

# Policy and Procedure Manual

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Athens Area Association of REALTORS® and  
CLASSIC MLS, Inc.

1/10/2020

## **ATHENS AREA ASSOCIATION OF REALTORS®, INC.**

The Athens Area Association of REALTORS®, Inc., is a non-profit organization chartered in 1958. The Athens Area Association of REALTORS® (AAAR) is a professional trade association organized to unite those engaged in the real estate profession in this community and to promote and maintain high standards of conduct in the real estate profession.

AAAR is an ALL REALTOR® board. This means that all of our members are classified as REALTORS®. There are currently two membership classifications in the Association. These include:

**REALTOR® MEMBERS** - Individuals who are sole proprietors, partners, corporate officers, or branch office managers, are engaged actively in the real estate profession, including buying, selling, exchanging, renting or leasing, managing, appraising for others for compensation, counseling, or building, developing or subdividing real estate, and who maintain or are associated with an established real estate office in the state of GEORGIA.

**AFFILIATE MEMBERS** - Real estate owners and other individuals or firms who, while not engaged in the real estate profession as defined in the bylaws, have interests requiring information concerning real estate, and are in sympathy with the objectives of the Association. Affiliate Membership shall also be granted to individuals licensed or certified to engage in real estate practice who, if otherwise eligible, do not elect to hold REALTOR® membership in the Association, provided the applicant is engaged exclusively in a specialty of the real estate business other than brokerage of real property.

### **ORGANIZATIONAL STRUCTURE**

AAAR is a 501(c) (6) corporation. The corporation owns the CLASSIC MLS, Inc. which is a for-profit corporation. The Association can ultimately control the business of the MLS by denying approval of governing documents and monetary policies.

The CEO is hired by the AAAR Board of Directors and is answerable to that Board (corporately). The staff is hired by the CEO and each is answerable to the CEO.

### **QUALIFICATION FOR MEMBERSHIP**

An applicant for REALTOR® membership must be licensed to sell real estate in the State of Georgia or licensed by the appropriate state agency as an appraiser. He/she must be affiliated with a REALTOR® who is an active member of the AAAR must have written recommendation of said REALTOR® and must be knowledgeable of the Bylaws, Rules and Regulations of the AAAR, the Georgia Association of REALTORS®, and the National Association of

REALTORS®.

An applicant, by making application for membership, gives consent that the Board may invite and receive information and comments about applicant. All information received will be treated as privileged information. All applicants are required to attend orientation as specified in the AAAR bylaws

Any member can be reprimanded, fined, suspended or expelled by the board of Directors for violations of the Code of Ethics, and the Bylaws and Rules and Regulations of the National, Georgia and Athens Area Association of REALTORS®.

### **BUSINESS PARTNER MEMBERSHIP**

To offer member benefits to AAAR's members, company MUST join as an official AAAR Business Partner, however if you are one of the following: MLS Companies / Vendors or Real Estate Schools AAAR shall now allow them to join as a Business Partner Member.

### **ASSOCIATION OFFICE HOURS**

The Association Office hours are 8:00 a.m. - 4:00 p.m.

### **BOARD OF DIRECTORS ABSENTEE**

1. Roll call will be taken at each Board of Directors meeting. (Attendance shall be on an annual basis.)
2. Should a Board of Director Member miss a meeting; they are required to submit a letter explaining their absence prior to the meeting or by the next scheduled Board of Directors meeting.
3. Once a member has missed 3 meetings, a letter shall be sent notifying the member that their absence has been construed as resignation as per the AAAR Bylaws. In addition, the letter shall notify the individual of their option to appeal to the Board of Directors for reinstatement.
4. Should the member wish to appeal; they must do in writing and indicate their desire to personally appear before the Board of Directors. The Board of directors shall consider the appeal, taking into consideration the letters that were submitted when the individual missed the meetings. The Board of Directors has the authority to deem the absences valid and allow the member to remain on the Board.
5. If the member misses a fourth meeting after having been reinstated, the member shall be considered resigned.
6. The Board of Directors shall have the right to grant extenuating circumstance privileges on an individual basis.
7. The Board of Directors shall have the authority to govern habitual tardiness or early departure of Board Members.

### **CHAMBERS OF COMMERCE**

AAAR shall be a member of each Chamber of Commerce that falls within the jurisdiction of the AAAR. The CEO shall be the member.

### **CHANGE IN COMPANY OR MEMBERSHIP STATUS**

Please notify the Association immediately if you change companies or go on inactive status. Address changes to the National and Georgia Associations must be sent in through the Athens Area Association of REALTORS®. Agents may upgrade their membership from “agent” to “broker” within thirty days of application by paying the difference between the two application fees.

