



**YUMA ASSOCIATION OF REALTORS®, INC.
BOARD OF DIRECTORS MEETING MINUTES
Wednesday, May 7, 2014**

The meeting was called to order by President Matias Rosales at 9:03 AM at the Association Office.

Call to Order

PRESENT WERE: Officers: Matias Rosales, Sandy Baas, Paul Evans, Judy McCrory
Directors: Bobbie Cooper, Nohemi Diaz de Leon, Angie Kranz, Claudia Mendez-Mallett, Mike Porter, Paula Reece, Katie Steen, Karen Velasquez.

Roll Call

ABSENT: Sandi Griffin, Steven Mitchel

GUESTS & STAFF: Diana Bingham, Matt Tams, Lisa Reilly, Shelley Ostrowski, Jan Marie Ennenga, AE

MINUTES of the April 10, 2014 Board of Directors meeting were approved.

**APPROVE
MINUTES**

COMMITTEE REPORTS:

TECHNOLOGY COMMITTEE ~ Committee Chair Lisa Reilly reviewed the minutes of the committee’s recent meeting and the trainings and efforts that are being implemented. They had a good turnout for the Windows 8 classes taught by Staples, with a total of 22 students and now have 118 Facebook page likes. . .the goal was to get 100 by the end of this week. The committee has prepared their first YouTube video about using rDesk to show listings on an agent website. Other classes are being planned.

Report

➤ *It was moved, seconded and carried to accept the Technology Committee Report.*

MOTION

EDUCATION COMMITTEE ~ Committee Chair Diana Bingham reported that the Military Relocation Professional designation class was well attended with 16 participants and so popular that it may be scheduled again in the fall. Another remote class was held for rCRMS Agency after two members showed up as walk-ins. The Fair Housing Class had 21 members participating. There are three remote delivery classes planned, all of which offer CE credit: rCRMS Essential Skills, GRI Financing and RABAC’s Generation Buy, May 19, June 10 and June 12, respectively. Lunch will be provided.

Report

➤ *It was moved, seconded and carried to accept the Education Committee Report.*

MOTION

PR COMMITTEE ~ Matt Tams reported that the committee had met in April and selected art for the “My Dream Home 2015 Calendar” featuring student artwork and the REALTOR® message. The committee also discussed participation in community neighborhood improvement and clean up events, including possibly applying for NAR place making or smart growth grants; maximizing media exposure; and following up on established events including luncheon donation drives, brokers’ breakfast and the family picnic. Contact has been made with the City of Yuma and there are a number of opportunities and we have been added to the notification list for the Mesa Heights Neighborhood revitalization effort.

Report

➤ *It was moved, seconded and carried to accept the PR Committee Report.*

MOTION

RAPAC COMMITTEE ~ Committee Chair Shelley Ostrowski shared year-to-date fundraising efforts. Yuma has surpassed the overall and major donor goal for the year, but needs to increase participation and major donors. Judy McCrory was recognized as a major donor at the meeting. There is one other major donor, and three additional pledges.

Report

➤ *It was moved, second and carried to accept the RAPAC Committee Report.*

MOTION

CONTINUED

LUNCHEON COMMITTEE

Chairman Ostrowski reported the Country Club has been secured for the July 9 Nomination Luncheon and the September 10 Election Luncheon. Meals and prices are still being negotiated. The new Elks Lodge is a possible venue for December's Installation Luncheon. The mini trade show is planned for the September luncheon.

Report

- *It was moved, second and carried to accept the Luncheon Committee Report*

MOTION

MLS COMMITTEE ~ Committee Chair Shelley Ostrowski noted that the MLS Committee meeting was full of action, with lots of great topics and good discussion. The committee received two written requests from members concerning lost key safes.

Report

- *It was moved, seconded and carried to recommend that the Board of Directors approve a payment plan of \$50 per month for one member and to waive payment for the lost key safe reported by another.*

MOTION

CONSUMER MLS PORTAL ~ The committee held a web conference to review consumer-oriented public facing website for the Association to promote the value of utilizing a Realtor and also incorporating a free property search tool from Point 2. The committee recommended the Board authorize moving forward with establishment of the portal at no cost to the association.

