

MLS POLICY VIOLATION MANUAL

TABLE OF CONTENTS

Section 1 MLS Policy Violations and Fines

	Page
Section 1.01-Inaccurate or Unallowable Data Violations	
Section 1.01.01-Inaccurate Listing Agreement Type	1
Section 1.01.02-Inaccurate Co-Op Information for Closing (Sold)	1
Section 1.01.03-Blank or Incorrect Information in Required Data Fields	1
Section 1.01.04-Incorrect Property Type	1
Section 1.01.05-Inaccurate Geo-Coding (Map Placement)	1
Section 1.01.06-Unallowable Data in Remarks or Additional Remarks	1
Section 1.02-Internet Violations	
Section 1.02.01-Entry of Branded Virtual Tour or Links on Listing	1
Section 1.02.02-IDX and VOW Guideline Violation	2
Section 1.03-Photo Violations	
Section 1.03.01-Unauthorized Use of MLS or Other Copyrighted Photos	2
Section 1.03.02-Improper Display of Photos	2
Section 1.03.03-Unallowable Data on Photos	2
Section 1.03.04-No Primary Photo	2
Section 1.04-MLS Submission Violations	
Section 1.04.01-Listing Not Submitted to MLS	2
Section 1.04.02-Listing Submitted to MLS but Not Available for Showing	2
Section 1.05-Listing Maintenance Violations	
Section 1.05.01-Non-Reported In Contracts	3
Section 1.05.02-Non-Reported Closing (Solds)	3
Section 1.05.03-Non-Reported Status Change	3
Section 1.05.04-Non-Reported Dual or Variable Rate Commission	3
Section 1.06-Listings Re-Entered Violations	
Section 1.06.01-Re-Entry Same Property Prior to 30-Day Off Market	3
Section 1.06.02-Multiple Entry of Same Property	3

MULTIPLE LISTING SERVICE POLICY VIOLATION AND FINE MANUAL

Section 1.01-Inaccurate or Unallowable Data Violations

1.01.01 - Inaccurate Listing Agreement Type **\$ 100 fine**

Each listing entered in the MLS shall be identified accurately by one of the current listing agreement types with the seller. Those agreement types are defined by NAR as Exclusive Right to Sell, Exclusive Agency, ML Only or Limited Representation. *Realtor will be fined immediately.*

1.01.02 - Inaccurate Co-op Information for Closing (Sold) **\$ 100 fine**

If the sale of property listed in MLS resulted in a co-op with another real estate company, the listing company shall report the name and number of the co-op Participant or just the number (9980) of any non-Participant in the sale of that property. *Realtor will be fined immediately.*

1.01.03 - Blank or Incorrect Information in Required Data Fields **\$ 50 fine**

Required data entry items appear in red on the work sheets and must be completed accurately using resources provided or available. Entering zeros to bypass a required entry data field is prohibited if the information is available from outside resources or MLS references provided including but not limited to Realist, area atlas, auditor records etc. *Realtor will be notified and allowed 24 hours to correct the identified violation before fine assessed and there shall be only one warning per licensee.*

1.01.04 - Incorrect Property Type **\$ 50 fine**

Listings entered in MLS must display the correct property type, e.g., condominiums may not be entered as single-family homes and vice versa. *Realtor will be notified and allowed 24 hours to correct the identified violation before fine assessed and there shall be only one warning per licensee.*

1.01.05 - Inaccurate Geo-Coding (Map Placement) **\$ 50 fine**

Accurate Geo-Coding (map placement) of listed properties in MLS is the sole responsibility of the listing agent. Incorrect placement by the automatic Geo-Coder will not allow for a waiver of the violation. *Realtor will be notified and allowed 24 hours to correct the identified violation before fine assessed and there shall be only one warning per licensee.*

