

## **By-Laws**

# **INTERNATIONAL ASSOCIATION OF REGISTERED FINANCIAL CONSULTANTS**

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## **By-Laws**

# **INTERNATIONAL ASSOCIATION OF REGISTERED FINANCIAL CONSULTANTS**

### ***Article I – Name, Location and Operation***

#### Section 1. Name:

The name of the Association shall be the International Association of Registered Financial Consultants, Inc. (IARFC)

#### Section 2. Location:

The office of the Association shall be located in such properties and sites as may be determined by the Board of Directors.

#### Section 3. Operation:

The Association is and shall continue to operate on a not-for-profit basis under IRS Section 501(c) (6) and shall make billings and accounting on that basis.

### ***Article II – Objectives***

#### Section 1. Mission Statement:

The IARFC will foster and enhance the growth of our association for the benefit of our members and the clients they serve by providing a continuing source of information, education and networking. The organization will strengthen the financial services profession through adherence to and promotion of ethical behavior by our members and a focus on continuing professional education for our members.

#### Section 2. Purposes:

In every lawful manner, the purposes of this Association shall be to:

- (a) Provide the public with a pool of well-qualified practitioners from which to choose a personal advisor;
- (b) Foster and promote the image of financial planning and counseling;
- (c) Recognize and reward qualified financial consultants, planners and advisors;
- (d) Maintain and improve high professional and ethical standards among members;
- (e) Disseminate information on subjects relevant to financial planning through such media as: seminars, conferences, forums, meetings, newsletters and the Internet;
- (f) Enable, encourage and advocate financial advisors to assemble to discuss and exchange ideas.

### Section 3. Granting Professional Designations:

In furtherance of its primary objective, the Association shall grant the following professional designations to those persons who meet its established standards:

- (a) Master Registered Financial Consultant (MRFC) to persons having the full experience, education and good conduct to hold that designation, in accordance with the published standards set forth by the MRFC Certification Board.
- (b) Registered Financial Consultant (RFC) for persons having the full experience, education and good conduct to hold that designation, in accordance with the published standards.
- (c) Registered Financial Associate (RFA) to persons who generally meet the RFC standards with the exception of experience. The RFA designation is typically offered to persons who are just entering the financial services industry but have not yet accumulated the necessary experience or had an opportunity to attain full licensing.
- (d) The Association may develop qualifications for additional professional designations, consistent with the objectives and mission of the Association.

### Section 4. Public Opinion Statements:

Subject to prior approval of the Board of Directors, the Association may take a position and express a public opinion to the media, legislative or regulatory bodies on issues directly and generally affecting the financial planning area.

## ***Article III – Prohibited Transactions***

### Section 1. Prohibited Activities:

The Association, the Officers acting in their official capacity, and the Board of Directors, shall not:

- (a) Endorse or recommend specific financial software for use by the consumer, since this could be interpreted as taking a position that consumers can implement and achieve their goals exclusively through software, thereby diminishing the importance of professional advice;
- (b) Endorse, recommend, approve or accredit, on an exclusive basis, the training program or curriculum of any commercial financial organization;
- (c) Endorse, recommend, approve or accredit the programs, services, processes, or products of any commercial financial organization;
- (d) Develop or promulgate practice standards for financial consultants or firms;
- (e) Accumulate a surplus in excess of the previous fiscal year's actual total operating expenses.

Section 2. Educational Institutions:

The acceptance of the curriculum of an educational institution or organization, in satisfaction of the requirements necessary for achieving the MRFC, RFC, RFA or other professional designation, shall not constitute an endorsement or recommendation by the Association of said curriculum or of that organization.

Section 3. Educational Institutions outside the United States.

The Association, in order to expand and develop the growth of credentialed financial advisors outside of the U.S., may execute an exclusive or temporarily exclusive arrangement with a qualified educational institution or organization for a reasonable period of exclusivity.

**Article IV - Membership**

Section 1. Membership Categories:

There shall be five classes of membership:

- (a) **Registered Member**, those holding a professional designation granted by the Association;
- (b) **Retired Member** may be granted to those who are no longer practicing, but wish to maintain their connection with the Association. These members must have held a qualified and active Association designation at the time of their retirement. These designees will be required to clearly indicate "Retired" as part of their designation.
- (c) **Student Member**, those currently attending a post-secondary educational institution who wish to maintain a connection with the Association. Student members shall not be required to fulfill continuing education requirements.
- (d) **General Member**, those sharing the goals and ethics of the Association who are not eligible to be a registered member.