Report

- *It was moved, seconded and carried to move forward with development of the consumer portal offered by Point 2 at no cost to the association, with the final contract to return to the BOD for review and final approval.*

MOTION

KEY SAFE DEPOSIT POLICY ~ As per the BOD's April direction, the committee developed a policy requiring deposits on key safes in certain instances:

Report

- *It was moved, seconded and carried to adopt the following as MLS Policy: "A deposit, equivalent to the established replacement cost, shall be required for each key safe/lockbox checked out to individuals who rejoin the Yuma Association of REALTORS®, having left with an unpaid balance for lost key safes that was later written off. A deposit may also be required in the case of members who have filed bankruptcy and have unreturned or lost key safes."*

MOTION

MLS RULES, REGULATIONS AND POLICY REVISIONS ~ Local associations are required to send their governing documents to the National Association of Realtors every two years for review and approval. If NAR "requests" changes, they are, for all intents and purposes, mandatory in order to maintain the association's charter and insurance coverage.

Report

- *It was moved, seconded and carried to recommend that the Board of Directors adopt the following changes to the MLS Rules, Regulations and Policies:*

MOTION

MLS RULES AND REGULATIONS

Section 3.6 AUTHORITY FROM SELLER

Key safes may not be placed on a property without written authority from the seller. This authority shall be established in the listing contract or in a separate document created specifically for that purpose and submitted to the Association MLS with the listing. Inclusion in MLS compilations cannot be required as a condition of placing lock boxes on listed property.

MLS Rules, Regs
and Policy
Changes

Section 3.8 ADMINISTRATION OF KEYSAFE SYSTEM

The MLS shall adopt written, reasonable and appropriate rules and procedures for administration of the key safe system which may include appropriate fines, not to exceed

CONTINUED

\$15,000. Any issuing fees, recurring fees, or other administrative costs shall be established at the discretion of the Association. All key holders shall agree, as a condition of the key lease agreement, to be bound by the rules and procedures governing the operation of the key safe system.

Section 11.1 ACTION FOR NONCOMPLIANCE

The following action may be taken for noncompliance with the rules:

(a) The failure to pay any service charge or fees, other than those indicated in Section 9.2 above, within one (1) month of the date due, and provided that at least ten (10) days' notice has been given, the Service shall be suspended until service charges or fees are paid in full.

(b) For failure to comply with any other rule, **Section 13.1 and 13.2 of the MLS Rules and Regulations** ~~Article X, Section 4 of the Association Bylaws~~ shall apply.

Section 18.2.8

Any IDX display controlled by a participant or subscriber that a) allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such comments or reviews in immediate conjunction with particular listings, or b) displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction with the listing, either or both of those features shall be disabled or discontinued for the seller's listings at the request of the seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or both of these features disabled or discontinued on all displays controlled by participants'. Except for the foregoing and subject to Section 18.2.9, a participant's IDX ~~site~~ **display** may communicate the participant's professional judgment concerning any listing. Nothing shall prevent an IDX display from notifying its customers that a particular feature has been disabled at the request of the seller. (Amended 5/12)

Section 18.3.1

Listings displayed pursuant to IDX shall contain only those fields of data designated by the MLS. Display of all other fields (as determined by MLS) is prohibited. Confidential fields intended only for other MLS participants and users (e.g., cooperative compensation offers, showing instructions, property security information, etc.) may not be displayed ~~on IDX sites~~.

NOTE: The following is an optional section. YAR Staff recommends deletion of this section rather than specifying the number of listings.

~~**Section 19.19**~~

~~A participant shall limit the number of listings that a Registrant may view, retrieve, or download to not more than _____ current listings and not more than _____ sold listings in response to any inquiry.~~

MLS POLICIES

MLS #16: PHOTOGRAPH ON ALL RESIDENTIAL LISTINGS

All Residential Listings are required to have at least one (1) picture of the property on the MLS within 24 hours, **except where sellers expressly direct that photographs of their property not appear in MLS compilations.** All listing photos shall be of the listed property and shall not include firm or agent signs, photos or other identifying information, unless the sign is incidental to the property photo.

