

New/Modified MLS Rules Citation/Fine Policy adopted by Bay East AOR

The following MLS Rules' citation policy update was approved by the Bay East Association of REALTORS® and will be effective April 2, 2018. If you have any questions regarding the changes, please contact Justin Bain at 925-730-4077 or JustinB@bayeast.org.

The Bay East MLS Committee, in their continuing efforts to ensure the MLS is accurate, review the Citation Appendix of the rules and the number of violations on an annual basis. After much discussion the MLS Committee decided that all of membership should not have to endure inaccurate information for those few members who continue to violate the rules.

Under the current Citation Schedule for a first violation of one of the rules listed below, you would have received an email warning, second violation of the same rule a \$100 fine applied; however, a phone call would be made and the \$100 fine waived. Each violation thereafter the amount of the fine escalates and no further warnings or waiving of a fine is allowed. Effective April 2, you will continue to receive a warning for the first violation, but the second violation will no longer be waived and a fine will be assessed. Violations stay on a MLS user record for two (2) years from the date issued.

For a full set of the MLS Rules and Regulations including the citation policy (Appendix A of the MLS Rule) [click here](#)

MLS RULE SECTION	BRIFE SUMMARY OF THE SECTION	CURRENT ASSESSMENT	WILL CHANGED TO
7.3	Failure to Properly Specify Listing Class	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
7.3	Submission of Duplicate Listings by the Same Participant within the Same Property Class	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
7.8	Any change in the original Listing Agreement, be in the MLS within 1 day Examples:	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class

	<ul style="list-style-type: none"> • Price change • Extending expiration date 	4 th - \$300 Violation + \$200 Admin fee & Class	
7.9	Failure to Withdraw a Listing After Written Permission/Instruction to Withdraw the Listing Has Been Received from the Seller	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
7.11	Listing Information Incomplete or Not Kept Current Example: <ul style="list-style-type: none"> • If all or majority of the features are marked other/none 	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
7.12	<i>(Only this Part is automatic)</i> Failure to offer unconditional compensation <ul style="list-style-type: none"> • Definite Dollar amount • Percentage of gross selling price 	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
7.17	Failure to disclose interest in property	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
7.24	Failure to disclose Auction listings requirements	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
7.26	Entry of a listing as new after withdrawn/canceled without a new listing contract	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
8.2	Broker Participant or Real Estate subscriber fails to provide documentation requested by services within 1 day	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation

		4 th - \$300 Violation + \$200 Admin fee & Class	4 th - \$300 Violation + \$200 Admin fee & Class
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>1st - Courtesy Call / Notice</p> <p>2nd - \$100 Fine Waived Warning Issued</p> <p>3rd - \$200 Violation</p> <p>4th - \$300 Violation + \$200 Admin fee & Class</p>	<p>1st - Courtesy Call / Notice</p> <p>2nd - \$100 Violation</p> <p>3rd - \$200 Violation</p> <p>4th - \$300 Violation + \$200 Admin fee & Class</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>1st - Courtesy Call / Notice</p> <p>2nd - \$100 Fine Waived Warning Issued</p> <p>3rd - \$200 Violation</p> <p>4th - \$400 Violation + \$200 Admin fee & Class</p>	<p>1st - Courtesy Call / Notice</p> <p>2nd - \$100 Violation</p> <p>3rd - \$200 Violation</p> <p>4th - \$400 Violation + \$200 Admin fee & Class</p>
10.2	<p>-- Sale Not Reported within 1 Day After Close of Escrow</p> <p>-- Pending Sale Not Reported within 1 day after Ratification of Sales Contract</p>	<p>1st - Courtesy Call / Notice</p> <p>2nd - \$100 Fine Waived Warning Issued</p> <p>3rd - \$200 Violation</p> <p>4th - \$400 Violation + \$200 Admin fee & Class</p>	<p>1st - Courtesy Call / Notice</p> <p>2nd - \$100 Violation</p> <p>3rd - \$200 Violation</p> <p>4th - \$400 Violation + \$200 Admin fee & Class</p>
10.3	Removal of Listings for Refusal/Failure to Timely Report Status Changes	<p>1st - Courtesy Call / Notice</p> <p>2nd - \$100 Fine Waived Warning Issued</p> <p>3rd - \$200 Violation</p> <p>4th - \$400 Violation + \$200 Admin fee & Class</p>	<p>1st - Courtesy Call / Notice</p> <p>2nd - \$100 Violation</p> <p>3rd - \$200 Violation</p> <p>4th - \$400 Violation + \$200 Admin fee & Class</p>
10.4	Cancellation of Pending Sale Not Reported within 1 day after the written Cancellation is received	<p>1st - Courtesy Call / Notice</p> <p>2nd - \$100 Fine Waived Warning Issued</p> <p>3rd - \$200 Violation</p> <p>4th - \$300 Violation + \$200 Admin fee & Class</p>	<p>1st - Courtesy Call / Notice</p> <p>2nd - \$100 Violation</p> <p>3rd - \$200 Violation</p> <p>4th - \$300 Violation + \$200 Admin fee & Class</p>
11.5a	Branding of photos	1 st - Courtesy Call / Notice	1 st - Courtesy Call / Notice

