



**POLICY AND PROCEDURE MANUAL**

**RULES AND REGULATIONS**

ADOPTED: JANUARY 2007  
REVISED: FEBRUARY 2011

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**LAKELAND ASSOCIATION OF REALTORS® , INC.**  
**POLICY AND PROCEDURE/RULES AND REGULATIONS**

*DISCLAIMER*

Nothing in this manual is intended to conflict with the Charter and Bylaws of the Lakeland Association of REALTORS®, the Florida Association of REALTORS®, the National Association of REALTORS®, or with any local, state or federal law or regulation. In the event any policy does conflict, the higher authority shall prevail.

*INTRODUCTION*

This Policy and Procedure/Rules and Regulations may be changed from time to time as directed by the Board of Directors. Passed motions of the Board of Directors shall make said changes. The Policy and Procedures Manual is available on the LAR website at all times.

As changes to the Policy and Procedures Manual are approved, the members will be notified via e-mail that changes have been approved and that the new edition of the Manual is available on the web site. A master copy of the Manual will be maintained by the Association Executive indicating the most recent revision date. Master copies of the Policy and Procedures Manual will be retained for seven years providing for a record of changes.

*INDEMNIFICATION*

The Lakeland Association of REALTORS®, Inc. shall indemnify each and all its Directors, Officers, Staff and former Directors, Officers and Staff, against any expenses incurred by them, including legal fees or judgments and penalties rendered or levied against such a person in a legal action brought against any such person for action or omissions alleged to have been made by such person while acting in the scope and duties as a Director, Officer or Staff member of the Corporation, provided that such person did not act, fail to act, or refuse to act willfully with gross negligence or with fraudulent or criminal intent in regard to the matter involved in the action.

## **RESPONSIBILITIES AND DUTIES OF THE OFFICERS, DIRECTORS AND COMMITTEE CHAIRMEN**

### *PRESIDENT (Refer to Bylaws)*

1. The President shall enforce the observance of the Charter, Bylaws, and Policy and Procedures/Rules and Regulations of the Association, and advise, recommend, and propose those things to the Board of Directors that he/she considers necessary or beneficial to the members.
2. The President shall establish overall long and short-term organizational goals, objectives, and priorities in conjunction with the Board of Directors and Association Executive.
3. As the elected leader of the Association, the President shall stand ready to make decisions affecting the members on problems or issues from day to day.
4. The President shall carry out the instructions of the Board of Directors.
5. The President shall provide leadership to the Board of Directors, who sets policy and to whom the Association Executive is accountable.
6. The President shall become familiar with the operations and policies of the Florida Association of REALTORS® and the National Association of REALTORS®.
7. The President shall cooperate with the Florida Association of REALTORS® and the National Association of REALTORS® in joint programs and attend their conventions and appropriate meetings and shall accept the responsibilities as designated by each. The President will serve as the first voting director/~~delegate~~ to the Florida Association of REALTORS® and the delegate to the National Association of REALTORS®.
8. The President may attend all meetings of the Association.
9. The President shall chair the meetings of the Board of Directors and General Membership and approve the agendas.
10. In matters of business voted upon, other than by ballot, the President or presiding officer may only cast a vote to break a tie. In case of vote by ballot the president, or presiding officer, has the same voting rights as any other member.
11. The President shall encourage maximum membership participation.
12. The President shall keep the Association free of policies and programs that are not the prerogative of a trade association.
13. The President shall be responsible for selecting a qualified Parliamentarian.
14. The President will have an automatic reservation for all General Membership Meetings.
15. In the event that any duly ratified Director of the Florida Association of REALTORS®, is unable to fulfill the responsibilities of the position, the President shall have the authority to replace said Director(s).

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16. The President shall serve as the chair of the Executive Committee.
17. The President may authorize electronic voting on matters that require Board of Director approval prior to the next regularly scheduled meeting. These actions are to be ratified by the Board of Directors at the next regularly scheduled meeting.
18. The President appoints (with Board approval) REALTOR® members to serve as Directors of MyFlorida Regional MLS.

*PRESIDENT ELECT (Refer to Bylaws)*

1. The President Elect shall perform all the duties assigned by the President and shall serve in the President's absence.
2. The President Elect, with the advice of appropriate officers and past chair, shall appoint committee chairs for his/her presidential year. All appointments should be made and the names furnished to the Association Executive by November 1.
3. The President Elect shall serve as the second voting Director of the Florida Association of REALTORS®. Presently, the Association is allowed one (1) voting Director per three hundred (300) members, plus any Officers or Directors of the National Association of REALTORS® whose membership is automatic.
4. The President Elect shall serve as chair of the Strategic Planning Committee.
5. The President Elect shall serve as a member of Finance Committee.
6. The President Elect shall serve as Vice Chair of the Executive Committee.
7. The President Elect may attend all meetings of the Association.
8. The President Elect shall serve a one-year term of office beginning January 1 and ending December 31.
9. The President Elect will have an automatic reservation for all General Membership Meetings. Any cancellation must be made within the required time or the President Elect will be billed for the cost of the meal.
10. If the President is unable to serve as the NAR Voting Delegate, the President Elect will serve as the voting delegate.

*TREASURER (Refer to Bylaws)*

1. The Treasurer shall be Chair of the Finance Committee.
2. The Treasurer shall be responsible for all the funds and securities of the Association; receive and give receipts for or cause the same to be done for monies due, and cause to be deposited, all such monies in the name of the Lakeland Association of REALTORS®, Inc., in such banks, trust companies or other

depositories as shall be selected by the Board of Directors; and in general, perform all the duties from time to time that may be assigned to him/her by the President or by the Board of Directors.

3. The Treasurer directs the preparation and timely filing of all tax returns, reports and deposits.
4. The Treasurer shall make a financial report at each meeting of the Board of Directors and at the Annual Membership Meeting.
5. The Treasurer shall implement such financial controls as approved by the Board of Directors.
6. The Treasurer shall attend meetings of the Association and as many meetings of the State and National Association as possible.
7. The Treasurer shall serve a one-year term of office beginning January 1 and ending December 31
8. The Treasurer will have an automatic reservation for all General Membership Meetings. Any cancellation must be made within the required time or the Treasurer will be billed for the cost of the meal.

*SECRETARY (Refer to Bylaws)*

1. The Secretary shall supervise the keeping of the minutes of the proceedings and meetings of the Lakeland Association of REALTORS® and perform such other duties as may be required.
2. The Secretary shall attend all meetings of the Association and as many of the State and National Association meetings as possible at their own expense.
3. The Secretary may be one of the signatories on all legal documents and contracts.
4. The Secretary shall serve a one year term of office beginning January 1 and ending December 31.
5. A letter file of the Lakeland Association of REALTORS® correspondence will be maintained. The correspondence to be maintained shall be determined by the Board of Directors.
6. The Secretary will have an automatic reservation for all General Membership Meetings. Any cancellation must be made within the required time or the Secretary will be billed for the cost of the meal.

*IMMEDIATE PAST PRESIDENT (Refer to Bylaws)*

1. The Immediate past President shall be Vice Chair of the Strategic Planning Committee. (See Strategic Planning Committee Duties)
2. The Immediate past President shall serve on the Board of Directors for one year.
3. The Immediate past President shall attend all meetings of the Association and as many meetings of the State and National Association as possible at their own expense.

4. In the event that the Immediate past President is unable to serve in any of the above capacities, the proceeding Past President will be asked to serve.
5. The Immediate Past President will have an automatic reservation for all General Membership Meetings. Any cancellation must be made within the required time or the Immediate Past President will be billed for the cost of the meal.
6. If it becomes necessary to have a third FAR Director, the Immediate Past President shall serve in that capacity.

