

December 16, 2010

Board of Director Minutes  
Wilmington Regional Association of REALTORS®  
1444 S. 17<sup>th</sup> Street

Attending	R. J. Alexoudis	Carlos Braxton	Faye Brock	Tom Gale
	Ashley Garner	John Hinrichs	Sharon Laney	Mary Martin
	April McDavid	Mary Jo Miller	Karen Parkin	Amy Spicuzza
	Louise Voelker	Jody Wainio		
Absent:				
Guests:	Sandy Beals	David Eggleston, Jr.	Amy Holcomb	John Pierson
Staff:	Jerry Panz			

President Mary Martin called the meeting to order at 10:35 AM. All members of the Board of Directors received notice of the meeting. John Hinrichs provided an update on the activities of the RCASENC. Jerry Panz provided additional Board of Directors' Orientation focusing on reading financial statements. Brian Pilon provided an update on website statistics and Broker Briefing.

The Board went into an executive session to hear a report (attached) from the Administrative Committee. On a motion duly made, seconded and carried the Board accepted the report from and then approved the Administrative Committee's recommendation for an allocation under Fund B of the Linking Pay to Performance Policy

By Consent the following was approved:

- 1) The Consent Agenda (attached)
- 2) An Agreement with the Duplin-Sampson Association of REALTORS® (attached)
- 3) Revising the Policy as follows: When a member who has resigned in good standing (paid all of their bills in full), or who fails to resign but has paid all of their bills in full, applies to the WRAR within ~~twelve~~ **twenty-four** months of the date the Board of Directors approved the resignation, the Staff shall collect: 1). a \$150 reinstatement fee, pro rata dues for the month and will be billed monthly for dues thereafter. (See BofD Minutes 12-18-2008; See BofD Minutes 09-23-2010)

If a member fails to resign or is made a nonmember sales person and has outstanding bills, but reapplies within ~~twelve~~ **twenty-four** months, the former member must pay all of the outstanding bills in full, a \$150 reinstatement fee, pro rata dues from January to date of reinstatement and will be billed monthly thereafter. (WRAR BofD Minutes 11-19-98 & WRAR BofD Minutes 4-27-00, See BofD Minutes 09-23-2010))

- 4) Allocating up to \$500 for the NCAR President's reception
- 5) Amending the policy to waive dues for REALTOR® members who are REALTOR® Emeriti (as recognized by the National Association), Past Presidents of the National Association or recipients of the Distinguished Service Award.
- 6) Allocating \$1,500 for NCAR President-Elect 2012 candidate
- 7) Approving the following members to the Legislative Committee: Alicia Devereaux, Tom Gale, Jodi Wainio, Nicole Valentine and Vickie Foster
- 8) The minutes of this meeting

There being no further business the meeting adjourned at 12:08 PM.



Jerry S. Panz, CAE, e-PRO, RCE  
Secretary

# Consent Agenda

December 16, 2010

**Approval of:**

- 1) Recommending to the Sir Tyler Managers that they execute the necessary documents to procure the Progress Energy lease for the parking lot lighting which was approved via email on November-23, 2010.
- 2) Recommendation for Policy change from Administrative Committee: **Other than a nominal amount, members shall not request money from staff's personal monies. A violation of this policy is a violation of a membership duty. When such a request is made, staff shall (1) explain the policy orally to the member; (2) memorialize it in writing; (3) provide a copy to the member; (4) attach it in the membership database to the member's record, and (5) notify their supervisor.**
- 3) Transfers, resignation, new members (page 3)

**Acknowledgment of:**

1. November Financials (sent December 9 via email)
2. Tracking Board of Directors motions
3. Membership Report
4. Committee Reports:
  - a. Partners For Affordable Homeownership
  - b. Young Brokers Council
  - c. Property Management Council

<i>Tracking Board of Directors' Motions: WRAR</i>		
<i>Date</i>	<i>Issue</i>	<i>Resolution</i>
<b>03/18/10</b>	The Board approved appropriating up to \$2,500 for additional legal fees to update the Wilmington REALTORS® Foundation governing documents.	As of 9/30/2010 spent \$750 Waiting on John Pierson to set date for Foundation Board. Foundation Board met to discuss changes and a few more changes were requested. <b>Conference call held on December 3. All issues resolved; final documents sent to NC Secretary of State.</b>
<b>11/18/2010</b>	Retiring debt: NC-RPAC for two candidates	Request made to NC-RPAC

