



MLS RULES & REGULATIONS ENFORCEMENT POLICY

TIER ONE VIOLATIONS

First Violation: Warning Letter

Second Violation: \$100

Third & Subsequent Violations: \$200

As set forth in Section D above, violations must be corrected within two (2) calendar days of notice. Violations which remain uncorrected subject the violator to the imposition of new penalties and removal of the listing from active display.

The maximum accumulated fine for a single violation may not exceed the top amount of \$15,000 allowed by NAR for assessment of financial penalty. If the maximum accumulated fine amount has been assessed and the violation has not been corrected, the Violator's MLS privileges may be suspended until all accumulated fines have been paid and the noted violation has been corrected.

Tier One Offenses are as follows:

	Rule	Fine	Description
1	Orientation Rule 4.1.1g, 4.1.2e, 4.2.1e, 4.2.2e, 4.3e <i>Automatic Fine, No Warning</i>	\$100	Non-Completion of Required MLS Orientation Program Within Set Time Allowed (Orientation)
2	Clerical User Status Change Rule 4.3	\$100	Failure of Participant or Subscriber to Notify the MLS of Termination, Transfer, or Addition of Any Clerical Users Affiliated with Participant or Subscriber (Notice re: Clerical Users)
3	Licensee Status Change Rule 4.4	\$100	Failure of Participant to Notify the MLS of Termination, Transfer, or Addition of any Licensees Under Participant's License (Notice re Licensees)
4	New License Rules 4.1.3, 4.2.3	\$100	Failure to Properly Designate/Correlate License Type (Redundant Participant/Subscriber Qualifications)
5	Listing Type Rules 7.2-7.3	\$100	Failure to Properly Specify Listing Type or Class (Listing Type or Class)
6	Listing Info Change Rule 7.8	\$100	Failure to Update/Change Listing Information (Change of Listing Information)
7	Listing Cancellation Rule 7.9	\$100	Unauthorized Cancellation/Withdrawal of Listing; failure of ongoing obligation to report solds (Cancellation/Withdrawal of Listing Prior to Expiration)
8	Listing Details Rule 7.11	\$100	Failure to Provide Complete Listing Information (Detail on Listings)
9	Compensation Rule 7.12	\$100	Failure to Offer Unconditional Compensation (Unilateral Contractual Offer)
10	Auction Requirements Rule 7.24	\$100	Failure to Comply with Auction Listing Requirements (Auction Listings)
11	REO Status Rule 7.27	\$100	Failure to Disclose REO Status (REO Disclosure)]
12	Short Sale Status [Rule 7.28	\$100	Failure to Disclose Short Sale Status (Short Sale Listings)]
13	Listing Info Accuracy Rule 8.3	\$100	Failure to Input Accurate Information (Accuracy of Information; Responsibility for Accuracy). Only the square footage, number of bedrooms and bathrooms for the primary unit should be reported in the square footage, bedroom and bathroom fields. Anything in a secondary or detached unit is to be added in the remarks section. (Ratified 03/20/08)



MLS RULES & REGULATIONS ENFORCEMENT POLICY

TIER ONE VIOLATIONS

(continued)

