



Regional Multiple Listing Service, Inc.

Compliance Guidelines

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Regional Multiple Listing Service, Inc.

Compliance Guidelines Index

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Regional Multiple Listing Service, Inc.

COMPLIANCE GUIDELINES

The **Regional Multiple Listing Service, Inc.** (RMLS) is responsible for the enforcement of the RMLS Rules and Regulations. All complaints involving violations of the RMLS Rules and Regulations will be considered by the RMLS staff in accordance with these Compliance Guidelines. All complaints of unethical conduct or requests for arbitration shall be referred to the Association with which the Participant holds primary membership or to the Association within which Participant maintains its principal place of business. Any complaint that encompasses both a violation of the RMLS Rules and Regulations and unethical conduct or requests for arbitration will be separated into two issues and each handled by the appropriate adjudicator.

SECTION 1: The Violation Process

Initiators of Alleged Violations:

Alleged violations of the RMLS Rules and Regulations must be reported in writing and may be initiated by:

- a. RMLS Participants (as defined in the RMLS Rules and Regulations)
- b. RMLS Subscribers (as defined in the RMLS Rules and Regulations)
- c. Staff of RMLS
- d. Others

How to Report Alleged Violations:

- a. For Listing Violations: Click on the “report data error” button in MLXchange
- b. By email or fax email to compliance@rmlsfl.com
- c. By US Mail to RMLS at 4400 PGA Boulevard, Suite 700, Palm Beach Gardens, FL 33410
- d. By any eFax using the proper cover sheet, i.e. Mongofax.

Notification For Violations:

The Participant will be notified of any listing changes or corrections that need to be made in the RMLS Database. RMLS will send a Courtesy Notice by email to the Participant, Listing Agent and Office Administrators for Minor Violations. All other Violation Notices will be sent by either Federal Express or US Mail and will require signature confirmation.

SECTION 2: Minor Violations

When a Minor Violation is confirmed to have occurred, the RMLS staff will send a RMLS Courtesy Notice to the Participant, Listing Agent and Office Administrators. The violation(s) specified in the Courtesy Notice must be corrected within five (5) business days unless otherwise directed on the Courtesy Notice.

Minor violations include, but are not limited to:

- a. Failure to enter a listing in the correct AREA as identified in the RMLS Database.
- b. Failure to report the correct sale price on a closed listing.
- c. Failure to report the correct Selling Office and Selling Agent on a closed listing.
- d. Failure to correctly report all required fields on the Listing Input Form.
- e. Failure to enter a specific dollar amount greater than "0", a percentage rate greater than "0", or combination thereof into at least one of the Commission Fields.
- f. Failure to obtain seller's written consent prior to entering a status change relating to an amendment to the Participant's listing agreement.
- g. Failure to provide RMLS with any documentation requested by RMLS within two (2) business days of the date of the RMLS Courtesy Notice.
- h. Failure to report a correct listing expiration date.
- i. Failure to properly notify RMLS when part of a listed property was sold.
- j. Failure to make any required change of listing within the specified time frames as set forth in the Rules and Regulations (For example, see Section 4.7 Listing Changes).
- k. Failure to input listing within two (2) business days of receipt of valid listing agreement.
- l. Failure to submit, within two (2) business days of request, a copy of the listing agreement which shows the seller refused to permit the inclusion of the listing in the RMLS Database.
- m. Failure to amend the status of a listing in the RMLS Database within two (2) business days of the change in status.
- n. Failure to have a valid listing agreement prior to entering a property into the RMLS Database.
- o. Failure to use the original Listing Date and Price when a property is withdrawn from the RMLS Database prior to the Expiration Date and reentered by the same company without the execution of a valid Listing Agreement with new signatures of the seller(s).
- p. Input of Agent, company or seller contact information in any field not expressly marked for contact information. This includes, but is not limited to, the public and addenda remarks fields, the directions field, photos and virtual tours. Contact information may ONLY be placed in the Broker Remarks field.
- q. Input of mobile or manufactured homes, unless being sold as a part of real property.
- r. Input of more than one listing for the same property in an ACTIVE status at any given time unless a listing is marked for Sale and for Rent or approved by RMLS staff.
- s. Input of Bonus or Compensation information in any field not expressly designated for such information.
- t. Input of timeshares, fractional ownership properties, dockominiums or auction properties.

