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## **POLICY AND PROCEDURES MANUAL**

Revised 01/11

# Table of Contents

Introduction.....	4
Independent Contractors.....	4
Absence/Unavailability .....	5
Property Management .....	5
Mobile Homes.....	5
Timeshares .....	5
Commercial Transactions .....	5
Discrimination.....	5
Office Facilities.....	6
Office Key and Alarm Policies .....	6
Agency.....	6
Listing Policy .....	6
Broker Advertising .....	6
Listing Protection .....	7
Escrow .....	7
Standard Contracts .....	7
Listing and Sales Administration.....	8
Transaction Support .....	8
Listing Compliance Processors.....	8
Sales Compliance Processors.....	9
Post-Closing Procedures.....	9
Rental Reimbursements.....	9
Commissions (Also refer to Commission Matrix).....	9
Negotiated Commissions .....	10
100% Commission Plan.....	10
Personal Transactions .....	11
New Construction/Condo Conversions .....	11
Referral Policy .....	11
External Referral Policy .....	11
Internal Referrals.....	11
Company Generated Referrals.....	11
Agent Support .....	12
Coral Shores Realty Website .....	12
Problem Resolution Protocol.....	12
External.....	12
Florida Association of Realtors (FAR) Legal Hotline .....	12
Floridarealtors.org .....	12
Board of Realtors .....	12
Internal.....	12
Email.....	12
Direct Contact .....	12
Agent Information Broadcast.....	13
Yard Sign Procedures.....	13
Affiliated Company Disclosures .....	13

E&O Claims .....	13
Commission Disputes/Arbitration/ Non-E&O Claims .....	13
Professional Association (PA) Designation.....	13
Company Holidays .....	14
Confidentiality .....	14

## Introduction

This policy manual has been developed to assist our Agents in performing their respective duties and to clarify the Company's responsibilities to our Agents. It is important that our Agents continue to remain informed as to Company policies and procedures and, for that reason, we have posted all up-to-date information on our website, [www.coralshoresrealty.com](http://www.coralshoresrealty.com) in the Agent Login section at the bottom. Agents will also be notified via e-mail of pertinent changes or Company updates so it is critical that e-mail is checked frequently. If for some reason an Agent is not receiving regular e-mails from Coral Shores Realty, please contact the Human Resources Department so that we may update our records accordingly.

Coral Shores Realty generally hires experienced Agents or new licensees with extensive experience in a real estate related field. The Company strictly adheres to the National Association of Realtors Code of Ethics. Any Agent found to lack fundamental experience/skills may be relieved of their transactions for cause, may forfeit their commission to the brokerage and may be immediately terminated.

The Company may permit an Agent to "sponsor" a new or non-experienced licensee on a case by case basis. If such an arrangement is approved, a written addendum will be attached to the new Agent's Independent Contractor Agreement which specifies the mentor relationship, responsibilities and any modifications to the normal commission split.

All new Agents will go through an orientation process. At that time, Agents are introduced to Company personnel who are responsible for support and office systems. Please take the time to thoroughly review this and all other documentation provided in your initial Agent Package. For a complete list of all Company personnel and duties, please refer to the "Employee Phone List" on the Company website. Every agent must complete a Mandatory Orientation Exercise within one week of joining the company and as deemed necessary at the Company's discretion.

## Independent Contractors

As Independent Contractors, Agents are not required to do floor time or required to attend any sales meetings.

All Agents are Independent Contractors and are responsible for all their own business expenses such as advertising, business cards, yard sign installation cost, lockboxes, open house signs, MLS & licensing fees, etc. In the event the Company incurs any expenses on behalf of the Agent, the Agent agrees to reimburse the Company immediately upon presentation of any invoices. Agents are required to sign a Credit Card Authorization Form (see Agents Forms) upon joining the company to ensure the timely collection of Agent expenses, such as: association fees, fines, advertising, yard signs, late documentation fees, etc. Agents must be diligent and current when submitting their credit card authorizations to the accounting department.

