



eXp Realty

Policy and Procedures

These North Dakota Policies and Procedures (“ND P&Ps”) of eXp Realty comprise an integral and material part of the eXp Realty U.S. Policies and Procedures (“eXp P&Ps”), and are expressly incorporated by this reference into the eXp P&Ps in their entirety, verbatim and at length, and constitute a part of the eXp Realty Independent Contractor Agreement (“ICA”) as though fully set forth herein. Unless otherwise defined in these ND P&Ps, capitalized terms used herein shall have the meanings ascribed to them in the eXp P&Ps and the ICA.

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GENERAL NORTH DAKOTA POLICIES

All Agents doing business in the State of North Dakota (ND) with eXp Realty LLC. (“eXp Realty”), are expected to abide by both the eXp Realty U.S. Policies and Procedures (“eXp P&Ps”), located at www.exprealty.com/policies, and these eXp Realty LLC. Policies and Procedures (“ND P&Ps”), To the extent that these ND P&Ps conflict with the eXp P&Ps due to specific North Dakota laws or regulations, these ND P&Ps will govern. If there are any questions about these ND P&Ps or the eXp P&Ps in general, contact the State Broker or Managing Broker(s).

IMPORTANT WEBSITES

[ND Agent Website](#)

[North Dakota Real Estate License and Law](#)

[ND Licensee Responsibilities Chapter 70-02-03](#)

[Chapter 43-23.4 ND Trust Accounts](#)

[North Dakota RE Commission](#)

GENERAL COMPANY INFORMATION

eXp Firm License Number

3206

eXp Physical Addresses:

**4525 White Bear Parkway, Suite 122, White Bear Lake MN 55110 and
3523 45th Street S. Suite 100 Fargo ND 58104**

Note: Agents should not use this address for personal mail.

Workplace

The main point of communication with the Designated Managing Broker (DMB), Managing Brokers (MBs) and State Administrative Staff is in the World and Workplace Chat.

The Newsletter

This is a weekly communication that is sent to the Agent’s email address on file in which Agents are informed about the upcoming events, national trainings, the state calendar and in-person events along with other information.

AGENCY

Dual Agency

North Dakota allows Dual Agency: "Dual agency" means a situation in which an Agent owes a duty to more than one party to the transaction. Circumstances which establish dual agency include the following:

1. when one Agent represents both the buyer and the seller in a real estate transaction; or
2. when two or more Agents, licensed to the same Broker, each represent a party to the transaction.

Appointed Agency

eXp may appoint agents. [Chapter 43-23 State Real Estate Commission](#)

According to ND statute, eXp Realty, through a Designated Managing Broker (DMB), may appoint in writing to a client the Agent or Agents within the brokerage firm who will act as appointed agent of that client to the exclusion of all other Agents within the brokerage firm.

If the DMB appoints an appointed agent for clients of the agency who are, or may be, parties in the same real estate transaction, the DMB and its Agents are not dual agents as to those clients, and there is no imputation of knowledge or information among or between said clients, the real estate brokerage firm, and the appointed agents.

FORMS

Agents are responsible for giving copies of all forms signed by the client at the time of signing or via email or via SkySlope once the file has been opened within 48 hours of execution.

The agency relationship shall be disclosed/discussed as soon as possible with a real estate prospect and prior to any substantial conversation about real estate or any showings of homes that take place.

Agents shall not provide blank copies of any State or Local Association of REALTOR® forms to a non-client or for purposes outside of the transaction in which they are involved.

Agents shall present all offers immediately including counter-offers and multiple counteroffers.

ADVERTISING

Agents must adhere to the state statutes and administrative code.

[Chapter 70-02-03 Licensee Responsibilities, Q & A on Advertising ND Rule](#)

Advertising Requirements

Advertising must be done in the real estate brokerage agency's trade name as licensed with the commission and the trade name must be equal to or greater than, in size and visibility, the name of any Agent or team on the advertising.

Contact information. Advertising must include information on how the public can contact the real estate brokerage agency.

