



RE: State Leadership Idea Exchange

Idaho Broker Summits ~ *An Exclusive Event For Brokers by Brokers*

Re-engaging our Brokers; isn't that what every Association is looking for?

We have been holding at least one annual Broker Summit since 2012 as part of the Broker Involvement program. But last year, we made it a large part of our Strategic Plan to actively engage our brokers - not only in grass-roots advocacy efforts – but also in our association and industry. To make sure we engage as many Brokers as possible, we ramped the Summits up to 8—one in each of 4 districts in the spring, and 4 more in the fall. We made sure to involve all of our local associations within each district in order to spread the word more effectively.

We have completed all 8 Broker Summits this year!

Because of these Summits, we have experienced major success in our ability to educate and engage both new and veteran Brokers. In order to give them the program they want, ***we asked them.*** A broker-focused survey helped us build our agendas based on their interests. A variety of presentations focus on federal, state, and local issues aligned with the changing real estate industry. Presentations include opening remarks from our district vice presidents and state president, information on intellectual property, perpetual data issues and wire fraud from our legal counsel, Professionalism in our Industry, calls for action from our NAR Broker Involvement Council member, along with Idaho and NAR legislative and regulatory issues from our political director. The program educates the brokers on the REALTOR Party and explores the Vote, Act and Invest principles.

Brokers leave these summits with the tools they need to continue the education process with the agents in their office and their community at large. Sample brokerage policies on social media and data (What's Your Intellectual Property Worth?), Wire Fraud, Pathways to Professionalism, Empower the R's "New Agent" media toolkit and REALTOR image campaign were some of the tools featured this year.

We have found that by offering tailored events in each region allows us to education and engage our brokers on specific issues that affect them on a local, state, and national level. Brokers then take the information and presentations back to their offices and discuss which topics are of most importance to their agents and our industry at this time.

Due to the increased engagement these summits have prompted, a number of brokers now continue to contact us with additional questions or concerns. Actively engaging with Brokers face to face has opened up lines of communication! And we are feeling the effects of that refreshed engagement!

With so many positive effects, we would suggest other associations nationwide take the time to listen to their Broker audience and provide what they feel is most beneficial to them. Rather than being tailored around a speaker, our summits are created ***for Brokers, by Brokers***, identifying their concerns and continuing a productive dialog with this critical branch of the REALTOR family tree.

Thank you,

Tracy Kasper, President

Idaho REALTORS®

Enc:

Brokerage Data Policy

Sample Social Media Policy

Sample Office Policy

New agent campaign flyers

Pathways to Professionalism

Idaho Wire Fraud Notice

ANNOUNCE YOUR NEW CAREER IN REAL ESTATE WITH A



SPLASH



New agent advertising package: your free gift from Idaho realtors®

PRINT MATERIALS:



1 announcement letter (you print)



50 rack cards/
door hangers
(we send to you)



100 postcards
(we send to you)

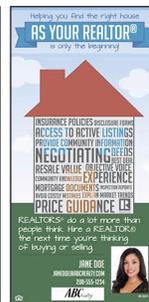
SOCIAL MEDIA MATERIALS:



1 professionally produced video



2 informational graphics (infographics)



2 banner ads

ALL PIECES ARE PERSONALLY BRANDED TO YOU!

Text "New Agent" to 444-999 to get started!

IDAHO REALTOR'S POLICY STATEMENT

Regarding the Intellectual Property of REALTOR Associations

The Idaho REALTORS encourages its Member Associations, MLS's and Brokers to carefully consider their policies on sharing Brokerage data with outside groups. Brokerage data, including listing information, property status and sold price is the intellectual property and trade secret of the listing and selling brokers that are a party to a transaction. Sold data is *not* the intellectual property of the individual real estate agent that works under a Broker. Brokers should decide what the policy will be for their offices with regard to sharing Brokerage data with outside parties. The Idaho REALTORS has provided a sample policy for brokers to use in their offices.

BACKGROUND

Due to growing concerns by members regarding the proliferation of Idaho Brokerage data available online through third party vendors, the Idaho REALTORS in 2015 created an Intellectual Property Working Group made up of members representing every local association and MLS service area in the state to review the issue. The following is some of the information that came out of those meetings.

