

# ACAR RULES & REGULATIONS

## 100 MEMBERSHIP

### 100-1 CONFIDENTIALITY OF MEMBER RECORDS

Information in the membership files maintained by ACAR is confidential and shall be made available at the ACAR office during business hours with proper notification and identification upon court order or authorization by the CEO.

Calls from members of the public to request information regarding the complaint history of an ACAR REALTOR® member will be directed to the CEO or Professional Standards Administrator. The CEO/Professional Standards Administrator shall provide the following information: Confirmation that the member is “a member in good standing of the association.”

The CEO/Professional Standards Administrator may not provide any information regarding past or current complaints, alleged violations or disciplinary action according to the NAR Code of Ethics and Arbitration Manual, Section 22, which states that the findings of a hearing panel in ethics proceedings shall be held confidential. Members of the public shall be referred to the Ohio Division of Real Estate’s website and/or telephone number. Complaints filed with the Ohio Division of Real Estate are public record.

### 100-2 MEMBERSHIP ORIENTATION

Membership Orientation shall be coordinated by the CEO who will ensure that new members receive the appropriate orientation material.

### 100-3 DUES

- A. The Board of Directors shall approve the amount due for the following year’s dues by September 30<sup>th</sup> of the current year, including but not limited to, any special offers related to dues payments.
- B. Each Designated REALTOR® member shall be billed annually for ACAR dues at the time and in the amount prescribed by the Board of Directors. Each Designated REALTORS® dues obligation shall be the prescribed dues multiplied by the number of licensees with such Designated REALTOR® or office. Amounts received by ACAR from individual agents shall be credited against the amount due from their Designated REALTOR® or company.
- C. Invoices for OR and NAR dues will be e-mailed to each REALTOR® individually on or about October 31<sup>st</sup>. The due date shall be Thursday of the first full week in January of the subsequent year. For those REALTORS® who do not have an email address on file with ACAR, paper invoices will be sent via the postal service on or before November 5<sup>th</sup>. All Sales Associates will be mailed paper invoices at the office of their Designated REALTOR® on or before November 5<sup>th</sup> for annual OR, NAR and local dues. Paper invoices will also be sent via the postal service to all Affiliates. A second notice shall be sent by e-mail to members who still owe dues on or about December 1<sup>st</sup>. Second notices will be sent via the postal service to REALTORS® with no e-mail address on file, Sales Associates, Designated REALTORS® and Affiliates on or about December 1<sup>st</sup>. Individuals with dues not paid by the due date are subject to suspension and/or termination in accordance with the Bylaws, Article X, Section 4. ACAR will supply the Designated REALTOR® with a roster of members associated with his/her firm

who are not paid. A \$25 late fee will be assessed for all unpaid agents who were billed before November 30<sup>th</sup> of the previous year.

- D. Invoices for local dues will be e-mailed to each individual REALTOR® that has an e-mail address on file with ACAR on or about May 15<sup>th</sup>, with a due date of July 1<sup>st</sup>. For REALTORS® that do not have an email address on file, paper invoices will be sent via the postal service on or about May 20<sup>th</sup>. Individuals with dues not paid by the due date are subject to suspension and/or termination in accordance with the ACAR Bylaws, Article X, Section 4. ACAR will supply the Designated REALTOR® with a roster of members associated with his firm who are not paid. A \$25 late fee will be assessed for all unpaid agents on July 2<sup>nd</sup> and every month thereafter until full payment is received.
- E. 1. REALTOR®: Dues that qualify to be pro-rated, based on the date of an agent's application will use the date an agent applied within the current fiscal year as the basis for proration.  
2. Institute Affiliate: Dues for Institute Affiliate members are billed through NAR.  
3. All Other Classes of Membership: shall use the computation date given in the ACAR Bylaws Article X, Sections 2D and 3.
- F. Members serving in the Armed Forces while actively deployed shall be exempt from the payment of dues.
- G. Invoice Terms: In addition to annual dues, new members, REALTORS® and non-members reactivating their escrow licenses will be invoiced by ACAR at the time notice is received by ACAR. Terms of payment are as follows:

Current	Payment due 30 days from date of invoice
Over 30 days	\$25 late fee assessed
Over 60 days	Additional \$25 late fee assessed
Over 90 days	Additional \$25 late fee assessed; REALTOR® and non-members will be included on monthly Suspension Report

Late fees are assessed at the beginning of each month. All REALTORS® and non-members that have a balance in their ACAR account are sent a balance forward statement at the beginning of each month reflecting the amount that is due ACAR. In addition, all Designated REALTORS® receive a statement showing all agents that are in arrears.

- H. Voluntary Fees: Members may be asked to donate \$5 to the REALTOR® Community Cares fund and \$25 to RPAC when they pay their annual dues.

#### **100-4 PAYMENT OF DUES AND ACCOUNTS**

ACAR may accept payment by credit card, check, cash, or money order. The CEO shall determine the credit card companies to be accepted and the terms for acceptance.

#### **100-5 DUES AND APPLICATION FEE REFUNDS**

- A. The application fee for ACAR membership and ACAR dues is non-refundable.
- B. NAR and OR dues refunds are based on NAR and OR current policy. Institute Affiliate and Affiliate dues are non-refundable but may be transferred to another employee of the Affiliate company for the remainder of the year.

#### **100-6 MEMBER RESIGNATIONS**

- A. Any member submitting a resignation who is indebted to ACAR for dues, fines, or other

assessments of ACAR shall not be considered as resigning in Good Standing but shall be considered terminated for nonpayment.

- B. If a member resigns from ACAR or otherwise causes membership to terminate with an ethics complaint pending, the Board of Directors may condition the right of the resigning Member to reapply for membership upon the applicant's certification that he or she will submit to the pending ethics proceeding and will abide by the decision of the hearing panel.
- C. If a member resigns or otherwise causes membership to terminate, the duty to submit to arbitration continues in effect even after membership lapses or is terminated, provided that the dispute arose while the former member was a REALTOR®.

#### **100-7 TRANSFER OF MEMBERSHIP STATUS**

Any REALTOR® member of ACAR who desires to transfer from REALTOR® to Designated REALTOR® status due to the establishment of a new company may do so by submitting a new company application and paying the appropriate processing fee for the new company. The transfer will take place upon approval of the Board of Directors, without any fee or further membership requirements. The transfer will take place immediately without any further membership requirements or approval.

#### **100-8 GUIDELINES FOR SUSPENSION AND TERMINATION OF MEMBERSHIP**

##### **A. REALTOR® Membership Suspension & Termination**

1. Annual Dues: Dues not paid by Thursday of the first full week in January of the subsequent year will be assessed a mandatory \$25 late fee. An additional \$25 late fee will be assessed at the beginning of each month thereafter until all outstanding fees have been paid. On or before January 15<sup>th</sup> a notice will be sent indicating that dues are delinquent along with the late fee charge that must be paid by January 31<sup>st</sup>. Suspension of their REALTORS® membership will result. REALTOR® membership may be reinstated with full payment of dues including late fees.

Failure of the principal licensee to pay his or her Designated REALTOR® dues obligation may result in the suspension of the company's REALTOR® membership and access to other members services including loss of Yes-MLS. A fee of \$50 will be assessed for a company reinstatement, along with payment of all dues, including late fees.

If local dues are not paid by July 1<sup>st</sup>, a mandatory \$25 late fee will be assessed. An additional \$25 late fee will be assessed at the beginning of each month thereafter until all outstanding fees have been paid. On or before July 15<sup>th</sup>, a notice will be sent indicating that dues are delinquent along with notice of the late fee charge that must be paid by July 31<sup>st</sup>. Otherwise, suspension of the REALTOR® membership, including loss of or Yes-MLS service, will result. A fee of \$50 will be assessed for company reinstatement, along with payment of all dues, including late fees.

2. In addition to annual billings for dues, invoices are prepared throughout the year for new REALTORS®, Sales Associates and REALTORS® who elect to reactivate their licenses. Payment terms are 30 days from date of invoice. A \$25 late fee will be assessed at the end of each month thereafter, until all outstanding fees have been paid.

ACAR prepares a Suspension Report on or about the 15<sup>th</sup> of each month that reflects all

REALTORS® and non-members that are 90 days past due. Designated REALTORS® are notified via e-mail of the REALTORS® and the non-members that are on the Suspension Report. The Designated REALTOR® has until the month's end to resolve the non-payment issues. Resolution involves either payment in full or a return of the REALTORS® or non-member's license to the Ohio Division of Real Estate. Otherwise, suspension of the REALTOR® membership and their company membership, including access to Yes-MLS, will result.

3. Other Charges (i.e. sponsorship, etc.): Invoices are billed at the time of service with a normal 30-day net terms. Monthly statements are sent via the postal service for all outstanding invoices until payment is received.
- B. Designated REALTOR® Membership Suspension & Termination
1. Dues: The Designated REALTORS® membership may be suspended for non-payment of their dues obligation. Suspension will involve the temporary loss of REALTOR® status and the associated rights and privileges including but not limited to the following: Subscriptions and other membership mail, arbitration rights, voting rights, the right to run for and to hold ACAR office or appointed positions, membership discount program eligibility, and access to Yes-MLS. A reactivation fee of \$50 will be charged to the Designated REALTOR® upon reinstatement.
  2. Other Charges (i.e., sponsorship, etc.): Invoices are billed at the time of service with a normal 30-day net terms. Monthly statements are sent for all outstanding invoices until payment is received.
- C. Dishonored Checks or Bank Charges  
Any individual REALTOR®, Designated REALTOR®, Sales Associate, or Company whose check does not clear, shall be charged an NSF fee equivalent to the fee assessed by the bank.
- D. Appeals Concerning the Accuracy of an Invoice  
Appeals in writing to the CEO are to be promptly noted with the date of receipt. Appeals are to be handled at the discretion of the CEO. In cases where an appeal is denied, a new notice is to be sent by a means determined by the CEO, in which the denial of the appeal is noted. A new date for termination of membership will be invoked under the original notice, from when the appeal was received, added to the date of the new notice. Termination notice shall be given with notice of at least 5 business days. If it is determined that an appeal has been submitted solely to delay termination of membership, then at the discretion of the CEO, the original membership termination date shall be retained, with a notice to the effect being sent by certified mail to the agent.
- E. Action on Unpaid Accounts  
ACAR may use all legal means to collect amounts due it from members or others, including the use of collection agencies and lawsuits where appropriate.

#### **100-9 MULTIPLE LISTING SERVICE SUSPENSION**

The CEO shall notify Yes-MLS of any Designated REALTOR® member who has been terminated or who has resigned within 24 hours of the termination or resignation effective date.

#### **100-10 AFFILIATE MEMBERS APPOINTMENT TO SPECIAL COMMITTEES**

The President-elect, in special circumstances and with approval of the Board of Directors, during committee reorganization, may appoint ACAR Affiliate Members to committees, task forces, forums or councils, including appointment as Chair, or Vice Chair. Only REALTOR® and Affiliate

members in good standing may hold appointment to committees, task forces, forums and councils (see Bylaws Article XV, Section 1).

