

A. judgments against the applicant within the past three (3) years of violations of (1) civil rights laws, (2) real estate license laws, and (3) or other laws prohibiting unprofessional conduct against the applicant rendered by the courts or other lawful authorities; or

B. criminal convictions if (1) the crime was punishable by death or imprisonment in excess of one year under the law under which the applicant was convicted, and (2) no more than ten years have elapsed since the date of the conviction or the release of the applicant from the confinement imposed for that conviction, whichever is the later date

(c) The association will also consider the following in determining an applicant's qualifications for REALTOR® membership:

1. All final findings of Code of Ethics violations and violations of other membership duties in this or any other REALTOR® association within the past three (3) years
2. Pending ethics complaints (or hearings)
3. Unsatisfied discipline pending
4. Pending arbitration requests (or hearings)
5. Unpaid arbitration awards or unpaid financial obligations to this or any other REALTOR® association or REALTOR® association MLS
6. Any misuse of the term REALTOR® or REALTORS® in the name of the applicant's firm

"Provisional" membership may be granted in instances where ethics complaints or arbitration requests (or hearings) are pending in other associations or where the applicant for membership has unsatisfied discipline pending in another association (except for violations of the Code of Ethics; see Article V, Section 2(a), NOTE 2), provided all other qualifications for membership have been satisfied. Associations may reconsider the membership status of such individuals when all pending ethics and arbitration matters (and related discipline) have been resolved or if such matters are not resolved within six (6) months from the date that provisional membership is approved. Provisional members shall be considered REALTORS® and shall be subject to all of the same privileges and obligations of REALTOR® membership. If a member resigns from another association with an ethics complaint or arbitration request pending, the association may condition membership on the applicant's certification that he/she will submit to the pending ethics or arbitration proceeding (in accordance with the established procedures of the association to which the applicant has made application) and will abide by the decision of the hearing panel.

### Section 3. Election

The procedure for election to membership shall be as follows.

~~(a) Applicants for REALTOR® (and REALTOR ASSOCIATE®, where applicable) membership shall be granted provisional membership immediately upon submission of a completed application form and remittance of applicable association dues and any application~~

~~fee. Provisional members shall be considered REALTORS® (or REALTOR ASSOCIATES®) and shall be subject to all of the same privileges and obligations of membership. Provisional membership is granted subject to subsequent review of the application by the Board of Directors. If the Board of Directors determines that the individual does not meet all of the qualifications for membership as established in the association's Bylaws, or, if the individual does not satisfy all of the requirements of membership (for example, completion of a mandatory orientation program) within three offerings of the Association's mandatory orientation program, membership may, at the discretion of the Board of Directors, be terminated.~~

~~(b) Dues shall be computed from the date of application and shall be non-refundable unless the association's Board of Directors terminates the individual's membership in accordance with Subsection (a) above. In such instances, dues shall be returned to the individual less a prorated amount to cover the number of days that the individual received association services and any application fee.~~

~~(c) The Board of Directors may not terminate any provisional membership without providing the provisional member with advance notice, an opportunity to appear before the Board of Directors, to call witnesses on his/her behalf, to be represented by counsel, and to make such statements as he/she deems relevant. The Board of Directors may also have counsel present. The Board of Directors shall require that written minutes be made of any hearing before it or may electronically or mechanically record the proceedings.~~

~~(d) If the Board of Directors determines that provisional membership should be terminated, it shall record its reasons with the chief executive officer. If the Board of Directors believes that termination of provisional membership may become the basis of litigation and a claim of damage by a provisional member, it may specify that termination shall become effective upon entry in a suit by the association for a declaratory judgment by a court of competent jurisdiction of a final judgment declaring that the termination violates no rights of the individual.~~

~~(a) The chief staff executive (or duly authorized designee) shall determine whether the applicant is applying for the appropriate class of membership. If the association has adopted provisional membership, applicants for the REALTOR membership may be granted provisional membership immediately upon submission of a completed application form and remittance of applicable association dues and any application fee. Provisional members shall be considered REALTORS and shall be subject to all of the same privileges and obligations of membership. Provisional membership is granted subject to final review of the application by the board of directors.~~

~~(b) If the board of directors determines that the individual does not meet all of the qualifications for membership as established in the association's Bylaws, or if the individual does not satisfy all of the requirements of membership (for example, completion of the mandatory orientation program within in 90 days from the association's receipt of their application, membership may,~~

~~at the discretion of the board of directors, be terminated. The board of directors shall vote, on the applicant's eligibility for membership. If the applicant receives a majority of the vote of the board of directors, he/she shall be declared elected to membership and shall be advised by written notice.~~