### **COMMUNICATIONS**

The official vehicle of communications for AAAR is a monthly newsletter to be distributed electronically. In addition, AAAR maintains a website and takes advantage of up to date technologies such as the various social media tools.

### **CONFIDENTIALITY**

It shall be the policy of the Athens Area Association of REALTORS® that discussions and communications of the Board of Directors can be deemed confidential by the President, the CEO or by motion of any Board of Director member. Such discussions and communications between members of the Board of Directors concerning the business of the Association, whether such discussions or negotiations occur in executive session of formal meetings or through confidential communication outside the meetings of the Board of Directors of the Association, or otherwise, shall remain confidential and shall not be discussed or disclosed to any member or non-member of the Board of Directors of the Association, unless the Board, by formal resolution, authorizes such disclosure. Disciplinary Action by the Board of Directors shall be in accordance with the Bylaws and be handled through the Professional Standards Due Process Procedures.

### **COMMITTEE REPORTING**

All activities of Standing and Special Committees must be approved by the Board of Directors of the Athens Area Association of REALTORS® prior to implementation.

### **DISCRIMINATION**

The Athens Area Association of REALTORS® does not discriminate in its membership or hiring policies.

### **EQUIPMENT RENTAL**

The Athens Area Association of REALTORS® does not rent or loan out office equipment including the digital camera, the projector, laptop computers, and more.

### **FLYERS AND ANNOUNCEMENTS AT GENERAL MEMBERSHIP**

Board affiliated organizations/groups that wish to promote an announcement to members attending the General Membership Meeting may do so by placing flyers on a table designated for such purposes. The table will be set up at the back of the meeting room. Flyers may not be placed on the dining table.

Should an organization/group wish to make an announcement at the General Membership meeting, the request must be made in writing to the President or CEO no later than the Tuesday prior to the meeting. The President reserves the right to approve or deny the request.

### **GRIEVANCE/PROFESSIONAL STANDARDS**

As REALTORS® we are held to uphold the Code of Ethics through the process of Professional Standards. The Athens Area Association of REALTORS® has partnered with The Georgia Association of REALTORS® Statewide Professional Standards Committee to administer all of the Board's Grievances and Professional Standards hearings.

### **INDEPENDENT CONTRACTOR FORMS**

A written agreement must exist between the salesperson and the person for whom he works. This agreement must provide that the salesperson will not be treated as an employee with respect to such services for federal tax purposes. Independent contractor forms are available through your broker. Please be sure to sign one of these forms if you are working on an independent contractor basis.

### **KEYS TO THE BUILDING & ALARM CODES**

The CEO holds the keys and the security access code to the Association and may assign keys and code to appropriate staff and cleaning crew.

### **KEY/LOCKBOX LEASES**

Key and Lockbox leases shall be billed annually.

### **LEGISLATIVE AFFAIRS RELATED ISSUES**

The AAAR President has the authority to approve Legislative issues and/or campaigns to be sent to the membership from the Legislative Affairs Committee. It is the Presidents discretion as to if the issue should be sent by way of email to the Board of Directors for input.

### **MEMBERSHIP ROSTERS**

AAAR only provide its membership rosters to current members of the Association. Membership rosters are not available for sale.

### **MEETING AGENDAS**

The President has the final approval for the Board of Director and General Membership Meeting Agendas. Should a member wish to place an item on the agenda, said item must be submitted to

the CEO or the President no later than the Tuesday prior to the meeting date. No item will be placed on the agenda from the floor.

### **MEETING MINUTES**

Minutes shall be taken at all committee meetings, board of director meetings and at the annual general membership meeting or any general membership meeting at which a vote will be taken. Minutes are retained at the Association. Minutes shall only record action items (motions) and important informational items with such minimum explanation as is absolutely necessary to make the action clear.

### **MEMORIALS**

Should a member die, staff shall send a \$25 donation to the Georgia Association of REALTORS® Scholarship Foundation.

### **NEW MEMBER RECOGNITION**

Only those members that sign in at the General Membership meeting will be recognized. Business Partner Members will receive a new member packet and certificate. REALTORS® will receive their lapel pin.

### **PARKING**

Parking in the AAAR lots are for AAAR members only. The AAAR parking lots are not made available for lease unless approved by the Board of Directors. Non-member vehicles that are parked in the AAAR lots will be towed at the owner's expense.