**100-11 NEW MEMBER APPLICATION PROCESSING**

The CEO is authorized to grant conditional approval of new member applications in response to written request to enable applicants to secure Yes-MLS service on a timely basis. Such conditional membership approvals require final approval at the next meeting of the Board of Directors.

**100-12 HONORARY MEMBERSHIPS**

Existing CABOR, AABOR and ACAR Honorary Life membership recipients are grandfathered. Effective October 1, 2013, Honorary Life memberships will no longer be granted.

**100-13 ISSUING MEMBER ALERTS**

All member complaints about individuals acting suspiciously or con artists targeting members will be referred directly to the police, the Attorney General’s office or other appropriate law enforcement agency. If and when the authorities open a file on the complaint, ACAR will send a warning to all members with basic information about the complaint as well as the investigating detective’s phone number. ACAR legal counsel must approve all alerts prior to them being issued.

**200 REGULATIONS OF BUILDING AND EVENTS**

**200-1 SMOKING POLICY**

Smoking shall be prohibited in the ACAR office and at all meetings, events and education programs sponsored or co-sponsored by ACAR.

**200-2 ACAR FACILITIES**

- A. Board facilities may be made available for use during office hours with the approval of the CEO provided that the user pay all costs associated with such use and provided further that the proposed use is consistent with ACAR principles and goals subject to cost incurred. Member and non-member pricing will be offered when applicable.
- B. ACAR offices, supplies and equipment are under the control of the CEO and are not to be accessed without prior authorization.

**200-3 ALCOHOL CONSUMPTION**

ACAR alcohol consumption policies are designed to provide for the safe consumption of alcohol at all ACAR-sponsored events.

- A. Persons under 21 years of age are prohibited from purchasing or consuming alcohol at any ACAR-sponsored event.
- B. The following “Safe Alcohol Consumption” statement will be issued and posted in writing at all ACAR events where alcohol is served: “ACAR urges attendees to exercise restraint and good judgment in the consumption of alcohol.”

- C. Bar service shall be offered for limited hours and only in conjunction with the distribution of drink tickets.
- D. When hiring vendors to sell or serve alcohol, ACAR will require proper compliance documentation to ensure that vendor is compliant with state and local licensing laws and regulations, and is insured for liability arising from the selling and/or serving of alcohol.
- E. The following guidelines shall be followed for handling intoxicated guests: At the outset of all ACAR sponsored events, the event manager will be reminded that the facility's servers are to meet the legal responsibilities related to alcohol service. Should an attendee overindulge the President, CEO or their respective assignees shall inform the event manager. The intoxicated attendee shall be dealt with tactfully and privately by the event manager, President or CEO. Arrangements for safe transportation shall be made.
- F. ACAR shall maintain such liability insurance coverage as is available for claims arising out of the selling or serving of alcohol at ACAR-sponsored events.
- G. ACAR shall only enter into an agreement with facilities when an indemnification policy is in effect including but not limited to the sale and service of alcohol.

**200-4 ANNUAL MEMBERSHIP MEETING AND AWARDS CEREMONY**

The Annual Membership Business Meeting of ACAR shall be held in October.

**200-5 CANCELLATION OF A CLASS**

If a person enrolled in an ACAR sponsored Institute, Society or Council designation class cancels a reservation within 72 hours of the class, there shall be a \$50 cancellation fee. No refund shall be made after the start of the class.

**200-6 CONTINUING EDUCATION FEE REFUND**

Refunds shall not be made for ACAR continuing education seminars. If a person is unable to attend a seminar and has notified the ACAR office within 24 hours of the seminar or is ill on the day of the seminar, the fee for that seminar can be applied to another program within the 12 months following the date of the missed seminar. The participant shall notify the ACAR office and make all arrangements for reapplying the seminar fee. Fees or vouchers for reapplying fees shall accompany registration and shall be sent at least 7 days prior to the beginning of the class.

**200-7 PROHIBITION OF HANDGUNS**

ACAR reserves the right to prohibit the possession of firearms, deadly weapons or dangerous ordnance on ACAR property or premises and at all ACAR meetings, conferences, events, seminars, courses, functions and any other session or sessions whether the events and functions are held at ACAR's facilities or off-site. All visitors to ACAR's office space and at ACAR meetings, conferences, events, seminars, courses, functions and any other session or sessions held on- and off-site are expected to be aware that carrying firearms, deadly weapons or dangerous ordnance on the premises is considered to be a criminal trespass and a 4<sup>th</sup> degree misdemeanor. The necessary signs advising that ACAR does not permit firearms, deadly weapons or dangerous ordnance on its premises will be posted.

**200-8 POLICY ON NON-MEMBER ATTENDANCE AT MEETINGS**

- A. All Board of Directors, committee, task force, forum and council meetings are closed affairs. Only actual members or invited guests of the Board of Directors, committee, task force, forum or council are permitted to attend as defined in *Robert's Rules of Order Newly Revised*.
- B. Even though ACAR is incorporated, it is not a governmental entity and therefore not bound by the Sunshine Laws. ACAR, nonetheless, desires to encourage participation and interest in the work of its subordinate bodies including (committees, task forces, forums and councils and its Board of Directors). Only those members serving on Grievance and Professional Standards may attend Grievance and Professional Standards meetings. Therefore, except in situations where sensitive issues or matters of discipline are to be discussed, ACAR shall permit voting ACAR Members (REALTOR® Members and Associate Members) to attend its committee, task force, forums, councils, and Board of Director Meetings when a request has been made in writing to attend a particular meeting and a reason has been stated in the request. This request to attend a specific meeting must be submitted to the CEO at least 5 days prior to the meeting. The CEO will evaluate the request and provide a timely response.
- C. *Robert's Rules of Order Newly Revised* are followed at all ACAR committees, task forces, forums, councils and Board of Directors meetings.

## **300 FINANCES**

### **300-1 FUNDED RESERVE POLICY**

ACAR shall maintain a funded reserve equal to at least 12 months of current year's budgeted operating expenses including depreciation. The reserve account shall contain only cash and cash equivalents and the amount in this fund shall be determined as of December 31<sup>st</sup> of each year. In any year that the amount in the reserve fund does not equal or exceed the required amount, contribution to the reserve fund sufficient to bring it to the required level shall be budgeted in the subsequent year's operating budget. The required contribution shall not, however, in any year exceed 5% of the budgeted expenses including depreciation but without regard to the reserve contribution.

### **300-2 EXPENSE ACCOUNT CONTROLS**

The Treasurer or authorized signer shall review all expenses for travel and entertainment incurred by or paid to the President, President-elect, Treasurer and CEO in accordance with ACAR'S Travel and Entertainment Policy. The CEO shall approve all expenses incurred by staff members.

### **300-3 PAYMENT OF TRAVEL EXPENSES**

ACAR will pay budgeted travel expenses in accordance with ACAR'S Travel and Entertainment Policy for the President, President-elect and Treasurer for NAR and OR meetings and shall pay for the CEO's travel expenses per the CEO's contract. In addition, ACAR will pay other travel expenses as approved by the Board of Directors. All flight reservations made for travel by officers and staff of ACAR will be made for coach class only.

All expenses will be paid by the traveler and original receipts, including airline tickets, hotel receipts and credit card receipts will be submitted to ACAR Controller for reimbursement on the current expense reporting forms. In certain cases, ACAR may require officers and employees to make travel arrangements through the ACAR office. A corporate credit card will be issued to the CEO

and Officers. The CEO will determine the need for other ACAR staff members to have corporate credit cards. For purposes of this policy, reasonable travel expenses shall be defined as detailed below.

## **NAR Directors or NAR Regional Vice President Travel Policy**

### **Air Fare**

The officer, director or staff member will make all flight arrangements themselves. ACAR will reimburse coach class only.

### **Hotel and Lodging**

When required, ACAR will reimburse at the prevailing room rate for a given area for a mid-level room on the list of selected hotels for an OR or NAR event. Upgrading to higher cost hotels is permissible, but will be done at the expense of the traveling party. Only room charges are applicable for reimbursement.

### **Ground Transportation**

Car rentals will be reimbursed if cost effective. When possible, public transportation should be used instead of a rental car. Actual fares will be reimbursed.

### **Entertainment**

Expenses for entertainment will be reimbursed provided they are budgeted. For reimbursement, the names of the people being entertained, their company or organization and the business purpose of the entertainment expense must be listed on the expense report form. Each individual on the trip should track his or her expenses individually. Consumption of alcohol is generally discouraged when conducting ACAR business. It is understood that it is the responsibility of ACAR members, officers and staff to conduct business in a fashion that does not expose ACAR to potential liabilities. Alcohol consumption at ACAR meetings, events, and functions is subject to Rule 200-3.

### **Use of Personal Auto**

ACAR will reimburse its employees for the use of their personal autos on ACAR business at the current IRS reimbursement rate. This rate includes gas, oil, maintenance and all other costs of owning and operating a vehicle. Specific charges for repairs, etc. will not be considered. Parking and tolls will be reimbursed with original receipts. ACAR sponsored events will not be reimbursed except for staff required to attend.

### **Procedures and Timing of Reimbursement**

A separate report should be completed for each trip and all receipts must be attached to the back of the report form. The person requesting reimbursement is responsible for explaining the business purpose of the travel to facilitate charging expenses against the proper budget line item. All requests must be made within 30 days of travel date. Expense reports submitted after 30 days will not be considered.

To receive up to \$1,000 in direct reimbursement from ACAR as an NAR Director or RVP, the following conditions and limitations apply:

- A. The hotel room can be shared at the NAR published double rate but food, airfare and other expenditures are the direct responsibility of the NAR Director.
- B. ACAR will not pay for tours or excursions of any kind.



- C. ACAR will pay lodging charges and all associated taxes.
- D. ACAR will not reimburse for long distance calls billed to the room.
- E. The amount reimbursed will be limited to actual expenses incurred or \$1,000, whichever is less.
- F. Directors must submit original receipts, or copies of original receipts, for every expense and must complete and sign an ACAR expense reimbursement form.
- G. Reimbursement request must be submitted after the conclusion of all NAR meetings and within 30 days of the conclusion of the NAR meeting.
- H. Directors must attend the entire Board of Directors meeting scheduled at each NAR meeting.
- I. Directors must attend the entire NAR Region 6 Caucus at each NAR meeting.
- J. Directors must attend the entire Directors' Issue Forum at each NAR meeting.
- K. Directors must attend the entire NAR 360 Meeting.
- L. The amount reimbursed shall be limited to those expenses for which reimbursement has not, or will not, be provided to the Director by any other source.
- M. If any of the afore-listed meetings are missed without prior approval of the CEO, then no reimbursement will be given. There is no pro rata reimbursement.
- N. ACAR NAR Directors must attend the next ACAR Board of Directors meeting following the NAR meeting to provide a report.
- O. Reimbursements are paid after applying OR's reimbursements, if any.

#### **Expenses for ACAR Legislative and RPAC Chairs/Vice Chairs**

The Legislative and RPAC Committee Chairs/Vice Chairs shall be provided a maximum of \$250 each to defray expenses incurred while attending the Legislative Conference of the OR. In the event the Chair or Vice Chair either cannot attend or will not incur expense the President may appoint an active member(s) of the Legislative or RPAC Committee to receive the unused stipends.