Advertising by Agents. Advertising by Agents, including teams, must be under the supervision of the DMB. Such advertising may include an Agent's name and telephone number or other contact information, provided the real estate brokerage agency's registered business name or trade name and contact information are also clearly included as required in this section.

Deception and misrepresentation prohibited. Advertising and promotion must be free from deception and shall not misrepresent the terms of the sale or purchase, real estate brokerage agency policies, or real estate brokerage services.

An Agent may advertise in that person's own name property which is owned by the Agent, provided that immediately following the name where it appears in the advertisement, the words "Owner/Licensed Salesperson" must also appear.

All advertising (real estate signs, business cards, advertising, social media campaigns, publications, newspaper ads, etc.) must be submitted to ND.Broker@exprealty.net for review and approval before being published. Once an Agent has an approved template it can be reused and updated as appropriate. When in doubt just email it in and ask for a review.

For auditing and record-keeping purposes, listing advertising and marketing pieces need to be uploaded in SkySlope. If there is any advertising beyond the MLS (such as newspapers, facebook ads, etc.) these items need to be uploaded for Broker review.

Team Advertising

A team is two or more licensees who work for the same brokerage under the supervision of the DMB, work together on real estate transactions to provide real estate brokerage services, represent themselves to the public as being part of a team, and are designated by a team name. Advertising by a team must comply with all requirements of section 70-02-03-02.1. Teams may not advertise in any manner which suggests a team is an independent real estate brokerage firm.

Trade Names

Agents may add the term Real Estate Agent or REALTOR® after their name as long as it follows the [trademark rules of the National Association of REALTORS®](#)

As the administrative code indicates, “Trade name’ means the name other than the name appearing on the license, under which the licensed individual Agent or a licensed real estate business entity advertises or does business.” Any Agent doing business in a name not on the license needs to file a trade name with the ND.Gov . [ND.GOV New Business Registration](#)

Email Signatures

Email signatures require the following Notice of Wire Fraud Advisory & Confidentiality Notice:

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.

CONFIDENTIALITY NOTICE: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information protected by law. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by replying to the e-mail and destroy all copies of the original message.

eXp ACCESS POLICY

The purpose of eXp Access is to:

- Provide an unique offering for sellers who, due to varying circumstances, do not want their listing marketed in a public manner.
- Provide greater transparency to eXp agents and clients by eliminating geographic boundaries that limit us from viewing all eXp listings nationally/internationally.

The eXp Access platform makes two sets of data available to all eXp agents and their clients:

- *eXp Office Exclusives (OEs):* These are listings that eXp agents have entered directly into the Zenlist software platform
- *eXp Public Listings:* These are eXp listings that originate from the listing agent’s local MLS.

eXp in no way desires to circumvent existing MLS rules or boundaries; therefore, we require all eXp agents, when utilizing eXp Access, to abide by the rules of the MLS(s) in which they are a member.

Only listings with a valid Listing agreement may be entered as an eXp Office Exclusive (OE). eXp OEs will have an expiration and should be renewed in the platform as the seller directs.

Listings from the multiple listing will automatically pull in to eXp Public Listings and the original OE input will need to be deleted by the agent so there is no duplication.

Agents will be responsible for maintaining and updating the status, price and comments of any listing entered in eXp Access within 24 hours of the update.

Advertising

- OE listings may **not** be advertised publicly in any medium so as to adhere to local MLS rules.
- **Only Buyers that have signed a Buyer-Broker Representation Agreement with eXp Realty can be allowed access to view eXp Access listings.**
- Listing a property as an eXp OE is not considered public marketing under the NAR Clear Cooperation Policy. If your MLS does not follow NAR's [Clear Cooperation](#) policy, or has other rules, you must abide by the rules of your MLS.
- MLS Exemption Form - You must follow your MLS's rules: *If your MLS requires an exemption form to withhold entering your listing, even if it's not being marketed publicly, you **must** have a seller exemption form signed.*

Multiple listing services that should be considered and local rules followed are as follows:

Badlands Board of REALTORS®

Bismarck Mandan Board of REALTORS®

Fargo Moorhead Area Association of REALTORS®

Grand Forks Area Association of REALTORS®

High Plains Association of REALTORS®

Minot Board of REALTORS®

Williston Board of REALTORS®

MLS's WHO HAVE OPTED OUT OF THE NAR SETTLEMENT

This policy outlines the guidelines for recognizing Multiple Listing Services (MLSs) who have **opted out** of the National Association of Realtors (NAR) settlement and subsequent practice changes removing offers of compensation from any MLS beginning August 17, 2024.

eXp Realty agents are REALTOR® members covered under the NAR settlement and are required to follow the updated rules regarding no offers of compensation being offered in the MLS.

While eXp Realty recognizes some MLS's have chosen not to "opt in" to the NAR settlement agreement, as a company we must default to the more restrictive rule as part of the settlement agreement.

No compensation may be conveyed via the Multiple Listing Service.

If a seller directs an eXp Realty agent in writing that they are willing to consider an offer of Buyer Broker Compensation by means of a concessions to a buyer, that may be promoted in such a manner as to comply with the MLS Rules as adopted, eXp Realty will not share listing side commission, so any offer of compensation would be paid by Seller to Buyer Broker directly.

eXp in no way desires to circumvent MLS rules or boundaries; therefore, we require all eXp agents to abide by the rules of the MLS(s) in which they are a member, so long as they do not conflict with this policy.

Any members of My State MLS must Opt out.

MLS(s) that have opted out of the NAR Settlement Agreement:

None at this time

For additional questions, please contact your local State Broker.

BRANCH OFFICES

70-02-01-11. Branch office.

1. Definition. If a broker maintains more than one office, then one office shall be designated as the main office and each additional office shall constitute a branch office. If a real estate broker maintains a regular office, the broker's home shall not be considered a branch office.

2. Applications. Only the DMB can submit an application for a branch office. 3. Supervision. Branch office will be supervised by a DMB or MB.

[North Dakota Real Estate License Law and Administrative Rules - Branch Offices](#)

COMMISSION & CLOSING PROCEDURES

Closing agents can be Lenders, Attorneys, Real Estate Brokers, Title & Escrow or

Abstracting Companies. The closing agent may change based on the preferences of individual players in the transaction. As long as it is Minnesota Lenders, Minnesota Attorney, and North Dakota Sellers things go fairly smoothly. However, the situation is getting increasingly complicated by the fact as more and more national lenders, or REO, HUD/FANNIE/FREDDIE MAC sellers, or auction companies start selling or financing real estate in North Dakota, we are having a harder time identifying the “Closing Agent.”

Documentation Furnished to Closing Agent

It is the policy of eXp to issue a Closing Disbursement Authorization (CDA) Form to the closing agent and eXp Realty Agent within 10 days of a pending contract. This document may be modified multiple times before the close of escrow. This CDA Form will include the gross amount of commission, the amount payable to eXp Realty, It is imperative that the eXp Realty Agent receive a copy of the signed settlement form and a copy of the commission check made payable to “eXp Realty” in order to be paid in a timely manner.

When eXp represents buyers, eXp requires that Agents have a Buyer Representation form prior to any real estate activities. This form provides for the seller to pay the buyer broker directly at closing. Should this not be agreed upon by the seller, then the buyer will pay the buyer’s brokerage (eXp Realty) at the time of closing. It is the Agent’s responsibility to make sure that Disbursement Authorization Instructions are followed and that the hard-copy check is mailed to:

eXp Realty, LLC PO BOX 856825 Minneapolis MN 55485-6815.

Commission Payment to Agents, including via Corporations and LLCs

Agent compensation is paid by eXp Realty. Agents cannot receive compensation from any party other than the brokerage of which they are affiliated. This includes licensed assistants performing real estate related activities on behalf of other Agents. CHAPTER 43-23 11.1 (q) STATE REAL ESTATE COMMISSION

eXp Realty will pay an Agent’s commission income to a corporation or LLC if that corporation or LLC is wholly owned by the Agent. Additionally, the corporation or LLC cannot engage in other activities that require a real estate license. An Agent that elects to receive compensation through a corporation or LLC must demonstrate the legal entity meets all state requirements. Should an Agent’s corporation or LLC fail to meet the State of North Dakota requirements, the Company shall remit compensation to the Agent as an individual person.