## **Absence/Unavailability**

Agents who are leaving the area due to family emergency, vacation, etc. or otherwise unavailable to conduct their business, must employ the services of another Coral Shores Realty Agent in his/her absence. Additionally, Agents must inform their Sales Compliance Processor of their absence and the name of the Coral Shores Realty Agent managing their business. When the Company has been unable to reach an Agent within one business day, the Company will reassign the transaction until the Agent becomes available and will collect an additional 25% of the commission.

## **Property Management**

Coral Shores Realty Agents are prohibited from engaging in any form of property management.

## **Mobile Homes**

Coral Shores Realty can only sell mobile or manufactured homes when the sale includes the land. The sale of mobile homes without land requires a dealer's license, therefore; are prohibited for CSR Agents.

## **Timeshares**

Agents are not permitted to list timeshares. Due to the unique nature of timesharing, Coral Shores Realty does not market this form of real estate.

## **Commercial Transactions**

Coral Shores Realty Agents are never permitted to practice any form of real estate outside their area of competence, as directed by Article 11 of the Code of Ethics. Prior to engaging in any commercial transaction, Agents must submit a resume to the General Manager which defines their commercial expertise. Agents without commercial expertise, who have the opportunity to be involved in a commercial transaction, are required to team up with an experienced company commercial agent. E&O Insurance does not permit business-only transactions.

All Commercial Agents are required to be a member of a Commercial Board.

## **Discrimination**

Coral Shores Realty is fully committed to fair and equitable treatment of agents, employees, customers and the public at large. Coral Shores Realty has a zero tolerance policy towards discrimination. The Company requires the strictest adherence to all laws and ordinances to provide the greatest protection of civil rights including but not limited to the Civil Rights Act of 1866, the Fair Housing Act (Title VIII of the Civil Rights Act of 1968), the Americans with Disabilities Act, the Florida Landlord and Tenant Act, the Equal Credit Opportunity Act (ECOA), the Truth in Lending Act and Regulations and the Real Estate Settlement Procedures Act of 1974 (RESPA). Management, agents and employees must at all times treat customers, the public and each other with the utmost respect, dignity and fairness in the spirit of the intent of the laws above.

## **Office Facilities**

The Company will strive to provide adequate office facilities, whenever possible, and Agents will be permitted to use copy machines, fax machines, computer stations, phones, receptionist and conference facilities, at no additional charge to the Agent. Agents should limit the use of computer stations to one (1) hour and are expected to give up this space when necessary to accommodate other Agents. Agents are not permitted to leave personal items unattended at any desk. The underlying company philosophy is to “Use But Not Abuse Office Privileges.” Furthermore it is expected that all Agents have a home office, with internet, email address, and fax capability to allow them to conduct their business.

In some offices, there may be rentable desk and/or office space. Should you desire preferential office space please speak with management.

Conference rooms may be reserved up to a week in advance with the respective receptionist for up to two (2) hour meetings.

## **Office Key and Alarm Policies**

Please treat our offices as you would your own home and respect our facilities. Office access is available to all Agents 24/7; however, please adhere to the following regulations:

- You must lock and secure all office doors if you are the last to leave.
- You must turn off all lights and power down copiers, coffee pots, etc.
- Re-set the alarm system (when applicable).
- You accept responsibility for any loss or theft due to negligence.
- There is an office key deposit fee of \$100 should you want a key. Upon termination, the key must be returned and the key deposit will be returned to agent.

## **Agency**

All Coral Shores Realty Agents are required to represent their customers as “Transaction Brokers.” Single agency is not authorized without specific pre-authorization in writing from the Broker. Agents, who are representing their buyers in a “For Sale By Owner” contract, must present the seller a “No Broker Relationship Disclosure” immediately. Agency disclosure should be signed and dated by the second meeting or first showing; whichever comes first. A broker relationship that has a signature dated after the effective contract date is a clear violation of FS 475. The dates and signature are closely audited by the Division of Real Estate. If the customer refuses to sign the disclosure, the Agent must note this on the disclosure, date it and present it to the customer and include this with other required documents when submitting them to the Company.

