

# 2020 PINNACLE AWARDS RULES & REGULATIONS

## I. INTRODUCTION

The Florida Gulfcoast Commercial Association of REALTORS, in their desire to recognize top real estate producers in the commercial real estate industry, and to provide an incentive for them to excel in their business, announces the Pinnacle Awards and the Rules and Regulations pertaining thereto.

## II. ADMINISTRATION

On or before November 1st of each year, the President-Elect of FGCAR shall appoint a Pinnacle Committee. The Pinnacle Committee shall consist of no less than five (5) FGCAR members in good standing, preferably including Past Presidents and current or past Board members to review all applications to determine whether an applicant meets the requirements for the Pinnacle Awards Top Producers and Deals of the Year. If the Committee has questions about any applicant, the Committee shall discuss such concerns with the Applicant and the Applicant's Designated Broker, when appropriate.

All members of the Pinnacle Committee will complete a non-disclosure form with all original copies being kept in the offices of the Association.

The Pinnacle Committee shall determine the applicant to receive each of the Pinnacle Awards. The Committee shall have the discretion to re-categorize entries or entrants, and/or to withhold awards in some categories, if volumes do not warrant such awards, or to make additional special awards, where warranted.

Upon review by the Pinnacle Committee, all award applications will be kept in a safe location. **Any dispute or appeal of an award shall be submitted, in writing, within ten (10) business days of the awards ceremony date.** If no appeal is lodged, all applications will be shredded by FGCAR on the 30th day after the awards ceremony date and awards will be deemed final.

The Board of Directors of FGCAR reserves the right to modify or amend the Rules and Regulations from time to time and/or dissolve the Pinnacle Awards at its discretion. The Rules and Regulations shall remain in effect until modified by the FGCAR Board of Directors.

The Board of Directors is authorized to set an application fee, at its discretion, prior to asking for applications for the Pinnacle Awards. This fee shall cover the costs of promoting and honoring the Pinnacle Awards recipients, as well as any plaques or certificates given to each recipient. In the event an Applicant does not qualify for membership, for whatever reason(s), his or her application fee shall be returned.

## III. MEMBERSHIP CATEGORIES

Eligibility for the Pinnacle Awards is limited to FGCAR members in good standing who were members by the end of the applicable calendar year in which the transactions (volumes & deals) were made and closed.

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## IV. AWARD CATEGORIES

Top producers in the following five (5) areas of specialization and general brokerage:

INDUSTRIAL, INVESTMENT, LAND, OFFICE, RETAIL and GENERAL BROKERAGE

<b>NATIONAL DIVISION</b>	<b>REGIONAL DIVISION</b>
<p>FGCAR member-applicant from firms which have additional offices nationally or regionally beyond the 7-county FGCAR membership area. This includes firms that are members of national networks and/or have national affiliations even though they are locally-owned.</p>	<p>FGCAR member-applicant whose firm is located solely in the 7-county FGCAR membership area and does not receive commercial transaction referrals from affiliated businesses outside of the membership area.</p>

Top producers in the National and Regional Divisions in each of the following five areas of specialization (Industrial, Investment, Land, Office and Retail) along with a General Brokerage category, shall be recognized in the order of their Pinnacle Awards Volume for each specialty category. NO TWO (2) CATEGORIES may be combined for the purpose of this ranking (other than general brokerage); however, members may be recognized in more than one category.

An applicant's volume may include LEASING and SALES to a user (an entity that occupies the Leased or Sold property), in the Industrial, Office and Retail categories.

An applicant is expected to use his/her best judgment in categorizing transactions including Special Purpose properties which shall be categorized according to the surrounding properties (use and zoning). An applicant should call a FGCAR Pinnacle Committee member if there are any questions regarding the appropriate category of a transaction. The Pinnacle Committee may determine the total based upon deals and ineligibility for a single category award.

