

# MLS Citation Policy

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California Regional Multiple Listing Service, Inc.



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CRMLS.ORG | 800.925.1525

Effective January 1, 2019

## **California Regional Multiple Listing Service, Inc. MLS Citation Policy & Schedule of Fines**

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 CRMLS Board of Directors. The Citation Policy is in addition to and does not replace the provisions of Section 14 of the CRMLS MLS Rules and Regulations.

- A. A violation of the rules must be corrected within two (2) business days of receipt of a Warning Notice of violation sent to the Violator and/or Responsible Participant. Failure to correct a noted violation within the two (2) day time period allotted will result in the issuance of a Citation. Failure to correct a violation within two (2) business days of receipt of the citation is a violation of MLS Rule 14.4(a) and will result in an additional citation for failure to correct. A non-conforming listing may be subject to removal by the MLS from active display.
- B. Receipt of notices referenced in this Policy is presumed to be the sooner of three (3) business days after mailing or one (1) business day after an email has been sent. CRMLS will utilize the email address provided by the Participant/Subscriber as contained within the MLS Platform. Every MLS Participant and Subscriber shall be required to maintain a current, accurate, and active email address at which they may be contacted.
- C. Fines are due within twenty (20) calendar days of receipt of a Citation.
- D. If a Violator believes that there was no violation of the rule contained in the citation, the Violator may, within twenty (20) calendar days of receipt of a Citation, request a review in accordance with the procedures set forth below. Failure to request a review in writing within twenty (20) calendar days of receipt of the citation, according to these procedures, will result in your opportunity for a review being waived. A request for review will not be processed unless the violation at issue has been corrected.
- E. The amount of the fines is set by the CRMLS Board of Directors, and as a result CRMLS Staff does not have the authority to waive or reduce any fine.
- F. Administrative Review Procedures. A request for an administrative review and hearing must be filed with CRMLS within twenty (20) calendar days of receipt of a Citation. Once a request is received, a review by the Grievance Committee will be conducted. The Grievance Committee may add additional MLS Rule or Code of Ethics Violations. It is the role of the Grievance Committee to determine if there is sufficient evidence present to justify a Professional Standards Review Hearing. The Grievance Committee will consider both the violators written statement in the request for review and the evidence presented by staff. The Grievance Committee may dismiss the Citation if it finds that there is insufficient evidence of a violation. If the Grievance Committee finds sufficient evidence of the rule being violated, a Professional Standards Hearing will be scheduled at the violators local Realtor® Association. The local Association's Professional Standards Committee will conduct a full evidentiary hearing and will render a final decision. That decision may include additional MLS Rule Violations and Code of Ethics Violations in addition to the original citation. Depending on the policies of the local association, the violator may be subject to administrative fees in addition to the fines assessed.

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- G. Failure to either pay the fines or request a review within twenty (20) calendar days of receipt of a citation, may subject the violator to suspension from the MLS in accordance with 17.1 of the MLS Rules and Regulations.
- H. The CRMLS and/or a local Association Board of Directors reserves the right, at its discretion, to charge a Participant or Subscriber with rules violations by virtue of the Professional Standards 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.
- I. Any Participant or Subscriber who accumulates more than 5 (five) Citations in one calendar year, may be referred to the Local Association for review and consideration of additional discipline and/or termination of MLS Services.

The violation fine schedule is set forth as follows:

MLS Rule	Warning	Summary	Fine
<b>4.1-4.4</b>	Yes	Non-Completion of Required MLS Orientation Program within Set Time	\$100
<b>4.3</b>	Yes	Failure of Participant/Subscriber to Notify the MLS of Termination, Transfer, or Addition of Any Clerical Users Affiliated with Participant/Subscriber	\$100
<b>4.5</b>	No	Failure of Participant to Notify the MLS of Termination, Transfer, or Addition of any Licensees Under Participant's License	\$250
<b>5.1.6</b>	No	Failure to Comply with "Certification of Nonuse" (back fees owing under Certification to be cumulatively added to citation amount)	\$250
<b>7.2</b>	No	Duplicate Listing Entry	\$100
<b>7.3</b>	No	Prohibited Co-Listing	\$250
<b>7.5</b>	Yes	Improper Classification of Listing Agreement Type	\$100
<b>7.6</b>	No	Improper Classification of Property Type	\$100
<b>7.8</b>	No	Failure to timely Input a Required Listing	\$500
<b>7.8</b>	Yes	Failure to Disclose Known Additional Property Owner Information	\$100
<b>7.9</b>	Yes	Failure to Submit Compliant Signed Seller Exclusion	\$250
<b>7.11</b>	No	Failure to Update/Change Listing Information (Subscriber)	\$250
<b>7.11</b>	No	Failure to obtain written authorization for changes to listing agreement (Participant)	\$500
<b>7.12</b>	No	Withdrawal of Listing Prior to Expiration	\$250
<b>7.15</b>	No	Failure to offer unconditional compensation	\$100
<b>7.18.3</b>	Yes	Failure to comply with Auction Listing Requirements	\$100
<b>7.18.4</b>	Yes	Failure to comply with New Construction Listing Requirements	\$1,500
<b>7.20</b>	Yes	Failure to Disclose Participant/Subscribers Interest in the Subject Listing	\$250
<b>7.22</b>	No	Expiration, Extension, and Renewal of Listing	\$250
<b>7.25</b>	Yes	Failure to Disclose Dual/Variable Commission	\$250
<b>7.27</b>	Yes	Failure to Disclose REO Status	\$100
<b>8.1</b>	No	Failure to obtain sellers authorization to list in the MLS	\$1,500
<b>8.2</b>	No	Failure to Provide Written Documentation Requested by the AOR/MLS	\$250
<b>8.2</b>	No	Failure to Provide Listing Agreement when requested by the AOR/MLS	\$500
<b>8.3</b>	Yes	Display of inaccurate Listing Status	\$250
<b>8.3</b>	Yes	Failure to input accurate information	\$100
<b>8.3</b>	Yes	Failure to verify accurate listing information (Auto Sold)	\$250

