



**BYLAWS OF THE
GREATER IDAHO FALLS ASSOCIATION OF REALTORS®**

Approved on July 17, 2024

First adopted in May 1979

REVISED – OCTOBER 1993, JULY 1995, AUGUST 1999, SEPTEMBER 2001, AUGUST 2006, JULY 2007, FEBRUARY 2008, FEBRUARY 2009, MARCH 2010, FEBRUARY 2011, JUNE 2012, APRIL 2013, AUGUST 2014, DECEMBER 2015, JUNE 2016, OCTOBER 2018, APRIL 2022, JULY 2023 and July 2024.



Bylaws of the
GREATER IDAHO FALLS ASSOCIATION OF REALTORS®



ARTICLE I – NAME

Section 1

The name of this organization shall be the Greater Idaho Falls Association of REALTORS® Incorporated, hereinafter referred to as “Association,” “the Association” or “GIFAR.” (The Association may also use any Assumed Business Name registered with the Idaho Secretary of State office.)

Section 2

Inclusion and retention of the Registered Collective Membership Mark REALTORS® in the name of the Association shall be governed by the Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS® as from time to time amended.

ARTICLE II - OBJECTIVES

The objectives of the Association are:

Section 1

To unite those engaged in the recognized branches of the real estate profession for the purpose of exerting a beneficial influence upon the profession and related interests.

Section 2

To promote and maintain high standards of conduct in the real estate profession as expressed in the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®.

Section 3

To provide a unified medium for real estate owners and those engaged in the real estate profession whereby their interests may be safeguarded and advanced.

Section 4

To further the interests of home and other real property ownership.

Section 5

To unite those engaged in the real estate profession in this community with the IDAHO REALTORS® (“IR”) and the NATIONAL ASSOCIATION OF REALTORS® (“NAR”), thereby furthering their own objectives throughout the state and nation and obtaining the benefits and privileges of Membership therein.

Section 6

To designate, for the benefit of the public, individuals authorized to use the terms REALTOR® and REALTORS® as licensed, prescribed and controlled by the NATIONAL ASSOCIATION OF REALTORS®.

ARTICLE III - JURISDICTION

Section 1

The territorial jurisdiction of the Association as a Member Association of the NATIONAL ASSOCIATION OF REALTORS® is the City of Idaho Falls, Bonneville County, and the Upper Snake River Valley with the addition of the City of Shelley.

Section 2

Territorial jurisdiction is defined to mean:

The right and duty to control the use of the terms REALTOR® and REALTORS®, subject to the conditions set forth in these Bylaws and those of the NATIONAL ASSOCIATION OF REALTORS®, in return for which the Association agrees to protect and safeguard the property rights of the NATIONAL ASSOCIATION OF REALTORS® in the terms.

ARTICLE IV - MEMBERSHIP

Section 1

There shall be six (6) classes of Members as follows:

(1) **REALTOR® Members**

REALTOR® Members, whether primary or secondary shall be:

(a) Individuals, who as sole proprietors, partners, corporate officers, or branch office managers, are engaged actively in the real estate profession, including buying, selling, exchanging, renting or leasing, managing, appraising for others for compensation, counseling, building, developing or subdividing real estate, and who maintain or are associated with an established real estate office in the state of Idaho or a state contiguous thereto. All persons who are partners in a partnership, or all officers in a corporation who are actively engaged in the real estate profession within the state or a state contiguous thereto shall qualify for REALTOR® Membership only, and each is required to hold REALTOR® Membership (except as provided in the following paragraph) in an Association of REALTORS® within the state or a state contiguous thereto unless otherwise qualified for Institute Affiliate Membership, as described in Section 1 (5) of Article IV.

In the case of a real estate firm, partnership, or corporation, whose business activity is substantially all commercial, only those principals actively engaged in the real estate business in connection with the same office, or any other offices within the jurisdiction of the Association in which one of the firm's principals holds REALTOR® Membership, shall be required to hold REALTOR® Membership unless otherwise qualified for Institute Affiliate Membership, as described in Section 1 (5) of Article IV.

(b) Individuals who are engaged in the real estate profession other than as sole proprietors, partners, corporate officers, or branch office managers and are associated with a REALTOR® Member and meet the qualifications, set out in Article V.

(2) **Franchise REALTOR® Membership**

Corporate officers (who may be licensed or unlicensed) of a real estate brokerage franchise organization with at least one hundred fifty (150) franchisees located within the United States, its insular possessions and the commonwealth of Puerto Rico, elected to Membership pursuant to the provisions in the NATIONAL ASSOCIATION OF REALTORS® Constitution and Bylaws. Such individuals shall enjoy all of the rights, and obligations of REALTOR® Membership (including compliance with the Code of Ethics) except: Obligations related to Association-mandated education, meeting attendance, or indoctrination classes or other similar requirements; The right to use the term REALTOR® in connection with their franchise organization's name; And the right to hold elective office in the Association, State Association and National Association.

(3) **Primary and Secondary REALTOR® Members**

An individual is a Primary Member if the Association pays State and National dues based on such Member. An individual is a Secondary Member if State and National dues are remitted through another Association. One of the principals in a real estate firm must be a Designated REALTOR® Member of the Association in order for licensees affiliated with the firm to select the Association as their "Primary" Association.