Section 2. Qualifications:

Registered Membership in this Association shall be limited to those who meet the qualifications set forth by the Board of Directors, by holding in good standing, the Master Registered Financial Consultant (MRFC), Registered Financial Consultant (RFC) or Registered Financial Associate (RFA) professional designation, or any other designation that may be awarded or recognized by the Association.

Section 3. Termination of Membership:

Membership may be terminated for the following reasons:

- (a) By resignation and forfeiture of professional designation RFC, RFA, etc.
- (b) For non-payment of membership renewal fees;
- (c) For having a professional license revoked or suspended;
- (d) For violating the Association's Code of Ethics.
- (e) For failure to attest to and complete the required professional continuing education (RFC and RFA only)

- (f) For removal by action of the Board based on a review by the Association's Ethics Committee.
- (g) For providing inaccurate information on application or renewal forms

Section 4. Revocation of Designation:

Any member who is terminated from membership will be requested to return the Association's certificate(s) at the member's expense and may no longer use, display or advertise the RFC, RFA or other professional designation granted by the IARFC.

Section 5. Unpaid Accounts:

Any member who resigns shall not be relieved of the obligation to pay any unpaid fees or other charges that have accrued.

Section 6. Re-Certification:

The Certification Board may develop a re-certification process for persons holding the MRFC. This may include the distribution of study and update materials and required completion of an examination to verify the continued competence of the financial services professional.

**Article V – Registration Fees**

Section 1. Establishment of Registration Fees:

Fees for application, membership and renewal shall be established by and may be changed by the Board of Directors.

- (a) Dues of U.S. members shall be paid directly to the Association in U.S. currency.
- (b) Dues of non U.S. members shall be paid in U.S currency directly to the Association or its bank depository.
- (c) In other jurisdictions where a local organization has been established, dues may be adjusted for the services to be provided, and may be collected in local currency, with a portion paid to the Association for its services. The officers shall negotiate such terms and conditions and maintain written memoranda and accounting receipts. All remittances to the Association must be paid in U.S. currency.

Section 2. Delinquency:

Any member of the Association, who shall be delinquent in payment of dues or renewal fees for a period of thirty days, shall be notified of such delinquency. If payment is not received within the next sixty days, the delinquent member shall be dropped from the membership roll and thereupon forfeit all rights and privileges of membership, including the right to use, display and advertise the professional designation (i.e. RFC, RFA).

Section 3. Refunds:

Registration or renewal fees shall not be refunded for any reason.

**Article VI – Meetings**

Section 1. Annual Meetings:

The Association may hold a membership meeting at such place, time and method as designated by the Board of Directors.

Section 2. Board of Directors Meetings:

The Board of Directors shall hold at least one Annual Board Meeting with attendance in person, by telephone conference or by other lawful means, with the place and date of each meeting to be determined at the previous meeting, or by written announcement.

Section 3. Special Board of Directors Meetings:

At the request of the Chair or any three members of the Board of Directors, a special meeting may be called to be held in person, by telephone conference or by other lawful means. The business intended to be transacted at any special meeting shall be stated in notice thereof.

Section 4. Transaction of Business by the Board of Directors without Meetings:

The Board of Directors may, without a physical meeting, transact business by mail, email or internet conference by voting upon proposals sent to them by the Association. If within twenty (20) days thereafter a majority of the entire Board of Directors shall send in writing to the offices of the Association their vote in favor of such proposal, said proposal shall be deemed to have been adopted.

Section 5. Notice of Meetings:

Written notices of any meeting shall be mailed, emailed or faxed to the last known address of each voting member not less than twenty-one (21) days before the date of the meeting.

Section 6. Voting:

At all meetings, each active director shall have one vote each, and may take part and vote in person only. Unless otherwise specifically provided by these By-Laws, a majority of those directors present and voting shall govern. The Board, at its discretion, may decide to have voting conducted by a distributed (mail, fax or e-mail) ballot – in which case it shall determine and publicize the required receipt date.