**October 16, 2010 – November 12, 2010**

**DESIGNATED REALTORS®**

David Small, Prudential Laney Real Estate  
 Holland Jeff Collins, (Secondary) The Collins Firm

Allyson Keffer, Century 21 Sweyer & Associates  
 Alexander McCarley, McCarley & Co.  
 Carson Mercer, Wilkinson & Associates  
 Terri Naylor, Intracoastal Realty-New Homes  
 Charles Pierce, Keller Williams Realty  
 Wilifred Robbins, Prudential Laney Real Estate  
 Dana Scalici, Keller Williams Realty  
 Craig Spafford, Coldwell Banker Sea Coast Realty  
 Michael Strickland, Coldwell Banker Sea Coast Realty  
 Angel Terzian, SouthCoast Realty  
 Daniel Williams, Keller Williams Realty

**NEW OFFICE**

Environments Unlimited Commercial Real Estate  
 The Collins Firm (Secondary)

**NEW REALTOR® MEMBERS**

Holland Jeff Collins, (Secondary), The Collins Firm  
 Argiro Franck, Intracoastal Realty Corp.  
 Dorothy Kirtley, (Secondary), Intracoastal Realty Corp.  
 Tara Kobasiar, Coldwell Banker Sea Coast Realty  
 Alexander Sadusky, Coastal Properties  
 Tiffany Whitley, Keller Williams Realty  
 James Yezarski, (Secondary), Keller Williams Realty

**TRANSFERS**

Michael Bain, Realty World-Cape Fear  
 Jason Bell, Realty World Carolina Shores  
 Carol Blake, Coastal Properties  
 Benjamin Bordeaux, Integrity Realty of N.C.  
 Barbara Ernst, Coastal Properties  
 Kenneth Fisher, Cape Fear Real Estate Solution  
 Eden Gilliam, Pointe South Realty, LLC  
 Rosemary Glinski, Wilmington Real Estate 4U  
 Mary Kelly, Coldwell Banker Sea Coast Realty  
 Philip Kraus, Harley & Associates Commercial  
 Henry McEachern, RE/MAX Essential  
 Kha Nguyen, Wilkinson & Associates  
 Allyson Pittman, Coastal Properties

**REINSTATEMENTS**

Shirley Fowler-Huffman, Ashton Place Developers, LLC  
 Bradley Manifold, Peak to Peak Real Estate

**RESIGNATIONS**

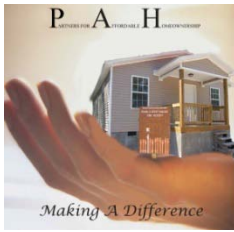
Michael Barber, Arkadia Realty  
 Lynn Berkebile, Prudential Laney Real Estate  
 Barbara Bowman, Just For Buyers Realty, Inc.  
 John Crumley, Wilkinson & Associates  
 Nathan Curl, Prudential Laney Real Estate  
 Charles Dunn, Coastwalk Real Estate, LLC  
 Archibald Ellis, Intracoastal Realty Corp.  
 Bethanie Forbes, Century 21 Sweyer & Associates  
 Brian Galeucia, Pointe South Realty, LLC  
 Basil T. Garrett, Pointe South Realty, LLC  
 William Garrett, Garrett & Assoc Pine-South Realty  
 Kaitlyn Goodnight, Live Oak Real Estate  
 Richard Grindstaff, Wilkinson & Associates  
 Vicky Johnson, Landfall Realty, LLC  
 William Jones, Realty World Cape Fear

**TERMINATIONS**

Tonya Eller, Intracoastal Realty Corp.  
 Carol Ellington, RE/MAX Essential  
 Shirley Fowler-Huffman, Ashton Place Developers, LLC  
 Wendy Kimball, Intracoastal Realty Corp.  
 Teesta Sullivan, Exit Homeplace Realty  
 Marla Vail, Coldwell Banker Sea Coast Realty  
 Adam Yager, Yager Properties