First Violation: Warning Letter

Second Violation: \$100

Third & Subsequent Violations: \$200

Rule	Fine	Description
14	\$100	Failure to Provide Seller's Written Direction to Alter Time of Submission of Offers; Failure to Provide Clear and Accurate Notice of Altered Offer Presentation Date/Time [Rule 9.4 (Presentation of Offers)]
15	\$100	Failure to Timely Provide Written Verification that Offer Was Presented (or that Seller Waived the Obligation to Have Offer Presented) [Rule 9.5 (Submission of Offers and Counter-Offers)]
16	\$100	Failure to Timely/Accurately Report Listing Status, Status Changes and Sales Status (Reporting of Sales)
17	\$100	Failure to Timely Report Cancellation of Pending Sale (Reporting Cancellation of Pending Sale)
18	\$100	Failure of Requisite Authority to Submit Listing Content [Rule 11.4 (Authority to Put Listings in MLS Compilation)]
19	\$100	Wrongful Use of Photographs/Use of Photographs on a Listing Without Proper Authorization [Rule 11.5 (Photographs/Images on the MLS)]**
20	\$100	Misuse of Public Remarks; Failure to Limit Public Remarks to Marketing, Description and Condition of the Property; Wrongful Use of Remarks on a Listing Without Proper Authorization (Use and Misuse of Remarks). Public Fields including but not limited to Remarks, Additional Remarks, Financial Remarks, Directions and Show Instruction fields shall not contain any of the following: phone numbers, company names, including title information, agent names or reference thereto, real estate company websites or email addresses, security, alarm codes, or vacancy information, confidential agent remarks (i.e. don't let the cat out). The Confidential/Showing Instructions are instructions and information for agents' eyes only. Association Executive will remove items in violation, issue warning, a fine will be imposed upon a second offense. (Ratified 3/4/2014)
21		Unauthorized Use of Term "Sold"; Impermissible Use of Listing Content/Display of Non-Allowable Listing Content [Rule 12.7 ("Sold" Signs, Use of the Term "Sold" and Advertising Sold Listings)]
22	\$100	Unauthorized Use of Statistical Reports, Sold Data or Comparable Reports in Advertising (Limitations on Use of Information in Advertising)
23	\$100	Failure to Provide Adequate Informational Notice and/or Disclaimers on Print or Non-Print Forms of Advertising or Other Forms of Public Representations [Rule 12.9 (MLS Information in Advertising), Rule 12.15.1 (Copies to Prospective Purchasers), IDX Rule 12.16 (s) (Disclaimer), VOW Rule Section 12.19.17].
24	\$100	At least one photo or map of Residential, Residential Income, Manf. In Park, Land, Commercial or an <i>image</i> for business listings, must be submitted regardless of status and uploaded to the MLS within 7 days of the listing date. If this problem is not corrected within 7 days of the citation, user privileges will be suspended from the MLS system and if not corrected within 30 days they will be terminated. Photo areas are to be used for their intended purpose only. *No photos may be "borrowed" without written permission of photographer. It is important to adhere to this rule and an automatic fine of \$100 per event will be imposed. (Not per picture.) No warning will be issued. Fine will be doubled if pictures remain in violation after first fine is issued. (Ratified 10/20/2011)
25	\$100	For failure to comply with Section 12.5.1, participant and subscriber will be sent a warning letter to correct listing within two (2) days from letter date. If listing is not corrected without the two (2) days, a \$100 fine per violation will be assessed and the Association Executive will take corrective action to remove the incorrect data or link. (Ratified 12/09/2010)

26	<i>Designations / Profile Name</i>	\$100	The MLS user profile may only contain BRE, C.A.R. and N.A.R. approved designations. Users may not use "last name" space for anything other than user's last name. Upon discovery of misuse, Association Executive will correct and notify user and subscriber. (Ratified 03/20/08)
*Fines are modeled by the CMAR MLS tier structure. For more information please see your updated MLS Rules & Regulations. For additional information, please contact the CMAR-MLS Office 707-964-7008 or e-mail cmar@mcn.org			



MLS RULES & REGULATIONS ENFORCEMENT POLICY

TIER TWO VIOLATIONS

First Violation: Warning Letter

Second Violation: \$250

Third & Subsequent Violations: \$500

As set forth in Section D above, violations must be corrected within two (2) calendar days of notice. Violations which remain uncorrected subject the violator to the imposition of new penalties and removal of the listing from active display.

The maximum accumulated fine for a single violation may not exceed the top amount of \$15,000 allowed by NAR for assessment of financial penalty. If the maximum accumulated fine amount has been assessed and the violation has not been corrected, the Violator's MLS privileges may be suspended until all accumulated fines have been paid and the noted violation has been corrected.

