



# Association Executives Institute

Navigate to Success

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# Traversing the Bermuda Triangle: A Risk Reduction Primer

**Tuesday, February 20, 2007**  
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**National Association of REALTORS®**

This checklist is intended to serve as the starting point to ensure association compliance with the requirements of federal and state law and compliance with the mandatory policies of the National Association of REALTORS®.



# Traversing the Bermuda Triangle: A Risk Reduction Primer

## I. Organizational Documents

A. Articles of Incorporation

B. Bylaws

<http://www.realtor.org/mempolweb.nsf/62b9ff50ac8903f5862568b90058ddd4/9a4fb55db951e96886257234007a922b?OpenDocument>

C. NAR Charter

D. Agreement to use the term REALTOR®

<http://www.realtor.org/MemPolWeb.nsf/36694b4f7df792e0862568b90057fa57/cb23b8c496660a7d86256d8d005d9644?OpenDocument#Required%20Forms%20to%20create%20a%20New%20Bo>



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- E. Agendas, exhibits, minutes & resolutions
- F. Records of dues and contributions
- G. Document retention policy

## II. Tax Matters

- A. Federal, state, local income tax exemption letters
- B. Annual tax returns (Forms 990 and 990 T)
- C. Property tax exemption letters
- D. Sales tax



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## III. Insurance

### A. NAR Professional Liability Policy

<http://www.realtor.org/letterlw.nsf/pages/profliability?OpenDocument&Login>

1. Excess coverages
2. Procedure to report claims
3. Compliance letter from NAR

### B. Automobile insurance

### C. Fidelity Bond

### D. General liability insurance

### E. Insurance for subsidiary corporations/foundations



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## IV. Employment Matters

### A. Written job descriptions

#### 1. Correct classification under Fair Labor Standards Act

<http://www.dol.gov/dol/topic/wages/index.htm>

#### 2. Compliance with Americans with Disabilities Act

### B. Written performance reviews

### C. Written (sexual) harassment policy

<http://www.realtor.org/mempolweb.nsf/bda58f8388018664862568b90059fde1/bd9616703a30312986256d5d005273e7?OpenDocument>



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## D. Mandatory posters

1. Anti-discrimination laws
2. Unemployment insurance benefits
3. Federal labor laws
4. Family and Medical Leave Act

<http://www.dol.gov/dol/topic/benefits-leave/fmla.htm>

E. Any employment manual should contain statement of “at will” status

F. Any written employment contracts should be up to date and contain termination provisions

G. Form I-9, Employment Eligibility Verification Form



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## V. MLS/Lockboxes

### A. MLS articles of incorporation/bylaws

<http://www.realtor.org/mempolweb.nsf/62b9ff50ac8903f5862568b90058ddd4/507b0444c56d7cd9862572340079f25d?OpenDocument>

### B. License agreement for MLS logo

<http://www.realtor.org/MemPolWeb.nsf/66725b0f826457af862568b90059a8a7/72a5ef7a4d0143f086256a45006df964?OpenDocument>

### C. Copyright database

<http://www.realtor.org/LetterLw.nsf/pages/MLSCompilation?OpenDocument>

### D. Participant/subscriber agreements

<http://www.realtor.org/letterlw.nsf/pages/0706mlsmanaginglistingcontent>



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## VI. Trademarks/Copyrights

A. Bylaws to permit discipline for trademark misuse

<http://www.realtor.org/mempolweb.nsf/pages/2007membershipSummary>

B. Music licenses with ASCAP or BMI

C. Respecting Others' Intellectual Property Rights



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VII. Securing Membership Information

VIII. Compliance with Gaming Laws (for those holding raffles/bingo)

IX. Professional Standards

<http://www.realtor.org/mempolweb.nsf/62b9ff50ac8903f5862568b90058ddd4/f21bd1f812734f1e862572340078f15a?OpenDocument>



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## X. Legal Representation

<http://www.realtor.org/LetterLw.nsf/pages/94guidelinesforselectingcounsel>

## XI. Protecting Website Content

## XII. Avoiding Unacceptable Business Practices/Complying with Standards of Conduct

<http://www.realtor.org/AESubs.nsf/pages/aeconduct>