Additional Consumer Fees

Minimum Commission/Admin Fees/Marketing Charges, etc.

Individual Agents may charge fees or a “minimum commission” in addition to the commissions charged in a listing contract or additional fees charged to the buyer must be in writing and signed by the buyer. However, all fees are to be paid to the Company. Additionally, for commissions or fees to be charged to the client, the client

must be informed in writing of the fee to be charged at the inception of the Agent / Client relationship. The client must, with a signature, acknowledge and accept responsibility for payment of the fee. Best business practice is to stop using the words “Admin Fee” and instead use ‘Professional Service Fee or ‘Additional Commission Compensation.

Sellers

The proper way to charge this fee is to add it to the listing agreement. Agents cannot strike out the word “or” but Agents can add text to the left or to the right of it. For example, \$495 + 7% of the gross sales price; a minimum of \$7,500 in commission.

Buyers

The proper way to add a minimum commission or additional commission to the buyer side is to have all professional fees included in the Buyer Representation Agreement. This should be shown on the settlement statement as part of the brokerage commission issued to eXp Realty.

Mailing Commission Checks

Copies of the Closing Disclosure and Commission check must be uploaded to SkySlope after closing. Typically the Title Company will mail the check and copy of the closing disclosure. If an Agent is in receipt of these items please immediately mail them to the same address the closing agent uses:

EXP Realty LLC PO Box 856825 Minneapolis, MN 55485-6815 I

REFERRALS

Agents will adhere to the state statutes, rules and regulations regarding the payment and collection of fees, referrals, rebates, incentives or other items of value in relation to real estate transactions.

According to Chapter 43-23 Compensation Subdivision1. [Chapter 43-23](#)

REAL ESTATE CONTRACTS

File Compliance

eXp policy is to be compliant with North Dakota Real Estate Rules regarding real estate listings and transaction files. The State of North Dakota has the authority to audit eXp files for compliance. Failures of compliance discovered in an audit can have serious repercussions for eXp Realty, the Managing Brokers, and the Agents. The repercussions may include fines, suspension and/or revocation of licenses.

The DMB has identified in SkySlope the minimum documentation required to be compliant. In addition, SkySlope contains spaces on the Checklist, and a Documents section, for uploading additional documents pertinent to any real estate listing or transaction. eXp Realty also requires certain forms for internal, company compliance for eXp documentation. Forms indicated as **required** are considered necessary for compliance, as well as any addendums.

Ensuring the file documentation is as complete as possible is also important in the event of a client of a real estate transaction or listing filing a future civil action against a party involved. It is required that the agent keeps, in SkySlope, a complete record of all real estate listings and transactions including all documentation and communications regarding the listing or transaction for possible future civil actions.

The listing Agent will upload all offers that were received and rejected or negotiated, even those that did not come to a mutual agreement. The buyer's Agent, will email all rejected offers to: NorthDakotaOffice@SkySlope.com within 48 hours of rejection.

It is good practice to cc the SkySlope email in all communications as well as upload a text chain and phone log at the conclusion of each transaction.

Files need to be maintained for six (6) years. Agents need to maintain their own files as well as upload the documents to eXp for storage.

Any offers that were rejected or never agreed upon must be uploaded to Skyslope within 48 hours of rejection.