(4) **Designated REALTOR® Members**

Each firm (or office in the case of firms with multiple office locations) shall designate in writing one REALTOR® Member who shall be responsible for all duties and obligations of Membership, including the obligation to arbitrate (or to mediate if required by the Association) pursuant to Article 17 of the Code of Ethics and the payment of Association 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.

(5) **Institute Affiliate Members**

Institute Affiliate Members shall be individuals who hold a professional designation awarded by an Institute, Society or Council affiliated with the NATIONAL ASSOCIATION OF REALTORS® that addresses a specialty area other than residential brokerage or individuals who otherwise hold a class of Membership in such Institute, Society or Council that confers the right to hold office. Any such individual, if otherwise eligible, may elect to hold REALTOR® Membership, subject to payment of applicable dues for such Membership.

(6) **Affiliate Members**

Affiliate Members shall be real estate owners and other individuals or firms who, while not engaged in the real estate profession as defined in paragraph (1) or (2) of this section, have interests requiring information concerning real estate and are in sympathy with the objectives of the Association.

ARTICLE V - QUALIFICATION AND ELECTION

Section 1

Application

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 ~~be thoroughly familiarized~~ ~~thoroughly familiarize himself / herself~~ with the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, the Constitutions, Bylaws, Policies, and Rules and Regulations of the Association, the State and National Associations, and if elected a Member, will abide by the Constitutions and Bylaws, Policies, and Rules and Regulations of the Association, State and National Association and if a REALTOR® Member will abide by the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS® including the obligation to arbitrate (or to mediate by the Association) 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 Association, through its Membership Committee or otherwise, may invite and receive information and comment about the Applicant from any Member or other persons, and that the Applicant agrees that any information and comment furnished to the Association 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, Policies and Procedures, Constitution, Rules and Regulations and Code of Ethics referred to above.

Section 2 (a)

Qualification

An applicant for REALTOR® Membership who is a sole proprietor, partner, corporate officer, or branch office manager of a real estate firm shall supply evidence satisfactory to the Membership Committee that ~~they are~~ ~~he / she is~~ actively engaged in the real estate profession, and maintains a current, valid real estate broker's or salesperson's license or is licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property, has a place of business within the state or a state contiguous thereto (unless a Secondary member), has no record of recent or pending bankruptcy*, has no record of official sanctions involving unprofessional conduct**, agrees to complete a course of instruction covering the Bylaws, Policies and Procedures, and Rules and Regulations of the Association, the Bylaws of the IDAHO REALTORS®, and the Constitution and Bylaws and Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, and shall pass such reasonable and nondiscriminatory written examination thereon as may be required by the Membership Committee, and shall agree that if elected to membership, will abide by such Constitution, Bylaws, Policies and Procedures, Rules and Regulations, and Code of Ethics.

* If the applicant or the applicant's real estate firm is named as a debtor in such bankruptcy proceeding, membership may not be denied unless the Association establishes that its interests and those of its members and the public could not be adequately protected by requiring that the applicant pay cash in advance for association dues and fees for up to one (1) year from the date that membership is approved. The event that an existing Member initiates bankruptcy proceedings, the Member may be placed on a "cash basis" from the date that bankruptcy is initiated until one (1) year from the date that the Member has been discharged from bankruptcy.

Section 2 (b)

Individuals who are actively engaged in the real estate profession other than as sole proprietors, partners, corporate officers, or branch office managers in order to qualify for REALTOR® Membership, shall at the time of application, be associated either as an independent contractor or employee with a Designated REALTOR® Member of the Association or a Designated REALTOR® Member of another Board or Association (if a Secondary Member) and must maintain a current, valid real estate broker's or salesperson's license or be licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property, has no record of official sanctions involving unprofessional conduct**, shall complete a course of instruction covering the Bylaws, Policies and Procedures, and Rules and Regulations of the Association, the Bylaws of the IDAHO REALTORS®, and the Constitution and Bylaws and Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, and shall pass such reasonable and nondiscriminatory written examinations thereon as may be required by the Membership Committee and shall agree in writing that if elected to membership will abide by such Constitution, Bylaws, Policies and Procedures, Rules and Regulations, and the Code of Ethics.

** No record of official sanctions involving unprofessional conduct is intended to mean that the Association may only consider:

- 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
- B. Criminal convictions if (1) the crime was punishable by death or imprisonment in excess of one (1) year under the law under which the Applicant was convicted, and (2) no more than ten (10) 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.

Section 2 (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 any other Association or Board within the past three (3) years.
- (2) Pending ethics complaints (or hearings).
- (3) Unsatisfied discipline pending.
- (4) Pending arbitration or mediation requests (or hearings).
- (5) Unpaid arbitration or mediation awards or unpaid financial obligations to any other Association or Board or MLS.
- (6) Any misuse of the term REALTOR® or REALTORS® in the name of the Applicant's firm.

Section 3

Election

The procedure for election to Membership shall be as follows:

(a) The Association Executive ~~Chief Executive Officer~~ (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 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 and / or Policies, or, if the individual does not satisfy all of the requirements of Membership (for example, completion of a mandatory orientation program) within one hundred and twenty (120) 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 vote of the Board of Directors, ~~they 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 witnesses on ~~their his/her~~ behalf, to be represented by counsel, and to make such statements ~~deemed 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 Association Executive ~~Chief Executive Officer~~ (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 may specify that denial 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 rejection violates no rights of the applicant.

