner or the listing broker	Article 3, supported by Standard of Practice 3-9		
<b>Article 4</b>			
Failing to disclose REALTOR®'s ownership or other interest in writing to the purchaser or their representative	Article 4 (second sentence)		
<b>Article 5</b>			
Providing professional services without disclosing REALTOR®'s present interest in property	Article 5 (limited to present interest, not contemplated)		
<b>Article 6</b>			
Accepting any commission, rebate, or profit on expenditures without client's knowledge or consent	Article 6 (first paragraph)		
Failure to disclose to a client or customer REALTOR®'s financial benefits or fees received as a direct result of recommending real estate products or services	Article 6 (second paragraph)		

Failure to disclose REALTOR®'s direct interest in an organization or business entity when recommending to a client or customer that they use the services of that organization or business entity	Article 6, supported by Standard of Practice 6-1		
<b>Article 12</b>			
Failing to present a true picture in real estate communications and advertising	Article 12		
Failing to disclose status as real estate professional in advertising and other representations	Article 12		
Failure to provide all terms governing availability of a "free" product or service in an advertisement or other representation	Article 12, supported by Standard of Practice 12-1		
Failure to disclose potential to obtain a benefit from third party when REALTOR® represents their services as "free" or without cost	Article 12, supported by Standard of Practice 12-2		
Failure to exercise care and candor when communicating the terms and conditions of premiums, prizes, merchandise discounts or other inducements to list, sell, purchase, or lease	Article 12, supported by Standard of Practice 12-3		
Advertising property for sale/lease without authority of owner or listing broker	Article 12, supported by Standard of Practice 12-4		
Failing to disclose name of firm in advertisement for listed property	Article 12, supported by Standard of Practice 12-5		
Failing to disclose status as both owner/landlord and REALTOR® or licensee when advertising property in which REALTOR® has ownership interest	Article 12, supported by Standard of Practice 12-6		
Falsely claiming to have "sold" property	Article 12, supported by Standard of Practice 12-7		
Failure to take corrective action when it becomes apparent that information on a REALTOR®'s website is no longer current or accurate	Article 12, supported by second sentence of Standard of Practice 12-8		
Failure to disclose firm name and state of licensure on REALTOR® firm website	Article 12, supported by Standard of Practice 12-9		
Misleading consumers through deceptive framing, manipulating content, deceptively diverting internet traffic, presenting other's content without attribution or permission, or using misleading images	Article 12, supported by Standard of Practice 12-10		
Registering or using of deceptive URL or domain name	Article 12, supported by Standard of Practice 12-12		

Representing that the REALTOR® has a designation, certification, or other credential they are not entitled to use	Article 12, supported by Standard of Practice 12-13		
<b>Article 14</b>			
Failing to cooperate in a Professional Standards proceeding or investigation in circumstances when cooperation has been demanded by the association and association has advised REALTOR® failure to cooperate could result in an allegation of a violation of Article 14	Article 14		
<b>Article 16</b>			
Conditioning submission of a buyer's offer on additional compensation from a listing broker	Article 16, supported by Standard of Practice 16-16		
Placing for sale/lease sign on property without permission of seller/landlord	Article 16, supported by Standard of Practice 16-19		

**NOTE:** Elko County Association of REALTORS® has adopted the above citations. Fines for each citable offense, as well as any possible training requirements, have been established in advance and shall be followed consistently.

Elko County Association of REALTORS® has adopted an escalating fine schedule for repeat citations and also may impose a training requirement in addition to payment of a fine for any of the adopted citable offenses. The escalating fine schedule may only be used in circumstances where citations are issued by Elko County Association of REALTORS®. If a member held membership in a prior Association or holds membership in more than one Association and have been found in violation of a citable offense in the another Association, the Elko County Association of REALTORS® Citation Panel may not consider that in assessing an escalating fine.

The aggregated fines levied against any member may not exceed \$1,800 in any three (3) year period.

**The following procedures apply to the publication of the names of Ethics violators:**

- o) Publication can only occur after a second violation occurring within (3) years.
- p) Publication can only be made in an official communication vehicle of the Association.
- q) The name of the firm the violator is (or was) licensed with cannot be published.
- r) Publication must be consistent and uniform. This means that Publication may not occur selectively but must be used in each instance where a second violation is determined within three (3) years.
- s) Other than the violator's name, the only additional information that may be published is the Article (or Articles) violated, and the discipline imposed, except that in cases where the violator's name is like another member's name, the violator's license number or office address (or both) may also be published.
- t) At least one of the violations must be based on conduct which occurs after the adoption of these procedures.

**Section 7. GENERAL POLICY PROVISIONS**

- a) DONATIONS. No expenditure or donation of the Association funds shall be made to religious, philanthropic or civic organizations without the approval of the Board of Directors.
- b) All sponsorship and donations pledged to be in writing, recorded and held at the Board office.
- c) TELEPHONE INQUIRIES. Telephone requests for the name of a real estate office in the Association jurisdiction will be responded to only by emailing/ mailing a list of all the member firms in the Association to the person making the request.
- d) SIGNS. The Association shall have no policy or rule regarding the use of "For Sale" and "Sold" signs by its members. The Association will maintain, for the use of its members, current copies of the Elko County and C.C. & R's regulating the placement of signs.

- e) COMMISSION AND FEES. The Association does not and will not establish or maintain fixed or recommended rates of commission. Commissions are a matter of negotiation between the parties (the seller and agent) and the Association will not interfere in those negotiations or inhibit in any way the freedom of the parties to negotiate.
- f) ASSOCIATION OWNED EQUIPMENT. If a member uses any Association owned equipment, such as the overhead projector, VCR, banner etc., and it is not returned to the Association office by a specified time, the individual will defray the cost of renting additional equipment. If the equipment is lost or damaged, the individual who checks out the equipment will defray the cost to replace or repair the equipment.
- g) LOCAL POLITICAL ENDORSEMENTS. Any and all endorsements of political candidates for local office must be presented by the Board of Directors upon the recommendation of the members of the Association's BORPAC Committee. The Board shall not endorse state or national candidates for political office.
- h) AUDIT: An outside auditor will audit the Association's financial statements every other year, or at the discretion of the Board of Directors.