~~(c)the board of Directors may not reject an application without providing the applicant with advance notice of the findings, an opportunity to appear before the board of directors, to call witness on his/her behalf, to be represented by counsel, and to make such statements as he/she deems relevant. The board of directors may also have counsel present. The board of directors shall require that written minutes be made of any hearing before it or may electronically or mechanically record the proceedings.~~

~~(d) If the board of directors determines that the application should be rejected, it shall record its reasons with the chief staff executive (or duly authorized designee.) If the board of directors believes that denial of membership to the applicant may become the basis of litigation and a claim of damage by the applicant, it ay specify that denial shall become effective upon entry in a suit by the association for a declaratory judgement by a court of competent jurisdiction of a final judgement declaring that the rejection violates no rights of the applicant. (Adopted 1/98, Amended 1/05)~~

#### Section 4. New Member Code of Ethics Orientation

Applicants for REALTOR® membership and provisional REALTOR® members (where applicable) shall complete an orientation program on the Code of Ethics of not less than two (2) hours and thirty (30) minutes of instructional time. This requirement does not apply to applicants for REALTOR® membership or provisional members who have completed comparable orientation in another association, provided that REALTOR® membership has been continuous, or that any break in membership is for one (1) year or less.

Failure to satisfy this requirement within 90 days of the date of application (or, alternatively, the date that provisional membership was granted), will result in denial of the membership application or termination of provisional membership.

NOTE: Orientation programs must meet the learning objectives and minimum criteria established from time to time by the NATIONAL ASSOCIATION OF REALTORS®.

#### Section 5. REALTOR® Code of Ethics Training

Effective January 1, ~~2001~~ 2017, through December 31, ~~2004~~ 2018, and for successive ~~four~~ two year periods thereafter, each REALTOR® member of the association (with the exception of REALTOR® members granted REALTOR® Emeritus status by the National Association) shall be required to complete **quadrennial** ethics training of not less than two (2) hours and thirty (30)

minutes of instructional time. This requirement will be satisfied upon presentation of documentation that the member has completed a course of instruction conducted by this or another association, the State Association of REALTORS®, the NATIONAL ASSOCIATION OF REALTORS®, or any other recognized educational institution or provider which meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to time. REALTOR® members who have completed training as a requirement of membership in another association and REALTOR® members who have completed the New Member Code of Ethics Orientation during any ~~four (4)-~~ two (2) year cycle shall not be required to complete additional ethics training until a new ~~four (4)-~~ two (2) year cycle commences.

Failure to satisfy the required periodic ethics training shall be considered a violation of a membership duty. Failure to meet the requirement for ~~the second (2005 through 2008) cycle and subsequent four (4)-year cycles~~ in any two (2)-year cycle will result in suspension of membership for the first two months (January and February) of the year following the end of any ~~four (4)-year~~ two (2)- year cycle or until the requirement is met, whichever occurs sooner. On March 1 of that year, the membership of a member who is still suspended as of that date will be automatically terminated. (Adopted 1/01, Amended 11/08, Amended 11/20/2016)

## Section 6. Status Changes

(a) A REALTOR® who changes the conditions under which he/she holds membership shall be required to provide written notification to the association within 30 days (30 recommended). A REALTOR® (non-principal) who becomes a principal in the firm with which he/she has been licensed or, alternatively, becomes a principal in a new firm which will be comprised of REALTOR® principals may be required to satisfy any previously unsatisfied membership requirements applicable to REALTOR® (principal) members but shall, during the period of transition from one status of membership to another, be subject to all of the privileges and obligations of a REALTOR® (principal). If the REALTOR® (non-principal) does not satisfy the requirements established in these Bylaws for the category of membership to which they have transferred within 30 days of the date they advised the association of their change in status, their new membership application will terminate automatically unless otherwise so directed by the Board of Directors.

A REALTOR® who is transferring his/her license from one firm comprised of REALTOR® principals to another firm comprised of REALTOR® principals shall be subject to all of the privileges and obligations of membership during the period of transition. If the transfer is not completed within 30 days of the date the association is advised of the disaffiliation with the current firm, membership will terminate automatically unless otherwise so directed by the Board of Directors. (Amended 1/98)

**Section 5.** If a member resigns from the association or otherwise causes membership to terminate with an ethics complaint pending, ~~that Board of Directors may condition the right of the resigning member to reapply for membership upon the applicant's certification that he/she will submit to the pending ethics proceeding and will abide by the decision of the hearing panel.~~ the complaint shall be processed until the decision of the association with respect to disposition of the complaint is final by this association (if respondent does not hold membership in any other association) or by any other association in which the respondent continues to hold membership. If an ethics respondent resigns or otherwise causes membership in all Boards to terminate before an ethics complaint is filed alleging unethical conduct occurred while the respondent was a REALTOR®, the complaint, once filed, shall be processed until the decision of the association with respect to disposition of the complaint is final. In any instance where an ethics hearing is held subsequent to an ethic respondent's resignation or membership termination, any discipline ratified by the Board of Directors shall be held in abeyance until such time as the respondent rejoins an association of REALTORS®.