Section 7. Quorum of Members:

At all Board of Directors meetings, whether regular or special, a quorum shall consist of a majority of the current Board of Directors. There is no quorum requirement for any general meeting of the Association.

Section 8. Rules of Order:

All meetings and proceedings of the Association shall be regulated and controlled according to *Roberts Rules of Order* for parliamentary procedure, except as may be otherwise noted in these By-Laws.

**Article VII - Board of Directors**

Section 1. Authority and Responsibility:

The governing body of this Association shall be the Board of Directors. The Board of Directors shall have supervision, control and direction of the affairs of the Association.

Section 2. Composition of the Board:

The Board of Directors is comprised of: eight (8) elected Directors, plus the Chair, Vice Chair and the Chief Executive Officer (CEO) who may or may not be elected directors or holder of either the Chair or Vice Chair position. Regardless of election, these three (3) (or less) persons shall serve as voting members of the Board. The voting members of the Board may therefore consist of up to eleven (11) persons. Only Board of Directors have voting rights.

Section 3. Member Elected Directors:

Eight (8) members of the Board shall be selected from the registered membership of the Association, holding the MRFC, RFC or RFA designation. (See Article IX, Section 6 for details on the voting process.)

Section 4. Term Limits:

A term of service for Board Members is defined as a period of three years or until the expiration of an open position, if less. No one may serve on the Board of Directors for more than two consecutive terms, unless in the capacity of Chair, Vice Chair or CEO.

Section 5. Election of the Board Chair:

The Chair shall be elected by the Board from among its current or prior board members, and the term of that election shall be communicated in writing.

Section 6. Election of the Vice Chair:

The Vice Chair shall be elected by the Board from among its current or prior board members. The office of the Vice Chair and the Chair may not be filled by the same person.

Section 7. Election of the Chief Executive Officer:

The Board of Directors shall elect a registered member to serve as its Chief Executive Officer for such period of time and under whatever circumstances and conditions it deems to be appropriate. The term of the Chair, Vice Chair and CEO shall be communicated in writing.

Section 8. Vacancies on the Board of Directors:

To fill any seats that shall become vacant due to resignation of a current board member or other such reason, not to include the end of the member's term, the Chair will solicit recommendations from the Nominating Committee which may nominate one or more candidates; and all members of the Board, including the Chair, Vice Chair and CEO, shall be eligible to vote, with a majority vote required for election. Board members elected in this fashion shall serve out the remainder of the term of the member they have replaced.

At the conclusion of the term they are completing they will need to gain re-election through the current election process as outlined by the Association. (Article IX, Section 6)

Section 9. Removal of a Director from Board:

If a member of the Board of Directors fails to attend three consecutive Board meetings, the member shall be asked to consider resignation from the Board. A member of the Board may be removed from the Board by a two-thirds majority vote of the remaining Board members in attendance at such Board meeting, which may be held by conference call or in writing as otherwise provided.

Section 10. Compensation:

No general members of the Board of Directors shall receive any compensation for their services.

Section 11. Authority to Create Sub-Boards:

The Board of Directors shall have the authority to create an Education Committee and a Certification Board to act on their behalf in relation to the MRFC designation. They shall also have the authority to create other currently unnamed committees as needed for the continuing operation of the Association.

Section 12. MRFC Certification Board:

The MRFC Certification Board shall be responsible for the oversight of the MRFC certification program and shall act in the interest of the stakeholders. Members of the MRFC Certification Board are barred from concurrently being on the IARFC Board of Directors. The MRFC Certification Board shall be comprised of four (4) credentialed members in good standing plus a voting public member. Rules regarding the members of the Certification Board shall be in compliance with the most current NCCA Standards. Such members shall be nominated and elected by the membership of the IARFC or individuals holding the MRFC credential and such may be accomplished by electronic balloting. Members of the MRFC Certification Board are barred from providing service as an educator, writer or trainer or from being on the Education Committee. For more information regarding MRFC governance, please see the MRFC Certification Board Policies and Procedures.

Section 13. Education Committee:

The Education Committee shall hold responsibility and authority to provide all education-related tasks separate from the Certification Board. Members of the Education Committee are barred from concurrently serving on the Certification Board.

The IARFC Board of Directors shall configure the Education Committee to meet the needs of the Association as they deem appropriate and timely.