Agent and Family Transactions

70-02-03-13

1. A broker shall not, either directly or indirectly, buy for oneself property listed with the broker or as to which the broker has been approached by the owner to act as broker, nor shall the broker acquire interest in any other property therein, either directly or indirectly, without first making the broker's true position clearly known to the owner. Satisfactory written proof of this fact must be produced by the broker upon a request.
2. A broker shall not take an option to oneself, either directly or indirectly, upon property for the sale of which the broker has been approached by the owner to act as a broker, without first making the broker's true position clearly known that the broker is now acting as a prospective buyer and is no longer acting as a broker or agent for the owner. Satisfactory proof of this must be produced by the broker upon request.
3. A salesperson shall not buy for oneself, either directly or indirectly, property listed with the salesperson's broker, nor shall the salesperson acquire interest in any other property, either directly or indirectly, without first making the salesperson's true position clearly known to the owner, nor shall the salesperson take an option unto oneself from any such owner or to anyone on the salesperson's behalf upon any property without first making the salesperson's position known. Satisfactory written proof of these facts must be produced by the salesperson on request.
4. A real estate broker or salesperson who sells property in which the broker or salesperson owns an interest must make such interest known to the purchaser.

EARNEST MONEY

ND law requires that Agents are to deposit the earnest money within 24 Hours from the time of receipt.

Options to deposit Earnest Money are the following :

1. Trust Funds
2. Wells Fargo Direct Deposit
3. FTNI Mobile App

Agents are to upload a copy of the email from Trust Funds, a Copy of the Check and deposit receipt for Wells Fargo deposits, copy of the email from FTNI Mobil Deposit into the Skyslope Earnest Money section so that this information is available to Compliance and Transaction Departments.

All files must contain an accounting for disbursement of funds including earnest money and final settlement statements. The Agent will be subject to immediate termination if it has been determined that there has been any improper handling of earnest money.

Earnest Money: It is against The Company's policy to not follow state earnest money/trust account rules and regulations. North Dakota Real Estate License Law requires that each broker shall deposit all real estate trust money received by the broker in the trust account within twenty-four hours of receipt of the money. The same requirements are to be followed when earnest money is deposited with a title company. Documentation of a timely deposit of earnest money must be maintained. Checks or money orders that are delivered to a title company for deposit should be evidenced by a signed and dated receipt from the title company.

[ND Real Estate Trust Account Guidelines](#)

Earnest money shall be handled as described in the policies and procedures addendum. The agent will be subject to immediate termination if it is determined that there has been any improper handling of earnest money.

PASSENGERS IN CAR DURING SHOWINGS

Agents will refrain from texting while driving and will comply with the North Dakota law that prohibits composing or sending text messages while driving. Agents are encouraged to use "hands-free" headsets or speakerphones or avoid telephone conversations while driving.

In accordance with North Dakota law, the Agent must require that all passengers wear a seat belt. Children must be properly restrained in a child safety seat until they reach age four (4), and in a booster seat until age eight (8), subject to the additional restrictions described online at [ND Seat Belt Law](#)

CONCEAL CARRY POLICIES

[ND Conceal and Carry Permit Law](#)

A person with a Concealed Carry weapon license may carry a concealed weapon in North Dakota. "Weapons" are defined to include handguns, stun guns, a knife other than a switchblade or a Billy club. Handguns do not include machine guns, rifles or shotguns. Associates are not required to carry weapons.

AGENT SAFETY

Agent safety is a priority. Resources, tips and best practices for Agent safety can be found on the [National Association of Realtors](#) website.

DO NOT CALL

Before making solicitation calls, the licensee or telemarketer must be familiar with the current laws. All Agents are encouraged to utilize eXp Realty's DialSafe tool to ensure all consumer phone numbers are verified to not be on the Do Not Call List prior to commencing any contact, thereby ensuring compliance with the Do Not Call regulations.

The [eXp Realty TCPA Resource Guide](#) is a valuable resource for Agents to familiarize themselves with to ensure they are in compliance with and abide by federal laws and the Telephone Consumer Protection Act (TCPA) regulations.

Before making solicitation calls, the licensee or telemarketer must be familiar with the current laws.

The **Telephone Consumer Protection Act (TCPA)**, regulates telemarketing calls, automatic telephone dialing systems, and artificial or prerecorded voice messages. The law also requires those who make telephone solicitations to have procedures for maintaining company-specific **do-not-call** lists. Licensees must maintain their own electronic or written list and make it available to eXp Commercial upon request. Within two business days of the request from a consumer, the licensee will place that consumer and phone number to the licensee's **do not call list**.

