

**JUPITER-TEQUESTA-HOBE SOUND ASSOCIATION OF REALTORS  
POLICY & PROCEDURES MANUAL**

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*(Amended July 8, 2009)*

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**Board of Directors**

Minutes of the Board of Directors meetings shall not be distributed to membership, but all records shall be made available for review at the Association Office by any member. *(adopted March 17, 1979)*

Appointment of Regional MLS Directors shall be made by the President with Board of Director approval. *(adopted October, 1988)*

President, President-Elect, Immediate Past President, Treasurer and Corporate Secretary to comprise an Executive Committee to review selected agenda items and send recommendations to the Board of Directors. *(adopted January 26, 1994; amended July 13, 2000)*

A vote by an Officer or Director shall be valid only if the individual is present in the room, present for the full discussion and present for the motion, or if not present for full discussion, he/she must be given an opportunity to be briefed by those present prior to the question being called. *(adopted June 1, 1994)*

There shall be no campaigning or electioneering including demonstrations or literature permitted on the day of the election within the room where the election is being held. *(adopted July 16, 1998)*

At the discretion of the President, special meetings could be conducted via electronic communications with appropriate notice to all members. *(adopted January 19, 2000)*

Annual written performance review of the Association Executive shall be completed and reviewed by the Board of Directors at the end of the third quarter of each year. *(adopted February 13, 2000)*

Annual written review of staff shall be completed by the Association Executive with written summary presented to the Board of Directors by the end of the third quarter of each year. *(adopted February 13, 2000)*

Board of Directors to complete an annual review of the Associations' business relationship with its legal counsel and CPA. *(adopted February 13, 2000)*

The following procedures shall be adopted for reviewing the Association Executive, Attorney and Accountant. 1. Letter sent to inform them of the review procedure; 2. Questionnaire completed by each Board of Director; 3. Written review and verbal discussion. *(adopted September 14, 2001)*

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President's signature stamp facsimile may be used on checks only in an emergency and only with written authority. Treasurer requested that his negative vote be recorded. *(adopted February 13, 2000)*

Liaisons to budgeted committees shall monitor expenses and report overages to the Board of Directors in a timely manner. *(adopted April 11, 2001)*

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## **Candidate Screening and Support Policies and Procedures**

The Jupiter-Tequesta-Hobe Sound Association of REALTORS®, in conjunction with FAR and NAR, will make every effort to identify and recommend candidates for elective offices that support real estate industry issues with particular emphasis given to private property rights.

### THE SCREENING PANEL

- The panel will be assembled by the Public Policy Committee Chairman. By definition, a panel member is a candidate screener who asks questions in the interviewing process and votes on possible recommendations to the Board of Directors.
- The chairman of the Public Policy Committee will chair the screening panel. In the chair's absence, the vice-chairman will chair the screening.
- The chairman of the screening panel is responsible for ensuring a professional interview focused on issues affecting the real estate industry.
- The panel will ideally consist of six (6) to eight (8) members.

### PANEL MEMBER QUALIFICATIONS

- Must be registered to vote
- Must be a RPAC contributor
- JTHS Association member with consideration given to selection from the Public Policy and RPAC Committees, as well as Sterling R, Life, Capital Club, and 99 Club members.
- Objectivity and knowledge of political and legislative issues, as well as understanding of JTHS policies and objectives.
- May not be currently serving as an elected official, or state governmental agency appointee.
- For any partisan race, may not sit on any political party's executive committee.

### SCREENING PANEL POLICIES

- The Candidate Screening Disclosure Statement shall be filled out completely by each panel member prior to the interview.
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- The JTHS Association president is the spokesperson for the Association. The president may choose to have a representative publicly disclose the results, but no results may be disclosed prior to having the approval of the president.
- Only the candidate who has filed for office will be allowed into the interview. No campaign manager or other campaign workers will be allowed to attend or speak in lieu of the candidate.
- JTHS members are permitted and encouraged to observe the interview process, but may not be present for the panel deliberations after the interview.
- Panel recommendations shall remain confidential in their entirety until the JTHS Association Board of Directors approves the recommendations and/or RPAC approves the funding.
- Panel members agree not to divulge the discussion that took place during the deliberations after the interviews nor to divulge reasons why a candidate was not recommended for support.

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### SCREENING PROCESS

- All members of JTHS Association will be invited to attend the screening process as observers. Observers may not actively engage in the interview, nor make comments during the interview. Should any observer have important, relevant information regarding a candidate, this information should be communicated to the chairman prior to deliberation. All observers, excepting the Director liaison, must leave the room prior to the panel's deliberations.
- Questionnaires shall be prepared by the Public Policy Committee consistent with the office being sought. FAR prepared questions are available for many state and local races.
- Questionnaires will be mailed, faxed, or emailed to each candidate with sufficient time for review prior to the interview.
- Interview of candidates will be of sufficient length and depth to give the screening panel every opportunity to resolve all questions concerning the candidate's position on issues and any other pertinent factors. (approximately 20-30 minutes)
- The chairman will facilitate the interview ensuring that all panel members have the opportunity to ask questions, and, as time permits, the candidate answers as many pertinent questions as possible.
- Whenever possible, a written scoring system should be used by panel members for review in deliberation.
- Candidates may distribute campaign materials to panel members.
- For all county-wide and state offices, the JTHS Association will make a concerted effort to interview candidates jointly with neighboring REALTOR® Associations.
- Any panel member of JTHS Association should disclose participation on additional screening panels on behalf of other organizations.