The Agent will be notified of a possible MLS Rules & Regulations violation and if not corrected within two (2) business days, the Broker and Agent will be notified in writing of a violation and a pending fine of \$25.00 plus \$5.00 a day until corrected, beginning two (2) business days after written notice.

MLS Rules, Regs
and Policy
Changes

CONTINUED

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PARAGON FEATURES--Advanced mapping features in Paragon have made the use of the areas not as essential. The MLS Committee recommends that the field no longer be mandatory.

Report

➤ *It was moved, seconded and carried that "AREA" no longer be a required field.*

MOTION

➤ *It was moved, seconded and carried to accept the MLS Committee Report*

MOTION

BUDGET COMMITTEE ~ Treasurer Paul Evans reviewed the 2014 year-to date budget to actual comparisons and presented proposed revisions to the budget.

Report

➤ *It was moved, second and carried to accept the proposed revisions to the budget, increasing the following accounts in the amounts indicated:*

MOTION

- *Income ~ Active Member Dues: \$880 Computer User Fees: \$800*
- *Expense ~ Orientation: \$840 President's Expense: \$840*

➤ *It was moved, second and carried to receive and file the 2014 year-to-date financial report.*

MOTION

REWARDS CREDIT CARD VS CURRENT ~ Treasurer Evans requested that the Board authorize opening up a rewards credit card account for the company accounts with National Bank of Arizona per a recent offer. This would replace the current credit card accounts with the same limits. Rewards points would be converted to credit on the charge account or deposited to a YAR account.

Report

➤ *It was moved, second and carried to authorize the officers to file an application for a National Bank of Arizona Business Credit Card account.*

MOTION

➤ *It was moved, second and carried to accept the Budget Committee Report*

MOTION

CORRESPONDENCE

REQUEST FROM AAR FOR AGGREGATED RPR DATA~RPR has recently developed an association dashboard where aggregated MLS data is available. No detailed information regarding specific, individual properties is included in the aggregated data. The Arizona Association of Realtors would like YAR to authorize three individuals to be able to utilize the Association Dashboard feature with Yuma MLS aggregated data.

Report

➤ *It was moved, seconded and carried to allow access, restricted to the aggregated data available through the Association Dashboard, to the following AAR employees:*

MOTION

- *Michele Lind, AAR CEO*
- *Ron Lamee, AAR Senior VP, Research and Member Benefits*
- *Bethany Brannan, AAR Communications Manager*

NEW BUSINESS

NAR REQUIRED BYLAW CHANGES ~ Local associations are required to send their governing documents to the National Association of Realtors every two years for review and approval. If NAR "requests" changes, they are in essence, mandatory in order to maintain the association's charter and insurance coverage.

Report

➤ *It was moved, seconded and carried to recommend that the Board of Directors adopt the following changes to the Yuma Association of REALTORS® bylaws:*

MOTION

CONTINUED

Approve changing references to "Board" to Association.

ARTICLE IV- MEMBERSHIP Section 1.

(5) **Designated REALTOR® Members.** Each firm shall designate in writing one REALTOR® Member who shall be responsible for all duties and obligations of Membership including the obligation to mediate **and arbitrate** pursuant to Article 17 of the Code of Ethics and the payment of **Association** ~~Board~~ dues as established in Article X of the Bylaws. The "Designated REALTOR®" must be a sole proprietor, partner, corporate officer or branch office manager acting on behalf of the firm's principal(s) and must meet all other qualifications for REALTOR® Membership established in Article V, Section 2, of the Bylaws.

ARTICLE V- QUALIFICATION AND ELECTION

Section 1. Application.

