THE BUSINESS JOURNAL FOR REALTOR® ASSOCIATION EXECUTIVES

NATIONAL ASSOCIATION of REALTORS\*

SUMMER 2016



# Bring New Ideas to the Table

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#### 2016–2017 RAE Editorial Advisory Board

**Wyndi Austin, RCE** Southeast Valley Regional Association of REALTORS®, Ariz.

feature

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**Biggest Successes &** 

Gain new program ideas and

insights into common hurdles.

AE COMMITTEE CHAIR UPDATE

Making Strides in

Andrea Bushnell

CEO of the North Carolina

Association of REALTORS® on

state programs and leadership.

Collaboration

Brenda Barnhardt REALTORS® Association of Northwestern Wisconsin

Maria Brogan The Northeast Association of REALTORS®, Ma.

Denise Day Butler County Association of REALTORS®, Pa.

Tina Dorward Ozaukee REALTORS® Association, Wis.

Diane Escure Moses Lake Othello Board of REALTORS®, Wash.

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Andrew Sims Dayton Area Board of REALTORS®, Ohio

Heather Tenney, RCE Coastal Carolinas Association of REALTORS®, S.C.

Vicki Heebner Ocean City Board of REALTORS<sup>®</sup>, N.J.

Dale Zahn, RCE West Michigan Lakeshore Association of REALTORS®

The RAE editorial board reviews each issue and provides critical feedback, proposes story ideas, and stays in touch with fellow AEs nationwide to scout out new programs and products to share with the AE community. To join the editorial board, write an article, or contribute information, e-mail Carolyn Schwaar, cschwaar@realtors.org.

# REALTORAE

Summer 2016

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CORE STANDARDS What's New & Why Local REALTOR® associations have new and enhanced requirements to comply with by Dec. 31, 2017. Page 22



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New MLS policy encourages MLSs to push education on photo licensing. Page 26

Have you joined the new Facebook group for REALTOR® AEs? search for "AEl Year-Round"

# AE voices: AE committee chair update

# A Continent of Collaboration



Marc Lebowitz, RCE, CAE, CEO, Tucson Association of REALTORS<sup>®</sup>, 2016 chair of the AE Committee

"No man is an island, entire of itself; every man is a piece of the continent, a part of the main." — John Donne

ne thing for sure is that every association executive, be they national, state, or local, knows that getting the job done requires a cooperative effort on all our parts. No other job, except maybe symphony conductor, is as collaborative as that of an AE.

Speaking of which, at the May REALTORS® Legislative Meetings & Trade Expo in Washington, D.C., the National Association of REALTORS® formalized a cooperative relationship with the Council of MLSs to create more collaborative overlap between our two organizations. Notable is the inclusion of CMLS members on the Association Executives Institute Advisory Board.

The AEC leadership has been appointing MLS executives to the Advisory Board for the last few years, so this new policy aligns nicely with our practice. Like I said, AEs know cooperation yields the best results.



The agreement also pledges that the two organizations will work together to give input to the Upstream and Advanced Multilist Platform projects and jointly propose a gamechanger program for MLSs similar to what was done for local associations.

In general, the announcement was met with a resounding "It's about time" or "You don't already do this?" Yes, it is about time and yes, we do much of this already.

Meanwhile, state and local associations have been working on our own best practice models for cooperation, referred to as Core Standards 2.0. We are now entering our third cycle of Core Standards. With this new cycle, state associations have become even better at working with locals to ensure they are the most effective and accomplished they can be.

On a personal note, as the current AEC chair, it was my honor and privilege to present the Core Standards changes to the NAR Board of Directors in D.C. Talk about butterflies and stage fright. This was my first time presenting on the big stage. Eleven motions, one at a time; each one passed.

Without a doubt, my favorite moment was being able to recognize my dear friend Andrea Bushnell, AE for North Carolina, as the 2016 William R. Magel Award recipient.

Watching 700 people come to their feet to celebrate Andrea's selection made me proud to be a "piece of the continent" we call NAR.

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## news: hot topics



# Key Data From 2016 NAR Member Profile

oday's typical REALTOR® is younger and slightly less experienced than those in years past, according to data in the latest National Association of REALTORS® Member Profile. This is a good thing, says NAR President Tom Salomone, because it indicates that new professionals are choosing a real estate career. "NAR is excited to have young, fresh perspectives enter the industry, and we are proud to offer resources for our younger members to advance and grow,

such as the Young Professionals Network and '30 Under 30' recognition."

In 2015, the typical agent was a 53-year-old female who had 10 years of experience, worked 40 hours a week, had 11 transactions, and made \$39,200 from real estate. She owns her primary residence and is very certain she will remain active as a real estate professional for two more years. For more member data to help with your association planning and programs, visit realtor.org.

## Doing More With Housing Data

The Greater Milwaukee Association of REALTORS® helped to pilot a new kind of housing report that has become an attention-grabber in the local media and an additional, nocost benefit for association members

The centerpiece of this quarterly "Home Affordability Report" is a chart that breaks down recent home sales by suburb (and, within Milwaukee, by section of the city). It gives the median monthly payment including principal, interest, and property taxes in three price brackets (upper third, middle third, and lower third of homes sold) based on the municipal tax rate and the prevailing rate for a 20-year, fixed-rate loan with 20 percent down.

The project involves a fourway partnership. GMAR's contribution is to provide quarterly Shomes (that IsMarketplace MLS data, a local marketing firm coordinates production, and a mortgage lender serves as the underwriting sponsor, covering costs of about \$5,000 that Realto include production of the report and payment for advertorial space in the Sunday Milwaukee Journal-Sentinel. The newspaper devotes almost the entire cover of its Sunday Home section to the report, providing the

space at a deeply discounted rate because the information is a magnet for both readers and advertisers.

"For our association, the report has provided a second round of free, positive media exposure following the usual coverage of our traditional quarterly press release," says GMAR President Mike Ruzicka. "The newspaper tells us that readership is high. The story that runs with the chart features REALTORS® discussing the bright side of the current residential real estate market. Our sense is that the monthly payment data and the accompanying story have served to motivate some fence-sitters to get in the market."

For more information, contact Curley Communication, at 262-785-9300.

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and a surge of interest in building

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GMAR

MJS List RMJSList North Shore Bank/GMAR Home Affordability Repo

### Report Highlights Future Key Issues in Real Estate

Interesting insights emerge when dozens of real estate experts gather to discuss the future of real estate. Those insights are detailed in the latest real estate trend report from the Strategic Issues Work Group of the National Association of REALTORS®' Association Executives Committee.

Based on discussions between AEs, brokers, sales associates, real estate consultants, economists, and technology experts, "Unleashing the Power of Real Estate Data" covers the challenges and the potential opportunities facing the industry.

A wide range of real estate industry participants were invited to discuss two essential questions: What do you see as the future of real estate in the next few years and what are the major changes in the real estate business ahead?

The four central trends driving change that dominate the report are advancements in data analysis, new concepts of "home,"



the values of the millennial generation, and the growth of the on-demand economy.

The report also touches on trends in housing, technology, and trends among brokerages, MLSs, and agents.

The 13-page report, available for download at no cost at realtor.org (search for "Unleashing the Power of Real Estate Data") is intended to be a strategic planning aid to help associations, brokers, and other real estate professionals plan for the coming years. This is the eighth such report from the AEC workgroup in the last 16 years.

For more, contact Cindy Sampalis, 312-329-8302.