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- If the Association clearly intends to support a candidate (e.g. an incumbent who has supported and/or championed REALTOR® issues, an Association member running for office), candidate screening in the race may be omitted. Board of Directors' approval for early support must be obtained prior to candidate screening scheduling.

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## CANDIDATE SUPPORT

- The chairman of the screening panel, or their Director liaison, will present recommendations based on findings to the JTHS Association Board of Directors.
- No more than one candidate for a specific seat may be supported.
- The panel and the Board agree not to divulge the discussions held regarding candidate support.
- Consideration of support will be given only to candidates whose political philosophies are consistent with the REALTOR® concept of the protection of Private Property Rights.
- Membership in the JTHS Association will not in itself ensure automatic support.
- Candidates will be notified in writing immediately following the Board's decision on support and RPAC's decision on funding.
- JTHS Association members will be notified in as many communications as possible of Association support prior to the election.
- Selected candidates will receive financial and/or public relations support depending upon JTHS Association resources. *(adopted November 13, 2002)*

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## Code of Ethics and Arbitration Policy

The Jupiter-Tequesta-Hobe Sound Association of REALTORS® adopts the following policies and procedures as adaptations to the Code of Ethics and Arbitration Manual of the NATIONAL ASSOCIATION OF REALTORS® as of July 11, 2001:

### STATEMENTS OF PROFESSIONAL STANDARDS POLICY

1. Voluntary arbitration is provided as an Association Service.  
*(reference #3 and Section 44 (4-6))*
2. The President may appoint five (5) directors to act on behalf of the Board of Directors in matters concerning Ethics Appeal Hearings, Procedural Reviews and Re-hearing Requests. These five (5) directors may be rotated throughout the year.  
*(reference #33)*
3. The names of members who violate the Code of Ethics twice within three years should not be published.  
*(reference #45 & Section 23 (n))*

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## PART ONE & PART SEVEN – GENERAL PROVISIONS

## PART FIVE & PART TWELVE – CONDUCT OF AN ETHICS AND ARBITRATION HEARING

1. Parties to Ethics and Arbitration Hearings may not tape record hearings.  
*(reference Section 6 & Section 31)*

## PART TWO & PART EIGHT – MEMBERSHIP DUTIES & THEIR ENFORCEMENT

## PART THREE & PART NINE – THE GRIEVANCE COMMITTEE

1. The Chairman of the Grievance Committee and the Professional Standards Committee shall be selected by the President and confirmed by the Board of Directors.  
*(reference Sections 15 & 38 & Sections 16 & 39)*  
*(reference Sections 17 & 40)*
2. Not more than eight (8) members shall be selected to serve on the Grievance Committee. Not less than twelve (12) members shall be selected to serve on the Professional Standards Committee.  
*(reference 15 & 38 & Sections 16 & 39)*  
*(reference Sections 17 & 40)*

## PART FOUR – THE ETHICS HEARING

1. The Association shall not impose an Administrative Processing Fee.  
*(reference Section 14)*
2. The Hearing Panel Chairman and Hearing Panel Members shall be provided with Ethics Complaints and Requests for Arbitration at the time the hearing is scheduled.  
*(reference Section 21 (e) & Section 51 (b))*
3. Any person, whether a member or not, having reason to believe that a member is guilty of any conduct subject to disciplinary action, may file a complaint in writing with the Secretary, dated and signed by the complainant, stating the facts on which it is based (Form #1, Complaint, **Part Nine**); provided, however, that the complaint must be filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence.
4. Any complaint alleging a violation of the Code of Ethics by an Association Member or by any other person subject to the disciplinary authority of the Association, will be scheduled for review by the Grievance Committee (or by a panel thereof) at the next regular meeting.
5. If the Grievance Committee concludes that the complaint is vague, overly general, does not allege violations of specific Article(s), or is otherwise insufficient on its face, the complaint shall be referred back to the complainant accompanied by the Grievance Committee's initial conclusions. The complainant shall be free to refile an amended complaint.

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6. If the Grievance Committee concludes that the allegations in the complaint, if taken as true, could not support a finding that the Code of Ethics had been violated, then the complaint shall be dismissed and the complainant advised of the dismissal and of their right to appeal the dismissal to the Board of Directors using Form #E-22, Appeal of Grievance Committee Dismissal of Ethics Complaint; however, no additional information may be added or attached to the form.
7. If the Grievance Committee concludes that the complaint alleges conduct which, if taken as true, could support a possible violation of the Code of Ethics, then staff or counsel, or in the absence of staff or counsel, the Grievance Committee Chairperson will ascertain whether or not there were any prior violations of the Code of Ethics in the past three (3) years. The complaint will then be sent to the respondent together with a response form (Form #E-20, Notice to Respondent [Ethics] and Optional Waiver of Right to Hearing), which will advise the Respondent of the complaint; which will ask the Respondent to affirm that the Respondent has not been found in violation of the Code of Ethics by any Association within the past three (3) years; and which will give the respondent an opportunity to waive the right to a hearing by acknowledging the conduct alleged in the complaint and by agreeing to accept discipline which will not exceed a fine in excess of \$2,500 or suspension for a period of thirty (30) days should a violation of the Code ultimately be determined.
8. Alternatively, the Respondent has the right to a hearing pursuant to the procedures established in **Part Four** of this Manual.
9. If the Respondent does not acknowledge the conduct alleged in the complaint or waive the right to a hearing, or does not respond within twenty (20) days from receipt of the complaint, a hearing shall be scheduled in the manner provided for in Section 21, Ethics Hearing.
10. If the Respondent waives the right to a hearing and acknowledges the conduct alleged in the complaint, such elections will be affirmatively indicated on the response form which shall be returned to the Grievance Committee Chairperson (or staff or counsel) within twenty (20) days from receipt of the complaint by the Respondent. The Grievance Committee Chairperson (or staff or counsel) will verify the Respondent's assertions as to prior violations in the past three (3) years. In the absence of any prior violation within the past three (3) year period, the complaint will be referred to a panel of the Professional Standards Committee for consideration within thirty (30) days. The panel shall be appointed pursuant to the procedures established elsewhere in this Manual.

