

**Bylaws of the  
Greater Fairbanks Board of REALTORS®**

Adopted October 17, 2018

**Article I – Name**

**Section 1. Name** The name of this organization will be the Greater Fairbanks Board of REALTORS®, Incorporated, hereinafter referred to as the "association".

**Section 2 REALTORS®** Inclusion and retention of the Registered Collective Membership Mark REALTORS® in the name of the association will be governed by the *Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS®* as from time to time amended.

**Article II – Objectives**

The objectives of the association are:

**Section 1.** To unite those engaged in the recognized branches of the real estate profession for the purpose of exerting a beneficial influence upon the profession and related interests.

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

**Section 3.** To provide a unified medium for real estate owners and those engaged in the real estate profession whereby their interests may be safeguarded and advanced.

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

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

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

**Article III – Jurisdiction**

**Section 1.** The territorial jurisdiction of the association as a Member of the NATIONAL ASSOCIATION OF REALTORS® will include the Fourth Judicial District of the State of Alaska.

**Section 2.** Territorial jurisdiction is defined to mean:

(a) The right and duty to control the use of the terms REALTOR® and REALTORS®, subject to the conditions set forth in these Bylaws and those of the NATIONAL ASSOCIATION OF REALTORS®, in return for which the association agrees to protect and safeguard the property rights of the National Association in the terms.

## Article IV – Membership

There will be six classes of members, as follows:

### Section 1.

**(a) REALTOR® Members** REALTOR® Members, whether primary or secondary will be:

(1) Individuals who, as sole proprietors, partners, corporate officers, or branch office managers, are engaged actively in the real estate profession, including buying, selling, exchanging, renting or leasing, managing, appraising for others for compensation, counseling, building, developing or subdividing real estate, and who maintain or are associated with an established real estate office in the state of Alaska or a state contiguous thereto. All persons, who are partners in a partnership, or all officers in a corporation, who are actively engaged in the real estate profession within the state or a state contiguous thereto will qualify for REALTOR® membership only, and each is required to hold REALTOR® membership (except as provided in the following paragraph) in an association of REALTORS® within the state or a state contiguous thereto, unless otherwise qualified for Institute Affiliate membership, as described in Section 1(b) of Article IV.

In the case of a real estate firm, partnership, or corporation, whose business activity is substantially all commercial, only those principals actively engaged in the real estate business in connection with the same office, or any other offices within the jurisdiction of the association in which one of the firm's principals holds REALTOR® membership, will be required to hold REALTOR® membership unless otherwise qualified for Institute Affiliate membership, as described in Section 1(b) of Article IV.

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

(3) Franchise REALTOR® Membership. Corporate officers (who may be licensed or unlicensed) of a real estate brokerage franchise organization with at least one hundred fifty (150) franchisees located within the United States, its insular possessions and the commonwealth of Puerto Rico, elected to membership pursuant to the provisions in the NAR *Constitution and Bylaws*. Such individuals will enjoy all the rights, privileges, and obligations of REALTOR® membership (including compliance with the Code of Ethics) except: obligations related to association-mandated education, meeting attendance, or indoctrination classes or other similar requirements; the right to use the term REALTOR® in connection with their franchise organization's name; and the right to hold elective office in the local association, state association, and National Association.

(4) Primary and Secondary REALTOR® Members. An individual is a primary member if the association pays state and National dues based on such member. An individual is a secondary member if state and National dues are remitted through another association. One of the principals in a real estate firm must be a designated REALTOR® member of the association in order for licensees affiliated with the firm to select the association as their "primary" association.

(5) Designated REALTOR® Members. Each firm (or office in the case of firms with multiple office locations) will designate in writing one REALTOR® member who will be responsible for all duties and obligations of membership, including the obligation to arbitrate (or to mediate if required by the association) pursuant to Article 17 of the Code of Ethics and the payment of association dues as established in Article X of the Bylaws. The "Designated REALTOR" must be a sole proprietor, partner, corporate officer, or branch office manager acting on behalf of the firm's principal(s) and must meet all other qualifications for REALTOR® membership established in Article V, Section 2 of the Bylaws.

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

**(c) Affiliate Members** Affiliate members will be real estate owners and other individuals or firms who, while not engaged in the real estate profession as defined in paragraphs (a) or (b) of this section, have interests requiring information concerning real estate and are in sympathy with the objectives of the association.

**(d) Public Service Members** Public Service members will be individuals who are interested in the real estate profession as employees of or affiliated with educational, public utility, governmental, or other similar organizations, but are not engaged in the real estate profession on their own account or in association with an established real estate business.

**(e) Honorary Members** Honorary members will be individuals not engaged in the real estate profession who have performed notable service for the real estate profession, for the association, or for the public.

**(f) Student Members** Student members will be individuals who are seeking an undergraduate or graduate degree with a specialization or major in real estate at institutions of higher learning, and who have completed at least two years of college and at least one college-level course in real estate but are not engaged in the real estate profession on their own account or not associated with an established real estate office.

## **Article V – Qualification and Election**

### **Section 1. Application**

(a) An application for membership will be made in such manner and form as may be prescribed by the board of directors and made available to anyone requesting it. The application form will contain among the statements to be signed by the applicant (1) that the applicant agrees as a condition to membership to thoroughly familiarize himself/herself with the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, the Constitutions, Bylaws, and Rules and Regulations of the association, the State and National Associations, and if elected a member, will abide by the Constitutions and Bylaws and Rules and Regulations of the association, State and National Associations and, if a REALTOR® member, will abide by the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS® including the obligation to arbitrate (or to mediate if required by the association) controversies arising out of real estate transactions as specified by Article 17 of the Code of Ethics, and as further specified in the Code of Ethics and Arbitration Manual of the NATIONAL ASSOCIATION OF REALTORS®, as from time to time amended. (2) that the applicant consents that the association, through its membership committee or otherwise, may invite and receive information and comment about applicant from any member or other persons, and that applicant agrees that any information and comment furnished to the association by any person in response to the invitation will be conclusively deemed to be privileged and not form the basis of any action for slander, libel, or defamation of character. The applicant will, with the form of application, have access to a copy of the Bylaws, Constitution, Rules and Regulations, and Code of Ethics referred to above.