In Idaho Brokerage data is *not* considered confidential client information. This policy was put into place in 2008 after a long legislative fight over mandatory sales price disclosure legislation. In the summer of 2005 the Idaho Legislature had hearings around the state as part of an interim committee on property tax reform. One of the motions that was made by the committee was to create a transfer tax on real estate sales in Idaho to help take pressure off property tax revenues. While the motion failed, the legislators that supported it introduced legislation to make Idaho a mandatory sales price disclosure state in 2007. As a non-disclosure state it is impossible to have a transfer tax imposed. The legislation failed in 2007, but was introduced again in 2008 and passed the Senate.

The stated purpose at the time was to provide Assessors with better data because they did not all have access to MLS data. In addition, some REALTOR owned MLS's were having difficulty getting members to post sold data in the MLS because their clients were telling them it was confidential. Because the state law at the time was unclear, the MLS's could not require their members to post sold data as a condition of membership. IAR proposed alternative legislation that stated that the sold data was not confidential, and further pledged to the legislators involved that we would pass a policy requiring MLS's to share information with county Assessors under certain circumstances. In the end the legislature killed the mandatory sales price disclosure bill and passed our legislation regarding confidential client information. The IAR Board of Directors then passed a policy that all MLS's in Idaho had to allow county Assessors access to their data under certain circumstances (it cannot be used as the sole indicator of valuation,

the data must be kept private, etc). In addition, many MLS's then adopted rules that required members to report all sold information as a condition of membership.

This policy protected our MLS's by ensuring they have good data to rely on, and protected our ability to make sure that mandatory sales price disclosure legislation is not needed in Idaho. As stated above, mandatory sales price disclosure is the first step to a transfer tax on real estate sales. Almost all of the states that have mandatory sales price disclosure have some form of a transfer tax on real estate sales. There is legitimate concern that if sold data is shared broadly outside the MLS, it will weaken our position at the Legislature with regard to potential mandatory sales price disclosure legislation.

Brokerage data obtained by the County Assessor is exempt from public disclosure under Idaho law. However, wide and uncontrolled circulation of the data may weaken this legal protection. In 2015 the Selkirk Association and Bonner County requested an Attorney General's opinion regarding whether sold data obtained by a county under an agreement with an MLS was public information, or if it was protected as intellectual property. The AG's office concluded that it *is* protected, meaning that in Idaho counties cannot share the data with outside interests if their contract with the MLS states it is private data. Interestingly enough, the legislation proposed in 2008 specifically stated sold data was not intellectual property and was subject to public records requests.

CHANGES SINCE 2008

When the law was passed in 2008 regarding sale prices not being confidential client information for a Broker, the current online environment for real estate tools did not exist. While the need for county Assessors to receive good data as part of the appraisal process still exists, the myriad of online tools for use in marketing real estate beyond the MLS have grown exponentially. This proliferation in new tools requires careful thought from Brokers who have to make a decision regarding how their Brokerage data will be used. We hope that Brokers will read and consider this information when making that decision. The Idaho REALTORS has provided sample office policies for Brokers who want to share their data, as well as for Brokers who do not wish to share their data.

ARE WE STILL WORRIED ABOUT A TRANSFER TAX PROPOSAL?

Yes! In 2014 the Idaho School Boards Association proposed a 1 percent transfer tax be adopted on all real estate sales to pay for school construction. There will always be pressure for new revenue sources to pay for public services, and a transfer tax, while being bad public policy is for some reason always an attractive alternative. The Idaho REALTORS will continue to fight against the imposition of a transfer tax in Idaho.

WHERE DO WE GO FROM HERE?

Again, Brokers need to consider all the issues at stake before making their decision regarding Brokerage data. Will a proliferation of sold data online in a non-disclosure state lead to a call for mandatory sales price disclosure at the Legislature (and the inherent fight over a transfer tax)? That is an unanswerable question, but from a political perspective is clearly doesn't help.

