

GOLDEN ISLES ASSOCIATION OF RELATORS®
CIRCLE OF EXCELLENCE
RULES & REGULATIONS
Revised 2018

PURPOSE

The purpose of the Circle of Excellence is to recognize those members of the Golden Isles Association of REALTORS® who have excelled in residential real estate sales, property management or commercial sales and leasing during a “qualifying year”.

1. QUALIFYING YEAR/MEMBERSHIP YEAR

- A. Qualifying Year – Consists of a full calendar year beginning January 1 and running through December 31st of each year.
- B. Membership Year – The twelve (12) month period beginning on the day of the award presentation.

Please note, the qualifying year is the year prior to the membership year. i.e., the 2018 qualifying year is for membership in the 2019 Circle of Excellence.

2. WHO IS ELIGIBLE

All licensed and commissioned brokers and salespersons of any real estate broker who are both licensed by the Georgia Real Estate Commission and a member of the Golden Isles Association of REALTORS® are eligible for membership. Please note, salaried Property Managers are not eligible.

3. MEMBERSHIP AWARDS

- 3.1 **Active Status** – Members who qualified with the minimum required sales or more for their membership category during the qualifying year.
- 3.2 **Life Status** – Members who have been elected as an active Member of the Circle of Excellence for three successive years or for any five years.
- 3.3 **Oglethorpe Status**– The Oglethorpe Award is given to those who have been active members of the Golden Isles Circle of Excellence for a total of ten years. The ten-year period does not have to be successive years.

Note: Members who have attained Life Status or Oglethorpe Status may maintain their membership in the Golden Isles Association of Realtors Circle of Excellence in years where the member does not attain the minimum sales requirements by turning in a Circle of Excellence application and paying the annual dues.

4. MEMBERSHIP CATEGORIES

4.1 RESIDENTIAL LISTINGS AND SALES

A residential real estate transaction is closing on the sale of one of the following property types:

- A. Single Family Residence
- B. Condominium
- C. Fee Simple townhome
- D. Multi-Family up to 4 units
- E. Residential Building lot
- F. Farmland or acreage if marketed as residential in the GIAR MLS.

4.2 COMMERCIAL SALES AND LEASING

A Commercial real estate transaction is any real estate transaction not defined as residential.

- A. Shopping Centers
- B. Strip Malls
- C. Medical & Educational buildings
- D. Hotels
- E. Offices
- F. Apartment buildings
- G. Manufacturing buildings & property
- H. Warehouses
- I. Any Property zoned commercial or industrial
- J. Management and/or Leasing of the above types of property.
- K. Farmland or acreage that is listed in the GIAR MLS as commercial property.

4.3 PROPERTY MANAGEMENT

- A. Long-term residential property leasing.
- B. Short-term/vacation rentals
- C. Property management
- D. Home Owner Association Management
- E. Commercial Management/Leasing

5 **HOW TO QUALIFY FOR ACTIVE STATUS FOR EACH CATEGORY OF THE CIRCLE OF EXCELLENCE**

5.1 **RESIDENTIAL SALES AND LISTINGS**

A. During the qualifying year, or portion thereof, candidates must earn a minimum of \$3,000,000 in sales credit as defined in Section 4.1 and have a minimum of six closed transactions during the qualifying year. Please see sections 6 and 8 for further details on qualification.

B. A Residential Sales and Listings Applicant may apply for membership in the Circle of Excellence even though a portion of the Applicant's Circle of Excellence Volume is commercial sales and leasing. However, to be eligible for membership in the Residential Circle of Excellence, an applicant's Circle of Excellence Volume must be at least 75% residential.

5.2 **COMMERCIAL SALES AND LEASING**

A. During the qualifying year, or portion thereof, candidates must earn a minimum of \$3,000,000 in sales credit as defined in section 4.2 and have a minimum of six closed transactions during the qualifying year. Please see sections 7 and 9 for further details on qualification.