A sale to an investor (non-user) shall generally be categorized in the Investment category except in cases where an applicant submitting an Industrial, Office or Retail specialty brokers the sale of an investment property of "like kind" to his/her specialty. *Example: If a member who specializes in Office sells an office building to a non-user, this sale may be included in the Office Specialty category.* If a member represents a seller who is an investor, the appropriate category on that application would be Investment Property, even though the member representing the purchaser who is a user, could qualify in the Industrial, Office or Retail categories. In other words, a transaction could have two members who represented different sides of the same transaction, who would each, qualify in different categories.

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### **SPECIFIC INFORMATION FOR TOP PRODUCERS AWARDS:**

- **LAND:** A Pinnacle Awards applicant may credit value for unimproved land to its particular area of specialization, provided it is consistent with that specialization. *Example: sale of 20 acres of vacant land for the purpose of developing an industrial warehouse could be entered in Industrial Specialty category, provided the applicant area of specialization is "Industrial".*
- **GENERAL BROKERAGE:** To qualify for General Brokerage, a member must submit transactions in a minimum of three (3) of the five categories (Industrial – Investment – Land – Office – Retail) see Exhibit "D". The applicant must fill-in each transaction in the appropriate tabbed Category and cannot designate his/her transactions simply as "General Brokerage".
- **OVERALL TOP PRODUCER:** The Top Producers named above from both National and Regional Divisions who have produced the highest volume for the applicable calendar year shall be recognized as the Top Producer of the Pinnacle Awards for FGCAR.

### **DEAL OF THE YEAR AWARDS:**

- **DEAL OF THE YEAR BY SPECIALTY:** in each of the five areas of specialization (Industrial – Investment – Land – Office – Retail), the Deal of the Year shall be awarded to the transaction closed during the applicable calendar year judged to demonstrate the greatest degree of experience, difficulty, skill and dedication on the part of the member. Annual volume will not be taken into consideration for this award; all applicants must provide the Committee with the completed application for the area of specialization in which the transaction falls. All applicants must meet the general qualifications for the Pinnacle Awards to be considered for the Deal of the Year awards.
- **OVERALL DEAL OF THE YEAR:** Out of the 5 "Deal of the Year" by Specialty awardees, one transaction will be selected for the Overall Deal of the Year. This Award will be judged by a sub-committee of senior members of the FGCAR membership in a blind evaluation of the deal.

### **SPECIAL CATEGORIES AWARDS:**

- **MOST # OF TRANSACTIONS:** Awarded to the applicant who generated the greatest number of closed transactions where the applicant was the PRIMARY agent with 50% or more involvement.
- **ROOKIE OF THE YEAR:** An applicant who holds a license for two (2) calendar years or less as of the end of the applicable awards year, may submit his/her volume for consideration as Top Producer Rookie of the Year. The applicant must abide by all the FGCAR member Pinnacle Awards rules and can only be named Top Producer Rookie of the Year one time. No minimum Dollar volume shall apply.
- **MEMBER TO MEMBER DEAL OF THE YEAR: Broker and Alliance Members eligible.** This award shall go to individual members (from different firms) who completed a deal by working together, each representing one side of the transaction for a sale or lease which closed in the applicable awards year. Both members involved in the transaction must submit on one form only. The deal (sale or lease) should reflect the ideal cooperation between 2 FGCAR members. **Complete and detailed narrative of at least 500 words from both parties involved required.**

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- **HEARTBREAKER DEAL OF THE YEAR:** The Heartbreaker Award shall be awarded to a deal that did not culminate in a closing during the applicable awards year through no fault of the member, but demonstrated the greatest degree of experience, skill and dedication on the part of the member. **A complete and detailed narrative of at least 250 words is required.**
- **BROKERAGE COMPANY OF THE YEAR:** This award shall go to a FGCR brokerage firm in recognition of superior brokerage leadership, education, ethics, deal volume and commitment to the Tampa Bay community. All applicants should provide a written narrative on why the firm should be recognized as the Brokerage Firm of the Year. **Narratives shall not exceed one (1) page or 500 words.**