- (a) If a member resigns or otherwise causes membership to terminate, the duty to submit to arbitration (or to mediation if required by the association) continues in effect even after membership lapses or is terminated, provided that the dispute arose while the former member was a REALTOR®.

**Section 6.** REALTOR® Members. REALTOR® members, whether primary or secondary, in good standing whose financial obligations to the association are paid in full shall be entitled to vote and to hold elective office in the association; may use the terms REALTOR® and REALTORS®, which use shall be subject to the provisions of Article VIII; and have the primary responsibility to safeguard and promote the standards, interests, and welfare of the association and the real estate profession.

- (a) If a REALTOR® member is a sole proprietor in a firm, a partner in a partnership or an officer in a corporation, and is suspended or expelled, the firm, partnership or corporation shall not use the terms REALTOR® or REALTORS® in connection with its business during the period of suspension, or until readmission to REALTOR® membership, or unless connection with the firm, partnership or corporation is severed, or management control is relinquished, whichever may apply. The membership of all other principals, partners, or corporate officers shall suspend or terminate during the period of suspension of the disciplined member, or until readmission of the disciplined member or unless connection of the disciplined member with the firm, partnership, or corporation is severed, or unless the REALTOR® who is suspended or expelled removes himself/herself from any form or degree of management control of the firm for the term of the suspension or until readmission to membership, whichever may apply. Removal of an individual from any form or degree of management control must be certified to the association by the member who is being suspended or expelled and by the individual who is assuming management control, and the signatures of such certification must be

the particular duty of the chief executive officer to keep the records of the association and to carry on all necessary correspondence with the NATIONAL ASSOCIATION OF REALTORS® and the Florida Association of REALTORS®.

**Section 3. Board of Directors.** The Governing body of the association shall be a Board of Directors, ~~consisting of nineteen to twenty four members,~~ all of whom shall be REALTOR® members of the association: the six (6) elected officers, ~~five(5) At-large directors,~~ plus one commercial director and one property manager director whose business is comprised of a minimum of 50% in their respective fields of real estate, ~~and six (6) At-Large Directors , and one (1) elected director from each of the following seven (7) geographic areas: Fort Walton Beach; Niceville; Destin; Greater Crestview, Miramar Beach, South Walton, Navarre, North Walton (Freeport/DeFuniak Springs).~~ A Realtor® member's geographic area shall be determined by the location of his/her office (as shown in the National Realtor® Database System). ~~A realtor must also be in that office ninety (90) days prior to the close of the application deadline. The division of the election areas shall be defined as the Okaloosa – Walton County line. This division shall allow for three (3) elected members from the East and three (3) elected members of from the West of said designation. The location of the line shall be re-evaluated at the discretion of the Board based on the number of members and their locations in the association.~~ Directors shall be elected to serve for terms of three (3) years, ~~except that at organization or at any subsequent change in director structure so requiring, one third of the elected directors shall be elected for terms of one (1), two (2), and three (3) years, respectively, or for lesser terms as may be necessary to complete the first fiscal year. Thereafter, as many directors shall be elected each year as are required to fill vacancies. (Amended 1/05)~~

(a) Term Limits:

1. The Past President cannot serve on the Board for a total of one (1) year before applying for an elected Board position.
2. ~~1- No Director shall serve a term of more than six consecutive years. No~~ Director shall serve a term of more than two (2) terms or six (6) consecutive years and cannot serve on the Board for a total of one (1) year before applying for an elected Board position, unless running for an elected officer's position.

(2) No more than ~~three (3) two (2)~~ REALTORS® from the same real estate firm may simultaneously serve on the Board of Directors. Should a situation arise whereby more than ~~three (3) two (2)~~ officers and/or directors represent a single broker or brokerage, one or more directors from that brokerage will need to resign voluntarily, or as many directors from that brokerage will be determined ineligible to serve using the following process of elimination until the number of officers and/or directors from that brokerage is at ~~three (3) two (2)~~.

(3).

1. Directors who have been elected or re-elected to serve less than a full term will be considered ineligible to serve starting with the director who is serving the shortest term.