#### **300-4 CHECK SIGNING POLICY**

Signatures for all ACAR checks must be as follows:

- A. All ACAR checks not within budget or over \$15,000 will require 2 signatures. Two signatures are that of CEO and an elected officer.
- B. The CEO will sign all ACAR checks within budget.
- C. Executive Committee shall receive a register of all checks written for the previous month at their monthly Executive Committee meeting.
- D. The Treasurer will receive a check register monthly and review prior to the Executive Committee meeting.
- E. Two signatures are required for checks issued to the CEO or other signers.

#### **300-5 BUDGET DISCIPLINE**

All projects, programs and/or events scheduled by ACAR shall be budgeted for in advance and shall be reviewed by the staff liaison and the CEO at least 60 days prior to the date of such event, project or program. The CEO shall supervise all projects and shall have the authority to approve or reject unbudgeted expense requests up to \$2,000. The CEO will have the authority to approve emergency capital expenses up to \$3,500.

#### **300-6 ACAR INVESTMENT POLICY**

- A. The Board of Directors shall authorize a percentage for how investments are to be made. The CEO and the Controller shall manage the investments portfolio.

### **Management of ACAR Investment Funds**

**Purpose** – The purpose of this investment policy statement is to set forth a clear understanding of the objectives and guidelines to be used in the management and investment of cash funds of ACAR.

**Committee** – The Finance Committee shall be comprised of the Executive Committee, CEO and up to 3 Presidential appointees serving 3-year terms. The Committee shall not exceed 7 members. The Treasurer shall serve as chair.

**Responsibilities** – The Finance Committee shall be responsible for:

1. Selecting any outside investment manager.
2. Evaluating quarterly the performance of any managed funds.
3. Submitting such evaluation to the Board of Directors. Such evaluation may include recommendation for re-affirmation or modification of the Investment Policy.
4. Changing circumstances may dictate the desirability of more frequent review.
5. Any recommendation to change the Investment Policy shall require approval of the Board of Directors.

### **General Investment Principles**

1. The assets of ACAR shall be invested with the skill, care, prudence and diligence under the circumstances then prevailing that a prudent person acting in like capacity and familiar with such matters would use in the investment of a like character and with like aims.
2. ACAR will maintain 3 different investment Funds: Fund A, Fund B, and Fund C. The Finance Committee determines how much to invest in each portfolio based on long term and short-term needs of ACAR and the overall economic outlook.

As a general rule, the Finance Committee will decide how much is needed to be in Fund C first, then divide the remainder of the assets with a target of 50% in each Fund A and Fund B. However, the Finance Committee reserves the right to allocate more to Fund A over B or vice versa depending on market conditions.

Fund A would be invested along traditional core asset allocation principles that would normally maintain a fully invested position. This Fund would follow a traditional “balanced asset allocation” model outlined under allocation guidelines paragraph numbers 1 & 2. Overall investment objectives and allowable investments outline below would pertain to Fund A.

Fund B would be invested based on a tactical method that employs trend following techniques in an effort to capture 80% of positive market moves and strives to avoid 80% of negative market moves. Fund B will be subject to the same rules of specific investment allowed as well as prohibited investments. It will not be subject to asset class restrictions and will have the ability to go to a 100% cash position based on the trend following principles outlined above.

The Board of Directors reserves the right to either combine Funds A, B and C into one fund managed in accordance with Fund A.

3. Investments of ACAR shall be so diversified as to minimize the risk of losses, unless under the circumstances it is clearly prudent not to do so.

Any equity investments shall be generally fully invested with minimal emphasis on market timing and shall be as broadly as is practical, given the permissible asset allocation and recognizing the prohibited transactions.

### **Investment Objectives**

In order to meet its needs, the investment strategy is to emphasize total return; that is, the aggregate return from capital appreciation and earnings income. Specifically, the primary objective in the investment of permanent reserves shall be long term growth while avoiding excessive risk. Short-term volatility will be tolerated inasmuch as it is consistent with volatility of comparable market indices.

**Allowable Investments** – Allowable investments shall include two general classes: Fixed Income Investments and Equity Investments.

### **Fixed Income Investments may include:**

- A. U.S. Government Securities such as Treasury bills, notes or bonds, which are backed by the full faith and credit of the U.S. Government.
- B. Certificates of Deposit issued by a federally insured (FDIC) financial institution with account deposits limited to the federal insured protection level, currently \$250,000 per institution.
- C. Federal Agency Securities such as notes issued by Fannie Mae, Ginnie Mae, Federal Home Loan Bank or Federal Farm credits; provided the full faith and credit of the issuing federal agency back the investments.
- D. Money market or savings accounts established with a local bank or savings & loan association protected by federal insurance (FDIC) with account balances limited to the federally insured protection level of \$250,000 per institution.
- E. Repurchase agreements established with a local financial institution, where surplus funds of ACAR are borrowed from the balance remaining in ACAR's checking accounts at the end of each business day with repayment of the loan available the next business morning. Financial institutions offering to collateralize repurchase agreements with U.S. Government Securities where ACAR is assigned title or only invest such funds in U.S. Government Securities will be considered acceptable to ACAR.
- F. Corporate Notes and Bonds "A rated" or better.
- G. Fixed income investments shall not exceed five years in maturity.
- H. Fixed income mutual funds with an average credit rating of "B" or better.
- I. Exchange trade index funds.

### **Equity Investments may include:**

- J. American Depository Receipts (ADR's) on non-U.S. companies.
- K. Equity based mutual funds.
- L. Common stock mutual funds.
- M. Professionally managed common stock portfolios.
- N. International equity mutual funds including emerging markets.

O. Exchange trade index funds.

**Prohibited Investments shall be items below. ACAR's investment advisors would be prohibited from investing in the following, other than through a managed mutual fund or ETF:**

P. Commodities and futures contracts.

Q. Private placements.

R. Options.

S. Emerging market equities.

T. Derivative securities of any type.

U. Currency speculation.

V. Purchase of securities offered for sale on any foreign exchange, other than through a managed foreign fund or ADR.

**Asset Allocation Guidelines** – Investment of reserves shall be in accordance with the following allocation guidelines (which shall be reviewed annually, and any revision thereto shall be subject to approval of the Board of Directors.)

#### **Aggregate Plan Asset Allocation (at market value)**

<u>Asset Class</u>	<u>Target Exposure</u>	<u>Allowable Range</u>
Bonds & Cash	35%	20-50%
Equities	65%	50-80%

#### **Equity Investment Guidelines**

Within the Equity Portfolio there will be a target allocation of 50% growth and 50% value stocks. In an effort to maintain a prudent balance between growth and value investment styles, the range allowed for each style shall be no lower than 40% and no higher than 60%.

#### **Marketability of Assets**

While liquidity is not a constraint on a long-term investment portfolio, a high degree of marketability is recommended to provide planning flexibility and accommodate any future cash requirements.

To ensure marketability and liquidity, the outside investment manager shall execute equity transactions only through Mutual Fund Managers, the New York Stock Exchange, and the American Stock Exchange, NASDAQ over-the-counter market and recognized international exchanges.

#### **Investment Diversification**

In order to achieve a prudent level of portfolio diversification, the securities of any 1 company shall not exceed 5% of the total equity portfolio and no more than 20% shall be invested in any 1 industry.

#### **Outside Investment Manager**

To achieve the objectives set forth in the policy, the Board of Directors may engage an outside

investment manager to oversee all or a portion of ACAR's reserve fund investments. Such outside investment manager shall be required to submit, in writing, acknowledgement of fiduciary responsibility to ACAR and verification of credentials acceptable to the Board of Directors. The Board of Directors shall make its selection based upon prudent due diligence procedures. Consideration shall be given to past performance, personnel to be assigned to ACAR, strategies proposed, research capabilities, organizational and business matters and other qualitative factors affecting the ability to achieve desired results.

### **Investment Manager Performance Reviews**

Performance reports shall be submitted at least quarterly by the outside investment manager and reviewed by the Board of Directors. The investment performance of total portfolios, including asset class components, shall be measured against commonly accepted performance benchmarks. The Board of Directors shall also monitor adherence with this policy. The outside investment manager should meet with the Board of Directors semi-annually and not less than once per calendar year.

The outside investment manager may be terminated for any of the following reasons:

- A. Unacceptable justification of poor investment results;
- B. Failure to conform with this policy, including reporting requirements;
- C. Significant changes in the manager's organization;
- D. Any other reason deemed justified by the Board of Directors.

Modified by Board of Directors – 5/29/14

### **300-7 DOCUMENT RETENTION POLICY**

ACAR's staff, volunteers, members of the Board of Directors and outsiders (independent contractors via agreements with them) are required to honor these rules: (a) paper or electronic documents indicated under the terms for retention below will be transferred and maintained by the appropriate staff member; (b) all other paper documents will be destroyed after 3 years; (c) all other electronic documents will be deleted from all individual computers, databases, networks, and backup storage after 1 year; and (d) no paper or electronic documents will be destroyed or deleted if pertinent to any ongoing or anticipated government investigation or proceeding or private litigation.

#### **A. Retain Permanently**

Governance records – Charter and amendments, Bylaws, other organizational documents, governing board and board committee minutes.

Tax records – Filed state and federal tax returns/reports and supporting records, tax exemption determination letter and related correspondence, files related to tax audits.

Intellectual property records – Copyright and trademark registrations and samples of protected works.

Financial records – Audited financial statements, attorney contingent liability letters.

#### **B. Retain 10 Years**

Pension and benefit records – Pension plan participant/beneficiary records, actuarial reports, related correspondence with government agencies, and supporting records.

Government relations records – State and federal lobbying and political contribution reports and supporting records.

- C. Retain 3 Years  
Employee/employment records – Employee names, addresses, social security numbers, dates of birth, resume/application materials, job descriptions, dates of hire and termination/separation, evaluations, compensation information, promotions, transfers, disciplinary matters, time/payroll records, leave/comp time/FMLA, engagement and discharge correspondence, documentation of basis for independent contractor status (retain for all current employees and independent contractors and for three years after departure of each individual).  
Lease, insurance, and contract/license records – Software license agreements, vendor, hotel, and service agreements, independent contractor agreements, employment agreements, consultant agreements, and all other agreements (retain during the term of the agreement and for three years after the termination, expiration, non-renewal of each agreement).
- D. Retain 1 Year  
All other electronic records, documents and files – Correspondence files, past budgets, bank statements, publications, employee manuals/policies and procedures, survey information. Exceptions to these rules and terms for retention may be granted only by ACAR's CEO.
- E. Professional Standards records are to be retained as directed in the *NAR Code of Ethics and Arbitration Manual* or by ACAR legal counsel.

