

Appendix A – Citable Infractions

The following MLS Rule Citations were approved by the Bay East Board of Directors on October 19, 2015 and will be effective December 2, 2015. If you have any questions regarding the changes please contact Roya Chaudhry at 925-730-4071 or royac@bayeast.org For a full set of the MLS Rules and Regulations [click here](#)

SECTION	SUMMARY/SECTION	ASSESSMENT
4.1.1f, 4.1.2e, 4.2.1e, 4.2.2e 4.3e	Non-Completion of Any Required Orientation Program within 60 Days after access is provided	\$50 \$100 1 st violation \$100 \$200 2 nd violation \$200 \$300 3 rd violation
4, 12.1, 12.2, 12.3	Use of MLS System by Unauthorized Party	\$250 – \$2500
4.4	Failure of Participant to Notify the MLS within 10 days of termination, transfer, or addition of an Associate under Participant’s License	\$50 \$100 1 st violation \$100 \$200 2 nd violation \$200 \$300 3 rd violation
5.1.6	Filing of False Participation Waiver	\$250 – \$1000 \$1500/Refer to Professional Standards Hearing (in addition to 6 mos. of fees for each salesperson in violation of waiver)
7.3	Failure to Properly Specify Listing Class	\$50 \$100 1 st violation* \$100 \$200 2 nd violation \$200 \$300 3 rd violation
7.3	Submission of Duplicate Listings by the Same Participant within the Same Property Class	\$50 \$100 1 st violation* \$100 \$200 2 nd violation \$200 \$300 3 rd violation
7.8	Any change in the original Listing Agreement, be in the MLS within 1 day Examples: <ul style="list-style-type: none"> • Price change • Extending expiration date 	\$50 \$100 1 st violation* \$100 \$200 2 nd violation \$200 \$300 3 rd violation
7.9	Failure to Withdraw a Listing After Written Permission/Instruction to Withdraw the Listing Has Been Received from the Seller	\$50 \$100 1 st violation* \$100 \$200 2 nd violation \$200 \$300 3 rd violation
7.11	Listing Information Incomplete or Not Kept Current Example:	\$50 \$100 1 st violation* \$100 \$200 2 nd violation \$200 \$300 3 rd violation

	<ul style="list-style-type: none"> If all or majority of the features are marked other/none 	
7.12	<p><i>(Only Part which is automatic)</i> Failure to offer compensation in the CSO field in the MLS</p> <ul style="list-style-type: none"> Definite Dollar amount Percentage of gross selling price 	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$300 3rd violation</p>
7.17	Failure to disclose interest in property	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$300 3rd violation</p>
7.22	Failure to disclose a Dual or Variable Rate Commission	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$300 3rd violation</p>
7.23	Failure to disclose Auction listings requirements	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$300 3rd violation</p>
7.26	Entry of a listing as new after withdrawn/canceled without a new listing contract	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$300 3rd violation</p>
8.1	Posting of a Listing to the MLS Without Having a Written Listing Agreement is a violation	<p>\$250 \$500 -1st violation</p> <p>\$750 \$1500 -2nd violation</p> <p>3rd violation forward to Prof Std</p>
8.2	Broker Participant or Real Estate subscriber fails to provide documentation requested by services within 1 day	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$300 3rd violation</p>
8.3	<p>Using a Data Field for a Purpose Other Than its Intended Use</p> <p>Entry of Inaccurate or Non-Text Information Anywhere in a Listing</p> <p>Refusal to Report Accurate Information or to Correct Inaccurate Information</p> <p>Failure to Correct Incomplete or Inaccurate Information Within 2 days After Notification by Staff</p> <p>Failure to disclose special information field (REO/Short Sale/HUD/Auction)</p>	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$300 3rd violation</p>
9.1.1	<p>Listing Not Ready for Showing Within 3 Days After Submission of Listing</p> <p>1. Only exception is tenants' rights</p>	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$400 3rd violation</p>