### **Section 2. Qualification**

(a) An applicant for REALTOR® membership who is a sole proprietor, partner, corporate officer, or branch office manager of a real estate firm will supply evidence satisfactory to the association, through its membership committee or otherwise, that he/she is actively engaged in the real estate profession, and maintains a current, valid real estate broker's or salesperson's license or is licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property, has a place of business

within the state or a state contiguous thereto (unless a secondary member), has no record of recent or pending bankruptcy\*, has no record of official sanctions involving unprofessional conduct\*\*, agrees to complete a course of instruction covering the Bylaws, rules and regulations and policies and procedures of the association, the Bylaws of the State Association, and the *Constitution and Bylaws* and Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, and will pass such reasonable and nondiscriminatory written examination thereon, as may be required by the committee, and will agree if elected to membership, he/she will abide by such *Constitution*, Bylaws, rules and regulations, policies and procedures, and Code of Ethics.

\* If the applicant or the applicant's real estate firm is named as a debtor in such bankruptcy proceeding, membership may not be denied unless the Board establishes that its interests and those of its members and the public could not be adequately protected by requiring that the applicant pay cash in advance for association dues and MLS fees for up to one (1) year from the date that membership is approved. In the event an existing member initiates bankruptcy proceeding, the member may be placed on a "cash basis" from the date that bankruptcy is initiated until one (1) year from the date the member has been discharged from bankruptcy.

\*\*The association may only consider civil judgments imposed within the past seven (7) years involving judgements of (1) civil rights laws, (2) real estate license laws, and (3) or other laws prohibiting unprofessional conduct against the applicant rendered by the courts or other lawful authorities. The association may only consider criminal convictions within the past seven (7) years involving a crime that reasonably relates to the real estate business or puts clients, customers, or other real estate professionals at risk, the applicant must provide, and the association must consider mitigating factors relating to that criminal history.

(b) Individuals who are actively engaged in the real estate profession other than as sole proprietors, partners, corporate officers, or branch office managers, in order to qualify for REALTOR® membership, will at the time of application be associated either as an employee or as an independent contractor with a designated REALTOR® member of the association or a designated REALTOR® member of another association (if a secondary member) and must maintain a current, valid real estate broker's or salesperson's license or be licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property, has no record of official sanctions involving unprofessional conduct\*, will complete a course of instruction covering the Bylaws, rules and regulations, policies and procedures of the association, the Bylaws of the State Association, and the *Constitution and Bylaws* and Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, and will pass such reasonable and nondiscriminatory written examinations thereon as may be required by the membership committee, and will agree in writing that if elected to membership he/she will abide by such *Constitution*, Bylaws, rules and regulations, and the Code of Ethics.

\* The association may only consider: civil judgments imposed within the past seven (7) years involving judgements of (1) civil rights laws, (2) real estate license laws, and (3) or other laws prohibiting unprofessional conduct against the applicant rendered by the courts or other lawful authorities. The association may only consider criminal convictions within the past seven (7) years involving a crime that reasonably relates to the real estate business or puts clients, customers, or other real estate professionals at risk, the applicant must provide and the association must consider mitigating factors relating to that criminal history.

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

1. All final findings of Code of Ethics violations and violations of other membership duties in this or any other REALTOR® association within the past three (3) years
2. Pending ethics complaints (or hearings)
3. Unsatisfied discipline pending
4. Pending arbitration requests (or hearings)

5. Unpaid arbitration awards or unpaid financial obligations to this or any other REALTOR® association or REALTOR® association MLS
6. Any misuse of the term REALTOR® or REALTORS® in the name of the applicant's firm.

"Provisional" membership may be granted in instances where ethics complaints or arbitration requests (or hearings) are pending in other associations or where the applicant for membership has unsatisfied discipline pending in another association (except for violations of the Code of Ethics; see Article V, Section 2(a), \*\*), provided all other qualifications for membership have been satisfied. Associations may reconsider the membership status of such individuals when all pending ethics and arbitration matters (and related discipline) have been resolved or if such matters are not resolved within six (6) months from the date that provisional membership is approved. Provisional members will be considered REALTORS® and will be subject to all of the same privileges and obligations of REALTOR® membership. If a member resigns from another association with an ethics complaint or arbitration request pending, the association may condition membership on the applicant's certification that he/she will submit to the pending ethics or arbitration proceeding (in accordance with the established procedures of the association to which the applicant has made application) and will abide by the decision of the hearing panel.

### **Section 3. Election**

The procedure for election to membership will be as follows:

(a) The chief staff executive (or duly authorized designee) will determine whether the applicant is applying for the appropriate class of membership. If the association has adopted provisional membership, applicants for REALTOR® membership may be granted provisional membership immediately upon submission of a completed application form and remittance of applicable association dues and any application fee. Provisional members will be considered REALTORS® and will be subject to all of the same privileges and obligations of membership. Provisional membership is granted subject to final review of the application by the board of directors.

(b) If the board of directors determines that the individual does not meet all of the qualifications for membership as established in the association's Bylaws, or, if the individual does not satisfy all of the requirements of membership (for example, completion of a mandatory orientation program) within 90 days from the association's receipt of their application, membership may, at the discretion of the board of directors, be terminated. The board of directors will vote on the applicant's eligibility for membership. If the applicant receives a majority vote of the board of directors, he/she will be declared elected to membership and will be advised by written notice.

(c) The board of directors may not reject an application without providing the applicant with advance notice of the findings, an opportunity to appear before the board of directors, to call witnesses on his/her behalf, to be represented by counsel, and to make such statements as he/she deems relevant. The board of directors may also have counsel present. The board of directors will require that written minutes be made of any hearing before it or may electronically or mechanically record the proceeding.