In addition, Brokers should consider how their data is entered into third party sites. If a vendor has a clear written agreement then the data can be preserved as the intellectual property of the Brokerage and can only be used for certain purposes. However, if an agent enters the data directly into a vendor's website, they lose the ability to maintain control of their intellectual property without an agreement in place. The data then becomes the property of the vendor and can be used for any purpose, repackaged and resold. In the cases we have reviewed, refusing to provide certain Brokerage data, like sales prices, to vendors has not resulted in any loss of privileges from the vendor.

We have also seen instances where feeds from a vendor have been "turned on" for a specific Broker without the Brokers knowledge or consent. Brokers should monitor vendor websites to make sure their data and listings are not being pulled without their consent.

MLS's that are preparing to enter into agreements with third party vendors should carefully review the proposed agreement to see how the data will be used. In particular MLS's should think about whether they will only send active data or active data and sold data. A review of MLS practices through the Idaho REALTORS Intellectual Property Working Group shows it is the common practice by Idaho based MLS's to not provide sold data as part of these contracts. This includes requests by vendors to access the sold data for use on the back end of their websites. Concern also lies in the perpetual nature of the data going to a third party, MLS should take note of if their third party keeps the data after the property is off the market.

HOW CAN THE IDAHO REALTORS HELP?

If you have questions regarding this information you can contact the Idaho REALTORS office at 208-342-3585. On a case by case basis we may be able to provide limited legal guidance through our legal counsel.

What should a Brokerage do?

1. Have a written policy in place. The IAR provides a sample policy that can be used by a Brokerage. It contains multiple options to cover each of the positions available to the Brokerage based on what the Brokerage desires to share. Educate and monitor agents to be sure they are in compliance with the Broker's policy.
2. Have written contracts with all third party vendors and MLS's the Brokerage provides data to. Be sure these agreements clearly state what the third party will receive from the Brokerage including a clear statement of what will not be provided (i.e. specifically state that they are not to receive sold data). Have clear terms on what the third party will be allowed to do with the data once it is provided by the Brokerage. Have clear terms on what the third party vendor must do to remove the data if and when the agreement is terminated.
3. If the Brokerage is part of a corporate franchise, understand and review what the national franchise does with the local Brokerage's data. This is especially true if the national franchise uses its own proprietary data entry system. Many times national franchises have to deal with mandatory disclosure and non-disclosure states and frequently do not differentiate between the two. Frequently, all a Brokerage from a non-disclosure state like Idaho needs to do is ask to be excluded from feeds sent by corporate franchises.

BROKERAGE DATA PRIVACY AND SHARING POLICY

WHEREAS, Idaho law requires _____ (herein after "Brokerage") to be responsible for the actions of its licensees and associated unlicensed persons and also requires Brokerages to supervise and control all activities thereof; and,

WHEREAS, Idaho and Federal law provides for the protection of Brokerage's data, intellectual property and trade secrets so long as Brokerage takes reasonable efforts to maintain and control the disclosure of said information; and,

WHEREAS, Brokerage alone owns all rights and interests in all data obtained as a result of Brokerage's regulated real estate transactions; said data shall include but not be limited to: sold price information, property descriptions, property photographs, list price information, seller identity and buyer identity;

NOW THEREFORE, Brokerage hereby establishes this policy which shall control the privacy and sharing of all Brokerage's data (check one box):

- It is the policy of Brokerage not to share its data, intellectual property or trade secret information with any outside individual, entity or third party vendor except as specifically designated by Brokerage. Brokerage has specifically designated and authorized its agents to share Brokerage data with the following:

Authorized to receive Brokerage active listing data (not to receive sold data): _____

Authorized to receive all Brokerage data (including sold data): Local MLS, _____

It is Brokerage's policy to have a written contract in place with all third party vendors prior to said vendor receiving any Brokerage data.

Other Authorization: _____

- Brokerage hereby allows the free distribution of all Brokerage data and intellectual property without restriction.
- Brokerage does not allow any sharing of data and intellectual property under any circumstances.

Note: This form is provided as a courtesy to the Members of the Idaho Association of REALTORS® and is freely distributed for use within Idaho brokerages assist members in protecting and directing their data.