<b>Member</b>	<b>Dec</b>	<b>Nov</b>	<b>Oct</b>	<b>Sept</b>	<b>Aug</b>	<b>July</b>	<b>Jun</b>	<b>May</b>	<b>Apr</b>	<b>Mar</b>	<b>Feb</b>	<b>Jan 7</b>	<b>Dec</b>
<b>Totals As of</b>	<b>9</b>	<b>13</b>	<b>14</b>	<b>16</b>	<b>14</b>	<b>9</b>	<b>12</b>	<b>15</b>	<b>11</b>	<b>9</b>	<b>11</b>	<b>2010</b>	<b>10</b>
Designated REALTORS®	371	377	377	379	381	383	389	392	391	387	384	377	396
REALTORS®	1,275	1,298	1,326	1,333	1,332	1,375	1,378	1,380	1,381	1,379	1,369	1,359	1,405
<b>Subtotal</b>	<b>1,646</b>	<b>1,675</b>	<b>1,703</b>	<b>1,712</b>	<b>1,713</b>	<b>1,758</b>	<b>1,767</b>	<b>1,772</b>	<b>1,772</b>	<b>1,766</b>	<b>1,753</b>	<b>1,736</b>	<b>1,801</b>
Non REALTOR®	29	27	15	22	24	26	26	30	30	25	21	38	29
Secondary REALTORS®	75	72	69	62	64	65	67	66	67	66	70	72	81
Allied	93	97	98	98	99	98	98	99	100	101	99	98	107
<b>Total</b>	<b>1,843</b>	<b>1,871</b>	<b>1,885</b>	<b>1,894</b>	<b>1,900</b>	<b>1,960</b>	<b>1,971</b>	<b>1,980</b>	<b>1,982</b>	<b>1,971</b>	<b>1,943</b>	<b>1,944</b>	<b>2,018</b>

Down 155 primary REALTOR® membership since 2009



Wilmington Regional Association of REALTORS®  
**PARTNERS FOR AFFORDABLE HOMEOWNERSHIP**  
November 17, 2010  
MEETING REPORT

**Chair:** David Flory  
Rancke

**Vice-Chair:** Pam

The meeting began at 8:30 AM

**Members Present:** Lisa Burton, David Flory, Amy Holcomb, Shirley Fowler, Sue Walker and Jody Wainio

**Staff Members Present:** Dayma Edwards

**I. Welcome & Introductions**

- ❖ Introduce and welcome Shirley Fowler

**II. Operation Home Sweet Home 2011**

- ❖ Implement sessions in the spring of 2011
- ❖ Jody will contact Liz Grimes at UNCW

**III. Workforce Housing Specialist Certification Update**

- ❖ Annual re-certification will be required
- ❖ Graduation will be held during the 4<sup>th</sup> Quarterly Meeting & Holiday Luncheon on Wednesday, December 8<sup>th</sup> both at the Holiday Inn Resort on WB
- ❖ Jody met with Homes 4NC BOD in Greensboro
  - Mark Conner is the 2011 President
  - 2 additional Associations will be added in 2011
  - Webinar classes will be added and count as electives for those unable to attend face-to-face classes
  - Possible down-payment assistance will be available

**IV. Public Outreach Program:**

- Dale McGlothin w/ Sea Change Global is the Public Relations Director ([dm@seachangeglobal.com](mailto:dm@seachangeglobal.com))
- Jody will invite Dale to the December meeting to discuss the public outreach program
- A total of 3 neighborhood heroes are needed (we have 3 already)
- Work together w/ the Affordable Housing Coalition during the summit
- Apply for a grant from Homes 4NC to get more money for the public outreach
- Check with Cape Fear Community College and partner with them on an event
- Invite Major Saffo to a meeting and tell him about the program and benefits to the community

**REALTOR® Resource Guide**

- ❖ Create a Question of the Week for the Broker Briefing about the Resource Guide
- ❖ Make sure updated version in online

**V. Articles/ Information on Affordable Housing**

- ❖ PAH Committee Pamphlet finalized
- ❖ Chamber of Commerce Future Vision Committee – are the REALTORS being represented in this committee?