- ~~2. Directors who have been newly elected to serve based on geographic area will be considered ineligible to serve.~~
  - ~~3. Directors who have been re-elected to serve based on geographic area will be considered ineligible to serve.~~
  - ~~4. Directors who have been newly elected At large will be considered ineligible to serve.~~
  - ~~5. Directors who have been re-elected to serve At large will be considered ineligible to serve.~~
  - ~~6.~~ 2. The member elected to serve as assistant treasurer will be considered ineligible to serve.
  - ~~7.~~ 3. The member elected to serve as vice president will be considered ineligible to serve.
  - ~~8.~~ 4. If, at any point in the process, more members are eliminated than is required, the names of the two (2) or more members who are equally ineligible to serve will be submitted to the existing Board of Directors who will determine, by secret ballot, which member or members should be determined ineligible to serve.
- (c) All Directors elected must have been a member of the Association for two (2) of the last three (3) years, and:
1. have served on an ECAR committee for one (1) year
  2. or must be a graduate of the ECAR Leadership Development Program.

#### **Section 4. Election of Officers and Directors.**

- (a) Subject to the approval of the Board of Directors, the President will appoint an Election Committee at least ninety (90) days before the Annual Meeting.
1. The committee shall consist of the most immediate Past President willing, able, and qualified to serve as chairman, and five (5) Standing Committee Chairs.
  2. The Election Committee will:
    - a. verify the officer and directors positions to be filled during the election and the terms for the positions as outlined herein.
    - b. collect and review applications for officers and directors submitted by members at least sixty (60) days preceding the Annual Meeting.
    - c. determine each applicant's eligibility as a candidate.
  3. The Election Committee will also certify the election results the first business day following the end of the election.
- (b) A ballot shall be prepared, notice of voting procedures shall be sent to each member eligible to vote, and voting shall commence no later than thirty (30) days prior to the Annual Meeting. The ballot will include instructions.
- (c) Voting shall terminate at the close of business on the tenth (10th) working day prior to the Annual Meeting. Voting will be by an electronically secured online voting system which can be accessed via ECAR's web page.



(d) Officers of the Association will be selected by a majority vote of the votes cast. If no candidate has a majority, the two (2) candidates with the highest vote count will be placed on a new ballot and a runoff election will be conducted. When required, an electronic runoff ballot will be created, notice will be sent to the members, and members will be given three days to vote in the runoff election. In the event of a tie, the procedure will be repeated until one candidate receives a majority.

(e) Directors of the Association will be elected by plurality. All members eligible to vote may vote for all director positions. When voting, members will make as many selections as there are seats to fill. The positions will be filled in order of votes received with the top vote-getting candidate filling the position with the longest term.

**Section 5. Vacancies.** ~~President shall appoint with the approval of the Board of Directors to fill the current year and the position will become open for election for the remaining term of the vacancy during the next election cycle.~~

Any position that is vacated or unfilled shall only be filled at the discretion of the current President before the next recognized election.

**Section 6. Removal of Officers and Directors.** In the event that an officer or director is deemed to be incapable of fulfilling the duties for which elected, but will not resign from office voluntarily, the officer or director may be removed from office under the following procedure.

- (a) A petition requiring the removal of an officer or director and signed by not less than one-third of the voting membership or a majority of all directors shall be filed with the president, or if the president is the subject of the petition, with the next-ranking officer, and shall specifically set forth the reasons the individual is deemed to be disqualified from further service.
- (b) If the Board of Directors votes to remove a member of the Board of Directors, the member is immediately suspended from any further Board service until resolution by the Special Membership Meeting.
- (c) Upon receipt of the petition, and not less than twenty (20) days or more than forty-five (45) days thereafter, a special meeting of the voting membership of the association shall be held, and the sole business of the meeting shall be to consider the charge against the officer or director, and to render a decision on such petition.

(d) The special meeting shall be noticed to all voting members at least ten (10) days prior to the meeting, and shall be conducted by the president of the association unless the president's continued service in office is being considered at the meeting. In such case, the next-ranking officer will conduct the meeting of the hearing by the members. Provided a quorum is present, a three-fourths vote



Emerald Coast Association of Realtors  
Mission Statement

Our mission ~~of the Emerald Coast Association of REALTORS®~~ is to support ~~assist~~ the ~~members in achieving an exemplary level of~~ professionalism, ~~integrity,~~ and fair business practices ~~and to enhance the~~ of Realtors® ~~through services and education, while protecting private property rights in our community image to the public by providing its members with the best available education, Products and services they need to succeed. To protect private property rights, influence legislation, and to be recognized as involved citizens of the~~ in our community.

Our mission is to support the professionalism and fair business practices of Realtors® through services and education, while protecting private property rights in our community.

Vision

~~We are~~ the pre-eminent ~~source~~ resource for real estate services in the ~~Southeast United States~~ southeast US and internationally. ~~a dominant resources for international real estate services.~~

The preeminent resource for real estate services in the southeast US and internationally.