10.2	-- Sale Not Reported within 1 Day After Close of Escrow -- Pending Sale Not Reported within 1 day after Ratification of Sales Contract	\$50 \$100 1 st violation* \$100 \$200 2 nd violation \$200 \$400 3 rd violation
10.3	Removal of Listings for Refusal/Failure to Timely Report status Changes	\$50 \$100 1 st violation* \$100 \$200 2 nd violation \$200 \$300 3 rd violation
10.4	Cancellation of Pending Sale Not Reported within 1 day after the written Cancellation is received	\$50 \$100 1 st violation* \$100 \$200 2 nd violation \$200 \$300 3 rd violation
11.5a (part 1)	Use of Photographs on a Listing Without Proper Authorization	\$100 -1 st violation \$200 -2 nd violation \$400 -3 rd violation + \$400 Admin fee
11.5a (Part 2)	Branding of photos <ul style="list-style-type: none"> • For sale sign (if legible) • Branded Virtual Tour • Branding of images/photos 	\$100 1 st violation* \$200 2 nd violation \$300 3 rd violation + \$400 Admin fee
11.5b	The main photo/image of the front exterior must be added upon submission of the listing into the MLS.	\$100 1 st violation* \$200 2 nd violation \$300 3 rd violation + \$400 Admin fee
12.5.1	Misuse of Public Remarks – Publishing: <ul style="list-style-type: none"> - Telephone/Fax Numbers - Names, Including Company Names - Email Addresses - Websites - Virtual Tours - Showing instructions (exception: Open House date/Time) - Information directed toward Real Estate agents/broker (compensation or bonuses) 	\$50 \$100 1 st violation* \$100 \$200 2 nd violation \$200 \$400 3 rd violation
12.5.2	Misuse of Confidential Remarks: Failure to Include "For Comps Only" in First Line of Confidential Remarks of Listings Entered For That Purpose Reference to Licensed Non-Subscribers Except in the Case of Reciprocal Listings No reduction conditions on compensation. Failure to Update Offer Date Within 1 day After Receiving Revised Written Instructions From Seller(s)	\$50 \$100 1 st violation* \$100 \$200 2 nd violation \$200 \$400 3 rd violation

12.7	<p>Prior to closing, a cooperating broker may post a “sold” sign on a property only with the consent of the listing broker</p> <p>Addresses and prices of the properties that have sold in a neighborhood after the information regarding the properties has been published.</p>	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$300 3rd violation</p>
12.17	<p>Website Name and Status Disclosure Websites shall disclose the firms name and the subscriber’s state(s) of licensure.</p>	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$300 3rd violation</p>
12.18	<p>Use of the term MLS and Multiple Listing Services</p> <p>Examples:</p> <ul style="list-style-type: none"> • Website • Firm Name • URL • Email 	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$300 3rd violation</p>
13.10	<p>Failure to Remove Lockbox within one (1) day after the close of escrow or expiration/cancellation of listing</p>	<p>\$50 \$100 1st violation*</p> <p>\$100 \$200 2nd violation</p> <p>\$200 \$300 3rd violation</p>

Non-Payment of Fines / Mandatory Training

- Staff is to issue citations for the specified MLS Rules violation
- Participant/subscribers have 30 days to pay the fine or file a challenge
- If fines are not paid within the 30-day period, staff will issue a 24-hour notice informing the participant/subscriber that they have 24 hours to pay the fine or their MLS service will be suspended until receipt of payment.
- For each 3rd violation a \$200 administrative fee will be charged **unless stated differently.**
- Required attendance of the MLS Orientation within 45 days of notice for each violation above the 3rd violation.
- If no attendance to mandatory MLS Orientation within the required 45 days, MLS service will be shut off until requirement completed.
- If the participant/subscriber wishes to challenge the violation, the challenge must be filed in writing to the MLS Department. All information will then be forwarded to the Grievance Committee for review.
- If a hearing panel finds that there was no violation of the MLS Rules, the fine will be refunded. In all cases, if a hearing panel finds that there was a violation of the MLS Rules, in addition to any fines or disciplinary action, a \$500 administrative fee will be charged.
- If shut-off occurs and the participant/subscriber wishes to challenge the citation he may do so, but only after the fine is paid.