**300-9 SUPPORT OF AFFILIATE ORGANIZATIONS**

- A. ACAR shall provide operational support as far as feasible to affiliated organizations, which are local or regional chapters of the Institutes, Societies and Councils of NAR (Certified Residential Specialist, Institute of Real Estate Management, Society of Industrial and Office REALTORS® etc.).
- B. ACAR staff assistance may be authorized by the CEO for chapter publications and notifications, meeting planning and other mailings provided such projects do not conflict with timely performance of ACAR operations.
- C. Reimbursement to ACAR shall be required for direct expenses of postage, paper and other materials used for affiliated organization chapter projects, with reimbursement amount determined and invoiced by the ACAR accountant. Fees for services to support affiliate organizations may be assessed.

**400 ETHICS, ARBITRATION, FAIR HOUSING**

**400-1 FINES DUE IN ETHICS CASES**

All fines imposed by the Professional Standards Committee of ACAR, in ethics cases, shall be remitted in 1 full payment by the date designated by the Professional Standards Committee. Installment payments shall not be accepted.

**400-2 ETHICS APPEAL DEPOSIT**

ACAR shall charge a non-refundable \$500 deposit fee to accompany requests for appeals of decisions of Ethics Hearing cases. Disposition of the deposits shall be according to Part Four, Section 24, Letter C of the *NAR Code of Ethics and Arbitration Manual*.

**400-3 APPEALS**

- A. The Board of Directors or hearing panels as permitted in the *NAR Code of Ethics and Arbitration Manual* will serve as the appeal body.
- B. Professional Standards Appeal Panels shall be comprised of 5 members of the Board of Directors or 5-member panel affiliated with disinterested firms appointed by the President on a case-by-case basis.

#### **400-4 RECORDING OF ETHICS HEARING**

- A. Consistent with the recommendations of the NAR and legal counsel, ACAR shall record arbitration and ethics hearings.
- B. All parties at hearings shall be apprised of recording. Hearing recordings shall be retained as part of the case file only until expiration of time for all appeals, or until a date when any sanction imposed by the Board of Directors has been completed and then shall be deleted. All recordings are the exclusive property of ACAR.
- C. ACAR recordings shall be considered the official record of the proceeding. Transcripts of any recording shall be used only for the purpose of appeals. Any party to a hearing has the right to obtain a copy of the official recording. The party requesting the duplication is required to pay the duplication costs and any duplication shall be conducted under the supervision of ACAR. Unauthorized use of recordings or transcripts other than for purposes of appeals may be construed as a violation of Article 14 of the *NAR Code of Ethics and Arbitration Manual*.

#### **400-5 LEGAL ACTIONS RESULTING FROM ARBITRATIONS**

ACAR shall not pay any legal costs incurred by members in legal actions resulting from arbitrations. ACAR may, however, submit an amicus curiae brief in arbitration disputes.

#### **400-6 APPEALS OF ARBITRATION DISPUTES**

ACAR shall charge a non-refundable \$500 deposit fee to accompany requests for Procedural Review. In cases involving appeal hearings resulting from arbitration disputes, the following agenda shall be adhered to:

- A. The appellant shall present a brief on why due process was not afforded.
- B. The other party to the arbitration shall present a rebuttal to the appellant's statement.
- C. The hearing panel Chair shall present information concerning due process in the subject case.
- D. The Board of Directors or the 5-member appeal panel shall have the opportunity to ask questions of the parties.
- E. All parties shall be dismissed from the meeting.
- F. The Board of Directors or the 5-member appeal panel shall meet in Executive Session.
- G. The Board of Directors or the 5-member appeal panel shall render their decision.

#### **400-7 POSTPONEMENT OF HEARINGS**

- A. In view of the inconvenience to other parties and to ACAR staff and in light of due process considerations, postponements of scheduled ethics or arbitration hearings shall not be granted except in cases of the most extreme and unforeseeable personal emergency.
- B. Legitimate requests for continuances shall be assessed by ACAR carefully to assure that hearings will not be continued indefinitely. The Hearing Panel Chair reserve the right to deny a request for continuance. All requests for continuance must be submitted in writing.

All ethics and arbitration cases shall managed as directed by the NAR Code of Ethics and Arbitration Manual.

#### **400-8 ESCROW ACCOUNTS IN ARBITRATION HEARINGS**

- A. In accordance with NAR recommended policy in Section 35 of the *NAR Code of Ethics and Arbitration Manual*, ACAR shall require that non-prevailing parties in arbitration disputes deposit contested funds with the ACAR CEO to be held in a special ACAR escrow account whenever said funds are not to be paid to the prevailing party within 10 days of notification of award decision by the arbitration panel.
- B. Failure to satisfy the award or to deposit funds with ACAR within the 10-day period following notification may be considered a violation of a membership duty, subjecting the non-complying member to possible suspension from ACAR at the discretion of the Board of Directors with existing rules of reinstatement invoked.

#### **400-9 GRIEVANCE MEMBERS EXCUSED**

Any member of the Grievance Committee shall be excused from the meeting room when all of the factors that may disqualify an individual from sitting on a Grievance Committee discussion.

#### **400-10 ARBITRATION FILING FEE**

A fee of \$300 is required to be paid by the complainant and respondent in all Arbitration matters. Filing fee will be returned to prevailing party. Filing fee returned to both parties if dispute is resolved in mediation.

#### **500 CANDIDATE SUPPORT AND ENDORSEMENT POLICY**

ACAR has one of the largest Political Action Committees (PAC) in the United States, and in Ohio.

ACAR support may be offered to qualified candidates:

- funding (through RPAC)
- REALTORS® for limited staff consultation

Candidates endorsed by ACAR shall be offered:

- use of the designation “Endorsed by ACAR”
- letter of support from President on ACAR letterhead
- ACAR press release
- more intensive use of above resources and ACAR communications channels to organize member support
- request for OR Opportunity Race support where applicable

Endorsement shall be the exception rather than the rule.

#### **A. ENDORSEMENT PROCEDURES**

The RPAC Trustees may select candidates to be considered for endorsement by ACAR'S Board of Directors.



ACAR'S RPAC Trustees, upon proper notification of Trustees and a 2/3 vote of those present and voting at a meeting of the Trustees may recommend to the Board of Directors a candidate for endorsement. The recommendation shall be in writing and include reasons for endorsement. The following criteria shall be employed for such a recommendation:

1. Knowledge of and empathy for REALTOR® issues (i.e. mortgage interest tax deduction, sign bans, point of sale, etc.)
2. Integrity and ethical conduct
3. Competence
4. Importance of the race or candidate
5. Ability to win and serve effectively
6. Positive effect of ACAR support for candidate as well as for ACAR

Use of candidate questionnaires, interviews and evaluation sheets is recommended.

The Board of Directors shall approve or not approve the endorsement based on the strength of the RPAC Trustee's written recommendation.

## **600 BOARD OF DIRECTORS**

### **600-1 DIRECTORS TO OBSERVE CONFIDENTIALITY**

If any Director of ACAR reveals confidential information received at or from a Board of Director's meeting, when in executive session, without prior authorization from the President or CEO of ACAR, this dissemination of confidential information shall be considered cause for removal of the Director from the Board of Directors. Proper notification shall be given to such Director and a hearing shall be held in accordance with the Bylaws of ACAR.

### **600-2 ENDORSEMENT OF OR AND NAR CANDIDATES**

All candidates for OR or NAR or positions, requesting the endorsement of ACAR, may be given the opportunity to appear before the ACAR Board of Directors. (See also Rule 600-19, Use of Unit Rule.) The ACAR Board of Directors shall have the authority to endorse any candidate it chooses for any OR or NAR office or position. OR or NAR Directors are always encouraged to share their knowledge of OR and NAR issues and candidates with ACAR Directors prior to any issue or endorsement vote by the Board of Directors.

### **600-3 BOARD OF DIRECTORS MINUTES**

All motions adopted, or not adopted by the Board of Directors, become the action of the entire group of Directors. To that end, the minutes of the Board of Directors meetings shall not include the names of those persons presenting or seconding the motion. Minutes of the Board of Directors will not reflect those Directors for or against an action except in a roll call vote.

### **600-4 GUIDELINES FOR BOARD OF DIRECTORS CANDIDATES**

The following guidelines apply to members aspiring to serve on the Board of Directors or as a Board Officer.

- A. **COMPOSITION OF THE BOARD OF DIRECTORS:** The Board of Directors has the complete authority to govern and operate ACAR subject only to ACAR Bylaws. The Bylaws and accompanying rules and regulations shall be posted on ACAR's web site. ACAR is governed by an elected Board of Directors consisting of 16 Directors elected by the REALTOR® and Affiliate membership. Fifteen of the Directors shall be REALTOR® members and 1 shall be an Affiliate member. Of the 15 REALTOR® members, at least 1 Director shall be a Commercial/Industrial REALTOR®. The Commercial Director must serve on the Commercial Forum and complete 80% of their transactions in commercial real estate annually. Directors serve staggered 3-year terms. The Affiliate Director serves a 3-year term. In addition to the elected Directors, the Immediate Past President shall serve as a voting Director and the CEO shall serve as a non-elected and non-voting member of the Executive Committee. ACAR officers shall be elected by the Directors from among the Board of Directors members. They serve 1-year terms.

In the event that other Boards of REALTOR® join ACAR, the Board of Directors shall temporarily expand to include 1 provisional directorship for each joining Board of REALTORS®. The tenure for the provisional directorship shall be 3 years starting on January 1<sup>st</sup> of the current year. The provisional Director shall have a vote on the Board of Directors and shall be elected by the board of directors of the joining Board of REALTORS®. At the end of this tenure or if the seat is vacated during the term, the provisional directorship for the joining Board of REALTORS® shall cease. Provisional directorships cannot be renewed. Provisional directors shall be REALTOR® members.

- B. **DIRECTOR'S RESPONSIBILITIES:** Candidates for nomination should consider the following responsibilities incumbent on Directors. The election process is detailed in Rule 1000-7.
1. Since election is by the REALTOR® and the Affiliate membership, candidates should expect to mount a reasonable campaign effort to allow the membership an opportunity to meet them and any platform they wish to promote.
  2. Board of Director members are expected to attend all regularly-scheduled monthly Board of Directors meetings. Meetings are scheduled for the entire year in advance. Occasionally a special Board of Directors meeting will be called.
  3. Directors are expected to set an example for all REALTORS® by supporting and attending ACAR social events, RPAC affairs and other functions of ACAR, such as the Annual Meeting.
  4. Directors are eligible to run for ACAR office and are encouraged to consider doing so. An applicant's ability to serve and willingness to consider running for higher office is important criteria for nomination as a candidate for Director.
  5. Directors are also expected to attend the OR and NAR meetings each year to represent ACAR at these functions. Directors are encouraged to become involved in OR and NAR affairs by committee service.
  6. Directors are strongly encouraged to substantially contribute to RPAC at the beginning of each year.
  7. Once elected, a Director shall sign the documents listed in 600-16 on or before January 15<sup>th</sup> of each year.
  8. Directors shall obey the confidentiality of information rule as established in 600-1.

#### **600-5 BOARD OF DIRECTORS OFFICER NOMINATING COMMITTEE**

- A. An Officer Nominating Committee of 3 Directors shall be appointed by the ACAR President with

the approval of the Board of Directors at a regular meeting held during the second quarter of the calendar year. The duty of the Officer Nominating Committee shall be to consider the qualifications of candidates for the elected offices and to submit at least 1 name for each position to be filled at the Annual Meeting of the Board of Directors in November. Following the report of the Officer Nominating Committee, additional nominations may be made from the floor. No name shall be placed in nomination without the consent of the nominee.