**VI. 2010 Committee Meeting Schedule**

- ❖ *Wednesday, December 15<sup>th</sup>*

WILMINGTON REGIONAL ASSOCIATION OF REALTORS®  
**YOUNG BROKERS COUNCIL**  
November 17, 2010 – 10:30AM  
MEETING REPORT

Chair – Nick Silivanch

Vice Chair – Nicole Ferguson

**YBC Members Present:** Wendy Shorter-Bridges, Nick Silivanch, Jennifer Buske and Ryan Crecelius

**Staff Member(s) Present:** Dayma Edwards

**I. Welcome & Introductions**

**II. Mentoring Program**

Change the name to “Apprentice Program”

Email BIC’s to ask for recommendations on who would be a great mentor in their company

Mass email will go out to membership asking for mentors, YBC will review each application and decide

Benefits for mentors:

1. possible future referrals
2. education
3. working relationship

**III. Ideas for 2011**

- ✓ Mentoring Program
- ✓ Increase age 40 and under or anyone w/ less than 3 years in the business
- ✓ 2011 Fashion Show
- ✓ 2011 Dunk Your Broker BBQ Fundraiser

**IV. 2011 Meeting Schedule:**

- ❖ Wednesday, January 19<sup>th</sup> – 11am at Panera’s (*Mayfaire*)
- ❖ Wednesday, February 16<sup>th</sup> – 12pm
- ❖ Wednesday, March 16<sup>th</sup> – 12pm
- ❖ Wednesday, April 20<sup>th</sup> – 12pm
- ❖ Wednesday, May 18<sup>th</sup> – 12pm
- ❖ Wednesday, June 15<sup>th</sup> – 12pm
- ❖ Wednesday, July 20<sup>th</sup> – 12pm
- ❖ Wednesday, August 17<sup>th</sup> – 12pm
- ❖ Wednesday, September 21<sup>st</sup> – 12pm
- ❖ Wednesday, October 19<sup>th</sup> – 12pm
- ❖ Wednesday, November 16<sup>th</sup> – 12pm
- ❖ Wednesday, December 14<sup>th</sup> – 12pm

**V. Wrap-up/Questions/Comments**

- Cancel meeting in December
- Schedule January meeting at Panera’s as a working lunch (*each person is responsible for their own lunch*). Idea is to make it less stuffy and possibly encourage better attendance.
- Change time from 12Noon to 11am to allow for eating and meeting
- Place each event for the year in the Broker Briefing

**VI. Next Meeting:**

Date: **Wednesday, January 19<sup>th</sup>**  
Time: **11:00am to 12:30pm**  
Place: **Panera's (Mayfaire)**

WILMINGTON REGIONAL ASSOCIATION OF REALTORS®  
PROPERTY MANAGEMENT COUNCIL  
**November 17, 2010 – 9:30AM**  
MEETING REPORT

Chair – Shannon Friedrichs

**Present:** Charles Mattes, Brooke Luttmer, Shannon Friedrichs, Linda Coite, Nick Joseph, Martin Evans, Vickie Foster, Stephen Bailey and David Dougherty

**Staff Member(s) Present:** Dayma Edwards

**I. Welcome & Introductions**

**II. Attorney Stephen Bailey**

- Current rental law expires December 2012, tenant may not be moved out until lease is up or if the new owner will be occupying tenant

**III. State Meeting Update w/ Linda Coite**

- The use of double-cylinder locks is not retroactive, existing dwellings w/ these locks do not have to be replaced.
- Dwellings with this type of lock does not need to be replaced - w/ one exception:
  - If you are repairing, replacing or installing locks during a renovation or new constructed area, the double-cylinder locks are banned from use if it requires a building permit for completion

**IV. 2011 Chair and Co-Chair Positions**

- ✓ Linda Coite motioned for David Dougherty to act as 2011 Chair
- ✓ Nick Joseph second the motion
- ✓ David Dougherty accepted acting a 2011 Chair

**V. Staff Facilitator:** Lois Petelinkar will be the staff member responsible for the scheduling and organizing of the Property Management Council in 2011