## **Listing Policy**

### **Broker Advertising**

The Brokerage reserves the right to advertise any company listing at company expense. If the company sponsored advertisement generates a prospective customer, the company may refer that prospective customer to any Coral Shores agent with the expectation of a referral fee.

## **Listing Protection**

Other than Broker advertising, all inquiries received from buyers or other Realtors will be immediately forwarded to the listing Agent. No other Agent will be able to interfere with another Agent's listing contacts. Coral Shores Realty staff is not permitted to provide showing instructions; all inquiries are forwarded to the listing Agent who is responsible for that listing.

The minimum listing term of all listings is 3 months but may be cancelled anytime at the discretion of the Agent.

The minimum co-op commission when offered on the MLS is 2.0% to the co-op agency. (Commercial Listings exempt)

Listing commissions are negotiable. Refer to Commissions paragraph for specifics.

Upon termination of an Agent, listings maybe transferred with them to their new broker (except listings already under contract).

All listing agreements must be signed by all persons who have an ownership interest as evidenced by a deed, title policy, closing statement or other type instrument.

## **Escrow**

Coral Shores Realty does not maintain an active escrow account. Instruct your buyers to make their escrow checks payable to either Nexstar Title and Escrow (our in-house title company) or any other third party of choosing (attorney, Title Company). Agents are still responsible for assuring that all escrow deposits are made in a timely fashion. All initial deposits must be submitted for deposit by the next business day and all additional deposits must be submitted according to the date specified in the sales contract. Additionally, agents must submit a written request (Receipt of Escrow Form) to the Title Company or attorney to provide written verification of receipt of the deposit. A copy of the Receipt of Escrow Form must also be faxed to your Sales Processor, via the CSR fax server, with the other initial sales documents, in accordance with the Required Document Checklist. If the form is not received, you will receive a \$25.00 service fee. Time is of the essence. Agents must make forward copies of escrow checks to the Agent's Sales/Rental Compliance Processor. Failure to follow correct procedure will result in severe consequences and possible repercussions with FREC.

## **Standard Contracts**

Coral Shores Realty uses standard FAR contracts. Contracts used by Coral Shores Agents are listed as on the "Authorized Contract List" on the company website. These contracts should be submitted together with required documents in accordance with the Coral Shores Realty "Required Documentation Checklist." Agents must print contracts from [www.floridarealtors.org](http://www.floridarealtors.org) or [www.coralshoresrealty.com](http://www.coralshoresrealty.com) and always ensure they are using the most current version. To minimize potential liability, agents should diligently review the forms library on [www.floridarealtors.org](http://www.floridarealtors.org) and avoid using photocopies or previously saved forms.

## **Listing and Sales Administration**

The Brokerage is required by FS 475 to supervise all transactions. Failure to supervise agents and transactions is a serious violation and jeopardizes the broker's license. The brokerage is required to produce any listing or sales file upon demand whenever the Department of Business of Professional Regulation (DBPR) requires. Listing and sales files must be received within two (2) business days of the effective date of the listing or sales/rental contract. Coral Shores Realty shall assess a \$250.00 fine to any agent when a sales or listing file is late. Late rental lease or rental listing files will be assessed \$50.00. Repeated late files may result in termination of the Agent and could require the Broker to report the agent to Department of Business of Professional Regulation (DBPR) for further action. Coral Shores Realty will send a receipt by email to the Agent when a file is received.

## **Transaction Support**

The Company provides highly skilled Sales and Listings Compliance Processors who play a critical role in your success by ensuring all transactions are in compliance with FREC and Company standards. The Company receives all agent documents directly into a paperless archive. It is essential that agents fax documents as instructed: The Sales/Rental Fax Cover Sheet and the Listing Notice, both located on [www.coralshoresrealty.com](http://www.coralshoresrealty.com), provide the accurate fax numbers to submit documents (the fax number for listings is different than for sales/leases). The listing and sales departments are separate and documents must be submitted to the respective department.