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11. The Panel of the Professional Standards Committee will meet in executive session. Neither the Complainant nor the Respondent will be present. Association staff and counsel will be present as deemed necessary by the Chairperson. The initial question to be determined by the panel will be whether the allegations in the complaint, as acknowledged and agreed to by the Respondent, support a violation of one or more of the Articles of the code of Ethics. The panel shall prepare a brief, concise decision which shall include findings of fact, conclusions, and a recommendation for discipline if a violation is found. Discipline that may be imposed, if a violation is determined, may only include one or more the following: letter of warning or reprimand, mandatory attendance at a relevant educational program, probation, suspension for thirty (30) days, or a fine not in excess of \$2,500.
12. The decision of the panel will be filed with the Secretary within ten (10) days after the panel's decision is final. The procedures for dissemination of the decision shall be those in Section 22(b), Decision of a Hearing Panel. Appeals of decisions shall be pursuant to Section 23, Action of the Board of Directors, of this Manual.  
*(reference Section 20 (f-o))*
13. There will be a \$250 filing fee for all appeals on Hearing Panel decisions.  
*(reference Section 23 (c))*

### PART SIX & PART THIRTEEN – SPECIMEN FORMS

1. The Association requires that Respondent reply to Ethics Complaints and Requests for Arbitration within fifteen (15) days of notice and must submit the number of copies equal to the number of Grievance Committee Members.  
*(reference Form #E-4)*
2. Parties must submit a list of witnesses and representation of legal counsel to the Association fifteen (15) days prior to the hearing.  
*(reference Form #E-8 & Form #A-9)*
3. Parties must submit a Request for Re-hearing within twenty (20) days from receipt of the Hearing decision and a Request for Appeal within twenty (20) days from receipt of decision if no Request for Re-hearing is filed; if a re-hearing is filed but denied, ten (10) days after receipt of the denial; if a re-hearing is filed and heard, twenty (20) days from receipt of the Hearing Panel's final decision.  
*(reference Form #E-11)*
4. Parties must provide written notice of legal counsel representation fifteen (15) days prior to an Appeal Hearing or Procedural Review.  
*(reference Form #E-14 & Form #A-14)*
5. The Association requires that parties must file Challenges of Appeal Panel within ten (10) days.  
*(reference Form #E-14 & Form #A-14)*

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6. Parties refusing to submit to Arbitration shall be referred to the Board of Directors to hear allegation.

*(reference Form #E-19 & Form #A-19)*

7. Appeals of the Grievance Committee's decision to dismiss Ethics Complaints or Arbitration Requests (or challenges to the classification of Arbitration Requests) shall be referred to the Board of Directors.

*(reference Form #E-19 & Form #A-19)*

### PART TEN – ARBITRATION OF DISPUTES

1. There will be a \$500 filing fee for the Complainant and Respondent in all Arbitration matters. *(amended December 17, 2003)*

*(reference Section 47 (a) & Section 48 (a))*

2. The Grievance Committee shall meet within fourteen (14) days of receipt of an Ethics Complaint or an Arbitration Request with the exception of scheduling conflicts.

*(reference Section 47 (b))*

3. The Association requires that the Respondent reply to Ethics Complaints and Arbitration Requests within fifteen (15) days of notice.

*(reference Section 47 (b))*

4. In the event the Respondent fails or refuses to sign the Response and Agreement Form (**Part Thirteen**, Form #A-4), fails or refuses to make the required deposit, or fails or refuses to take part in the Arbitration Hearing, the Arbitration Hearing may be scheduled and conducted in the absence of the Respondent.

*(reference Section 48 (b))*

5. If an award has been rendered in an arbitration hearing, the non-prevailing party must, within ten (10) days following receipt of the award, either (1) pay the award to the party(ies) named in the award or (2) deposit the funds with the Association Legal Counsel to be held in a special escrow account as per the advice of Association Legal Counsel.

*(reference Section 53 (c)-(f); amended January 15, 2008)*

6. The Arbitration filing fees of the Complainant and the Respondent will be retained by the Association.

*(reference Section 54)*

7. There will be a \$250 filing fee for all requests for Procedural Review.

*(reference Section 55 (a))*

### APPENDIX V TO PART TEN – MEDIATION AS A SERVICE OF MEMBER ASSOCIATIONS

1. The Association will provide Mediation services prior to Arbitration Hearings.

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## PART ELEVEN – INTERBOARD ARBITRATION PROCEDURES

1. Establish cost of the Arbitration.
2. Establish which Association will retain the respective parties' filing fee.
3. Establish the number of days after the Hearing Panel is formed that the Secretary must send a copy of the Arbitration Request to the Respondent.
4. Clarify whether a party may or may not tape record the proceeding.