**Section 8. QUALIFICATION OF REALTOR OF THE YEAR**

- a) PURPOSE
  - b) To recognize and reward persevering REALTOR members of our Association (or effort and work effort in the interest of their fellow REALTORS, their profession and their community.)
  - c) To demonstrate to the general public by these outstanding examples, the work done by REALTORS.
- d) SELECTION PROCEDURE.
  - e) A special committee shall be appointed by the President and will have complete responsibility for arrangements and final selection of the REALTOR OF THE YEAR. Such committee will be comprised of the Past REALTORS OF THE YEAR available. The previous year's recipient to act as chairman.
  - f) Each Active Member shall be invited to submit the name of the nominees to the committee, accompanied by written information and documentation setting forth the reasons for each nomination. In its final decision, however, the committee shall not be limited in its choice of the REALTOR OF THE YEAR to the nomination made by the member.
  - g) All nominations from Active Members must be received no later than within 30 days prior to installation. As soon as possible after the nomination deadline, the committee shall meet to review the candidate's files based on pre-determined standards. Selection of the REALTOR OF THE YEAR shall be finalized before the Annual Installation and Awards Presentation at which time the award shall be presented by the immediate past recipient.
  - h) SELECTION STANDARDS. The following set of standards shall serve as a guide to the selection committee in their review of credentials for the REALTOR OF THE YEAR award.
    - i) REALTOR SPIRIT (20%) • High principles, faithfulness to laws and regulations of the Code of Ethics and local association, and furtherance of the principles of good real estate practice among other licensees and the general public.
    - j) CIVIC ACTIVITY (10%) Local, state and national level participation in civic and service clubs, charitable activities, political commissions, fraternal or religious groups, etc.
    - k) BUSINESS ACCOMPLISHMENTS (5%) Recognized good business conduct and service to clients and customers.
    - l) LOCAL BOARD ACTIVITY (50%) Association offices and committee work, special assignments, seminar activity and educational work, etc.
    - m) STATE AND NATIONAL ASSOCIATION ACTIVITY (15%) Offices held and committee work, attendance and participation at conventions, meetings, educational conferences and central boards functions, etc.
    - n) RECOGNITION. The recipient of the REALTOR OF THE YEAR award will be presented with a commemorative plaque as part of the ceremonies of the Annual Installation and Awards Presentation.

**Section 9. AFFILIATE OF THE YEAR**

- a) To be determined by the board of directors based on participation and performance.



## Section 10. HOLIDAY POLICY

The association office will be closed on the following observed holidays.

- New Year's Day
- Martin Luther King Day
- Presidents Day
- Memorial Day
- Independence Day
- Labor Day
- Nevada Day (October 31)
- Veteran's Day (November 11)
- Thanksgiving Day
- Day after Thanksgiving (Family Day)
- Christmas Day

Closing of the office on Christmas Eve and New Year's Eve is at the discretion of the AE and the Executive Team. When a holiday falls on a weekend, the preceding Friday or following Monday will be closed at the discretion of the AE and Executive Team. *(revised 1/8/19)*

## Section 11. TRAVEL POLICY

**PURPOSE.** To define the travel and expense reimbursement policies of the Association as they apply to officers and directors traveling on official Association business.

### EXPENSE REIMBURSEMENTS.

- a) Lodging: Paid in full by the Association. Members are encouraged to share hotel rooms when possible.
- b) Meals. Reimbursed up to \$120 per day when incurred for approved travel only. Receipts must be presented for approval prior to reimbursement.
- c) Transportation (excluding automobile mileage). On a case by case basis, the Board may consider requests for mileage reimbursement at the current IRS approved mileage rate in lieu of other forms of travel up to the amount of the approved airfare for the trip.
- d) Program and Convention Registration. Paid in full by the Association. Ancillary costs such as golf tournaments, dinner cruises and raft trips will not be reimbursed by the Board. "Nevada Night Out" events will be paid in full by the Board for authorized attendees.
- e) Annual Installation Ceremonies of other Boards. Paid in full for Board President, President Elect, and AE's attendance at installation ceremonies of local boards as budget allows and with board approval. *(revised 3/10/20)*

### APPROVED TRAVEL EVENTS AND ATTENDEES

- f) NAR Washington, DC Mid-Year Meeting - President, President-Elect, AE
- g) NAR Annual Convention –President, President-Elect, AE
- h) NVR Board of Directors Meetings - President. President-Elect, AE
- i) NVR Annual Convention-President, President-Elect
- j) NAR Leadership summit – President Elect, AE
- k) Regional 11 Conference-President, President Elect
- l) Associate Executive Institute - AE
- m) Other travel deemed necessary, such as the AE'S attendance at Association Executives meetings, will be reviewed and approved by the Board during the budget process. *(revised 1/8/19)*
- n) TRAVEL ARRANGEMENTS. All travel arrangements will be made by the AE at the best rates possible, utilizing the Association's business credit card. Members making their own travel arrangements shall be reimbursed at the lowest rates determined by the AE
- o) Association Executive shall receive base wage for 8 hours per day, each day, of approved travel as per section c listed above.
- p) All receipts for credit card purchases and reimbursements must be presented and attached to statements and reviewed by the treasurer.
- q) Those who travel for ECR shall report back to the board and membership with a written report *(revised 3/10/20)*

## Section 12. JOB DESCRIPTIONS PRESIDENT

### LEADERSHIP JOB DESCRIPTION

#### Minimum Criteria:

**1. Must meet the minimum criteria set for REALTOR® Director candidates, provided, however, that candidates must have been a member for a minimum of three (3) years**

**AND**

**2. Must have served at least (1) year as a member of Budget & Finance Committee, OR served on Board of Directors for a minimum of two (2) years; AND**

**3. Must have served as a committee chair or vice-chair at least one year (1) full year, OR served in a leadership position in any of the Societies, Institutes or Councils recognized by the National Association of REALTORS®**

The President is the chief elected officer of the Association and is charged with the responsibility for the general direction of its affairs and to preside at all meetings. The President is authorized to appoint committees or task forces, subject to the confirmation of the Board of Directors, is an ex-officio member of committees (except for Credentials, Grievance and Professional Standards Committees, and Realtor of the year) and is expected to perform such duties as may be assigned by the Board of Directors.