AGENT ACKNOWLEDGEMENT (OPTIONAL)

Agent, being an employee or independent contractor of Brokerage hereby acknowledges receipt of this *Brokerage Data Privacy and Sharing Policy* as reviewed and understands the same. Agent also understands that Agent could be subject to personal liability to Brokerage for sharing data in violation of this policy.

Agent Signature: _____

Agent Printed Name: _____

Date: _____

Note: This form is provided as a courtesy to the Members of the Idaho Association of REALTORS® and is freely distributed for use within Idaho brokerages assist members in protecting and directing their data.

Use of Social Media in the Real Estate Business

The purpose of this document is to provide brokers with a template that may be used when developing a social media policy for the broker's own firm. The template requires that it be customized to meet the needs of the broker and reflect the business practices of his/her business. The template is not a document which can be adopted and used without that customization.

As used in this policy REALTOR® shall refer to the principal broker or a broker standing in the shoes of the principal broker. Agent shall mean a licensed real estate agent employed by or affiliated with the REALTOR®. Users shall mean individuals visiting the social media sites of Agents. Social Media as used in this policy shall apply to both activities at the agent's web sites (e.g., blogging) and use of third party social media tools (e.g., Facebook, Twitter, LinkedIn, etc.). Because there already exist hundreds of different Social Media tools which may be utilized by agents and more are constantly being created, the provisions of this policy are to be interpreted generally to apply to the types of interaction the agent has with the social media service rather than to specific web sites and providers. Notwithstanding anything in this policy, it remains the responsibility of the Agent to comply with the requirements of local, state and federal law and the Code of Ethics of the National Association of REALTORS®.

The scope of this policy shall extend to all uses of social media in connection with the real estate business (use in connection with the real estate business would include any use in which the agent seeks to promote or capture real estate business from consumers or other agents). This policy is not intended to cover the activities of Agents falling completely outside the real estate business; however any conduct which reflects adversely upon broker or the brokerage may be reviewed under the terms of this policy.

Whenever identification is required by this policy is shall include the following (include those that apply):

- a. Name/Logo of brokerage
- b. Name of broker
- c. Address of the brokerage office with which the agent is affiliated
- d. Phone/Fax/E-mail of the brokerage office
- e. Name of the agent responsible for the web site
- f. State of licensure
- g. Agents affiliated with a team may also include the name of that team
- h. Phone/Fax/E-mail of agent or team responsible for the web site
- i. Any other requirements mandated by state law/regulation
- j. Any additional brokerage identification requirements

Blogging

1. Agent shall be responsible for compliance with all laws and regulations governing real estate business including fair housing, antitrust and real estate license laws and regulations.

a. Where identification is required the same items of identification listed in the Internet policy shall apply or

b. Where identification is required, at a minimum the following elements shall be disclosed (see list above to select)

2. The Agent shall be responsible for informing the REALTOR® (and obtaining approval) of any blogging site maintained by Agent and shall be provided with information necessary to subscribe to the blog

3. Terms of Use

a. REALTOR® is responsible for establishing the process for governance of the blog by posting terms of use for the blog.

- i. Agent shall use the terms of use of the brokerage for blogs; or
- ii. Agent shall create terms of use and allow them to be reviewed by broker prior to launch of the blog
- iii. Agent shall make the terms of use available to REALTOR® upon request.

b. The terms of use shall include:

- i. Users shall abide by any legal requirements related to the use of the blog and the site's terms of use for the blog including specifically its privacy policy. Users shall be responsible for their conduct on site
- ii. Obtain clear authority from Users to utilize anything the User includes on the site
- iii. Prohibit the unauthorized use of third party content or the posting of any unlawful or objectionable materials
- iv. Prohibit the use of the site to harass or stalk anyone
- v. Prohibiting the posting of content which infringes on the rights of any third party
- vi. Prohibit the posting of content which expresses a preference based upon an individual's membership in a protected class
- vii. Provide a take-down policy in the event any such materials are posted to the site
- viii. Disclaim responsibility for any third party sites linked to through the site
- ix. Generally disclaim and limit any liability arising from the content of the site whether provided by Agent or a User
- x. Provide a privacy policy consistent with that used by the brokerage

4. Agent shall not pay or provide anything of value to another party in consideration of comments placed on the blog. If Agent does allow comments to be posted in return for consideration, the fact that the commenter has received compensation shall be disclosed.

