

**Appendix A – Citable Infractions
With Reference to Applicable Rules**

Violation and succeeding violation shall remain the same for both. Violations will be assessed over a two-year calendar cycle.

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	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
4.4	Failure of Participant to Notify the MLS within 10 days of termination, transfer, or addition of an Associate under Participant’s License	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
5.1.6	Filing of False Participation Waiver	Refer to Professional Standards Hearing
7.3	Failure to Properly Specify Listing Class	1 st – Courtesy Call 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 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
7.5	Listing Not Loaded Within 3 days of Start Date of Listing	1 st – Courtesy Call 2 nd - \$300 Violation + MLS Class 3 rd - \$500 Violation + MLS Class 4 th -\$1000 Violation + \$200 Admin fee & Class
7.6	Listing Waiver Not Submitted to MLS Within 3 days of Start Date of Listing	1 st – Courtesy Call 2 nd - \$300 Violation + MLS Class 3 rd - \$500 Violation + MLS Class 4 th -\$1000 Violation + \$200 Admin fee & Class
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 	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 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 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 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
7.12	(Only this Part is automatic) Failure to offer unconditional compensation <ul style="list-style-type: none"> Definite Dollar amount Percentage of gross selling price 	1 st – Courtesy Call 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 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
7.22	Failure to disclose a Dual or Variable Rate Commission	Refer to Professional Standards Hearing
7.24	Failure to disclose Auction listings requirements	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$300 Violation + MLS Class 4 th - \$500 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 2 nd - \$200 Violation 3 rd - \$300 Violation 4 th - \$500 Violation + \$200 Admin fee & Class
8.1	Posting of a Listing to the MLS Without Having a Written Listing Agreement is a violation	1 st –\$500 Violation 2 nd - Violation Forwarded to Professional Standards
8.2	Broker Participant or Real Estate subscriber fails to provide documentation requested by services within 1 day	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
8.3	Using a Data Field for a Purpose Other Than its Intended Use Entry of Inaccurate or Non-Text Information Anywhere in a Listing	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class

	<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>	
9.1.1	<p>Listing Not Ready for Showing Within 3 Days After Submission of Listing</p> <ol style="list-style-type: none"> 1. Only exception is tenants' rights 2. Or unless seller indicates otherwise in writing 	<p>1st – Courtesy Call 2nd - \$300 Violation 3rd - \$400 Violation 4th - \$500 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 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$400 Violation + \$200 Admin fee & Class</p>
10.3	<p>Removal of Listings for Refusal/Failure to Timely Report Status Changes</p>	<p>1st – Courtesy Call 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$400 Violation + \$200 Admin fee & Class</p>
10.4	<p>Cancellation of Pending Sale Not Reported within 1 day after the written Cancellation is received</p>	<p>1st – Courtesy Call 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$300 Violation + \$200 Admin fee & Class</p>
11.5a (part 1)	<p>Use of Photographs on a Listing Without Proper Authorization</p>	<p>No Courtesy Call 1st - \$100 Violation 2nd - \$200 Violation 3rd - \$400 Violation + \$400 Admin fee & Class</p>
11.5a (Part 2)	<p>Branding of photos</p> <ul style="list-style-type: none"> • For sale sign (if legible) • Branded Virtual Tour • Branding of images/photos 	<p>1st – Courtesy Call 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$300 Violation + \$200 Admin fee & Class</p>
11.5b	<p>The main photo/image of the front exterior must be added upon submission of the listing into the MLS.</p>	<p>1st – Courtesy Call 2nd - \$200 Violation 3rd - \$300 Violation 4th - \$400 Violation + \$200 Admin fee & Class</p>

12.5	Misuse of Remarks	1 st - Courtesy Call 2 nd - \$200 Violation 3 rd - \$400 Violation 4 th - \$800 Violation + \$200 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 2 nd - \$200 Violation 3 rd - \$300 Violation 4 th - \$400 Violation + \$200 Admin fee & Class
12.5.2 a & d	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	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$400 Violation + \$200 Admin fee & Class
12.5.2b	Publishing Security Codes, burglar alarm, gate codes or combo lockbox codes Without Seller’s Written Permission	1 st Courtesy Call 2 nd - \$200 Violation 3 rd - \$400 Violation 4 th - \$800 Violation + \$200 Admin fee & Class
12.5.2c	Title or escrow information may be entered in confidential remarks; however, participants/subscribers should note that any verbiage which implies a requirement to use a specific title company or escrow service may be a violation of RESPA. You are advised to seek legal counsel for specific advice when using such verbiage.	Caution: Department of Housing and Urban Development RESPA Division 451 7 th Street SW, Suite 9146 Washington, DC 20410 (202) 708-1455 Website: http://www.hud.gov
12.5.2 e & f	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 2 nd - \$200 Violation 3 rd - \$400 Violation 4 th - \$800 Violation + \$200 Admin fee & Class
12.5.4	Misuse of Tour Remarks <ul style="list-style-type: none"> a. Information in the remarks shall only relate to the marketing, description and condition of the property. 	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$400 Violation + \$200 Admin fee & Class