### **PUBLICITY**

Requests for information from media regarding REALTORS® and/or the Association shall be forwarded to the President or the CEO. If said person approves the dissemination of information to the media, he/she may do so either directly or through the CEO in accordance with the provisions of the following:

The President or CEO supplying the information to the media shall do so only in writing, with instructions to the media that reproduction, either orally or in print, must be exactly as written.

Only the Board President and the CEO have the authority to speak to the media on behalf of the Association for interviews.

Requests for speakers or other resources relative to AAAR shall be coordinated through the CEO.

The CEO has the authority to submit letters to the editor, press releases, social media postings or

other public relation type media at their discretion to enhance the image of REALTORS® or to support a REALTOR® cause.

Advertising, information, or publicity of any type or in any form shall not be endorsed by the Athens Area Association of REALTORS, unless it shall be of, about or for the entire Board membership, inclusively, or directly related to Board business. All advertising must be approved by the CEO.

Requests for information regarding individual members or member offices may be answered by supplying the requesting party with the office telephone number and address of the office or member in question.

### **REFERRALS AND RECOMMENDATIONS**

AAAR does not respond to requests from the general public for references or recommendations of individual members. AAAR will confirm if a person is a current member of the Association.

### **RAFFLES AND PR RELATED ITEMS FOR SALE**

All raffles and items for sale at the General Membership meeting must be held outside of the meeting room

### **RESERVATIONS**

It is the policy of AAAR to charge all individuals making reservations with a cost associated unless proper written cancellation is received as posted per event.

### **REVIEW OF CORPORATE RECORDS BY MEMBERS**

- A. In accordance with O.C.G.A. § 14-3-1602, *et seq.*, members of the Athens Area Association of REALTORS® (the "Association") may inspect and copy certain records of the Association.
1. The following records shall be maintained by the Association and be available for inspection:
    - (a) Articles of Incorporation and all amendments thereto currently in effect.
    - (b) Bylaws and all amendments thereto currently in effect.
    - (c) Resolutions adopted by either Members or the Board of Directors which
      - (i) Increase or decrease the number of directors or change the classification of directors.



- (ii) Relate to the characteristics, qualifications, rights, limitations, and obligations of members or any class or category of members.
  - (d) Minutes of all meetings of Members (or executed consents evidencing all actions taken or approved by the Members without a meeting) for the past three years.
  - (e) All communications in writing or by electronic transmission to the Members generally within the past three years, including the financial statements furnished for the past three years.
  - (f) A list of the names and business or home addresses of the current directors and officers.
  - (g) The Association's most recent annual registration delivered to the Secretary of State pursuant to O.C.G.A. § 14-3-1622.
  - (h) Application to the Internal Revenue Service for tax-exempt status, all correspondence regarding the application, and the tax exemption determination letter.
  - (i) Internal Revenue Service Form 990 (Annual Information Return for Tax Exempt Corporations) and all schedules for the three (3) preceding years.
2. A Member shall also be entitled to inspect and copy, any of the records listed below of the Association (“Special Records”) if the Member meets the requirements to inspect Special Records set for the below:
- (a) Excerpts from minutes of any meeting of the board of directors, records of any action of a committee of the board of directors while acting in place of the board of directors on behalf of the corporation, minutes of any meeting of the members, and records of action taken by the members or the board of directors without a meeting;
  - (b) Accounting records of the corporation.
  - (c) The membership lists.
3. A member may inspect and copy the Special Records only if:
- (a) The Member’s demand is made in good faith and for a proper purpose that is reasonably relevant to the Member’s legitimate interest as a member.

- (b) The Member describes with reasonable particularity the purpose and the records the Member desires to inspect.
- (c) The records are directly connected with this purpose.
- (d) The records are to be used only for the stated purpose.
- (e) The Member complies with the procedures set forth in Section 4 below.

4. In order to inspect any records of the Association, the member must first give the Association written notice of his or her desire to inspect the records at least five (5) business days prior to the requested date of inspection. Inspections will be allowed during normal business hours and at the primary office of the Association only.

An Association employee shall remain in the presence of the Member requesting to review the above records. The Member shall have the right to copy or take notes during the inspection and shall permit the Member to bring his or her own equipment to copy or scan the records. Members shall be allowed a reasonable amount of time to review the, requested records. No records shall be removed from the primary office.

The Association's shall provide copies of documents requested by the Member. The Member requesting copies shall be charged \$1.00 for the first page and \$0.15 for each additional page.

The Association shall also mail or deliver copies of requested records to the Member if the Member requests that they be mailed or delivered. In such event, the Member shall be charged with the actual cost to mail or deliver the records by any reasonable means specified by the Member.