*BOARD OF DIRECTORS (Refer to Bylaws)*

1. The Board of Directors shall be the governing body of the Association and shall have the general supervision over its policies, activities and business affairs, subject to the Articles of Corporation, the Bylaws and this Policy and Procedure/Rules and Regulations.
2. The Association Bylaws provide that the government of the Association shall be vested in the Board of Directors. Therefore, it is mandatory that all Directors attend the Directors meeting or be subject to removal from office as provided for in the Association's Bylaws.
3. Directors shall serve three-year staggered terms of office beginning January 1 and ending December 31.
4. A primary purpose of a Director is to create a liaison between members and the Board of Directors to insure that the members are aware of Board actions, and the Board is aware of member concerns and interests. It is imperative, therefore, that each Director have a working knowledge of the Association's Bylaws, MLS Rules and Regulations, the Code of Ethics, and this Policy and Procedure/Rules and Regulations.
5. At his/her discretion, the President will assign each Director to a Committee(s) as liaison. If appointed, the duties of a committee liaison are as follows:
  - a. To serve as an ex-officio member of committee without voting privileges.
  - b. To report committee activity and requests to the Board of Directors at their regularly scheduled meetings.
  - c. To oversee committee expenditures to make certain they stay within their budget and/or make requests on behalf of the committee for additional funding when necessary.
  - d. To insure goals established for the year are being met.
6. For the purpose of maintaining and increasing Association membership, it is important for each Director to keep abreast of the Association's accomplishments, particularly in the areas of Legislation, Education, and Professional Standards.

7. Each member of the Board of Directors, in addition to the duties as prescribed in this Policy and Procedure Rules and Regulations and under the Bylaws, will be especially concerned with membership development and member services.
8. Each Director, in accepting election to the office, assumes the responsibility to attend any scheduled leadership training and an education session on the Bylaws and the Policy and Procedure/Rules and Regulations prior to taking office. It is highly recommended that they complete the FAR Workshop on Professional Standards as well.
9. The Board of Directors will approve the annual budget.
10. The Board of Directors shall administer the finances of the Association by adopting an annual operating budget for the Association no later than its October meeting, which will be applicable for the ensuing year. The Directors prior to the change(s) becoming effective will approve changes in the expense of any major category items of the adopted budget. The Board of Directors shall establish an effective date anytime changes are made in fees, fines, assessments and dues.
11. Directors will, in so far as possible, attend all meetings of the local and State Associations.
12. The Board of Directors will review annually and approve the Association Policy and Procedure Rules and Regulations.
13. The Board of Directors will approve all contracts.
14. Each Director will have an automatic reservation for all General Membership Meetings. Any cancellation must be made within the required time or the Director will be billed for the cost of the meal.
15. Any officer or Director of the Lakeland Association of REALTORS® found guilty of violating the Code of Ethics of the National Association of REALTORS®, having exhausted all appeals, shall be deemed to have resigned from the Board of Directors.
16. Absence from any two regularly scheduled meetings of the Board of Directors within any 12 month period without being excused by the President, or in the event a director is absent from any four such meetings during any 12 month period, regardless of excuse, the Board of Directors may remove such director by majority vote of the remaining directors.

#### *STATE & NATIONAL DIRECTORS AND OFFICERS*

1. In the event this Association reimburses the State and/or National Director, he/she shall provide a report of his/her State/National activities to the Board of Directors.

#### *ASSOCIATION EXECUTIVE*

The Association Executive shall report to the Board of Directors. The purpose of the position is to administer policies of the association as established and approved by the Board of Directors. Performance shall be appraised by the standard target set forth below:

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1. Direct, in line capacity, the activities of the exempt and non-exempt staff by establishing administrative policies and procedures for office function. Establish the organizational structure for the Association office and related staffing structure. Recruit, hire, train, promote and terminate staff, administer an effective personnel program which includes job and policy descriptions, performance standards, performance appraisals and a compensation system within budgetary limitations.
2. Act as the official interface with the National Association of REALTORS® and the Florida Association of REALTORS®. Establish and maintain the necessary communications with appropriate personnel to remain conversant with the national and state organization's requirements and objectives. Convey to the appropriate officers, directors, committee chairs and general membership all pertinent information. Each report to the Board of Directors and other appropriate entities shall be in writing and clearly delineate that which is mandatory to maintain national and state membership and that which is optional.
3. Remain conversant with the national and state Associations' policy requirements and objectives and convey to the appropriate officers, directors, committee chairs and general membership all appropriate information.
4. Assist in the implementation of strategies and objectives as established by the Board of Directors.
5. Procure bids for needed services, evaluate and submit recommendations for vendor contracts to Board of Directors, administer contracts under approved terms.
6. Be responsible for managing the Association's facilities including but not limited to repairs, security, communications system, furniture and fixtures. Expenses outside of budgeted items shall be presented to and authorized by the Board of Directors, prior to actual expenditure. Further, in case of emergency need for preservation of facilities, the Association Executive shall proceed without Board of Directors action.
7. Authorize emergency spending up to \$1,000.00 per event.
8. Perform any other functions relating to the Association which may be assigned by the Board of Directors.

#### *COMMITTEE CHAIRS*

1. The duties listed below (items 2-6) are applicable to any organized work groups such as standing committees, ad hoc committees, task force, etc.
2. Committee chairs shall submit a proposed budget, should a budget exist for such committee, to the Finance Committee prior to August 1. Staff assistance is available. The Board of Directors shall approve budgets.
3. Schedule and hold meetings. Ensure that adequate committee meeting notice is provided to all committee members; a minimum of seven (7) calendar days should be provided. Scheduling must be authorized by the Association Executive to ensure space availability. Committee meetings may only be held at the Lakeland Association of REALTORS® building unless authorized by the Association Executive

so he/she may be present at all meetings. Committee meetings should preferably be scheduled for 9:00AM or 1:00PM to minimize the possibility of disturbing the committee members' schedules.

4. Prepare proper agendas with the assistance of association staff.
5. See that minutes of all meetings are kept, and copies turned in to the Association Executive's secretary.
6. Conduct meetings with proper observance of parliamentary procedures and decorum.
7. Do business by proper motions. Make all motions in the form of recommendation to the Directors or Executive Committee along with the reasons for the motion.
8. Prepare a report of unfinished business along with suggestions and recommendations including budget recommendations to be distributed to the President Elect and the new Committee Chair no later September 1.
9. Prepare a detailed report of duties to be passed on to the new Chair and for review at any scheduled leadership meeting.
10. Appoint members to their committee with the approval of the President.
11. Operate within their respective budget. Expenditures over budget shall not be made except with the prior approval of the Board of Directors.
12. Attend General Membership Meetings.

## COMMITTEE FUNCTIONS AND RESPONSIBILITIES

The Association shall have the following Standing Committees as established in the Association's Bylaws: Finance, Grievance and Professional Standards. The President may appoint, subject to confirmation by the Board of Directors, other special committees.

Any unexcused absence from the Finance or Grievance Committees for three regular meetings within any calendar year shall be constructed as a resignation from the committee.

All committee/task forces shall have a minimum of three members.

The following Committee functions refer to the responsibilities of standing committees as well as any special committee that may be appointed by the President.

Affiliate Committee- The purpose of this committee is to unite the Affiliates of the real estate profession for the purpose of creating mutually beneficial interaction with the members of the Lakeland Association of REALTORS®. The Committee works to assist all Association Committees by becoming a resource for sponsor funds and speakers. Its goal is to identify the needs of Affiliate members, enlist new members, provide the latest updates on information relating to their particular industries, promote the identity of the Affiliate members to the REALTOR® members and encourage loyalty toward their service. The Affiliate Committee seeks to increase Affiliate membership and participate, promote and maintain high standards of conduct as set forth in the REALTORS® Code of Ethics.

CID/Commercial Committee- Is responsible for developing committee membership through scheduled educational programs, marketing meetings/pitch sessions and identifying and developing a common architecture for on-line information sharing between and among commercial property brokers in the area served by LAR. CID members are encouraged to participate in the MFRMLS Commercial Information Exchange.

Events Committee – The Events Committee shall plan events throughout the year to encourage social interaction between all members, with no business related to the association conducted at its events. The Committee is also charged with organizing events designed to foster community involvement. Such events may raise funds for non-profit, charitable organizations. Recommendations for which organizations to sponsor must be approved by the Board of Directors.

Executive Committee- There shall be an Executive Committee consisting of the current officers, immediate past President and the Association Executive. The Executive Committee shall conduct the affairs of this Association in accordance with the policies and instructions of the Board of Directors. The President shall serve as Chair of the Executive Committee and the President Elect as Vice Chair.

Fair Housing/Affordable Housing Committee- Establishes programs on a local basis to address the need of affordable housing in the community, promotes compliance with Federal, State and local fair housing laws and regulations, and promotes fair housing education and training.