## PART FOURTEEN – STATE ASSOCIATION PROFESSIONAL STANDARDS COMMITTEE

1. Establish expenses of hearings conducted by State Association.  
*(reference Section 3 (6))*

Only a statistical report shall be disseminated to members about Professional Standards cases. The report should include the number of complaints received, how many referred from Grievance for a Hearing, number of members found in violation, and the Articles of the Code that had been violated. The report could also include penalties imposed. *(adopted April, 1984)*

Alternates shall be permitted to sit, as non-participants through the executive session following an ethics or arbitration hearing. *(adopted February 24, 1988)*

Adopt the Dispute Resolution System (DRS). *(adopted October 31, 1990)*

Adopt the Interboard Arbitration Agreement between JTHS and the Realtors Association of the Palm Beaches, Realtor Association of Greater Miami and the Beaches, South Broward Board of Realtors, Realtor Association of Miami-Dade County and Northwestern Dade Association of Realtors. *(adopted December 17, 2003)*

Professional Standards Hearing documents shall be shredded after the twenty (20) day appeal and Procedural Review periods have expired. *(adopted April 12, 2006)*

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## Committees

Each committee shall have a liaison member of the Board of Directors appointed by the President. *(adopted January 30, 1980)*

To develop potential future leadership, A Vice Chairman shall be appointed to each committee. The Vice Chairman shall not require approval of the Board of Directors and such appointment shall not indicate automatic ascension to the role of Chairman. *(adopted December 18, 1984)*

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For committees meeting regularly, names of any member who is absent from 2 consecutive meetings without excuse deemed valid by the committee, will be dropped from the roster. Committees meeting irregularly, will drop names after 3 such absences. *(adopted January 31, 1990)*

Committees shall send recommendation to Board of Directors for approval prior to making any financial contribution to a civic or charitable organization. *(adopted April 25, 1990)*

Funds budgeted for the Leadership Development Program shall be used only for the actual program, not for mountings or frames for diplomas, etc. *(adopted March 25, 1992)*

Re-establish RPAC as a standing committee. Eliminate MLS Committee. *(adopted October 28, 1993)*

Eliminate Membership Committee. *(adopted September 30, 1994)*

The role of the Realtor/Builder Committee shall be: develop/improve dialog between builders, contractors and REALTORS®. *(adopted April 12, 1995)*

There shall be a Finance Chair in addition to the Treasurer. *(adopted March 17, 2004; amended October 13, 2004)*

Change the name of the Community Affairs Committee to Realtor Outreach Committee. *(amended July 8, 2009)*

Change the name of the Government Affairs Committee to the Public Policy Committee. *(amended December 9, 2005)*

The role of the Affiliate/Realtor Committee shall be: increase communication/cooperation between all members, both Affiliates and REALTORS® to assist all of our members to maximize their resources and efforts. *(adopted January, 1996)*

All requests for sponsorships or contributions for Association activities to be routed through the Affiliate/Realtor Committee for dissemination to all Affiliate members. *(adopted March 20, 1996)*

The Nominating Committee interview and qualify each candidate running for officer and director positions, select a slate and propose the slate to the membership and that this recommendation be made a part of Policy. *(adopted July 8, 2009)*

The Bylaws & Policy Committee have a minimum of four active Past Presidents in addition to members of the Association included in serving on the committee each year. *(adopted July 8, 2009)*

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### **Dues, Fees, Finances**

A finance check and balance system will be enforced. *(adopted March 17, 2004)*

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Annual Dues shall be as follows: REALTORS® and Designated REALTORS® \$300; Affiliates \$250 - additional mailings \$50 each; Application Fees: Designated REALTORS® \$300; REALTORS® \$250; Secondary REALTORS® \$25; Affiliates \$175. *(adopted 1999; amended October 12, 2001; amended September 12, 2006; amended August 13, 2008)*

Fee for transfer of membership from one office to another within the Association shall be \$50. Reinstatement fee for all member classes shall be \$150 except reinstatement within the same year. If dues are paid to the current year end, reinstatement fee shall be \$40. *(adopted March 31, 1993; amended September 18, 1994; amended September 12, 2006; amended August 13, 2008; amended July 8, 2009)*

A \$100 fee for a REALTOR® to upgrade to Designated REALTOR® within the same office provided that individual has been a member of that firm for a minimum of 6 months. If that individual establishes a new office, he/she pays difference between application fees that have been paid and DR application fee in effect at that time. *(adopted May 26, 1993)*

Orientation deposit of \$50 for REALTORS® & Designated REALTORS® be eliminated. *(adopted March 7, 2001)*

Signatories for all Association accounts shall be: President, President-Elect, Treasurer, EO. Any two signatures shall be required for checks and withdrawals. *(adopted January 30, 1991)*

Security Bond in the amount of \$25,000 shall be purchased to cover all staff members. *(adopted September 25, 1985)*

Eliminate annual service fee in amount equal to REALTOR® annual dues (local portion only) charged to Designated REALTOR® for each additional office receiving services. *(adopted December 17, 1986; amended October 19, 2005)*

Authorized signatures for Credit Card(s) in the Association name shall be the signatures of the EO and the incumbent President. *(adopted February 26, 1986)*