# NAR and CMLS Form Partnership to Share MLS Industry Expertise

The National Association of REALTORS® in May announced a new cooperative agreement with the Council of Multiple Listing Services, a professional trade organization representing the MLS industry, to leverage the expertise and experience of CMLS members on several key NAR committees and launch new MLS-focused programs. Many REALTOR® MLS executives are also CMLS members.

NAR CEO Dale Stinton characterized the agreement as "a partnership built on a common interest to serve REALTORS®."

In the past, NAR had no organization to interact with that spoke collectively for those in the MLS community, Stinton said. "We believe CMLS has grown and matured to



the point where the exchange of issues and information can now be very productive and have credibility."

Under the agreement, NAR will appoint three CMLS-specific seats to the NAR MLS Technology and Emerging Issues Advisory Board; two CMLS members will join the AE Institute Curriculum Advisory Board; and one CMLS member will hold a seat on the NAR Association Executive Committee.

NAR and CMLS will establish a program (and funding) for exploring and executing on potential MLS mergers and consolidations.

SUCCESSFUL PROGRAMS



Members of the **Southwest Iowa Association of REALTORS**<sup>®</sup> with their float in the annual Celebrate Council Bluffs (Iowa) Parade. The float features the winner of the association's Dream Home Drawing contest for schoolkids up to age 8.



The **Fredericksburg Area Association of REALTORS**<sup>®</sup>, Va., hosted a professional clothing drive to support three area nonprofits serving women in need. Members, FAAR affiliates, and others donated clothes. FAAR was able to help nearly 60 women build a wardrobe of professional clothing to help them secure and retain a job.



The **REALTOR®** Association of Sarasota and **Manatee**, Fla., garnered a lot of local press coverage in June for awarding six \$2,000 scholarships to students from the community. Since its founding in 2002, the RASM Scholarship Program has awarded \$126,100 to deserving students.

# news: programs & professional development

## 6 Ideas for Your Next Great Program

Every year, the State Leadership Information Exchange Council meets at the REALTORS® Legislative Meetings & Trade Expo in Washington, D.C., to discuss innovative association programs going on at other state REALTOR® associations. The goal is to share information and adopt programs that have proven successful. This year, six programs that had universal appeal were presented to the group.



The Tennessee Association of REALTORS®' new Educational Resource Mobile App (ERMA).

The Illinois Association of REALTORS® presented its successful Consulate Liaison Program, which is an outreach effort to provide relevant industry information, real estate trends, and other updates to international consulate representatives from dozens of countries.

The Louisiana Association of REALTORS® presents its day-and-a-half leadership retreat that brings together state executive committee and local board officers and AEs. The meeting originally began as a Core Standards preparation meeting, but participants recognized the value of making the event an annual gathering.

The South Dakota Association of REALTORS® presented its REALTOR® Gratitude Coin, a custom-minted metal coin that members receive for giving their personal time, talents, and commitment to helping their local community. Recipients are encouraged to "pay it forward" to another deserving individual in hope of creating a continuous chain of gratitude from one REALTOR® to another.

The Mississippi Association of REALTORS® presented its innovative "I Pledge Allegiance" introduction to REALTOR® advocacy program for new members.

The Tennessee Association of REALTORS® presented its Educational Resource Mobile App (ERMA), pictured left, that helps members find the courses they need for professional development and CE credit.

The Washington REALTORS® Association presented its board training program for community nonprofits. The association will use its management expertise and draw on outside speakers to train community groups on the skills and concepts that are common to most if not all nonprofit organizations with a specific goal of encouraging REALTORS® to get involved in community affairs at a leadership level.

Contact these state associations for more details on their successful programs.

## NAR Grants Fund Local Commercial Activities

The Pensacola Association of REALTORS®' expanded commercial MLS, the Oklahoma City Metropolitan Association of REALTORS®' new Smart Growth class, and the North San Diego Association of REALTORS®' public commercial fair are just a few examples of new programs made possible by funding from the National Association of REALTORS®' Commercial Innovation Grant program.

All REALTOR® associations are eligible

for grants of up to \$2,500 to launch a wide range of commercial activities.

If your association is looking for ideas for commercial activities, visit the program website for examples, success stories, and information at realtor.org/grants/ commercial-innovation-grants.

Plan now to craft a commercial activity idea in time for the next grant cycle, which opens June 2017.



REALTOR® University's commencement ceremony on May 13 honored 27 new Master's degree graduates.

#### AEs Among REALTOR® University's Third Graduating Class

Two AEs were among this year's graduating class of REALTOR® University. Jim Haisler, RCE, e-PRO, CEO of the Heartland REALTOR® Organization in Illinois (pictured second from left), and Jill Parker Landsman, VP of communications and media relations at the Northern Virginia Association of REALTORS® (pictured far left), both earned their master's degree in real estate with an emphasis in real estate association management. Haisler received the Capstone Award for his master's thesis on NAR's Core Standards.

REALTOR<sup>®</sup> University recently received its accreditation from the Distance Education Accrediting Commission, an organization recognized by the Council for Higher Education Accreditation and the U.S. Department of Education.

The REALTOR® University program includes a business and real estate core curriculum with concentrations in residential sales, marketing and management; commercial real estate investment and analysis; real estate asset and property management; real estate appraisal and valuation services; and real estate association management.

For more information on REALTOR® University, visit RealtorU.com.



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## news: from NAR



### RPAC Fund Raising Succeeds With Member-to-Member Outreach

At nearly 580 state and local associations all over the country, REALTORS® are calling their REALTOR® friends and colleagues to invest in RPAC through Phone-a-Friend for RPAC: The National Volunteer Phone Bank Initiative.



Members of the Hilton Head Association of REALTORS<sup>®</sup>, S.C., staff the phones during the RPAC Phone-a-Friend drive.

Using state-of-the-art technology to execute the phone bank events, REALTORS® have leveraged the power of member-to-member outreach, making 17,179 calls to their fellow REALTORS®, educating them on RPAC, and asking them for an investment.

At the Hilton Head Area Association of REALTORS<sup>®</sup>, the Phone-A-Friend event (pictured above) featured four teams of members. "Directors either participated on one of the four teams or were a cheerleader with different-sounding noise makers when one of their team members received an investment," says association EVP Jean Beck, RCE. "After the event, we went next door to a local restaurant for drinks and appetizers. It was a great success."

The Memphis Area Association of REALTORS® recent RPAC Phone-A-Thon (pictured below), part of a statewide effort, raised nearly \$5,000, says association CEO Melanie Blakeney, RCE. "The energy level of our volunteers and staff was contagious and we had special visits from the Memphis Grizzlies Mascot and the Memphis Redbirds Mascot."



Members of the Memphis Area Association of REALTORS® show off their check to RPAC.

Hosting a phone bank helps your association meet the Core Standards and RPAC fundraising and participation goals. To learn more about hosting a phone bank event, visit realtoraction.center .com/phonebanks and view the step-bystep webinar. Also, a "Phone-a-Friend for RPAC" video featuring several local associations is posted on YouTube; search for "Phone-a-Friend for RPAC." BOYS & GIRLS CLUBS



As a team-building activity designed to test and challenge their communication and negotiation skills, the current class of the **Michigan REALTORS**<sup>®</sup> Leadership Academy split into three teams to build bicycles for the local Boys & Girls Clubs of America.

Unaware that the bicycles would be presented upon completion, the children and the REALTORS<sup>®</sup> were surprised to meet after lunch and share in what would become a very memorable experience, says Gary J. Reggish, the 2016 Michigan REALTORS<sup>®</sup> president.