Finance Committee- The Finance Committee shall be chaired by the Treasurer and include the Immediate Past Treasurer, and President Elect. In addition, two members of the Board of Directors elected by the Board of Directors non-inclusive of those individuals previously specified and up to four (4) members at-large appointed

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annually by the incoming President. The Finance Committee, no later than October 1, shall prepare, review and recommend the ensuing year's budget. This committee also recommends to the Board of Directors approval or disapproval of all requests for money not covered in the budget. It monitors financial status regularly. It recommends to the Board of Directors the Certified Public Accountant (CPA) to audit financial accounts at the end of the year. The audit report is submitted to the Board of Directors and the Finance Committee. The Finance Committee shall meet at least quarterly.

Grievance Committee- This committee is not to be confused with the Professional Standards Committee of the Association. Its function is similar to that of the "Grand Jury" of the judicial system: i.e. - to prevent abuse and harassment through frivolous or unwarranted complaints. The Grievance Committee has initial review function. The Grievance Committee must review potentially unethical conduct if directed by the Board of Directors. To be eligible to serve on the Grievance Committee, members must complete a Professional Standards Workshop which covers the functions of the Grievance Committee, the Code of Ethics and the professional standards process.

Nominating Committee- The nominating committee shall consist of a total of six (6) members, two (2) of whom shall be appointed by the Board of Directors and three (3) to be elected by the REALTORS® in good standing at the June meeting. The President shall appoint the Chair. Any member of the Nominating Committee may not be considered for recommendation by the Nominating Committee for an Officer or Director or be nominated from the floor. No member may serve more than two (2) years in a five (5) year period. Those selected to serve shall be notified in writing of their eligibility. The Nominating Committee shall hold on its own meetings as it may deem necessary to complete its slate of nominees for Officers and Directors. The Nominating Committee will file its recommended slate of candidates with the President no later than August 14th and publish bios for the same prior to the September Annual Meeting. At the September general membership meeting, additional nominations will be accepted from the floor. All candidates will be required to sign a "Consent to Serve" form that will detail the requirements of the office sought and file the same with the Nominating Committee prior to nomination or within 72 hours of being nominated. The Nominating Committee will certify those members who qualify to run for office and all qualified candidates will be put on the ballot. All candidates' bios and a sample ballot will be published at least 21 days before balloting begins. Candidates will be ineligible to run for more than one office. In the event nominations from the floor result in two officers being elected who are from the same office, the lower officer position will relinquish their position and the second highest vote, not from the same office, will be declared elected. {Bylaws Sec 7 (b) and (c)}

Professional Standards Committee- Is charged with the responsibility for enforcement of the Code of Ethics. Depending upon the complaint or request received, a Hearing Panel is appointed for each case and this Panel hears the matter and makes findings of fact and renders a decision, recommending appropriate penalty if violation of the Code is determined. The penalty or sanction recommended becomes effective only upon final acceptance and confirmation by The Board of Directors, which orders the implementation of the sanctions. This Committee is also responsible for arbitration and follows the National Association of REALTORS® guidelines of arbitration. The guidelines are available for review at the Association office. To be eligible to serve on the Professional Standards Committee, members must complete a Professional Standards Workshop which covers the functions of the Professional Standards Committee, the Code of Ethics and the professional standards process.

RPAC Committee- The purpose of the RPAC Committee shall be assisting in the fundraising efforts and to promote and educate members on the importance of RPAC involvement and fundraising. The committee shall also have the ability to organize events to promote and raise money for RPAC funds within the guidelines of the National Association of REALTORS® and with approval of the Board of Directors.

Political Affairs Committee- The Political Affairs Committee is charged with interviewing candidates on an as needed basis for possible endorsement and RPAC contributions, all subject to the approval of the Board of Directors. Guidelines on candidate interviews are later noted within this policy manual.

Federal Political Coordinators- Every two (2) years to coincide with the Congressional term, the President of the Florida Association of REALTORS® shall appoint Federal Political Coordinators (FPC) to serve as liaisons to Florida's representatives in Congress. If requested by the Florida Association of REALTORS®, the LAR President shall provide input. These members are kept informed on all aspects of Federal Legislation affecting the real estate industry, respond to the National Association of REALTORS® Calls to Action, and lead the Capital Hill visits to lobby during the Legislative meetings in Washington.

#### *AD HOC COMMITTEES AND TASK FORCES*

Additional temporary committees may be appointed by the President.

## PROCEDURES FOR ELECTIONS OF OFFICERS/DIRECTORS

1. All candidates must be active REALTOR® members in good standing at the time of their nomination and when they take office.
2. Candidates for Treasurer must have served on the Board of Directors or the Finance Committee for at least one year prior to their nomination and election.
3. Candidates for President-Elect must have served at the time they take office as an officer or director for at least one year within the past ten years.
4. The candidate for President shall be the current President-Elect.
5. No elected/appointed director or officer shall have served in the same capacity for more than two consecutive terms. The same person may not serve consecutive terms as President.
6. No elected/appointed officer or director may serve or continue to serve if also serving as an officer/director of another local real estate association in Florida.
7. The Nominating Committee will select a slate which shall be submitted to the President no later than August 14 of each year.
8. The names of the recommended slate of candidates will be published in September.
9. Nominations from the floor will be accepted at the September membership meeting.
10. A sample ballot including bios of the candidates will be published at least 21 days before balloting begins.
11. Candidates may not run for more than one office.
12. The Board of Directors will designate the voting method.
13. Voting will begin on or about October 1 and continue for 10 days.
14. Election shall be by a simple majority. Those receiving the highest number of votes will be deemed to have been elected. In case of a tie, the election shall be determined by lot.
15. There will no campaigning on Association property.
16. New officers and directors will take office on January 1.
17. All votes cast shall be reported.

More detailed election procedures are found in the Association's Bylaws.

## LAR MEETINGS

### *MEETINGS*

Any meeting that involves a vote of the membership on important issues such as the Bylaws shall be held at a time and place convenient for the membership. If held in conjunction with a meal, a separate area will be set up for those not eating. (This is done for logistical payment of food purposes.)

### *INSTALLATION*

The Installation of Officers and Directors will be held and coincides with the Annual Awards Ceremony.

The following will be guests of the Association at the annual Installation of Officers and Directors:

Outgoing President & Guest

Incoming President & Guest

Staff Members & Guest

Installation Official & Guest

Incoming District 10 Vice President & Guest

### *GENERAL MEMBERSHIP MEETINGS*

The following will not be charged for attending any General Membership Meeting of the Association in compliance with policies governing reservations for membership meetings (see section on Officers/Directors) :

President or Presiding Officer

Association Executive

Speaker or Speakers if any

Staff Members, as assigned by the Association Executive

### *GUIDELINES FOR REIMBURSEMENT OF MEETING EXPENSES*

All the following reimbursements pertain to those individuals actually attending the stated function and who are not otherwise reimbursed by the State or National Association or any other Association affiliate. Anyone who is eligible for reimbursement from any other source such as NAR, FAR, etc should seek reimbursement from that source first. In any case, reimbursement should never exceed actual costs incurred. No reimbursement should be for and duration beyond the time individual is scheduled to be at the meeting.

All FAR and NAR Directors should serve on one or more Committees and shall attend those specific committee meetings in addition to the Board of Directors meeting. Reimbursement shall require the individual too attest that he/she attended such meeting as well as the Board of Directors meeting prior to reimbursement.

All reimbursement of expenses is subject to the availability of budget funds. Travel reimbursement shall be based on the current IRA mileage allowance or plane (coach) fare, whichever is less. It is recommended that car-pooling be utilized whenever possible with only the driver being reimbursed for mileage. Lodging is to be standard accommodations. It is recommended when possible members share rooms. Reimbursements for internet access on FAR/NAR business trips are included.

All original receipts must be provided for reimbursement of expenses, including actual itemized meal receipts for reimbursement up to \$85.00 per day. Reimbursements must be received within 30 days of the completion of the travel assignment, to better account for reimbursement liabilities and budgeting.