Section 4

New Member Code of Ethics and Fair Housing 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 as well as an orientation program on Fair Housing of not less than two (2) hours 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 year or less.

Failure to satisfy this requirement within ninety (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.

Section 5

Continuing REALTOR® Member Training

- a) **Code of Ethics:** Each REALTOR® Member of the Association (with the exception of REALTOR® Members granted REALTOR® Emeritus status by the NATIONAL ASSOCIATION OF REALTORS®) shall be required to complete 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 REALTOR® Association, the IDAHO REALTORS®, or the NATIONAL ASSOCIATION OF REALTORS®, 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 three-year cycle shall not be required to complete additional training until a new three-year cycle commences.
- b) **Fair Housing:** Each REALTOR® Member of the Association shall be required to complete Fair Housing training of not less than two (2) hours 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 REALTOR® Association, the IDAHO REALTORS®, or the NATIONAL ASSOCIATION OF REALTORS®, which meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to time.

Failure to satisfy this required periodic training shall be considered a violation of Membership duty. Failure to meet the requirement in any three-year cycle will result in suspension of Membership for the first two months (January and February) of the year following the end of any three-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.

Section 6

Status Changes

- (a) A REALTOR® who changes the conditions under which he holds Membership shall be required to provide written notification to the Association within three (3) Business days. A REALTOR® (non-principal) who becomes a principal in the firm with which he 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, or in the Association's Policy and Procedures, for the category of Membership to which they have transferred within three (3) Business days of the date they advised the Association of their change in status, their NEW Membership Application will terminate automatically unless otherwise directed by the Board of Directors.

A REALTOR® who is transferring their 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 three (3) Business 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.

(The Board of Directors, at its discretion, may waive any qualification which the applicant has already fulfilled in accordance with Association's Bylaws and Policies and Procedures.)

(b) Any application fee related to a change in Membership status may be reduced by an amount equal to any application fee previously paid by the Applicant.

(c) Dues shall be prorated from the first day of the month in which the Member is notified of election by the Board of Directors and shall be based on the NEW Membership status for the remainder of the year.

ARTICLE VI - PRIVILEGES AND OBLIGATIONS

Section 1

The privileges and obligations of REALTOR® Members, in addition to those otherwise provided in these Bylaws and in Policy and Procedures, shall be specified in this ARTICLE. It shall be the responsibility of the Designated REALTOR® of each Member office to forward to the Association office, in writing, any change in status of personnel, structure of organization, name change or any change for which the state must be notified. This notification, in writing, must be made within three (3) Business days of such change.

Section 2

Any Member of the Association may be reprimanded, fined, placed on probation, suspended, or expelled by the Board of Directors for a violation of these Bylaws and Association Rules, Policies and Procedures, and Rules and Regulations consistent with these Bylaws, after a hearing as provided in the Code of Ethics and Arbitration Manual of the Association. Although Members other than REALTORS® are not subject to the Code of Ethics nor its enforcement by the Association, such Members are encouraged to abide by the principles established in the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS® and conduct their business and professional practices accordingly. Further, Members other than REALTORS® may, upon recommendation of the Membership Committee, or upon recommendation by the hearing panel of the Professional Standards Committee, be subject to discipline as described above, for any conduct, which in the opinion of the Board of Directors, applied on a nondiscriminatory basis, reflects adversely on the terms REALTOR® or REALTORS®, and the real estate industry, or for conduct that is inconsistent with or adverse to the objectives and purposes of the GREATER IDAHO FALLS ASSOCIATION OF REALTORS®, the IDAHO REALTORS®, and / or the NATIONAL ASSOCIATION OF REALTORS®.

Section 3

Any REALTOR® Member of the Association may be disciplined by the Board of Directors for violations of the Code of Ethics or other duties of Membership, after a hearing as described in the Code of Ethics and Arbitration Manual of the Association, provided that the discipline imposed is consistent with the discipline authorized by the Professional Standards Committee of the NATIONAL ASSOCIATION OF REALTORS® as set forth in the Code of Ethics and Arbitration Manual of the NATIONAL ASSOCIATION OF REALTORS®.

Section 4

Resignations of Members shall become effective when received in writing by the Board of Directors, provided, however, that if any Member submitting the resignation is indebted to the Association for dues, fees, fines, or other assessments of the Association or any of its services, departments, divisions, or subsidiaries, the Association may condition the right of the resigning Member to reapply for Membership upon payment in full of all such monies owed.

Section 5

If a Member resigns from the Association or otherwise causes Membership to terminate with an ethics complaint pending, 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 Associations / 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 mediate 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

Privileges of REALTOR® Members

REALTOR® Members, whether primary or secondary, in good standing are entitled to vote and to hold elective office in the Association and may use the term REALTOR®. For purposes of this section, the term "good standing" means the Member satisfies the "Obligations of REALTOR® Members," is current with all financial and disciplinary obligations to the Association, has completed any new Member requirements, and complies with the NATIONAL ASSOCIATION OF REALTORS® trademark rules.

- (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, 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, whichever may apply.

