

Appendix 4

MLS Schedule of Fines for Administrative Sanctions

	MLS Rules	Fine	Training or other sanction in lieu of or in addition to a fine
Listing Procedures			
Failure to submit a required listing to the MLS	Section 1 – Listing Procedures, Section 1.01 – Clear Cooperation, Section 1.3 – Exempted Listings, Section 1.12 – Service Area		
Failure to submit accurate and complete listing information	Section 1.2.1 – Limited Service Listings, Section 1.2.2 – MLS Entry-only Listings, Section 1.2 – Detail on Listings Filed with the Service, Section 1.11 – Termination Date		
Failure to report and update listing information	Section 1.4 – Change of Status of Listing, Section 1.5 – Withdrawal of Listing Prior to, 1.6 – Contingencies Applicable to Listings, Section 1.7 – Listing Price Specified, Section 2.5 – Reporting Sales to the Service, Reporting Resolutions of Contingencies, Reporting Cancellation of Pending Sale		
Failure to list properties separately	Section 1.8 – Listing Multiple Unit Properties		
Selling Procedures			
Failure to follow showing instructions	Section 2 – Showings and Negotiations		
Failure to present an offer or provide written confirmation of an offer being submitted	Section 2.1 – Presentation of Offers, Section 2.2 – Submission of Written Offers and Counter- Offers, Section 2.3 – Right of Cooperating Broker in Presentation of Offer, Section 2.4 – Right of Listing Broker in Presentation of Counter-offer,		
Advertising a listing without authority	Section 2.7 – Advertising of Listings Filed with the Service		
Failure to disclose existence of an offer	Section 2.9 – Disclosing the Existence of Offers		
To misrepresent access to, and the ability to show, a property	Section 2.10 – Availability of Listed Property		
Failure to inform participants of a rejected offer satisfying the terms of the listing contract	Section 3 – Refusal to Sell		
Providing MLS information to brokers or firms that do not participate in MLS	Section 4 – Information for Participants Only		
Violation of for sale and sold sign rules	Section 4.1 – For Sale Signs, Section 4.2 – Sold Signs		
Unauthorized solicitation of seller	Section 4.3 – Solicitation of Listing Filed with the Service		
Misuse of terms MLS and multiple listing service	Section 4.4 – Use of Terms MLS and Multiple Listing Service		

	MLS Rules	Fine	Training or other sanction in lieu of or in addition to a fine
Failure to include cooperative compensation	Section 5 – Compensation Specified on Each Listing		
Failure to disclose Potential short sales	Section 5.0.1 – Disclosing Potential Short Sales		
Failure to disclose status as a principal or purchaser	Section 5.1 – Participant as Principal, Section 5.2 – Participant as Purchaser		
Service Charges			
Failure to pay MLS Dues, Fees and Charges	Section 6 – Service Fees and Charges		
Confidentiality of MLS Information			
Misuse or unauthorized distribution of MLS content	Section 10 – Confidentiality of MLS Information, Section 12 – Distribution, Section 12.1 – Display, Section 12.2 – Reproduction, Section 13 – Limitations on Use of MLS Information		
Standards of Conduct			
Violating an exclusive relationship agreement	Section 16.1, Section 16.12, Section 16.19, Section 16.20		
Failure to receive seller consent for signage	Section 16.2		
Attempting to extend a listing broker's offer of compensation to other brokers	Section 16.3		
Failure to disclose the expiration date and nature of a listing	Section 16.4		
Misuse of MLS information	Section 16.6, Section 16.17		
Knowingly obligating sellers to pay more than one commission	Section 16.9		
Directly offering or compensating the sales licensees of a participant	Section 16.11		
Failure to determine if a prospect is subject to an existing listing contract	Section 16.13		
Failure to disclose relationship	Section 16.14, Section 16.15		
Attempt to modify the listing broker's offer of compensation	Section 16.18		
Making false or misleading statements about competitors	Section 16.22		
Failure to disclose the firm's name and state(s) of licensure	Section 16.23		
Misleading advertising and public representations	Section 16.24		
Failure to provide competent service	Section 16.25		