1.01.06 - Unallowable Data in Remarks or Additional Remarks **\$ 50 fine**

Examples of data included but not limited to this list would be names, phone numbers, web sites, logos, slogans etc. *Realtor will be notified and allowed 24 hours to correct the identified violation before fine assessed and there shall be only one warning per licensee.*

Section 1.02-Internet Violations

1.02.01 - Entry of Branded Virtual Tour or Links on Listing **\$ 100 fine**

Branded tours or links are defined as tours or links that include, but are not limited to the display of verbal or written information such as email, addresses, websites, office-mobile-fax numbers, company affiliations, primary or ancillary advertisements, logos, agent or team names or identifiable codes or symbols cannot be included with any listing and all branded tours and links are subject to removal by MLS. However, unbranded tours or links may be included with any listing. *Realtor will be notified and allowed 24 hours to correct the identified violation before fine assessed and there shall be only one warning per licensee.*

1.02.02 - IDX and VOW Guideline Violations

\$ 100 fine

Improper display of listings on an IDX or VOW site is prohibited. The IDX and VOW guidelines appear in the current MLS Rules and Regulations and on the CBR website at www.columbusrealtors.com. *Realtor will be fined immediately.*

Section 1.03-Photo Violations

1.03.01 - Unauthorized Use of MLS or Other Copyrighted Photos

\$ 50 fine

Photos taken by MLS are copyrighted and are for the exclusive use by MLS Realtors. Other than the CBR-MLS copyright photos, members cannot advertise, distribute, display or in any way use any other person's photos without proper authorization from the photographer who supplied them. *Realtor will be fined immediately.*

1.03.02 - Improper Display of Photos

\$ 50 fine

Photos in MLS shall predominantly display only the property that is for sale, lease or exchange. Display of floor plans, renderings and photos identified as a facsimile are permitted. *Realtor will be fined immediately.*

1.03.03 - Unallowable Data on Photos

\$ 50 fine

No markings are permitted on photos except for the CBR-MLS copyright logo or the word Facsimile for new construction in the same size or smaller letters as the CBR-MLS. No marketing devices of any type (e.g., logos, readable for sale signs, company names, phone numbers, web sites, email addresses including embedded, overlaid or digitally stamped information etc) shall appear on or with the photo. *Realtor will be notified and allowed 24 hours to correct the identified violation before fine assessed and there shall be only one warning per licensee.*

1.03.04 – No Primary Photo

\$ 50 fine

A primary photo is required for all listings entered in MLS May 1, 2009 and thereafter except for property entered as Sold Non MLS or unless the seller signs the Photo Waiver Form found on CBR's web site at www.columbusrealtors.com. Primary image displayed in MLS must be primarily of the property listed. Architectural renderings, plat maps and auditor photos are acceptable to use. Either a photo or copy of the Photo Waiver Form must be on file with MLS prior to the 15-day deadline from the date the listing was entered. *Realtor will be fined immediately after the 15-day allowable time for either not having a photo or the Photo Waiver form on file in MLS.*

Section 1.04-MLS Submission Violations

1.04.01 - Listing Not Submitted to MLS

\$ 100 fine

Listings required in MLS but not submitted by the listing company shall be submitted within 72 hours from the date signed or the proper documentation shall be on file with the MLS. *Realtor will be fined immediately.*

1.04.02 - Listing Submitted to MLS but Not Available for Showing

\$ 100 fine

All property submitted to MLS and appearing in active searches must be immediately available for sale, lease or exchange and/or showing. Property listed and required in MLS but not available for showings must be filed with MLS on the proper form (Notice of Exclusive Listing Not Available for Placement Through MLS) found on CBR's web site at www.columbusrealtors.com. *Realtor will be fined immediately.*

Section 1.05-Listing Maintenance Violations

1.05.01 - Non-Reported In Contracts

\$ 100 fine

Any accepted purchase contract by the seller constitutes the need to report the property in contract, contingent on financing or inspection or contingent escape to MLS within 24 hours except weekends and federal holidays whereby the status is to be entered the following business day. *Realtor will be notified and allowed 24 hours to correct the identified violation before fine assessed and there shall be only one warning per licensee. (Revised Aug '08)*