#### Duties and responsibilities of the President include:

- a) Provide objective leadership and administration.
- b) Be aware of short-term and long-term programs as approved by the Board of Directors.
- c) Represent the Association in community activities, in person or through a representative.
- d) Implement a short-term and long-term program of positive action as approved by the Board of Directors.
- e) Analyze the Association's problems and provide appropriate solutions.
- f) Serve as a member of the Executive Committee, Board of Directors and Budget and Finance.
- g) Eliminate outmoded Association practices.
- h) Encourage membership participation to the fullest.
- i) Keep Association free of policies and programs that are not within the prerogative of a trade association.
- j) Strengthen the Association's internal structure.
- k) Provide sound fiscal leadership.
- l) Cooperate with the State Association and the National Association in joint programs.
- m) Become familiar with the operation and policies of the State and National Associations.
- n) Submit a list of committee chairman for Board confirmation within sixty days of election of office.
- o) Report to the Board of Directors and the membership on the conduct and management of the affairs of the Association.
- p) Serve in the capacity as a Director of the Nevada REALTORS® representing the Elko County Association of REALTORS®.
- q) Shall receive and become familiar with the NAR's Leadership Guidelines on REALTOR.org, Bylaws, policies and procedures of the Elko County Association of REALTORS®, and parliamentary procedures (Robert's Rules of Order).
- r) Attend all meetings of the Board of Directors and general membership meetings.
- s) Serve as chairman of the Executive Committee.
- t) Keep abreast of all Association activities.
- u) Assist the treasurer to ensure that the Association operates within the limits of the annual approved budget.
- v) Identify, cultivate and communicate potential new leaders to others in leadership positions.
- w) Authorized to draw checks, with an appropriate counter signature, that is in line with the approved budget.
- x) Attend company office visitations.
- y) Act as designated spokesperson for the Association.
- z) Attempt to attend social functions.
- aa) In the event the Association Executive must be away from the office for any lengthy period, the president should be available to the Certified Professional Standards Administrator for assistance.
- bb) Complete Professional Standards Training or update as required by policy. (Every 5 years)
- cc) Any officer or director who serves on the Real Estate Division, Real Estate Advisory Review Committee shall be disqualified and excused from participation in the appeal or affirmation of any Professional Standards matters.
- dd) An officer must be mentally competent, physically able and financially solvent to discharge the duties of the position to which he is elected. In the event an officer is unable to discharge said duties, he shall resign the position.
- ee) The use of ECAR credit cards is a privilege and intended for ECAR business use only. Misuse of credit cards

could be subject to prosecution.

**Other duties outside of the organization:**

- a) \* Attend all required meetings of the Nevada REALTORS®.
- b) \* Attend all required meetings of the National Association of REALTORS®.
- c) Notify the Executive Committee of any organizations to which you belong, to facilitate better communication.
- d) Be a spokesperson, when necessary, at local government meetings, i.e. Regional Planning, City Councils, and County Commissioners.

\*Subject to Budget, and approval of the Board of Directors

**PRESIDENT-ELECT LEADERSHIP JOB DESCRIPTION**

**Minimum Criteria President-Elect Position:**

***1. Must meet the minimum criteria set for REALTOR® Director candidates, provided, however, that candidates must have been a member for a minimum of three (3) years***

***AND***

***2. Must have served at least (1) year as a member of Budget & Finance Committee, AND had have served on Board of Directors for a minimum of two (2) years; AND***

***3. Must have served as a committee chair or vice-chair at least one year (1) full year, OR served in a leadership position in any of the Societies, Institutes or Councils recognized by the National Association of REALTORS®***

+

The President-Elect substitutes for the President when the President is absent or unable to act and shall have such other powers and perform such duties as may be assigned by the President and the Board of

**Duties and responsibilities of the President-Elect include:**

- a) Prepare to assume the office of President, to maintain continuity in administration of ongoing projects and programs.
- b) Be aware of short-term and long-term programs as approved by the Board of Directors.
- c) Develop a short-term and long-term program of positive action for approval of the Directors for the coming year.
- d) Attend all meetings of the Board of Directors and general membership meetings.
- e) Serve as member of the Executive Committee, Board of Directors and Budget and Finance.
- f) Serve in the capacity as a Director of the Nevada REALTORS® representing the Elko County Association of REALTORS®.
- g) Keep abreast of all Association activities to aid the President, and, if asked, be prepared to assume other officers' duties.
- h) Shall become familiar with the NAR's Leadership Guidelines on [www.realtor.org](http://www.realtor.org), Bylaws, policies and procedures of the Elko County Association of REALTORS®, and parliamentary procedures (Robert's Rules of Order).
- i) Assist the Treasurer to ensure that the Association operates within the limits of the annual approved budget.
- j) Serve as a member of the Bylaws & Policy Committee.
- k) Identify, cultivate and communicate potential new leaders to others in leadership positions.
- l) Exercise such other powers and perform such other duties as may be assigned by the President and the Board of Directors.
- m) Authorized to draw checks, with an appropriate counter signature, that is in line with the approved budget.
- n) Attend company office visitations.
- o) Complete Professional Standards Training or update as required by policy. (Every 5 years)
- p) Any officer or director who serves on the Real Estate Division, Real Estate Advisory Review Committee shall be disqualified and excused from participation in the appeal or affirmation of any Professional Standards matters.
- q) An officer must be mentally competent, physically able and financially solvent to discharge the duties of the position to which he is elected. In the event an officer is unable to discharge said duties, he shall resign the position.
- r) Serve as chair of the Strategic Planning Committee.
- s) As the designated spokesperson for the association in the absence of the President, the chain of command shall be President-Elect, Vice President / Secretary, and Treasurer.
- t) Present all written motions as presented by a committee chair to the Board of Directors.

- u) Present written committee updates at the Board of Directors meeting each month.
- v) The use of ECAR credit cards is a privilege and intended for ECAR business use only. Misuse of credit cards could be subject to prosecution.

**Other duties outside of the organization:**

- a) \*Attend meetings of the Nevada REALTORS®.
- b) \*Attend meetings of the National Association of REALTORS®.
- c) \*Notify the Executive Committee of any organizations to which you belong, to facilitate better communication.
- d) You may be called on to be a spokesperson, when necessary, at local government meetings, i.e. Regional Planning, City Councils, and County Commissioners.
- e) Attend the NAR Regional meeting and NAR Leadership training meetings as offered.