- B. Officers will be elected by ballot at the Board of Directors Meeting held in November. There shall be no proxy voting. A majority shall elect. In the event there is only 1 candidate for an office, the election for that office may be by voice vote. When there is a tie in a ballot vote, the vote shall be retaken until the tie is broken.
- C. The tellers for the election of officers shall be the Parliamentarian and 1 other person appointed by the ACAR President. The Tellers' Report shall give the total number of votes cast and the names of the winning candidates.
- D. The ACAR President may assign the Parliamentarian to attend the meetings of the ACAR Nominating Committee and Officer Nominating Committee to advise on matters of parliamentary procedure.

#### **600-6 ATTENDANCE POLICY FOR DIRECTORS' MEETINGS**

- A. Directors shall attend all regularly scheduled and special meetings of the Board of Directors. Directors shall notify the CEO if they will not be in attendance. Absence without notice and/or excuse shall be considered an absence-without-excuse. Absence from 3 regularly scheduled meetings in 1 year without an excuse approved by the Board of Directors may be considered as a resignation. The Board of Directors by a 2/3 vote can remove the director and fill the vacancy in accordance with Bylaws Article XIII, Section 9.
- B. ACAR members appointed by the President to serve as Directors on the OR Board of Directors shall attend the 2 regular meetings of the Directors each year. OR and ACAR staff will record attendance. If an ACAR OR Director is absent from more than 1 OR Board of Director meeting during a calendar year, the ACAR President has the authority to ask for a resignation or advise the Director that he is being replaced and that a new Director will be appointed. Directors will receive a stipend of \$100 for attending a committee meeting, \$100 for attending the Member/Director Forum and \$150 for attending the Board of Directors meeting. The CEO will verify attendance.

#### **600-7 APPOINTMENT OF DIRECTORS AND ALTERNATES**

Directors are allocated based upon the number of ACAR members who are also members in the MLS. Each shareholder is allotted 1 Director plus an additional Director for every 500 members. The total number of Directors from any 1 shareholder Board is capped at 4. Directors shall be appointed by the ACAR President and approved by the ACAR Board of Directors. Directors are appointed annually no later than December 1<sup>st</sup>.

ACAR is allotted 2 alternates. Alternates shall be appointed by the President and approved by the Board of Directors. Directors are appointed annually no later than December 1st.

Directors shall attend all regularly scheduled meetings and special meetings of the MLS Board of Directors. If a Director is unable to attend a meeting, the CEO is to be notified as soon as practical so an alternate may attend. The ACAR Board of Directors shall have the authority to

remove a Director for non-attendance and to replace that Director with an Alternate. When not serving as a Director, Alternates may attend meetings if available.

The Director shall report to the ACAR Board of Directors on a regular basis.

#### **600-8 APPOINTMENT OF ACAR REPRESENTATIVE ON Yes-MLS BOARD OF GOVERNORS**

As majority shareholder in Yes-MLS, ACAR is entitled to 1 Governor to be seated on the Yes-MLS Board of Governors. The term is a 1-year term.

Yes-MLS Governor is appointed by the President and approved by the Board of Directors by October 1<sup>st</sup>.

The ACAR Governor is expected to attend all Yes-MLS Board of Governors meetings. The Board of Directors shall have the authority to remove an ACAR appointment to the Yes-MLS Board of Governors for non-attendance and to replace that representative with another Governor.

The Yes-MLS Governor shall report to the ACAR Board of Directors on a regular basis.

#### **600-9 CHECK ISSUING POLICY**

Checks shall be issued when the proper check request form is completed and the necessary documentation is provided to the Controller. Only the CEO shall cause checks to be issued. No Officer or Director has the authority to authorize that checks be issued. For check in amounts under \$15,000, only the signature of the CEO or another staff member as appointed by the CEO to serve in his or her absence is needed. For checks in amounts \$15,000 or more, the Treasurer or another authorized signor when the Treasurer is unavailable shall countersign.

#### **600-10 BINDING CONTRACT**

The CEO and COO have authority to sign contracts or any other agreements that legally bind ACAR. No Officer, Director or other staff member may sign any contract or agreement.

#### **600-11 ACAR STAFF**

Only the CEO has the authority to hire, fire, direct and supervise the ACAR staff. Staff salaries and contracts shall be confidential.

#### **600-12 USE OF LEGAL COUNSEL**

Contact and consultation with any legal counsel that will result in the payment of a fee shall be through the CEO, unless the Board of Directors, by motion, designates otherwise.

#### **600-13 PARLIAMENTARIAN**

ACAR may employ a Professional Registered Parliamentarian to advise the President and the Board of Directors on matters of parliamentary procedure at every Board of Directors meeting and other matters as may be assigned by the President, CEO, or the Board of Directors.

#### **600-14 DOCUMENTS TO BE SIGNED ANNUALLY BY DIRECTORS**

All Directors shall sign the following documents on or before January 15<sup>th</sup> of each year: *Consideration of Interest Questionnaire* and *Conflicts of Interest*. A Director who has failed to meet the January 15<sup>th</sup> deadline shall be notified in writing via certified mail. If the documents are not signed within 10 business days of the receipt of the certified letter, the Director's privileges shall be suspended and disciplinary action shall be initiated as specified in Article XIII, Section 8 of the ACAR Bylaws and Rule 600-16.

#### **600-15 TASK FORCE PROCEDURES**

An ACAR task force is defined as a temporary grouping of members under one leader to accomplish a definite objective. The President with the approval of the Board of Directors shall appoint all task forces necessary and shall specify their charge or objective. All task forces shall clearly link their work to the Strategic Plan. Minutes of a task force shall be delivered to the CEO.

- A. At the completion of the task, the Chair of the task force shall notify the CEO and the President. A written report of the task force recommendations shall be provided to the ACAR President and the CEO. With the delivery of the report, unless it is assigned further work, the task force shall go out of existence.
- B. Task force recommendations shall be reviewed by the Board of Directors. The Treasurer and the CEO shall assess the recommendations for budgetary considerations and present their review to the Board of Directors for final approval.

#### **600-16 USE OF UNIT RULE**

The Board of Directors is the governing body of ACAR elected by the membership to establish policy and positions on issues and/or endorsements germane to the association at the local, state and national levels. To fulfill this responsibility, the Board of Directors shall be authorized to take a position on OR or NAR related issues and/or endorsements. If the Board of Directors takes a position on an OR or NAR related issue or endorse an OR or NAR candidate, the Board of Directors can apply the unit rule to require the ACAR OR or NAR Directors to vote those positions at the OR or NAR Boards of Directors meeting.

#### **600-17 CONSENT AGENDA**

For routine and non-controversial business that does not require discussion and amendment before action is taken on it, the ACAR Board of Directors may use a consent agenda.

- A. The Consent Agenda shall appear on the meeting agenda immediately after the Call To Order and the Opening Ceremonies. The position of the Consent Agenda on the meeting agenda may be changed by a majority vote before adoption of the meeting agenda and by a 2/3 vote after its adoption.
- B. The CEO shall be authorized to assign items of business to the Consent Agenda.
- C. When the Consent Agenda is reached during the meeting, any Director can request that an item be removed. Without discussion, the presiding officer shall take a vote to remove the item. [Shall the requested item be removed? Those in favor of removal, say "Aye"; those

opposed say “No”.] A majority in the affirmative shall remove. An item removed shall be taken up under New Business.

- D. The items of business remaining on the Consent Agenda shall be voted upon in block without debate or amendment.

## **600-18 COUNCIL ON OR/NAR LEADERSHIP DEVELOPMENT**

The Council on OR/NAR Leadership Development will identify, recruit and develop ACAR member candidates for leadership positions at OR or NAR and help guide them through a successful election or appointment. The Council will consist of up to 10 REALTORS® including a Chair and Vice Chair to be appointed by the President and approved by the Board of Directors. The Council will meet as necessary. The Council will identify opportunities for ACAR representation at OR and NAR. It will develop and help execute a road map for successful elections and appointments. Committee members running for office shall step down from the committee until their candidacy is completed. Candidates will attend meetings as directed by the Chair (or at the discretion of the Chair). If a committee member’s candidacy is completed during current calendar year, the committee member would be eligible for reinstatement to the committee for the remainder of the year. Members missing 3 meetings in a calendar year will effectively resign from their position on the Council.

## **700 HONORS AND AWARDS**

### **700-1 EQUAL OPPORTUNITY IN HOUSING AWARD**

ACAR may present an award at the Annual Meeting to recognize a person or organization for outstanding efforts in helping to promote Fair Housing and Diversity. The criteria for the award shall be as follows: The selection for the award shall be made by the REALTOR® of the Year Committee. The award shall recognize a person or an organization for their ongoing dedication and voluntary efforts in promoting Fair Housing within ACAR’S jurisdiction.

Recommendations for the award may be made by the membership to the REALTOR® of the Year Committee.

### **700-2 REALTOR® OF THE YEAR**

The purpose of the award is to recognize an active ACAR member who has provided outstanding service to the profession, the community and is a respected role model for his or her peers. This service need not be confined to activity during the preceding or present year. However, a candidate’s recent activities shall be weighted more heavily than earlier accomplishments.

### **700-3 AFFILIATE OF THE YEAR**

The Affiliate of the Year shall be chosen by the REALTOR® of the Year Committee. The Committee shall choose an Affiliate who has been an exceptional sponsor of ACAR events, has participated on ACAR committees, and has been a strong supporter of ACAR and its mission. The Affiliate Director will serve on the REALTOR® of the Year Committee.

### **700-4 COMMERCIAL REALTOR® OF THE YEAR**

The Commercial REALTOR® of the Year shall be selected by the REALTOR® of the Year Standing Committee.

The purpose of the award is to recognize an active ACAR member who has provided outstanding service to the profession and the community. This service need not be confined to activity during the preceding or present year. However, a candidate's recent activities shall be weighted more heavily than earlier accomplishments.

In selecting the Commercial REALTOR® of the Year, the following categories shall be considered: ACAR activities; OAR and NAR activities; business and educational experience and civic activities.

#### **700-5 YOUNG PROFESSIONAL OF THE YEAR**

The REALTOR® of the Year Committee shall choose up to 3 Young Professionals of the Year may be chosen each year. Recipients of Young Professional of the Year award will be REALTOR® members in good standing under 40 years old who have demonstrated exceptional leadership and professional qualities.

Recipients will receive a scholarship of up to \$300 to pursue a designation from the Harold L. Klarreich Scholarship Foundation.

#### **700-6 GOOD NEIGHBOR OF THE YEAR**

The REALTOR® of the Year Committee shall select the Good Neighbor of the Year recipient. The Good Neighbor of the Year award recognizes REALTORS® in good standing who have made an extraordinary impact on their community, or on the national or world stage, through charitable and volunteer work. The Good Neighbor of the Year award recipient may choose a charity of his or her choice to receive a donation of \$1,000 from the Real Estate Community Cares Fund.