B. A Commercial Sales and Leasing Applicant may apply for membership in the Circle of Excellence even though a portion of the Applicant's Circle of Excellence Volume is residential. However, to be eligible for membership in the Commercial Circle of Excellence, an applicant's Circle of Excellence Volume must be at least 75% commercial.

5.3 **PROPERTY MANAGEMENT**

A. During the "qualifying year", or a portion thereof, collect on behalf of the company a minimum of \$70,000 in Gross Management fees and/or Commissions. In the event a REALTOR® assumes management responsibilities after the start of the "qualifying year" that REALTOR® may only claim management fees for the time frame in which he/she is actively involved.

6. RULES FOR CALCULATING CIRCLE OF EXCELLENCE VOLUME CREDIT FOR SALES:

- A. The effective credit date for sales transactions shall be the date on which title is passed.
- B. If more than one individual (either within the same firm or with different firms) represents the same party within any sale or lease, the Circle of Excellence Volume credit allowed to that party's agent shall be in the same proportion as the percentage of the commission or contingent fee paid to the individuals representing that party. Example: If two agents from the same firm represent the seller and close a \$2,000,000.00 transaction, each individual will be able to claim \$1,000,000.00 on the transaction summary form (assuming the commission split is 50/50). The percentage of commission claimed is in direct proportion of the commission split i.e., 50/50, 60/40 etc.
- C. Circle of Excellence Volume is not assignable and is not transferable. If a transaction has two or more Agents/Brokers involved and one or more of the Brokers do not submit the transaction for Circle of Excellence Volume, the Broker who does submit the transaction can only claim the percentage of the volume that matches the Broker's portion of the commission or contingent fee paid. In every submitted transaction, the Circle of Excellence Volume claimed by each Broker shall reflect the actual percentage participation in the commission or contingent fee paid.
- D. In the event of an exchange or in the event there is no fixed or stipulated sales price (as in the case of an exchange), then the value used to determine the commission shall be the value used to calculate Circle of Excellence volume.
- E. If a transaction is completed, but the brokerage commission has not been paid due to an unresolved dispute, then the Broker may not claim credit for the transaction until such dispute is resolved and the commission is paid. In such case, the Broker shall take credit for the transaction in the year the commission is paid.
- F. No Circle of Excellence Volume credit shall be allowed for any transaction for which the commission or brokerage fee paid is not reflected on a closing statement, lease agreement, valid commission agreement or disclosure statement.

7. RULES FOR CALCULATING CIRCLE OF EXCELLENCE VOLUME CREDIT FOR COMMERCIAL LEASES:

- A. Full credit will be allowed during the year the lease is fully executed by all required parties during the qualifying year. Value of a commercial lease is the cumulative value of all rents paid during the term of the lease. This can only be taken the year the lease is executed.
- B. No Circle of Excellence Volume credit shall be allowed for any transaction for which the commission or brokerage fee paid is not reflected on a closing statement, lease agreement, valid commission agreement or disclosure statement.
- C. It is acceptable for two individuals within the same real estate company to represent different parties in a transaction and thus each claim full credit for the lease transaction. In no event may an individual claim more than the transaction value for a single transaction. (Explanation: An individual representing both parties in a transaction, may not claim credit for representing the Buyer (full transaction value) and claim credit for representing the Seller (full transaction value), thus receiving two times the full value.)
- D. If more than one real estate company participates in any one lease on behalf of the same party (two firms represent the Tenant or have a joint listing) the Circle of Excellence credit for each company will be in direct proportion to the division of the commission payable to the firms representing the same party to the lease.
- E. In a lease transaction credit is given in the year expansions, renewals or options are executed.