Section 14. Nominating Committee



The Nominating Committee is comprised of the Chair, Vice Chair, Secretary and Treasurer. It will review all nominated candidates for Board Director position(s) and agree or reject any or all names.

## ***Article VIII - Officers***

### **Section 1. Composition:**

The Officers of this Association shall be the Chair of the Board of Directors, the Vice Chair, the Chief Executive Officer (CEO), one or more Vice Presidents, the Treasurer, and the Secretary. Positions of Vice President will be created and terminated at the discretion of the Board of Directors. All Officers are expected to attend all Board meetings and special meetings unless otherwise stated by the Board of Directors.

### **Section 2. Term and Term Limits:**

All Officers, except the Chair, Vice Chair and CEO, shall serve terms of three years or less, coinciding with their term of service on the Board. No one may serve more than two consecutive terms in the same office. Any vacancy of a board position may be filled by a person serving the balance of the unfulfilled term.

### **Section 3. Vacancy and Removal:**

To fill an Office vacancy, the Nominating Committee shall nominate one or more candidates. All members of the Board of Directors shall be entitled to vote, and an affirmative vote of two-thirds of the entire Board is required to fill the seat with that candidate. The procedure to remove an officer must follow the process outlined in Article VII Sections 8 and 9.

### **Section 4. Duties of the Chair:**

The Chair shall preside over all meetings of the Board of Directors. The Chair shall fulfill the duties of any other office or seats vacant until a new appointment is made. The Chair shall also oversee any special project until a supervisor for that project is appointed. The Chair shall assume the role and the responsibility of the Chief Executive Officer in the absence of the CEO. In addition, the Chair will assist the CEO to perform any duties that are necessary to promote the welfare of the Association.

### **Section 4(a) Communications:**

The Chair, the Vice Chair and the CEO are directed to remain in close communication (in person, by phone or by electronic or print media) with each other, so that there would be minimal updating required in the event that any of the two or three should be incapable of continuing service.

### **Section 5. Duties of the Vice Chair:**

The Vice Chair shall be prepared to assume the responsibilities of the Chair, in the circumstance of the Chair being unable to serve, and to assist the CEO in any of the important tasks of the Association.

### **Section 6. Duties of the Chief Executive Officer (CEO):**

The CEO shall be the primary executive charged with carrying out the business of the association. This position may be filled by the Chair, by the Vice Chair, or by a non-elected full time employee. The CEO shall serve as an ex-officio member of the Board of Directors, with full voting privileges.

Section 7. Duties of the President.

A President may be elected by the Board of Directors, from among the 8 elected Board Members, and will normally be charged with an important project or task of the Association, and shall use the title to indicate that he or she has been delegated with the authority to represent the Association. The president shall serve a term of one year, and may be re-elected for a succeeding year should the assigned special task require more time. Unless the President was elected as a Director, they do not have voting rights.

Section 8. Duties of Vice Presidents:

When each position of Vice Presidency is created, the Board of Directors shall state, at that time, the duties of that position. Unless the Vice President(s) was elected as a Director, they do not have voting rights.

Section 9. Duties of the Treasurer:

The Treasurer shall see to it that all of the Association's funds are handled properly. The Treasurer, or appointed staff persons, shall collect all member dues, insure proper accounting procedures are utilized, and be responsible for the keeping of the funds in such banks, trust companies and or investments as are approved by the Board of Directors. The Treasurer shall report on the financial condition of the Association at all meetings of the Board of Directors. The Treasurer shall be responsible to ensure that the accountants representing the Association file the appropriate returns with the IRS.

Section 10. Duties of the Secretary:

The Secretary shall see to the proper and accurate recording of proceedings at all meetings of the Association and of the Board of Directors, including distribution of the minutes. The Secretary shall be responsible for informing members of the date, time and place of meetings, and keep the seal of the Association. The Secretary may delegate these responsibilities to the Association's Executive Director or other qualified employee.

Section 11. Compensation:

There shall be no compensation for any Officers for their services, unless the Board shall have executed a written employment agreement.

## ***Article IX – Election of Directors and Officers***

### **Section 1. Qualifications:**

Only Master Registered Financial Consultant (MRFC), Registered Financial Consultant (RFC) and Registered Financial Associate (RFA) designees who are in good standing may serve on the Board of Directors. All members of the Board of Directors, in good standing, may become officers. A member of the Board of Directors may also be an Officer at the same time.

