

ESTTA Tracking number: **ESTTA710046**

Filing date: **11/20/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92061031
Party	Plaintiff Jeffrey Schermerhorn
Correspondence Address	JEFFREY SCHERMERHORN 7070 CURTISS AVENUE SARASOTA, FL 34231 UNITED STATES jsny72@gmail.com
Submission	Opposition/Response to Motion
Filer's Name	Jeffrey Schermerhorn
Filer's e-mail	jsny72@gmail.com
Signature	/jeffrey Schermerhorn/
Date	11/20/2015
Attachments	Exhibit g.pdf(5567223 bytes) Exhibit H.pdf(5066252 bytes)

EXHIBIT G

Sarasota Association of REALTORS®

2320 Cattlemen Road, Sarasota, FL 34232

(941) 952-3400 Fax (941) 952-3418 www.SarasotaREALTORS.com email: Membership@SarasotaREALTORS.com

REQUIREMENTS FOR MEMBERSHIP APPLICATION PROCESS

- *Submit a completed and signed application and DBPR RE-10 Form
(Signed by both yourself and your Broker)
- *Include method of payment. (Check, Visa, Master Card, or American Express)
- *Please Note: When changing firms you will incur a transfer/admin fee

Application Received	Appl Fee	SAR Dues	FAR+ Dues	NAR+ Dues	MFRMLS Fees (Includes \$75 one time activation fee & \$15 security setup fee) *Prorated from June 2013 to May 2014)	Total Due
PRIMARY						
Jan 1/Jan 31	\$150.00	\$230.00	\$156.00	\$155.00	\$241.25	\$932.25
Feb 1/Feb 28	\$150.00	\$210.84	\$146.33	\$145.00	\$211.00	\$863.17
Mar 1/Mar 31	\$150.00	\$191.66	\$136.67	\$135.00	\$180.75	\$794.08
*Apr 1/Apr 30	\$150.00	\$172.50	\$127.00	\$125.00	\$513.00	*\$1,087.50
*May 1/May 31	\$150.00	\$153.34	\$117.33	\$115.00	\$483.00	*\$1,018.67
Jun 1/Jun 30	\$150.00	\$134.16	\$107.67	\$105.00	\$453.00	\$949.83
July 1/July 31	\$150.00	\$115.00	\$98.00	\$95.00	\$422.75	\$880.75
Aug 1/Aug 31	\$150.00	\$95.84	\$88.33	\$85.00	\$392.50	\$811.67
Sept 1/Sept 30	\$150.00	\$76.66	\$78.67	\$75.00	\$362.25	\$742.58
Oct 1/Oct 31	\$150.00	\$57.50	\$69.00	\$65.00	\$332.00	\$673.50
^Nov 1/Nov 30	\$150.00	\$268.34	\$185.33	\$210.00	\$301.75	^\$1,115.42
^Dec 1/Dec 31	\$150.00	\$249.16	\$175.67	\$200.00	\$271.50	^\$1,046.33

To be a Secondary Realtor® Member of SAR who already is a member of MFRMLS: (Application fee + SAR dues)

To be a Secondary Realtor® Member of SAR and be a member of MFRMLS: (Application fee+SAR dues+ MFRMLS

*Amount Includes Annual MFRMLS fees for April or May 2013 & MLS fees from June 2013 to May 2014

^Amount Includes Annual Assoc fees for Nov/Dec 2013 and all Assoc fees for 2014

Primary members are those who pay their FAR and NAR dues through SAR and who's Principal Broker also holds membership in SAR. Secondary membership is available only to REALTORS® whose Primary membership is in another Association. Secondary REALTORS® must provide a letter of good standing from their Primary Association stating they have paid their state and national dues for the current year.

+FAR includes \$30 Processing Fee and a \$10 Issues Advocacy Assessment. NAR includes \$35 Public Awareness Campaign Assessment.

If you were a member of FAR for the previous calendar year, FAR reinstatement fee for the current year will be \$156

To be a participant in MFCRE/CIX please see Agent MRCRE application.

Association dues are collected annually on Dec 15th

MEMBERSHIP APPLICATION AGENT

Sarasota Association of REALTORS®

2320 Cattlemen Road
 Sarasota, FL 34232
 (941) 952-3400 • (941) 952-3418 Fax
www.SarasotaREALTORS.com
Membership@SarasotaREALTORS.com

MEMBERSHIP TYPE: Primary Member-Sarasota Association is primary board

Secondary Member-Primary board membership is with another Association

Primary members are those who pay their FAR and NAR dues through SAR and whose principal broker also holds membership in SAR. Secondary membership is available only to REALTORS® whose Primary membership is in another Association. Secondary REALTORS® must provide a letter of good standing from their Primary Association stating they have paid the state and national dues for current year.

