



FARGO-MOORHEAD
Area Association of
REALTORS®

FM REALTORS®

BYLAWS

ADOPTED MARCH 12, 1985

REVISED: JULY 2000

JUNE 2005

FEBRUARY 2006

FEBRUARY 2008

NOVEMBER 2009

OCTOBER 2011

JUNE 2012

OCTOBER 10, 2013

DECEMBER 29, 2014

NAR Approved: October 29, 2015

NAR Approved: June 10, 2016

NAR Approved: September 25, 2017

Approved by Legal Counsel May 21, 2019

January 2020

Legal apprvd February 2020/Mbrshp apprvd May 2020

Approved 3-23-22

January 2025

**BYLAWS OF THE FARGO-MOORHEAD
AREA ASSOCIATION OF REALTORS®, INCORPORATED
ADOPTED MARCH 12, 1985**

ARTICLE 1 – NAME

Section 1. Name. The name of this organization shall be the FARGO-MOORHEAD AREA ASSOCIATION OF REALTORS®, Incorporated, hereinafter called FM REALTORS®.

Section 2. REALTORS®. Inclusion and retention of the Registered Collective Membership Mark REALTORS® in the name of FM REALTORS® shall be governed by the Constitution and Bylaws of the NATIONAL ASSOCIATION OF REALTORS® as from time to time amended.

ARTICLE 2 – OBJECTIVES

The objectives of FM REALTORS® 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 safe-guarded and advanced.

Section 4. To further the interest of home and other real property ownership.

Section 5. To unite those engaged in the real estate profession in this community with the North Dakota and/or Minnesota Associations of REALTORS®, and the NATIONAL ASSOCIATION OF REALTORS®, 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, those individuals authorized to use the terms REALTOR® and REALTORS® as licensed, prescribed and controlled by the NATIONAL ASSOCIATION OF REALTORS®.

Section 7. To own and operate as a subsidiary a for-profit corporation, or other entity, providing a Multiple Listing Service and related services.

ARTICLE 3 – JURISDICTION

Section 1. The territorial jurisdiction of FM REALTORS® as a Member of the NATIONAL ASSOCIATION OF REALTORS® is the counties of Cass, Richland, Ransom and Sargent in the State of North Dakota and Clay, Wilkin and Norman in the State of Minnesota.

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 FM REALTORS® agrees to protect and safeguard the property rights of the National Association in the terms.

ARTICLE 4 – MEMBERSHIP

Section 1. There shall be classes of Members as follows:

(a) REALTOR® Members. REALTOR® Members, whether Primary or Secondary, shall be:

(1) 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, or who maintain or who are associated with an established real estate office in the States of North Dakota or Minnesota 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(s) 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(s) or a state contiguous thereto unless qualified for Institute Affiliate membership as described in Section 1(b) of Article 4.

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 (b) of Article 4.

(2) 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® Members and meet the qualifications set out in Article 5.

(3) 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 established in the NAR Constitution and Bylaws. Such individuals shall enjoy all the rights, privileges and obligations of REALTOR® membership (including compliance with the Code of Ethics) except: obligations related to FM REALTORS® 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 Local, State or National Association.

(4) Primary and Secondary REALTOR® Members. An individual is a Primary Member if FM REALTORS® pays State and National dues based on such Member. An individual is a Secondary Member if State and National dues are remitted through another Local Association. Members may join a primary Local Association across contiguous state lines. One of the Principals in a real estate firm must be a Designated REALTOR® Member of FM REALTORS® in order for licensees affiliated with the firm to select FM REALTORS® as their "primary" Local Association.

(5) Designated REALTOR® Members. Each firm (or office in the case of the firm with multiple office locations) shall designate in writing one REALTOR® Member who shall be responsible

for all duties and obligations of membership including an obligation to arbitrate (or 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 10 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 4 of the Policy and Procedure Manual.

(b) 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 membership.

(c) Business Partner Members. Business Partner Members shall be real estate owners and other individuals or firms who, while not in the real estate profession as defined in Paragraph (a) or (b) of this Section, have interests requiring information concerning real estate and are in sympathy with the objectives of FM REALTORS®. Business Partner membership shall also be granted to individuals licensed or certified to engage in the real estate practice who, if otherwise eligible, do not elect to hold REALTOR® membership in FM REALTORS®, provided the applicant is engaged exclusively in a specialty of the real estate business other than brokerage of real property.

(d) Public Service Members. Public Service Members shall be individuals who are interested in the real estate profession as employees of, or affiliated with, educational, public utility, governmental or otherwise similar organizations, but are not engaged in the real estate profession on their own account or in association with an established real estate business.

(e) Honorary Members. Honorary Members shall be individuals not engaged in the real estate profession who have performed notable service for the real estate profession, for FM REALTORS® or for the public.

(f) Student Members. Student Members shall be individuals who are seeking an undergraduate or graduate degree with a specialization or major in real estate at institutions of higher learning and who have completed at least two years of college and at least one college level course in real estate, but are not engaged in the real estate profession on their own account or not associated with an established real estate office.

(g) Local Life Members. Local Life Members shall be individuals who meet the qualifications which have been established by policy of FM REALTORS®’s Board of Directors.