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NATIONAL ASSOCIATION OF REALTORS® MEETINGS

President .....Regular Travel, Lodging, \$85.00 per diem for meals\*  
President Elect.....Regular Travel, Lodging, \$85.00 per diem for meals  
Association Executive/Staff.....Regular Travel, Lodging, \$85.00 per diem for meals

FLORIDA ASSOCIATION OF REALTORS® MEETINGS

President.....Regular Travel, Lodging, \$85.00 per Diem for meals  
President Elect.....Regular Travel, Lodging, \$85.00 per diem for meals  
Association Executive/Staff.....Regular Travel, Lodging, \$85.00 per Diem for meals

LEADERSHIP- FLORIDA ASSOCIATION OF REALTORS®

President .....Regular Travel, Lodging, \$85.00 per Diem for meals  
President Elect .....Regular Travel, Lodging, \$85.00 per Diem for meals  
Association Executive/Staff.....Regular Travel, Lodging, \$85.00 per diem for meals

LEGISLATION/WASHINGTON

President .....Regular Travel, Lodging, \$85.00 per diem for meals  
President Elect .....Regular Travel, Lodging, \$85.00 per Diem for meals  
Association Executive/Staff.....Regular Travel, Lodging, \$85.00 per diem for meals

*LEGISLATION/TALLAHASSEE – In lieu of the following reimbursement, the Association may provide transportation, lodging, and certain meals.*

President .....Regular Travel, Lodging, \$85.00 per diem for meals  
President Elect .....Regular Travel, Lodging, \$85.00 per Diem for meals  
Association Executive/Staff.....Regular Travel, Lodging, \$85.00 per diem for meals

RPAC CHAIR/FPC AND LEGISLATIVE DAYS POLICIES

Tallahassee Legislative Days- In accordance with the approved annual budget, the cost of travel, lodging, and food, may be provided for the Political Affairs/RPAC Chair and the Key Contacts.

*Other*

Costs associated with leadership training or development in which members have been accepted through the State or National Association shall be reimbursed upon approval of the Board of Directors or if funds have been budgeted. The Board of Directors may also provide funding for members on a case-by-case basis to send individuals to the National Association of REALTORS® Mediation training program or other FAR/NAR program. Travel allowances and reimbursements are subject to Board of Directors approval including per diems as stated within this manual.

*\*The Current President does not attend the NAR Leadership Conference.*

## RECORDS RETENTION POLICY:

The records of the Association will be kept as dictated by the Association's Record Retention Policy listed below:

### Corporate

Certificate of Incorporation	Permanent
Charter	Permanent
Minutes of Meeting	Permanent
Annual Reports	Permanent
IRS Letter of Determination of Exempt Status	Permanent

### Correspondence

General	4 years
Legal	Permanent

### General Ledger and Books of Original Entry

General Ledger	7 years
Journal Entries	7 years
Cash Disbursement Check Register	7 years

### Accounting

Bank Statements and Cancelled Checks	7 years
Client Billings and Estimates	7 years
Print Contracts	7 years
Petty Cash Payments	7 years
Employee Travel and Expense Reports	7 years
Expense Bills	7 years
Year End Accruals (Income and Non-Billable items)	7 years

### Financial Reports

Financial Statements Certified by CPA's	7 years
Monthly Financial Statements	7 years

### Insurance

Policies and declarations	5 years following expirations
Group Insurance Reports	5 years following expirations

### Membership

Applications/Files	2 years (After Termination)
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### Property (Tangibles and Intangibles)

Fixed Assets Additions, Depreciation, etc.	Permanent until disposed
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### Contracts

Client Contracts and Agreements (after conclusion)	10 years
Leases (after conclusion)	7 years

### Tax Returns other than Payroll

Federal Income Tax Return and Work papers	Permanent
Sales and Miscellaneous Tax Returns	7 years

### Payroll Reports and Records

Employment History	7 years
Individual Employees Records (after terminations)	7 years
Payroll Register	7 years

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Time Cards and Sheets	2 years
Cancelled Payroll Checks	7 years
Payroll Tax Returns	7 years
Withholding Tax Statements (W-2's)	7 years
<b>Pension and Profit Sharing</b>	
Pension and Other Funded Plans Deferring	Permanent
Pension Reports to Government (after filing return)	7 years
<b>Professional Standards</b>	
Case Files	Retain until decision is finalized
Decisions	Permanent
<b>Purchasing</b>	
Bids	7 years
<b>RPAC Records</b>	7 years
<b>Sales</b>	
Sales Orders	7 years
Shipping Records	7 years

## FINANCE POLICIES

Many items concerning financial policies may be found throughout the Policy Manual including sections on Officers/Directors/Committee Chairs, Meetings, Reimbursement Policy and Record Retention. To fully understand the Financial Policy of the Association, please refer to those sections.

### The Budget

1. The Finance Committee is responsible for recommending a budget to the Board of Directors.
2. The Board of Directors is responsible for approving and making any changes to the annual budget.
3. A balanced budget will be maintained at all times.
4. A detailed item budget shall be available at the Association office by appointment only. Only REALTOR® members in good standing may make an appointment to review the budget.

### Signatories

1. The Association Executive is authorized to sign any check the amount of which is \$500 or less.
2. All checks above \$500 require two signatures. The Officers and Association Executive will be authorized signers for checks and/or withdrawal of funds from savings accounts.

### Accounting for Cash at Meetings/Events

At no time will members be permitted to handle the cash box at an event. Members may be permitted to assist the Association Staff at a registration desk, but association staff will ultimately be responsible for all cash box accountability.

In the event where members are selling items within a crowd or over an extended period of time such as raffle or event tickets or similar items, cash shall be counted down against tickets or items sold once the member has completed their work. Association staff shall record the transactions of tickets or items sold, and shall then be responsible for the cash. All tickets and cash shall be provided to the association immediately. Any member who fails to provide or account for all cash, tickets, or similar items, shall be held responsible for the amount of cash, tickets or items personally.

### *NSF CHECKS*

Members who pay with a personal or business check with non sufficient funds will be charged a fee of \$30.00 per check. If the same member provides non sufficient funds again they will not be permitted to use checks when paying for association services or products in the future.

## CONFIDENTIALITY POLICY

The protection of the Lakeland Association of REALTORS®, its members, and the public is the collective responsibility of the leadership of the Association and its appropriate committees and staff. The Association serves as a champion and guardian of the rights of property owners; therefore, all presiding officers of the governing body and of all committees should be especially sensitive as to what constitutes confidentially.

1. A breach of confidentiality in sensitive matters shall be considered an offence against the Association. Such an offense will be handled as outlined in the section regarding “Disciplinary Procedures” in *Robert’s Rule of Order—Newly Revised edition*; and may result in fines, censure, suspension or revocation of membership. Additionally, association volunteers may be personally and individually legally liable for injury or damages that result from their unauthorized disclosure of confidential association information.
2. It shall be the responsibility of the presiding officer of the governing body of the Association or any committee to identify the sensitivity of a particular matter and to excuse temporarily any person present who has no “need to know” the context of the matter for the duration of the discussion. (Extreme caution should be exercised)
3. It shall be the responsibility of the presiding officer of the governing body of the Association or any committees to halt immediately and unnecessary spontaneous discussion, or digression in discussion, of any matter of a sensitive nature.
4. It shall be the responsibility of all members of a committee to be alert to the confidentiality of any subject and to call the matter to the attention of the presiding officer.
5. Salaries and personal employment information of Association Staff shall remain confidential.

### *CONFIDENTIALITY OF MEMBERSHIP FILES*

Information in the membership files maintained by the Association shall be deemed confidential and shall not be made available to members or others except to the extent required for proper administration of the Association, and then only upon authorization by the Association Executive. Any member may review his or her own file.

## AWARDS POLICY

REALTOR® of the Year- This award recognizes the REALTOR® who has contributed outstanding leadership and service to the Association. The criteria includes character, integrity, personality and cooperation with others; dedication and contributions to the real estate profession; participation on the local, state, or national levels; commitment to professional growth; attendance at Association functions and activities; community service. The current President is not eligible for this award. REALTOR® members may nominate any REALTOR® member in good standing, other than the current Association President, for this award. The members of the Board of Directors, the last three winners of the ROTY award who are active members, and the Association Executive will select the winner from among those nominated.

Affiliate of the Year- This award recognizes the individual who has made outstanding contributions to the membership as an affiliate member of the association and gone above and beyond to improve the relationship between the Realtor and Affiliate membership. The criteria includes character, integrity, personality and cooperation with others; dedication and contributions to the real estate profession; attendance at Association functions and activities; community service. REALTOR® and Affiliate members may nominate any Affiliate member in good standing for this award. The members of the Board of Directors, the last three winners of the AOTY award who are active members, and the Association Executive will select the winner from among those nominated.

Volunteer of the Year- This recognizes the individual who has contributed outstanding leadership and service as a volunteer of the Association based on their work with committees and assistance to the board of directors and staff in executing goals and tasks. The VOTY is chosen by the Association staff.