## **Listing Compliance Processors**

Listing Compliance Processors are responsible for ensuring that each listing file submitted via fax is in compliance with FREC and Company standards. In addition they are also responsible for entering listing data into the MLS for those Agents who are not authorized to do so. Agents may enter their own listings following the successful completion of a Company listing exam and signed acknowledgement of their responsibilities. Agents failing to submit complete and timely files or violating MLS listing regulations will have their data entry privileges suspended or revoked. Agents must submit all listing documentation in accordance with the "Required Documentation Checklist" found in the Agents Only section of [www.coralshoresrealty.com](http://www.coralshoresrealty.com). All documentation must be faxed directly to the CSR computer server within 2 business days of the effective Listing Contract date as stated earlier. The Broker will revoke listing data entry privileges in the case of Agent non-compliance.

Fax all Listing documentation to:  
**954-670-0117 or 888-670-0117**

**Always use the company "Listing Notice" as a cover of these documents**

Agents will be notified via email upon receipt of each listing file. If you do not receive a confirmation through your email please contact your processor as soon as possible.

Please ensure that all faxed documents are complete and legible. Listing files that have all required documents completed correctly and received before 9:00 AM on Monday through Friday will be processed and entered into the MLS the same business day. Listing

documentation received after 9:00AM on Friday will be processed and entered into the MLS no later than the end of the next business day.

## **Sales Compliance Processors**

Sales Compliance Processors are responsible for file certification, compliance and quality control for all sales and rentals. A specific compliance processor is assigned to each agent at orientation and is responsible to ensure that all sales and rental files are properly documented and fully executed. Once a property is under contract as a sale or lease, agents must submit all sales/rental documentation in accordance with the “Required Documentation Checklist” found in the Policy and Procedures section of [www.coralshoresrealty.com](http://www.coralshoresrealty.com). All documents should be faxed within 2 business days of the effective contract date.

Fax all Sales documentation to:  
**954-670-0116 or 888-658-1993**

**Always use the company “Sales/Rental Fax Cover Sheet” as a cover of these documents**

Agents will be notified of any changes to these fax numbers via email. If you do not receive a confirmation through your email please contact your processor as soon as possible.

Please ensure that all faxed documents are complete and legible. Sales files that have all required documents completed correctly and received before 9:00 AM on Monday through Friday will be processed the same business day. Sales documentation received after 9:00AM on Friday will be processed no later than the end of the next business day.

## **Post-Closing Procedures**

Agents are responsible to hand deliver, courier or mail to a CSR Branch Office the following documents/items:

- Closing Statement (HUD-1)
- Walk-Through Inspection (CSR buyer or tenant)
- Commission Check(s) (All checks payable to Coral Shores Realty)

**In addition, with a CSR listing, a Listing Notice must be faxed to the listing department which will trigger the MLS status change.**

## **Rental Reimbursements**

When Nexstar Title and Escrow is the escrow agent, rental reimbursements must be faxed to your Sales Compliance Processor before checks can be processed by Nexstar. Agents must allow three (3) business days for this process to be completed. Because Nexstar is the CSR escrow agent, Agents must ensure that deposit checks are written out to Nexstar Title and Escrow. In Florida, personal checks may take up to ten (10) business days to clear. Nexstar may only disperse after funds have cleared. For this reason it is strongly recommended that deposits be Cashier Checks or Money Orders.

## **Commissions (Also refer to Commission Matrix)**

Coral Shores Realty strives to pay commissions in a timely fashion to our agents but agents must make sure that the files are complete and legible. *Missing documentation will delay compensation.* In general, commissions will be paid within 5 business days of the date that

the Sales Compliance Processor receives the final file documents including the closing statement and check(s) payable to Coral Shores Realty (and the file is complete). However, commissions may be paid at closing under certain circumstances.

Coral Shores Realty has an ownership interest in Nexstar Title and Escrow. Commissions will be paid at closing if Nexstar Title and Escrow is utilized as the closing agent. Agents must get authorization from the Sales Compliance Processor to be paid at closing and must notify this processor in writing a minimum of two business days in advance of the closing.