\*Subject to Budget, and approval of the Board of Directors

**VICE PRESIDENT / SECRETARY LEADERSHIP JOB DESCRIPTION**

**Minimum Criteria Vice-President/Secretary Position:**

***1. Must meet the minimum criteria set for REALTOR® Director candidates, provided, however, that candidates must have been a member for a minimum of three (3) years***

***AND***

***2. Must have served at least (1) year as a member of Budget & Finance Committee, OR served on Board of Directors for a minimum of two (2) years; AND***

***3. Must have served as a committee chair or vice-chair at least one year (1) full year, OR served in a leadership position in any of the Societies, Institutes or Councils recognized by the National Association of REALTORS®***

The Vice President / **Secretary** shall serve in the absence of the President and President-Elect and familiarize him/herself with other duties and responsibilities of said office. He/she shall assist the president and president-elect in effecting the policies and/or decisions made by the Board of Directors.

**Duties and responsibilities of the Vice President include:**

- a) Serve as a member of the Executive Committee and the Board of Directors.
- b) Keep abreast of all Association activities to aid the President.
- c) Be aware of the short-term and the long-term programs as approved by the Board of Directors.
- d) Be familiar with the Bylaws, as well as the Policies and Procedures Manual of the Elko County Association of REALTORS®, and parliamentary procedure (Robert's Rules of Order).
- e) Attend all meetings of the Board of Directors and general membership meetings.
- f) Assist the treasurer to ensure that the Association operates within the limits of the annual approved budget.
- g) Serves as a member of the Bylaws & Policy Committee.
- h) Identify, cultivate and communicate potential new leaders to others in leadership positions.
- i) Exercise such other powers and perform such other duties as may be assigned by the President and the Board of Directors.
- j) Keep abreast of all Association activities to aid the President and, if asked, be prepared to assume other officers' duties.
- k) May be asked to serve as Director of the State Association, provided the qualifications are met in accordance with Article XI, Section 1(c) of the Bylaws.
- l) Attend company office visitations.
- m) As the designated spokesperson for the association in the absence of the President the chain of command shall be President-Elect, Vice President / Secretary, and Treasurer.
- n) Complete Professional Standards Training or update as required by policy. (Every 5 years)
- o) Any officer or director who serves on the Real Estate Division, Real Estate Advisory Review Committee shall be disqualified and excused from participation in the appeal or affirmation of any Professional Standards matters.
- p) An officer must be mentally competent, physically able and financially solvent to discharge the duties of the position to which he is elected. In the event an officer is unable to discharge said duties, he shall resign the position.
- q) Shall twice a year review association documents with AE prior to disposal and retention.

**Other duties outside of the organization:**

- a) Consider attending meetings of the Nevada REALTORS® as often as possible.
- b) \* Attend meetings of the National Association of REALTORS®.

- c) \* If appointed as State Director per Item 12 above, attend meetings of the Nevada REALTORS®.
- d) \* Attend a spokesperson training session.
- e) Notify the Executive Committee of any organizations to which you belong, to facilitate better communication.
- f) You may be called on to be a spokesperson, when necessary, at local government meetings, i.e. Regional Planning, City Councils, and County Commissioners.

\*Subject to Budget, and approval of the Board of Directors.

## **TREASURER LEADERSHIP JOB DESCRIPTION**

### **Minimum Criteria Treasurer Position:**

***1. Must meet the minimum criteria set for REALTOR® Director candidates, provided, however, that candidates must have been a member for a minimum of three (3) years***

***AND***

***2. Must have served at least (1) year as a member of Budget & Finance Committee, and served on Board of Directors for a minimum of two (2) years***

***3. Must have served as a committee chair or vice-chair at least one year (1) full year, OR served in a leadership position in any of the Societies, Institutes or Councils recognized by the National Association of REALTORS®***

The Treasurer is designated the custodian of the Association's funds and ensures those funds, physical assets and other properties of the Association are appropriately safeguarded and administered.

### **Duties and responsibilities of the Treasurer include:**

- a) Serve as chairman of the Budget & Finance Committee and is responsible for the development and submission of the annual budget of the Elko County Association of REALTORS® to the Board of Directors.
- b) Ensure that the Association operates within the limits of the annual approved budget.
- c) Serve as a member of the Executive Committee and the Board of Directors.
- d) Serve as a member of the Bylaws & Policy Committee.
- e) Assumes the role of the volunteer who approves all accounts receivable write-offs, reviews all stale dated checks and performs a review of all cash disbursements and cash receipts, including comparison to supporting invoices.
- f) Responsible for reviewing the bank reconciliation on a quarterly, at random, basis. They should also, at random, not less than 3 times a year, reconcile the canceled checks with the Associate Executive.
- g) Assist the Certified Professional Standards Administrator in the absence of the Association Executive.
- h) Exercise such other powers and perform such other duties as may be assigned by the President and the Board of Directors.
- i) Keep abreast of all Association activities.
- j) Be aware of short-term and long-term programs as approved by the Board of Directors.
- k) Be familiar with the Bylaws, policies and procedures of the Elko County Association of REALTORS®, and parliamentary procedures (Robert's Rules of Order).
- l) Attend all meetings of the Board of Directors and general membership meetings.
- m) Authorized to draw checks, with an appropriate counter signature, that is in line with the approved budget.
- n) Present in person, or designate a representative to present, a financial summary report of the Association's operations at Business Meetings monthly and Board of Directors Meetings.
- o) The incoming treasurer shall be required to actively participate in the budget planning process for his/her elective year.
- p) Identify, cultivate and communicate potential new leaders to others in leadership positions.
- q) Attend the annual Professional Standards Training or update as required by policy
- r) Any officer or director who serves on the Real Estate Division, Real Estate Advisory Review Committee shall be disqualified and excused from participation in the appeal or affirmation of any Professional Standards matters.
- s) An officer must be mentally competent, physically able and financially solvent to discharge the duties of the position to which he is elected. In the event an officer is unable to discharge said duties, he shall resign the position.