**VI. 2011 Meeting Schedule:**

- ✓ Thursday, January 6<sup>th</sup> at 9am
- ✓ Thursday, March 10<sup>th</sup> at 10:30am
- ✓ Thursday, May 12<sup>th</sup> at 9am
- ✓ Wednesday, July 6<sup>th</sup> at 9am
- ✓ Wednesday, September 7<sup>th</sup> at 9am
- ✓ Thursday, November 10<sup>th</sup> at 9am

**VII. Wrap-up/Questions/Comments/Concerns**

**VIII. Next Meeting**

Date – **Thursday, January 6<sup>th</sup>**

Time – **9:00AM**

Place – **WRAR Conference Room**

## **Minutes of the Administrative Committee- November 18<sup>th</sup> 2010**

Wilmington Regional Association of Realtors®

Attending: Ashley Garner, April McDavid, Karen Parkin, Jerry Panz & Mary Martin

Chair McDavid called the meeting to order at approximately 1:50 p.m. All members received notice of the meeting. On a motion duly made, seconded and carried the June 17, 2010 minutes were approved (attached).

Jerry discussed and answered questions regarding his Progress Report for 2010.

The policy on borrowing money was adopted as follows: Other than a nominal amount, members shall not request money from staff's personal monies. A violation of this policy is a violation of a membership duty. When such a request is made, staff shall (1) explain the policy orally to the member; (2) memorialize it in writing; (3) provide a copy to the member; (4) attach it in the membership database to the member's record, and (5) notify their supervisor.

Staff was excused at approximately 2:15.

The committee discussed bonuses and an oral presentation will be made at the December BOD meeting.

The committee completed a written evaluation of the CEO and set expectations for 2011. It was decided to keep the same Objectives from 2010 with the revision of #2 as follows: Supervision of the building process of Sir Tyler by the CEO with monthly updates to the Board of Directors at each monthly board meeting.

The written evaluation was given to the CEO and signed by the past president and the CEO.

There being no further business the meeting was adjourned.

Submitted,

April McDavid, Chair

# Agreement for Association and MLS Services between the Duplin-Sampson Association of REALTORS® and the Wilmington Regional Association of REALTORS®/ Multiple Listing Service of the Wilmington Regional Association of REALTORS®

## Purpose of Agreement

The Duplin-Sampson Association of REALTORS® (“**DSAR**”), the Wilmington Regional Association of REALTORS® (“**WRAR**”) and the Multiple Listing Service of the Wilmington Regional Association of REALTORS® (“**MLS**”) desire to enter into this Agreement in order to:

- meet NAR’s Minimum Services Standards including enforcement of the REALTORS® Code of Ethics and
- provide MLS services to DSAR primary members

DSAR, WRAR and MLS agree that the following services will be provided:

## Association Services

- 1) WRAR will provide all Minimum Services required by NAR:
  - a) **Governing Documents:** Association's Bylaws and professional standards procedures are consistent with NAR policy; elections and membership/business meetings are conducted in accordance with the Bylaws and membership is available on reasonable and nondiscriminatory terms (i.e., on terms and conditions no more rigorous than NAR's Membership Qualification Criteria). WRAR will invoice twenty-five dollars (\$25) for each REALTOR® member appointed under the Professional Standards Enforcement Agreement.
  - b) **Legal Status:** Assures that DSAR has access to legal counsel and maintains policies and procedures that conform with local, state and federal laws, including the filing of necessary reports and documents (e.g. corporate documents, state and federal tax returns, etc.).
  - c) **Dues Collection:** Association enforces the dues formula to assure that every licensee affiliated with a firm comprised of REALTOR® principals is either a member or that the "designated" REALTOR® pays dues based on the number of non-member licensees affiliated with the firm. WRAR will bill, collect and electronically transmit payment to DSAR, NCAR and NAR.
  - d) **Administrative Support:** WRAR will designate a qualified CEO.
  - e) **Communications Process:** Association provides some form of regular communication to its members. (Examples include a monthly newsletter, computer-based information service, periodic notices on educational offerings and other key services, etc.). When DSAR prepares a communication, WRAR will deliver within one business day hours such communication by email or fax (as specified in the member’s record) to DSAR members. With a three-day notice, WRAR can mail a communication to DSAR members; DSAR will pay for staff time at the rate specified for duplication expenses including color copies and mailing costs which shall be invoiced to DSAR.