(d) If the board of directors determines that the application should be rejected, it will record its reasons with the chief staff executive (or duly authorized designee). If the board of directors believes denial of membership to the applicant may become the basis of litigation and a claim of damage by the applicant, it may specify that denial will become effective upon entry in a suit by the association for a declaratory judgment by a court of competent jurisdiction of a final judgment declaring that the rejection violates no rights of the applicant.

### **Section 4. New Member Code of Ethics Orientation**

Applicants for REALTOR® membership and provisional REALTOR® members (where applicable) will complete an orientation program on the Code of Ethics of not less than two (2) hours and thirty (30) minutes of instructional time. This requirement does not apply to applicants for REALTOR® membership or provisional members who have completed comparable orientation in another association, provided that

REALTOR® membership has been continuous, or that any break in membership is for one (1) year or less.

Failure to satisfy this requirement within 90 days of the date provisional membership was granted, will result in denial of the membership application or termination of provisional membership.

**NOTE:** Orientation programs must meet the learning objectives and minimum criteria established from time to time by the NATIONAL ASSOCIATION OF REALTORS®.

### **Section 5. REALTOR® Code of Ethics Training**

Effective January 1, 2017, through December 31, 2018, and for successive two-year periods thereafter, each REALTOR® member of the association (with the exception of REALTOR® members granted REALTOR® Emeritus status by the National Association) will be required to complete ethics training of not less than two (2) hours and thirty (30) minutes of instructional time. This requirement will be satisfied upon presentation of documentation that the member has completed a course of instruction conducted by this or another association, the State Association of REALTORS®, the NATIONAL ASSOCIATION OF REALTORS®, or any other recognized educational institution or provider which meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to time. REALTOR® members who have completed training as a requirement of membership in another association and REALTOR® members who have completed the New Member Code of Ethics Orientation during any two (2)-year cycle will not be required to complete additional ethics training until a new two (2)-year cycle commences.

Failure to satisfy the required periodic ethics training will be considered a violation of a membership duty. Failure to meet the requirement in any two (2)-year cycle will result in suspension of membership for the first two months (January and February) of the year following the end of any two (2)-year cycle or until the requirement is met, whichever occurs sooner. On March 1 of that year, the membership of a member who is still suspended as of that date will be automatically terminated.

### **Section 6. Status Changes**

(a) A REALTOR® who changes the conditions under which he/she holds membership will be required to provide written notification to the association within 30 days. A REALTOR® (non-principal) who becomes a principal in the firm with which he/she has been licensed or, alternatively, becomes a principal in a new firm which will be comprised of REALTOR® principals may be required to satisfy any previously unsatisfied membership requirements applicable to REALTOR® (principal) members but will, during the period of transition from one status of membership to another, be subject to all of the privileges and obligations of a REALTOR® (principal). If the REALTOR® (non-principal) does not satisfy the requirements established in these Bylaws for the category of membership to which they have transferred within 45 days of the date they advised the association of their change in status, their new membership application will terminate automatically unless otherwise so directed by the board of directors.

A REALTOR® (or REALTOR-ASSOCIATE®, where applicable) who is transferring his/her license from one firm comprised of REALTOR® principals to another firm comprised of REALTOR® principals will be subject to all of the privileges and obligations of membership during the period of transition. If the transfer is not completed within 35 days of the date the association is advised of the disaffiliation with the current firm, membership will terminate automatically unless otherwise so directed by the board of directors.

(The board of directors, at its discretion, may waive any qualification which the applicant has already fulfilled in accordance with the association's Bylaws.)

(b) Any application fee related to a change in membership status will be reduced by an amount equal to any application fee previously paid by the applicant.

(c) Dues will be prorated from the first day of the month in which the member is notified of election by the board of directors and will be based on the new membership status for the remainder of the year.

## Article VI – Privileges and Obligations

**Section 1.** The privileges and obligations of members, in addition to those otherwise provided in these Bylaws, will be specified in this Article.

**Section 2.** Any member of the association may be reprimanded, fined, placed on probation, suspended, or expelled by the board of directors for a violation of these Bylaws and association rules and regulations consistent with these Bylaws, after a hearing as provided in the *Code of Ethics and Arbitration Manual* of the association. Although members other than REALTORS® are not subject to the Code of Ethics, nor its enforcement by the association, such members are encouraged to abide by the principles established in The Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS® and conduct their business and professional practices accordingly. Further, members other than REALTORS® may, upon recommendation of the membership committee, or upon recommendation by a hearing panel of the professional standards committee, be subject to discipline as described above, for any conduct, which in the opinion of the board of directors, applied on a nondiscriminatory basis, reflects adversely on the terms REALTOR® or REALTORS®, and the real estate industry, or for conduct that is inconsistent with or adverse to the objectives and purposes of the local association, the State Association, and the NATIONAL ASSOCIATION OF REALTORS®.

**Section 3.** Any REALTOR® member of the association may be disciplined by the board of directors for violations of the Code of Ethics or other duties of membership, after a hearing as described in the *Code of Ethics and Arbitration Manual* of the association, provided that the discipline imposed is consistent with the discipline authorized by the Professional Standards Committee of the NATIONAL ASSOCIATION OF REALTORS® as set forth in the *Code of Ethics and Arbitration Manual* of the National Association.

**Section 4.** Resignations of members will become effective when received in writing by the board of directors, provided, however, that if any member submitting the resignation is indebted to the association for dues, fees, fines, or other assessments of the association or any of its services, departments, divisions, or subsidiaries, the association may condition the right of the resigning member to reapply for membership upon payment in full of all such monies owed.