Agents unable to utilize our in-house title company may be paid at the closing table when the closing will occur more than 50 miles from the corporate office (Fort Lauderdale). The Agent's Sales Compliance Processor must have complete files and have received sufficient advance notice of closing (at least 2 business days). Agents must get authorization from their Sales Compliance Processor to be paid at closing.

## **Negotiated Commissions**

The Company realizes that from time to time the Agents may be required to negotiate the real estate commission due to competitive market conditions. This is perfectly acceptable and does not require prior Broker approval; however, our policy with reference to negotiating commissions is as follows:

- Agents are not permitted to advertise in any way that the company is willing to discount, reduce or rebate commissions. This can be done privately between realtor and customer, but never publicly in any media.
- Commission concessions or credits by CSR Agents must appear on the closing statement. When CSR is the Listing Agent, the Cooperating Broker (not the Agent) must sign the commission concession authorization. If this is not signed by the Cooperating Broker the CSR Agent may be liable to pay the Cooperating Broker the conceded commission or credit.
- If the agent has the 90% commission plan, any commission arrangements that result in Coral Shores Realty netting anything less than 10% of 3% of the sales price will be charged back to the agent as a Commission Differential Fee. Alternatively, if you sell another agent's listing and the listing commission provides for a commission to our office for less than 3%, the office will not assess a Commission Differential Fee. Reductions at the closing table or other concessions will not lower the commission basis to determine Company splits.

## **100% Commission Plan**

The Company has a 100% commission plan for those agents desiring to maximize their income. In order to receive 100% commissions, the Agent must have been a 100% agent when the transaction was initiated, as defined as a sales contract or lease, based on the effective date of the contract and must remain a 100% agent without interruption until the transaction closes. The Agent must pay a monthly fee as specified in their Independent Contract Agreement and payment is due no later than the first of the new calendar month. Agents terminating from the company will receive 100% commission on pending transactions provided they maintain monthly payments until the property closes. The Agent will not be eligible to join the 100% plan at any other time of the month other than

the first of the month. The Agent is required to sign an automatic debit authorization form (ACH) which allows the Company to debit the monthly fee by the first of the month. The Agent may opt out of the 100% program at any time but once opted out, will not be allowed to participate again in the 100% commission plan until the next calendar year. If an Agent does not have sufficient funds to cover the ACH debit or opts out of the 100% commission plan, then any pending transactions will be computed at a 90% commission and the Agent will become a 90% commission agent for the remainder of the calendar year.

## **Personal Transactions**

Regarding personal transactions, Agents are not exempted from paying the Company for any commissions due, transaction fees or E&O Insurance. On personal transactions, however, the Agent may receive a credit for their commission at closing, with prior authorization from the Sales/Rental Compliance Processor.

## **New Construction/Condo Conversions**

Files are processed as “New Construction” when they include the documents per the Coral Shores Realty website “Required Document Checklist”. New Construction must not be handled as a referral unless that New Construction is out of state. In addition to commission split (10% or 0%) there is a \$250 processing fee, and a \$40 E&O fee for each New Construction transaction. There will not normally be a late charge for New Construction transactions.

## **Referral Policy**

### **External Referral Policy**

Brokerage Company referrals between Brokerage’s must be in writing. A referral form can be found on the Company’s website. These referrals require Broker signature and the form must be filed with the agent’s Sales/Rental Compliance Processor.

### **Internal Referrals**

Internal referrals between Agents within CSR are negotiable between Agents and must also be established using the Broker referral form agreement found on the Company’s website. For this type of referral the Agent’s signatures will suffice and the form must be filed with the agent’s Sales/Rental Compliance Processor.

### **Company Generated Referrals**

The Company may generate customers through a lead generation program. Agents assigned leads will be assessed a 25% (10% for rentals) additional commission split above their normal commission plan. Details regarding lead generation participation programs may be found in the CSR Agent Only section of the Company website. Relocation referrals generated by Company agreements with relocation services, corporate relocation programs etc. will assess the Agent 10% above whatever the relocation agreement requires the Company to pay. All Referral Forms must be signed by the Broker.

## **Agent Support**

Coral Shores Realty provides multiple layers of support. However, Agents are expected to do their own diligence and be familiar with all of the following support options.