Further, the Membership of REALTORS® other than principals who are employed by or affiliated as independent contractors with the disciplined Member shall suspend or terminate during the period of suspension of the disciplined Member or until readmission of the disciplined Member or until connection of the disciplined Member with the firm, partnership, or corporation is severed, or unless the REALTOR® Member (non-principal) elects to sever his connection with the REALTOR® and affiliate with another REALTOR® Member in good standing in the Association whichever may apply. If a REALTOR® Member who is other than a principal in a firm, partnership, or corporation is suspended or expelled, the use of the terms REALTOR® or REALTORS® by the firm, partnership, or corporation shall not be affected.

(b) In any action taken against a REALTOR® Member for suspension or expulsion under Section 6 (a) hereof, notice of such action shall be given to all REALTORS® employed by or affiliated as independent contractors with such REALTOR® Member and they shall be advised that the provisions in Article VI, Section 6 (a) shall apply.

Section 7

Institute Affiliate Members

Institute Affiliate Members shall have rights and privileges and be subject to obligations prescribed by the Board of Directors consistent with the Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS®.

Section 8

Affiliate Members

Affiliate Members shall have rights and privileges and be subject to obligations prescribed by the Board of Directors.

Section 9

Certification by REALTOR®

"Designated" REALTOR® Members of the Association shall certify to the Association a complete listing of all individuals licensed or certified in the REALTOR'S® office(s) and shall designate a primary Association of each individual who holds Membership. Designated REALTORS® shall also identify any Non-Member licensees in the REALTOR'S® office(s) and if Designated REALTOR® Dues have been paid to another Association or Board based on the said Non-Member licensees, the Designated REALTOR® shall identify the Board or Association to which dues have been remitted. These declarations shall be used for purposes of calculating dues under Article X, Section 2 (1) of the Bylaws. "Designated" REALTOR® Members shall also notify the Association of any additional individual(s) licensed or certified with the firm(s) within three (3) Business days of the date of affiliation or severance of the individual.

Section 10

Harassment

The Greater Idaho Falls Association of REALTORS® (“Association”) strictly prohibits all forms of harassment. No employee, Affiliate Member, or REALTOR® Member (Both Affiliate and REALTOR® Members are considered to be a “Member”) shall engage in any conduct constituting harassment. Furthermore, no employee or Member accused of harassment shall in any manner seek reprisal against the accuser.

The Association will have a written Policy on Harassment.

ARTICLE VII - PROFESSIONAL STANDARDS, MEDIATION AND ARBITRATION

Section 1

The responsibility of the Association and the Association Members relating to the enforcement of the Code of Ethics, the disciplining of Members, and the mediation or 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 OF REALTORS®, as amended from time to time, which is by this reference incorporated into these Bylaws, provided, however, that any provision deemed inconsistent with state law shall be deleted or amended to comply with state law.

Section 2

Obligations of REALTOR® Members

It shall be the duty and responsibility of every REALTOR® Member of this Association to safeguard and promote the standards, interests, and welfare of the Association and the real estate profession, and to protect against conduct that may cause a lack of public confidence in the real estate profession or in REALTORS®. REALTOR® Members must abide by the governing documents and Policies and Procedures of the Association, the IDAHO REALTORS®, and the NATIONAL ASSOCIATION OF REALTORS®, as well as the Code of Ethics of the NATIONAL ASSOCIATIONS OF REALTORS®, including the duty to mediate and arbitrate controversies arising out of real estate transactions as specified by Article 17 of the Code of Ethics, and in accordance with the procedures set forth in the Code of Ethics and Arbitration Manual.

Every REALTOR® Member shall maintain a high level of integrity and adhere to the Association’s Membership criteria. Any violent act or threat of violence to person or property, hateful conduct, or acts of moral turpitude impacting the public shall not be tolerated and may be cause for disciplinary action, up to and including termination of Membership.

Section 3

The Association and all Association Members are responsible for the enforcement of the Code of Ethics, the disciplining of Members, the arbitration and mediation of disputes, and the organization and procedures incident thereto, consistent with cooperative professional standards enforcement agreement entered into by the Association, which by this reference is made part of these Bylaws.

ARTICLE VIII - USE OF THE TERMS REALTOR® AND REALTORS®

Section 1

Use of the terms REALTOR® and REALTORS® by Members shall, at all times be subject to the provisions of the Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS® and to the Rules and Regulations prescribed by its Board of Directors. The Association shall have the authority to control, jointly and in full cooperation with the NATIONAL ASSOCIATION OF REALTORS®, use of the terms within its jurisdiction. Any misuse of the terms by Members is a violation of a Membership duty and may subject Members to disciplinary action by the Board of Directors after a hearing as provided for in the NATIONAL ASSOCIATION OF REALTORS® Code of Ethics and Arbitration Manual.

Section 2

All REALTOR® Members of the Association shall have the privilege of using the terms REALTOR® or REALTORS® in connection with their places of business within the state or a state contiguous thereto so long as they remain REALTOR® Members in good standing. No other class of Members shall have this privilege.

Section 3

A REALTOR® Member who is a principal of a real estate firm, partnership, or corporation may use the terms REALTOR® or REALTORS® only if all the principals of the firm, partnership, or corporation who are actively engaged in the real estate profession within the state or a state contiguous thereto are REALTOR® Members of the Association or Institute Affiliate Members as described in Section 1 of Article IV.