- f) **Orientation:** WRAR will provide an orientation process to inform new members of the privileges and obligations of membership including a course that meets both the NAR Code of Ethics course requirement and the NCREC requirements for an elective course (required to meet NAR's Minimum Services Requirements) and a forms course that provides four hours of continuing education credit and a clear understanding of how to use the NCAR promulgated forms associated with listing and selling real estate.
  - g) **Enforcement of the Code of Ethics** WRAR and DSAR agree to a joint enforcement procedure as agreed upon in Exhibit 1 of this Agreement.
  - h) **Point of Entry:** WRAR will maintain a NRDS interface as DSAR's point of entry
- 2) **Other Services:**
- a) Preserve electronically the general Membership meeting minutes and minutes of the Board of Directors. DSAR will provide them timely after each meeting and before approval by either body.
  - b) Maintain and preserve the terms and officers of the Board of Directors.
  - c) Upon request, WRAR will deliver a mail merge file (including email, phone, fax and either home or office mailing address) within the same business day if requested before 12noon or within 24 hours if requested on or after 12 noon;
  - d) Monthly provide a membership roster to President and Membership Chair;
  - e) WRAR can upon request provide other information in the database such as accounts receivable detail, RPAC dues billing, etc.;
  - f) CEO will conduct one Board of Directors' orientation
  - g) CEO will speak at one meeting per year of the DSAR members.
  - h) Keep DSAR informed of NAR and NCAR policy matters that have an impact on DSAR's governance or management.
  - i) Communicate prior to every NCAR meeting to discuss Board of Director issues. To the extent possible, insure that DSAR's NCAR Director attends the Regional Caucus and Board of Directors' meeting.
  - j) When possible at no charge and upon request be the NAR voting delegate at NAR's Delegate Body meeting.

### Multiple Listing Services

- 1) MLS will be DSAR's vendor for delivery of multiple listing services. **NOTE:** Use of MLS's lockbox system is subject to fees as specified in Exhibit 2 which Rules will be revised from time to time (the most current copy will be posted at [www.WRAR.com](http://www.WRAR.com)).
- 2) **Eligibility:** Any DSAR primary REALTOR<sup>®</sup> principal, as defined in the MLS Bylaws attached as Exhibit 3 (the most current copy will be posted at [www.WRAR.com](http://www.WRAR.com)), whose office is located in either Duplin or Sampson county, North Carolina, will be eligible to become a Participant.
- 3) WRAR shall bill DSAR:
  - a) A one-time per-firm-set-up-fee of \$100.
  - b) Based on the number of Participants and those Subscribers affiliated with them according to the following schedule
    - i) In 2011, twenty-nine dollars (\$29) monthly
    - ii) In 2012-2013, thirty dollars (30) monthly
- 4) MLS will bill electronically DSAR's Participants and their Subscribers monthly at a rate as determined by DSAR. MLS shall electronically collect and remit the payments to DSAR.

- 5) WRAR shall enforce the MLS Bylaws and Rules and Regulations on the same terms under which WRAR enforces its own rules in regard to its own Participants and Subscribers. The most recent versions of these documents may be found at [http://www.wrar.com/policies\\_bylaws.php](http://www.wrar.com/policies_bylaws.php)

### **Costs for Services**

WRAR shall invoice DSAR and DSAR shall timely remit payment to WRAR as follows:

- 1) \$10 for each DSAR member as of January 1 of each year.
- 3) \$150 for each new REALTOR® member
- 4) \$25 for each new member who is not a REALTOR®
- 5) For services other than those specified above, WRAR will provide hourly consulting on the following terms:
  - a) If WRAR's CEO, forty dollars (\$40) per hour billed in whole minute increments;
  - b) If another WRAR employee, twenty-five dollars (\$25) per hour billed in whole minute increments;
  - c) Mileage at the IRS permissible rate

### **Termination**

Either DSAR or WRAR may terminate this arrangement upon 30-days notice to the other, and the parties shall have no further obligations to each other except that:

- DSAR shall pay WRAR on a pro rata basis for services WRAR or MLS has delivered but for which it has not been paid at the time of termination; and
- WRAR shall refund to DSAR on a pro rata basis fees for services for which DSAR has paid but WRAR has not provided at the time of termination

# **Agreement Between the Duplin-Sampson Association of REALTORS<sup>®</sup>, and the Wilmington Regional Association of REALTORS<sup>®</sup> to Establish Regional Professional Standards Enforcement Procedures as Required by the National Association of REALTORS<sup>®</sup>**

## ***Authority***

The authority for the establishment and utilization of the Regional Professional Standards enforcement procedures shall be established by this Agreement which has been approved by the Boards of Directors of the Wilmington Regional Association of REALTORS<sup>®</sup> (“WRAR”) and the Duplin-Sampson Association REALTORS<sup>®</sup> (“DSAR”), collectively called Associations (“Associations”).

## **Geographic Area**

The geographic area served by this Agreement shall be the area of the combined territorial jurisdiction assigned by the NATIONAL ASSOCIATION OF REALTORS<sup>®</sup> to the Associations, which are signatories to this Agreement

## **Purpose**

The purpose of this Agreement is to create Regional Professional Standards enforcement procedures providing for the appointment of Mediation Officers and the establishment of a joint Grievance Committee, Professional Standards Committee, and an Appeal Panel comprising members from each signatory Association for enforcement of the Code of Ethics, including the mediation of disputes and the conduct of arbitration hearings, involving members of the signatory Association to ensure impartial and unbiased Hearing Panels for the conduct of hearings on a basis designed to provide this service and meet the responsibilities of the signatory Association on an efficient and effective basis to better serve their members.

## **Composition of Tribunals**

This Agreement authorizes the establishment of a Regional Grievance Committee. The Grievance Committee shall be composed of at least two (2) members in good standing of each signatory Association.

- a) Members of the Grievance Committee from each signatory Association shall be appointed by the Presidents of the respective Associations, subject to confirmation by the respective Boards of Directors, provided that the Presidents shall have the power to appoint, on a timely basis, and without necessity of confirmation by the Boards of Directors, a substitute member to the Committee for any member from their respective Associations who may be unable to serve for any reason. The Chair of the Grievance Committee shall be from WRAR and the two Vice Chairs from each Association unless otherwise agreed to in writing.
- b) This Agreement also authorizes the establishment of a regional Professional Standards Committee. The Professional Standards Committee shall be composed of at least two (2) members in good standing from each signatory Association.

The members of the Professional Standards Committee shall be appointed by the Presidents of the respective Associations, subject to confirmation by the respective Boards of Directors,

provided that the Presidents shall have the power to appoint, on a timely basis, and without necessity of confirmation by their respective Boards of Directors, a substitute member to the Committee for any member from their respective Association who may be disqualified for any valid reason from hearing a particular matter. The Chair of the Professional Standards Committee Chair shall be from the Wilmington Regional Association of REALTORS® and the two Vice Chairs from each Association unless otherwise agreed to in writing.

- c) This Agreement also authorizes the appointment of a panel of Mediation Officers to include all who have attended the Mediation Training by the National Association of REALTORS®. Although utilization of the service of mediation shall be voluntary, and although the process is not defined as a tribunal, all parties to any requested ethics or arbitration shall be provided the opportunity to mediate the ethics complaint or arbitration dispute arising out of a real estate transaction and their relationship as REALTORS® prior to the arbitration of the dispute.

### Operation

Professional standards hearings and the organization and procedures incident thereto shall be governed by the **Code of Ethics and Arbitration Manual** of the NATIONAL ASSOCIATION OF REALTORS® as amended from time to time and as adapted to conform to the provisions of applicable state law, which is hereby agreed shall be considered as adopted and incorporated into the bylaws of each Association signatory to this Agreement.

The staff at the Wilmington Regional Association of REALTORS shall handle all correspondence. Duplin-Sampson Association of REALTORS® shall pay the actual staff costs for any hearing required exclusively for their members, or when there is a complainant/respondent from each association in the same hearing, then the costs shall be paid equally.

A \$25 per member cost for the annual training which includes the cost of the **Code of Ethics and Arbitration Manual** shall also be charged.