## **BOARD OF DIRECTORS LEADERSHIP JOB DESCRIPTION**

### **Minimum Criteria for REALTOR® Director Positions:**

***1. REALTOR® Director candidates, provided, must have been a member for a minimum of two (2) years;***  
***AND***

## **2. Must have served on a committee at least one year (1) full year**

Although the Board of Directors is responsible for the general overall management of the Association affairs, it is not responsible for the day-to-day operations. This is accomplished by the Association Executive of the Association in close coordination with elected officers and committees.

### **Specific duties and responsibilities of the Directors are:**

- a) Familiarize themselves with the following documents: Association Bylaws; ECAR MLS Rules and Regulations; Professional Standards Rules and Regulations; Code of Ethics; Policies and Procedures Manual; and, Parliamentary Procedures (Robert's Rules of Order).
- b) Approval of annual financial plan for Association operations.
- c) Approval of new polices as required.
- d) Serve as trustees to serve the best interest of the membership in all matters pertaining to the Association.
- e) Be aware of the goals and objectives established by the Association president.
- f) Keep abreast of all Association activities to aid the president and other elected officers in accomplishing plans and goals.
- g) Attend all meetings of the Directors and general membership meetings.
- h) At the call of the President, serve as a director liaison to a specific committee.
- i) Attend the annual Professional Standards Training or update as required by policy as budget allows.
- j) A director who serves on the Real Estate Division, Real Estate Advisory Review Committee shall be disqualified and excused from participation in the appeal or affirmation of any Professional Standards matters.

### **Financial Responsibilities**

Regarding the finances of the Association, the role of the members of the Board of Directors is extended to include the following:

- a) Fiduciary responsibility to assure that the Association's assets are adequately safeguarded against fraud or misuse and that they are being properly and effectively utilized to serve the objectives of the organization within the constraints of the law.
- b) Development of organizational financial policies relative to banking relationships, investment objectives, annual auditing requirements, and other policy-oriented decisions.
- c) Review and acceptance of annual financial statements and audit recommendations.
- d) Review of interim financial statements to ascertain that the Association is operating within its means and within the approved budget.

## **AFFILIATE BOARD OF DIRECTOR LEADERSHIP JOB DESCRIPTION**

### **Minimum Criteria for Affiliate Director Positions:**

- 1. Must be an officer, independent contractor, owner, partner, or employee affiliated with any Elko County Association of REALTORS® Affiliate Member Company for a minimum of three (3) years.**

Although the Board of Directors is responsible for the general overall management of the Association affairs, it is not responsible for the day-to-day operations. This is accomplished by the Association Executive Officer of the Association in close coordination with elected officers and committees.

### **Specific duties and responsibilities of the Affiliate Director are:**

- a) Familiarize himself with the following documents: Association Bylaws and policies, ECAR MLS Rules and Regulations; Professional Standards Rules and Regulations; Code of Ethics; Policies and Procedures Manual; and, Parliamentary Procedures (Robert's Rules of Order).
- b) Approval of annual financial plan for Association operations.
- c) Approval of new polices as required.
- d) Serve as trustees to serve the best interest of the membership in all matters pertaining to the Association.
- e) Be aware of the goals and objectives established by the Association president.
- f) Keep abreast of all Association activities to aid the president and other elected officers in accomplishing plans and goals.
- g) Attend all meetings of the Directors and general membership meetings.
- h) At the call of the President, serve as a director liaison to a specific committee.
- i) In accordance with Article XI, Section 3(a), the affiliate directors shall have the right to vote on all matters except

### **Financial Responsibilities**

Regarding the finances of the Association, the role of the members of the Board of Directors is extended to include the following:

- a) Fiduciary responsibility to assure that the Association's assets are adequately safeguarded against fraud or misuse and that they are being properly and effectively utilized to serve the objectives of the organization within the constraints of the law.
- b) Development of organizational financial policies relative to banking relationships, investment objectives, annual auditing requirements, and other policy-oriented decisions.
- c) Review and acceptance of annual financial statements and audit recommendations.
- d) Review of interim financial statements to ascertain that the Association is operating within its means and within the approved budget.

### **IMMEDIATE PAST PRESIDENT LEADERSHIP JOB DESCRIPTION**

The Immediate Past President is to give advice and counsel the Board of Directors and its leadership.

#### **Duties and responsibilities of the Immediate Past President include:**

- a) May be asked, if the Chairman is unable, to serve as interim chair of the Budget & Finance Committee and if those duties are assumed is responsible for the development and submission of the annual budget of the Elko County Association of REALTORS® to the Board of Directors.
- b) Assist all officers to see that the Association operates within the limits of the annual approved budget.
- c) Serve as a member of the Executive Committee and the Board of Directors.
- d) Serve as chairman of the Bylaws & Policy Committee.
- e) Identify, cultivate and communicate potential new leaders to others in leadership positions.
- f) Exercise such other powers and perform such other duties as may be assigned by the President and the Board of Directors.
- g) Keep abreast of all Association activities to aid the President and, if asked, be prepared to assume other officers' duties.
- h) Be aware of short-term and long-term programs as approved by the Board of Directors.
- i) Be familiar with the Bylaws, policies and procedures of the Elko County Association of REALTORS® and parliamentary procedures (Robert's Rules of Order).
- j) Attend all meetings of the Board of Directors and general membership meetings.
- k) Attend company office visitations.
- l) You may be called on to be a spokesperson for the Association.
- m) Any officer or director who serves on the Real Estate Division, Real Estate Advisory Review Committee shall be disqualified and excused from participation in the appeal or affirmation of any Professional Standards matters.
- n) An officer must be mentally competent, physically able, and financially solvent to discharge the duties of the position to which he is elected. In the event an officer is unable to discharge said duties, he shall resign the position. *(revised 10/8/19)*

#### **Other duties Outside of the organization:**

##### **Consider attending meetings of the Nevada REALTORS®.**

- a) Consider attending meetings of the National Association of REALTORS® as often as possible.
- b) Notify the Executive Committee of any organizations to which you belong, to facilitate better communication. Remain familiar with the workings of local government, i.e. Regional Planning, City Councils and County Commissioners meetings.