Local portion of Association dues shall be pro-rated monthly. *(adopted April 29, 1987)*

NSF checks to the Association shall incur \$25 service fee to the member. *(adopted April 29, 1987; amended July 8, 2009)*

Implement a financial Best Business Practices policy. *(adopted December 10, 2004)*

Dues for new member applicants shall be pro-rated on a quarterly basis. *(adopted September 12, 2006)*

The budget shall be set up to show an estimated income and expense for each line item. *(adopted July 27, 1989)*

The budget shall show the breakdown for travel expenses for each individual or group. *(adopted July 27, 1989)*

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Officers/Directors shall not request unbudgeted funds without naming sources of such funds. *(adopted November 26, 1990)*

Office/Agent rosters to be made available to members for \$25 and non-members for \$100. *(adopted January 26, 1994; amended July 8, 2009)*

All duly noticed business meetings where a vote of the membership will take place will be funded by the Association. All other membership meetings shall be self-supporting. *(adopted January 26, 1994)*

President shall not sign any binding contracts for FAR District III functions. *(adopted February 23, 1994)*

District III Vice President will not be funded unless needs are determined and approved by our Board of Directors. *(adopted February 23, 1994)*

Association accounts to be balanced at the end of each month. *(adopted August 16, 1995; amended July 8, 2009)*

Authorize the Association Executive to approve or reject requests for renting the auditorium. *(adopted July 8, 2009)*

RPAC contribution to be included on annual dues bills with required disclosures. *(adopted May 21, 1997)*

The local portion of the dues shall be waived to any member who is actively serving in the military. *(adopted December 15, 2006)*

Sixty (60%) percent of the total annual budget shall be the minimum cash reserve requirement. *(adopted October 12, 2000; amended March 12, 2003; amended October, 2007)*

There shall be a financial review conducted every year. *(adopted September 17, 2003)*

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## Education

Educational scholarships may be used by recipient or by another Association member to whom it is transferred within 1 year of receipt. After tuition is paid, remaining funds can be used to defray travel costs if the class is held out of town. *(adopted January 27, 1988)*

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## Headquarters Office and Facilities

Distribution System: Members from other Associations will be permitted use of our distribution system with same guidelines and restrictions as for our members. Reciprocate in like amount with other Associations who charge a distribution fee to our members. Allow members to place flyers in the distribution system every workday. *(adopted July 29, 1981; amended March 29, 1989; amended January 30, 1991)*

Allow flyer distribution on non-MLS properties by members if the property is exclusively listed, invites Realtor cooperation, and offers compensation. *(adopted June 29, 1994)*

Association equipment may not be used off-premises unless used for Association-sponsored event. *(adopted January 25, 1989)*

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## Meetings

Reservations shall be required for all General Membership Meetings. *(adopted September 26, 1990; amended July 8, 2009)*

Distribution of materials at General Membership Meetings must be arranged through Association staff. *(adopted January 31, 1991)*

\$5 fee for members who fail to cancel event reservation within 24 hours prior to the event. If the member has paid in advance for the event the \$5 fee will not be charged; however, the fee for the event will not be refunded. *(adopted May 15, 1996; amended May 14, 2001; amended March 14, 2007)*

A \$25 fee shall be charged for nonmembers who attend educational programs. *(adopted May 14, 2001)*

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## Membership

William H. Grafe, Jr. shall be designated a Lifetime Honorary Member with no dues requirement. *(adopted December, 2008)*

If an Individual Affiliate Member qualifies for and applies for REALTOR® membership, credit to be given toward new dues category for any unused amount of Affiliate dues. *(adopted April 29, 1987)*

Executive Officer is authorized to discontinue Board services to Designated REALTORS® who fail to fulfill 'unreported licensee' obligations by the date specified. *(adopted October 25, 1989)*

Membership reinstatement for REALTORS® to apply in same manner to Affiliates. *(adopted April 25, 1990)*

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Affiliate Member Applications shall be approved by the Board of Directors. *(adopted May 29, 1991)*

Dues for Secondary Members shall be the same as for Primary prorated on the same basis. *(adopted February 23, 1994)*

Designate Robert Kocher as a Lifetime Honorary member with no dues requirement. *(adopted 1996)*

Non-licensed real estate assistants and real estate office personnel qualify for Affiliate Member-ship. *(adopted April 17, 1996)*

Designate Irell Rohl as a Lifetime Honorary member with no dues requirement. *(adopted February 21, 1998)*

Affiliate application fees to be waived for any REALTOR® in good standing who owns a business eligible for affiliate membership. *(adopted May 13, 1998)*

Extend \$50 application fee now being offered to transferees from contiguous Associations to REALTORS® who transfer from other state associations with the stipulations that orientation is required. *(adopted February 13, 2000)*

Mailing Labels: REALTORS® and Affiliates may rent mailing labels at 10 cents each. Agreement that labels are for 1-time use only to be signed by recipient. *(adopted January 30, 1991)*

Reaffirmed that the REALTOR® Market Session is a service of the Association for the benefit of Association members. To be under the auspices of the Marketing Committee. *(adopted March 25, 1992; amended January, 2009)*

Affiliates shall be acknowledged at all events and a special recognition shall be given to new Affiliates. *(adopted March 14, 2007)*