(a) In the case of a REALTOR® Member who is a principal of a real estate firm, partnership, or corporation whose business activity is substantially all commercial, the right to use the term REALTOR® or REALTORS® shall be limited to office locations in which a principal, partner, corporate officer, or branch office manager of the firm, partnership, or corporation holds REALTOR® Membership, the term REALTOR® or REALTORS® may not be used in any reference to those additional places of business.

Section 4

Institute Affiliate Members and Affiliate Members shall not use the terms REALTOR® or REALTORS®, nor the imprint of the emblem seal of the NATIONAL ASSOCIATION OF REALTORS®.

ARTICLE IX - STATE AND NATIONAL MEMBERSHIPS

Section 1

The Association shall be a Member of the NATIONAL ASSOCIATION OF REALTORS® and the IDAHO REALTORS®. By reason of the Association's Membership, each REALTOR® Member of the Member Association shall be entitled to Membership in the NATIONAL ASSOCIATION OF REALTORS® and the IDAHO REALTORS®. The Association shall continue as a Member of the IDAHO REALTORS® and the NATIONAL ASSOCIATION OF REALTORS®, unless by a majority vote of all of its REALTOR® Members, decision is made to withdraw, in which case the IDAHO REALTORS® and the NATIONAL ASSOCIATION OF REALTORS® shall be notified at least one (1) month in advance of the date designated for the termination of such Membership.

Section 2

The Association recognizes the exclusive property rights of the NATIONAL ASSOCIATION OF REALTORS® in the terms REALTOR® or REALTORS®. The Association shall discontinue use of the terms in any form in its name, upon ceasing to be a Member of the NATIONAL ASSOCIATION OF REALTORS®, or upon a designation by the Board of Directors of the NATIONAL ASSOCIATION OF REALTORS® that it has violated the conditions imposed upon the terms.

Section 3

The Association adopts the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS® and agrees to enforce the Code among its REALTOR® and Non-Member Members. The Association and all its Members agree to abide by the Constitution, Bylaws, Rules and Regulations, and policies of the NATIONAL ASSOCIATION OF REALTORS® and the IDAHO REALTORS®.

ARTICLE X - DUES, FEES AND ASSESSMENTS

Section 1

Application Fee

The Board of Directors may adopt an application fee for Membership in a reasonable amount, not exceeding three (3) times the amount of the annual dues for each class of Membership, which shall be required to accompany each application for Membership, and which shall become the property of the Association upon final approval of the application.

Section 2

Dues

The annual dues of Members shall be as follows:

(1) Designated REALTOR® Members:

The annual dues of each Designated REALTOR® Member shall be in such amount as established annually by the Board of Directors and approved by the Membership, plus an additional amount to be established annually by the Board of Directors and approved by the Membership times the number of real estate sales persons and licensed or certified appraisers who (1) are employed by or affiliated as independent contractors, or who are otherwise directly or indirectly licensed with such REALTOR® Member, and (2) are not REALTOR® Members of any Association or Board in the state or a state contiguous thereto or Institute Affiliate Members of the Association. In calculating the dues payable to the Association by a Designated REALTOR® Member, Non-Member licensees as defined in (a) and (b) of this paragraph shall not be included in the computation of dues if the Designated REALTOR® has paid dues based on said Non-Member licensees in another Association or Board in the state or a state contiguous thereto, provided the Designated REALTOR® notifies the Association in writing of the identity of the Association or Board to which dues have been remitted. In the case of a Designated REALTOR® Member in a firm, partnership, or corporation whose business activity is substantially all commercial, any assessments for Non-Member licensees shall be limited to licensees affiliated with the Designated REALTOR® (as defined in (a) and (b) of this paragraph) in the office where the Designated REALTOR® holds Membership, and any other offices of the firm located within the jurisdiction of this Association.

(a) For the purpose of this Section, a REALTOR® Member of a Member Association or Board shall be held to be any Member who has a place or places of business within the state or a state contiguous thereto and who, as a principal, partner, corporate officer, or branch office manager of a real estate firm, partnership, or corporation, is actively engaged in the real estate profession as defined in Article III, Section 1, of the Constitution of the NATIONAL ASSOCIATION OF REALTORS®. An individual shall be deemed to be licensed with a REALTOR® if the license of the individual is held by the REALTOR®, or by any broker who is licensed with the REALTOR®, or by any entity in which the REALTOR® has a direct or indirect ownership interest and which is engaged in other aspects of the real estate business (except as provided for in Section 2 (1) (b) hereof) provided that such licensee is not otherwise included in the computation of dues payable by the principal, partner, or corporate officer of the entity.

(b) A REALTOR® with a direct or indirect ownership interest in an entity engaged exclusively in soliciting and / or referring clients and customers to the REALTOR® for consideration on a substantially exclusive basis shall file with the Association on a form approved by the Association a list of the licensees affiliated with that entity and shall certify that all of the licensees affiliated with the entity are solely engaged in referring clients and customers and are not engaged in listing, selling, leasing, managing, counseling or appraising real property. The individuals disclosed on such form shall not be deemed to be licensed with the REALTOR® filing the form for purposes of this Section and shall not be included in calculating the annual dues of the Designated REALTOR®. Designated REALTORS® shall notify the association within three (3) days of any change in status of licensees in a referral firm ("LFRO").