	MLS Rules	Fine	Training or other sanction in lieu of or in addition to a fine
Orientation			
Failure to complete orientation or continuing education	Section 17 – Orientation		
Internet Data Exchange (IDX)			
Failure to notify and provide access to an IDX display	Section 18.2.1		
Misuse of IDX content	Section 18.2.2		
Failure to withhold listing or property address per seller’s instructions	Section 18.2.3		
Failure to refresh download within 12 hours	Section 18.2.5		
Unauthorized distribution of MLS database	Section 18.2.6		
Failure to disclose the name of the brokerage firm	Section 18.2.7		
Failure to disable third-party comments and AVMs	Section 18.2.8		
Failure to include email address or telephone number for displaying broker, or to correct false data	Section 18.2.9		
Modifying or manipulating other participants listings	Section 18.2.11		
Failure to identify the listing firm	Section 18.2.12		
Display of prohibited fields	Section 18.3.1		
Failure to identify the listing agent	Section 18.3.4		
Subscriber’s display of IDX content without participant’s consent	Section 18.3.5		
Failure to include the MLS as the source of the information	Section 18.3.7		
Failure to include required disclaimers	Section 18.3.8		
Exceeding the number of listings to consumer inquiries	Section 18.3.9		
Failure to separate displays from other sources	Section 18.3.11		
Displaying prohibited statuses and sellers/occupant information	Section 18.3.12, Section 18.3.13		
Failure to employ required security protection	Section 18.3.14		
Failure to maintain an audit trail of consumer activity	Section 18.3.15		
Failure to comply with the MLS’s advertising rule on pages with IDX listings	Section 18.3.16		

	MLS Rules	Fine	Training or other sanction in lieu of or in addition to a fine
Virtual Office Websites			
Failure to establish a broker-consumer relationship, or to receive participant consent for non-principal display	Section 19.1a, Section 19.3 a. i.		
Failure to obtain a name, email address, user name, and password for registrants	Section 19.3 a. ii. and iii.		
Failure to expire passwords for registrants or to keep records for not less than 180 days after expiration	Section 19.3 b.		
Failure to provide the name, email address, user name and current password for alleged breach of MLS listing information or violation of MLS rules	Section 19.3 c.		
Failure to require registrant to agreement to required terms of use	Section 19.3 d.		
Failure to display broker's contact information or the respond to registrant inquiries.	Section 19.4		
Failure to monitor or prevent misappropriation, scraping, or other unauthorized uses of MLS information	Section 19.5		
Displaying seller address when unauthorized	Section 19.6 a.		
Failure to execute a seller opt-out form when required, or retain the form for 1 year	Section 19.6 b. and c.		
Failure to disable third-party comments and AVMs	Section 19.7 a. and b.		
Failure to include email address or telephone number for displaying broker, or to correct false data within 48 hours	Section 19.8		
Failure to refresh VOW data feed within 3 days	Section 19.9		
Unauthorized access to VOW content	Section 19.10		
Failure to display participant's privacy policy	Section 19.11		
Failure to notify and provide access to an IDX display	Section 19.13		
Displaying prohibited information	Section 19.15		
Unauthorized change to VOW content, or failure to identify the source of augmented content	Section 19.16		

	MLS Rules	Fine	Training or other sanction in lieu of or in addition to a fine
Failure to include required disclosures	Section 19.17		
Failure to identify the name of the listing firm, broker, or agent	Section 19.18		
Exceeding the number of listings to consumer inquiries	Section 19.19		
Failure to require registrant's passwords to be changed	Section 19.20		
Violating the MLS's advertising rules for pages with VOW content	Section 19.21		
Failure to identify other sources of property information, or to display search results separately.	Section 19.22, Section 19.23		
Failure to execute a license agreement	Section 19.24		
Failure to file written instructions from the seller to withhold a listing and address	Section 19.25		

NOTE: MLSs may adopt all or some of the above for administrative sanctions. Fines for each offense, as well as any possible training requirements, must be established in advance and should be followed consistently.

MLSs, at their discretion, may adopt an escalating fine schedule for repeat violations and also may impose a training requirement in addition to or as an alternative to payment of a fine for any of the offenses listed. If an escalating fine schedule is adopted, it may only be used in circumstances where sanctions are issued by the same MLS.

The amount of a fine for any offense is at the option of the MLS. MLSs are encouraged to review the MLS Disciplinary Guidelines found in Part Two: Policies, F. Enforcement of Rules, Section 5 of the *NAR Handbook on Multiple Listing Policy* for guidance on applicable and appropriate sanctions. (Adopted 11/20)