Service/benefit fees established for *non-members*: Store items 25% over member cost; Membership Meetings/social optional, can be higher or the same as members *(adopted March 31, 1994; amended July 8, 2009)*

Permitted services for Non-member unlicensed personal assistants: Stuff Association mail boxes, pick up mail/supplies/products on behalf of member with any charges to be billed to or paid by member. *(adopted April 12, 1995; amended July 8, 2009)*

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## Miscellaneous

Names of offices or individuals who make no contribution to R-PAC (or other funds) may not be published. *(adopted February, 1984)*

Incumbent President shall not qualify for the Realtor of the Year Award. *(adopted January 31, 1990)*

Humanitarian Award to be part of the annual Honor Awards Program. Honor Awards Committee to determine criteria and manner in which nominations will be accepted. *(adopted November 13, 1996)*

Board of Directors and their guests shall receive complimentary tickets to the Installation Banquet. *(adopted October 13, 2004)*

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## Orientation

Eliminate the requirement for an examination at the end of Orientation. *(adopted February 24, 1988)*

New applicants must attend the first or second JTHS New Member Orientation Program, from date of application, offered by the Association in its entirety including the program on Code of Ethics. Failure to complete the entire program will result in the forfeiture of all fees paid on the local level and denial of the membership application or termination of provisional membership. *(adopted September 20, 2005; amended July 8, 2009)*

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**Travel Expense Reimbursement** – *(Adopted September 14, 2001; amended April, 2006; amended October, 2007; amended July 8, 2009)*

### **Administrative**

All expense statements must be submitted within forty-five (45) days of when the expense was incurred and shall be on the approved form. They will be reviewed and approved by the Association Executive before payment is issued. The Association Executive's expense statement will be submitted to the Treasurer for approval.

### **Cancellations**

In the event Association Executive handles registration or reservations, notification to change or cancel must be submitted to A.E. at least seventy-two (72) hours in advance of the original arrival date. Failure to notify A.E. will result in member being responsible for paying any cancellation or hotel guarantees that the Association may be charged for change/cancellation.

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### ***Reimbursable Expenses***

President (and spouse) – All transportation, registration fees, meals and lodging for all FAR and NAR meetings within annual amount budgeted. Further, any function whereby the President's attendance is necessary to represent the Association not to exceed annual amount budgeted.

President-Elect (and spouse) – All transportation, registration fees, meals and lodging for all FAR and NAR meetings within annual amount budgeted.

Immediate Past-President – All transportation, registration fees, meals and lodging for all FAR and NAR meetings within annual amount budgeted.

JTHS Appointed FAR Directors – All transportation, registration fees, meals and lodging for all FAR meetings within annual amount budgeted.

FAR elected NAR Directors – All transportation, registration fees, meals and lodging for all NAR meetings within annual amount budgeted less any amounts reimbursed by FAR. *(amended October, 2007)*

JTHS Directors – All transportation, registration fees, meals and lodging for all FAR meetings within annual amount budgeted provided the director is a member of at least one FAR committee and attends the meeting in its entirety. *(amended April, 2006) (amended October, 2007)*

FAR & NAR Committee Members - All transportation, registration fees, meals and lodging for all FAR & NAR meetings within annual amount budgeted. Reimbursement will be made only if members attend their committee meetings in their entirety. *(amended April, 2006) (amended October, 2007)*

FAR & NAR Committee Chairman - All transportation, registration fees, meals and lodging for all FAR & NAR meetings within annual amount budgeted less any amounts reimbursed by FAR. Reimbursement will be made only if members attend their committee meetings in their entirety. *(amended April, 2006) (amended October, 2007)*

JTHS Education Committee Chairman – All transportation, registration fees, meals and lodging for FAR Education Workshop within annual amount budgeted and FAR meetings as approved by the Board of Directors. Reimbursement will be made only if members attend their committee meetings in their entirety. *(amended April, 2006) (amended October, 2007)*

JTHS Public Policy Committee Chairman and Vice Chairman – All transportation, registration fees, meals and lodging for FAR Legislative Days within annual amount budgeted and FAR meetings as approved by the Board of Directors. Reimbursement will be made only if members attend their committee meetings in their entirety. *(amended April, 2006) (amended October, 2007)*

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JTHS RPAC Committee Chairman and Vice Chairman – All transportation, registration fees, meals and lodging for FAR Legislative Days within annual amount budgeted and FAR meetings as approved by the Board of Directors. Reimbursement will be made only if members attend their committee meetings in their entirety. *(added October, 2007)*

JTHS Legislative Key Contacts – All transportation, registration fees, meals and lodging for FAR Legislative Days within annual amount budgeted.

Association Executive (and spouse) – All transportation, registration fees, meals and lodging for all FAR, NAR and A.E. Institute Meetings and other meetings as required by the position. *(amended October, 2007)*

Reimbursement for staff travel will be listed under a separate line item than the travel budget. *(adopted October 10, 2007)*

Mileage reimbursement will be based on the current IRS Standard Mileage Rate. *(Amended April, 2006)*

Reimbursement will be made for the prior night's lodging only if the member attends a meeting of his/her committee that calls to order before 11:00 a.m. and is further than 100 miles. *(amended July 8, 2009)*

Reimbursement will be made for an extra night's room (if needed) to attend meetings that begin after 10:00 a.m. when the funded members share hotel rooms and divide the expense. *(adopted January 15, 2008)*

Reimburse the driver for mileage when carpooling to conventions even if driver has gone over budget. The overage expense will be split among the passengers. *(adopted December 12, 2008)*

### ***Expenses Not Reimbursed***

Reimbursement will not be made if receipts for expenses are not submitted excluding tips. *(amended October, 2007)*

If compensation can be secured from any other entity or source, reimbursement by the Association will not be made.