**Section 5.** If a member resigns from the association or otherwise causes membership to terminate with an ethics complaint pending, the complaint will be processed until the decision of the association with respect to disposition of the complaint is final by this association (if respondent does not hold membership in any other association) or by any other association in which the respondent continues to hold membership. If an ethics respondent resigns or otherwise causes membership in all Boards to terminate before an ethics complaint is filed alleging unethical conduct occurred while the respondent was a REALTOR®, the complaint, once filed, will be processed until the decision of the association with respect to disposition of the complaint is final. In any instance where an ethics hearing is held subsequent to an ethic respondent's resignation or membership termination, any discipline ratified by the Board of Directors will be held in abeyance until such time as the respondent rejoins an association of REALTORS®.

(a) If a member resigns or otherwise causes membership to terminate, the duty to submit to arbitration (or to mediation if required by the association) continues in effect even after membership lapses or is terminated, provided the dispute arose while the former member was a REALTOR®.

**Section 6.** REALTOR® Members. REALTOR® members, whether primary or secondary, in good standing whose financial obligations to the association are paid in full will be entitled to vote and to hold elective office in the association; may use the terms REALTOR® and REALTORS®, which use will be subject to the provisions of Article VIII; and have the primary responsibility to safeguard and promote the standards, interests, and welfare of the association and the real estate profession.

- (a) If a REALTOR® member is a sole proprietor in a firm, a partner in a partnership or an officer in a corporation, and is suspended or expelled, the firm, partnership or corporation will not use the terms REALTOR® or REALTORS® in connection with its business during the period of suspension, or until readmission to REALTOR® membership, or unless connection with the firm, partnership or corporation is severed, or management control is relinquished, whichever may apply. The membership of all other principals, partners, or corporate officers will suspend or terminate during the period of suspension of the disciplined member, or until readmission of the disciplined member or unless connection of the disciplined member with the firm, partnership, or corporation is severed, or unless the REALTOR® who is suspended or expelled removes himself/herself from any form or degree of management control of the firm for the term of the suspension or until readmission to membership, whichever may apply. Removal of an individual from any form or degree of management control must be certified to the association by the member who is being suspended or expelled and by the individual who is assuming management control, and the signatures of such certification must be notarized. In the event the suspended or expelled member is so certified to have relinquished all form or degree of management control of the firm, the membership of other partners, corporate officers, or other individuals affiliated with the firm will not be affected, and the firm, partnership or corporation may continue to use the terms REALTOR® and REALTORS® in connection with its business during the period of suspension or until the former member is admitted to membership in the association. The foregoing is not intended to preclude a suspended or expelled member from functioning as an employee or independent contractor, providing no management control is exercised. Further, the membership of REALTORS® other than principals who are employed or affiliated as independent contractors with the disciplined member will suspend or terminate during the period of suspension of the disciplined member or until readmission of the disciplined member, or unless connection of the disciplined member with the firm, partnership, or corporation is severed, or management control is relinquished, or unless the REALTOR® member (non-principal) elects to sever his/her connection with the REALTOR® and affiliate with another REALTOR® member in good standing in the association, whichever may apply.

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

- (a) In any action taken against a REALTOR® member for suspension or expulsion under Section 6(a) hereof, notice of such action will be given to all REALTORS® employed by or affiliated as independent contractors with such REALTOR® member and they will be advised that the provisions in Article VI, Section 6(a) will apply.

**Section 7.** Institute Affiliate Members. Institute Affiliate members will have rights and privileges and be subject to obligations prescribed by the board of directors consistent with the *Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS®*.

**NOTE:** Local associations establish the rights and privileges to be conferred on Institute Affiliate members except no Institute Affiliate member may be granted the right to use the term REALTOR®, REALTOR-ASSOCIATE®, or the REALTOR® logo; to serve as president of the local association; or to be a participant in the local association's multiple listing service.

**Section 8.** Affiliate Members. Affiliate members will have rights and privileges and be subject to obligations prescribed by the board of directors.

**Section 9.** Public Service Members. Public Service members will have rights and privileges and be subject to obligations prescribed by the board of directors.

**Section 10.** Honorary Members. Honorary membership will confer only the right to attend meetings and participate in discussions.

**Section 11.** Student Members. Student members will have rights and privileges and be subject to obligations prescribed by the board of directors.

**Section 12.** Certification by REALTOR®. "Designated" REALTOR® members of the association will certify to the association during the month of January on a form provided by the association, a complete listing of all individuals licensed or certified in the REALTOR®'s office(s) and will designate a primary association for each individual who holds membership. Designated REALTORS® will also identify any non-member licensees in the REALTOR®'s office(s) and if designated REALTOR® dues have been paid to another association based on said non-member licensees, the designated REALTOR® will identify the association to which dues have been remitted. These declarations will be used for purposes of calculating dues under Article X, Section 2(a) of the Bylaws. "Designated" REALTOR® members will also notify the association of any additional individual(s) licensed or certified with the firm(s) within 30 days of the date of affiliation or severance of the individual.

**Section 13. Legal Liability Training.** Within two (2) years of the date of election to membership, and every two (2) years thereafter, each REALTOR® member of the association will be required to demonstrate they have completed a course of instruction on antitrust laws, agency laws, civil rights laws or the REALTORS® Code of Ethics, its interpretation and meaning and/or the procedures related to its enforcement.

This requirement will be considered satisfied upon presentation of evidence that the member has completed an educational program conducted by another Member Board, the State Association of REALTORS®, the NATIONAL ASSOCIATION OF REALTORS® or any of its affiliated Institutes, Societies or Councils, or any other recognized educational institution which, in the opinion of the board of directors, is an adequate substitute for the training programs conducted by the association. Failure to satisfy this requirement biennially will result in membership being suspended from the date it otherwise would be renewed until such time that the member provides evidence of completion of the aforementioned educational requirements.

**NOTE:** Any education requirement must comply with Interpretation No. 37 of Article I, Section 2, *Bylaws*, NATIONAL ASSOCIATION OF REALTORS®.