Tier Two Offenses are as follows:

	Rule	Fine	Description
1	<i>Certification of Nonuse</i> Rule 5.1.6	\$250	Failure to Comply with "Certification of Nonuse" (back fees owing under Certification to be cumulatively added to citation amount.) (Certification of Nonuse)
2	<i>Listing Gaffes</i> Rule 7.5	\$250	Failure to Input a Required Listing; Failure to Disclose Known Additional Property Owner Information (Mandatory Submission)]
3	<i>Seller Exemption</i> Rule 7.6	\$250	Failure to Provide Signed Seller Exemption; Failure to Submit Compliant Signed Seller Exemption (Exempted Listings)
4	<i>New Listings</i> Rule 7.8	\$250	Entry of a Listing as New after Withdrawn without a New or Amended Listing Contract (Change of Listing Information)
5	<i>Personal Interest in Property</i> Rule 7.17	\$250	Failure to Disclose Interest by a Broker Participant or R.E. Subscriber in the Subject Listing (Broker/Agent as Principal)
6	<i>Listing Info Change , No churning</i> Rule 7.19	\$250	Failure to Remove Expired Listing; Failure to Obtain Seller's Written Authorization before Extension/Renewal (Expiration, Extension and Renewal of Listings)]
7	<i>Variable Rate Commissions</i> Rule 7.22	\$250	Failure to Disclose Dual Variable Commission (Dual / Variable Rate Commissions)
8	<i>DOM / CDOM</i> Rule 7.26	\$250	Violation of DOM/CDOM Calculation (Days on Market/Cumulative Days on Market Calculation)
9	<i>Proof of Written Listing Agmt</i> Rule 8.2	\$250	Failure to Provide Appropriate Written Documentation of Listing (Written Documentation)
10	<i>Corrections</i> Rule 8.3	\$250	Failure to Correct Incomplete or Inaccurate Information after MLS Notification (Accuracy & Correction)
11	<i>Off-Market Statuses</i> Rule 10.1	\$250	Violation of showing or authorizing the showing of a property in "Hold" status. (Statuses, Off Market Statuses)
12	<i>False Advertising</i> Rule 12.10	\$250	False Representations; Failure to Abide by True Picture Standard of Conduct (False or Misleading Advertising and Representations)
13	<i>Non-Real Estate Services</i> Rule 12.21	\$250	Violation of Competency Standard [Rule 12.21 (Participant and Subscriber Standards of Conduct)]



MLS RULES & REGULATIONS ENFORCEMENT POLICY

TIER TWO VIOLATIONS

(continued)

First Violation: Warning Letter

Second Violation: \$250

Third & Subsequent Violations: \$500

	Rule	Fine	Description
14	<i>Approved Lockboxes</i> Rule 13.2.2	\$250	Failure to Provide MLS-Approved Lockbox (Lockbox Requirements)
15	<i>Lockbox Removal</i> Rule 13.11	\$250	Failure to Remove Lockbox within 3 days of COE or Expiration/Cancellation of Listing
16	<i>No churning</i> Rule 7.19	\$250	No churning, a property may not be re-listed as "new" within 30 days within the same brokerage. (Expiration, Extension, and Renewal of Listings.)

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MLS RULES & REGULATIONS ENFORCEMENT POLICY

TIER THREE VIOLATIONS

First Violation: Warning Letter

Second Violation: \$500

Third & Subsequent Violations: \$1,000

As set forth in Section D above, violations must be corrected within two (2) calendar days of notice. Violations which remain uncorrected subject the violator to the imposition of new penalties and removal of the listing from active display.

The maximum accumulated fine for a single violation may not exceed the top amount of \$15,000 allowed by NAR for assessment of financial penalty. If the maximum accumulated fine amount has been assessed and the violation has not been corrected, the Violator's MLS privileges may be suspended until all accumulated fines have been paid and the noted violation has been corrected.