	<p>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>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>	
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 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$300 Violation + \$200 Admin fee & Class</p>
12.8	<p>Advertising of Listing Filed with the MLS (Outside scope of IDX/VOW)</p> <p>Advertising of Active/Pending requires consent of listing broker.</p>	<p>1st - Courtesy Call 2nd - \$200 Violation 3rd - \$400 Violation 4th - \$800 Violation + \$200 Admin fee & Class</p>
12.8.1	<p>Advertising of listing in Printed Neighborhood Market Report without:</p> <ul style="list-style-type: none"> a) Consent b) Allowable Listing Content c) Disclaimer 	<p>1st - Courtesy Call 2nd - \$400 Violation + \$200 Admin fee & MLS Orientation Class 3rd - \$800 Violation + \$200 Admin fee & Code of Ethics Class 4th – Referred to Professional Standards</p>
12.9	<p>Failure to Provide Adequate Informational Notice on Print or Non-Print Forms of Advertising or Other Forms of Public Representations</p>	<p>1st - Courtesy Call 2nd - \$200 Violation 3rd - \$400 Violation 4th - \$800 Violation + \$200 Admin fee & Class</p>
12.10	<p>False or Misleading Advertising and</p>	<p>Refer to Professional Standards Hearing</p>

	Representations True picture standard of conduct.	
12.11, 12.14, 12.14.1	Use of MLS data for other than the intended/permitted purposes. Property display of MLS Compilation	1 st - Courtesy Call 2 nd - \$200 Violation 3 rd - \$400 Violation 4 th - \$800 Violation + \$200 Admin fee & Class
12.15.2	Reproducing and Distributing Unauthorized Portions of the MLS Database is not allowed	1 st - Courtesy Call 2 nd - \$200 Violation 3 rd - \$400 Violation 4 th - \$800 Violation + \$200 Admin fee & Class
12.15.4	Unauthorized Computer Download or Transmission of Data	1 st - Courtesy Call 2 nd - \$200 Violation 3 rd - \$400 Violation 4 th - \$800 Violation + \$200 Admin fee & Class
12.16	Violation of IDX rules	1 st - Courtesy Call 2 nd - \$200 Violation 3 rd - \$400 Violation 4 th - \$800 Violation + \$200 Admin fee & Class
12.17	Website Name and Status Disclosure Websites shall disclose the firms name and the subscriber's state(s) of licensure.	1 st - Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
12.18	Use of the term MLS and Multiple Listing Services Examples: <ul style="list-style-type: none"> • Website • Firm Name • URL • Email 	1 st - Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
13.2.1	Unauthorized Entrance into a Listed Property (i.e., Failure to Follow the Showing Instructions)	Refer to Professional Standards Hearing
13.2.2	Use of Lockbox	1 st - Courtesy Call 2 nd - \$200 Violation 3 rd - \$400 Violation 4 th - \$800 Violation + \$200 Admin fee & Class
13.2	Use of Lockbox Key by Someone Other than Registered Keyholder is not authorized	No Courtesy Call 1 st - \$500 Violation 2 nd - \$1,000 Violation 3 rd - \$1,500 Violation + \$200 Admin fee & Class

13.5	Placement of Lockbox Without Written Authority of Seller and Occupant is not allowed	1 st - Courtesy Call 2 nd - \$200 Violation 3 rd - \$400 Violation 4 th - \$800 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 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
17.1	Failure to Pay Any MLS Fees	Subject to suspension of MLS

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 4th violation a \$200 administrative fee will be charged unless stated differently.
- Required attendance of the live MLS Orientation within 45 days of notice for each 4th violation.
- If no attendance to mandatory live MLS Orientation within the required 45 days, MLS service will be shut off until requirement completed.
- Any 5th violation for the same section of the MLS Rules will be forwarded to Professional Standards for a hearing. 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, and violator may be published on the C.A.R. website.
- 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.

Appendix B to VOW Policy

Seller Opt-Out Form

1. Check either [a.] or [b.] below:

a. [_____] I have advised my broker or sales agent that I do not want the listed property to be displayed on the Internet; or

b. [_____] I have advised my broker or sales agent that I do not want the address of the listed property to be displayed on the Internet.

2. I understand and acknowledge that, if I have selected option [a.], consumers who conduct searches for listings on the Internet will not see information about the listed property in response to their search.

_____ **initials of seller**