

Boulder Area Realtor® Association

Policy - Non-Member Licensees

This policy sheet will explain exactly who is a *Non-member Licensee*, the services they may receive, and the obligations of a Designated Realtor® (DR) with respect to any Non-member Licensees affiliated with his/her firm.

1. Definition of a Non-member Licensee: A Non-Member Licensee is a licensed real estate broker or appraiser who chooses NOT to join the Boulder Area Realtor® Association (BARA), and who is affiliated with a Designated Realtor® or real estate firm that holds membership in BARA.

2. Additional Responsibilities of the DR with Non-Member Licensees assigned to his/her broker's license: Whenever a Designated Realtor® agrees to accept Non-Member Licensees into the firm, that DR member has taken upon him/herself the following additional obligations:

a. Full responsibility for the actions of that Non-Member in connection with violations of the Association's Bylaws, Code of Ethics and any other rules of operation of the Association.

b. Additional personal dues liability with respect to Non-Member Licensee calculated at a rate equivalent to that which would be paid by a Realtor® Member of the Association.

See Article X, Section 2 of the BARA Bylaws for the detailed explanation of this additional dues liability.

3. Non-Members' Services, Responsibilities, Restrictions and Exemptions: The courts have upheld the general principle that a Designated Realtor® can be required to pay additional personal dues with respect to any licensed real estate brokers affiliated with his/her firm recognizing, among other factors, that such Non-Members will have access to Association services, including Association owned MLS services, provided to the Designated Realtor® and his/her firm.

Included below are some of the services, limitations and exceptions that apply to Non-Member Licensees in general:

a. A Non-Member Licensee is not a member of the Association and cannot be required to attend education and orientation courses.

b. A Non-Member Licensee is not subject to the Code of Ethics, but this does not relieve his/her Designated Realtor® of any liability or responsibility under the Code of Ethics for his/her actions.

c. A Non-Member Licensee may not use the term “Realtor®” on his/her stationery or business cards or in any way indicate that s/he is a Realtor® Member of BARA.

d. A Non-Member Licensee cannot demand or request general privileges and benefits of BARA membership, including the right to attend Membership Meetings, the right to attend educational classes and seminars limited to members only, the right to access educational and resource materials from the Association offices, or the right to use Association library facilities, the distribution boxes, or the computer.

e. Notwithstanding the above, a Non-Member Licensee is entitled, however, to have full access to the Multiple Listing Service of Association, including access to computerized information and to any MLS publications provided by the Association to the firm with which the Non-Member is affiliated. In such instances, a Non-Member would be bound by the Multiple Listing Service Rules of operation in that s/he is acting specifically on behalf of the Designated Realtor® who is the Participant in the MLS. The Designated Realtor® will be responsible for any violations of said MLS Rules by the Non-Member. A Non-Member is further entitled to solicit property listings, to have his/her name appear on the listing, and to cooperate with other real estate brokers in the sale of any listing filed through the MLS.

f. A Non-Member Licensee is entitled to access any BARA publication provided to the Designated Realtor® or Realtor® firm with which s/he is affiliated, which affects his/her ability to carry out the business of real estate.

g. A Non-Member Licensee is entitled to access any MLS computer terminal in the real estate office that he/she is affiliated, including access to property records/deed transfer information as available to the membership at large.

The Association cannot require that Non-Member Licensees join as members of the Association, but this limitation does not in any way restrict the rights of the Designated Realtor® Member to establish an internal policy requiring BARA membership.

Non-Member Licensees do not pay application fees nor can they vote in any elections or influence the policy and procedures of the Association.

4. Non-Member Licensee Joining the Realtor® Association:

a. **Joining as a Member:** A Non-Member Licensee may at any time make application for membership in the Association by carrying out the following:

- Completion of an application form and approval by the Board of Directors.
- Payment of an application fee in full as assessed by BARA.

- Payment of dues in full.
- Completion of all courses as prescribed in the Board/Association Bylaws.

b. Can Convert from Non-Member Licensee to Realtor®: To encourage membership, Non-Member Licensees may receive credit for any BARA, CAR and NAR dues paid on his/her behalf by his/her Designated Realtor®, including the equivalent of such monies paid by him/her to the Designated Realtor® to offset the dues paid by the Designated Realtor®. This means that if a Non-Member Licensee decides to join BARA as a Realtor® Member, prior to the next billing period, then that Non-Member will only have to pay application fees and the proportional amount of any additional dues owed.

c. Non-Member Licensees Changing Firms: A Non-Member who changes real estate offices during the year will face a problem, however, in that credit will not be given for additional personal dues paid by the original Designated Realtor® and the new Designated Realtor® will be assessed again.

Remember that Non-Member Licensees are not members of the Association. They pay no dues directly to the Association and are only part of the Designated Realtor®'s personal dues liability.