The exemption for any licensee included on the certificate form shall automatically be revoked upon the individual being engaged in real estate licensed activities (listing, selling, leasing, managing, counseling, or appraising real property) other than referrals, and dues for the current fiscal year shall be payable.

Membership dues shall be prorated for any licensee included on a certificate form submitted to the Association who during the same calendar year applies for REALTOR® Membership in the Association. However, Membership dues shall not be prorated if the licensee held REALTOR® Membership during the preceding calendar year.

(2) Primary and Secondary REALTOR® Members:

The annual dues of REALTOR® Members other than the Designated REALTOR® shall be in such amount as established annually by the Board of Directors.

(3) Institute Affiliate Members:

The annual dues of each Institute Affiliate Member shall be an amount as established in Article II of the Bylaws of the NATIONAL ASSOCIATION OF REALTORS®.

(4) Affiliate Members:

The annual dues of each Affiliate Member shall be in such amount as established annually by the Board of Directors.

Section 3

Dues Payable

Dues for all REALTOR® Members shall be payable annually (January to December) in advance of the first day of November. Dues for New REALTOR® Members shall be computed from the first day of the month in which a member is notified of election and shall be prorated for the remainder of the year. Dues for all Affiliate Members shall be payable for twelve (12) months (January to December) ~~(June to May)~~ in advance of the first day of June. ~~New Affiliate Member Dues are not Prorated.~~

In the event a sales licensee or licensed or certified appraiser who holds REALTOR® Membership is dropped for nonpayment of Association dues, and the individual remains with the Designated REALTORS® firm, the dues obligation of the "Designated" REALTOR® (as set forth in Article X, Section 2 (1)) will be increased to reflect the addition of a Non-Member licensee. Dues shall be calculated from the first day of the current fiscal year and are payable within thirty (30) days of the notice of termination.

Section 4

Nonpayment of Financial Obligations

If dues, fees, fines, or other assessments including amounts owed to the Association are not paid within one (1) month after the due date, the nonpaying Member is subject to suspension at the discretion of the Board of Directors. Two (2) months after the due date, membership of the nonpaying Member may be terminated at the discretion of the Board of Directors. Three (3) months after the due date, Membership of the nonpaying Member shall automatically terminate unless within that time the amount due is paid. However, no action shall be taken to suspend or expel a Member for nonpayment of disputed amounts until the Board of Directors has confirmed the accuracy of the amount owed. A former Member who has had his Membership terminated for nonpayment of dues, fees, fines, or other assessments duly levied in accordance with the provisions of these Bylaws or the provisions of other Rules and Regulations or in the Policy and Procedures Manual of the Association or any of its services, departments, divisions, or subsidiaries may apply for reinstatement in a manner prescribed for new applicants for Membership, after making payment in full of all accounts due as of the date of termination.

Section 5

Deposit and Expenditures

Deposits and expenditures of funds shall be in accordance with policies established by the Board of Directors.

Section 6

Notice of Dues, Fees, Fines, Assessments, and Other Financial obligations of Members

All dues, fees, fines, assessments, or other financial obligations to the Association shall be noticed to the delinquent Member setting forth the amount owed and due date.

Section 7

The dues of REALTOR® Members who are REALTOR® Emeriti (as recognized by the NATIONAL ASSOCIATION OF REALTORS®), Past Presidents and Past Treasurers of the NATIONAL ASSOCIATION OF REALTORS® or recipients of the Distinguished Service Award shall be as determined by the NATIONAL ASSOCIATION OF REALTORS® Board of Directors.

Section 8

The Greater Idaho Falls Association of REALTORS® annual dues will be waived for all past Greater Idaho Falls Association of REALTORS® Presidents, who completed their full term with honor.

ARTICLE XI - OFFICERS AND DIRECTORS

Section 1

Officers

The elected officers of the Association shall be a President-Elect and a Treasurer-Elect. The President-Elect and Treasurer-Elect shall be elected for a term of one year. The President-Elect and the Treasurer-Elect will automatically succeed to the offices of President and Treasurer respectively, of the Association for a one (1) year term upon completion of term as President-Elect and Treasurer-Elect. In the absence of the President, the President-Elect shall perform the normal and customary duties of the President. The Association may employ the services of an **Association Executive ("AE")** ~~Chief Executive Officer ("CEO")~~ who shall serve as an ex-officio Member without the right to vote. The **AE** ~~CEO~~ may serve as Secretary or alternatively may appoint staff to do so. The Association may choose to have one Individual perform the duties of both Secretary and Treasurer as if it were one position or may elect to have the **AE** ~~CEO~~ perform the functions of Secretary. If the **AE** ~~CEO~~ is asked to be the Secretary the **AE** ~~CEO~~ would continue to be an ex-officio Member without the right to vote.

Section 2

Duties of Officers

The duties of the officers shall be such as their titles, by general usage, would indicate and such as may be assigned to them by the Board of Directors. It shall be the particular duty of the **Association Executive** ~~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 IDAHO REALTORS®.

Section 3

Board of Directors

The governing body of the Association shall be a Board of Directors consisting of the President, the elected officers, Secretary, Treasurer, Immediate Past-President of the Association, and at least three (3) elected REALTOR® Members of the Association. Directors shall be elected to serve a term of three (3) years, except that at organization, one-third (1/3) 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.