"I cannot think of a better investment of our time," says Reggish. "This event demonstrated the power of giving back to your local community while building leadership skills. As REALTORS<sup>®</sup>, we look forward to the continued support for our Boys & Girls Clubs of Michigan."



The **REALTOR®** Association of the Fox Valley, III., partnered with the Boys & Girls Club of Elgin, III, to provide support to the organization's summer running club in the form of new and gently used athletic shoes. The shoe donation drive attracted strong media attention and wide support from the community.





Children from the Boys & Girls Club of Washington D.C., Fairfax County Chapter, visited the Northern Virginia Association of REALTORS® office for an action-packed career day on March 25. The association's Cares Committee chairperson Susan Mekenney led the group on a tour of NVAR's Gold LEED-certified building where the kids learned about the building's eco-friendly construction and the members' green business practices in the building. After the tour, the young guests won prizes for answering questions about their tour, played Sustainability BINGO, listened to a presentation on careers in real estate, and enjoyed pizza. "We at NVAR know that the Boys & Girls Club serves as a second home for many of these children," says Mekenney. "We wanted to help the children in our local Fairfax County club by donating not just funds, but our members' time and attention. This event was just a start for us."



The **Valdosta Board of REALTORS**<sup>®</sup>, Ga., gave a \$1,100 check to the Boys & Girls Club of Valdosta to provide three children with scholarships for a summer of activities offered by the Boys & Girls Clubs, including swimming, mentoring, college visits, and more.



# Find Deals on Luxury Gifts at the Members' Gift Galleria

The Members' Gift Galleria is now open for business. The membersonly online shopping mall features trending technology, luxury gifts, and much more at deep discounts through the REALTOR Benefits® Program.

REALTORS<sup>®</sup>, association staff, and their family members are eligible to participate.

The Members' Gift Galleria is powered by membermarketplace, a leading reseller of technology and luxury gifts. The site features hundreds of products from top manufacturers such as Apple, Microsoft, Samsung, FitBit, iRobot, Beats, Tumi, Coleman, and KitchenAid. Check the site often for new products and great deals from a rotating selection of brands. Opt in to receive the Members' Gift Galleria email promotions to be the first to know about new products and special sales. Receive instant savings on products for yourself, your family, and your business, and find unique closing gifts for clients on this private site. Register and create a unique account with your NRDS ID.

Free shipping is available for many products, including all Apple products and purchases over \$100.

There is also a rewards points program, where you can earn points toward future purchases every time you shop. At sign-up, members will receive 1,000 bonus rewards points. For association executives and brokers, this program offers a unique and easy way to reward employees and staff for a job well done or incentivize top agents. Once the member has created an account, you can purchase points as a gift to that person's account. For instructions, visit realtor.org/GiftGalleria or call the NAR member dedicated phone line, 888-434-6392, for personal assistance.

## Associations Adopt .REALTOR Web Addresses

REALTOR<sup>®</sup> associations, including Honolulu, Central Missouri, and Del Norte in California, are using .REALTOR to stand out online with a highly recognized and branded web address.

Join them and other state and local associations achieving success with their .REALTOR address. Your association can claim a .REALTOR domain using your association name as it appears in NRDS as well as abbreviations and acronyms of your name. Association domains start at \$99 per year. Visit www.about.realtor for more guidance and registration instructions.



The Central Missouri Board of REALTORS®' new responsive website, www.centralmoboard.realtor.

## news: professional development

# The RCE Celebrates Its 25th Anniversary

he REALTOR® association Certified Executive has become known as the distinguishing mark that sets an association executive apart from his or her peers. REALTOR® associations look for it in AE applicants and our colleagues support one another in the pursuit of it. Since 1991, certification board member, says, "I am proud to know that we have over 700 association executives and staff specialists in the REALTOR<sup>®</sup> association who have earned this prestigious designation. Achieving the RCE designation shows our REALTOR<sup>®</sup> leadership and membership that we care about



Original members of the AE Committee workgroup that formed the RCE designation in 1991 joined current RCE committee members at an RCE Anniversary Celebration during the March AE Institute in San Antonio.

there have been 702 RCE designees certified and there are currently 432 active designees covering 50 states and territories.

Formation of a professional designation program for REALTOR® association executives was approved by the NAR Board of Directors in 1987, and the first RCE exam was offered in 1991. In 1997, the Sourcebook for Association Management (now known as The Answer Book) was created and became the primary reference for the RCE exam. Since then, The Answer Book, applicant data form, and RCE exam have taken on many different forms. Through its many transformations, the designation's purpose has held true.

#### Why Does the RCE Matter?

Travis Kessler, RCE, CAE, CEO of the Texas Association of REALTORS<sup>®</sup> and original RCE the success and well-being of the REALTOR® organization."

The REALTOR® AE community and associations are stronger because of the RCE designation. This designation has unified the AE community and provided a platform for ideas and exchanging resources. This sense of community is absent within other industries, and we are fortunate to have a consensus of purpose and pool of passionate and knowledgeable colleagues to learn from. With each RCE study group and material update, REALTOR® AEs directly benefit as professionals, and it helps make their associations stronger.

Andrea Bushnell, RCE, CEO of the North Carolina Association of REALTORS<sup>®</sup>, shares her experience with the RCE: "The truth is that I really didn't think after many years in the industry and with a law degree that I



needed the RCE designation. And then I found out exactly how important the education and knowledge has been to my ability to be the best I can be. I learned about aspects of the industry that I hadn't previously focused on, which has helped me better understand issues and problems that others have to deal with. It has allowed me to be more empathetic and helpful to other AEs. What a gift."

As Core Standards continue to elevate our associations to the next level, the RCE designation stands out as an achievement every AE should strive for. Who wouldn't want to benefit from 25 years of collected best practices? If you have been looking to add this designation to your list of goals, you're highly encouraged to do so. You and your association will benefit greatly. You can find out more about the designation by visiting realtor.org/RCE25.

> Amy DuBose, RCE, AE, Four Rivers Association of REALTORS<sup>®</sup>, Texas, chair of the 2016 RCE Certification Advisory Board



hotoby Cindy Butts.

The National Association of REALTORS® Leadership Development staff, who had administered the RCE through the years, were recognized at the RCE Anniversary Celebration during the March AE Institute in San Antonio, Texas. From left: Cindy Sampalis, Julie Ann Reid, Mary Krukoff, Laurie Oken, Renee Holland, and Krystal Allen.

## Meet the New RCEs



Mike Barnett, RCE Texas Association of REALTORS®



Holly Callanan, RCE Ridgefield Board of REALTORS®, Conn.



Barbara Castillo, RCE Fredericksburg Area Association of REALTORS®, Va.



Ryan Castle, RCE Cape Cod & Islands Association of REALTORS®, Mass.



Susan Chichester, RCE Texas Association of REALTORS®



Ellie Darling Edwards, RCE North Carolina Association of REALTORS®



Deborah Key, RCE Mid Carolina Regional Association of REALTORS<sup>®</sup>, N.C.



Dorothea France, RCE Piedmont Regional Association of REALTORS®, S.C.



Texas Association of REALTORS®



Janet Golding, RCE Greater Fort Lauderdale Association of REALTORS®, Fla.



Gina Jones, RCE



Georgia Association of REALTORS®



Brenda Rabbitt, RCE Greater Tampa Association of REALTORS®, Fla.



Val Towler, RCE Seattle King County Association of REALTORS®, Wash.