8. RULES FOR CALCULATING CIRCLE OF EXCELLENCE VOLUME CREDIT FOR PROPERTY MANAGEMENT:

- A. In the event that more than one REALTOR® works together and has joint management responsibilities; the collective Gross Management Fees/Commissions will be divided equally among these REALTORS®. Each REALTOR® to qualify for membership would then have to be credited with a minimum of \$70,000 in Gross Management Fees/Commissions individually. Example: 1 REALTOR® - \$70,000 minimum required; 2 REALTORS® - \$140,000 minimum required; 3 REALTORS® - \$210,000 minimum required.
- B. When property management responsibilities are specifically allocated to individual REALTORS® within a company, credit for Gross Management Fees/Commissions collected will be credited separately.

9. EARNING CREDIT FOR CIRCLE OF EXCELLENCE

9.1 Qualifying Properties

A. In order for a property to qualify for listing and/or selling credits on the Circle of Excellence application, the property must be available for cooperation to all members of the Golden Isles Association of REALTORS® and the Golden Isles Multiple Listing Service to sell. (For example: a company development that is not available to all members of the MLS.)

B. To qualify for the Golden Isles Association Circle of Excellence, 50% of an applicant's residential and/or commercial transactions must be from the natural market area (Jurisdiction: Glynn and McIntosh Counties) and Camden, Brantley, Wayne, Liberty, and Long (these counties share a border with our jurisdictional counties and we consider them to be in our natural market area).

C. For commercial, out of area or unlisted transactions the listing, sale or lease must be entered into the GIMLS within 30 days of the execution of the lease or closing. Residential sales that are out of the area will also need to be entered into the GIMLS within 30 days of the closing of the sale

Out of area qualifying commercial properties, that sold or were leased, or residential sales that occurred in 2018 and are listed on an individual's application for membership in the 2019 Circle of Excellence Club shall be entered into the GIMLS on or before December 31, 2018.

9.2 Earning Credit

A. Only those REALTORS®/Brokers who submitted a listing to the MLS, or on listings not in the MLS, was the sole party responsible for marketing the listing may claim credit for it. REALTORS® claiming credit on properties not submitted to the MLS must be able to show proof of compensation if requested.

B. No listing credit will be allowed whatsoever for sharing in a "Company Listing".

C. When a broker/REALTOR® purchases property for himself or herself, credit can be claimed as the selling agent. When a broker/REALTOR® lists property he or she owns for sale, he or she may claim the listing side of the credit when it is sold under that listing. If a REALTOR® lists and sells his/her own property, he/she are entitled to 100% credit (NOT 200%).

D. Commissions Earned in the Capacity of a Manager cannot be credited, unless the manager receives part of what would normally be considered the REALTORS® commission and is hereby acting in a capacity similar to a cooperating REALTORS®. In such case, the credits shall be pro-rated, as is the commission. All credits shall go to the person acting in the capacity of a REALTOR®.

E. Full credit will be allowed in the year of closing of a transaction where an installment commission exist.

10. GENERAL RULES/GUIDELINES

A. By virtue of application to the Circle of Excellence, an applicant and their broker agrees to all rules, regulations, and criteria set forth in their entirety.

B. The following sanctions are optional and one (1) or more may be applied when a participant has been found in violation of these Rules and Regulations by the Circle of Excellence:

- i. Letter of warning with a copy to be placed in Participant's file.
- ii. Letter of reprimand with a copy to be placed in Participant's file.
- iii. Appropriate and reasonable fine not to exceed \$1,000.
- iv. The applicant's/member's and the broker's current membership in the Circle of Excellence shall be terminated immediately. The applicant/member and the broker will be ineligible for membership in the Circle of Excellence for a period of three (3) qualifying years (i.e., if your membership is terminated in February, 2000, then you could not apply for membership until December 2003, for membership in the 2004 Club Membership of individual suspended for a stated period not less than one (1) year nor more than three (3) years, with automatic reinstatement of membership in good standing at the end of the specified period of suspension (decision Letter should be written clearly articulating all intended consequences).
- v. Expulsion from Membership with no reinstatement privilege (decision should be written clearly articulating all intended consequences).