### V. REQUIREMENTS FOR THE PINNACLE AWARDS APPLICATION

1. Any agent whose majority of income is derived from commissions, who is licensed by the Florida Real Estate Commission and who is a member in good standing of FGCR may apply.
2. Applicants must have produced and closed new real estate brokerage business of Two Million (\$2,000,000.00) Dollars or more during the applicable awards year.
3. All applications shall be submitted online ONLY at [WWW.FGCR.ORG](http://WWW.FGCR.ORG). Click on Pinnacle Awards and see Rules and Regulations and Exhibits to submit an application.
4. **Deadline is 5:00 PM Monday March 1, 2021.**

FGCR Headquarters will send a confirmation of application receipt within three (3) business days. If applicant does not receive a confirmation within 3 business days, it is the responsibility of the applicant to contact FGCR to ensure that the entry has been received by no later than the application deadline date. The application must be logged in at the FGCR website, no later than 5:00 pm on **Monday March 1, 2021**. The Pinnacle Award's entry website will not accept any application received after deadline date and time.

1. Along with a completed application, all Applicants must submit credit card payment for each basic entry/entries and event tickets. The basic entry amount covers the Pinnacle Awards fees.
2. **Top Producer Applicants:** Submit Exhibits A, B (and/or C), and D (spreadsheet showing all volume calculations).
3. **Deal of the Year Applicants:** Submit Exhibits A, B (and/or C) and either E, F, G or H, as the case may be.

All applicants must have their applications reviewed by their Designated Broker and include with their submission a properly executed Letter of Certification signed by the Designated Broker certifying that the entry information is accurate (Exhibit "B"). In the event an Applicant wishes to submit a transaction(s) for Pinnacle Award Volume which closed or had an effective credit date during the time Applicant was affiliated with a company other than Applicant's current company, the Applicant shall have his former Designated Broker certify as to said transaction(s) by executing the Letter or Certification for the previously Designated Broker (Exhibit C).

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## RULES FOR CALCULATING PINNACLE AWARDS VOLUME CREDIT

### 1. General Rules:

- A. The effective date for applicable transaction must be during the **2020 calendar year**.
- B. Full credit will be allowed in the calendar year of the closing of a transaction in which an installment commission is paid, but only credited one time per transaction.
- C. Pinnacle Awards Volume credit shall be given only for an applicant acting in a transaction as a salesperson (as opposed to acting as a managing broker, owner, or company).
- D. No Pinnacle Awards Volume credit shall be allowed for any transaction in which a fee is collected and such fee is not contingent upon the actual closing of the transaction.
- E. No Pinnacle Awards 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 or valid listing agreement, except as discussed in paragraph 3C (2) hereafter.
- F. In order to be eligible for the Pinnacle Awards, an Applicant's Pinnacle Awards Volume must be 100% commercial. A residential transaction is defined as follows: "a transaction involving any improved property zoned residential, at closing, which contains four or less units".
- G. The Effective Credit Date for sales transactions shall be the date on which title is passed. The Effective Credit Date for lease transactions shall be the date of occupancy, the date the first rental payment was made or the date the commission was paid, whichever date comes first.
- H. If more than one individual within the Applicant's company actively participated in any sale or lease, the Pinnacle Awards Volume credit allowed shall be the same proportion as the percentage of the commission or fee paid to the individuals. Credit for referral fees shall be deducted from the Pinnacle Awards Volume credit of the Applicant.
- I. If more than one brokerage company participates in any one sale or lease, the Pinnacle Awards Volume credit for each company will be recorded as a 50/50 split, regardless of how the commission fees were paid.
- J. 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 the Pinnacle Awards Volume.
- K. If an Applicant sells shares or ownership in a property (or in partnership, corporation or co-tenancy owned property) through syndication, then the Pinnacle Awards Volume credit shall be calculated by multiplying the percentage interest of the entity sold by the total sales price of the entity sold.
- L. For investment property transactions completed by Applicants declaring Office, Land, Industrial or Retail specialties, the broker shall have the option to include such investment sales in their Specialty volume, so long as the non-investment sales volume in that specialty is at least 25% of the total volume for that specialty category.

### 2. Rules for Calculating Pinnacle Awards Volume Credit for Sales:

The amount of the sales price shall be credited or in the event there is no fixed or stipulated sales price (as in the case of an exchange), then the volume used to determine the commission shall be the Pinnacle Awards Volume.