Teresa McKee, RCE, CAE Nevada Association of REALTORS®



Denise Schultz, RCE Lakes Area Association of REALTORS®, Wis.



Sara Zimmerman, RCE Northwest Minnesota Association of REALTORS®



Corey Skinner, RCE Columbus Association of REALTORS®, Ohio



Colleen Pappas, RCE Worcester Association of REALTORS®, Mass.



Steven "Buzz" Steele, RCE Tennessee Association of REALTORS®



Rebecca Lopez, RCE

Greater Tampa Association of REALTORS®, Fla.



Robert Taylor, RCE Grosse Point Board of REALTORS®, Mich.







# AEs Share Their Biggest SUCCESSES & Challenges

### The RAE Editorial Board asked AEs:

## What has been your biggest success this year and what issues still keep you up at night?

Answers were as diverse as the associations themselves. From small associations to state associations, nationwide, AEs not only face a variety of challenges but also count an abundance of successes.

#### CHALLENGE: LOCAL MERGERS

441 look at the big picture as a concern. That is, if associations continue to merge, I fear the individualization of the membership could be in jeopardy. I understand that too small is a problem; we all can think of some examples of that. But when is large too large? At what point does the member become just a number or just another payment? How large an area of coverage can an association realistically manage from an advocacy perspective or even just a local cultural feel? The industry needs to consolidate; that's not a question in my mind. But there are also examples of when tiny associations need to exist. MLSs, however, are in a different category. Although the human element is always important, an MLS's role can be handled better in larger segments because, to a certain degree, they are all about data and numbers. As an example, for the most part, state laws don't really impact the services an MLS provides but they do impact those that an association performs.

-Jim Haisler, RCE, CEO, Heartland REALTOR® Organization, III., 850 members

#### SUCCESS: NEW HEADQUARTERS

4 Our biggest success was purchasing a new headquarters building that is more centrally located in our jurisdiction. The new building provides more staff office space, a classroom, and more rental space. I learned that members are excited for the move and that they are looking forward to being better served. <sup>71</sup>

> -Nicole Banbor, RCE, AE, Middlesex County Association of REALTORS®, N.J., 2,500 members

#### CHALLENGE: CORE STANDARDS

I The first year of Core Standards was definitely the issue that kept me awake. We would forget to photograph an event or we couldn't get enough board members to take on a chunk of the standards and work on them independently. For months, Core Standards was the entire focus of every board meeting. The second time around, we knew more of what to expect, and I asked more of the board and committees. The moment I pressed 'Submit Core Standards,' I immediately felt tremendous relief."

> -Pamela Bouldin, AE, Westmoreland West REALTOR® Board, Pa., 500 members

#### SUCCESS: DISTANCE EDUCATION

Last year we implemented our distance-learning simulcast training initiative, and this year we will simulcast 400 education programs from our central Dallas office to our five service center locations throughout Dallas/Fort Worth with high-definition audio and video and unilateral communication between all six locations. The end result is a high-definition learning experience regardless of location. All students share the same user experience with only one instructor teaching the class on camera. The instructor and all attendees can see each other on screen and be able to have an in-classroom user experience. The value of this hybrid platform is convenience. Our members have a quality experience without dealing with high travel times from suburban areas to our central Dallas location. "

> -Rich Thomas, CEO, MetroTex Association of REALTORS®, Texas, 15,700 members

#### CHALLENGE: RELEVANCY

4 The biggest issue that we all face is the downward pressure, or disruption-or whatever hipster word of the day you want to use-when it comes to the future of real estate associations. It seems that our future is being dictated to us by external forces: consumerism, connectivity, mobility, new generation models, broadband, portals. These external forces have access to megacapital and each one is causing transformational and fundamental shifts in every industry, real estate especially. So if we consider these forces to be warning signs and add in the dissatisfaction of the real estate status quo from the very top to the very bottom, then we have a recipe for some very interesting times. Consolidation of associations and MLSs may not be a panacea to the larger problem of relevance for local associations, no matter the size. NAR is doing a great job going head-to-head with some of these external forces, which will certainly delay things, but I think it's vitally incumbent upon us locals to create additional revenue streams well outside of our industry.

-Andrew Cooper, CIPS, CEO, Arcadia Association of REALTORS®, Calif., 2,200 members

#### CHALLENGE: SMALL STAFF

If The issue that I struggle with is having a small staff. Our membership count is at 2,500 and we have three staff members, including me as executive officer. I plan to increase the number of employees when we move into our new headquarters building later this year so staff can work efficiently and our association can better promote our products and services.

-Nicole Banbor, RCE, AE, Middlesex County Association of REALTORS®, N.J., 2,500 members

#### SUCCESS: COMMERCIAL EXCHANGE

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If The biggest success for me this year has been the creation and rollout of the Tri-State Commercial Properties Information Exchange. The exchange is the culmination of an almost two-year journey in which we have looked for ways to better connect with those commercial practitioners who choose not to join an association. We are the first and only commercial information exchange in the New York metropolitan area, and our growth in the number of commercial practitioners has been steady. What I've taken away from this experience is that when an association thinks outside the box, options often emerge that give the association the means to provide relevant services to its members and in so doing, create benefits. For my association, TSCPIX is a prime example of such thinking."

-Mary Cano, RCE, CEO, North Central Jersey Association of REALTORS®, N.J., 8,500 members

#### SUCCESS: HIRING EXPERIENCE

44 Human resource issues in any organization can be challenging, and, frankly, hiring someone new can amount to a flip of a coin as to whether they will be effective, work well with others, and be really as qualified as they appear on paper. Rarely do you have an opportunity to hire someone who has already proven themselves in the eyes of your membership and has ability, knowledge, and resources. Fortunately, I was able convince Dave Bert, former CEO of the Iowa Association of REALTORS®, to work for our local association in community advocacy and broker involvement after his retirement from IAR. Since his arrival at the beginning of this year, he has initiated a program with our REALTOR® Party committee to get 100 percent of our members registered to vote, has written numerous grants, gotten our association involved in the NAR Consumer Advocacy program, and met with many of our mayors and city officials on local real estate issues.

> -Sharon R. Carlson, RCE, CEO, Quad City Area REALTOR<sup>®</sup> Association, Iowa, 860 members

#### SUCCESS & CHALLENGE: CORE STANDARDS

Success and challenge go hand in hand. For us this past year, our biggest challenge has also led to some of our best successes." [Kansas experienced a lot of change as a result of the Core Standards; the number of local associations dropped from 34 to 14. This move nearly doubled MAR's territory.] "The expansion of our territory, changes in staff, and Core Standards have all resulted in our needing to focus on the priorities that really matter. We've done membership surveys and held open discussions to determine what really matters to our members and have committed to doing those things and letting go of others. The success from this has been that we are more confident we are providing the benefits our members truly desire. It's important to me that we keep the personalized experience that being a small association allows us to offer. Determining our top priorities has helped us do this. "

> -Margaret Pendleton, AE, Manhattan Association of REALTORS®, Kan., 230 members

#### SUCCESS: MEMBER SERVICE

44 My biggest success in my first year here was changing the dynamic of our relationship with our members, making sure they know that they come first. Although I've been an association executive for more than 30 years, this is the first time I've worked for a small, local association and the first time in the real estate field. We're a small board compared with our New Jersey neighbors, so we focus on individualized member services—a boutique operation—where customer service is our primary focus. I believe our members value that specialized attention and commitment. \*\*

> -Jill Berman Levy, CEO, West Essex Board of REALTORS®, Montclair, N.J., 530 members



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#### SUCCESS: ADVOCACY

4 Our biggest success was hiring a third-party government relations firm to help us with our local advocacy efforts. Our staff wear many hats but no one person can really devote the time needed or truly have the skills required to fulfill this role well. Using this firm has given us the ability to get a seat at the table, often when the discussion on issues is just getting started, which is what we want. It has allowed us to be more proactive in our advocacy instead of reactive.