1.05.02 - Non-Reported Closing (Solds)

\$ 100 fine

All sales closed must be entered within 72 hours from the actual closing/funding date except weekends and federal holidays whereby the closing information is to be entered the following business day except HUD listings that are to be updated within 72 hours of the LLB's receipt of the step 10 worksheet. Receipt of the step 10 worksheet will be determined based on its emailed date from NHMS. *Realtor will be fined immediately.*

1.05.03 - Non-Reported Status Change

\$ 100 fine

Property whose status has changed to expired or withdrawn shall be reported to the Service within 24 hours. *Realtor will be fined immediately.*

1.05.04 - Non-Reported Dual or Variable Rate Commission

\$ 100 fine

An agreement in which the seller/landlord agrees to pay a specified commission if the property is sold/leased by the listing broker without assistance and a different commission if the sale/lease results through the efforts of a cooperating broker shall be disclosed by selecting either a Y/N answer to a required entry data field when loading a listing. *Realtor will be fined immediately.*

Section 1.06-Listings Re-Entered Violations

1.06.01 - Re-Entry of Same Property Prior to 30-Day Off-Market

\$ 100 fine

Property with the same parcel number may not be re-entered by the same agent with the same company until or unless it has been withdrawn or expired for 30 days or longer. *Realtor will be fined immediately.*

1.06.02 - Multiple Entry of the Same Property

\$ 50 fine

Each listing entered with a single parcel number in the MLS shall be submitted based on its current use or intended use but never both uses simultaneously. However, separate parcels with options to sell as a package or individually and property for sale or for lease may each be entered separately. *Realtor will be fined immediately.*

Section 1.07-Data Integrity Violations

1.07.01 - Fictitious Listing Data

\$ 100 fine

Invalid, fictitious or improper information entered on a listing is prohibited, e.g. including but not limited to an email address entered in the subdivision or phone number in possession. *Realtor will be fined immediately.*

1.07.02 - Failure to Provide Requested Information to MLS

\$ 500 fine

Documentation required to review an alleged violation identified by the Service shall be submitted to the Service within 24 hours from the date of their request. *Realtor will be fined immediately.*

1.07.03 - Entry of Non-Existent Listing

\$ 500 fine

No fictitious listing shall be entered in MLS. *Realtor will be fined immediately.*

1.07.04 - Data Modification to Manipulate Statistics/Prevent Search

\$ 500 fine

Any manipulation of data that results in or attempts to create inaccurate or fictitious database information is prohibited. *Realtor will be fined immediately.*

1.07.05 - Entry of New Condominiums Without Proper Documents

\$ 100 fine

For new condominium developments, Realtors may enter and maintain 5 active units with a Developer's Statement on file and Realtors may enter and maintain more than 5 active units with Condo Documents on file. The document(s) must be on file with MLS prior to any new condominiums being entered. *Realtor will be fined immediately and it will be assessed per listing entered exceeding the allowable amount.*

Section 1.08-Security Violation

1.08.01 - Providing Login Name and Password to Non-MLS Member

\$ 500 fine

Your login name and password is highly confidential and is not to be shared with other agents, unauthorized technology vendors or customers or clients. Your login name and password shall not be shared, disclosed or knowingly allowed to come into the possession of any other person except your broker, manager and/or office administrator in your real estate company. *Realtor will be fined immediately.*

NOTICES AND PROCEDURES FOR ASSESSED FINES FOR MLS POLICY VIOLATIONS

SECTION 2

NOTICES AND PROCEDURES

SECTION 2.01 Fine Assessment Process: Fine assessments will be tiered. First offense will be the fine amount assigned to the violation. The second offense of the same violation will result in the fine amount being doubled. The third offense of the same violation will result in the fine amount plus \$500. The fourth offense will result in an automatic appeal to the Hearing Panel within 30 days of notification and if the violation is upheld the Realtor will be suspended from MLS services for 15 calendar days.