### **800 PUBLICATIONS**

#### **800-1 MEMBERSHIP PRESS**

Each REALTOR®, Affiliate, Honorary, and Honorary Life Member shall receive a subscription to the *Membership Press eNewsletter*.

### **900 PUBLIC RELATIONS**

#### **900-1 NEWS RELEASES**

All statements of policy on behalf of the ACAR shall be made through the President or the CEO, unless specifically delegated by the President, the CEO, or the Board of Directors.

The principal spokesperson to the media on ACAR'S policies and programs shall be the President.

In the event the President is unavailable to provide a media response, the CEO, the President-elect or their designee in that order shall serve as spokesperson for ACAR.

All periodic press releases or requests from news media for information shall be submitted to the CEO for approval prior to release.

## **900-2 ASSOCIATION REPRESENTATIVE FOR HILL VISITS**

Depending upon space available at the NAR Legislative Meeting in Washington DC, preference for ACAR Board Representatives seats will be given in the following order:

- A. ACAR staff (CEO, COO or VP of Government Affairs)
- B. Executive Committee Members
- C. NAR Directors from ACAR
- D. Constituents (ACAR members who have knowledge of the subject matters to be discussed and are able to appropriately represent the REALTOR® Party position)
- E. Legislative Committee Chair
- F. Other ACAR Members who are not constituents but who have knowledge of the subject matters to be discussed and who are able to appropriately represent the REALTOR® Party position.

## **1000 COMMITTEES, TASK FORCES, FORUMS AND COUNCILS**

### **1000-1 COMPOSITION OF COMMITTEES, TASK FORCES, FORUMS AND COUNCILS**

- A. Standing Committees shall have no fewer than 3 members unless otherwise recommended by the committee Chair and approved by the Board of Directors. All Standing Committee members shall be REALTOR® or Affiliate Members in good standing of ACAR.
- B. Special Committees, Task Forces, Forums and Councils shall have the number of members specified in the motion that created them. Special Committee and Task Force members shall be either REALTOR® or Affiliate members of ACAR and shall serve a 1-year term unless the purpose of the committee or task force is accomplished in a shorter time.
- C. All committees, task forces, forums, councils and sub-committees must reference the Strategic Plan and any initiatives need to be approved by the Board of Directors prior to implementation.

### **1000-2 MEETINGS**

- A. All committees and task forces shall meet at the call of their Chair unless otherwise specified in the Bylaws or these Rules and Regulations. The time, date, and location of meetings shall be determined by the CEO, who may delegate this authority provided that the committee or task force meets at least twice each year or as often as needed to accomplish its work.
- B. Minutes shall be kept of committee, task force, forum and council meetings and a copy of these minutes shall be provided to the CEO to be filed.
- C. Quorum for committees shall be 40% of the current number of members of the committee. If a quorum is not present, the Chair may call the meeting to order for the purpose of hearing reports but no official business shall be conducted.

### **1000-3 COMMUNICATION COMMITTEE**

- A. Composition: Shall consist of at least 10 REALTOR® members in good standing as appointed by the President.
- B. Job: The committee shall review ACAR communication vehicles, assess the effectiveness,



review possible new methods to communicate with ACAR members and members of the public.

- C. Meetings: The committee will meet as necessary.

**1000-4 FINANCE COMMITTEE**

- A. Composition: Shall consist of members of the Executive Committee, CEO and up to 3 Presidential appointees serving 3-year terms. The Committee shall not exceed 7 members. The Treasurer shall serve as chair.
- B. Job: The committee shall plan the ACAR budget, recommend the dues level and oversee management of investments.
- C. Meetings: The committee shall meet at least quarterly.

**1000-5 GRIEVANCE COMMITTEE**

- A. Composition: Shall have a maximum of 15 REALTOR® members in good standing. The members are required to attend the annual Professional Standards Training Session.
- B. Job: Members shall review ethics complaints to determine if an ethics hearing should be held. Arbitration requests are also review by this Committee to evaluate for proper filing. Appropriate requests shall be forwarded to the Professional Standards for a hearing.
- C. Meetings: The Committee shall meet every 45 days unless there are no action items for the committee. Grievance Committee meets in Executive Session.

**1000-6 LEGISLATIVE COMMITTEE**

- A. Composition: The Legislative Committee is a standing committee of ACAR. The Committee shall strive for balanced composition of Cuyahoga and Summit County Committee members and Committee members shall be appointed annually by the President with the approval of the Board of Directors. To be eligible for membership on the Legislative Committee, a member shall be a REALTOR® or Affiliate member in good standing and shall be an RPAC contributor.
- B. Job: The Legislative Committee shall develop annually a proposed platform for lobbying and submit this platform to the Board of Directors for review and action. All lobbying efforts shall be based on the Legislative platform approved by the Board of Directors. White Papers may be developed to support and explain items in the official Platform, but these papers shall not go beyond or contradict positions in the official platform.

The official spokespersons for the Legislative Committee may be the Chair of the committee, the ACAR President or Vice President of Government Affairs.

The Legislative Committee shall review local, state, and national legislation and rule-making of significance to ACAR's interests and shall report its findings to the Board of Directors. The Board of Directors shall determine how this information shall be disseminated.

1. The Legislative Committee shall, with the approval of the Board of Directors, assist OR and NAR on legislative initiatives for local, state, and federal advocacy.
2. The members of the Legislative Committee shall, at all times, act in a professional manner and represent the best interests of ACAR.

3. All Legislative Committee members shall attend Committee meetings. Three unexcused absences within 1 calendar year shall result in forfeiture of membership. The Chair of the Legislative Committee shall be empowered to grant excused absences prior to the meeting.
  4. All Legislative Committee members shall be active in monitoring at least 1 local municipality for real estate related legislation or actions.
- C. Meeting: The Committee shall meet quarterly.

**1000-7            NOMINATING & LEADERSHIP DEVELOPMENT COMMITTEE**

- A. Composition:
1. Be composed of 5 REALTOR® members, 1 Past President that is an active member, 1 member of the Young Professionals Network 1 REALTOR member of the Nominating and Leadership Development Committee, 1 Affiliate Member and 1 Commercial/Industrial REALTOR® Member.
  2. Be appointed by the ACAR President with the approval of the Board of Directors no later than December 15<sup>th</sup> of the preceding year.
- B. Job: The Nominating & Leadership Development Committee will identify, recruit and develop its members for leadership positions within ACAR and guide them through the election or appointment process. ACAR leadership positions include: Board of Directors; OR Directors (and Alternates); Committee, Task Force, Forum and Council Chairs & Vice Chairs; Committee Members. The committee will consist of up to 12 members including a Chair, Vice Chair, a commercial REALTOR® and an affiliate member to be appointed by the President and approved by the Board of Directors. Committee members running for office may be asked to step down from the committee until their candidacy is completed. Candidates may be asked to attend meetings as directed by the Chair.

By July 30<sup>th</sup>, the Nominating and Leadership Development Committee shall communicate with all REALTOR® and Affiliate Members who have submitted a Nomination Form. The communication shall tell the applicant the outcome of the deliberations of the Nominating and Leadership Development Committee.

By August 1<sup>st</sup>, the recommendations of the Nominating and Leadership Development Committee shall be communicated to the Board of Directors and ACAR members eligible to vote. This communication may be mailed or electronically transferred and shall be posted on the web site.

Additional candidates for positions of REALTOR® Director may be placed in nomination by petition. Petitions for REALTOR® Director positions shall be signed by at least 5% of the REALTOR® Members eligible to vote. Petitions for the Affiliate Director position shall be signed by at least 5% of Affiliate Member eligible to vote. Petitions for the Commercial/Industrial REALTOR® Director position shall be signed by at least 5% of the Commercial/Industrial REALTOR® members eligible to vote. All petitions must be received by the Chief Executive Officer at least 45 days prior to the distribution of the ballot.

No person shall be nominated either by the Nominating and Leadership Development Committee or by petition unless he or she is qualified and signs a statement granting permission to be nominated and agrees to serve if elected.

At least 15 days before the distribution of the ballot, the CEO shall electronically communicate to members eligible to vote the names of all candidates nominated and shall post this information on the web site.

#### Election Process for Candidates for Board of Directors

- A. The CEO shall prepare and distribute the ballots for the election of the directors by Authorized Communication Equipment. REALTOR® members vote for REALTOR® Director candidates and Affiliate members vote for Affiliate Director candidates. Ballots may be tabulated by a professional service.
- B. In accordance with Ohio Revised Code 1702, the election of Directors shall be held by electronic ballot prior to the Annual Membership meeting.
- C. A plurality shall elect.
- D. The election results shall be announced at the Annual Membership Meeting of ACAR and the Directors shall take office on January 1<sup>st</sup>. After the announcement at the Annual Membership Meeting, this information shall be posted on the web site.

#### **1000-8 PROFESSIONAL STANDARDS COMMITTEE**

- A. Composition: Shall have no more than 30 REALTOR® members in good standing appointed by the President. All members of this committee shall have served at least 1 3-year term as a member of the Grievance Committee.
- B. Job: The members of this committee shall be assigned to hearing panels and as mediators.
- C. Meetings: Except for the annual training session, this Committee shall meet as needed.

#### **1000-9 REALTORS POLITICAL ACTION COMMITTEE TRUSTEES (RPAC)**

##### **Section 1.**

The REALTORS® Political Action Committee (RPAC) Trustees of ACAR shall be comprised of the following individuals:

- A. Composition:
  - President
  - President-elect
  - Treasurer
  - Immediate Past President
  - Chair of the RPAC Trustees (1-year term by appointment)
  - Chair, Governmental Affairs Committee
  - Eight At-Large Trustees (1-year terms by appointment of the President)
  - ACAR members who are currently serving at OR or NAR as RPAC Directors/RPAC Chair or Vice Chair

Job: All at-large trustees shall be REALTOR® and Affiliate members in good standing and appointed by the President, each year, and approved by the Board of Directors. The President will also fill any vacated terms of the at-large members. No person shall serve as an at-large member of RPAC for more than 3 consecutive terms. After serving a third term, the outgoing at-large member shall not be eligible for another re-appointment for a period of 1 year. RPAC Trustees must sign the Confidentiality and Conflict of Interest Statement due to Federal Campaign laws.

At-Large committee members and the RPAC President shall be active and significant RPAC donors over an extended time period and participants of RPAC fundraising functions.

The RPAC committee members shall meet at least quarterly to review RPAC funds, interview candidates, and recommend to the Board of Directors the allocation of funds. The Board of Directors shall reserve the right to approve or disapprove the recommendations of RPAC.

The Committee may form subcommittees to assist with specific related business. Such subcommittees shall be under the authority and supervision of the RPAC except as provided below.

Independent Expenditure Subcommittee: This shall be a standing subcommittee of the RPAC charged with the responsibility of reviewing and taking action on independent expenditures recommended by the Vice President of Government Affairs.