### **RESPONSIBILITIES OF THE COMMITTEE CHAIR JOB DESCRIPTION**

#### **The responsibilities of the Committee Chair are:**

- a) Supervise, inspire, and organize the talents of the members of the committee in achieving the goals and duties of the committee.
- b) Report directly to the President Elect and be responsible to him/her for accomplishments and actions of the committee and requests for assistance.
- c) In conjunction with the AE, call such meetings and direct such activities of the committee as necessary to accomplish the objectives of the committee within the scope of the Strategic Plan.
  - a. Assist the AE in the preparation of an agenda for each meeting. Spend time, on the day of the meeting, with staff to finalize any changes to the meeting agenda. Contact your AE as soon as possible if you're going to be late.
  - b. Assist the AE during the development of a motion to ensure the accurate intent by the maker. It is the

- responsibility of the chairman to ensure that everyone understands the motion prior to a vote.
- c. Have staff provide each member of the committee with a copy of the minutes as soon as possible.
- d. Be familiar with the basic Robert's Rules of Order, Association bylaws and policy manual.
- e. Work in cooperation with staff liaison to wrap up each meeting.
- d) As requested by the President, present to the full membership reports of the committee, its objectives, activities and accomplishments.
- e) To submit written reports of committee activities, via AE, prior to Board of Directors meetings and to attend Board of Directors meetings if requested to do so. All motion recommendations to be submitted in writing to the immediate Past President and at the request of President, to present the motion to the Board of Directors.
- f) Coordinate with other committees where specific coordination is for the benefit of allied objectives of the (2) two committees.
- g) Request of the staff liaison any supplies needed for proper functioning of the committee.
- h) Coordinate through AE the notification of the President and the Association Executive in advance of all committee meetings and notify the general membership of such meetings through communication tools.
- i) Act on all items assigned by the President.
- j) Remove any committee member missing two (2) regular or special meetings of that committee without excuse acceptable to the Chair of the committee.
- k) Participate in scheduled local leadership orientations at the call of the President or President elect.
- l) Work with AE to develop a budget for approval by the committee and ensure compliance with the budget throughout the year. Committee budget to be forwarded to Budget & Finance Committee and Board of Directors for final approval.

## **ASSOCIATION EXECUTIVE JOB DESCRIPTION**

### **Duties and responsibilities of the Association Executive serves at the pleasure of the President and Board of Directors and the duties include:**

- a) Ensures that the Board of Directors and officers are fully informed of Association conditions, and of all-important factors influencing them.
- b) Attends all meetings of the Board of Directors. Attends all committee meetings as deemed appropriate. Maintains official minutes of the Board of Directors and other official Association meetings.
- c) Plans, formulates, and recommends for approval to the Board of Directors basic policies and programs that will further the Association's objectives.
- d) Executes all decisions of the Board of Directors. Writes letters and other correspondence as directed by the Board of Directors.
- e) Develops specific administrative policies, procedures, and programs to implement the general policies of the Board of Directors.
- f) Establishes a sound organizational structure for the headquarters office and ensures the legal integrity of the Association, to include Bylaws, rules & regulations and policies & procedures.
- g) Plans the general administration of the entire Association operation, The Association Executive will be knowledgeable about the progress of all Association projects.
- h) Represents the Association in conjunction with elected leadership, any and all local government matters affecting the real estate industry as directed by the board of directors.
- i) Provides the necessary liaison and support to committee chairpersons to enable committees to properly perform their functions; ensures that committee decisions and motions are for the board of directors for approval.
- j) Executes contracts and commitments as authorized by the board of directors or within established policies.
- k) Promotes interest and active participation in Association activities to membership and local/chapter groups, and recaps Association activities through the Association communications media.
- l) Maintains effective relationships and active interest with other organizations, both public and private, and ensures that the Association's and membership's positions are enhanced in accordance with the policies and objectives of the organization.
- m) Ensures that all funds, physical assets, and other Association property are appropriately safeguarded and administered; operates within the approved budget.
- n) Authorized to draw checks, with an appropriate counter signatures, that is in line with the approved budget.
- o) Plans, coordinates, and conducts public relations programs to enhance public acceptance of the industry. Designs and implements Public Relations programs, press releases, features and editorials with the local newspaper and other media to promote the industry image, concepts and opinions.
- p) Serves as supervising editor of any official publication, i.e. website and newsletters.
- q) Conducts research on projects and other related subjects deemed of importance to the membership and



- prepares and publishes the results.
- r) Develops education and orientation programs to advance the professional, technical, and managerial skills of the membership, operating within the budget and program objectives that the Board of Directors approves.
- s) Plans, organizes, and directs membership promotion, member services programs and retention program and evaluates results of each and recommends policies, procedures, and actions to achieve goals.
- t) Collects dues, fees and assessments and terminates delinquent memberships. Enforces ratifications of charges for nonpayment and noncompliance.
- u) Plans, promotes, and administers all membership meetings, designated REALTOR meetings, official Association meetings, and any special meetings with guidance from the President and the Board or Directors.
- v) Have basic accounting skills to exercise control of the budget and all arrangements to meet financial objectives.
- w) Coordinates all multiple listing service functions and activities.
- x) Maintains a correspondence file and provides security for all files, legal and historical documents, and membership and mailing list.
- y) Plans and executes all communications to membership, including website, social media, general mailings, news releases, and so forth.
- z) Acts as a direct liaison with the State and National Associations in matters that staff can handle.
- aa) Become a member of the National Association of Realtors, the Nevada REALTORS®, (requirements for payment of dues and the right to use the Realtor title are normally waived.)
- bb) Participate in State and National activities and programs, within the limits of the Association's budget and travel policies as directed by the Board of Directors.
- cc) Manages the Association finances, including the preparation of an annual budget, long range forecasts of needs, capital improvements Carries out other general responsibilities as directed by the President and/or Board of Directors.
- dd) Is ex-officio, nonvoting member of ECAR committees, executive committee, and the Board of Directors.
- ee) Responsible to inform the President and President Elect of all upcoming travel requirements of NVR
- ff) / NAR events and to book travel requirements as directed.
- gg) The use of ECAR credit cards is a privilege and intended for ECAR business use only. Misuse of credit cards could be subject to prosecution.
- hh) AE is not allowed to sign up for electronic or web-based programs without board approval.

