



North Dakota Association of REALTORS®

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2004-2005

BOARD OF DIRECTORS

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Bismarck/Mandan:

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Steve Lunde, CRS, GRI
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Jamestown:

Scot Nething

Minot:

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Williston:

Arlene Hickel, CRS, GRI

EXECUTIVE VICE PRESIDENT

Claus Lembke, CAE

ASSISTANT AE/OFFICE MANAGER

Jill Beck

ADMINISTRATIVE ASSISTANT

Moni Krantz

Bylaws Committee

December 2, 2004

Doublewood Inn

Bismarck, ND

MEETING MINUTES

Present: Ed Knuth, Denise Vormestrand, Ninetta Wandler (Acting Chair)

Absent: Kari Myhre, Janelle Kerr, Gene Eggen, Terry Stevahn

Guests: Dave Lanpher, Scot Nething, Pat Gagnon, Jerry Youngberg, Lisbeth Fandrich, Steve Lunde

Staff: Jill Beck

Acting Chair Ninetta Wandler called the meeting to order. (Chair Kari Myhre was absent and policy calls for a Past President to chair this committee)

The Committee members and guests were introduced and the job description was reviewed.

Bylaws changes recommended by NAR were reviewed as follows:
Bylaws addition proposal in regards to the Code of Ethics training was reviewed. The proposal was accepted with the addition of the following wording: "180 days of the date of application will result in denial." (M/S/C)

The committee made a recommendation to forward the proposal to the Board of Directors for approval of the Code of Ethics addition as presented. (M/S/C) (attached)

The committee recommended to forward the proposed Bylaw change to add the MLS at Large as a committee of an all REALTOR® Board to the Board of Directors to adopt the MLS Bylaws as presented. (M/S/C) (attached)

The meeting was adjourned.

Respectfully submitted,

Jill Beck



Proposed changes to Bylaws regarding 4-year Code of Ethics requirement

Section 4. New Member Code of Ethics Orientation . Applicants for REALTOR® and REALTOR-ASSOCIATE® membership shall complete an orientation program on the Code of Ethics of not less than two hours and thirty minutes of instructional time. This requirement does not apply to applicants who have completed comparable orientation in another association, provided that membership has been continuous, or that any break in membership is for one year or less.

Failure to satisfy this requirement within 180 days of the date of application will result in denial of the membership application.

Note: This orientation program must meet the learning objectives and minimum criteria established from time to time by the National Association of REALTORS®.

Section 5. Continuing Member Code of Ethics Training . Effective January 1, 2001, through December 31, 2004, and for successive four year periods thereafter, each REALTOR® and REALTOR-ASSOCIATE® member of the association shall be required to complete quadrennial ethics training of not less than two hours and thirty minutes of instructional time. This requirement will be satisfied upon presentation of documentation that the member has completed a course of instruction conducted by this or another association, or the NATIONAL ASSOCIATION OF REALTORS®, or any other recognized educational institution or provider which meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to time. Members who have completed training as a requirement of membership in another association and members who have completed the New Member Code of Ethics Orientation during any four year cycle shall not be required to complete additional ethics training until a new four year cycle commences.

Failure to satisfy this requirement shall be considered a violation of a membership duty for which REALTOR® membership shall be suspended until such time as the training is completed.

Board Bylaw Provisions Authorizing MLS as a Committee of an All REALTOR® Board

Article III, Sect 1(b)

Section 1—Authority: The Board of REALTORS® shall maintain for the use of its members a Multiple Listing Service, which shall be subject to the bylaws of the Board of REALTORS® and such rules and regulations as may be hereinafter adopted.

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

Section 3—Participation: Any REALTOR® of this or any other Board who is a principal, partner, corporate officer, or

branch office manager acting on behalf of a principal, without further qualification, except as otherwise stipulated in these bylaws, shall be eligible to participate in Multiple Listing upon agreeing in writing to conform to the rules and regulations thereof and to pay the costs incidental thereto. However, under no circumstances is any individual or firm, regardless of membership status, entitled to Multiple Listing Service "membership" or "participation" unless they hold a current, valid real estate broker's license and are capable of offering and accepting compensation to and from other Participants or are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property. Use of information developed by or published by a Board Multiple Listing Service is strictly limited to the activities authorized under a Participant's licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey "participation" or "membership" or any right of access to information developed by or published by a Board Multiple Listing Service where access to such information is prohibited by law.

Note 1: The requirements of (1) no record of recent or pending bankruptcy; (2) no record of official sanctions involving unprofessional conduct; and (3) completion of a course of instruction on the MLS rules and regulations.

Note 2: The MLS Committee shall consider the following in determining an applicant's qualifications for MLS participation or membership:

1. all final findings of Code of Ethics violations and violations of other membership duties in any other Association within the past three (3) years
2. pending ethics complaints (or hearings)
3. unsatisfied discipline pending
4. pending arbitration requests (or hearings)
5. unpaid arbitration awards or unpaid financial obligations to any other Association or Association MLS.

Section 4—Supervision: The activity shall be operated under the supervision of the Multiple Listing Committee in accordance with the rules and regulations, subject to the approval of the Board of Directors of the Board of REALTORS®.

Section 5—Appointment of Committee: The President shall appoint, subject to confirmation by the Board of Directors, a Multiple Listing Committee of 5 REALTOR® members. (1 from the Board of Directors plus 4 broker members at large) The Committee members so named shall serve three-year staggered terms.

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

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

Section 8—Access to Comparable and Statistical Information: Board members who are actively engaged in real estate brokerage, management, mortgage financing, appraising, land development, or building, but who do not participate in the MLS, are nonetheless entitled to receive, by purchase or lease, all information other than current listing information that is generated wholly or in part by the MLS including "comparable" information, "sold" information, and statistical reports. This information is provided for the exclusive use of Board members and individuals affiliated with Board members who are also engaged in the real estate business and may not be transmitted, retransmitted, or provided in any manner to any unauthorized individual, office, or firm except as otherwise specified in the MLS rules and regulations. Board members who receive such information, either as a Board service or through the Board's MLS, are subject to the applicable provisions of the MLS rules and regulations whether they participate in the MLS or not.

Section 9—Subscribers: Subscribers (or users) of the MLS include non-principal brokers, sales associates. Licensed and certified appraisers may be subscribers and full members of the MLS if they are REALTOR® members.