1. The Subcommittee shall have the following members; the ACAR Executive Committee, Legislative Chair, CEO, COO, and the Vice President of Government Affairs.
2. Subcommittee members shall sign and abide by ACAR Confidentiality and Conflict of Interest Statement. The subcommittee's work shall be conducted in executive session and reports to the RPAC and the ACAR Board of Directors shall be limited to an acknowledgement that an independent expenditure was approved without identifying the candidate or the campaign.
3. If all 3 of the following criteria are met, the subcommittee may approve an independent expenditure:
  - a. The candidate is a REALTOR® Party champion and has been helpful to the real estate industry in Northeastern Ohio. For issues, the issue must be beneficial to the real estate industry in Northeastern Ohio;
  - b. The candidate or issue is or will be supported by RPAC.

The RPAC allocations team shall consist of the RPAC Trustees, Legislative Committee staff liaison and CEO. RPAC requests for funds for local, state and national political candidates shall be shared Executive Committee and the Board of Directors.

RPAC funds may be used to purchase tickets for annual fundraisers for the Democratic or Republican parties, or for similar events for local candidates, or any other political events. The distribution of tickets shall be in the following sequence: RPAC Chair, Vice President of Government Affairs, RPAC Trustees, CEO/COO, Major Investors, RPAC Investors at the \$100 level or higher, Legislative Committee members, other ACAR committee members that have invested in RPAC, and ACAR members who are constituents that have invested in RPAC in the current year.

Staff is prohibited from serving as bidders for members at the RPAC Auction.

RPAC Trustees voting in-person or by an electronic vote of 2/3 majority rounded to the next whole number of those voting. Expenditures in amounts of \$250 or less may be approved by both the RPAC Trustees Chair and the President.

Reimbursement requests may be considered by RPAC Trustees from ACAR members that have been individually invited to attend political fundraising events.

#### **1000-11 YOUNG PROFESSIONALS NETWORK COMMITTEE**

- A. Composition: The Young Professionals Network (YPN) Committee shall be composed of ACAR REALTOR® and Affiliate members in good standing (Institute Affiliates may not serve in accordance with the ACAR Bylaws, Article X, Section 1). The Chair and Vice Chair shall be approved by the President in accordance with Rule 1000-1.
- B. Job: The Committee shall plan and implement membership recruitment and retention programs in conjunction with other ACAR Committees. The Committee will assist with other projects as requested. Such as fundraising for ACAR's Charity and encouraging participation in RPAC.
- C. Meeting: The Committee shall meet at the call of the Chair.

#### **1000-12 REALTOR OF THE YEAR COMMITTEE**

The ACAR President, with the approval of the Board of the Directors shall select 5 ACAR REALTOR® members to serve on the REALTOR® of the Year Committee. The Affiliate Director shall serve on the REALTOR® of the Year Committee but the ACAR President shall not serve.

### **COUNCILS AND FORUMS**

#### **1000-13 COMMERCIAL FORUM**

- A. Composition: Shall have REALTOR® and Affiliate Members in good standing that wish to volunteer. To serve on the Commercial Forum, members must be a REALTOR® with the majority of their annual transactions commercial. Affiliate members must have a job description that includes serving the commercial real estate market.
- B. Job: The Forum shall provide ACAR's Commercial members with networking opportunities and continuing education credit classes pertaining to topics of interest to Commercial members. The Forum shall also make a recommendation for the recipient of the Commercial REALTOR® of the Year award to the REALTOR® of the Year Committee.
- C. Meetings: The Committee shall meet at the call of the Chair.

#### **1000-14 COMMUNITY OUTREACH AND CHARITY COUNCIL**

- A. Composition: Shall have REALTOR® or Affiliate members in good standing that wish to volunteer.
- B. Job: The Council shall plan and implement community outreach and retention programs. This council also assists with other projects as requested, and the Charity fundraising efforts.
- C. Meetings: The Council shall meet at the call of the Chair.

#### **1000-15 GOVERNANCE TASK FORCE**

- A. Composition: As required, the ACAR President will appoint 9 REALTOR® members in good standing to serve on the Governance Task Force.
- B. Job: The Governance Task Force will review proposed amendments to the ACAR Bylaws and Rules & Regulations as submitted to the CEO. The Governance Task Force will periodically review the Governing documents of ACAR.

- C. Meeting: The Governance Task Force will not meet only as required to perform the above tasks.

**1000-16 MEMBER SERVICES AND AFFILIATE COUNCIL**

- A. Composition: Shall have REALTOR® or Affiliate members in good standing that wish to volunteer.
- B. Job: The council shall plan and implement membership recruitment and retention programs. This Council also assists with other projects as requested. The Council assists with event planning, creating programs that promote using an Affiliate, and discuss industry related issues.
- C. Meetings: The Council shall meet at the call of the Chair.

**1000-17 PROFESSIONAL DEVELOPMENT AND EQUAL OPPORTUNITY FORUM**

- A. Composition: Shall have REALTOR® or Affiliate Members in good standing that wish to volunteer.
- B. Job: Forum members assist with the planning and implementation of educational offerings held by ACAR; educational offerings may be at ACAR's Training Facility or off-site at other locations in ACAR's jurisdiction. Task Force members will actively work with other ACAR Committee on joint projects. Task Force members will encourage ACAR members to participate at OR and NAR meetings, events and education.
- C. Meetings: The Forum shall meet at least twice per year.
- D. Publication of Educational Courses: Educational events and sessions to be promoted by ACAR include:
  - 1. ACAR sponsored courses
  - 2. Courses offered by OR, NAR including all NAR Institutes, Societies and Councils;
  - 3. Courses required for GRI at accredited schools;
  - 4. Courses required for post licensing at accredited schools.
  - 5. Courses offered by ACAR member companies.

**1000-18 COUNCIL ON OR/NAR LEADERSHIP DEVELOPMENT**

The Council on OR/NAR Leadership Development will identify, recruit and develop ACAR member candidates for leadership positions at OR or NAR. The Council will consist of at least 7 and no more than 10 REALTORS® including a Chair and vice Chair to be appointed by the President and approved by the Board of Directors. The Council will meet as necessary. The Council will identify opportunities for ACAR representation at OR and NAR. Council members running for elected office shall step down from the Council until their candidacy is completed. Candidates will attend the Council meetings as directed by the Chair. If a Council member's candidacy is completed during the current calendar year, the Council member would be eligible for reinstatement to the Council for the remainder of the year. Members missing 3 meetings in a calendar year will effectively resign from their position on the Council.

**1100 MODIFICATION OF RULES AND REGULATIONS**

**1100-1 ADOPTION, AMENDMENT, AND SUSPENSION OF RULES AND REGULATIONS**

ACAR Rules and Regulations may be adopted by a majority vote without notice at any regular or special meeting of the Board of Directors provided that a quorum is present. They may be amended or rescinded with notice by a majority vote or without notice by a 2/3 vote at any regular or special meeting of the Board of Directors providing a quorum is present. Individual rules and regulations may be suspended temporarily for the duration of a particular meeting by a majority vote.

## **1100-2 BYLAWS AND RULES AND REGULATIONS**

Rules and Regulations yield to Bylaws and may not contradict or stand in opposition to Bylaws provisions.

## **1100-3 MOTIONS TO BE IN WRITING**

All motions intended to create a new rule or to amend an existing rule shall be submitted in writing to the presiding officer prior to the making of the motion. All amendments to these motions shall also be submitted in writing to the presiding officer prior to making the amendment. Before the rule change or creation is voted upon, the presiding officer shall read the final wording of the motion to be adopted. The minutes shall record this wording.

## **1200 ELECTRONIC LOCKBOX SYSTEM**

The Electronic Keybox System shall be a member service of ACAR.

### **1200-1 MEMBERSHIP**

REALTOR® or Affiliate members in good standing of any REALTOR® Association of REALTOR®-owned MLS are eligible to participate in the Electronic Keybox System and to hold a SUPRA key provided they comply with all rules and regulations.

New members who participate within 90 days following completion of their membership requirements will only have to pay half of the current keypad Issuance Fee.

Eligible applicants may apply to participate in the Electronic Keybox System as follows:

1. Verify membership in a REALTOR® Association or REALTOR®-owned MLS;
2. Agree to lease agreement by signing invoice;
3. Lease of equipment (including used lockboxes);
4. Payment of key issuance fee (applicable after conversion dates non-refundable);
5. Payment of semi-annual display key usage fee (non-refundable) or monthly payment for e-key.

The annual key lease fee shall be in such amount as established annually by based upon the contract and includes CPI increases. ACAR reserves the right to charge member and non-member pricing.

## **1200-2 ELECTRONIC KEYBOX AND KEY EQUIPMENT**

Any number of keyboxes may be purchased from ACAR at the current contract price plus any applicable tax and shipping and handling costs.

REALTORS® are encouraged, but not required to use the electronic keybox on listed property. However, written permission from the seller or, if applicable, any tenant in possession of the property, is required. The electronic keyboxes are not designed nor marketed as a security system.

The key may be leased from ACAR at the current contract lease key fee plus any applicable tax.

No one shall be required to lease a key from ACAR. Possession of a key, constitutes, acknowledgement that the keyholder has read, understands, and agrees, to the Rules and Regulations governing the operation of the system.

## **1200-3 LICENSED PERSONAL ASSISTANTS**

Licensed personal assistants who are REALTOR® members of ACAR working on behalf of another REALTOR® member of ACAR may transfer ownership of keypad to his/her successor upon termination of the position as personal assistant, when the following conditions are met:

- A. REALTOR® being assisted pays all fees when keypad was issued.
- B. Licensed personal assistant being replaced signs release so keypad may be reissued.
- C. New personal assistant agrees to sign new lease agreement.
- D. REALTOR® being assisted agrees to pay future annual fees billed by for the keypad.
- E. REALTOR® being assisted and his/her broker signs form verifying the personal assistant is using the keypad for business conducted for the REALTOR®.

## **1200-4 TRANSFER OR TERMINATION OF MEMBERSHIP TRANSFER**

If a key holder transfers to a different company, the keyholder is responsible for notifying the association office within 48 hours of such action. There is no cost to a member to transfer, but failure to comply with the transfer procedure will result in deactivation of the key and a \$25 charge to reactivate the key.

Termination:

If a keyholder decides to: a) no longer participate in the Electronic Key Box System or b) no longer remains an active, licensed sales agent or licensed or certified appraiser, or c) no longer is employed by an Affiliate Member, the keyholder is responsible for notifying the System Administrator at the association office within 48 hours of such action. NOTE: The key cannot be transferred to anyone.

In the case of discontinuing the service, the keyholder is responsible for turning in his/her key and any leased key boxes into the System Administrator and for fulfilling any other responsibilities for all equipment damages.



NOTE: An agent may, alternatively, assign his/her inventory of leased key boxes to another agent and avoid any future keybox financial responsibility. This assignment must be reported to the System Administrator within 48 hours of transfer and any outstanding fees owed must be paid by the resigning keyholder.

#### **1200-5            LOST OR STOLEN KEYS**

If a key is lost or stolen, a keyholder must notify ACAR immediately. ACAR will take any steps deemed necessary to re-secure the system.