Rising Star Award – This award recognizes REALTOR® members who have been actively involved in the Association for a short, although unspecified period of time. The criteria includes REALTOR® member in good standing; attendance at all sessions of the Rising Star Program; service on an Association committee, task force or PAG, attendance at Association functions and activities (a minimum of 3 functions). Staff will prepare a list of those members who are eligible to receive this award. The members of the Board of Directors will chose a winner from the list of those eligible.

Humanitarian of the Year Award – This award recognizes individuals who have devoted time and/or resources on local, state, national or international humanitarian efforts. Those eligible to be selected for this award include REALTORS®, Affiliate Members or members of the public. Members will be asked to submit nominations. Nominations will be solicited from the public through a notice in the newspaper. The Board of Directors will choose the award winner from among those nominated. The award will be presented at the annual Installation and Awards event.

Hall of Fame Award – The REALTOR® Hall of Fame Award is given to honor individuals who have held membership in the Association for at least ten (10) years, have a record of outstanding service to the Association, have made significant contributions to the community and are of high moral and social integrity. REALTOR® members may nominate a REALTOR® member in good standing who meets the criteria for the award. The members of the Board of Directors, the last three winners of the Hall of Fame Award who are active members, and the Association Executive will select the winner from among those nominated.

Secretary of the Year Award - The Lakeland Association of REALTORS® shall hold an annual event to honor the hard work of those who provide administrative support to LAR members. LAR shall also award one individual with the “Secretary of the Year Award.” The selection process for that award has been noted below. LAR defines a secretary as any administrative professional who is employed by a Designated REALTOR® Member or REALTOR® member. No individual who is a current member or non-member licensee of the association shall be eligible for the award, but is invited to participate in the event.

SECRETARY OF THE YEAR AWARD SELECTION COMMITTEE

The Secretary of the Year shall be selected by a committee of three individuals as selected and approved by the Board of Directors. The committee may not contain more than one REALTOR® Member from any Member company. The committee shall review letters submitted by the members as nominations for each administrative professional. Their selection shall remain confidential to only the committee and the Association Staff until announced at the annual event. LAR shall provide that selected individual with a gift of a plaque or similar item as well as flowers.

## COMMUNICATIONS POLICY

### *COMMUNICATIONS/EMAIL POLICY/ADVERTISING*

The LAR Weekly Broadcast and Brokers Opens messages shall be available only to Active Members of the Lakeland Association of REALTORS®. The Lakeland Association of REALTORS® shall only advertise products and services of the Lakeland Association of REALTORS® or partnership programs with other associations in its weekly broadcast emails, or special broadcast emails as needed. No services or products of its Affiliates or REALTOR® Member Companies may be advertised via email, with the exception of the Brokers Open Broadcast. Members are urged to thoroughly check their submissions for the Weekly Brokers Open for incorrect information as LAR staff will not edit nor verify information submitted, nor re-broadcast information due to errors in information or late submissions, except in the case of an error on the part of LAR and its staff.

The Lakeland Association of Realtors shall not provide Affiliate or REALTOR® Members with database lists of its members with email addresses. PDF Rosters are available at no charge to all of its members, but digital formats where email information can be scraped are prohibited for the security purposes of its members email addresses. The Lakeland Association of Realtors will not sell or distribute email addresses to any third party or current member of this association or any association.

### *LAKELAND REALTOR® MAGAZINE*

The Lakeland Association of REALTORS® shall publish a monthly magazine available in electronic format to each of its members. Only current and active affiliate members may advertise in the magazine. Copies of each magazine shall be archived at the Lakeland Association of REALTORS® Office. In conformance with the established publications standards of the *Lakeland REALTOR®* magazine, its editors reserve the right to reject any advertising not in keeping with the Association's business practices and policies. Advertisers assume liability for all content (including text, representation and illustration) of advertisements printed, and also assume responsibility for any claims made against the publisher rising from those ads. In addition, *Lakeland REALTOR®* editors reserve the right to reject advertising that is deemed inappropriate to the business related product or service (for example, personal novelty), ads that portray REALTORS® and/or the practice of real estate in an unfavorable light, and ads that are otherwise deemed distasteful in the sole discretion of the editors.

### *ASSOCIATION SPOKESPERSON*

The current President shall be the only person to speak on behalf of the Board of Directors and the members on any policy, political stance, or determination for the Lakeland Association of REALTORS®. Such political or policy stances must be those as approved by the Board of Directors and not the personal political or policy stances of the Officer.

The President may designate the Association Executive, Association staff or any other individuals to communicate to the public on a specific matter.

Should the President not be available to make comment on behalf of the board the following individuals shall do so on their behalf in the following order:

1. Association Executive
2. Past-President
3. President-Elect

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## PROFESSIONAL STANDARDS POLICY

Each year the Grievance and Professional Standards Committee will meet together to review the changes to the Code of Ethics and to make recommendations to the Board of Directors regarding the local options.

### *PROFESSIONAL STANDARDS MANUAL*

The Lakeland Association of Realtors shall adopt the policies within the National Association of REALTORS Ethics and Arbitration Manual verbatim.

The following local option policies will remain in effect until such time as changes are recommended by the Grievance and Professional Standards Committee and approved by the Board of Directors:

- The number of days for the response to the Grievance committee is fifteen (15) days.
- The response is to be sent to the complainant.
- The deposit for arbitration is five hundred dollars (\$500.00) for both parties.
- We will offer voluntary arbitrations (These are Interoffice and REALTOR® vs. nonmember).
- We will continue to permit expedited ethics procedures. Respondent waives right to hearing and acknowledges violation.
- We will continue to provide hearing panel copies of complaint and response and arbitration complaint and response.
- Administrative processing fees for someone found in violation of the Code of Ethics is \$500
- The award panel can determine if the parties may receive a portion of their deposits back as determined by the arbitrators. The amount of the deposit is \$500.00.
- If parties settle arbitration prior to hearing, the deposit will be returned.
- Mediation is offered after review by the Grievance Committee.

## MISCELLANEOUS POLICIES

### *BENEVOLENCE*

The Board of Directors will determine benevolence on a case by case basis. Further, if the deceased is a past president, present officer, director or committee chair, LAR will send flowers or make a donation to their requested charity]

If notices are to be noted in the regular correspondence of the Association, the Association Executive must be notified of the deceased member and such information will be noted within the next scheduled correspondence, or if service arrangements have been provided, notice may be sent immediately to ensure members may attend such services.

Giving notice through correspondence of members who are ill or sick is determined on a case-by-case basis by the Association Executive to reduce potential liabilities. Proper forms must be submitted to the association to ensure accurate information regarding ill members or their immediate family members.

### *ASSOCIATION ATTORNEY*

The Association shall retain an attorney. The selection of the attorney is by majority vote of the Board of Directors. The attorney selected shall serve until resignation or replacement. The credentials, service and cost shall be reviewed annually by the Board of Directors at the time of budget approval.

### *CERTIFIED PUBLIC ACCOUNTANT*

The Association shall retain a Certified Public Accountant (CPA) for purpose of audit, internal control and filing Federal Income Tax Statements. The selection of the CPA is by majority vote of the Board of Directors. The CPA selected shall serve until resignation or replacement. The credentials, service and cost shall be reviewed annually by the Board of Directors at the time of budget approval.

### *NEW MEMBER ORIENTATION PROGRAM & NEW MEMBER CODE OF ETHICS TRAINING*

In addition to the requirements as listed in the Association Bylaws, new REALTOR® members shall complete the New Member Orientation as prescribed by the Board of Directors within 90 days from date of application.

New members are required to complete the training online through the National Association of REALTORS® Website. Should limitations prohibit any new member from completing the course online, they shall be permitted to take the course at the next regularly schedule ethics course at the Lakeland Association of REALTORS® within the 90 day period. Should a course not be available at LAR, the Association Executive shall provide the new member with a roster of where courses that satisfy the requirement are being held within the State of Florida.

### *EDUCATION COURSES & EVENT RESERVATIONS/CANCELLATIONS*

Members who wish to register for educational courses where payment is required must complete their registration with payment in full. The Lakeland Association of REALTORS® does not accept partial payments or registrations with intention to pay at the door unless approved by the Board of Directors. The Lakeland Association of REALTORS® may also require payment at the time of registration for specific events and meetings to ensure space and food availability. The Association Executive shall have the ability to designate this policy to specific events or meetings on a case-by-case basis. Refunds for paid reservations/registrations will not be given unless 48 Hours of notice has been given to the association staff.