I hereby apply for membership in the Sarasota Association of REALTORS®, Inc. (SAR) in the category checked above and enclose my payment for the required dues and fees, which are **NOT refundable**. I agree that, if accepted for membership, I will pay the dues and fees as from time to time established. I agree as a condition of membership to thoroughly familiarize myself with the Code of Ethics of the NATIONAL ASSOCIATION OF REALTORS® (NAR), including the duty to arbitrate business disputes in accordance with the *Code of Ethics and Arbitration Manual* of NAR and the Constitution, Bylaws, and Rules and Regulations of SAR, the Florida Association of REALTORS® (FAR), and NAR. I further agree that my act of paying dues and fees shall evidence my initial and continuing commitment to abide by the Code of Ethics, Constitution, Bylaws, Rules and Regulations, and duty to arbitrate, all as from time to time amended.

I acknowledge that SAR will maintain a membership file of information which may be shared with other boards/associations where I subsequently seek membership. This file shall include previous applications for memberships: all final findings of Code of Ethics violations and violations of other membership duties within the past three years: pending complaints alleging violations of the Code of Ethics or alleging violations of other membership duties: incomplete or pending disciplinary measures; pending arbitration requests; and information related to unpaid arbitration awards or unpaid financial obligations to SAR or its MLS.

I acknowledge that if I subsequently resign from the Association or otherwise cause my membership to terminate with an ethics complaint pending, the Association may condition renewal of membership upon my certification that I will submit to the pending ethics proceeding and will abide by the decision of the Hearing Panel. If I resign or otherwise cause membership to terminate, the duty to submit arbitration continues in effect even after membership lapses or is terminated, provided the dispute arose while I was a REALTOR®

Please PRINT or TYPE to ensure accuracy

Name as Shown on License _____

Home Address _____

City _____ State _____ Zip _____

Home Phone # _____ Cell Phone # _____

Home Fax # _____ Date of Birth ____/____/____ Sex _____

Your E-Mail _____

Firm Name _____

Office Address _____

City _____ State _____ Zip _____

Office Phone # _____ Office Fax # _____

Website(URL) _____

Association Use Only

Member # _____

MLS ID# _____

MLS PASS _____

NRDS# _____

CK or MC or V or AmEx or CASH

Total Paid _____

NAR _____

FAR _____

Local _____

MLS _____

Processing Fees _____

Reinstatement Fees _____

License Type: BK-Broker SL-Realtor/Salesperson RD-Certified Residential Appraiser

License # _____ License Expiration ___/___/___

Facebook ID or Link: <http://www.facebook.com/> _____

Twitter ID: @ _____

Linkedin Link: <http://www.linkedin.com/in/> _____

Preferred Phone (H) Home (O) Office (C) Cell

Preferred Fax (H) Home (O) Office

Preferred Mailing (H) Home (O) Office

SAR Magazine Delivery Method (M) Mail (E) Email/Electronic Copy (The Greener Choice)

Foreign Languages _____

Are you presently a member of any other Association of REALTORS®? Yes No

If yes, name of Association and type of membership held: _____

Have you previously held membership in any other Association of REALTORS®? Yes No

If yes, name of Association and type of membership held: _____

Have you been found in violation of the Code of Ethics or other membership duties in any Association of REALTORS® in the past three (3) years or are there any such complaints pending? Yes No
(If yes, provide details as an attachment.)

If you are now or have ever been a REALTOR®, indicate your NAR membership (NRDS)

#: _____ and last date (year) of completion of NAR's Code of Ethics training requirement: _____

Have you ever been refused membership in any other Association of REALTORS®? Yes No

If yes, state the basis for each such refusal and detail the circumstances related thereto: _____

Do you hold, or have you ever held, a real estate license in any other state? Yes No

If so, where: _____

Have you been found in violation of state real estate licensing regulations or other laws prohibiting unprofessional conduct rendered by the courts or other lawful authorities within the last three years? If yes, provide details: _____

Have you been convicted of a felony or other crime? If yes, provide details: _____

I understand and agree, as an individual affiliated with MFRMLS Participant, to abide by all Bylaws, Rules and Regulations, Reciprocal Agreements with other boards/associations and Master Agreements with Computer and Lockbox vendors and other obligations of participation including payment of fees. I agree that MLS information may not be transmitted, retransmitted or provided in any manner or media to any individual, office or firm not authorized to have such access by the My Florida Regional Multiple Listing Service-(MFRMLS).

I acknowledge that any copyright and ownership interest in property images shall belong to the MLS and I agree MLS is licensed to reproduce, distribute and transform any image and place an MLS copyright legend on any images submitted by me.

By signing below I consent that the REALTOR® Associations (local, state, national) and their subsidiaries, if any (e.g., MFRMLS) may contact me at the specified address, telephone numbers, fax numbers, email address or other means of communication available. This consent applies to changes in contact information that may be provided by me to the Association(s) in the future. This consent recognizes that certain state and federal laws may place limits on communications that I am waiving to receive all communications as part of my membership. I agree to hold harmless the Sarasota Association of Realtors®, its staff and agents, for dissemination of my email address(es) and facsimile number(s) to SAR members. When a REALTOR® moves their real estate license from one Brokerage Firm to another Brokerage Firm you will incur a \$20 administration transfer fee.