### **Section 2. Elections:**

Elections for the Directors shall take place by voice, paper or electronic ballot or at a Board Meeting.

### **Section 3. Election of the Chair:**

After each election for the Board of Directors, the Board of Directors, shall convene to elect a new Chair if that position is open for re-election (unless the Chair shall have been elected for a longer term). All Board Members wishing to run must make their candidacy known at this time. Each Director shall have one vote. The candidate with the most votes shall become Chair.

### **Section 4. Election of the Vice Chair:**

After each election for the Board of Directors, the Board of Directors, which now includes the newly elected members, may elect a new Vice Chair if that position is open for re-election (unless the Vice Chair shall have been elected for a longer term). All Board Members wishing to run must make their candidacy known at this time. Each Director shall have one vote. The candidate with the most votes shall become Vice Chair.

### **Section 5. Candidates for Elected Director Positions:**

A member may nominate himself or herself or any interested member as long as the nominee meets all requirements for that position. All nominees are requested to submit to the Nominating Committee a letter of intent to run, signed by the candidate. The candidate also must submit a brief resume containing business and professional experience and an optional statement on how he or she intends to promote the goals of the Association. The Nominating Committee will review all candidates for Board Director position(s) and agree or reject any or all names. Those candidates struck from the slate of nominees must be notified and be given an opportunity to get ten (10) IARFC member signatures to have them put back on the ballot for consideration.

### **Section 6. Voting Procedures:**

All Directors in good standing shall have the right to vote. Voting may be performed by secret ballot. After the voting is complete, the current CEO shall select three people who are not nominees for any seats to count the ballots. The person(s) receiving the most votes shall be elected. The resulting winner(s) is (are) then announced. In the event of a tie, the Chair will cast the deciding vote or may decide to select the winner by chance.

In the event an annual Board meeting is not held, the voting shall take place through electronic means as chosen by the current Board of Directors. Such means shall be made available to all current Board members in good standing and notification of such means shall be made thirty days prior to the election period. In an electronic format, members will be given fourteen days to complete the voting process. After that time, the Board of Directors shall notify the membership of the outcome of the election.

Section 7. Election of Officers:

The Officers shall be elected by the Board of Directors following the induction of new Directors.

Section 8. Taking Office:

All elected personnel will assume the responsibility associated with their office immediately after the election, and will become active in their new capacity without delay.

***Article X - Ethics***

Section 1. Ethics Committee:

The Ethics Committee shall be comprised of at least three (3) members from the Board of Directors. A single voting representative of the IARFC membership department shall also be a part of the committee so as to provide an advisory opinion regarding the member(s) in question. The representative of the IARFC membership department shall be determined by the IARFC CEO.

Section 2. Purpose of the Ethics Committee:

The purpose of the Ethics Committee is to ensure that issues regarding the practice and conduct of certificants are fairly and reasonably investigated and determined, and to protect the public against unprofessional and/or unethical conduct by certificants. The primary objective of the Ethics Committee is to enforce the Code of Ethics. It is the responsibility of the Ethics Committee to follow the procedures in the conduct of its business. The Ethics Committee shall also be responsible for final determination when it comes to issues related to the Conflict of Interest Policy for the IARFC.

Section 2.1 Enforce Code of Ethics

The Ethics Committee shall receive and review complaints of ethical violations and determine appropriate action, including sanctions and dismissal of complaint.

Section 2.2 Scope of Authority

The Ethics Committee shall investigate complaints filed against a certificant who is registered at the time the complaint is filed, and decide the complaint.

Section 3. Complaint Process:

The following is the process for handling complaints brought to the attention of the Ethics Committee:

- (a) If the complaint is determined to have merit, the Ethics Committee shall notify the member of the charges alleged. Such notification shall be in writing and sent to the last known address for the member.
- (b) The member has ten (10) business days to respond to the charges either in writing, in person or through legal counsel. Additional time for full response may be granted upon request.
- (c) If the Ethics Committee still finds merit in the complaint after reviewing the member's response it may conduct further investigation.
- (d) The investigation procedure to be used by the Ethics Committee shall be exercised in a fashion as to represent properly the following interests:
  - 1. The well-being of the public, which should not be exposed to non-professional, unethical or illegal actions.
  - 2. The reputation of the financial services profession which would be tarnished by the continued activity of a practitioner who does not operate with the highest standards.
  - 3. The rights and reputation of the accused professional who should not have a designation removed without due representation and reasonable opportunity to express his or her position.
- (e) If the member does not respond, the Committee may vote on the removal of the member or other such action as allowed in Section 4 of this article.