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The Lakeland Association of Realtors may also have a need to cancel reservations for courses or events because of low enrollment. If at all possible, cancellations shall be noticed no less than 48 hours to those registered.

#### *SUBSTANCE FREE POLICY*

The Lakeland Association of REALTORS® building and grounds shall be free of substances such as illegal drugs and other dangerous or illegal substances at all times to maintain a healthy and safe environment for its staff, leadership and members.

#### *INCLEMENT WEATHER*

The Lakeland Association of REALTORS® is aware that there will be occasions where employees will experience difficulty getting to work due to inclement weather, and recognizes that for its members as well. With this in mind, employees and members are encouraged to tune into a radio station that announces closings. In the event that local public schools systems and government offices are closed, employees and members shall understand that the LAR offices will be closed as well. The Lakeland Association of REALTORS® staff will do everything in its power to notify the membership of cancellations of courses, events and meetings should weather influence those events, courses or meetings.

In the case of a hurricane, the Association Executive along with the Association President shall arrange a plan of action to secure the association office and give notice of the closing of the associations closing, as well as the staff's time away from the association office.

#### *ASSOCIATION SAFE*

The Lakeland Association of REALTORS® shall have a fire-proof safe within the building in which all cash and checks will be held, including but not limited to the LAR Cash Drawer, Petty Cash, Members Checks, Blank Checks and important documents. The Association Executive and Membership Director/Office Manager shall be the only individuals to have a key or the combination to this safe, unless both will be absent, then the Financial Services Coordinator shall have temporary access. The safe shall remain locked at all times unless in use.

#### *SPONSORSHIPS*

The Lakeland Association of REALTORS® may only accept cash sponsorships from its affiliate members unless the cash sponsorship is related to an event to raise money for a charitable cause. If sponsorships are offered by third parties, and those individuals are not affiliate members, they will be encouraged to join the affiliate membership. From time to time, the Lakeland Association of Realtors may hold events in which additional sponsorships or in-kind services are offered by non-members. Provided the event is for a charitable cause, those sponsorships, gifts, and in-kind services will be accepted after active Affiliate Members have been given a 10 day notice. Any other acceptance of those sponsorships, gifts and in-kind services will be at the discretion of the Board of Directors.

#### *REQUEST FOR COMPANY RECOMMENDATIONS*

When a call inquiry is received asking for a recommendation for a company, staff will follow these procedures:

1. Advise the caller that we are unable to recommend one member over another since that would be unfair to the majority of members.

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2. If the caller has a company in mind, staff can advise whether or not the company is a REALTOR<sup>®</sup> member and/or a participant of the MLS.
3. The Association will not give statistics on who sells the most property or who is the largest company.
4. Refer the caller to the telephone book if they are interested in companies who specialize in certain facets of the industry.
5. Offer to provide a complete list of all companies who hold membership in the Association.

This policy shall also be in effect for members who are volunteering time for the association. (Example: A member is volunteering at a booth for a community fair representing the association). Members may be permitted to promote their services once their volunteer shift has been completed.

Furthermore, any member of the association is prohibited from distributing materials with the intention of promoting their individual companies or businesses while they are volunteering as an instructor, committee chair, or any leadership position for the Lakeland Association of Realtors at its educational courses, meetings or events unless they have been approved to do so through association sponsorships.

#### *PHONE CALLS REGARDING COMMISSION RATES*

When a phone call is received at the Association office requesting information on the standard commission rate in the area or any other similar question, the staff will advise the caller that there is no fixed commission rate and the compensation for services rendered in respect to any listing is solely a matter of negotiation between the broker and client, and is not fixed, controlled, recommended or maintained by anyone who is not a party to the listing agreement.

#### *RENTAL OF LAR BUILDING SUITES*

From time to time the Association may have commercial space for rent on an annual basis. The board of directors shall set the rental rate. A lease will be executed with a tenant with approval from the Association Attorney. The Lakeland Association of Realtors will not lease commercial space in its building to any active REALTOR<sup>®</sup> Member Offices of the Association to avoid a possible conflict of interest.

#### *ASSOCIATION BUILDING*

The Association building is primarily for the purpose of a headquarters where administrative functions of the Association may be performed and at which Association functions such as committee meetings, ethics and arbitration hearings, and education classes may be held. Members may reserve the Association facilities, however, Association functions always take precedence and the classroom may only be reserved if no Association meeting, function or event is already scheduled.

Depending upon availability, the Association's facilities may be reserved by Association members under the following terms and conditions:

- No solicitation of agents meetings are allowed;
- Members may reserve the classroom at no charge;

- The member reserving the room will be responsible for seeing that the room is left in good condition, including setting up the tables and chairs as required by the Association; equipment and lights turned off; disposing of beverage containers and all other trash;
- The member reserving the room will be charged a minimum of \$100 if the room is not cleaned.

Non-Member Use - Non-members of the Association who represent local governmental entities, local charities or civic groups may reserve the facilities, if available, with the approval of the Executive Vice President.

Release of Liability – Members and non-members who wish to use the Association’s classroom facilities must sign a statement certifying that they carry liability insurance and that the Association is released from any and all liability.

*MID FLORIDA REGIONAL MULTIPLE LISTING SERVICE*

The Lakeland Association of REALTORS® is a shareholder member of the MyFlorida Regional Multiple Listing Service (MFRMLS). Please refer to the MFRMLS Policy and Procedure Manual. All policies of MFRMLS relating to MLS participation and subscription as well as MLS Rules and Regulations shall apply to the work completed at the Lakeland Association of REALTORS® MFRMLS Service Center.

*LAKELAND ASSOCIATION OF REALTORS® CORRESPONDANCE/STATIONARY*

At no time may any member, officer or director be permitted to have blank letterhead or stationary of the association for correspondence purposes. All letters and correspondence for committee meetings, Board of Directors Meetings, Press Releases or related correspondence shall be prepared and noticed by the association staff as directed by such committees or the Board of Directors.

*STAFF OFFICES AND WORKSPACES*

Because of the nature of the staff’s work and the need for confidentiality with Professional Standards files as well as security purposes for inventory, cash, funds, and membership files, members of the Lakeland Association of REALTORS® are prohibited from entering the workspace area of the LAR Staff unless they have been invited by the staff into the workspace for a specific reason. LAR members may also enter the area if a security issue is present. If the leadership of the association has determined a need to enter the space based on suspicious activity or possible fraudulent acts of the association staff and desires to enter the space without notice, the need shall be noticed to the Board of Directors for approval. The Association Attorney shall also be noticed.

*CHARITABLE CONTRIBUTIONS*

No committee or individual member of the Lakeland Association of Realtors may bind the Board of Directors of the Lakeland Association of Realtors to any charitable contribution. It is suggested that if a committee wishes to donate any of its profits or proceeds from its events or work to a charity, information of such profits or proceeds be provided to the Executive Committee for review and recommendations to the Board of Directors.

*HARASSMENT*

Harassment is illegal conduct and is contrary to the policy of the association.

As used in association policy, harassment means any verbal or physical conduct including threatening or obscene language, unwelcome sexual advances, stalking, actions including strikes, shoves, kicks, or other

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similar physical contact, or threats to do the same or any other conduct with the purpose or effect of unreasonably interfering with an individual's work performance by creating a hostile, intimidating or offensive work environment.

#### Complaint Procedure

Any employee who believes that he/she had suffered harassment by any other member of the association must bring the problem to the attention of the President or Association Executive. The complaint does not have to be in writing, however, it is helpful if details of dates, times, places and witnesses, if any, to the harassment alleged can be provided.

All complaints will be investigated promptly and with the strictest confidentiality by an investigatory team comprised of the President, President-Elect, and/or Vice President and one (1) member of the Board of Directors selected by the highest ranking officer not named in the complaint after consultation with legal counsel for the association. If the complaint involves the President, President-Elect and/or Vice President, they shall be replaced on the investigatory team by the immediate Past President or alternatively, by another member of the Board of Directors selected by the highest ranking officer not named in the complaint.

Both the complainant and the accused will be provided a full opportunity to present their cases. Witness's interview will be provided only such information as is necessary to elicit from them their observations and other relevant information.