"Our director of events and government affairs coordinator still handle much of the communication between GNAR and our elected officials and between us and Hall Strategies. At the end of the day, the firm can only truly do the legwork of informing us on issues and giving us advice, and then we need our members to take whatever action is needed. And REALTOR® organizations are always in a good position to do that with all the connections we have in the community. **11** 

> -Jarron Springer, CEO, Greater Nashville Association of REALTORS®, Tenn., 3,900 members

#### SUCCESS: MERGER

44 My biggest success in the last year is also the thing that keeps me up at night. Last year we merged with two other associations, increasing our jurisdiction from three to 11 counties. One association was contiguous while the other larger one was approximately 120 miles away. We also merged MLS systems with the larger association. The MLS merger went very smooth but we are still working out the kinks in the association merger. To help compensate for the distance between the two, a chapter was established to allow for some discretion as to the conduct of local charitable, political and networking activities and the allocation of chapter reserves. The chapter has an elected president who is a member of our board of directors, as well as a president-elect, and is guided by an advisory committee. We are looking to close the distance via the use of technology, such as webinars, live webcasts, and teleconferencing."

> -Dan Sale, RCE, CAE, CEO, Capital Area REALTORS®, III., 630 members

#### SUCCESS: EARNING MY RCE

4 A chieving my RCE designation in March was both a personal and a professional commitment I made to myself and to establish a stronger foundation for my organization. It strengthened the core association management skills that I had and provided refreshers on information in areas that I don't deal with on a daily basis, so expanding those skills was important, too. Meeting with Donna Garcia from NAR [during the free, 30-minute session with human resources advisers that are offered at all NAR meetings] was one of the best things I could have done, as I felt I had an advocate on my side. She helped me to recognize the value having my RCE brings to my association, and she helped me work on how I communicate that value to my board.<sup>71</sup>

> -Denise Schultz, RCE, CEO, Lakes Area REALTORS® Association, Wis., 500 members

#### CHALLENGE: PROVIDE VALUE

44 As quickly as the real estate industry changes, it is always a challenge to show value to our members and MLS participants relative to their dues and fees. We strive to provide quality resources and tools, but more third parties or even brokerages are providing similar services. Identifying member needs and how we can provide better service to meet those needs is important, and in 2016 we will make better use of available data to identify our member needs. Quality customer service is also a high priority. We will be holding quarterly customer service workshops for our staff to ensure that we take ownership of our members' needs and work diligently to solve any problems they might be facing.

-Rich Thomas, CEO, MetroTex Association of REALTORS®, Texas, 15,700 members

#### SUCCESS: ADA COMPLIANCE

Cour greatest success here has been a remodeling project to move our classroom space to a dedicated location that is ADA compliant. Some inventive shuffling of staff to other areas of our building has netted us a classroom that does not double as the board of directors room.

> -Mary Ann Wissel, RCE, e-PRO, CEO, Ocean County Board of REALTORS®, N.J., 1,660 members

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#### SUCCESS: COMMERCIAL

<sup>44</sup> In May, we celebrated the 10th anniversary of our Commercial Alliance of REALTORS®. I have been with the association from the start and my appreciation for the commitment of the commercial brokerage community in West Michigan continues to grow. The board's directors chose to invite the entire membership, at no cost, to an anniversary party complete with a great appetizer hour for networking and a full sit-down dinner. Nearly 150 members attended and shared in the celebration of the growth and success of the association. We have learned much in the past decade and we can apply those lessons into growing benefits for the membership. <sup>71</sup>

-Shari Veldman, RCE, AE, Commercial Alliance of REALTORS®, Mich., 320 members

#### CHALLENGE: MEMBER ENGAGEMENT

4 Trying to communicate the value of membership and how to engage the members to be a part of the association is a continual challenge. Our members' time is valuable, and trying to increase their engagement with the association while they balance life and work is challenging. We are always trying to find new ways to communicate with our members. Currently, we're working to expand our social media presence. <sup>11</sup>

> -Larry W. Johnson, RCE, AE, Arlington Board of REALTORS®, Texas, 1,740 members

#### SUCCESS: GOVERNANCE STRUCTURE REDO

<sup>4</sup> Our largest and most successful initiative to date was overhauling our governing structure in 2015. It was humorously referred to as the 'New World Order' and it was a big change. We knew that efficiency didn't come from an executive team of 23 and a board of directors of 58 when our full state membership count was around 2,000. Although there was an overwhelming sense and need for change, it was important to begin with conversations and then work toward getting leadership 'buy-in' so they could see the true benefits. After weeks of phone calls, meetings, and presentations from skilled consultants, the leadership voted to move forward with a much-reduced executive team of four along with 17 board members. Working under the new structure and making changes took patience, understanding, and extensive leadership training.<sup>77</sup>

-Guyla Greenly, RCE, e-PRO®, CEO, Wyoming Association of REALTORS®, 2,000 members

#### SUCCESS: RAISING PROFESSIONALISM

I One of our biggest success stories is our member professionalism program, the Gold Key Certification, which focuses on professionalism in the industry, customer service, risk management, consumer behavior, and best practices. We launched it last year, and we already have 1,100 certified members, who receive a pin and certificate and recognition on ORRA's website, as well as the ability to use the Gold Key logo. When all members in an office are certified, the office can then be certified and use the logo in its marketing as well. We budget for this training and offer it free to all members.<sup>17</sup>

-Jacque Stanly, RCE, CIPS, EVP, Orlando Regional REALTOR® Association, Fla., 12,716 members

#### SUCCESS: MEMBER SERVICE

I The past year has been like adding another story to a skyscraper in that we continue to build and grow while offering more programs and services for less money to a very diverse membership. Today members pay \$132 less in combined dues and MLS fees than they did 16 years ago—a rather remarkable achievement while we remained debt-free.

Other successes this year included a expansion of the REALTORS® Who Care Program, our 501(c)3 charitable arm; investment in RPAC at the Platinum level for the third year in a row; and a new program, the "100 for \$100" program, in which rebates of \$100 are made available to each of the first 100 members registering for the state convention. Plus, we bought an association vehicle we call a rolling billboard. With it we deliver the message at major parades and highly visible places along the Lakeshore that "West Michigan is a Great Place to Call Home."