5. Identification

a. Agents shall identify themselves when establishing a blog in such a way that Users of the blog shall know the Agent's name, their status as a real estate licensee and the name of the brokerage with which they are affiliated.

b. In any posting related to the brokerage, the Agent shall assure that the Agent's relationship to the brokerage is clear so as to avoid violation of the FTC rules.

c. Agents shall not participate in the blog of another party without disclosing their identity and the brokerage with which they are affiliated.

6. Responsibility for Maintenance

a. All blogging must be monitored by agent for false / defamatory / demeaning / degrading comments at least once per _____

b. Agent is responsible for removing or clarifying any comment if the agent knows that it is false or misleading

7. Agent is responsible for assuring that the content and operation of the blog conform to the standards established in the Code of Ethics

8. REALTOR® must be notified of any offer of compensation to the Agent for real estate related services communicated or established through the blog

Use of Third-Party Social Media Sites (Facebook, YouTube, Twitter, etc.)

There are hundreds of providers of social media services in which real estate agents may participate. The purpose of this policy is to provide guidelines intended to provide both agents and the brokerage with legal liability risk management and to protect the brokerage's reputation and good will in the community. Like with blogging, the scope of this policy is intended to relate to use of social media in connection with the real estate business, but regardless of the social media service being used, when related to the real estate business the Agent should observe these guidelines.

Agents are required to read and be familiar with the policies and requirements of any site on which they participate and to comply with the requirements of that site. In particular, Agents should know the privacy practices and policies of the sites. Where options are provided, the Agent shall / may select an option which provides a level of protection to Users of Agent's social media site consistent with the level of protection afforded by the brokerage at the brokerage's web site.

Agents should remain aware that items posted on social media sites may be forwarded or used for purposes other than originally intended. Agents should be aware of this when making decisions as to what to include on their social media sites.

Posting of Professional Contacts/Qualifications (e.g., LinkedIn)

1. Agent is responsible for assuring that any listing of qualifications, credentials or training contained on the site is current, accurate and not misleading. Any changes to the foregoing shall be promptly revised on the site.
2. Agent shall not falsely claim association with any person or group
3. Notwithstanding any provision herein, Agent remains responsible for complying with the license laws and regulations governing the conduct of licensees and all applicable local, state and federal laws.
4. Agent is responsible for assuring that the content conforms to the standards established in the Code of Ethics

Posting of text (e.g., Facebook, MySpace, Twitter)

1. All text shall be the Agent's own and not plagiarized or copied from another party without that party's permission. This shall not prohibit the use of reasonable quotations from the writings of others or writing for which the Agent has received permission to use or using writings consistent with the practices of the site (e.g., retweeting). No content which infringes the rights of any third party may be used.
2. Agent may/may not write regarding the listings of other licensees within the brokerage
3. Agent may /may not write regarding the listings of other brokerages
4. Agent shall assure that writings do not contain unauthorized disclosures of confidential information of clients, customers or REALTOR®
5. Agent is responsible for assuring that the use of the site is consistent with the Code of Ethics, local, state and federal laws and all applicable real estate license laws and regulations, including where necessary identifying Agent.

Posting of comments to social media pages of others

1. Any statement regarding the brokerage shall clearly disclose the Agent's relationship to the brokerage
2. The Agent shall disclose his/her status as a real estate professional as a part of any real estate related statement
3. Agent may/may not accept compensation for placing a comment on a site

4. Agent is responsible for assuring that the use of the site is consistent with the Code of Ethics, local, state and federal laws and all applicable real estate license laws and regulations, including where necessary identifying Agent.

Posting of photos (Flickr)

1. Agent is responsible for assuring that that Agent is authorized to use any photo posted to the site (to avoid copyright issues)
2. Agent shall secure permission to post for marketing purposes the image of another person on the site
3. If an image has been materially altered in any way by Agent, the fact that the image is altered shall be disclosed
4. Agent is responsible for assuring that the use of the site is consistent with the Code of Ethics, local, state and federal laws and all applicable real estate license laws and regulations, including where necessary identifying Agent.