The charges for any such hearing will be based upon actual time billed at a rate as determined by agreement plus any copying charge at five cents per copy plus the costs for mailings. Staff will provide a detailed billing statement to the Duplin-Sampson Board of Directors. Staff will first apply the ethic administrative fee (\$400), if any, or the forfeited arbitration-filing fee (\$500), if any, and then apply any fine assessed. Any additional expenses will be billed to the Duplin-Sampson Association whose member(s):

1. Are found in violation of the Code, or,
2. Are not found in violation of the Code, or,
3. Are not found to be the prevailing party in arbitration, or
4. Are awarded a proportional share of an arbitration award, in which case the Association shall be billed inverse proportionally in the same manner as the award is given, i.e., A Duplin-Sampson member is awarded 60% of the amount requested, then the Duplin-Sampson Association would owe 40% of the expenses.

After all expenses have been paid, Staff shall return any excess funds to the appropriate Association.

The Professional Standards Policy-Local Options—as adopted by the WRAR Board of Directors’ is hereby adopted and incorporated into this agreement.

Appeals of the Grievance Committee's dismissal of an ethics complaint or arbitration request (or challenges to the classification of arbitration requests) shall be heard by those members of the Committee who did not serve on the original tribunal or, if necessary, to a joint tribunal of the Boards of Directors.

Appeal to an ethics determination rendered by the Regional Professional Standards Committee shall be heard by those members of the Committee who did not constitute the original Hearing Panel, or if necessary, to a joint tribunal of the Boards of Directors.

Appeal is not provided from the decision of an arbitration panel established under this Agreement, except with respect to a claim by a party alleging deprivation of due process. Such a claim shall be heard by an Appeal Panel composed of members who did not serve on the original tribunal, or if necessary, to a joint tribunal of the Boards of Directors.

In matters of alleged unethical conduct, any determination rendered by a Hearing Panel of the Regional Professional Standards Committee, and as finally determined if appealed, will be provided to the respondent's Association of original jurisdiction for implementation.

In matters involving arbitration, any determination rendered by a Hearing Panel of the Regional Professional Standards Committee will be provided to each respective party's Association of original jurisdiction for informational purposes. In the event a party to an arbitration refuses to pay an award in arbitration, the Association in which the award recipient holds membership shall advise the award recipient to seek judicial enforcement as set forth in Section 56, Part Ten, and in Appendix III, Part Ten, of the *Code of Ethics and Arbitration Manual*.

In the event a complainant alleges that the respondent has improperly refused to submit a dispute to arbitration, the allegation shall be brought before a tribunal of five [5] members selected from the Boards of Directors of the signatory Associations to be appointed by the Association Presidents, of which tribunal three members will be from the association different from the complainant. The procedures for notices, time of notices, and hearing prescribed for matters before a Hearing Panel shall apply. The sole question of fact to decide will be whether the party has refused to submit an arbitrable matter to arbitration in violation of Article 17. Upon determination that the member has refused to arbitrate a properly arbitrable matter, the tribunal composed from the Associations Boards of Directors may direct implementation of appropriate sanction, including suspension or expulsion of the member from the local Association of REALTORS® and/or its MLS. The decision of the tribunal composed from the Associations Boards of Directors shall be final and binding and is not subject to further review by the State Association or any signatory Association.

### **Reservation of Rights**

It is understood and agreed by the Associations signatory to this Agreement that each Association reserves to itself all authority, rights, and privileges as have been assigned to it by its Charter and agreement with the National Association of REALTORS®, except as voluntarily modified by this Agreement.

It is further understood and agreed that any Association signatory to this Agreement may withdraw from the Agreement at any time provided the withdrawing Association shall provide notice to the other signatory Association ninety (90) days in advance of the date of withdrawal.

**IN WITNESS THEREOF**, the parties have hereto set their hands and seals on the dates notes below. The effective date of is Agreement shall be January 1, 2011.

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Ed Carr, President  
Duplin-Sampson Association of REALTORS®

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Date

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Mary Martin, President  
Wilmington Regional Association of REALTORS®, Inc.

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Date

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Karen Parkin, President  
Multiple Listing Service of the Wilmington  
Regional Association of REALTORS®, Inc.

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Date