-Dale Zahn, RCE, CEO, West Michigan Lakeshore Association of REALTORS®, Mich., 922 members

#### SUCCESS: AFFORDABLE HOUSING

I Hosting an affordable housing program in our distressed city was our greatest success this year. Many potential buyers didn't realize they could afford and qualify to buy a home. They didn't even try because they didn't think it was a possibility until they came to our event. It is hard to get local officials to support you in these types of programs even though the area would greatly benefit. <sup>11</sup>

> - Della Csehoski, RCE, CEO, Cambria Somerset Association of REALTORS®, Pa., 169 members

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\*According to NAR 2015 Member Profile

# REALTOR



#### CHALLENGE: LEGAL EDUCATION

4 6 Getting members to listen and understand the legal issues and threats to their business and the real estate industry is a huge challenge. Patent trolls, wire fraud, ADA websites—you have to get the brokers to acknowledge the issues, then help them reduce their risk. It feels like you are beating your head against the wall because they feel insulated from these issues in their small areas. We are constantly brainstorming to get members to take these things seriously. Fortunately, my elected leaders are very supportive and do recognize the issues, and brokers trust me to alert them to hot issues so they can try to reach out to the rest of the membership.<sup>7</sup>

> -Della Csehoski, RCE, CEO, Cambria Somerset Association of REALTORS®, Pa., 169 members

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#### SUCCESS: HOUSING AFFORDABILITY

4 We've had success recently in boosting our profile as champions of housing affordability. As Fort Collins has grown, it has attracted many young professionals, but this is making it difficult for average wage earners to maintain their current lifestyles and culture in the city. To become known as the voice for real estate, we've worked diligently to gain the community's trust. We distribute copies of NAR's On Common Ground magazine, we provide valuable resources on our website and social media about affordability, and we author a monthly column in the local newspaper. This all has made a huge impact. ??

> -Clint Skutchan, RCE, CEO, Fort Collins Board of REALTORS®, Colo., 1,050 members

#### SUCCESS & CHALLENGE: CORE STANDARDS

4 My biggest success and challenge was the Core Stan-

dards. I'm a part-time AE for two boards, and there was a lot of work that had to be done by me and the elected leaders to get their paperwork submitted on time, but we did it. Even now, keeping up with both boards' paperwork and Core Standard requirements is a challenge because the membership pool is so small and attracting volunteers is not easy, along with not having big budgets. It's frustrating that even though I'm part-time, I get calls all day and sometimes on the weekend. Yet, the bright spot is that my directors on both boards appreciate and support me and try to help out by keeping Facebook up-to-date and other things.

> -Cheryl Devereaux, AE, Warren County and Allegheny Valley boards of REALTORS®, Pa., 150 members

#### SUCCESS: BRANDING

Sometimes the little things matter a lot. When I arrived at DAR last fall, it was apparent that the association needed an updated and more polished look, so we immediately took to creating a new logo that accurately reflected the activities of a REALTOR® state association. We chose to feature the iconic Delaware Legislative Hall. A graphic designer created an updated version with contemporary colors. As a state association, we needed our materials to have more gravitas. So with no planned budget, we took advantage of an economical online printing company, and received stationery and business cards in just two weeks. It was quick and cheap but not really the quality we were looking for, so my advice: When you buy on the fly, don't buy in bulk!

-Anne Rendle, RCE, CEO, Delaware Association of REALTORS®, 3,819 members

#### SUCCESS: CORPORATE ALLY PROGRAM

Stor Start Start

If We've recently become involved in growing the REALTOR® Party's Corporate Ally Program, where we tap MLSs, broker members, and corporate partners to back REALTOR® champions and issues that impact our industry. I'm grateful to have this program as another tool in our arsenal that allows us to be a key player in this political environment and navigate key real estate issues now and in the future. For every contribution we get to the program, half goes to supporting federal campaigns and the other half supports local and state campaigns...it's really a winwin for all involved.

- Norman Morris, CEO, Louisiana REALTORS® Association, 12,760 members

#### SUCCESS: RPAC

4 Cone of our biggest successes this past year was launching a culture change concerning advocacy and fundraising for RPAC. We had our most successful year in recruiting LDC investors; we created an internship to use the talents of political science students to help in advocacy efforts. We hosted our first-ever RPAC auction, participated in face-to-face office visits, and created more membership education opportunities to learn why investing in RPAC is an investment in your business. Also, our GAD, Bruce King, is constantly embracing my "crazy out-of-the-box ideas" and has the willingness to try most anything when it comes to advocacy. Not only are we changing our culture, we are having fun doing it! **\*** 

> -Brenda J. Barnhardt, e-PRO®, EVP, REALTORS® Association of Northwestern Wisconsin, 750 members

#### SUCCESS: MEMBER SERVICE

My biggest priority is in helping keep the REALTOR<sup>®</sup> vital to the transaction. Because we have our own MLS, we generate a lot of data, and I have interactions with many data vendors, including the big syndication sites and various other vendors who provide custom IDX solutions and other technology services for my members. Every one of those vendors needs that data both to provide services and make a profit, but with so many hands on the data, it's critical to the mission of the association that we make sure those tools and services serve the best interests of members and don't overshadow the critical role played by the REALTOR®. To address this, I look at everything we do to see if it meets at least one of two tests: Does it make our members more profitable and professional, or does it keep them out of trouble? If we focus on those two areas, our goals will always work toward keeping the REALTOR® vital to the transaction.

> -Marty Manion, RCE, CAE, CEO, Naples Area Board of REALTORS®, Fla., 5,470 members

#### CHALLENGE: ATTRACTING LEADERS

44 An aging leadership and a lack of young members showing desire to get involved in leading the association are concerns for us, like for so many other associations. One indication of this continuing trend is the lack of company leadership turnover, leaving the association without ideas for new prospects. We had hoped that our YPN would be an avenue to identify and groom future leadership, but the young professionals kept gravitating toward social events over philanthropic or advocacybased activities. Plus, it's a challenge to keep a young professionals network exclusive to the group for whom it was intended. Consequently, it's a fully inclusive group of long-standing volunteers, which ultimately alienates the younger members back into the masses. We plan to support members who show interest in the state association's leadership development program so we can guide them on to the path of local leadership."

> -Mike Cotrill, RCE, Greater Tulsa Association of REALTORS®, 3,500 members

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# Core Standards: What's New & Why

Local REALTOR<sup>®</sup> associations have new and enhanced requirements to comply with by Dec. 31, 2017.

fter taking a long look at what worked and what didn't during the first round of the National Association of REALTORS®' Core Standards program, a workgroup of AEs proposed some changes, which were approved by the NAR Board of Directors in May.

"Overall, the changes clarify not only the requirements but also the intent behind them," says Travis Kessler, RCE, CAE, CEO of the Texas Association of REALTORS® and chair of the workgroup that recommended the changes. "There were also some new requirements added to raise the bar a little bit more for local associations and enhance their viability. The Core Standards strengthen the value of what the associations provide to the membership."

More advocacy activities are now required, along with new activities regarding REALTOR® safety, professional development opportunities for members, and leadership development for elected association leaders. The required association strategic plans must now have an implementation component, and compliance cycle deadlines have changed to a calendar year (January to December) starting with the commencement of the third compliance cycle, July 1, 2016. This means associations have until Dec. 31, 2017, to complete the requirements for the third cycle.

Kessler says there are no plans to routinely increase the number of Core Standards requirements, but adds: "You don't want a stagnant program; you want it to grow. I hope there will be a periodic review of what's working and what's not to make it an effective program that will evolve as our working environment evolves."

Enhancements to the electronic compliance certification tool are also planned.

#### Key clarifications and additions

Many of the changes to the Core Standards reorganize and categorize requirements to make them easier to follow.

### "Overall, the changes clarify not only the requirements but also the intent behind them."

— Travis Kessler, RCE, CAE, CEO, Texas Association of REALTORS®

"Most of the confusion nationwide was over which activities fulfill which requirements, particularly regarding advocacy and consumer outreach," says Kessler.