Term Limits: It is **recommended** that no member of the Board of Directors shall serve for more than three (3) consecutive terms unless moving into the President-Elect or State Director positions.

Section 4

Election of Officers and Directors

- (a) At the June Board of Directors Meeting, a Nominating Committee of four (4) REALTOR® Members shall be appointed by the President with the approval of the Board of Directors. The President shall serve as Chair. The Nominating Committee shall select one (1) candidate for each office and one (1) candidate for each place to be filled on the Board of Directors. The report of the Nominating Committee shall be electronically transmitted to each Member after the July Board of Directors meeting. Additional candidates for the offices to be filled may be placed in nomination by petition signed by at least five (5) % of the REALTOR® Members eligible to vote. The petition shall be filed with the ~~Association Executive~~ ~~Chief Executive Officer~~ by the August Board of Directors meeting. The ~~Association Executive~~ ~~Chief Executive Officer~~ shall send notice of such additional nominations to all Members eligible to vote before the election. The President-Elect shall be nominated from the current directors or past directors or officers. Director vacancies shall be filled from the general membership. Minimum qualifications for President-Elect shall be a Member in good standing with at least two (2) years REALTOR® Membership and having served on the GIFAR Board of Directors for at least ~~two (2)~~ ~~One (1)~~ full year prior to the year taking office.
- (b) The election of officers and directors shall take place on or before the October membership meeting. The ballot shall contain the names of all candidates and the offices for which they are nominated. Absentee balloting may be done prior to the October membership meeting. Voting may be done in person at the Association Office by 5:00 pm the day prior to the October membership meeting. All voting may be conducted electronically in such a way that each Member can receive just one vote. This method may combine the in person as well as the absentee voting into one.
- (c) The President, with the approval of the Board of Directors, may appoint an Election Committee of three (3) REALTOR® Members to conduct the election. In case of a tie vote, lot shall determine the issue.

Section 5

Vacancies

The Board of Directors may fill vacancies by a simple majority vote among the officers and the Board of Directors until the next annual election.

Section 6

State Director(s)

State Director(s) shall be elected by the Membership for a term of three (3) years and will represent the Association on the state level. The Association will elect one (1) State Director plus one (1) additional State Director for each four hundred (400) members.

Section 7

Removal of Officers and Directors

In the event that an Officer or Director is deemed to be unable or incapable of fulfilling the duties for which elected, but will not or cannot 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 (1/3) 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) 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.
- (c) 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 (3/4) vote of Members present and voting, shall be required for removal from office.

Section 8

Association Executive ~~Chief Executive Officer~~

There shall be a Association Executive ("AE") ~~Chief Executive Officer ("CEO")~~, hired ~~appointed~~ by the Board of Directors, who shall be the chief administrative officer of the Association. The Association Executive ~~Chief Executive Officer~~ shall have the authority to hire, supervise, evaluate, and terminate other staff, if any, and shall perform such other duties as prescribed by the Board of Directors.

ARTICLE XII - MEETINGS

Section 1

Annual Association Meeting

An annual meeting of the Association shall be held during the last Quarter of each year, the date, place and hour (and / or via a platform) to be designated by the Board of Directors.

Section 2

Membership Meetings

Membership meetings may be held. The date, place and hour of each Membership meeting shall be designated by the Board of Directors.

Section 3

Meetings of Directors

The board of directors shall designate a regular time and place (and / or via a platform) of meetings. A Director who is absent from three (3) or more regular meetings with or without an excuse ~~shall be~~ **may be** construed as a resignation. A quorum for the transaction of business shall be a majority of the Board of Directors, except as may otherwise be required by state law.

Section 4

Other Meetings

Meetings of the Members may be held at other times (and / or via a platform) as the President or the Board of Directors may determine, or upon the written request of at least ten (10) percent of the Members eligible to vote.

Section 5

Notice of Meeting

Written notice (by electronic means) shall be given to every member entitled to participate in the meeting at least one (1) week preceding all meetings. If a special meeting, it shall be accompanied by a statement of the purpose of the meeting.

Section 6

Quorum

A quorum for the transaction of business of the Membership shall consist of five (5) percent of the Members eligible to vote, except as may otherwise be required by state law. A quorum for the Board of Directors Meeting shall be fifty (50) percent of the Board of Directors.

Section 7

Electronic Transaction of Business

To the fullest extent permitted by law, the Association may conduct business by electronic means and Members may participate in any open meeting through the use of such equipment by means of which all persons can participate in the meeting and can at least hear each other. Such participation shall be at the discretion of the Chair or President and shall constitute "presence" at the meeting.

Section 8

Action without Meeting

Unless specifically prohibited by the articles of incorporation, any action required or permitted to be taken at a meeting of the Board of Directors may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all the directors. The consent shall be evidenced by one (1) or more written approvals, each of which sets forth the action taken and bears the signature of one (1) or more directors. All the approvals evidencing the consent shall be delivered to

the Association Executive ~~Chief Executive Officer~~ to be filed in the Association's records. The action taken shall be effective when all the directors have approved the consent unless the consent specifies a different effective date.