**Section 14. Harassment** Any member of the association may be reprimanded, placed on probation, suspended or expelled for harassment of an association or MLS employee, officer, director or committee member after an investigation in accordance with the procedures of the association. As used in this section, harassment means any verbal or physical conduct including threatening or obscene language, unwelcome sexual advances, stalking, actions including strikes, shoves, kicks, or other similar physical contact, or threats to do the same, or any other conduct with the purpose or effect of unreasonably interfering with an individual's work performance by creating a hostile, intimidating or offensive work environment. The decision of the appropriate disciplinary action to be taken will be made by the investigatory team comprised of the president, and president-elect and/or vice president and one member of the board of directors selected by the highest-ranking officer not named in the complaint, upon consultation with legal counsel for the association. Disciplinary action may include any sanction authorized in the association's Code of Ethics and Arbitration Manual. If the complaint names the president, president-elect or vice president, they may not participate in the proceedings and will be replaced by the immediate past president or, alternatively, by another member of the board of directors selected by the highest-ranking officer not named in the complaint.

## **Article VII – Professional Standards and Arbitration**

**Section 1.** The responsibility of the association and of association members relating to the enforcement of the Code of Ethics, the disciplining of members, and the arbitration of disputes, and the organization and procedures incident thereto, will be governed by the Code of Ethics and Arbitration Manual of the NATIONAL ASSOCIATION OF REALTORS®, as amended from time to time, which is by this reference incorporated into these Bylaws, provided, however, any provision deemed inconsistent with state law will be deleted or amended to comply with state law.

**Section 2.** It will be the duty and responsibility of every REALTOR® member of this association to abide by the Constitution and Bylaws and the rules and regulations of the association, the Constitution and Bylaws of the State Association, the Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS®, and to abide by the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, including the duty to mediate and arbitrate controversies arising out of real estate transactions as specified by Article 17 of the Code of Ethics, and as further defined and in accordance with the procedures set forth in the Code of Ethics and Arbitration Manual of this association, as from time to time amended.

**Section 3.** The responsibility of the association and association members relating to the enforcement of the Code of Ethics, the disciplining of members, the arbitration of disputes, and the organization and procedures incident thereto, will be consistent with the cooperative professional standards enforcement agreement entered into by the association, which by this reference is made a part of these Bylaws.

### **Article VIII – Use of the Terms REALTOR® and REALTORS®**

**Section 1.** Use of the terms REALTOR® and REALTORS® by members will, at all times, be subject to the provisions of the *Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS®* and to the Rules and Regulations prescribed by its board of directors. The association will have the authority to control, jointly and in full cooperation with the NATIONAL ASSOCIATION OF REALTORS®, use of the terms within its jurisdiction. Any misuse of the terms by members is a violation of a membership duty and may subject members to disciplinary action by the board of directors after a hearing as provided for in the association's Code of Ethics and Arbitration Manual.

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

**Section 3.** A REALTOR® member who is a principal of a real estate firm, partnership, or corporation may use the terms REALTOR® and REALTORS®, only if all the principals of such firm, partnership, or corporation who are actively engaged in the real estate profession within the state or a state contiguous thereto are REALTOR® members or Institute Affiliate members, as described in Section 1(b) of Article IV.

(a) In the case of a REALTOR® member who is a principal of a real estate firm, partnership, or corporation whose business activity is substantially all commercial, the right to use the term REALTOR® or REALTORS® will be limited to office locations in which a principal, partner, corporate officer, or branch office manager of the firm, partnership, or corporation holds REALTOR® membership. If a firm, partnership, or corporation operates additional places of business in which no principal, partner, corporate officer, or branch office manager holds REALTOR® membership, the term REALTOR® or REALTORS® may not be used in any reference to those additional places of business.

**Section 4.** Institute Affiliate members will not use the terms REALTOR® or REALTORS®, nor the imprint of the emblem seal of the NATIONAL ASSOCIATION OF REALTORS®.

### **Article IX – State and National Memberships**

**Section 1.** The association will be a member of the NATIONAL ASSOCIATION OF REALTORS® and the Alaska REALTORS®. By reason of the association's membership, each REALTOR® member of the Member Board will be entitled to membership in the NATIONAL ASSOCIATION OF REALTORS® and the Alaska REALTORS® without further payment of dues. The association will

continue as a member of the State and National Associations, unless by a majority vote of all of its REALTOR® members, decision is made to withdraw, in which case the State and National Associations will be notified at least one month in advance of the date designated for the termination of such membership.

**Section 2.** The association recognizes the exclusive property rights of the NATIONAL ASSOCIATION OF REALTORS® in the terms REALTOR® and REALTORS®. The association will discontinue use of the terms in any form in its name, upon ceasing to be a member of the National Association, or upon a determination by the board of directors of the National Association it has violated the conditions imposed upon the terms.

**Section 3.** The association adopts the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS® and agrees to enforce the Code among its REALTOR® members. The association and all of its members agree to abide by the *Constitution, Bylaws*, Rules and Regulations, and policies of the National Association and the Alaska REALTORS®.

## **Article X – Dues and Assessments**

**Section 1. Application Fee** The board of directors may adopt an application fee for REALTOR® membership in reasonable amount, not exceeding three (3) times the amount of the annual dues for REALTOR® membership, which will be required to accompany each application for REALTOR® membership and which will become the property of the association upon final approval of the application.