Because there was an advocacy activity option under consumer outreach, some associations wanted to use the same activity for both requirements, says Kessler. Now all advocacy requirements are under the advocacy section of the policy, and six activities are required under three categories: vote, act, and invest. Associations must conduct two "vote" activities, such as encouraging members to register to vote or to vote on a particular ballot initiative; two "act" activities, such as organizing an association visit with local or state elected officials or having members testify on proposed real estate– related legislation or regulation; and two "invest" activities, such as holding an RPAC fundraising event or hosting an association RPAC phone bank.

In addition to the advocacy activities above, previous RPAC activities (sections A–D in the standards) remain, including the optional RPAC contribution on dues billing, promoting the value of RPAC, and promoting and participating in state and national calls for action.

NAR has a menu of sample advocacy activities to meet the needs of every association large or small, experienced in advocacy or not.\* Modifications to the online compliance tool will include drop-down menus that list qualifying options under each requirement.

#### **Clarity to outreach**

Four consumer outreach activities are still required, but the type of activities that qualify is now more specific.

Associations must demonstrate consumer engagement through two "Voice for Real Estate" activities, such as releasing local housing statistics or writing real estate columns in local publications and two involvement and/or investment activities, such as participating in a Habitat for Humanity build or raising money for a local charity. The advocacy option previously under this category has been moved to the advocacy section.

\* For guidance on advocacy activities and examples of initiatives that satisfy this requirement, visit the Core Standards Frequently Asked Questions at realtor.org and the REALTOR® Party Resource Guide realtoractioncenter.com/resourceguide or contact Susan W. Helm, RCE, VP for advocacy operations & communications at shelm@realtors.org.

# Core Standards Revisions for 2017

The third cycle will begin July 1, 2016, and end December 31, 2017.



## need to know: core standards

Another new requirement states that associations must conduct an activity promoting REALTOR<sup>®</sup> safety, such as hosting a personal safety class.

#### Help raise professionalism among members and leaders

A new requirement under Unification Efforts and Support of the REALTOR® Organization (Section 4 in the Core Standards) is designed to recognize and promote the importance of professional development for members, says Kessler.

Now, associations will need to promote or provide at least one professional development opportunity for their members. "That does not mean that all associations have to provide a course," Kessler says. "They could promote the education course calendar of the state association or the online courses offered by NAR."

The point of promoting professional development, Kessler continues, is that "there is so much members could benefit from if they just knew when and where some of these opportunities were being offered."

Similarly, associations must now also promote leadership education opportunities for their elected REALTOR® leaders. This requirement could be fulfilled by promoting leadership education that the state or national association offers. The aim is to raise the bar for leadership and focus attention on the importance of cultivating the leadership process within associations, says Kessler.

#### The importance of member safety

Another new requirement states that associations must conduct an activity promoting REALTOR® safety, such as hosting a personal safety class. Unlike professionalism and leadership education, an association cannot promote outside offerings; it must conduct the activity or partner with several associations to offer a joint member safety program.

#### **Better strategy plans**

Some outcomes of the first-round Core Standards couldn't have been predicted but can now be fixed, says Kessler. For example, some association strategic plans didn't include action or implementation steps.

"There were many variations in the types of plans that were approved by NAR," says Kessler. "Many of them were very comprehensive with timelines and accountability standards, including who was going to perform what duties and when, but some were simple statements of the association's priorities and goals without a plan to get there.

"The strategic plan requirement was one of the key success of the Core Standards and have added strength to local associations," says Kessler. "The plans help associations define what their priorities should be and how they will achieve them."

Associations with strategic or business plans that do not include actionable steps will need to certify that their plans have been amended or clarified to include the actionable details and to certify that the association leadership has reviewed them.

# AE performance review to define expectations

Because the Core Standards add duties and responsibilities to an AE's role, it became clear, when reviewing the first cycle's outcomes, that many AEs did not have clearly defined duties within their organizations, says Kessler.

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"Many AEs didn't have a job description —or one that had been updated in years and many had never had a performance review," says Kessler.

The new AE performance review requirement will help strengthen the AE's role, Kessler adds. It stipulates that associations with paid staff not only must adopt policies and procedures for conducting annual performance reviews but must have conducted that review by the certification deadline. Sample performance review policies and procedures are online at realtor.org.

To learn more about the Core Standards revisions for 2017, including the revised audit threshold and changes to the noncompliance appeal procedure, visit realtor.org/ corestandards. Kessler will present a Core Standards segment at the NAR Leadership Summit, Aug. 22–23, in Chicago, and Core Standards training webinars are also planned.

By Carolyn Schwaar



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# Focus on Listing Photo Copyright

New MLS policy encourages MLSs to push education on photo licensing.

here's no doubt that gorgeous photos of homes help boost real estate sales. The real estate photography business is booming as more REALTORS® put down their smartphones and hire professionals to shoot listing photos. As a result, problems (even lawsuits) can arise over photo copyright when images are used without permission.

need

"Copyrights for property photos and liability for copyright infringement are definitely growing concerns right now," says Rodney Gansho, managing director of member policy at the National Association of REALTORS<sup>®</sup>.

To address rising concerns, the National Association of REALTORS® Board of Directors in May approved changes to MLS policy aimed at increasing awareness of the need to grant the appropriate license to the MLS to use listing photos.

Although the policy change is educational and does not require MLSs to change their rules, it does authorize them to establish local rules around listing photo copyrights. For example, an MLS can require participants to confirm that they have permission to use their listing photos as well as permission to grant their MLS license over those photos enough so that the MLS can store, reproduce, compile, and distribute listing information.

MLSs may, through a pop-up window or message, require members to indicate that the necessary licenses have been obtained at the time the broker files listings. MLSs can further reaffirm this obligation in their participant or subscriber agreements.

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"The vast majority of large MLSs understand the potential danger of listing photo copyright infringement and are working on addressing it," says Rick Harris, ABR, CIPS, 2016 chair of NAR's Multiple Listing Issues and Policies Committee and a broker with Coldwell Banker Pro West Ashland in Ashland, Ore.

Harris' MLS, Southern Oregon MLS, is working on several fronts to raise awareness of photo licensing and to offer convenient ways for participants to acquire licenses. Along with broker education forums, the MLS is adding photo licensing language to its listing agreement form, so when sellers provide the photos, they grant the license to use them right in the listing agreement.

"To effectively license photos taken by agents," says Harris, "we're providing brokers with language that they can add to their independent contractor agreements with agents."

The MetroTex Association of REALTORS® has had a listing photo copyright policy in place for several years advising participants and subscribers to obtain written agreements with photographers, says Cathy Faulkner, RCE, the association's MLS director. Participants must also grant the MLS a nonexclusive license to publish the photographs.

"If an MLS has no rules or policies related to copyright license, they could leave them-

selves open to copyright infringement claims since they have not given participants any direction or policies to refer to," says Faulkner.

# Do members understand listing photo copyright?

MLS participants can grant photo license to the MLS only if they own the photo or have obtained the rights to use it. This is often the point of confusion with many members, who may often cut and paste listing photos from their MLS or the previous agent's listing or use photos from a home owner, who may not have the license to them.

Carl DeMusz, RCE, president and CEO of the Northern Ohio Regional MLS, says lately he is seeing more members lift photos taken professionally for a builder's developments or condominium projects and use them in their own listings without obtaining a license or permission. "They think they are immune from liability because another agent or broker also used the photos," he says. "Here at the Northern Ohio Regional MLS, we know we have our work cut out for us in getting our members up to speed on these issues."

At MetroTex, Falkner says most MLS subscribers are aware of photo ownership because she helps settle frequent disputes involving agents who use the photos of previous listing agents. "We require that agents have the written permission of the previous listing participant when using photographs from a previous listing."