Disciplinary action against a member found to have harassed an association or MLS employee may include verbal or written warning, probation, suspension or expulsion depending on the gravity of the incident. Prior incidents of similar behavior shall be taken into consideration when determining the appropriate disciplinary action. Such decision shall be made by the investigatory team.

Clear, strong and convincing shall be the standard of proof by which alleged allegations of harassment are determined. Clear, strong and convincing shall be defined as that measure or degree of proof which will produce a firm belief as to the validity of the allegations sought to be established.

It is contrary to the policy of the association for a member to retaliate against any employee who files a charge of harassment. All possible steps will be taken to eliminate the possibility of retaliation resulting from the filing of a complaint.

In the event a complaint of harassment is found to be totally and completely without basis, appropriate disciplinary measures may be taken against the employee who brought the complaint. While this is no way to intend to discourage employees who believe they have been the victim of harassment from bringing a complaint, the association recognizes that a charge of harassment can cause serious damage to the personal reputation and professional career of the accused.

#### Complaint Investigation and Confidentiality

All complaints will be investigated promptly by the Executive Committee and Association Attorney. The identity of the employee or member making the complaint as well as the identity of the individual accused of harassment will be kept strictly confidential. Information regarding the charge of harassment and the investigation of that charge will not be made known to anyone who is not directly involved either as a party, a

witness, or a member of the investigatory team. Witnesses interviewed will be provided only such information as is necessary to elicit from their observations and other relevant information.

During the investigation both the complainant and the accused will be provided a full opportunity to tell their side of the story. Witnesses identified by the complainant or the accused will also be interviewed. Upon completion of the investigation, the investigatory team will prepare a written report of its findings and recommendations for the Board of Directors. Authority for the final Resolution of all charges and the determination of appropriate sanctions rests with the Board of Directors.

#### Discipline

Harassment is a serious offence. It is contrary to Association policy for a member to retaliate against any individual who files a charge of harassment. All possible steps will be taken to eliminate the possibility of retaliation resulting from the filing of a complaint.

In the event a complaint of harassment is found to be totally and completely without basis, appropriate disciplinary measures may be taken against the individual who brought the complaint. While this is in no way intended to discourage and individual who believes they have been the victim of harassment from bringing a complaint, the Association recognizes that a charge of harassment can cause serious damage to the accused's personal reputation and professional career.

#### Follow Up

In instances in which harassment is found to have occurred, a member of the investigatory team will remain in communication with the victim to find out whether the harassment has ceased or if any retaliation has occurred.

#### *NEPOTISM*

The hiring and/or showing of favoritism toward relatives are contrary to the policy of the Lakeland Association of REALTORS®. Therefore, no Association member, executive officer, staff member, or employee shall hire, advocate the hiring of, or cause to be hired or employed in any capacity any blood or marital relative of a director, executive officer, staff member or employee.

"Employed position" shall be defined as any financially compensated post or work of any type.

"Relatives" shall be defined as any person who is related within the fourth degree, either by consanguinity or by affinity. Specifically, this shall mean an individual who is related as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in law, mother-in law, son-in law, daughter- in law, brother-in law, sister-in law, step-father, step-mother, step-son, step-daughter, step-brother, step-sister, half-brother, or half-sister and include persons related by adoption or birth.

Any director, executive officer, staff member, or employee who believes that this nepotism policy has been violated in any manner shall notify the Association Executive, and the Board of Directors. Upon notification of the Association Executive, he or she shall at the next meeting of the Board of Directors offer as new business the consideration of whether the nepotism policy has been violated. If this policy has been violated, then the person hired in violation of the policy shall be terminated. If the hiring person or the proposed hiring of a person would violate this policy, then the Board of Directors upon two-thirds votes may employ or retain such person.

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The construction, interpretation, and application of this policy statement shall be guided by the same interpretations, construction, and application as Section 116.111 Florida Statutes, 1987 (as amended) which proscribes the employment of relatives for public officials.

This policy shall not apply retroactively, and shall take effect upon approval of the Board of Directors.

#### *CONFLICT OF INTEREST*

A potential conflict of interest occurs when any related party (e.g. A company, a partnership, affiliates, management or members of immediate family) is in a position the profit directly or indirectly because of a position with the Lakeland Association of REALTORS®.

A conflict can exist even if actions do not adversely affect the Association. Instances in which there might be a conflict of interest include but are not limited to: (1) purchasing equipment, supplies, or services for the Association (2) purchasing, selling, or leasing property for the Association (3) loans or preferential investment opportunities using confidential information (4) gifts and entertainment exceeding a de minimis (insignificant) value. A given situation may or may not present a conflict of interest, depending upon the facts and circumstances.

Each member shall disclose in writing any situation that may present a possible conflict of interest while doing business on behalf of the Association to the Board of Directors. The Board of Directors shall advise the member in writing as to whether or not a conflict exists and if not, authorize the member to proceed in the matter.

One may not give an unfair advantage to members of his/her immediate or extended family or to other related parties. If a related party offers the best products or service with the best value for the Association, he/she may be used as a vendor. He/she should not receive and preferential treatment.

Association members, members of the Board of Directors and the Association Executive are responsible for reporting all actual and potential conflicts to the President of the Association. The President is responsible for reporting all actual and potential conflicts to the Board of Directors. The Board of Directors shall automatically refer possible violations of the conflict of interest policy to the Professional Standards Committee for a hearing.

## *WHISTLEBLOWER POLICY*

The Lakeland Association of REALTORS® requires directors, officers and employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the Lakeland Association of REALTORS®, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations

### Reporting Responsibility

It is the responsibility of all directors, officers and employees to report ethics violations or suspected violations in accordance with this Whistleblower Policy.

### No Retaliation

No director, officer or employee who in good faith reports an ethics violation shall suffer harassment, retaliation or adverse employment consequences. An employee who retaliates against someone who has reported a violation in good faith is subject to discipline up to and including termination of employment. This Whistleblower Policy is intended to encourage and enable employees and others to raise serious concerns within the Lakeland Association of REALTORS® prior to seeking resolution outside the Lakeland Association of REALTORS®.

### Reporting Violation

The Lakeland Association of REALTORS® has an open door policy and suggests that employees share their questions, concerns, suggestions or complaints with someone who can address them properly. In most cases, the Executive Vice President is in the best position to address an area of concern. However, if you are not comfortable speaking with the EVP or you are not satisfied with the EVP's response, you are encouraged to speak with the President or anyone on the Board of Directors whom you are comfortable in approaching. The Executive Vice President is required to report suspected ethics violations to the President. For suspected fraud, or when you are not satisfied or uncomfortable with following the Lakeland Association of REALTORS®' open door policy, individuals should contact association attorney directly.

### Compliance Officer

The Lakeland Association of REALTORS®' Finance Committee Chair is responsible for investigating and resolving all reported complaints and allegations concerning violations and, at his/her discretion, shall advise the Executive Vice President and/or the finance committee. The Compliance Officer has direct access to the finance committee of the board of directors and is required to report to the finance committee at least annually on compliance activity. The Lakeland Association of REALTORS®' Compliance Officer is the chair of the Finance Committee.

### Accounting and Auditing Matters

The finance committee of the board of directors shall address all reported concerns or complaints regarding corporate accounting practices, internal controls or auditing. The Compliance Officer shall immediately notify the audit committee of any such complaint and work with the committee until the matter is resolved.

### Acting in Good Faith

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove not to be substantiated and which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

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### Confidentiality

Violations or suspected violations may be submitted on a confidential basis by the complainant or may be submitted anonymously. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

### Handling of Reported Violations

The Compliance Officer will notify the sender and acknowledge receipt of the reported violation or suspected violation within five business days. All reports will be promptly investigated and appropriate corrective action will be taken if warranted by the investigation.

Policy Approved by the Lakeland Association of REALTORS® Board of Directors on February 17, 2011

## *BUILDING RESERVE FUND*

Terms and conditions and use of funds shall be determined by the Board of Directors with a recommendation by the Finance Committee.

## *CANDIDATE SCREENING PROCEDURE*

It shall be the policy of the Association to screen candidates running for the same office, whether on a local, state or federal level, prior to recommending for election, re-election or funding from the REALTORS® Political Action Committee. However, for incumbents without opposition, and or identified “opportunity” races suggesting early support, the extent of screening may be modified.