#### Section 4. Determination of Action by the Committee:

An affirmative vote of two-thirds of all members of the Ethics Committee is needed to take action against the member. The Ethics Committee may take any of the following actions in response to the complaint:

- 1. Dismiss the case
- 2. Reprimand the member
- 3. Censure the member
- 4. Suspend the membership for a specific period
- 5. Terminate membership or credential permanently.

The committee may also delay action pending further investigation and/or actions of outside agencies. Such delay should be minimized if at all possible. If the complaint is lodged against a Committee member, that member may not participate in the vote for action.

#### Section 5. Appeals of Ethics Committee Decisions

Members against whom the Ethics Committee has decided to take action have the right to appeal the decision of the Committee. Such appeal shall be handled by the Board of Directors and their decision shall be considered final and binding. Rules regarding the appeal process shall be promulgated and provided to members subject to the actions of the Ethics Committee.

Section 6. Code of Ethics:

The Association shall promulgate a Code of Ethics that will be made available to all members of the association and to the public. Such Code of Ethics shall be followed by members in the course of their professional and personal lives. All members shall agree to be bound by and abide by the Code of Ethics and will be required to attest to their understanding and agreement each year upon the anniversary of their membership and prior to renewal of their status.

***Article XI – Special Authority and Duties***

Section 1. Designation Qualifications:

The Board, or any Committee authorized by the Board, may develop and revise the qualifications and standards for the RFC, RFA or other designation excluding the MRFC which falls under the auspices of the MRFC Certification Board .

Section 2. Strategic Alliances:

The Officers, and any Committee authorized by the Board, may negotiate strategic alliances or partnerships with other associations, institutions or organizations. Such relationships must be documented in writing, and must be approved by the Board before being legally binding upon the Association, and shall not conflict with Article III.

Section 3. Direct Ownership or Participation:

The Board of Directors is authorized to acquire full or partial ownership in any enterprise that is related to the field of financial services or the provision of services to the Association members provided that it does not conflict with Article III.

Section 4. Joint Relationships:

The Board of Directors is authorized to negotiate special arrangements for marketing, education and administration of the MRFC, RFC, RFA and other designations with other associations, institutions or organizations as it may deem appropriate, especially to promulgate growth outside the U.S. where language, culture and operations would dictate that a local organization can more effectively achieve the Association's objectives.

***Article XII – Amendments and Publication***

Section 1. Proposed Amendment:

Any ten active members of the Association or any two Directors may propose an amendment to these By-Laws. The proposed By-Laws amendment must be given in writing to the Secretary three weeks before the next Board of Directors meeting. The Secretary will send a copy of the proposed amendment to each Director.

Section 2. Voting on the Proposed Amendment:

The Board of Directors shall debate the proposed amendment and may make any changes to it that are deemed necessary. All members of the Board of Directors may vote on the

adoption of the proposed amendment. A two-thirds affirmative vote of those present and eligible to cast a ballot is required for the proposed amendment to be adopted.

Section 3. Time for Voting:

If a proposed amendment is distributed for written ballot, only the ballots received within twenty (20) days shall be counted.

Section 4. Publication:

A complete copy of these By-Laws shall be available to any member, prospective member or any member of the public.

New By-Laws initially adopted: January 1, 1993 (***Replacing those of 1984***)  
By-Laws amended on: November 12, 1999  
By-Laws amended on: January 24, 2000  
By-Laws amended on: June 30, 2003  
By-Laws amended on: October, 2005  
By-Laws amended on: October, 2006  
By-Laws amended on: October, 2008  
By-Laws amended on: October, 2009  
By-Laws amended on: June, 2011  
By-Laws amended on: May, 2012  
By-Laws amended on: February, 2013  
By-Laws amended on: June, 2014  
By-Laws amended on: March 16, 2015  
By-Laws amended on: March 15, 2017