#### Licenses clarify photo ownership

There are three types of agreements an MLS participant could hold for the use of photos in their marketing that they did not take themselves; a work-for-hire agreement, an assignment, or a license. (NAR provides sample agreements at realtor.org.) License agreements stipulate that although the photographer still owns the photographs, he or she grants an exclusive license to display and distribute them. Some photographers may put additional restrictions in a license, such as limiting a photo's use to the marketing of active listings only.

Faulkner cautions her MLS subscribers to make sure photo licenses provide perpetual rights to the photographs (so they can be used in the MLS's historical data) and exclusive rights (so they can't be used elsewhere). "We have seen cases where photography companies sold the rights to listing photos to outside sources for other uses or sold the same photographs of a listing to the new listing agent who is listing that same property," she says.

Because exclusive licenses can get complicated, MLSs often recommend that brokers acquire ownership rights, but photographers increasingly balk at this request.

"The professional photographer I use tells me that photographers' rights are becoming a huge topic within the photographer community and there are photographer advocacy groups looking to protect the rights of their industry members," says Harris.

Pixsy, an international organization that hunts down unlicensed image use on the Internet, says 7 percent of the cases it pursues on behalf of clients are related to real estate.

#### Getting photographers on your side

Harris says the use of professional real estate photographers is definitely growing, and his MLS plans to start a dialogue with area photographers to craft a standardized licensing agreement.

"In my marketplace, there's one professional photographer who probably does a third of the professional photos in our MLS, and he doesn't issue any type of specific agreements. So, if he wanted to take us down, he could," says Harris. "If real estate photographers who haven't granted any licenses go looking for an income stream, we're it."

At the Milwaukee-area Metro MLS, CEO Christopher Carrillo says he also plans to reach out to area photographers and explain how listing data and photos are distributed and used and how photographers may benefit from having the MLS pursue copyright enforcement on their behalf. Based on the outcome of those talks, Metro MLS may develop a preferred photographer list that members could use "but certainly would not be required to choose from," he says. "If all of that fails, we may look at going old school and hiring photographers ourselves and offering it as a service."

## Protecting MLSs from participants' mistakes

For MLSs, federal law can be interpreted to protect them from copyright liability if their participants upload copyrighted material without permission. Yet to be protected from liability, MLSs must comply with the "safe harbor" procedures of the Digital Millennium Copyright Act, which also covers participants and subscribers hosting an IDX display. A 2015 change to NAR MLS policy highly recommends that associations comply to protect their organizations.\*

Yet compliance with federal law is no guarantee against a lawsuit. Copyright infringement of listing photographs is central in ongoing legal action between Illinois-based real estate photography company VHT and Zillow. According to the lawsuit, VHT retains ownership of its listing photographs and grants only nonexclusive licenses to brokers to use the photographs solely in connection with marketing active property listings. In the complaint, VHT alleges that Zillow used its photographs without authorization in connection with sold properties and on Zillow's home design website. The case is still pending.

MetroTex had an incident where a listing agent of a multimillion dollar home used a photograph that had a copyright from a well-known national photography company. "That photography company found their photo on an IDX site and made an attempt to collect fees for the use of it from the subscriber providing that IDX site," says Falkner. "I contacted the listing agent immediately and let him know that he had put the entire population of IDX sites at risk since he had not obtained the proper license to use that photograph. Luckily, we were able to resolve the issue quickly since the seller was an attorney and did actually own the rights to the photograph (although he had not signed a photo licensing agreement with the agent). I did break a little sweat over that incident."

Reducing risk before it's a crisis

Although no MLS has been sued over distributing or posting a copyrighted photograph without permission, the potential is there, says Harris. "I understand a lot of AEs ask why we're pushing this when it's not really an issue now, but this is one that could blow up in a heartbeat. So our approach has been better safe than sorry."

The goal of the recent MLS policy changes is to make sure that brokers are informed, understand the issue, and seek written permission for their own protection—a practice that should extend to all facets of their business, including the images they use in print materials, post on their websites, and use in their blogs and on social media. The policy changes also encourage MLSs to create tools that make it easier for subscribers to reduce their copyright liability.

#### By Carolyn Schwaar

\*See Section 11, Ownership of MLS Compilation and Copyright section of the NAR model MLS Rules and Regulations (all types), found in the Handbook on Multiple Listing Policy

# AE voices: profile



# Driving Change at the State Level

Andrea Bushnell on growing state programs and leadership.

S ince joining the North Carolina Association of REALTORS® as CEO in 2010, after 14 years with the Oregon Association, Andrea Bushnell, RCE, has been a driving force for change in the state. In May at the REALTORS® Legislative Meetings & Trade Expo in Washington, D.C., she was honored with the William R. Magel Award of Excellence in Association Management.



Q. What are your most successful programs or services currently?

North Carolina is on fire with new ideas and initiatives. This year, we're launching a consumer outreach campaign to assist in rebranding NC REALTORS® and to help create a unified voice for consistent messaging statewide. The campaign, known as "NC REALTORS®—The Smart Move," will convey the message that our REALTORS® are advocates for their clients and communities and an essential part of the property buying and selling process.

Our goal is to equip members and local associations to reach consumers in a way

that advances the industry. The tagline "The Smart Move" will allow us to incorporate the many ways that using an NC REALTOR® is a smart move—they are the experts who can help you navigate through any transaction. Not only is purchasing property a smart move, but doing so in North Carolina is a smart move. Relocating your industry to North Carolina is a smart move. We're spreading the "Smart Move" story from the mountains to the coast with eye-catching creative, a robust social media and public relations strategy, a showcase video, and a contest with \$12,000 in prize money.

#### Q. What has been the most significant evolution in the role of the state association?

State associations have grown substantially in sophistication and political acumen. We have grown well beyond our role as traditional lobbying organizations. Lobbying is still central to our advocacy efforts, but we have so many more resources at our disposal. For example, NC REALTORS® formed the NC Homeowners Alliance, which focuses on engaging consumers in our political issues. We have built a large database of consumers who want to participate in the political process for the protection of their real property investment. Consumers are included in our calls for action and they take action. It has been so successful that NC Homeowners Alliance recently rolled out a new initiative to increase the efficacy of its advocacy and the service it provides to local associations. The alliance is now available to participate in local associations' issue campaigns and referendums with the full array of its public media activities: petitions, media appearances, town forums, and

online websites and platforms. When local associations decide to take a stand on a community policy, regulation, or ordinance, the alliance will support local associations in any way it can.

Finally, in addition to our RPAC funding efforts, many states, including North Carolina, also have Section 527 or 503(c)(4) organizations that fund independent expenditure campaigns. In North Carolina, our 527 is the NC Property Rights Fund. I believe that we will continue to increase our level of sophistication and engagement in the future and will continue to make huge strides in our political influence.

#### Q. What has been the overall result of Core Standards on your local associations?

Awareness has been raised about what associations can and should be doing to serve our members. North Carolina's local association AEs are amazing. They were not all thrilled with Core Standards in the beginning, but they dug deep and most now believe that Core Standards are good for the industry. This is great news because our local associations are the cornerstone of our success in North Carolina. NC REALTORS® additionally is taking advantage of the opportunity to look at how best to advance professionalism among our members because we are now, as an association, better able to create opportunities for professionalism and to support our members with more targeted, demographically aligned services. Core Standards has allowed us to literally upend the association and look with new, fresh eyes at how we engage our members with programs and services that are meaningful and truly valued. How exciting is that?

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