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## ***Antitrust***

### Prelude

The Jupiter-Tequesta-Hobe Sound Association of Realtors® is a not-for-profit organization. The Association is not organized to and may not play any role in the competitive decisions of its members or their employees, nor in any way restrict competition among members or potential members. Rather it serves as a forum for a free and open discussion of diverse opinions without in any way attempting to encourage or sanction any particular practice.

The Association provides a forum for exchange of ideas in a variety of settings including its annual meeting, educational programs, committee meetings, marketing sessions, and Board of Director meetings. The Board of Directors recognizes the possibility that the Association and its activities could be viewed by some as an opportunity for anti-competitive conduct. Therefore, this policy statement clearly and unequivocally supports the policy of competition served by the antitrust laws and to communicate the Association's uncompromising policy to comply strictly in all respects with those laws.

While recognizing the importance of the principle of competition served by the antitrust laws, the Association also recognizes the severity of the potential penalties that might be imposed on not only the Association but its members as well in the event that certain conduct is found to violate the antitrust laws. Should the Association or its members be involved in any violation of federal/state antitrust laws, such violation can involve both civil and criminal penalties that may include imprisonment for up to 3 years as well as fines up to \$350,000 for individuals and up to \$10,000,000 for the Association plus attorney fees. In addition, damage claims awarded to private parties in a civil suit are tripled for antitrust violations. Given the severity of such penalties, the Association intends to take all necessary and proper measures to ensure that violations of the antitrust laws do not occur.

### **Policy**

In order to ensure that the Association and its members comply with antitrust laws, the following principles will be observed:

- The Association or any committee, section, chapter, or activity of the Association shall not be used for the purpose of bringing about or attempting to bring about any understanding or agreement, written or oral, formal or informal, expressed or implied, among two or more members or other competitors with regard to prices or terms and conditions of contracts for services or products. Therefore, discussions and exchanges of information about such topics will not be permitted at Association meetings or other activities.

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- There will be no discussions discouraging or withholding patronage or services from, or encouraging exclusive dealing with any supplier or purchaser or group of suppliers or purchasers of products or services, any actual or potential competitor or group of actual potential competitors, or any private or governmental entity.
- There will be no discussions about allocating or dividing geographic or service markets or customers.
- There will be no discussions about restricting, limiting, prohibiting, or sanctioning advertising or solicitation that is false, misleading, deceptive, or directly competitive with Association products or services.
- There will be no discussions about discouraging entry into or competition in any segment of the marketplace.
- There will be no discussions about whether the practices of any member, actual or potential competitor, or other person are unethical or anti-competitive, unless the discussions or complaints follow the prescribed due process provisions of the Association's bylaws.
- Certain activities of the Association and its members are deemed protected from antitrust laws under the First Amendment right to petition government. The antitrust exemption for these activities, referred to as the Noerr-Pennington Doctrine, protects ethical and proper actions or discussions by members designed to influence: 1) legislation at the national, state, or local level; 2) regulatory or policy-making activities (as opposed to commercial activities) of a governmental body; or 3) decisions of judicial bodies. However, the exemption does not protect actions constituting a "sham: to cover anticompetitive conduct. Speakers at committees, educational meetings, or other business meetings of the Association shall be informed that they must comply with the Association's antitrust policy in the preparation and presentation of their remarks. Meetings will follow a written agenda approved in advance by the Association or its legal counsel.
- Meetings will follow a written agenda. Minutes will be prepared after the meeting to provide a concise summary of important matters discussed and actions taken or conclusions reached.

Informal discussions at the site of any Association meeting all participants are expected to observe the same standards of personal conduct as are required of the Association in its compliance.

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## ***Whistleblower***

The Jupiter-Tequesta-Hobe Sound Association of Realtors® (JTHS) prides itself on its adherence to federal, state, and local laws and/or regulations, including business ethics policies. JTHS has adopted a “Whistleblower” Policy. Pursuant to this policy, any employee, officer, or director who becomes aware of any violation of federal, state or local law or regulation, including any financial wrongdoing, should immediately report the violation to the Association Executive to allow the organization to investigate and, if applicable, correct the situation or condition.

“Financial wrongdoing” may include, but is not limited to: questionable accounting practices; fraud or deliberate error in financial statements or recordkeeping; deficiencies of internal accounting controls; or misrepresentations to Association officers, including deviation from full reporting of financial conditions.

## **Reporting Responsibilities**

If any employee, director, or officer reasonably believes that some policy, practice, or activity of JTHS is in violation of law, a written complaint must be filed with the Association Executive. If the Association Executive is involved or is believed to be involved in the matter being reported, the complaint may be filed with the Association President or JTHS’ legal counsel.

It is the intent of JTHS to adhere to all laws and regulations that apply to the organization and the underlying purpose of this policy is to support the organization’s goal of legal compliance. The support of all employees, directors and officers is necessary to achieving compliance with various laws and regulations. Employees, directors and officers are protected from retaliation only if the alleged unlawful activity, policy or practice is brought to the attention of JTHS and JTHS has been provided with a reasonable opportunity to investigate and correct the alleged unlawful activity.