SECTION 2.02 Notification Methods: There will be three possible methods of notification by staff to Realtors with violations (a) email, (b) fax or (c) phone and proof of the actual notification method will be maintained by the Service. MLS will forward a copy of the warning or fine notice by email, fax and/or phone to the broker, agent and/or, if possible, the office manager and it is the sole responsibility of any recipient identified herein to be certain these and all other interested recipients are aware of this notice. Any claim of non-receipt of this notice by any or all of the identified recipients does not constitute a waiver of responsibility for either a warning or fine assessment.

SECTION 2.03 Warning Notices: Warning notices are not subject to appeal. While there are some violations identified that allow for one warning notice prior to imposing a fine, other violations impose an immediate fine. Regardless, only fines imposed are subject to appeal.

SECTION 2.04 Liability for Fines: Fines will follow the agent and unpaid amounts will be the responsibility of the current broker holding the agent's license. Within the authority allowed by law, Brokers hiring new agents will be able to know if any outstanding fines are associated with the agent by contacting CBR's accounting department.

SECTION 2.05 Complainants: Complainants do not need to be identified.

SECTION 2.06 Publication of Violation Statistics: Names of violators will not be published but the collective statistics regarding the number of violations and amount of the fines recorded in MLS will be printed in various resources.

SECTION 2.07 Records of Violation Statistics: Repeated fine violations that have warning notices shall be maintained for only a period of one rolling year for each Realtor rather than one fiscal year or indefinitely.

SECTION 2.08 Fine Creation Process: The implementation process of fines begin after Officer and Director approval with announcements and notices at the Annual Business Meeting, In Contract publications and the CBR MLS TEMPO Welcome Screen through 2005. On January 1, 2006 and for 90 days thereafter, MLS begins contacting members found in violation of a rule or policy and begins issuing warning notices (not assessments). The warning notices will serve to identify both the offense and the fine. Finally, beginning April 1, 2006, fines will be assessed and members notified accordingly.

SECTION 2.09 Right of Revision: MLS Committee reserves the right to add or change violations, amounts or hearing procedures subject to the approval of the Board of Directors.

SECTION 3

APPEAL PROCESS

SECTION 3.01 MLS Fines Review Panel Appeal Instructions: To appeal the fine assessed by the MLS Department to the Fines Review Panel, the agent must (a) pay the fine and (b) file a written (email or mail) appeal to MLS dated or postmarked on or before the 15th day from notification or the fine stands. If the written appeal is determined by a Fines Review Panel to have merit, a waiver may be granted or if more information is needed, the agent will be presented with the option of appearing before the Fines Review Panel for a formal review or the fine stands. Also, if the written appeal is determined by the Fines Review Panel not to have merit, the fine stands.

Email Address: hmartinsen@columbusrealtors.com

Mail Address: Heather Martinsen
MLS of the Columbus Board of Realtors
2700 Airport Dr
Columbus, OH 43219

SECTION 3.02 MLS Fines Review Panel Configuration: The Fines Review Panel will include three (3) MLS Committee members each currently serving as a seated member of that committee. No seated panel member shall be associated with the same company or franchise as the accused violator. (Amended 2007).

SECTION 3.03 Board of Directors Appeal Instructions: The Rules and Regulations of the Multiple Listing Service of the Columbus Board of Realtors®, Inc., Section 9.1, provides that decisions of the MLS Committee's Fines Review Panel may be appealed to the Board of Directors within 20 days of that Panel's decision, following the procedures for appeals that are outlined in NAR's Code of Ethics & Arbitration Manual.

These procedures provide that a member may file a written request for appeal of a decision and/or discipline (fine) on the basis of (1) misapplication or misinterpretation of a rule or policy, (2) alleged procedural deficiency or lack of procedural due process, or (3) the discipline (fine) imposed. Additionally, the member may appear in person to personally present their appeal.