**Section 2. Dues** The annual dues of members will be as follows:

(a) REALTOR® Members. The annual dues of each designated REALTOR® member will be in such amount as established annually by the board of directors, plus an additional amount to be established annually by the board of directors times the number of real estate salespersons and licensed or certified appraisers who (1) are employed by or affiliated as independent contractors, or who are otherwise directly or indirectly licensed with such REALTOR® member, and (2) are not REALTOR® members of any association in the state or a state contiguous thereto or Institute Affiliate members of the association. In calculating the dues payable to the association by a designated REALTOR® member, non-member licensees as defined in (1) and (2) of this paragraph will not be included in the computation of dues if the designated REALTOR® has paid dues based on said non-member licensees in another association in the state or a state contiguous thereto, provided the designated REALTOR® notifies the association in writing of the identity of the association to which dues have been remitted. In the case of a designated REALTOR® member in a firm, partnership, or corporation whose business activity is substantially all commercial, any assessments for non-member licensees will be limited to licensees affiliated with the designated REALTOR® (as defined in (1) and (2) of this paragraph) in the office where the designated REALTOR® holds membership, and any other offices of the firm located within the jurisdiction of this association.

(1) For the purpose of this section, a REALTOR® member of a Member Board will be held to be any member who has a place or places of business within the state or a state contiguous thereto and who, as a principal, partner, corporate officer, or branch office manager of a real estate firm, partnership, or corporation, is actively engaged in the real estate profession as defined in Article III, Section 1 of the Constitution of the NATIONAL ASSOCIATION OF REALTORS®. An individual will be deemed to be licensed with a REALTOR® if the license of the individual is held by the REALTOR®, or by any broker who is licensed with the REALTOR®, or by any entity in which the REALTOR® has a direct or indirect ownership interest and which is engaged in other aspects of the real estate business (except as provided for in Section 2(a)(1) hereof) provided that such licensee is not otherwise included in the computation of dues payable by the principal, partner, corporate officer, or branch office manager of the entity.

A REALTOR® with a direct or indirect ownership interest in an entity engaged exclusively in soliciting and/or referring clients and customers to the REALTOR® for consideration on a substantially exclusive basis will annually file with the association on a form approved by the association a list of the licensees affiliated with that entity and will certify that all of the licensees affiliated with the entity are solely engaged in referring clients and customers and are not engaged in listing, selling, leasing, renting, managing, counseling, or appraising real property. The individuals disclosed on such form will not be deemed to be licensed with the REALTOR® filing the form for purposes of this section and will not be included in calculating the annual dues of the designated REALTOR®. Designated REALTORS® will notify the association within three (3) days of any change in status of licensees in a referral firm.

The exemption for any licensee included on the certification form will automatically be revoked upon the individual being engaged in real estate licensed activities (listing, selling, leasing, renting, managing, counseling, or appraising real property) other than referrals, and dues for the current fiscal year will be payable.

Membership dues will be prorated monthly for any licensee included on a certification form submitted to the association who during the same calendar year applies for REALTOR® or REALTOR-ASSOCIATE® membership in the association. However, membership dues will not be prorated if the licensee held REALTOR® or REALTOR-ASSOCIATE® membership during the preceding calendar year.

(b) REALTOR® Members. The annual dues of REALTOR® members other than the designated REALTOR® will be as established annually by the board of directors.

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

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

(d) Affiliate Members. The annual dues of each Affiliate member will be as established annually by the board of directors.

(e) Public Service Members. The annual dues of each Public Service member will be as established annually by the board of directors.

(f) Honorary Members. Dues payable, if any, will be at the discretion of the board of directors.

(g) Student Members. Dues payable, if any, will be at the discretion of the board of directors.

**Section 3. Dues Payable** Dues for all members will be payable annually in advance by the 5th day of the new year. Dues for new members will be prorated from the date of application and granting of provisional membership.

**Section 4. Nonpayment of Financial Obligations** If dues, fees, fines, or other assessments including amounts owed to the association or the association's multiple listing service are not paid within one (1) month after the due date, the nonpaying Member is subject to suspension at the discretion of the board of

directors. Two (2) months after the due date, membership of the nonpaying member may be terminated at the discretion of the board of directors. Three (3) months after the due date, membership of the nonpaying Member will automatically terminate unless within that time the amount due is paid. However, no action will be taken to suspend or expel a member for nonpayment of disputed amounts until the accuracy of the amount owed has been confirmed by the board of directors. A former member who has had his/her membership terminated for nonpayment of dues, fees, fines, or other assessments duly levied in accordance with the provisions of these Bylaws or the provisions of other rules and regulations of the association or any of its services, departments, divisions, or subsidiaries may apply for reinstatement in a manner prescribed for new applicants for membership, after making payment in full of all accounts due as of the date of termination.

**Section 5. Deposits and Expenditures** Deposits and expenditures of funds will be in accordance with policies established by the board of directors.

**Section 6. Notice of Dues, Fees, Fines, Assessments, and Other Financial Obligations of Members**

All dues, fees, fines, assessments, or other financial obligations to the association or association multiple listing service will be noticed to the delinquent association member in writing setting forth the amount owed and due date.

**Section 7.** The dues of REALTOR® members who are REALTOR® Emeriti (as recognized by the National Association), past presidents and past treasurers of the National Association or recipients of the Distinguished Service Award will be waived.

**Article XI – Officers and Directors**

**Section 1. Officers and Board of Directors** The elected officers of the association will be: president, president-elect, and past-president for the terms of one year. And a secretary and a treasurer who will serve terms of two years. The President-Elect selected at the annual election meeting by a vote of the membership will be President for the year following the year served as President-Elect and then serve as Past-President. In the absence of the President the President-Elect will perform the duties and will succeed to the office of President.

The governing body of the association will be a board of directors consisting of the elected officers, the immediate past president of the association, and two elected REALTOR® members of the association who reside in the jurisdiction of the state and maintain active membership of the association. Directors will be elected to serve terms of two years. Thereafter, as many directors will be elected each year as are required to fill vacancies.

**Section 2. Duties of Officers** The duties of the officers will be such as their titles, by general usage, would indicate and such as may be assigned to them by the board of directors. It will be the particular duty of the chief staff executive to keep the records of the association and to carry on all necessary correspondence with the NATIONAL ASSOCIATION OF REALTORS® and the Alaska REALTORS®

(a) Term Limits. No director will serve for more than 6 consecutive years.