Posting of audio/video (YouTube)

1. Agent is responsible for assuring that that Agent is authorized to use any audio/video posted to the site (to avoid copyright issues)
2. Agent shall secure permission to post for marketing purposes the image of another person on the site
3. If an image has been altered in any way by Agent, the fact that the image is altered shall be disclosed
4. Agent is responsible for assuring that the use of the site is consistent with the Code of Ethics and all applicable real estate license laws and regulations, including where necessary identifying Agent.

IR Sample Policy Manual

IR DISCLAIMER

Dear Member,

1. The attached sample policies and guidelines were created by IR to help your Firm create practical policies for your agents. It is intended to serve as a manual for independent contractors and not employees. IR makes no representations as to whether the adoption of the policies, forms, and guidelines is appropriate and legal for every Firm or broker. It is exclusively designed for brokers or Firms operating in Idaho.
2. Inclusion of any or all of the items in this Sample Manual does not ensure total compliance with all applicable legal requirements. This Sample Manual and the attached forms and guidelines are intended only to facilitate the process of drafting your Firm's individualized policies for your agents. The final draft of your office policies and procedures manual should be reviewed by legal counsel before it is approved and/or adopted by your Firm.
3. Please remember that this is a living document that must be revised from time to time. We suggest that you update your office policies on a regular basis, preferably annually, to reflect changes in the law and real estate practices, and to ensure that the manual reflects the way that you really want business to be conducted in your Firm.
4. For purposes of this manual, the word "Firm" means all real estate brokerage businesses, whether organized as a sole proprietorship, limited liability company or corporation.

Outline of Recommended Policies

1. Welcome Statement – This is an optional statement often placed at the beginning of an office manual. It is recommended that it is written by the broker. If your Firm has a mission statement and/or summary of your core values, then it is a good idea to insert it into the manual. The Welcome Page may be a good place to insert it.
2. A Word About these Policies – This policy is highly recommended as it informs agents that the manual does not establish a contract and does not create any benefits.
3. Fair Housing Policy – This policy is highly recommended.
4. Harassment Policy – Prohibit covered employers from discriminating against employees in the workplace. These well-known laws are only available as protection for employees, and they do not provide relief for independent contractors or other non-employees in the workplace. However, there are many reasons why brokers may want to include such a policy in the agent manual. First, these laws require employers to prevent the harassment of employees from non-employees. Therefore, it is recommended that employers communicate their rules on discrimination to any individual who is frequently present in the workplace. This policy would accomplish that goal. Second -- although not clearly established in the case law -- it is possible that agents could establish a common law claim against a broker based on the broker's alleged tolerance of discrimination in the workplace (e.g., intentional interference with contractual relationships, etc.). Accordingly, it is always helpful to be able to present a written policy against such a practice. The risk is that the harassment policy may be used to create a "contractual" right to be protected from discrimination. However, if the manual contains a clear statement, such as in #2 above, that the policies are not intended to create any express or implied contractual rights for agents, and that they are instead merely intended as guidelines, then it is unlikely that a court would create such a remedy. This form in particular needs to be customized to identify the appropriate persons to report claims.
5. Legal Compliance – Compliance with License Law and REALTOR® Code of Ethics – This policy is to reinforce compliance with the principal sources of regulation.
6. RESPA Compliance – Real Estate Settlement Procedures Act ("RESPA") Compliance – This policy is necessary so agents abide by federal law.
7. Antitrust – This policy is a useful reminder for agents not to act in concert or boycott others.
8. Lead Paint Disclosure Form – This area has received significant regulatory attention recently so it is important to emphasize proper compliance.
9. Property Disclosure Obligations – This policy serves a risk management function to remind agents how best to protect themselves, their clients, and the Firm.
10. Agency Disclosure – This reminds agents to disclose their role at the outset.
11. Agency – This section includes provisions for traditional, seller only, buyer only, designated agency, and agency – another relationship brokerage models. You should select the one (1) appropriate model for your Firm.
12. Telephone, Fax and Electronic Mail Solicitation – Do-Not-Call Policy – This policy is designed to achieve compliance with federal law.
13. Advertising – This policy reinforces the specific legal requirements governing real estate advertising.