If the records requested to be copied by the Member cannot be reasonably copied during the allotted time for the inspection, the Member can, at the election of the Member, either return the next business day to the office where the records are kept and at a time specified by the Association to pick up the copies of the records or request that they be mailed or delivered to the Member. In such event, the Association shall mail or deliver the copies no later than the next

business day by any reasonable means specified by the Member. The actual cost of mailing or delivering the copies of the records shall be paid by the Member.

5. The above requirements shall not affect:
  - (a) The right of a Member to inspect records if the Member is in litigation with the corporation, to the same extent as any other litigant.
  - (b) The power of a court, independently of this chapter, to compel the production of corporate records for examination.

**SMOKING**

We respectfully request that no one smoke in the Association Office.

**TRAVEL POLICY FOR BOARD OFFICERS**

TRAVEL ARRANGEMENTS;

Travel Arrangements are to be made by the individual unless otherwise notified by the CEO.

REIMBURSEMENTS;

State Directors	Cost of early bird registration for each GAR meeting subject to meeting attendance (*)
AAAR Vice Presidents	Up to budgeted amount per NAR and GAR meetings subject to meeting attendance (*)
AAAR President Elect	100% of Travel as annually budgeted- Split 50/50 between AAAR & MLS for GAR Inaugural Meeting, GAR Annual Convention, NAR Mid-Year meeting, NAR Annual Convention, and NAR Leadership Meeting. (*)
AAAR President	100% of Travel as annually budgeted - Split 50/50 between AAAR & MLS for GAR Inaugural Meeting, GAR Annual Convention, NAR Mid-Year meeting, NAR Annual Convention. (In addition, MLS meetings such as Inman, Connections, and the CMLS Conferences may be included if the MLS

elected officials are attending and the meetings have been budgeted.) (\*)

MLS President

100% of Travel as annually budgeted - for GAR Inaugural Meeting, GAR Annual Convention, AEI, NAR Mid-Year meeting, NAR Annual Convention. (In addition, MLS meetings such as Inman, Connections, and the CMLS Conferences may be included.) (\*)

MLS President Elect (VP)

100% of Travel as annually budgeted - for GAR Inaugural Meeting, GAR Annual Convention, NAR Mid-Year meeting, NAR Annual Convention. (In addition, MLS meetings such as Inman, Connections, and the CMLS Conferences may be included.) (\*)

Legislative Chairman

Per budgeted amount per year for NAR Mid-Year meeting (\*)

Chief Executive Officer

100% of Travel as annually budgeted - Split 50/50 between AAAR & MLS for GAR Inaugural Meeting, GAR Annual Convention, NAR Mid-Year meeting, NAR Annual Convention, AE Regional Conference, ASAE Annual Conference, and NAR AE Institute. (In addition, MLS meetings such as Inman, Connections, and the CMLS Conferences may be included if the MLS elected officials are attending and the meetings have been budgeted.)

*(\*) All Attendees that are too be reimbursed are required to attend meetings as assigned by the AAAR President and /or the CEO in order to receive their reimbursement for the travel.*

*(100% of budget includes Registration, Meals, Airfare, Mileage, Parking, Taxi's, Hotel Expenses, Tips, and Miscellaneous approved related items. All expenses are subject to review and approval by the Treasure and the Finance Committee. Receipts must be submitted along with a completed Expense Reimbursement Form. All reimbursement requests must be submitted within 90 days after end of travel.) (Budget is calculated based on the following; mileage: IRS rate permissible. Air: coach class ticket.)*

## **USE OF THE BOARD OFFICE AFTER BUSINESS HOURS**

Use of the Board Office facility for other than regular business purposes by members of the Athens Area Association of REALTORS®, Inc. and/or the public, is limited to real estate related or charitable benefit functions to be approved by the CEO of the Athens Area Association of REALTORS®, Inc. or the Board of Directors. Use during business and nonbusiness hours requires a lease to be signed.

### **WHISTLEBLOWER POLICY**

The Association requires that its operations be managed professionally, honestly, and in accordance with sound practices and the requirements of its Bylaws, Polices and Procedures. The purpose of this policy is to be a key defense against fraud occurring in an organization and to give constituents and staff the availability of a means to anonymously report suspected wrongdoing.

Federal law prohibits retaliation against whistle blowing with respect to a violation of a federal law or regulation, to include: Forgery or alteration of documents; unauthorized alteration or manipulation of computer files; fraudulent financial reporting; pursuit of a benefit or advantage in violation with the Association's conflict of interest policy; misappropriation or misuse of Association resources, such as funds, supplies, or other assets; authorizing or receiving compensation for goods not received or services not performed; authorizing or receiving compensation for hours not worked.