(a) An application for membership shall be made in such manner and form as may be prescribed by the Board of Directors and made available to anyone requesting it. The application form shall contain among the statements to be signed by the applicant (1) that applicant agrees as a condition to membership to thoroughly familiarize himself with the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, the Constitutions, Bylaws, and Rules and Regulations of the Board, the State and National Associations, and if elected a Member, will abide by the Constitutions and Bylaws and Rules and Regulations of the Board, State and National Associations, and if a REALTOR® Member will abide by the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS® including the **duty to mediate and the** obligation to ~~mediate~~ **arbitrate** controversies arising out of real estate transactions as specified by Article 17 of the Code of Ethics, and as further specified in the Code of Ethics and Arbitration Manual of the NATIONAL ASSOCIATION OF REALTORS®, as from time to time amended, and (2) that applicant consents that the Board, through its Membership Committee or otherwise, may invite and receive information and comment about applicant from any Member or other persons, and that applicant agrees that any information and comment furnished to the Board by any person in response to the invitation shall be conclusively deemed to be privileged and not form the basis of any action for slander, libel, or defamation of character. The applicant shall, with the form of application, have access to a copy of the Bylaws, Constitution, Rules and Regulations, and Code of Ethics referred to above.

Section 2

NO RECORD OF OFFICIAL SANCTIONS INVOLVING UNPROFESSIONAL CONDUCT is intended to mean that the Board may only consider judgments within the past three (3) years of violations of (1) civil rights laws; (2) real estate license laws; (3) or other laws prohibiting unprofessional conduct against the applicant rendered by the courts or other lawful authorities, ~~and (4) findings of violations of the REALTORS® Code of Ethics resulting in suspension or expulsion from any Member Board/Association in which applicant is or was a Member.~~

Section 6(a)

If a Member resigns, or otherwise causes membership to terminate, the duty to submit to mediation **and arbitration** continues in effect even after membership lapses or is terminated, provided that the dispute arose while the former member was a REALTOR®.

ARTICLE VII - PROFESSIONAL STANDARDS AND ARBITRATION

Section 1. The responsibility of the ~~Board~~ Association and of ~~Board~~ Association Members relating to the enforcement of the Code of Ethics, the disciplining of Members, and the arbitration of disputes, and the organization and procedures incident thereto shall be **governed by the Code of Ethics and Arbitration Manual of the National Association**, as from time to time amended, which by this reference is made a part of these Bylaws.

YAR Bylaw
Changes

CONTINUED

Section 3. *The responsibility of the Board and of Board members relating to the enforcement of the Code of Ethics, the disciplining of members, the mediation and arbitration of disputes, and the organization and procedures incident thereto, shall be consistent with the Arizona Association of REALTORS Statewide Professional Standards Enforcement Agreement entered into by the Board, which by this reference is made a part of these Bylaws.*

**YAR Bylaw
Changes**

NOMINATING COMMITTEE

President Matias Rosales asked the BOD to confirm appointments to the Director and Officer Nominating Committee per the Association Bylaws.

**Nominating
Committee**

➤ *It was moved, seconded and carried to appoint the following the 2014 Director and Officer Nominating Committee:*

MOTION

1. *Chair ~ Judy McCrory (DR), Century 21 ACTION Group*
2. *Sandy Bass (DR), Baas Realty Group*
3. *Ubaldo Juarez, Realty Executives McConnaughay*
4. *Mike Porter, Realty Executives*
5. *Jennifer Rascon (DR), Exit Realty*
6. *Jennifer Undine, Century 21 ACTION Group*

AAR SPRING CONVENTION UPDATE

Matias Rosales, Sandy Baas and Jan Marie Ennenga attended the AAR Spring Conference in Prescott. It was noted that Lori Dee Dorfler from Lake Havasu, Region 1 was elected as AAR Treasurer. Lori served as our regional vice president last year. Additionally, information was presented on the NAR Presidential Advisory Group report which will be voted on at the NAR Realtor Party Meetings next week (mid-year meeting). The PAG is recommending an organizational “rebuilding plan” that will set core standards for local associations in five key areas. There will be some challenges for Yuma, but most are attainable. It appears that part of the driver for this change is the need to ensure consistency among local associations and that the association has value apart from an MLS.

Report

ADJOURN

MEETING ADJOURNED AT 10:05 AM