Tier Three Offenses are as follows:

Rule	Fine	Description
1 Seller's Permission Rule 8.1	\$500	Failure to obtain sellers authority to list in MLS (Listing Agreement and Seller's Permission)
2 Property Access Rule 9.9	\$500	Failure to be <u>Physically</u> Present when Providing Access to a Listed Property to Buyers and Potential Buyers (<u>Physical Presence of Participant or Subscriber</u>)
3 Content Complaint Process Rules 11.11	\$500	Failure to follow or exhaust required internal pre-procedure for participant vs participant complaints of unauthorized use of listing content prior to proceeding to Court (Pursuing Complaints of Unauthorized Use of Listing Content)
3 Adverse Action Notification Rule 12.1	\$500	Failure to timely notify of BRE or OREA adverse action (Notification of California Bureau of Real Estate (BRE) or California Office of Real Estate Appraisers (OREA) Action)
4 Use of MLS Info Rules 12.11	\$500	Unauthorized Use of MLS Information (<i>Use of MLS Information</i>)
5 Passcode & Info Sharing Rules 12.12	\$500	Unauthorized Sharing of MLS Information and Pass Codes; Use of MLS by Unauthorized Party (<i>Confidentiality of MLS Information</i>)
6 Unauthorized Clerical User Rule 12.12.1, 12.14.1	\$500	Unauthorized Clerical User Access and Use of MLS Information (Clerical Users)
7 Reproduction of MLS Information Rule 12.15	\$500	Misuse of Reproduction of MLS Information (Reproduction)
8 Sharing MLS Data Rule 12.11, 12.12, 12.15	\$500	Sharing the MLS compilation or portion thereof with any third party vendor not authorized by the MLS (Use of MLS Information) (Confidentiality of MLS Information) (Reproduction)
<i>Passcode & Info Sharing</i> Rules 12.12	\$500	Unauthorized Sharing of MLS Information and Pass Codes; Use of MLS by Unauthorized Party (<i>Confidentiality of MLS Information</i>)
<i>Listing Info Change</i> Rules 12.12.1, 12.14.1	\$500	Unauthorized Clerical User Access and Use of MLS Information (Clerical Users)
9 Confidential Fields Rule 12.15.2	\$500	Unauthorized Reproduction of Confidential Fields and Information (<i>Confidential Fields</i>)
10 Downloading Data Rule 12.15.4	\$500	Unauthorized Compilation Downloading or Transmission of Data; Failure to Restrict Access to Authorized Party (<i>Downloading onto Computers</i>)



MLS RULES & REGULATIONS ENFORCEMENT POLICY

TIER THREE VIOLATIONS

(continued)

First Violation: Warning Letter

Second Violation: \$500

Third & Subsequent Violations: \$1,000

Rule	Fine	Description
11	\$500	Misuse of MLS Data on Public Website; Violation of IDX Rules (<i>IDX</i>)
12	\$500	Misuse of MLS Data on Public Website; Violation of VOW Rules (<i>VOW</i>)
13	\$500	Unauthorized Sharing of Lockbox Key (<i>Key Use and Service</i>)
14	\$500	Wrongful Use or Removal of Lockbox Contents (<i>Use of Lockbox Contents</i>)
15	\$500	Failure to Account for Lockbox Key (<i>Accountability</i>)
16	\$500	Failure to Obtain Seller's Permission to Place a Lockbox (<i>Written Authority</i>)
17	\$500	Unauthorized Entrance into a Listed Property; Failure to Follow Showing Instructions (<i>Listing Broker's Permission</i>) (ratified 3/04/2014) *MLS participants and subscribers may not enter a property without appropriate permission.
18	\$500	Failure to Report Lost or Stolen Lockbox Keys (<i>Unaccountable Keys</i>)
19	\$500	Unauthorized Advertisement of Listing of Another Broker (<i>Advertising of Listing Filed with the MLS</i>) (<i>Advertising of Listing in Printed Neighborhood Market Report</i>)

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