(h) Member At Large. The President of the North Dakota Association of REALTORS® shall be a Member At Large in good standing for the purpose of representing FM REALTORS®, in the absence of the FM REALTORS® President or a designated representative of FM REALTORS®, as a voting delegate at the NATIONAL ASSOCIATION OF REALTORS® Delegate Body Meetings. All FM REALTORS® dues, if the President is not already an FM REALTORS® Member, shall be waived.

Section 2. The terms and conditions for qualification and election of members shall be set forth in the Policy and Procedure Manual, as such terms and conditions may be established from time to time by the Board of Directors.

Section 3. The terms and conditions for the election of officers and the terms and conditions for administration of the FM REALTORS® shall be set forth in the Policy and Procedure Manual, as such terms and conditions may be established from time to time by the Board of Directors.

ARTICLE 5 – CODE OF ETHICS AND FAIR HOUSING TRAINING

Section 1. New Member Code of Ethics Orientation. Applicants for REALTOR® membership and provisional REALTOR® members shall complete a New Member Orientation program including the Code of Ethics of not less than two hours and thirty minutes 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 180 days of the date of application will result in denial of the membership application or termination of provisional membership. Orientation programs must meet the learning objectives and minimum criteria established from time to time by the NATIONAL ASSOCIATION OF REALTORS®.

Section 2. Continuing REALTOR® Code of Ethics Training. Effective January 1, 2019, through December 31, 2021 and for successive three 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 ethics training of not less than two hours and thirty 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® 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 program during any three year cycle shall not be required to complete additional ethics training until a new three year cycle commences.

Failure to satisfy the required periodic ethics 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. (amended 11/2016)

Section 3. New Member Fair Housing Orientation. Applicants for REALTOR® membership and provisional REALTOR® members (where applicable) shall 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 State Association(s) of REALTORS®, the NATIONAL ASSOCIATION OF REALTORS®, or the Institutes, Societies, and Councils, which meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to time. Fair Housing training approved by a state licensing authority for an existing Fair Housing requirement to gain or maintain licensure shall also fulfill this requirement, provided it also meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to 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 180 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 4. Continuing Fair Housing Training. Effective January 1, 2025, through December 31, 2027 and for successive three 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 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 State Association(s) of REALTORS®, the NATIONAL ASSOCIATION OF REALTORS®, or the Institutes, Societies, and Councils, which meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to time. Fair Housing training approved by a state licensing authority for an existing Fair Housing requirement to maintain licensure shall also fulfill this requirement, provided it also meets the learning objectives and minimum criteria established by the NATIONAL ASSOCIATION OF REALTORS® from time to time. REALTOR® members who have completed Fair Housing training as a requirement of membership in another association shall not be required to complete additional Fair Housing training until a new three year cycle commences.

Failure to satisfy the required periodic Fair Housing training shall be considered a violation of a 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.

ARTICLE 6 – PRIVILEGES AND OBLIGATIONS

Section 1. Any REALTOR® Member of FM REALTORS® may be disciplined by the Board of Directors for any 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 FM REALTORS®, 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 2. Privileges of REALTOR® Members.

REALTOR® Members, whether Primary or Secondary, in good standing are entitled to vote and to hold elective office in FM REALTORS®; and may use the terms 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 and MLS, has completed any new member requirements, and complies with NAR’s trademark rules.

Section 3. Obligations of REALTOR® Members.

It shall be the duty and responsibility of every REALTOR® member of this association to safeguard and promote the standards, interest, 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 also must abide by the governing documents and policies of the association, the State Associations, and the NATIONAL ASSOCIATION OF REALTORS®, as well as the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS®, including the duty to 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 4. It shall be the duty and responsibility of every REALTOR® member of this association and members other than REALTORS® to abide by the published Forms Use Policy of the Minnesota REALTORS®. Violators may be subject to discipline as described in Article VI, Section 2.

ARTICLE 7 – PROFESSIONAL STANDARDS AND ARBITRATION

Section 1. The responsibility of FM REALTORS® and FM REALTORS® Members relating to the enforcement to the Code of Ethics, the disciplining of Members, 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 OF REALTORS®, as adapted by the Minnesota Association of REALTORS® and the North Dakota Association of REALTORS®, and 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.

ARTICLE 8 – USE OF THE TERMS REALTOR® AND REALTORS®

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.

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. FM REALTORS® shall have 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 Association's Code of Ethics and Arbitration Manual. (02/08)

Section 2. REALTOR® Members of FM REALTORS® shall have the privilege of using the terms REALTOR® and REALTORS® in connection with their places of business within the state(s) 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® principal member may use the terms REALTOR® and REALTORS® only if all of the principals of such firm, partnership or corporation who are actively engaged in the real

estate profession within the state(s) or a state contiguous thereto are REALTOR® Members or Institute Affiliate Members as described in Section 1 (b) of Article 4.