In addition to complying with the law, it is the policy of JTHS to promote ethical practices and ethical treatment of its members and employees. Whether known or suspected, instances of misuses of JTHS resources or other improper activities should be reported and appropriately investigated. Members and employees have a responsibility to each other and to the organization to maintain an environment in which problems are addressed immediately, and they are therefore protected from retaliation for making such reports. The Association endorses and utilizes internal controls and operating procedures intended to detect and prevent improper activities.

## **Document Retention**

It is also the policy of JTHS not to hide, destroy, alter or falsify documents to prevent their use in litigation or other official proceedings. Toward that end, JTHS will have and regularly review a document retention policy. Officers, members and employees of the Association are expected to adhere to this policy.

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## **Ownership Disclosure and Conflict of Interest Policy**

JTHS, through its Ownership Disclosure and Conflict of Interest Policy, has asked the Board of Directors to disclose any real, perceived, or potential conflicts of interest that relate to Association duties or deliberations, and to recuse him/herself when the Association makes decisions affected by the conflict. Refusal to abide by the organization's conflict of interest policy may result in removal from office. Employees may not engage in any activity, paid or unpaid, that conflicts, or give the appearance of conflicting with their obligations to JTHS.

The provisions of this policy statement do not negate or minimize the effect or importance of the National Association of REALTORS® Code of Ethics, or JTHS Employee Handbook. Individual complaints about the professional conduct of members or of employees will be handled according to those governing documents.

## **Acting in Good Faith**

Anyone filing a complaint must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a violation of federal, state and local laws and/or regulations, including business ethics policies. 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 discipline, up to and including dismissal from the volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

## **Confidentiality**

Complaints and investigations pertaining thereto shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation. Disclosure of complaints to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to an including dismissal from the volunteer position or termination of employment. Such conduct may also give rise to actions, including civil lawsuits.

## **Prohibition Against Retaliation**

JTHS will not retaliate against employees, directors and officers who, in good faith, have filed a complaint against some practice of JTHS on the basis of a reasonable belief that the practice is a violation of federal, state and local law and/or regulations, including business ethics policies.

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### ***Apparent Authority***

It shall be the policy of the Jupiter-Tequesta-Hobe Sound Association of Realtors® (JTHS) that any communications on behalf of the Association shall be official, at the direction of the President. No statements shall be made, either verbal or written that conflict with the position or policy of the Association. Leadership should understand that by virtue of their position, that any statements may be perceived as official and made on behalf of the organization. To control official communications, stationery and business cards shall be for the use of the elected President and staff *only*. Members of the board, committees or chapters may not use stationery. Staff will prepare letters sent on behalf of the organization with a copy remaining in the office. Exceptions may be made to the policy so long as the purpose of the letter is made known and approved by the board in advance; if the exception is approved, a copy of the outgoing letter shall be provided to staff within 24 hours of dissemination, for permanent file retention.

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### ***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 to profit directly or indirectly because of a position with the Jupiter-Tequesta-Hobe Sound Association of Realtors®, Inc.

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 of 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 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 any preferential treatment.

Association members, 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.

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### ***Confidentiality***

The protection of the Jupiter-Tequesta-Hobe Sound Association of Realtors® (JTHS), its members, and the public is the collective responsibility of the leadership of the Association and its appointive committees. 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 confidentiality.

1. A breach of confidentiality in sensitive matters shall be considered an offense against the Association. Such an offense will be handled as outlined in the section regarding “Disciplinary Procedures” in **Robert’s Rules 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 that 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 committee to halt immediately any unnecessary spontaneous discussion, or digression in discussion, of any matter of a sensitive matter.
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.

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### ***Record Retention Policy***

Keep the following documents for one (1) year:

- Personnel employment applications
- Purchase orders (except purchasing department copy)
- Stenographer’s notebooks
- Stockroom withdrawal forms

Keep the following documents for three (3) years:

- Duplicate bank deposit slips
- Expired insurance policies
- General correspondence
- Internal audit reports and working papers
- Petty cash vouchers
- Physical inventory logs

## JUPITER-TEQUESTA-HOBE SOUND ASSOCIATION OF REALTORS POLICY & PROCEDURES MANUAL

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Keep the following documents for seven (7) years:

- Accident reports and claims (settled cases)
- Accounts payable ledgers (computer runs)
- Accounts receivable ledgers (computer runs)
- Automobile logs
- Bank statements and Bank reconciliations
- Bills of lading
- Cash books
- Commission records
- Contracts and leases (expired)
- Employee personnel records after termination
- Employment tax reports
- Expense reports
- General journals
- Inventory records
- Invoice to customers and from vendors
- Payroll records and summaries, including payment to pensioners
- Personal property tax returns
- Purchase orders
- Sales tax returns

Keep the following documents permanently:

- Articles of Incorporation
- Audit reports of public accountants
- Cancelled checks for important payments such as taxes, property acquisition, etc.
- Capital stock and bond registers
- Copyrights
- Correspondence (legal and important matters only)
- Deeds and mortgages
- Depreciation schedules
- Financial statements (year-end – other months optional)
- General ledgers and year-end trial balances
- Licenses and permits
- Patents
- Property appraisals by outside appraisers
- Property records – costs, blueprints and plans
- Tax returns and worksheets, revenue agents' reports and other documents relating to determination of tax liability
- Trademark registrations