SECTION 3.03.01 Board of Directors Appeal Limitations: The appeal hearing will consider the arguments of the appellant, and is limited to the basis (bases) set forth in writing in the Request for Appeal. The written appeal must be filed within 20 days from notice of the Fines Review Panel's decision.

SECTION 3.03.02 Board of Directors Appeal Deposit: The appeal must be accompanied by an appeal deposit of \$50, payable to the Columbus Board of Realtors®. If the original MLS Fines Review Panel's decision is upheld, the appeal deposit will be forfeited. If the decision is rescinded or modified, the deposit will be refunded.

SECTION 3.03.03 Board of Directors Appeals Hearing Tribunal Configuration: The appeals tribunal is comprised of members of the Board of Directors, except that anyone who was on the original Fines Review Panel or who has otherwise been involved in the matter is disqualified from also serving on the Appeal Hearing Tribunal. Anyone who is related by blood or marriage to any party to the hearing or anyone related by blood or marriage to a Realtor® acting as counsel for the appellant, or anyone who is an employer, partner, employee, or is associated in business with the appellant or a Realtor® who is acting as counsel will also be disqualified. Additionally, no more than one person licensed with any firm, partnership or corporation may serve on the same tribunal.

SECTION 3.03.04 Outline of Procedure: The procedure to be followed for an appeal hearing is as follows:

- The original Fines Review Chairperson will summarize the matter under review.

- The appellant will have the opportunity to offer any corrections or modifications to the summary, to introduce supporting evidence and/or the statements of any other parties to the original review, and to explain the basis (bases) for the appeal.
- The original Fines Review Panel's decision should be upheld.
- At any time during the proceeding, members of the Appeal Hearing Tribunal may ask questions.
- Finally, following the appeal hearing, the Appeal Hearing Tribunal will go into executive session to reach a decision.

SECTION 3.03.05 Guidelines: The Appeal Hearing Tribunal will not be dealing with questions of law and is not governed by the technical rules of evidence that may apply in court. The Appeal Hearing Tribunal will seek to determine all ascertainable and relevant facts pertaining to the matter under consideration to arrive at a peer judgment and decision by the Appeal Hearing Tribunal that is fair.

After the Appeal Hearing Tribunal has heard all of the evidence and testimony, it will go into executive session to reach a decision. The decision will be based solely upon the arguments, evidence, and testimony offered during the appeal hearing.

All parties or their representatives to these proceedings will be allowed a full opportunity to be heard on matters relevant to the issue. The Appeal Hearing Tribunal need not accept the statements of counsel as being the statements of their clients if it desires direct testimony. Counsel is present to advise and consult with their clients, and to speak for them subject to appropriate rulings and determinations by the Appeal Hearing Tribunal.

The Appeal Hearing Tribunal will countenance no effort by any party or by counsel to any party to harass, intimidate, coerce, or confuse the Appeal Hearing Tribunal or any party to the proceedings.

SECTION 3.03.06 Final Decision: The decision of the Appeal Hearing Tribunal will be final, and its report and findings are considered confidential. Upon final action by the Appeal Hearing Tribunal, the Board President shall disseminate copies to the appellant, the Board of Directors, the original Fines Review Chairperson, to members of the original Fines Review Panel, and Board legal counsel.

Send written Request for Appeal and \$50 appeal deposit care of:

Larry L. Metzger, CAE
Chief Executive Officer
Columbus Board of Realtors®
2700 Airport Drive
Columbus, Ohio 43219

SECTION 4

NON-APPEAL PROCESS

SECTION 4.01 Non-Appeal Instructions: For any fine assessed and not paid by the last day of the month in which it was assessed that amount will be billed automatically to the broker's account.

Mail Address: The Columbus Board of Realtors
Accounting Department-MLS
2700 Airport Dr
Columbus, OH 43219