(b) No more than 2 REALTORS® from the same real estate firm or broker owner office may simultaneously serve on the Board of Directors.

**Section 3. Election of Officers and Directors**

(a) At least two (2) months before the annual election, a nominating committee of three REALTOR® members will be appointed by the president with the approval of the board of directors. The nominating committee will select one candidate for each vacancy to be filled on the board of directors. The report of

the nominating committee will be mailed or, where permitted by state law, electronically transmitted to each member eligible to vote at least three (3) weeks preceding the election. Additional candidates for the offices to be filled may be placed in nomination by petition signed by at least one REALTOR® members eligible to vote. The petition will be filed with the chief staff executive at least two (2) weeks before the election. The chief staff executive will send notice of such additional nominations to all members eligible to vote before the election.

(b) Nominated candidates must accept nomination before being placed on the ballot.

(c) The election of officers and directors shall be by in person ballot or proxy. A candidate may not run for more than one office.

(d) The candidate with a simple majority is declared the winner. A simple majority is defined as 1 vote over half of quorum. A tie will be resolved by a revote. The board of directors will ratify the election results at the close of the election.

(e) Anyone challenging the election results may do so by submitting a written challenge to the chief staff executive within ten (10) days after the results are announced specifying exactly who or what is being challenged. The Board of Directors will review submitted challenges. If a recount is ordered, the challenger will be responsible for the costs incurred regardless of the outcome.

(f) The directors elected at the annual election will be installed at the installation meeting and serve from January 1 through December 31 of the following year.

**Section 4. Vacancies** Vacancies among the officers and the board of directors will be filled by a REALTOR® member voted in by of the board of directors until the next annual election.

**Section 5. Removal of Officers and Directors** In the event that an elected officer or director is deemed to be incapable of fulfilling the duties for which elected, but will not resign from office voluntarily, the officer or director may be removed from office under the following procedure:

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

(b) Upon receipt of the petition, and not less than twenty (20) days or more than forty-five (45) days thereafter, a special meeting of the voting membership of the association will be held, and the sole business of the meeting will be to consider the charge against the officer or director, and to render a decision on such petition.

(c) The special meeting will be noticed to all voting members at least ten (10) days prior to the meeting and will be conducted by the president of the association unless the president's continued service in office is being considered at the meeting. In such case, the next-ranking officer will conduct the meeting of the hearing by the members. Provided a quorum is present, a three-fourths vote of members present and voting will be required for removal from office.

**Section 6. Chief Staff Executive** There will be a chief staff executive of the association, appointed by the board of directors. The chief staff executive will have the authority to hire, supervise, evaluate and terminate other staff, if any, and will perform such other duties as prescribed by the board of directors. The chief staff executive can be terminated by the board of directors.

## Article XII – Meetings

**Section 1. Election Meetings** The annual election meeting of the association will be held during October of each year, the date, place and hour to be designated by the President.

**Section 2. Meetings of Directors** The board of directors will designate a regular time and place of meetings. Absence from three (3) regular meetings without an excuse deemed valid by the board of directors will be construed as resignation. A quorum for the transaction of business will be a majority of the board of directors, except as may otherwise be required by state law.

**Section 3. Other Meetings** Meetings of the members may be held at other times as the president or the board of directors may determine, or upon the written request of at least 15% of the members eligible to vote.

**Section 4. Notice of Meetings** Written notice will be given to every member entitled to participate in the meeting at least one (1) week preceding all meetings. If a special meeting is called, it will be accompanied by a statement of the purpose of the meeting.

**Section 5. Quorum for Membership Meetings** A quorum for the transaction of business at general and/or special meetings of the membership will consist of 15% of the members eligible to vote, except as may otherwise be required by state law.

**Section 6. Electronic Transaction of Business** To the fullest extent permitted by law, the board of directors or membership may conduct business by electronic means.

**Section 7. Action without Meeting** Unless specifically prohibited by the articles of incorporation, the board of directors may act by unanimous vote in writing or by electronic signature without a meeting. The vote will be evidenced by unanimous written approvals, each of which sets forth the action taken and bears the signature of all of the members. The action taken will be effective when all the directors have approved the vote unless the vote specifies a different effective date.

**Section 8. Attendance by Telephone** Members of the board may participate in any meeting using a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Such participation will be at the discretion of the president and will constitute presence at the meeting.

## Article XIII – Committees

**Section 1. Standing Committees** The president will appoint from among the REALTOR® members, subject to confirmation by the board of directors, the following standing committees:

Professional Standards*	Benevolence
Education	Grievance*
Finance	Community Outreach
Legislative Affairs	RPAC
Membership	Multiple Listing
Bylaws	Forms
Policies & Procedures	REALTOR/Affiliate of the Year
Affiliate's Committee	Annual Installation Meeting
Nominating Committee	Convention Committee

\*Note: Appointments to the Professional Standards Committee and Grievance will be consistent with the cooperative professional standards enforcement agreement of the Board.

**Section 2. Special Committees** The president will appoint, subject to confirmation by the board of directors, special committees as deemed necessary.

Military Affairs  
Convention Committee

**Section 3. Organization** All committees will be of such size and will have duties, functions, and powers as assigned by the president or the board of directors except as otherwise provided in these Bylaws.

**Section 4. President** The president will be an *ex-officio* member of all standing committees and will be notified of their meetings. Exceptions are the grievance, professional standards and REALTOR/Affiliate of the year committees.

**Section 5. Action without Meeting** Any committee and the board of may act by unanimous vote in writing or by electronic signature without a meeting. The vote will be evidenced by unanimous written approvals, each of which sets forth the action taken and bears the signature of all of the members of the committee.

**Section 6. Attendance by Telephone** Members of a committee may participate in any meeting through the use of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other. Such participation will be at the discretion of the committee chair and will constitute presence at the meeting.