14. Social Networking and Blog Postings – This policy is recommended for all workplaces. Because of the strict and comprehensive rules governing fair housing, and REALTOR® advertising, we recommend that this policy also contain instructions for agents on what information must be included on any posts that pertain to broker-related business.
15. Escrow Account Policy – This policy is highly recommended to establish a uniform practice.
16. Forms – This policy reminds agents to use IR forms, or forms authorized by this Firm; you may not improperly modify forms.
17. Personal Assistants – A policy governing personal assistants retained by agents is highly recommended. This policy should make it clear that these assistants are the employees of the agent, and not the broker. The policy should also make it clear that the agent is responsible for all aspects of compensation and workers' compensation.
18. Confidentiality Policy – This policy is recommended because brokers and agents are required under state law to maintain certain information confidential.
19. Conflicts of Interest – This policy reminds agents what is required of them if they have a conflict.
20. Cooperation with Other Agents – This policy reminds agents of the Article 3 REALTOR® Code of Ethics requirements.
21. Vacations and Other Absences – This policy may be tailored to your specific workplace. However, there should be communication about how pending business matters will be handled when the agent is absent.
22. Safe Driving – This policy is recommended because of all of the business conducted in cars and all of the recent media attention on “distracted drivers.” You should edit the policy to reflect whether or not you require agents to list you as an additional insured on auto insurance policies. Your insurance agent can help you with this decision.
23. Alcohol and Drugs – This is always a good policy to have so that everyone knows the rules.
24. Safety – Pursuant to state law, employers with 5 or more employees must have a safety committee and employers with 10 or more employees must have a written program and submit a summary statement form every other year with the Department of Labor. If your workplace must comply with these state laws, then it is advisable that you also insert into the policy additional language that provides: “The Safety Committee has responsibility for implementing, administering, monitoring and evaluating the safety program and our written safety manual. Its success depends on the alertness and personal commitment of all.”
25. Smoking
26. Use of Firm-Owned Property, including Computers and Other Communications Equipment – If agents will have access to your computers, then it is recommended that you adopt a policy regarding their use, and advise agents of your right to monitor these systems. This policy should be customized to your specific practices.
27. Conflict Resolution and Reporting Requirements – This policy reminds agents to seek out the broker to help resolve disputes.
28. Termination of Affiliation – Agents should be instructed about their obligation to return Firm property upon termination.
29. Receipt and Acknowledgment of Office Policies and Procedures Manual – This form is recommended so as to establish proof that the broker provided a copy of the manual to each agent.

IDAHO FRAUD NOTICE

Notice: Recently there has been a scam circulating which preys on Buyers and Sellers of real estate transactions. This fraud is real and there is evidence of it happening to individuals right here in Idaho. Please read this notice carefully as it has been costing victims hundreds of thousands of dollars.

HOW TO PROTECT YOURSELF:

The best way to isolate yourself against this fraud is not to utilize electronic means to transfer money pertaining to a real estate transaction (i.e. ETF, wire transfer, electronic check, direct deposit, etc...). If you choose to use an electronic means, protect yourself by never allowing transfer instructions to be communicated electronically or through the mail. Never direct, accept or allow anyone in the transaction to consent to receiving transfer instructions without a direct personal telephone call to the individual allegedly providing the instructions; it is imperative that this call be made to a number obtained in person from the individual or through other reliable means (i.e. not from a number provided on the wire instruction).

HOW THE FRAUD WORKS:

This fraud is sophisticated and the exact methods utilized by the thieves is unknown, but what is known is they are somehow monitoring the electronic communications related to the transaction. Cyber stalking these communications allows the thieves to pose as a legitimate Buyer, Seller, Brokerage, Title Company or financial institution. They pose as an individual involved in the transaction by using actual logos taken from local websites, they use individuals names, email addresses and signature blocks. They even use personal details to become chatty with the recipients and create the appearance of legitimacy. Then using the fake information and the trust it creates they wait until the last minute prior to closing or funding and send alternate wire instructions which direct the funds to their bank accounts. By the time any of the individuals involved in the transactions are aware of the crime it's far too late to take corrective action.