In 2012, **TCPA** updated rules require telemarketers:

(1) to obtain prior express written consent from consumers before robocalling them

(2) to no longer allow telemarketers to use an "established business relationship" to avoid getting consent from consumers when calling their home phones

(3) to require telemarketers to provide an automated, interactive "opt-out" mechanism during each robocall so consumers can immediately tell the telemarketer to stop calling.

For more details about the Commission's telemarketing rules, including the **do-not-call** provisions, click on the link on this page for the July 3, 2003 [Order](https://www.fcc.gov/sites/default/files/tcpa-rules.pdf) <https://www.fcc.gov/sites/default/files/tcpa-rules.pdf>. For details about registering with or accessing the **do-not-call registry**, visit the [National Do-Not-Call Registry page](#). Additional reference materials available on the web include a summary of TCPA rules (PDF) and the Commission's [Telemarketing Rules \(CFR Title 47, Part 64, subpart L: "Restrictions on Telemarketing, Telephone Solicitation, and Facsimile Advertising"\)](#).

TSR: The Telemarketing Sales Rule requires telemarketers to make specific disclosures of material information; prohibits misrepresentations; sets limits on the times telemarketers may call consumers; prohibits calls to a consumer who has asked not to be called again; and sets payment restrictions for the sale of certain goods and services.

<https://www.ecfr.gov/current/title-16/chapter-I/subchapter-C/part-310?toc=1>

The **TSR** has a "safe harbor" for unintentional calls or mistakes. If a licensee or telemarketer can show that, as part of its routine business practice, it meets all the requirements below of the "safe harbor," the person/firm will not be subject to civil penalties or sanctions for mistakenly calling a consumer who has either asked for no more calls (and who should have been placed on the licensee's **do not call list**), or for calling a person who is on the **national do not call registry**. eXp and the licensee/telemarketer share the responsibility to meet the "safe harbor" requirements. eXp, the licensee or telemarketer must demonstrate that:

- it has written procedures to comply with the do not call requirements
- it trains its personnel in those procedures
- it monitors and enforces compliance with these procedures
- it maintains a company-specific list of telephone numbers that it may not call
- it accesses the national registry no more than 31 days before calling any consumer, and maintains records documenting this process
- any call made in violation of the do not call rules was the result of an error

If you or the telemarketer you hired have violated any of the above laws, report this event to your broker immediately in writing.

In addition to the federal telephonic solicitation laws, ND, also has statutes regarding laws to protect the public, Chapter 51-28, Telephone Solicitations. Agents are required to be familiar with these laws and adhere to them in the course of their real estate business.

WIRE FRAUD

Each year tens of thousands of dollars are lost due to wire fraud. eXp requires clients to sign eXp's Wire Fraud Advisory. Agents can find the form in Skyslope Forms or Working Documents: Working Documents > Office Docs > Wisconsin Listing Agreements Please note that eXp does not require the customer on the co-op side of the transaction to sign this document. While this disclosure document is part of the customer file, the document is not part of the Purchase & Sale Agreement. Once the eXp customer signs the document, the Agent will upload it to the customer file.

EMERGENCY PREPAREDNESS

Natural disasters, acts or terrorism, health crises and other events can happen at any time and without warning. Each crisis is different in scope and has varying degrees of impact and exposure at the local, regional and national levels. The company is responsible for and maintains all files and has a backup system. It is recommended that Agents backup all their files and have a secondary system access for files such as an external hard drive or thumb drive. In the event of an evacuation, the company will communicate with Agents on safety procedures. Before a situation arises, the company will provide communications for direction on how to navigate a crisis and who to contact for information and support. For more information on the [ND Health and Human Services](#) go to their website.

ADDITIONAL RESOURCES

[Code of Ethics](#)

[The National Association of Realtors](#) ,
[North Dakota Association Of Realtors NDAR](#)

NOTIFICATION OF POLICY AND PROCEDURE MANUAL REVISION

eXp Realty reserves the right to revise this ND P&P in its sole discretion. Agents are encouraged to review this document regularly to review any revisions.

[END OF DOCUMENT]