## **Relationships**

Establishes positive working communications of mutual respect with the following:

- a. Leadership of the Board or State
- b. Executive officers and elected secretaries of other boards.
- c. Elko County, and appropriate government officials
- d. Appropriate personnel at the State and National Associations.
- e. Leadership of subordinate or allied groups and organizations.

## **Performance Standards**

Standards for this position are attained when the following are completed:

- a) The policies offered for consideration by the Association are forward-looking and add to the constructive growth of the Association's influence.
- b) Officers, committee chairmen, and other Association readers are fully informed as to the activities and plans in their areas.
- c) The headquarters office is efficiently and effectively organized for the maximum benefit of the Association.
- d) Programs of the Association are well managed through planning, organization, coordination, and control.
- e) Committee liaison is supported, timely, and effective.
- f) Association educational programs are forward looking and add to the needed expertise of the members in various fields.
- g) Board and DR meetings are well planned, organized, and effective.
- h) Communications of the Association's purpose, programs, and activities penetrate to the target or level of members planned.
- i) Lobbying activities on behalf of the Association are effective or more successful than usual.
- j) Contact and support of the Association is appropriate and effective.
- k) Speeches related to annual installation and other related association events are well received, present the Association's story in a positive manner, and are effective.

## Qualifications

The Executive selected for this position must possess the following qualities:

- a) Be dedicated to the ideals and goals of the Association.
- b) Be capable of working under pressure
- c) Be of strong moral character with excellent leadership and motivational skills.
- d) Be an excellent public speaker who thinks and speaks well under pressure and can take the Association's views on different matters to both the membership and the public.
- e) Be a proficient writer and editor.
- f) Be proficient in computer hardware and software technologies to include Quick Books accounting, internet, lock box MLS and MIS Systems, communications, website management, social media, and other related real estate services.
- g) Proficiency in commonly recognized management disciplines: planning, accounting and finance, human resources, information systems and technology.
- h) Proficiency in expression of facts and opinions and ability to clearly, succinctly, correctly, and convincingly communicate when speaking or writing.
- i) Be available for travel to satisfy job requirements as directed by the board of directors.

### Section 13. Monthly Membership Meeting Sponsorship

There shall be a minimum of 10 Monthly Membership Meetings, one annual membership meeting annually.

- a) Appendix B (for details of sponsorship requirements)

### Section 14. Media Policy

As used in these Guidelines, "ECAR" leaders includes elected and appointed officers, directors, committee chairs and vice chairs, President Liaisons, and other members appointed to positions of leadership by the ECAR Leadership Team.

Social media is a powerful and effective communication and engagement tool and ECAR encourages ECAR leaders to utilize social media to help raise awareness of ECAR's work and issues of interest to REALTORS® and consumers.

These Social Media Guidelines for ECAR Leaders (Guidelines) are intended to enable ECAR leaders to maintain their ability to express themselves personally on social media, while also ensuring that the reputation and work of ECAR is protected. In furtherance of these objectives, ECAR leaders should try to follow these Guidelines:

1. While the President is the chief spokesperson for ECAR, all ECAR leaders are encouraged to use social media to promote ECAR's mission, policy positions, advocacy efforts, and other association news.
2. It is always acceptable to repost or share any ECAR published communications and established policy positions.
3. Always be professional and ethical when engaging in social media and avoid making statements or posting photographs that could reasonably harm the Association.
4. In the capacity of an ECAR leader, avoid making statements contrary to ECAR's public positions on federal issues, including but not limited to contrary statements about appointees, elected officials, or candidates, and legislative or regulatory matters.
5. When reasonably necessary or useful, include a disclaimer that views expressed by the ECAR leader are personal to the individual and do not represent the official views of ECAR.
6. Do not disclose any confidential information.
7. Do not call for a boycott of a product, service, or company.
8. Avoid any connection to ECAR when making personal statements of endorsement or opposition to particular products services, or companies.
9. Respect third-party intellectual property, and always use NAR's trademarks in accordance with NAR's Membership Marks Manual. REALTOR® means member of the National Association of REALTORS® and must not be used generically as a synonym for the occupation of "real estate agent" or "broker".
10. If an ECAR leader is unsure whether a particular communication is appropriate, the ECAR leader should refrain from making the social media post or contact the President or CEO prior to publishing the post.

ECAR leaders who do not adhere to these Guidelines or who otherwise act inappropriately when engaging in social media, may be contacted by the President or CEO to resolve the situation, which may include withdrawing, correcting, or revising the communication at issue. *revised 2/20*

*In addition to the Media Policy above please review Appendix A for Guidelines and Rules for All Social Media 2/20*

**Section 15. Meeting/Training Room Usage**

Membership Rental: \$ 50.00 1-4 hrs.

Membership Rental: \$ 75.00 all day

Non-Member Rental: \$115.00 1-4 hrs.

Non-Member Rental: \$172.50 all day

Use to include electronics (other than laptop), wi-fi, coffee, and water service

A Simple rental contact to be completed and training room use will be posted on ECAR google calendar.

**Section 16: NVR Leadership Reimbursement Policy**

Attendees may request reimbursement upon successful graduation if the following guideline are met, if ECR Budget allows and with approval by the Board of Directors.

Attendees are expected to be a member of a committee in the year of their leadership, and the following year commit to give back to the Association in a leadership role.

Request to the Board of Directors for reimbursement must be in Letter format within 30 days. *(revised 3/10/20)*

# Appendix A



## **SOCIAL MEDIA GROUP RULES AND GUIDELINES**

1. No bad mouthing, negativity or profanity.
2. No political or religious ideology.
3. Page is to remain private and for members/affiliates only.
4. No advertising of any sort to include charitable causes outside of Association Sponsored Events will be allowed on any Association Social Media Accounts
5. Administration will be managed by the Technology Committee, ECAR President and others designated.
6. Only events exclusive to the membership and affiliates will be posted.
7. No ranting! Let's keep it professional.
8. Information valuable to ECAR members and affiliates is to be posted and open to collaboration. Please inform the page of any scams that could endanger our industry as well.
9. No client names or other personally identifiable information is to be present on the page due to client confidentiality rights.