(a) In the case of a REALTOR® principal member 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 holds REALTOR® membership. If a firm, partnership, or corporation operates additional places of business in which no principal, partner, corporate officer, or branch office manager holds REALTOR® membership, the term REALTOR® or REALTORS® may not be used in any reference to those additional places of business. (02/08)

Section 4. Institute Affiliate Members shall not use the terms REALTOR® or REALTORS® nor the imprint of the emblem seal of the NATIONAL ASSOCIATION OF REALTORS®.

ARTICLE 9 – STATE AND NATIONAL MEMBERSHIPS

Section 1. FM REALTORS® shall be a Member of the NATIONAL ASSOCIATION OF REALTORS® and the North Dakota and Minnesota Associations of REALTORS®. By reason of FM REALTORS®'s membership, each REALTOR® Member of FM REALTORS® shall be entitled to membership in the NATIONAL ASSOCIATION OF REALTORS® and the North Dakota and/or Minnesota Association(s) of REALTORS® with the REALTOR® Member having the option of paying dues to one or both State Associations.

FM REALTORS® shall continue as a Member of the State and National Associations unless, by a majority vote of all of its REALTOR® Members, decision is made to withdraw, in which case the State and National Associations shall be notified at least one month in advance of the date designated for the termination of such membership.

Section 2. FM REALTORS® recognizes the exclusive property rights of the NATIONAL ASSOCIATION OF REALTORS® in the terms REALTOR® and REALTORS®. FM REALTORS® shall discontinue use of the terms in any form in its name upon ceasing to be a Member of the National Association, or upon its determination by the Board of Directors of the National Association that it has violated the conditions imposed upon the term.

Section 3. FM REALTORS® adopts the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS® and agrees to enforce the Code among its REALTOR® Members. FM REALTORS® and all of its Members agree to abide by the Constitution, Bylaws, Rules and Regulations and policies of the NATIONAL ASSOCIATION OF REALTORS® and the North Dakota and/or Minnesota Association(s) of REALTORS®.

ARTICLE 10 – DUES AND ASSESSMENTS

Section 1. Application Fee. The Board of Directors may adopt an application fee for REALTOR® membership in a reasonable amount, not exceeding three times the amount of the annual dues for REALTOR® membership, which shall be required to accompany each application for REALTOR® membership and shall become the property of FM REALTORS® upon final approval of the application.

Section 2. Dues. The annual dues of Members shall be as follows:

(a) REALTOR® Members. The annual dues of each Designated REALTOR® Member shall be such amount as annually established by the Board of Directors, plus an additional amount as annually

established by the Board of Directors, times the number of real estate salespersons 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 Local Association in the state(s) or a state contiguous thereto or Institute Affiliate Members of the Local Association. In calculating the dues payable to FM REALTORS® by a Designated REALTOR® Member, non-member licensees as defined (1) and (2) 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 Local Association in the state or a state contiguous thereto, provided the Designated REALTOR® notifies FM REALTORS® in writing of the identity of the Local Association 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 1 and 2 of this paragraph) in the office where the Designated REALTOR® holds membership, and any other offices of the firm located within the jurisdiction of FM REALTORS®.

(1) A REALTOR® Member of a Local Association shall be held to be any Member who has a place or places of business within the state(s) or a state contiguous thereto and who, as principal is actively engaged in the real estate profession as defined in Article 3, 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 provided that the licensee is not otherwise included in the computation of dues payable by the principal of the entity.

A REALTOR® with direct or indirect ownership interest in an entity engaged exclusively in soliciting and/or referring clients and customers to REALTOR® for consideration on a substantially exclusive basis shall annually file with FM REALTORS® 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 that entity are solely engaged in referring clients or 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.

The exemption for any licensee included on the certification form shall automatically be revoked upon the individual being engaged in real estate licensed activities (listing, selling, leasing, renting, 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 certification form submitted to the FM REALTORS® 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.

(b) The annual dues of REALTOR® Members other than the Designated REALTOR® shall be annually established by the Board of Directors and shall be paid in a manner as prescribed by the Board of Directors and/or these Bylaws.

(c) Institute Affiliate Members. The annual dues of each Institute Affiliate Member shall be as established in Article II of the Bylaws of the NATIONAL ASSOCIATION OF REALTORS®.

ARTICLE 11 – AMENDMENTS

Section 1. These Bylaws may be amended by a 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, except that the Board of Directors may, at any regular or special meeting of the Board of Directors at which a quorum is present, approve amendments to the Bylaws which are mandated by NAR policy.

Section 2. Notice of all meetings at which amendments are to be considered shall be mailed or sent electronically to every Member eligible to vote at least one (1) week prior to the meeting.

Section 3. Amendments to these Bylaws affecting the admission or qualification of REALTOR® and Institute Affiliate Members, the use of the terms REALTOR® and REALTORS®, or any alteration in the territorial jurisdiction of FM REALTORS® shall become effective upon their approval as authorized by the Board of Directors of the NATIONAL ASSOCIATION OF REALTORS®.

ARTICLE 12 – DISSOLUTION

Section 1. Upon the dissolution of FMAAR, the Board of Directors, after providing for the payment of all obligations, shall distribute any remaining assets to the North Dakota and/or Minnesota Association(s) of REALTORS® or, within its discretion, to any other non-profit tax exempt organization.