

Bylaws Focus Groups: Feedback and Reflections

Introduction

Five focus groups took place between July 14-18. Members were invited to participate as follows:

- Those who signed up at NBREA's AGM to participate in the focus groups (66) were sent the first invitation on June 24 to participate.
- The membership as a whole was invited to participate to fill the seats that remained with two invitations sent out on July 3 and July 9.
- Those who participated in NBREA's focus groups in 2024 were issued a direct invitation on July 4.
- NBREA staff sent personal invitations to their corresponding committee volunteers between July 9 – 11.

Topics Covered

All five focus groups focused on the same most member-centric aspects of the draft bylaws:

Council Voting for Officer positions
Regional Representation
Conflict of Interest
Composition of Council
Nominations Process

Nominations Signatures/Support
Election Timeframe
Proxy Voting
Open Feedback

Council Voting for Officer positions

NBREA recognizes that this is a departure from current practice of having the members directly elect the president, and brought this issue to the focus groups a third time (it was presented in last year's focus groups and as part of the presentation made at NBREA's AGM in April 2025, where members supported the change). Although current focus group participants asked questions about the practice, there was again support for it, recognizing that it is a governance best practice because council members are uniquely positioned to evaluate the leadership skills of those around the table.

Focus Group Response

This third presentation of the concept matched the previous two: participants are strongly supportive of the concept of directors electing the officer positions, understanding that they are

uniquely qualified to assess leadership skills from their position around the table. This was recognized as a best practice in governance. There were some minor, isolated expressions of concern regarding direct member influence in this area, including a concern that the leaders could from one region repeatedly; however, it was determined that policy should not be put in place to require regional assortment because it could put limits on the best leaders being able to be elected for the job.

Regional Representation

Participants were reminded that NBREA's traditional method of filling its director positions resulted from the president of each local real estate boards (of which there were five) becoming an NBREA director. With the Real Estate Board's amalgamation, that left only one seat filled. The concept was introduced of retaining regional representation (one direct from each region) but that the directors are all elected "at large" by the membership as a whole, to eliminate the misunderstanding that a director from a region is accountable to anyone other than the entire membership.

Focus Group Response

Participants were very happy to hear that the geographical regions would be represented around the table, and although there was some concern that each region should be able to elect its own representative, much like MLAs and MPs are elected in federal and provincial government elections, that the expectation for an NBREA member of council is different: each must represent the interest of the organization as a whole. There was support for this.

Conflict of Interest

Although the Real Estate Boards previously filled five director seats with their presidents (or designates), it was recognized that retaining even one seat for the now-amalgamated Real Estate board presented a conflict of interest issue for that director, who could be in a difficult position if the two organizations did not agree on every issue. For that reason – and in accordance with modern association governance theories – the seat for the Real Estate Board was proposed to be eliminated. Members of Council should act only in NBREA's best interest.

Focus Group Response

There was consensus among participants on **removing the automatic seat for the Real Estate Board** to avoid conflicts of interest. There was concern expressed over ensuring the organizations were able to communicate effectively and remain updated on each other's activity; suggestions were made for structured communication or advisory roles instead.

Composition of Council

Participants reviewed the proposed composition of council, including officers (Past Chair, Chair, Chair Elect, Treasurer), five directors representing five geographical regions (elected at large), public representatives appointed by the Government of New Brunswick (a requirement of NBREA has a co-regulator responsible for the public interest), and an optional ability to appoint additional members of council with specific skills, such as a finance expert to assist in developing a new investment policy, for example.

Focus Groups Response

There was unanimous support for the proposed composition of council, with some participants suggesting that the additional members of council with specific skills be considered as advisors – rather than members of council with voting privileges – and that they not need to be REALTORS, to expand the possibilities for other expertise to come to the table.

Nominations Process

Participants were asked to weigh in on three possible methods for accepting nominations to run for members of Council (formerly called Board of Directors): to allow open nominations and accept all candidates who meet a basic criteria, to have a nominations committee review the nominations and recommend those who BEST meet the criteria, or to use a hybrid approach in which a nominations committee makes recommendations, but that the membership can run candidates against those recommendations through an advance nominations process (no nominations from the floor).

Focus Groups Response

Among the groups, A **hybrid approach** was widely favored—combining open eligibility with vetting or support from a nominations committee. It was acknowledged that this is largely the way NBREA elections currently operate.

Nominations Signatures/Support

Participants were queried about nominations signatures. To ensure a candidate has support of their peers to run for election, we are thinking about a nominations form that includes signatures of support. How many member signatures would you suggest being part of the required criteria to support the nomination? (0, 2/3, 10+, other?).

Focus Groups Response

There were mixed views on peer endorsement signatures; signatures ranged from 2-25 signatures, ideally outside the nominee's brokerage. Some expressed concern that in smaller communities, signatures may be more difficult to get, while others suggested that signatures

may not be a true sign of candidate endorsement if a fellow member felt pressured to sign the nominations form because of the pressure to maintain a good relationship to negotiate real estate deals with that colleague.

Election Timeframe

Participants were asked for their thoughts on whether the council elections should take place at the AGM, as they do currently, or prior to the AGM in an online format to permit additional members to participate in the elections process.

Focus Groups Response

There was broad support for **online elections** to increase accessibility and participation. Some participants advocated for a hybrid system to preserve in-person engagement while enabling broader participation. Some expressed concern that attendance to the AGM may suffer if elections were removed from the agenda, while others supported the possibility of other town-hall style issues taking place that might draw members' interest and result in valuable conversations about important issues. Concerns about technological complexity and failures was also expressed.

Proxy Voting

Participants were told that the draft bylaws propose eliminating proxy voting. The trend in governance right across the country is to eliminate proxy voting. With so many options available for online voting today, many accommodations can be made to allow virtual voting who can't be at a meeting in person.

Focus Groups Response

Although there was a demonstration of support for the elimination of proxy voting, along with an acknowledgement that it is potentially outdated, some concerns were expressed that sometimes members can't attend even an online meeting, and their voice may be lost. Further discussion on this issue determined that NBREA must ensure that adequate notice of the meeting is provided so that the date can get in members' calendars as soon as possible, and that online voting tools are simple, intuitive, and reliable.

Open Feedback

At the end of each session, participants were invited to bring up any issues of concern about the legislative modernization project or, more specifically, the bylaws, which were the subject of the focus groups.

Focus Groups Response

Participants expressed strong support for updating the legislation and the accompanying bylaws, and were appreciative of the transparent, consultative process NBREA engaged in for the past three year of the project's duration.

There were questions about how the legislative Act would modernize NBREA's Complaints & Discipline process, and some of these key highlights (clearer authority for the Registrar, increased fines, and streamlined handling of minor complaints) were reviewed.

Some participants raised a concern over the impact of Artificial Intelligence on the profession, suggesting that the Professional Standards Committee – which would be created as a result of the updated Act – should consider this impact and create standards.

A concern was expressed by one participant over the constitutionality of the power given to the Registrar to assign a researcher to inspect a member's place of business, with the member in question being prohibited by the legislation from obstructing this research. This, it was explained, was a power NBREA would seldom use, but it was important to have if a complaint about a serious ethical breach was withdrawn. It is in line with other professional regulators and is an essential tool in protecting the public and the image of our profession.

Some participants suggested that the role of NBREA versus that of the Real Estate Board should be better clarified and communicated to the membership to reduce confusion.