

Western Upstate MLS Compliance Notices and Fines

Unless otherwise noted, the following violations will be fined as follows:

- 1st Offense: \$100
 - 2nd Offense: \$250
 - 3rd Offense: \$1,000
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Immediate Fines – fines where no warning will be given

Failure to Enter a New Listing into the MLS System in a timely manner:

Section 1.1.1 - Listings Subject to Rules and Regulations of the Multiple Listing Service: Any listing taken to be filed with the MLS is subject to the rules and regulations of the service upon signature of the seller(s). All new listings must be input in the MLS system within one (1) business day of the seller's signature or within one (1) business day of public marketing, with the only exception being holidays and weekends.

Violations of the Clear Cooperation Policy:

Section 1.01 - Clear Cooperation: Within one business day of marketing a residential property to the public, the listing broker must submit the listing to the MLS for cooperation with other MLS participants. Public marketing includes, but is not limited to, flyers displayed in windows, yard signs, digital marketing on public-facing websites, brokerage website displays (including IDX and VOW), digital communications marketing (email blasts), multi-brokerage listing sharing networks, and applications available to the general public.

Failure to Update Listing Status in a timely manner:

Section 1.4 - Change of Status of Listing: Any change in listed price or other change in the original listing agreement shall be made only when authorized in writing by the seller. Under- contract status must be put in the service within one (1) business day of the signed contract, with the only exception being holidays and weekends.

Failure to Update Listing to Sold Status in a timely manner:

Section 2.5 - Reporting Sales to the Service: Status changes, including final closing of sales and sales prices, shall be reported by the listing broker within twenty-four (24) hours after they have occurred.

Compensation Restrictions in the MLS

Section 5 – Compensation Restrictions in MLS Listings:

Participants, subscribers, or their sellers are prohibited from offering compensation to buyer brokers or other buyer representatives within MLS listings. It is forbidden to use MLS data or data feeds, either directly or indirectly, to establish or maintain platforms that facilitate compensation offers from multiple brokers to buyer brokers or other buyer representatives. Violation of this rule will result in termination of the participant's access to MLS data or data feeds.

- **First Offense:** \$1,000 fine and compensation reference must be removed within one business day. If not, participant (and their firm) will be suspended until listing has been corrected.
 - **Second Offense:** \$2,000 fine and compensation reference must be removed within four hours. If not, participant (and their firm) will be suspended until listing has been corrected.
 - **Third Offense:** \$5,000 fine and participant (and their firm) will be suspended for five business days and will be required to appear before the Board of Directors for additional enforcement actions.
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Sharing of MLS Login:

Section 10 - Confidentiality of Information: Any information provided by the MLS to the participants shall be considered official information of the MLS. Such information shall be considered confidential and exclusively for the use of participants and real estate licensees affiliated with such participants and those participants who are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property and licensed or certified appraisers affiliated with such participants.

- **First Offense:** \$1,000 fine and service suspension until the fine is paid.
- **Second Offense:** \$2,000 fine and service suspension until the fine is paid.
- **Third Offense:** Termination of MLS Service

Violations with 3-Day Grace Period Before Fine is Levied

Inclusion of Agent/Office References in Remarks:

Section 1.16.1 – Public Remarks: The “public remarks” section of the input page is to allow listing agents to provide additional information regarding the listed property to consumers and cooperating agents. Information including, but not limited to, the name, phone number, and email address of the listing company, the listing agent, or the property owner is not allowed in the public remarks section. Also disallowed is any statement such as “call listing agent for more information” or similar instruction.

Section 1.16.2 – Private Remarks: The “private remarks” section of the input page is to allow listing agents to provide additional information regarding the listed property to cooperating agents that is not intended for consumers or the general public. The following information is permitted in the "private remarks": special showing instructions, contact names or phone numbers, and broker or agent email addresses. Lockbox codes or other security system details may also be included with the Seller's permission.

Listing brokerage and agent websites or other information directing a cooperating agent to offers of compensation is strictly prohibited.

Inclusion of Agent/Office References in Directions:

Section 1.18 - Directions: Agent and office information may not be entered into the directions section of the MLS. If references are made to following office signs in the directions section of the MLS, the notation should read “follow signs” instead of “follow XYZ REALTY signs.”

Failure to Upload a Primary Photo in a timely manner:

Section 1.17 - Photographs: Participants are required to insert photographs of listed property directly into the MLS database for viewing by consumers and cooperating agents. When doing so, however, participants should be careful that no information identifying the listing agent or agency, including agency signs, are included in these photographs. One photograph of the property must be entered into the MLS within 72 hours. For single-family homes, the primary photo must be an unobstructed view of the exterior front or back of the structure.

Uploading Photos with "For Sale" Signs, Agent/Office Logos, QR Codes, or Contact Information:

Section 1.17 - Photographs: Participants are required to insert photographs of listed property directly into the MLS database for viewing by consumers and cooperating agents. When doing so, however, participants should be careful that no information identifying the listing agent or agency, including agency signs, are included in these photographs. One photograph of the property must be entered into the MLS within 72 hours. For single-family homes, the primary photo must be an unobstructed view of the exterior front or back of the structure.

Lapsed Proposed Closing Date on an Under-Contract Listing:

Section 1.20 - Proposed Closing Date: If the proposed closing date of a property passes without closing, the listing agent must amend the proposed closing date within forty-eight (48) hours to the new negotiated closing date.