

Appendix A – Citable Infractions With Reference to Applicable Rules

The purpose of this citation policy is to ensure the integrity of the MLS including the currency and accuracy of its information. Fines will be issued and processed in accordance with this Citation Policy. The citable offenses and fines are subject to change upon approval of the AOR/MLS Board of Directors. The Citation Policy is in addition to and does not replace the provisions of Section 14.3 of the Bay East MLS Rules.

- A. For the purpose of the Fine Schedule, the number of violations will be tracked over a two-year period. On the first day of the third year, the violation count for each MLS member will be reset to zero (0).
- B. A listing that contains one or more violations of the Citation Policy is considered a violation event for purposes of the Fine Schedule regardless of the category or nature of the violation.
- C. A listing that contains more than one violation on the same day will be treated as a single violation for purposes of the Fine Schedule. Multiple violations that occur on the same day but are reported separately are treated as a single violation.
- D. Notices of any violation will be sent to the Subscriber and their responsible Participant. A violation must be corrected within two (2) days of notice of violation. Failure to correct a noted violation within the two (2) daytime period allotted will result in a new violation for the uncorrected violation with the associated fine for that level of violation. Failure to correct a violation within the two (2) day correction period may also subject a non-conforming listing to removal by the MLS from active display. New violations may be issued for any remaining uncorrected violations until the violations are corrected or the maximum fine is reached as set forth below.
- E. The fine amount is determined by the total number of violations accumulated by each MLS Participant/Subscriber during a two-year period.
- F. The MLS Committee and/or the Board of Directors reserves the right, at its discretion, to charge a Participant or Subscriber with rules violations by virtue of the hearing process, including the possibility of additional fees or fines, suspension, or expulsion, rather than utilizing the citation process. Thus, the below fines may not be all-inclusive. Any Participant or Subscriber who accumulates in excess of 4 violations in two years, unless otherwise specified, shall be required to attend a hearing for their actions and potential violations of MLS rules. Additionally, the responsible Participant is required to attend any such hearing of a Subscriber.

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
7.5.1	Clear Cooperation Policy. Listing publicly advertised and not submitted to the MLS within 1 business day as a Coming Soon Listing or Active Listing.	1 st – Courtesy Call 2 nd - \$500 3 rd - \$1000 Violation + MLS Class 4 th - \$1500 Violation + MLS Class 5 th – Refer to Professional Standards
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	<p>Any change in the original Listing Agreement, be in the MLS within 1 day.</p> <p>Examples:</p> <ul style="list-style-type: none"> • Price change • Extending expiration date 	<p>1st – Courtesy Call 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$300 Violation + \$200 Admin fee & Class</p>
7.9	<p>Failure to Withdraw a Listing After Written Permission/Instruction to Withdraw the Listing Has Been Received from the Seller</p>	<p>1st – Courtesy Call 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$300 Violation + \$200 Admin fee & Class</p>
7.11 & 7.27	<p>Listing Information Incomplete or Not Kept Current</p> <p>Example:</p> <ul style="list-style-type: none"> • If all or majority of the features are marked other/none 	<p>1st – Courtesy Call 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$300 Violation + \$200 Admin fee & Class</p>
7.12	<p>(Only this Part is automatic) Failure to offer unconditional compensation.</p> <ul style="list-style-type: none"> • Definite Dollar amount • Percentage of gross selling price 	<p>1st – Courtesy Call 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$300 Violation + \$200 Admin fee & Class</p>
7.17	<p>Failure to disclose interest in property.</p>	<p>1st – Courtesy Call 2nd – Refer to Professional Standards Hearing</p>
7.22	<p>Failure to disclose a Dual or Variable Rate Commission</p>	<p>Refer to Professional Standards Hearing</p>
7.24	<p>Failure to disclose Auction listings requirements.</p>	<p>1st – Courtesy Call 2nd - \$100 Violation 3rd - \$300 Violation + MLS Class 4th - \$500 Violation + \$200 Admin fee & Class</p>
7.26	<p>Entry of a listing as new after withdrawn/canceled without a new listing contract.</p>	<p>1st – Courtesy Call 2nd - \$200 Violation 3rd - \$300 Violation 4th - \$500 Violation + \$200 Admin fee & Class</p>

7.27	REO and HUD Listings – See Citation 7.11	
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 8.3 cont.	Using a Data Field for a Purpose Other Than its Intended Use Entry of Inaccurate or Non-Text Information Anywhere in a Listing Refusal to Report Accurate Information or to Correct Inaccurate Information Failure to Correct Incomplete or Inaccurate Information Within 2 days After Notification by Staff Failure to disclose special information field (REO/Short Sale/HUD/Auction)	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
9.1.1	Listing Not Ready for Showing Within 3 Days After Submission of Listing 1. Only exception is tenants’ rights. 2. Or unless seller indicates otherwise in writing	1 st – Courtesy Call 2 nd - \$300 Violation 3 rd - \$400 Violation 4 th - \$500 Violation + \$200 Admin fee & Class
10.2	-- Sale Not Reported within 3 Days After Close of Escrow -- Pending Sale Not Reported within 3 days after Ratification of Sales Contract	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$400 Violation + \$200 Admin fee & Class
10.3	Removal of Listings for Refusal/Failure to Timely Report Status Changes	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$400 Violation + \$200 Admin fee & Class