### **Coral Shores Realty Website**

On the website there is a section label “For Agent Only”. This section is full of guidelines, preparation manuals, resource contact information, sample documents, the FAR Sales and Purchase contract preparation manual and requirement files. Please review this regularly.

## **Problem Resolution Protocol**

### **External**

#### **Florida Association of Realtors (FAR) Legal Hotline**

The Agents’ Board dues support a team of highly skilled Attorneys who are available every business day. These Attorneys can be reached either by phone at 407-438-1409 or fax 407-438-1411. Please allow two (2) business days for a response when faxing a question.

#### **Floridarealtors.org**

This website is hosted by the Florida Association of Realtors and provides professional resources, articles, alerts and legal information. The Legal Directory and online Legal Support include a directory of guidance covering wide range of important real estate questions and issues. This is supplemented by frequently asked questions (FAQ’s) and concerns.

#### **Board of Realtors**

Associations and Boards of Realtors exist to support and assist Agents. As professionals, Agents are expected to remain current with their Board’s MLS policies and regulations. Boards are also an excellent resource; offering professional seminars and workshops. The Board of Realtors will provide technical support for MLS issues.

### **Internal**

#### **Email**

This is the preferred communication between Agents and the Principal Broker, General Manager (also a Qualifying Brokers) or Assistant to the General Manager. Agents are responsible to summarize their situation and forward an email to [brokersupport@coralshoresrealty.com](mailto:brokersupport@coralshoresrealty.com). Brokers respond to all e-mail within one business day.

#### **Direct Contact**

For situations that are urgent please contact the appropriate staff member, management or broker by telephone (see Coral Shores Realty website Contact Information). If you have difficulty reaching the appropriate staff member, please call the main office, and dial “0” for the receptionist/operator. The receptionist/operator will record your message and do their best to deliver it to the appropriate staff member.

## **Agent Information Broadcast**

Agents are allowed to broadcast professional information company-wide, such as sales/listing information, by emailing this data to: [forwardagentinfo@coralshoresrealty.com](mailto:forwardagentinfo@coralshoresrealty.com) No attachments are permitted however hyper links are acceptable.

## **Yard Sign Procedures**

All agents are independent contractors and are responsible for their own business expenses including yard sign installation and removal, and repair costs. Coral Shores Realty maintains contacts with sign installation companies to support our agents. Each agent is responsible to order yard signage directly from the sign installation company that has been stocked in advance with Coral Shores Realty yard signs.

Agents located in an area where Coral Shores Realty does not offer sign delivery services should order signs through their branch office or directly from the Coral Shores Realty listing department. Yard signs are available for a refundable deposit. Agent must provide an ACH Form (See Agent Forms) to ensure that expenses are paid promptly.

## **Affiliated Company Disclosures**

Affiliate company disclosures are required when any of the following companies are involved in the transaction. These companies are:

- CSRLending
- Nexstar Title and Escrow
- First American Home Warranty
- Nexstar Realty

The disclosure forms can be found on the company's website and should be presented to the customer prior to employing the services of these affiliates.

## **E&O Claims**

Coral Shores Realty maintains errors and omissions insurance for the purpose of defending both the company and the agent. However the agent is also responsible to defend any legal, administrative, state, federal, or agency actions brought against Coral Shores Realty with regards to any real estate transactions where the Agent was involved. E&O Insurance does not cover Business Transactions with Real Estate involved. For E&O Insurance claims, agents will be responsible to pay any deductible.

## **Commission Disputes/Arbitration/ Non-E&O Claims**

Agent will be fully responsible for any legal and filing fees.

## **Professional Association (PA) Designation**

All PA's are provided IRS Form 1099 from Coral Shores Realty.

## **Company Holidays**

Coral Shores Realty has defined Corporate Holidays where all offices will be closed. Those Holidays are as follows:

- New Years Day
- Memorial Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

## **Confidentiality**

All company information is considered proprietary and strictly confidential and should not be duplicated for the purpose of distribution to third parties.

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Agent's Signature

Date

Updated 1/01/2008