(Part 2)	<ul style="list-style-type: none"> • For sale sign (if legible) • Branded Virtual Tour • Branding of images/photos 	2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$300 Violation + \$400 Admin fee & Class	2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$400 Admin fee & Class
11.5b	The main photo/image of the front exterior must be added upon submission of the listing into the MLS.	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$300 Violation + \$400 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$400 Admin fee & Class
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) 	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$400 Violation + \$200 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$400 Violation + \$200 Admin fee & Class
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)	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued * 3 rd - \$200 Violation 4 th - \$400 Violation + \$200 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$400 Violation + \$200 Admin fee & Class
12.5.4	Misuse of Tour Remarks a. Information in the remarks shall only relate to the marketing,	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation

	<p>description and condition of the property.</p> <p>b. No contact information is permitted, including names, phone or fax numbers, email addresses or website addresses (including virtual tours and transaction tracking URLs).</p> <p>c. No showing instructions are permitted, including references to lockbox, alarm, gate or other security codes, or the vacancy of the property. However, a statement that the property shall be delivered vacant is not a violation.</p> <p>d. No information directed toward real estate agents or brokers, including compensation or bonuses offered to cooperating brokers may be shown in remarks</p>	<p>4th - \$400 Violation + \$200 Admin fee & Class</p>	<p>4th - \$400 Violation + \$200 Admin fee & Class</p>
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>Any broker may advertise a permissible subset of allowable listing content regarding the properties that have sold in a neighborhood after the information regarding the properties has been published as long as the advertisement does not imply the agent was involved in the transaction unless such is the case and as long as the advertisement otherwise presents a "true picture".</p>	<p>1st - Courtesy Call / Notice 2nd - \$100 Fine Waived Warning Issued 3rd - \$200 Violation 4th - \$300 Violation + \$200 Admin fee & Class</p>	<p>1st - Courtesy Call / Notice 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$300 Violation + \$200 Admin fee & Class</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>1st - Courtesy Call / Notice 2nd - \$100 Fine Waived Warning Issued 3rd - \$200 Violation 4th - \$300 Violation + \$200 Admin fee & Class</p>	<p>1st - Courtesy Call / Notice 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$300 Violation + \$200 Admin fee & Class</p>
12.18	<p>Use of the term MLS and Multiple Listing Services</p> <p>Examples:</p>	<p>1st - Courtesy Call / Notice 2nd - \$100 Fine Waived Warning Issued 3rd - \$200 Violation</p>	<p>1st - Courtesy Call / Notice 2nd - \$100 Violation 3rd - \$200 Violation</p>

	<ul style="list-style-type: none"> • Website • Firm Name • URL • Email 	4 th - \$300 Violation + \$200 Admin fee & Class	4 th - \$300 Violation + \$200 Admin fee & Class
13.10	Failure to Remove Lockbox within one (1) day after the close of escrow or expiration/cancellation of listing	1 st - Courtesy Call / Notice 2 nd - \$100 Fine Waived Warning Issued 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class	1 st - Courtesy Call / Notice 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class