ARTICLE XIII - COMMITTEES

Section 1

Committees

The President may appoint, from among the REALTOR® Members, subject to confirmation by the Board of Directors, the following committees:

- Grievance*
- Professional Standards*
- Education
- Budget / Finance
- Governance / Bylaws / Policies and Procedures
- Local Political Involvement Committee ("LPIC") / Legislative / Government Affairs
- Social
- Community Service
- REALTOR® Political Action Committee ("RPAC")
- Public Relations / Media / Communications
- Nominating
- Programs / Luncheons
- New Member
- Membership
- Election
- Selection
- Grant Writing
- Legal Issues
- Home Tour
- Past Presidents Advisory

*If the Association elects to do so, the Grievance and Professional Standards process services may be contracted out. If so, the local committee Members may be placed on the State's Regional Committee.

Section 2

Special Work Groups

The President shall appoint, subject to confirmation by the Board of Directors, such special Work Groups as may be deemed necessary.

Section 3

Young Professional's Network

The Young Professional's Network ("YPN"), if chartered by the Association and the National Association of REALTORS®, may operate as a Council within the Association. The YPN shall have an independent budget and account, maintained by the Association with oversight by the Executive Committee. The YPN Advisory Council shall be appointed within its membership each year.

Section 4

Organization

All committees shall be of such size and shall have such duties, functions, and powers as assigned to them by the President or the Board of Directors except as otherwise provided in these Bylaws and in the Policy and Procedures.

Section 5

President

The President shall be ex-officio Member of all committees and Work Groups and shall be notified of their meetings.

Section 6

Executive Committee

The President, Immediate Past President, President-Elect, Secretary, and the Treasurer shall constitute the Executive Committee. The Association Executive ~~Chief Executive Officer~~ shall also serve on the Executive Committee as an ex-officio Member without a vote. The Association President shall act as presiding officer of the Executive Committee. A quorum of the Executive Committee shall consist of not less than three (3) Members.

Section 7

Action without Meeting

Any committee may act by unanimous consent in writing without meeting. The consent shall be evidenced by one (1) or more written approvals, each of which sets forth the action taken and bears the signature of one (1) or more of the Members of the committee. Electronic notices and consent shall also constitute written approval.

Section 8

Attendance by Electronic Means

Members of a committee may participate in any meeting through the use of Electronic Means, if and when it is available, in which all persons participating in the meeting can hear each other. Such participation shall be at the discretion of the President and shall constitute "presence" at the meeting. Such participation shall be at the discretion of the Chair or President and shall constitute "presence" at the meeting.

ARTICLE XIV - FISCAL AND ELECTIVE YEAR

Section 1

The fiscal year of the Association shall be from January 1st to December 31st.

Section 2

The elective year of the Association shall be from January 1st to December 31st.

ARTICLE XV - RULES OF ORDER

Section 1

Robert's Rules of Order, latest edition, shall be recognized as the authority governing the meetings of the Association, its Board of Directors, and committees, in all instances wherein its provisions do not conflict with these Bylaws.

ARTICLE XVI - AMENDMENTS

Section 1

These Bylaws may be amended by the majority vote of the Members "present" and qualified to vote at any meeting at which a quorum is present, provided the substance of such proposed amendment or amendments shall be plainly stated in the call for the meeting.

When Bylaws amendments are mandated by the NATIONAL ASSOCIATION OF REALTORS® policy, these Bylaws may be automatically amended to reflect the mandate as of the effective date of the mandatory policy authorized by the NATIONAL ASSOCIATION OF REALTORS®. The Association shall provide notice of that change in a regular or special Membership communication.

Section 2

Notice of all meetings at which amendments are to be considered shall be communicated to every REALTOR® Member at least one (1) week prior to the meeting.

Section 3

Amendments to these Bylaws affecting the admission or qualification of REALTOR® Members and Institute Affiliate Members, the use of the terms "REALTOR®" or "REALTORS®," or any alteration in the territorial jurisdiction of the Association shall become effective upon their approval as authorized by the Board of Directors of the NATIONAL ASSOCIATION OF REALTORS®.

ARTICLE XVII – DISSOLUTION

Section 1

Upon the dissolution of this Association, the Board of Directors, after providing the payment of all obligations, shall distribute any remaining assets to the Idaho REALTORS® or within its discretion, to any other non-profit tax-exempt organization.

ARTICLE XVIII – MULTIPLE LISTING SERVICE

Section 1

Authority

The GREATER IDAHO FALLS ASSOCIATION OF REALTORS® shall participate in and be a major stockholder in the Snake River Regional Multiple Listing Service, a lawful corporation of the State of Idaho, all the stock of which shall be owned by the GREATER IDAHO FALLS ASSOCIATION OF REALTORS®, the Greater Blackfoot Association of REALTORS® and the Upper Valley Association of REALTORS®.

Section 2

Purpose

A Multiple Listing Service is a means by which ~~authorized Participants make blanket unilateral offers of cooperation to other Participants (acting either as buyer agents, or in other agency or non-agency capacities defined by Idaho law); by which~~ cooperation among participants is enhanced: information is accumulated and disseminated to enable authorized Participants to prepare appraisals, analyses, and other valuations of real property for bona fide clients and customers; by which Participants engaging in real estate appraisal contribute to common databases; and is a facility for the orderly correlation and dissemination of listing information so Participants may better serve their clients and the public.

Section 3

Membership

A Suspended, Terminated or Dues Owing Member may not be a Member of any MLS that the Association has a stockholder interest in until all dues, fines and fees owed to the Association have been paid in full.