10.4	Cancellation of Pending Sale Not Reported within 1 day after the written Cancellation is received.	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
11.5a (Part 1)	Use of Photographs on a Listing Without Proper Authorization	No Courtesy Call 1 st - \$100 Violation 2 nd - \$200 Violation 3 rd - \$400 Violation + \$400 Admin fee & Class
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 	1 st – Courtesy Call 2 nd - \$100 Violation 3 rd - \$200 Violation 4 th - \$300 Violation + \$200 Admin fee & Class
11.5b	The primary photo/image of the front exterior must be added within 1 day of the submission of the listing into the MLS.	1 st – Courtesy Call 2 nd - \$200 Violation 3 rd - \$300 Violation 4 th - \$400 Violation + \$200 Admin fee & Class
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 e	Listing Content and Fair Housing Laws	Courtesy Call Only
12.5.2 a thru d	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/brokers (compensation or bonuses) 	1 st – Courtesy Call 2 nd - \$200 Violation 3 rd - \$300 Violation 4 th - \$400 Violation + \$200 Admin fee & Class
12.5.1 e	Listing Content and Fair Housing Laws	Courtesy Call Only

12.5.2 a & d	<p>Misuse of Confidential Remarks: Failure to Include “For Comps Only” in First Line of Confidential Remarks of Listings Entered For That Purpose</p> <p>Reference to Licensed Non-Subscribers Except in the Case of Reciprocal Listings</p>	<p>1st – Courtesy Call 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$400 Violation + \$200 Admin fee & Class</p>
12.5.2b	Publishing Security Codes, burglar alarm, gate codes or combo lockbox codes Without Seller’s Written Permission	<p>1st Courtesy Call 2nd - \$200 Violation 3rd - \$400 Violation 4th - \$800 Violation + \$200 Admin fee & Class</p>
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.	<p>Caution: Department of Housing and Urban Development RESPA Division 451 7th Street SW, Suite 9146 Washington, DC 20410 (202) 708-1455 Website: http://www.hud.gov</p>
12.5.2e	No reduction conditions on compensation.	<p>1st – Courtesy Call 2nd - \$200 Violation 3rd - \$400 Violation 4th - \$800 Violation + \$200 Admin fee & Class</p>
12.5.2f	If a seller(s)/landlord(s) has directed that offers are not to be presented for any length of time, the listing broker shall provide clear and accurate notice of the date/time of presentation of offers as set forth in the written instruction to Participants and Subscribers in the confidential remarks.	<p>1st – Courtesy Call 2nd - \$200 Violation 3rd - \$400 Violation 4th - \$800 Violation + \$200 Admin fee & Class</p>
12.5.4	<p>Misuse of Tour Remarks</p> <p>a. Information in the remarks shall only relate to the marketing, description, and condition of the property.</p> <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>1st – Courtesy Call 2nd - \$100 Violation 3rd - \$200 Violation 4th - \$400 Violation + \$200 Admin fee & Class</p>

	d. No information directed toward real estate agents or brokers, including compensation or bonuses offered to cooperating brokers may be shown in remarks.	
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	Failure to Provide Adequate Informational Notice on Print or Non-Print Forms of Advertising or Other Forms of Public Representations	<p>1st - Courtesy Call 2nd - \$200 Violation 3rd - \$400 Violation 4th - \$800 Violation + \$200 Admin fee & Class</p>
12.10 & 12.6.1	<p>False or Misleading Advertising and Representations; True Picture Standard of Conduct.</p> <p>For Sale Sign shall be removed from the property within five (5) days after escrow is closed.</p>	<p>1st – Courtesy Call 2nd - \$200 Violation 3rd - \$400 Violation 4th - \$800 Violation + \$200 Admin Fee & Class</p>

12.11, 12.14, 12.14.1	Use of MLS data for other than those 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 firm's 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	Use of Lockbox Contents <ul style="list-style-type: none"> • Follow the showing instructions published in the MLS. • Shall not remove contents of the lockbox except to show home. • Shall keep lockbox contents in their possession at all times after removal from the lockbox. • Lockbox and/or contents shall not be removed from the property site without prior consent from the listing agent. 	1 st - Courtesy Call 2 nd - \$200 Violation 3 rd - \$400 Violation 4 th - \$800 Violation + \$200 Admin fee & Class
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
13.6	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

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 is 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.