Any director, officer or member should report violations or suspected violations of this policy. Any member of the Association, who suspects that the policy is being violated, or suspects other irregularities or wrongdoing, shall immediately report the same to the CEO and/or the Association/MLS President. If the member is uncomfortable raising these issues with either of these persons for any reason whatsoever, the member shall report the same to any member of the Board of Directors.

The Whistleblower Policy is intended to encourage and enable directors, volunteers, and members to raise concerns within the Association for investigation and appropriate action. With this goal in mind, no director, officer or member who, in good faith, reports a concern shall be subject to retaliation. Moreover, a volunteer who retaliates against someone who has reported a concern in good faith is subject to discipline up to and including dismissal from the volunteer position.

### **ACTING IN GOOD FAITH:**

Anyone reporting a concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting, auditing practice, a violation of the Code of Ethics, or an Association policy, procedure or bylaw. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense

and may result in disciplinary action against the accuser.

**CONFIDENTIALITY:**

Reports of concerns, and investigations pertaining thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Disclosure of reports of concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline as outlined in The Association's Confidentiality and Non-Disclosure Policy and Agreement.

**PROCEDURES FOR VIOLATION OF CONFIDENTIALITY, CONFLICT OF INTEREST, AND WHISTLEBLOWER POLICY REPORTING RESPONSIBILITY:**

All directors, officers and members have an obligation to report violations or suspected violations of Confidentiality, Conflict of Interest, and/or Whistle Blowing Policies to the CEO, and or the Association/MLS President.

**AUTHORITY OF ADMINISTRATION AND OPERATIONS COMMITTEE AND HANDLING OF ALL REPORTED VIOLATIONS:**

All reported concerns will be forwarded to the Board of Directors in accordance with the procedures set forth herein. Same question as above.

The Board of Directors shall address all reported concerns. The CEO shall immediately notify the Board of Directors of any such report. The CEO will notify the sender and acknowledge receipt of the concern within five (5) business days, if possible. It will not be possible to acknowledge receipt of anonymously submitted concerns. All Reports will be promptly investigated by the Board of Directors and appropriate corrective action will be recommended, if warranted by the investigation to an appointed panel of five (5) members from the Board of Directors, whom did not serve on the original investigation panel to be selected by the Association/MLS President, or the highest ranking officer not included in the complaint. In addition, action taken must include a conclusion and/or follow up with the complainant for complete closure of the concern. The Board of Directors has the authority to retain outside legal counsel, accountants, private investigators, or any other resource deemed necessary to conduct a full and complete investigation of the allegations.

## **CLASSIC MULTIPLE LISTING SERVICE, INC.**

### **LISTING & EXTENSION AGREEMENT AUDIT**

Listings of real or personal properties are taken by Participants on Exclusive Right to Sell or Exclusive Agency forms subject to the Rules and Regulations of the CLASSIC MLS, Inc. Such forms shall be maintained by the Listing Broker and entered into the Multiple Listing Service within 48 hours after all necessary signatures of seller(s) have been obtained.

MLS Staff shall conduct a monthly audit randomly pulling 1% of all new listings. The Listing Brokers of those selected will have two (2) business days to submit the requested paperwork to the MLS. Failure to submit the paperwork will result in deletion of the listing and a fine. In addition, staff will audit those listings for which a complaint is received.

### **REPORTING ERRORS IN MLS**

Should a user of MLS run across an error in a listing, the user should report the listing to by way of the "Error Button". The Error Button sends a blind email to the listing agent and broker alerting them to the error. A copy of the email is sent to the MLS staff; however, the name of the sender is included. The sender should be specific and courteous in detailing the error.

### **RESPONDING / CORRECTING ERRORS IN MLS**

Once the error message is received, the agent/broker has 48 hours to correct the error. Failure to do so will result in an "Official MLS Violation Notification." Upon notification by the MLS to the agent/broker, the violation must be corrected within 2 days. Proof of the correction must be furnished to the MLS. If not corrected within this period, agent/broker will be charged a fine of \$5 per day per violation. Failure to pay will result in disruption of service. Appeals shall be made to the MLS Board of Directors within 30 days of the imposed fine.

### **THE FOLLOWING DISCLAIMER TO APPEAR ON ALL LISTINGS IN MLS:**

"This information has been provided by the seller, has not been verified by the broker, and is therefore not guaranteed."

### **GOVERNMENTS REQUESTING INFORMATION**

Government agencies requesting access and information from MLS must have a subpoena.

### **MOBILE HOMES**

If any part of the structure was ever a mobile home, the property type must remain a mobile home.