### **IF A RULE IS TO BE BROKEN**

- >First offense = Warning
- >Second Offense = Removal from the page for 6 months
- >Third offense = Removal from the page indefinitely

(These rules and guidelines are subject to editing and review if seen fit by the president, the board, affiliates or committee members)

## Appendix B



### **ECAR Fees**

*January 2019*

<i>Late Fee (all fee past the 10days grace)</i>	<i>\$50.00 Broker</i>
<i>Relocation Fee (moving from one office to other)</i>	<i>\$100.00</i>
<i>Information Change Fee (ex: Name Change)</i>	<i>\$50.00</i>
<i>ECAR Reinstatement Fee (if an agent is no longer active with one year)</i>	<i>\$150.00</i>

## Appendix C

# Affiliate Member Partnership Packages

(Each includes a corporate membership with 2 individual members)

## Benefits

Platinum \$1500   Gold \$1000   Silver \$500

Benefits	Platinum \$1500	Gold \$1000	Silver \$500
Placement of logo on advertising poster (\$150 Value)	<b>X</b>	<b>X</b>	
Placement of logo/link on website (\$250 Value)	<b>X</b>	<b>X</b>	<b>X</b>
Poster in the ECR Classroom for one year (100 Value)	<b>X</b>	<b>X</b>	
Access to all ECR events, tours and monthly membership meetings	<b>X</b>	<b>X</b>	<b>X</b>
Opportunity to Speak at New Agent Orientation, CE classes on a rotating basis (\$500 Value)	<b>X</b>		
Complimentary marketing table at Monthly Membership meetings on a rotating basis (\$100 Value)	<b>X</b>	<b>X</b>	<b>X</b>
Invitation to ECR Installation with 2 complementary dinner tickets + 2 drink tickets (\$100 Value)	<b>X</b>	<b>1 Ticket</b>	
Become an Affiliate REALTOR® Member and receive a NRDS #	<b>X</b>	<b>X</b>	
Sponsor one ECR Monthly Membership Meeting (\$100 Value)	<b>X</b>		
Provide promotional items for classroom	<b>X</b>		
Invited to all PSF events	<b>X</b>	<b>X</b>	
Placement of business cards in card holder in ECR office	<b>X</b>	<b>X</b>	<b>X</b>

\*ECAR reserves the right to change benefits at any time.

## Appendix D

### ECAR Monthly Meeting Host

- All meetings to be held at the Stockman's Hotel and Casino unless otherwise noted
- Stockman's has supplied ECAR with the list of meals already
- Meeting length should not exceed 1.5 hours
- ECAR will have subject and speakers pre-assigned. The goal for ECAR is to make all meetings business related to our industry
- Host to choose a person for the prayer or inspiration and for the Pledge of Allegiance
- Hosts will have 5-10 min to talk about their product or services
- Host will supply 3 raffle prizes
- ECAR will provide the tickets. Host to sell tickets at \$1 each of 6 for \$5 – (all funds to be held in a Local REALTOR® Relief Fund)
- Hosts to provide ECAR with flyer to send out to all members (REALTORS® and Affiliates) of reminder date and time within the first week of the month of hosting. Hosts may also advertise themselves on flyer.
- There will not be any games played, or charity requests at membership meetings

## Appendix E

### Elko County REALTORS®, Inc. Retention and Destruction Policy

**PURPOSE OF THIS TOOL:** Certain federal laws prohibit the destruction of certain documents. Not-for-profit organizations should have a written, mandatory document retention and periodic destruction policy. Policies such as this will eliminate accidental or innocent destruction. In addition, it is important for administrative personnel to know the length of time records should be retained to be in compliance.

**This policy to be renewed annually**

#### Document Destruction

The Document Retention and Destruction Policy identifies the record retention responsibilities of staff, volunteers, members of the board of directors, and outsiders for maintaining and documenting the storage and destruction of the organization's documents and records.

The organization's staff, volunteers, members of the board of directors, committee members and outsiders (independent contractors via agreements with them) are required to honor the following rules:

- a. Paper or electronic documents indicated under the terms for retention in the following section will be transferred and maintained by (fill in the blank based on the organization's practices);
- b. All other paper documents will be destroyed after three years;
- c. All other electronic documents will be deleted from all individual computers, data bases, networks, and back-up storage after one year;
- d. No paper or electronic documents will be destroyed or deleted if pertinent to any ongoing or anticipated government investigation or proceeding or private litigation (check with legal counsel or the human resources department for any current or foreseen litigation if employees have not been notified); and
- e. No paper or electronic documents will be destroyed or deleted as required to comply with government auditing standards (Single Audit Act).

#### Record Retention

The following table\* indicates the minimum requirements and is provided as guidance to customize in determining your organization's document retention policy. Because statutes of limitations and state and government agency requirements vary from state to state, each organization should carefully consider its requirements and consult with legal counsel before adopting a Document Retention and Destruction Policy. In addition, federal awards and other government grants may provide for a longer period than is required by other statutory requirements.



Type of Document	Minimum Requirement
Accounts payable ledgers and schedules	7 years
Audit reports	Permanently
Bank reconciliations	2 years
Bank statements	3 years
Checks (for important payments and purchases)	Permanently
Contracts, mortgages, notes, and leases (expired)	7 years
Contracts (still in effect)	Contract period
Correspondence (general)	2 years
Correspondence (legal and important matters)	Permanently
Correspondence (with customers and vendors)	2 years
Deeds, mortgages, and bills of sale	Permanently
Depreciation schedules	Permanently
Duplicate deposit slips	2 years
Employment applications	3 years
Expense analyses/expense distribution schedules	7 years
Year-end financial statements	Permanently
Insurance records, current accident reports, claims, policies, and so on (active and expired)	Permanently
Internal audit reports	3 years
Inventory records for products, materials, and supplies	3 years
Invoices (to customers, from vendors)	7 years
Member Records Personal Historical to include (application, service record position and years served-committee participation-board of directors-Executive positions and any membership violations)	Permanently
Minute books, bylaws, and charter	Permanently
Patents and related papers	Permanently
Payroll records and summaries	7 years
Personnel files (terminated employees)	7 years
Retirement and pension records	Permanently
Tax returns and worksheets	Permanently
Timesheets	7 years
Trademark registrations and copyrights	Permanently
Withholding tax statements	7 years