The undersigned hereby acknowledge(s) receipt of this notice and the risks associated with, and the vulnerabilities of electronic transfer of funds. The undersigned further agree that if electronic transfer of funds is utilized in this transaction they hereby hold the Brokerages, their agents and the designated title company harmless from all claims arising out of inaccurate transfer instructions, fraudulent taking of said funds and/or any other damage relating to the conduct of third parties influencing the implementation of transfer instructions.

If this notice is provided to a Buyer or Seller in conjunction with a representation agreement or an agreement for compensation with and Idaho licensed brokerage, it shall become a legal addendum to said agreement, supplementing the terms thereof. Date of representation/compensation agreement _____.

Signature

Seller Buyer NA

Date

Signature

Seller Buyer NA

Date

Pathways to Professionalism

While the Code of Ethics and Standards of Practice of the National Association establishes objective, enforceable ethical standards governing the professional conduct of REALTORS[®], it does not address issues of courtesy or etiquette. Based on input from many sources, the Professional Conduct Working Group of the Professional Standards Committee developed the following list of professional courtesies for use by REALTORS[®] on a voluntary basis. This list is not all-inclusive, and may be supplemented by local custom and practice.

I. Respect for the Public

1. Follow the “Golden Rule” – Do unto others as you would have them do unto you.
2. Respond promptly to inquiries and requests for information.
3. Schedule appointments and showings as far in advance as possible.
4. Call if you are delayed or must cancel an appointment or showing.
5. If a prospective buyer decides not to view an occupied home, promptly explain the situation to the listing broker or the occupant.
6. Communicate with all parties in a timely fashion.
7. When entering a property, ensure that unexpected situations, such as pets, are handled appropriately.
8. Leave your business card if not prohibited by local rules.
9. Never criticize property in the presence of the occupant.
10. Inform occupants that you are leaving after showings.
11. When showing an occupied home, always ring the doorbell or knock – and announce yourself loudly – before entering. Knock and announce yourself loudly before entering any closed room.
12. Present a professional appearance at all times; dress appropriately and drive a clean car.
13. If occupants are home during showings, ask their permission before using the telephone or bathroom.
14. Encourage the clients of other brokers to direct questions to their agent or representative.
15. Communicate clearly; don’t use jargon or slang that may not be readily understood.
16. Be aware of and respect cultural differences.
17. Show courtesy and respect to everyone.
18. Be aware of – and meet – all deadlines.
19. Promise only what you can deliver – and keep your promises.
20. Identify your REALTOR[®] and your professional status in contacts with the public.
21. Do not tell people what you think – tell them what you know.

II. Respect for Property

1. Be responsible for everyone you allow to enter listed property.
2. Never allow buyers to enter listed property unaccompanied.

3. When showing property, keep all members of the group together.
4. Never allow unaccompanied access to property without permission.
5. Enter property only with permission even if you have a lockbox key or combination.
6. When the occupant is absent, leave the property as you found it (lights, heating, cooling, drapes, etc). If you think something is amiss (e.g. vandalism) contact the listing broker immediately.
7. Be considerate of the seller's property. Do not allow anyone to eat, drink, smoke, dispose of trash, use bathing or sleeping facilities, or bring pets. Leave the house as you found it unless instructed otherwise.
8. Use sidewalks; if weather is bad, take off shoes and boots inside property.

III. Respect for Peers

1. Identify your REALTOR[®] and professional status in all contacts with other REALTORS[®].
2. Respond to other agents' calls, faxes, and e-mails promptly and courteously.
3. Be aware that large electronic files with attachments or lengthy faxes may be a burden on recipients.
4. Notify the listing broker if there appears to be inaccurate information on the listing.
5. Share important information about a property, including the presence of pets; security systems; and whether sellers will be present during the showing.
6. Show courtesy, trust and respect to other real estate professionals.
7. Avoid the inappropriate use of endearments or other denigrating language.
8. Do not prospect at other REALTORS[®]' open houses or similar events.
9. Return keys promptly.
10. Carefully replace keys in the lockbox after showings.
11. To be successful in the business, mutual respect is essential.
12. Real estate is a reputation business. What you do today may affect your reputation – and business – for years to come.

(Updated 11/04)