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MLS Rule	Warning	Summary	Fine
8.3	No	Failure to Correct Incomplete/Inaccurate Information within 2 Business Days after notification by the AOR/MLS	\$250
9.3	Yes	Misrepresenting the availability to show or inspect	\$250
9.9	No	Failure to be Present when Providing Access to a Listed Property to Buyers/Potential Buyers	\$1,500
10.2	Yes	Failure to Timely Report Listing Status Changes and Sales	\$250
10.4	Yes	Failure to Timely Report Cancellation of Pending Sale	\$250
10.5	No	Failure to report a seller's refusal to sell	\$1,500
11.5(b)	No	Unauthorized reproduction and display of media	\$1,500
11.5(d)	No	Use of media without prior written authorization	\$1,500
11.5(e)	No	Branding of any media submitted to the MLS is prohibited	\$100
11.5(f)	Yes	Truthful representation of media and caption requirement	\$100
11.5.1	No	Mandatory submission of Photograph/Rendering (except Business Op)	\$250
12.1	No	Failure to timely notify of DRE/OREA adverse action	\$1,500
12.5	No	Misuse of Public Remarks	\$250
12.5.1	No	Misuse of Other Remarks/Media	\$250
12.7	No	Unauthorized Use of Term "Sold"	\$250
12.8, 12.8.1 (a)	No	Unauthorized Advertisement of Listing of Another Broker	\$1,500
12.8.1(b)	No	Failure to provide listing attribution on Neighborhood Market Report	\$250
12.8.1(c)	No	Displaying unauthorized listing content on Neighborhood Market Report	\$250
12.8.1(c)	No	Displaying unauthorized photograph on Neighborhood Market Report	\$1,500
12.9	No	Failure to Provide Adequate Informational Notice on Print/Non-Print forms of Advertising and Public Representations	\$100
12.10	No	False and Misleading Advertising and Representations; True Picture Standard of Conduct	\$250
12.11	No	Unauthorized Use of MLS Information	\$1,500
12.12	No	Unauthorized Distribution of MLS Information and Passcodes	\$1,500
12.12.1	No	Unauthorized Clerical User Access and Use of MLS Information	\$1,500
12.15	No	Misuse of MLS Reproduction	\$1,500
12.15.2	No	Unauthorized Reproduction of Confidential Fields and Information	\$1,500
12.15.4	No	Unauthorized Compilation Downloading or Transmission of Data; Failure to Restrict Access to Authorized Party	\$1,500
12.16	No	Misuse of MLS Data on the Internet; Violation of IDX Rules	\$1,500
12.22	No	Current, Accurate and Active Email Address Required	\$500
13.2	No	Unauthorized Sharing of Lockbox Key	\$1,500
13.4	No	Failure to Account for Lockbox Key	\$1,500
13.5	No	Failure to Obtain Seller's Permission to Place a Lockbox	\$1,500
13.6	No	Failure to Abide by Lockbox Requirements	\$250
13.7(a)	No	Unauthorized Entrance into a Listed Property	\$1,500
13.7(b)	No	Failure to Follow Showing Instructions	\$1,500
13.8	No	Failure to Report Lost or Stolen Lockbox Keys	\$1,500
13.9	No	Failure to Timely Remove Lockbox after COE, Expiration, or Cancellation	\$250
14.4(a)	No	Failure to correct any violation – Subscriber	\$250
14.4(a) / 4.7	No	Failure to correct any violation – Participant Broker	\$500
19	No	Misuse of MLS Data on the Internet: Violation of VOW Rules	\$1,500