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### 3. Rules for Calculating Pinnacle Awards Volume Credit for Leases:

- A. The amount of the gross aggregate rental scheduled to be paid in the original term of the lease (the "Gross Aggregate Rental Amount") which is the basis for the commission shall be the Pinnacle Awards Volume for said lease. Credit shall also be allowed for expansions or renewals, except that said credit shall be allowed only upon actual expansions or renewals that take effect during the calendar year.
- B. If a lease contains an **option to purchase**, the amount of the Gross Aggregate Rental Amount used for Pinnacle Awards Volume credit shall be subject to the following:
  - I. If the option to purchase is exercised during the term of the lease, then additional credit may be claimed in the year of closing if the purchase price is greater than the credit previously claimed. Such additional credit shall be limited to the difference, if any, between the purchase price and the credit previously claimed after adjusting to the extent of the volume remaining in the unexpired term of the lease.
  - II. If an option to purchase is exercised after the expiration of the lease term, then the amount of the purchase price may be claimed as full credit in the year of closing.
  - III. If a lease provides that either the landlord or the tenant, or both, may terminate the lease prior to the stated expiration date, the credit allowed shall be limited to the first date either (or both) parties have the right to terminate. If, however, the termination does not take effect, the Applicant may use the remaining full term of the lease for credit in the year such right to terminate is not exercised. If a lease contains more than one option to terminate, such period shall be treated in the same manner.

### CLARIFICATION FOR CALCULATIONS OF PINNACLE AWARD VOLUME ON CO-BROKERED LEASE TRANSACTIONS.

**DEFINITION -A-**

A Co-broker lease shall be any transaction that discloses in the lease document or commission agreement that two (2) or more producers are being paid a contingent brokerage commission.

*Example: A transaction involving a landlord's representative and a tenant's representative who are both disclosed as being paid a commission.*

**DEFINITION -B-**

A "Direct" lease shall be any transaction with disclosure in the lease document or commission agreement for payment of a contingent brokerage commission to only one (1) producer.

*Example: A tenant representative brokers a lease directly with the landlord or landlord's representative (not disclosed for payment of commission). Another example would be a landlord's representative (disclosed for payment of commission) who makes a lease directly with a tenant who is not represented by a broker.*

**PINNACLE AWARDS CO-BROKERD CALCULATIONS:** In the event of a "co-broker" transaction, the Pinnacle Award's Volume credit for each lease producer shall be recorded as a 50/50 split REGARDLESS of how the commission fees were paid.

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## VI. RULES REGARDING MEMBER'S PROMOTION OF PINNACLE AWARD

1. Recipients of the Pinnacle Awards are authorized to use the Pinnacle Award seal and insignia adopted by FGCAR for use on business cards, letterheads or other printed matter, only during the year in which they are recipients. The exception to this rule is if they include the year in which their award was received on all of their printed materials.
2. Recipients of the Pinnacle Awards may promote their membership on business cards, letterhead or other printed matter as follows:

**Multi-Million Dollar Recipient – Pinnacle Awards**  
**Top Producer (Specialty) – Pinnacle Awards**  
**Top Producer – Pinnacle Awards**  
**Industrial Deal of the Year**  
**Investment Deal of the Year**  
**Land Deal of the Year**  
**Office Deal of the Year**  
**Retail Deal of the Year**  
**Overall Deal of the Year**

## VII. MISCELLANEOUS

For a transaction to qualify for Pinnacle Awards Volume credit, the real estate commission or fee paid must be reported on the transaction's closing statement, lease, or in a valid commission agreement, with the exception of compensation as discussed in paragraph VI (3) (C).

The Pinnacle Committee shall have the right to review, with any Applicant and Designated Broker, the documents relating to the Applicants' application which are deemed relevant by the Pinnacle Committee. Any Applicant shall promptly cooperate with the Pinnacle Committee regarding such documents when requested to do so. If Applicant does not cooperate or provide substantiating evidence of transactions, the Pinnacle Committee may take actions to dismiss an application as deemed necessary.