C. The Circle of Excellence Committee shall give consideration to all written complaints having to do with violations of the Rules and Regulations

D. If the alleged offense is a violation of the rules and regulations of the Circle of Excellence and does not involve a charge of alleged unethical conduct it may be administratively considered and determined by the Circle of Excellence Committee and if a violation is determined, the Committee may direct the imposition of sanction. The recipient of such sanction may request a hearing before selected members of the Board of Directors within twenty (20) days following receipt of the Committee's decision. The hearing panel, made up of 3 or 5 board of director members, will be selected by the

current President of the GIAR BOD

The decision of the Board of Directors hearing panel may be appealed by the sanctioned member. Any appeal of the decision of the initial hearing panel of the Board of Directors may be appealed to the Board of Directors of the Golden Isles Association of REALTORS® within twenty (20) days of the Board of Directors' original hearing panel's decision.

The appeal hearing panel will be made up of three or five different members of the Board of Directors as selected by the current President of the Board of Directors.

E. All complaints of unethical conduct shall be referred by Committee to the Golden Isles Association of REALTORS® for appropriate action in accordance with the professional standards procedures established in the Association's Bylaws.

F. The decisions of the Circle of Excellence and as ultimately determined by the Golden Isles Association of REALTORS® Board of Directors regarding all applications are final.

G. Membership in the Circle of Excellence is contingent upon good standing in the local Association. If for any reason a member of the Circle of Excellence ceases to be a member of the local Association, then membership in the Circle of Excellence is automatically terminated and all rights and privileges are revoked.

H. The Circle of Excellence has been established and is sponsored by the Golden Isles Association of REALTORS®, and all actions of the Club shall be subject to the approval of its Board of Directors. The Board of Directors of the Golden Isles Association of REALTORS® reserves the right to dissolve the club at its discretion.

I. Only current dues-paying members of the Golden Isles Association Circle of Excellence are authorized to use the Circle of Excellence or Life-Status Circle of Excellence seal adopted by the Board of Directors of the Golden Isles Association of REALTORS®. This applies to use on business cards, pins, and any other form of advertising during the membership year.

J. Any member of the Circle of Excellence that uses the Circle of Excellence logo or refers to the Circle of Excellence in any advertising, in a particular qualifying year, must then use the Circle of Excellence guidelines for qualifying for calculating sales in any and all advertising that quotes personal or company sales volumes during that qualifying year, even if the Circle of Excellence logo or name is not used in that particular ad. (i.e. If a member has the logo on any ad in March then they must use the same guidelines for calculating their sales production as the Circle of Excellence in an ad they run in August, even if they do not include the logo in that particular ad.) Any ad is intended to include, but not limited to, business, cards, personal ads, sign ads and all other ads.

K. The Circle of Excellence Committee shall be authorized to set an application fee, at its discretion. Collected fees to be used at the discretion of the Committee.

L. It shall be the duty of the Circle of Excellence Committee to review all applications submitted. The Circle of Excellence Committee, along with any Board of Director members of the Golden Isles Association of REALTORS®, will be considered the review committee.

11. Make-up of the Circle of Excellence Committee

- A. There will be a standing Circle of Excellence Committee of at least 12 members.
- B. Members must be current members of the Circle of Excellence with the majority being Life status.
- C. The members shall be appointed, as required, by the President, subject to approval by the Board of Directors.
- D. The initial term, all terms will be as follows: 1/3 - 3 years, 1/3 - 2 years, 1/3 - 1 year. After the initial term, all terms will be for 3 years.
- E. The committee shall annually select its own Chairman and Vice Chairman (or, alternatively, the President shall annually designate the Chairman and Vice Chairman of the committee).
- F. All changes to the Rules/Regulations that govern membership in the Circle of Excellence shall first be approved by the Circle of Excellence Committee and then the Board of Directors.
- G. Term limits for the Chairman of Circle of Excellence shall be no more than four years.
- H. If at all possible, the Committee shall consist of equal representation from the islands, the Brunswick area and jurisdictional counties.