#### **Article XIV – Fiscal and Elective Year**

**Section 1.** The fiscal year of the association will be January 1 to December 31.

**Section 2.** The elective year of the association will be January 1 to December 31.

#### **Article XV – Rules of Order**

**Section 1.** *Robert's Rules of Order*, latest edition, will be recognized as the authority governing the meetings of the association, its board of directors, and committees, in all instances wherein its provisions do not conflict with these Bylaws.

#### **Article XVI – Amendments**

**Section 1.** These Bylaws may be amended by the majority vote of the members present and qualified to vote at any meeting at which a quorum is present, provided the substance of such proposed amendment or amendments will be plainly stated in the call for the meeting, except that the board of directors may, at any regular or special meeting of the board of directors at which a quorum is present, approve amendments to the Bylaws which are mandated by NAR policy.

**Section 2.** Notice of all meetings at which amendments are to be considered will be distributed to every member eligible to vote at least one (1) week prior to the meeting.

**Section 3.** Amendments to these Bylaws affecting the admission or qualification of REALTOR® and Institute Affiliate members, the use of the terms REALTOR® and REALTORS®, or any alteration in the territorial jurisdiction of the association will become effective upon their approval as authorized by the

board of directors of the NATIONAL ASSOCIATION OF REALTORS®.

### **Article XVII – Dissolution**

**Section 1.** Upon the dissolution of this association, the board of directors, after providing for the payment of all obligations, will distribute any remaining assets to the Alaska REALTORS® or, within its discretion, to any other non-profit tax-exempt organization.

### **Article XVIII – Multiple Listing**

**Section 1. Authority** The association of REALTORS® will maintain for the use of its members a Multiple Listing Service which will be subject to the Bylaws of the association of REALTORS® and such rules and regulations as may be hereinafter adopted.

**Section 2. Purpose** A multiple listing service is a means by which authorized participants make blanket unilateral offers of compensation to other participants (acting as subagents, buyer agents, or in other agency or nonagency capacities defined by law); by which cooperation among participants is enhanced; by which information is accumulated and disseminated to enable authorized participants to prepare appraisals, analyses, and other valuations of real property for bona fide clients and customers; by which participants engaging in real estate appraisal contribute to common databases; and is a facility for the orderly correlation and dissemination of listing information so participants may better serve their clients and the public. Entitlement to compensation is determined by the cooperating broker's performance as a procuring cause of the sale (or lease).

**Section 3. Participation** Any REALTOR® of this or any other association who is a principal, partner, corporate officer, or branch office manager acting on behalf of a principal, without further qualification, except as otherwise stipulated in these Bylaws, will be eligible to participate in multiple listing service upon completed and approved application, MLS test, agreeing in writing to conform to the Multiple Listing Service Rules and Regulations thereof and to pay the costs incidental thereto.\* However, under no circumstances is any individual or firm, regardless of membership status, entitled to multiple listing service “membership” or “participation” unless they hold a current, valid real estate broker’s license and offer or accept compensation to and from other participants or are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property.\*\* Use of information developed by or published by an association multiple listing service is strictly limited to the activities authorized under a participant’s licensure(s) or certification and unauthorized uses are prohibited.

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

The key is the participant or potential participant actively endeavors to make or accept offers of cooperation and compensation with respect to properties of the type that are listed on the MLS in which participation is sought. This requirement does not permit an MLS to deny participation to a participant or potential participant that operates a “Virtual Office Website” (VOW) (including a VOW that the participant uses to refer customers to other participants) if the participant or potential participant actively endeavors to

make or accept offers of cooperation and compensation. An MLS may evaluate whether a participant or potential participant actively endeavors during the operation of its real estate business to offer or accept cooperation and compensation only if the MLS has a reasonable basis to believe that the participant or potential participant is in fact not doing so. The membership requirement will be applied in a nondiscriminatory manner to all participants and potential participants.

Any applicant for MLS participation and any subscriber and licensed or certified appraisers who has access to and use of MLS-generated information will complete an orientation program of no more than eight (8) classroom hours devoted to the MLS Rules and Regulations and computer training related to MLS information entry and retrieval within thirty (30) days after access has been provided.

Participants and subscribers may be required, at the discretion of the MLS, to complete additional training of not more than four (4) classroom hours in any twelve (12) month period when deemed necessary by the MLS to familiarize participants and subscribers with system changes or enhancement and/or changes to MLS rules or policies. Participants and subscribers must be given the opportunity to complete any mandated additional training remotely.

\*Optional qualification may be adopted at local association's discretion.

\*\*Generally, associations of REALTORS®, when there is more than one principal in a real estate firm, define the chief principal officer of the firm as the MLS "participant". If each principal is defined as a "participant," then each will have a separate vote on MLS matters. Brokers or salespersons other than principals are not considered "participants" in the service but have access to and use of the service through the principal(s) with whom they are affiliated.

**Section 4. Supervision** The activity will be operated under the supervision of the multiple listing service committee, in accordance with the rules and regulations, subject to approval of the board of directors of the association of REALTORS®.

**Section 5. Appointment of Committee** The president will appoint, subject to the confirmation of the board of directors, a multiple listing service committee of 9 REALTORS® members. All members of the committee will be participants or subscribers in multiple listing service affiliated with participants may be appointed to serve in such numbers as determined by the local association. The committee will select its chairperson from among the members thereof.

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

**Section 7. Attendance** Any committee member who fails to attend three (3) consecutive regular or special meetings of the committee, without excuse acceptable to the chairperson of the committee, will be removed from the committee and the vacancy will be filled as herein provided for original appointees.

**Section 8. Subscribers** Subscribers (or users) of the MLS include non-principal brokers, sales associates, and licensed and certified appraisers affiliated with participants. Subscribers also include affiliated unlicensed administrative and clerical staff, personal assistants, and individuals seeking licensure or certification as real estate appraisers who are under the direct supervision of an MLS participant or the participant's licensed designee.