I hereby certify that all information supplied by me is correct.

Signature _____ Date _____
Member Signature

PRINT AGENT REALTOR® NAME

SIGNATURE BROKER/DESIGNATED REALTOR® NAME

Note: Dues payments to the Sarasota Association of REALTORS®, Inc. are not tax deductible as charitable contributions. Portions of such payments may be deductible as ordinary and necessary business expenses.

Payment Method:	Check # _____	Visa	MasterCard	AmEx
Account No.	_____	Exp: ___/___	Amount \$	_____
Signature	_____	Date:	_____	_____

* Association-Local, State & National dues are collected annually on Dec. 15th
MLS fees are collected from My Florida Regional MLS annually by May 15th

EXHIBIT H



**NATIONAL RIGHT TO WORK
LEGAL DEFENSE FOUNDATION, INC.**

*Defending America's workers from the abuses of compulsory
unionism since 1968*

Published on National Right to Work Legal Defense Foundation (<http://www.nrtw.org>)

Right to Work States: Florida

FLORIDA

Fla. Const. Article 1, § 6

§ 6. Right to Work

The right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization. The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged. Public employees shall not have the right to strike. (Constitution Amended by General Election, 1944; Revised by General Election November 5, 1968)

TITLE 31. LABOR (Chs. 435-452)

CHAPTER 447. LABOR ORGANIZATIONS

PART I. GENERAL PROVISIONS

§ 447.01. Regulating labor unions; state policy.

(1) Because of the activities of labor unions affecting the economic conditions of the country and the state, entering as they do into practically every business and industrial enterprise, it is the sense of the Legislature that such organizations affect the public interest and are charged with a public use. The working person, unionist or nonunionist, must be protected. The right to work is the right to live.

(2) It is here now declared to be the policy of the state, in the exercise of its sovereign constitutional police power, to regulate the activities and affairs of labor unions, their officers, agents, organizers and other representatives, in the manner, and to the extent hereafter set

forth. (Enacted 1943, amended effective July 1, 1997.)

§ 447.02. Definitions.

The following terms, when used in this chapter, shall have the meanings ascribed to them in this section:

(1) The term "labor organization" means any organization of employees or local or subdivision thereof, having within its membership residents of the state, whether incorporated or not, organized for the purpose of dealing with employers concerning hours of employment, rate of pay, working conditions, or grievances of any kind relating to employment and recognized as a unit of bargaining by one or more employers doing business in this state, except that an "employee organization," as defined in s. 447.203(11), shall be included in this definition at such time as it seeks to register pursuant to s. 447.305.

* * * * (Enacted 1943, amended effective July 1, 2002.)

§ 447.03. Employees' right of self-organization.

Employees shall have the right to self-organization, to form, join, or assist labor unions or labor organizations or to refrain from such activity, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection. (Enacted 1943, amended 1974.)

§ 447.14. Penalties.

Any person or labor organization who shall violate any of the provisions of this part shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. (Enacted 1943, amended 1991.)

§ 447.17 Civil remedy; injunctive relief.

(1) Any person who may be denied employment or discriminated against in his employment on account of membership or nonmembership in any labor union or labor organization shall be entitled to recover from the discriminating employer, other person, firm, corporation, labor union, labor organization, or association, acting separately or in concert, in the courts of this state, such damages as he may have sustained and the costs of suit, including reasonable attorney's fees. If such employer, other person, firm, corporation, labor union, labor organization, or association acted willfully and with malice or reckless indifference to the

rights of others, punitive damages may be assessed against such employer, other person, firm, corporation, labor union, labor organization, or association.

(2) Any person sustaining injury as a result of any violation or threatened violation of the provisions of this section shall be entitled to injunctive relief against any and all violators or persons threatening violation.

(3) The remedy and relief provided for by this section shall not be available to public employees as defined in part II of this chapter. (Enacted 1974; amended 1997.)

PART II. PUBLIC EMPLOYEES

§ 447.301. Public employees' rights; organization and representation.

(1) Public employees shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing.

* * * * (Enacted 1974.)

§ 447.501. Unfair labor practices.

(1) Public employers or their agents or representatives are prohibited from:

(a) Interfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this part.

(b) Encouraging or discouraging membership in any employee organization by discrimination in regard to hiring, tenure, or other conditions of employment.

* * * *

(2) A public employee organization or anyone acting in its behalf or its officers, representatives, agents, or members are prohibited from:

(a) Interfering with, restraining, or coercing public employees in the exercise of any rights guaranteed them under this part

(b) Causing or attempting to cause a public employer to discriminate against an employee because of the employee's membership or nonmembership in an employee organization or attempting to cause the public employer to violate any of the provisions of this part.

* * * * (Enacted 1974.)

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National Right to Work Legal Defense and Education Foundation, Inc.

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(703) 321-8510 | (800) 336-3600 / (703) 321-9613 fax - general (703) 321-9319 fax - legal
department

Source URL: <http://www.nrtw.org/en/right-work-states-florida>