### 1. Screening Panel

- a. The Screening Panel shall be appointed by the chair of the Political Affairs Committee and shall consist of the moderator, four members and an alternate. The actual screening panel shall be appointed two weeks prior to screening.
- b. Panel members, including the moderator, should be objective and not prejudiced.
- c. Panel members shall not sit on a panel if they are a Key Contact, campaign worker or personal contributor to the candidate. Key contacts shall serve an advisory role.
- d. Panel members shall attend an orientation/education program prior to serving on the panel unless they have previously served on a screening panel
- e. It is recommended that at least one member of the Board of Directors sit on the screening.
- f. LAR members are invited to observe the screening process. There will be a forum after the panel has concluded the interview and will be available for consideration towards the panel’s decision.

### 2. Procedure

- a. Invitations to participate in the screening process and questionnaires regarding the candidacy should be mailed to candidates at least 10 days prior to any scheduled interview.
- b. Based on the responses to initial questionnaires, the Committee may elect not to interview candidates in any given race.
- c. The Screening Panel may allow a candidate with a valid reason for not responding to the questionnaire or appearing at an interview session to be screened at a makeup date, by mail or telephone.
- d. The screening process shall take place no later than 15 days prior to Election Day.
- e. After all candidates have been screened, the moderator shall conduct a discussion of the candidates and a written ballot taken.
- f. Members of the Screening Panel shall make their recommendation based on qualifications, elect ability, and issues. The Screening Panel shall recommend the candidate receiving the most votes, or it may decide not to recommend any candidate.
- g. The Screening Panel shall provide the Board of Directors with a written tabulation of the number of votes for each candidate along with its recommendation.
- h. The moderator shall notify the Chair of the Political Affairs Committee of the recommendation within 24 hours after the Screening Panel has completed its screening.

- i. Within three working days those findings, along with the recommendations of the Governmental Affairs Committee shall be delivered to the Association Executive for immediate delivery by mail to the Board of Directors.
- j. The Board of Directors may approve or disapprove the recommended candidate however; it shall not make a substitute. A two-thirds vote of the Board of Directors shall be required to disapprove a candidate.
- k. The Board of Directors shall within seven days (Including Saturday, Sunday and Holidays) either at a regular meeting, a special meeting or by electronic communication.
- l. Once approved by the Board of Directors notification to the candidate by the Director of Public Affairs will be withheld pending approval/disapproval by Florida RPAC.
- m. In special elections, these periods shall be adhered to as closely as possible.
- n. The training session should consist of two one-hour periods. The first period should cover the screening process for all panel members by FAR on a year by year basis.
- o. The Association is to attempt to coordinate screening with other boards/associations as it pertains to candidates whose districts encompass multiple board/association jurisdictions.
- p. Any REALTOR® can submit questions for consideration with the understanding that those questions may not be included during the candidate interviews.
- q. Questions that will be asked during candidate interviews cannot be shared with any individuals prior to the screening.

### *SUPRA LOCKBOX SYSTEM*

A lockbox is a container affixed to a property containing a device to gain access to the property being marketed by a REALTOR®. Other REALTORS® are authorized under certain conditions to open these lockboxes under terms specified by the listing broker. Cooperating brokers and sales licensees, functioning in any type of legal brokerage relationship with potential purchasers, must contact the listing broker to disclose their brokerage relationship status and to arrange appointments to show the listed property even if the property has a lockbox affixed to it, unless the listing broker has given specific permission (through information published in a multiple listing service or otherwise) to show the property without first contacting the listing broker. Lockboxes are not security devices but are a convenience by which to expedite the showing of property. Nothing shall prevent the owner's right to refuse to have a lockbox on his property.

The key system provided by the Lakeland Association of REALTORS® is a member service offered to REALTOR® members and to certain affiliate members who are actively engaged in a recognized field of real estate practice or in related fields. LAR members must agree to comply with all the provisions of key holder and lockbox contractual vendor agreements and leases and with the rules, policies and security requirements for lockbox use. Violation of these rules, policies or security requirements shall result in fines or in loss of the privilege of using a lockbox key or the lockbox system.

LAR has an exclusive contract with SUPRA, a division of GE Security, a National Association of REALTORS® (NAR) approved vendor as the lockbox vendor. The system includes:

1. SUPRA Electronic Keys: ActiveKEYs and eKEYs; i.e., various Smart Phones and Personal Data Assistants
2. iBox (SUPRA lockbox)
3. This system meets the minimum security measures adopted by NAR and by LAR.
4. The lockbox key records entry into properties and transmits the entry information to the system.

#### *Lockbox Key Policy*

##### *Issuance of Supra Equipment*

1. Lockbox keys are issued by LAR to an individual under a lease with SUPRA. Under no circumstances shall anyone other than the key holder have use of the key. Keys shall not be shared, loaned, or given to any other person to use to enter a property.
2. To be issued a key, members must be in good standing with the association, read and execute a lease agreement, pay the required fees, and attend training on the use of the key.
3. LAR will refuse to lease lockbox keys, may terminate existing key lease agreements, and will refuse to activate or reactivate any key held by an individual convicted of a felony or misdemeanor if the crime, in the determination of the Association relates to the real estate business or puts clients, customers, or other real estate professionals at risk.
4. No member shall be required to lease a lockbox key from the Association. Leasing a lockbox key is on a voluntary basis.

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5. Members who have a current ActiveKey lease or eKey user agreement will have the opportunity to lease iBoxes based on their availability.
6. Keys shall be deactivated by the Association for non-payment of Key fees or membership dues. Keys may be deactivated for noncompliance with Code of Ethics sanctions or sanctions for violations of membership duties. Lost, stolen or missing keys will be deactivated when reported to the Association.

#### *Return of Supra Equipment*

Leased ActiveKEYs must be returned to the Association when a member no longer desires to use the system or has failed to pay the Key fees or membership dues, or is not in compliance with a Code of Ethics sanction or a sanction for violation of a membership duty. The lease can only be cancelled upon the return of the leased equipment. If the leased equipment is not returned, the member or former member shall owe a \$249 equipment charge for the ActiveKey and a \$250 equipment charge per iBox.

#### *Lockbox Procedures to Enter a Property*

These are the procedures for using the lockbox system:

#### *Access to Property*

All members who use a lockbox key must:

1. Contact the listing broker unless given other specific instructions whether in a multiple listing service or otherwise.
2. Disclose their brokerage relationship or other status to the listing broker.
3. Arrange an appointment to show or enter the property.
4. **Note:** The fact that a property has a lockbox available for use does not authorize any keyholder to enter or show the property without first contacting the listing broker.
5. Leaving the Property
6. All property keys or other entry devices must be returned to the lockbox container. Under no circumstances are property keys or entry devices to be given to anyone at any time. They are available to enter the property as specified in these rules only.

#### *Lockbox Breach of Security*

The lockbox security requirements of the National Association of REALTORS®, as from time to time amended, are hereby adopted and made a part of these Rules and Regulations. A \$5,000 fine and termination of lockbox key privileges until the fine is paid will be assessed for:

1. Giving the property keys or access devices obtained from the lockbox container to any individual whatsoever.
2. Placing the PIN on the key.
3. Leaving the PIN in the key pouch.

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4. Writing the PIN on the instruction card.
5. Writing the PIN where it is accessible if lost or stolen.
6. Allowing anyone (spouse, significant other, team member, personal assistant, etc., other than keyholder to use the PIN or key.

A \$100 fine will be assessed for:

1. Failure to replace the property key or other access device back in the lockbox.

#### *Suspensions & Fines*

A member who receives a suspension or fine may request a hearing before the Professional Standards Committee of the Lakeland Association of REALTORS® by filing a written request for such a hearing.

#### *Lost or Stolen Keys*

These procedures are adopted from the National Association of REALTORS®.

Keyholders must report to LAR immediately a potential breach of the system and lost or stolen keys.

Keyholders must report stolen keys to the police department prior to being issued a replacement key. Keyholders must provide LAR with a copy of the police report as soon as possible.

LAR will issue replacement ActiveKEYs under the terms of the SUPRA ActiveKEY agreement.

#### *Lockbox Condition*

Lockboxes must be cleaned before returning them to the Association office. Reasonable effort shall be made to remove dirt, grime, mold, etc, wear and tear excepted. Staff shall refuse all dirty lockboxes. The Assignee shall be given three business days to clean the lockboxes and return them to the Association office. When a lockbox is not returned within three business days, staff shall bill the Assignee for each lockbox at the current SUPRA replacement price plus a non-refundable fine of \$10 per lockbox. (Revised 6/10)