

**MEMBERSHIP QUALIFICATION CRITERIA OF THE NATIONAL ASSOCIATION  
(FOR APPLICANTS FOR REALTOR® AND REALTOR-ASSOCIATE® MEMBERSHIP  
WHO ARE OTHER THAN SOLE PROPRIETORS, PARTNERS, CORPORATE  
OFFICERS, OR BRANCH OFFICE MANAGERS IN A REAL ESTATE FIRM).**

The following criteria of membership are identical in purpose with the Membership Criteria for REALTORS® who are principals in a real estate firm. They are the most rigorous qualifications which may be required by a Board of REALTORS® in the consideration of applicants for REALTOR® Membership who are other than sole proprietors, partners, corporate officers or branch office managers of real estate firms and applicants for REALTOR-ASSOCIATE® Membership. These were developed by the Membership Committee of the National Association to provide "reasonable and nondiscriminatory written requirements for membership." The Board may elect to adopt all, some, or none of the Criteria, but those which are adopted must be included in the Board's Bylaws. The following Criteria and explanatory notes have the approval of legal counsel, National Association, and were approved by the Board of Directors of the NATIONAL ASSOCIATION OF REALTORS® in November, 1974, and amended in 1983, 1990 and 1996.

Applicants for REALTOR® Membership who are other than sole proprietors, partners, corporate officers or branch office managers of a real estate firm or applicants for REALTOR-ASSOCIATE® Membership may be required to supply satisfactory evidence that they have:

**1. A VALID REAL ESTATE LICENSE (AND ARE ACTIVELY ENGAGED IN THE REAL ESTATE BUSINESS AND ITS RECOGNIZED BRANCHES).**

**Explanation:** "A valid real estate license" is intended to mean that applicants for REALTOR® Membership who are other than sole proprietors, partners, corporate officers or branch office managers in a firm engaged in the real estate business must maintain a current, valid real estate broker's or salesperson's license or must be licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property.

The term "actively engaged" in business contemplates that the licensed or certified applicants will have an office for the conduct of real estate business and shall hold themselves out to the public as being actively engaged in the real estate business, and shall actively seek and service real estate business. It does not contemplate that applicants must devote all or even a majority of their time to the real estate business or derive any particular percentage of their income from such business. It does not contemplate that applicants shall have no other job or occupation.

Where question arises as to whether or not applicants are "actively engaged" in the real estate business, they shall be given the opportunity to present evidence concerning the actual and intended scope of their business activities. In the event any applicant for membership is rejected on the basis of failure to be "actively engaged," the Board should promptly seek a declaratory judgment from a court of competent jurisdiction affirming the propriety of such rejection.

**2. EMPLOYED BY OR AFFILIATED WITH A REALTOR® AS AN INDEPENDENT CONTRACTOR.**

**Explanation:** The basic qualification is employment or affiliation with a REALTOR®. The qualification is met by individuals regardless of whether they operate out of the principal office of the REALTOR® or a branch office.

**3. MUST MAKE WRITTEN APPLICATION FOR REALTOR® OR REALTOR-ASSOCIATE® MEMBERSHIP IN THE BOARD.**

(Such application must be a voluntary act by applicants, and cannot be a requirement of the Board.)**Explanation:** The Board may not require that salespersons affiliated with a REALTOR® be Members of the Board. Neither can the Board require that the REALTOR® have such a requirement.

#### **4. MEMBERSHIP FILE.**

**Qualification:** Associations may, at their discretion, consider the following in determining an applicant's qualifications for membership:

1. All final findings of Code of Ethics violations and violations of other membership duties in any other association within the past three (3) years
2. Pending ethics complaints (or hearings)
3. Unsatisfied discipline pending
4. Pending arbitration requests (or hearings)
5. Unpaid arbitration awards or unpaid financial obligations to any other association or association MLS

"Provisional" membership may be granted in instances where ethics complaints or arbitration requests (or hearings) are pending in other associations or where the applicant for membership has unsatisfied discipline pending in another association (provided all other qualifications for membership have been satisfied). Associations may reconsider the membership status of such individuals when all pending ethics and arbitration matters (and related discipline) have been resolved or within six months from the date that provisional membership is approved if such matters have not been resolved. Provisional members shall be considered REALTORS® (or REALTOR-ASSOCIATES®, if applicable) and shall be subject to all of the same privileges and obligations of REALTOR® or REALTOR-ASSOCIATE® membership.

If a member resigns from another association with an ethics complaint or arbitration request pending, the association may condition membership on the applicant's certification that he/she will submit to the pending ethics or arbitration proceeding (in accordance with the established procedures of the association to which applicant has made application) and will abide by the decision of the hearing panel.

#### **5. SIGNIFIED THEIR INTENTION TO ABIDE BY THE NATIONAL ASSOCIATION OF REALTORS® CODE OF ETHICS.**

#### **6. SIGNIFIED THEIR INTENTION TO ABIDE BY THE CONSTITUTION, BYLAWS, POLICY AND RULES AND REGULATIONS OF THE LOCAL BOARD, THE STATE ASSOCIATION, AND THE NATIONAL ASSOCIATION OF REALTORS® .**

**Explanation:** By such agreement in the application, applicants assume a continuing membership obligation.

#### **7. COMPLETED THE BOARD INDOCTRINATION COURSE.**

**Explanation:** It is presumed that the Indoctrination Course to be completed as a prerequisite for membership is confined to the subjects of the Constitution, Bylaws, policies, rules and regulations of the local Board, State Association, and the National Association as well as the Code of Ethics of the National Association. It is not contemplated that completion of the Indoctrination Course covering topics included in the licensing examination will be required for qualification.

**8. Associations may require that applications for membership submitted by non-principal brokers, sales licensees, and licensed or certified appraisers are "acknowledged" by a REALTOR® who is a sole proprietor, partner, corporate officer, or branch office manager of the firm.**

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APPLICANT

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DATE