If the loss or divulging of the identity number of the key causes the security of the system to be breached, the keyholder or responsible person or entity thereof may be required to pay liquidated damages to offset some of the costs in re-establishing the security of the overall Electronic Key Box System if it is determined the security has been compromised through the negligence or fault of the keyholder.

Any member who loses a keypad will be charged a replacement fee of \$150 for a display key or e-key shell and \$99 for a cradle per section 4.3 of the contract unless the member has purchased key insurance. If member subsequently finds the lost keypad, a full refund will be issued upon return of the second keypad minus the current dues if keypad was not paid for during the current billing cycle.

#### **1200-6            EQUIPMENT DEFECTS**

If a key breaks due to defects in workmanship or materials the keyholder will be issued a new key at no charge.

If a key breaks or is damaged due to misuse, the keyholder shall be responsible for the replacement of the key and the replacement fee.

#### **1200-7            RULES**

- A. It shall be the responsibility of all Keypad users to acquire written authorization from the property owner prior to placement of a keybox on a property. Such permission exists via the use of the Exclusive Right to Sell Agreement.
- B. All keypad users must follow the showing instructions in the MLS to register and get permission to access a property using the keypad.
- C. No one, including but not limited to REALTORS®, authorized Affiliate Members, or licensed assistants and clerical staff shall use a key leased to another person, with or without their permission.
- D. Each member shall maintain a log of each key box showing the number of the key box, address on which the key box is placed, listing agent for that property, the date the box is placed on the property and the date the box is removed.
- E. If a keyholder transfers to a different company, the keyholder is responsible for notifying the System Administrator of such action within 48 hours.

- F. If a keyholder transfers to a different Board/Association within , the keyholder is responsible for notifying the System Administrator at the new Board that he/she is joining of such action within 48 hours in order to get the keypad transferred to the Board/Association's KIM System.
- G. If a keyholder leaves the business or ceases his/her affiliation with a REALTOR® Association or REALTOR®-owned MLS he/she must notify the association within 48 hours and the keyholder will be removed from the system.

**1200-8 FINES**

Any keyholder or responsible person/entity thereof for such keyholder may be brought before the ACAR Board of Directors for review and possible punitive action, including monetary fine and/or suspension from the keybox system for any violation of the Keybox Rules and Regulations.

- a. A \$25 fine will be imposed on members who use their key and enter a property without first calling the listing office for an appointment. If a member fails to contact the listing agent/broker, the listing agent/broker can file a complaint with the Board of Directors by contacting the System Administrator at the Association office. To file a complaint, the listing agent/broker must complete a complaint form, provide copies of the activity printout from the keybox in question and provide copies of the broker's showing log.
- b. A \$100 fine will be imposed on members who give out their key for use by another person.
- c. A \$100 fine will be imposed on a member who uses a key leased to another person, with or without their permission.
- d. Repeated offenses may result in suspension of membership and/or service.

**1200-9 ENFORCEMENT OF RULES AND REGULATIONS**

The ACAR Board of Directors will enforce the provisions of the Keybox/Keysafe Rules and Regulations and shall have the authority to amend these Rules and Regulations from time to time.

If the alleged offense is a violation of the Rules and Regulations of the service and does not involve a charge of alleged unethical conduct or request for arbitration, it may be administratively considered and determined by the Board of Directors of the service, and if a violation is determined, the Board of Directors may direct the imposition of sanction, provided the recipient of such sanction may request a hearing before the Professional Standards Committee of the ACAR in accordance with the *NAR Code of Ethics and Arbitration Manual* within 20 days following receipt of the Directors' decision.

If, rather than conducting an administrative review, the MLS has a procedure established to conduct hearings, any appeal of the decision of the hearing tribunal may be appealed to the Board of Directors of the MLS within 20 days of the tribunal's decision. Alleged violations involving unethical conduct shall be referred to the Professional Standards Committee of ACAR for processing in accordance with *NAR Code of Ethics and Arbitration Manual*. If the charge alleges a refusal to arbitrate, such charge shall be referred directly to the Board of Directors.

**1300 SOCIAL MEDIA**

**1300-1 APPROVED SOCIAL MEDIA CHANNELS & WEB APPLICATIONS**

ACAR may actively participate in the following social media channels and web applications: ACAR's official website, [www.acar.com](http://www.acar.com); Facebook; Twitter, LinkedIn, Instagram, Pinterest, and YouTube. Joining additional social media channels or creating additional websites must be approved by the Board of Directors.

### **1300-2 ACAR MEMBERS OBLIGATIONS**

REALTOR® and Affiliate members who participate in social media are expected to adhere to ACAR's Rules & Regulations and Bylaws, the Articles of the Code of Ethics of the NAR. REALTOR® and Affiliate members are reminded of their responsibilities to abide by the Canons of Ethics of the State of Ohio, license law contained in the Ohio Revised Code, all other local, state and federal laws and regulations governing the real estate industry including but not limited to Anti-Trust, RESPA, Fair Housing, Civil Rights, and Copyright. ACAR members shall adhere to the policies and restrictions as defined by each social media proprietor. In addition, REALTORS® are encouraged to follow the principles of the NAR Preamble to the Code of Ethics and the Pathways to Professionalism.

NOTE: The Ohio Division of Real estate has clarified that social media sites are considered a form of advertising when a real estate professional chooses to address real estate activities on such sites.

Guidelines for ACAR members are contained in the ACAR Social Media Best Practices Guide.

### **1300-3 ACAR STAFF**

ACAR's CEO shall oversee the creation and maintenance of ACAR's social media communication in accordance with the Rules & Regulations and Employee Handbook sections governing same. The CEO may delegate administrative duties to staff liaisons assigned to provide support to ACAR's various organizational subgroups such as boards, committees, divisions, forums, task forces, presidential advisory groups, etc.

All communication and content shall be owned by ACAR.

Please see "Social Media Guidelines" in ACAR's Employee Handbook for further rights and restrictions.

### **1300-4 ACAR GROUPS**

All ACAR's official organizational subgroups as defined in the Rules & Regulations or created by the President and approved by the Board of Directors may engage in social media communication. Privacy settings and group parameters (closed vs. open) shall be used to protect the confidentiality and activity of the group where appropriate and defined by the Rules & Regulations.

ACAR's President, CEO and Committee, Task Force, Forum and Council chairs will have the administrative rights for their respective groups during the period in which they hold office. Upon assuming the administrative rights for an ACAR group or page, they agree to abide by the recommendations in the ACAR Social Media Best Practices Guide.

ACAR Events, Programs, and Services shall be marketed per ACAR Social Media Best Practices Guide.

**1300-5 IS/ALERT COMMUNICATION**

The CEO, President and legal counsel shall jointly discuss and determine the plan of action and message in the case of a is or need for an urgent alert. Alerts will be issued electronically if possible or by any means available. The President shall serve as the official spokesperson for ACAR. In the event the President is unable or unwilling to speak on behalf of ACAR, the hierarchy as defined in Section 1100.02 – “Official Spokesperson for ACAR” shall apply.

**1300-6 MEMBERSHIP ACCESS TO CLOSED GROUPS AND PAGES**

ACAR Member-only groups and pages will be accessible only by members in good standing. ACAR staff will monitor members-only sections/sites and will terminate access monthly. Members reinstating after a month will be invited to rejoin the sections/sites.

Access to division, forum and task force groups and pages will be monitored at least weekly. Upon resignation or termination of a member from a committee assignment, staff liaison will remove the member from the group or page immediately.

**1300-7 ACAR MEMBERSHIP MAILING LIST ACCESS**

The ACAR membership mailing list is a confidential document. Membership contact information will not be sold or shared

**1300-7 ARTICLE, BLOG AND ONLINE CONTRIBUTIONS**

ACAR encourages REALTORS® and affiliate members to contribute news-worthy and educational information via its website blogs, e-news articles and social media posts. ACAR may publish contributions involving real estate related material unless it:

- A. Contains language ACAR staff considers offensive or inappropriate, or contrary to ACAR’s governing documents or Code of Ethics;
- B. Is not relevant to the post/group/page;
- C. Is purely a commercial, including spam;
- D. Violates on trademark or copyright laws;
- E. Recruits or advertises job opportunities for specific companies or franchises.

**1300-8 RPAC**

RPAC-related information on the website and social media sites are subject to federal and state election laws. Therefore, administrative rights shall be limited to ACAR’s Government Affairs Director and CEO. The RPAC sites will be limited to:

- A. General information about RPAC, such as contact information and staff
- B. General information about RPAC events
- C. RPAC financial information such as how much has been contributed or the number of contributors in a given period.
- D. Information about which candidates have received RPAC contributions.

- E. A description of the restrictions under which RPAC operates, such as the members who may be solicited to contribute to RPAC or who determines which candidates receive funding.

All solicitations and communication that constitute a solicitation will only be made via a password protected area limited to the members who may be lawfully solicited. Solicitations include any communication which encourages support of RPAC activities or facilitates the making of contributions. Facilitation of the making of contributions include providing information on how individuals may contribute to RPAC, such as including an address where contributions are to be sent or a link where a contributor may give online.

RPAC's may solicit from members including non-corporate members of NAR and their families, executive, administrative and management personnel of the local, state or national associations of REALTORS® and their families. Member means all individuals who currently satisfy the requirements for membership in any one of the local, state or national associations and regularly pay dues.

Information about ACAR's RPAC event must include only the details of when and where the event will be held. Cost to attend may not include any RPAC contribution.

### **1300-9 USER COMMENTS LIABILITY**

ACAR will follow the provisions of the Communications Decency Act regarding Immunity for Online Publishers which requires the two rules below:

- A. ACAR will not specifically solicit comments in a way that incites derogatory comments.
- B. ACAR will not edit the content of user comments. Rather, it will decide to either publish a comment intact or delete it.
- C. If ACAR is notified of defamatory content of a comment, it will delete the comment.

### **STRUCTURE AND GUIDE TO THIS DOCUMENT**

Rules and Regulations are rules that

- A. Establish the policies which govern the business and fiscal affairs, the administration, and the daily operations of ACAR;
- B. Are adopted by the Board of Directors as main motions by a majority vote without notice and continue in force until they are amended or rescinded;
- C. Are amended or rescinded with notice by a majority vote or without notice by a two-thirds vote;
- D. Can be suspended temporarily by a majority vote for the duration of a meeting;
- E. Are generally adopted individually as they are needed by an organization.

**Structure:** the rules in this document are placed under eleven categories numbered from 100 to 1100. Each rule within a category is assigned a number starting with one and that rule number follows the dash after the category number. For example, the entry 200-3 is the third rule under category 200 Regulation of Building and Events. In addition, each rule has an identifying title in **BOLD UPPERCASES** print. Major sections of a rule are assigned capital letters. Subsections have lowercase letters and parts use Arabic numerals in a single parenthesis.

If a subject is given full treatment in the ACAR Bylaws, the material is not normally repeated in the Rules and Regulations. Sometimes, however, the details of a subject are reserved for the Rules

and Regulations to avoid cluttering the Bylaws with administrative procedures. The reader is advised to consult both the Bylaws and the Rules and Regulations when attempting to understand a subject. J. Williams, PRP, 5/3/05  
Approved by the Board of Directors 5-25-2017.