SECTION 3: Minor Violations Fines

Failure to respond or comply with a RMLS Courtesy Notice within the grace period designated on the Courtesy Notice carries escalating fines to the Participant as follows:

1st Notice: Courtesy Notice, \$0 fine assessed.

2nd Notice: \$50.00 fine assessed

3rd Notice: \$100.00 additional fine assessed, a total of \$150.00 assessed.

4th Notice: \$200.00 additional fine assessed, a total of \$350.00 assessed.

5th Notice: \$400.00 additional fine assessed, a total of \$750.00 assessed.

6th Notice: \$500.00 additional fine assessed, a total of \$1250.00 assessed.

The fine schedule is per offense and billed to the Participant. Repeat Offense Policy and Fines can be found in Section 8.

SECTION 4: Automatic Violations

When any of the violations listed below are reported or discovered, the RMLS staff or its representative, will send a notice of the particular violation to the Participant and/or the Agent causing the infraction (by Federal Express, mail or email). RMLS staff will make the correction immediately where applicable, if possible. All fines listed below will be immediately levied and are due and payable at the time of notice of the fine(s). If a Participant would like the opportunity to explain any extenuating circumstances for violation or failure to comply, please see Section 10 of these Compliance Guidelines.

- a. Unauthorized dissemination of personal seller information including, but not limited to, alarm codes, gate codes, "children at home," "elderly at home". The personal information may be removed by the RMLS staff.

\$1,000.00 per occurrence

- b. Unauthorized access to listed property, including, but not limited to, failure to follow Showing Instructions

\$1,000.00 per occurrence

- c. Unauthorized use or disclosure of RMLS login information, the RMLS Compilation, or any portion thereof, any listing information or statistical or comparable reports to a third party.

\$15,000.00 per occurrence

d. Input of derogatory words and statements or words and statements found to discriminate against any of the classes protected in the Fair Housing Act

\$100.00 fine per word or statement and the word or statement is (are) immediately removed by RMLS Staff

e. Advertising “on market” listings from the RMLS Compilation without written authorization from the listing broker prior to posting or printing.

\$100.00 per listing per occurrence up to a maximum of \$15,000.00 per occurrence

f. Lockbox Fines,

See Section 5

g. License Audits – If it is discovered that a Participant has failed to pay RMLS Fees for Licensees listed by the Department of Business & Professional Regulations (DBPR) as associated with a Participant, there is an automatic one-time tiered fee as follows:

1 - 5	Licensees	\$500.00
6 - 10	Licensees	\$1,000.00
10 - 15	Licensees	\$1,500.00
15+	Licensees	\$2,000.00

In addition, Participants with Licensees not in compliance within five (5) business days after notification will be fined \$500.00 per Licensee plus the appropriate fees for each Licensee. Fees are retroactive to the date the Licensee is attributed to the Participant pursuant to the DBPR records.

Repeat Offense Policy and Fines can be found in Section 8

h. If an individual has been granted an exemption from RMLS fees because they are a Referral Agent in a Referral Company and it is discovered that that Referral Agent has used the RMLS Database, Compilation or system in any way to list, sell or show property, such exemption shall be automatically revoked. Reinstatement as a Referral Agent will not be permitted for six (6) months from the date the exemption was revoked by RMLS.

The Referral Company shall pay a sum equal to the actual fees that would have been incurred retroactive to the effective date of such exemption, not to exceed twelve (12) months, plus a \$500.00 penalty fine.

i. Failure to respond, failure to respond in a timely manner or failure to provide complete information to a Referral Company audit.

\$500.00 plus \$50.00 per month for each Licensee shown by the DBPR to be with the Referral Company commencing thirty (30) days from the Participant’s failure to respond, failure to respond in a timely manner or failure to provide complete information, until the Participant responds.

- j. If it is discovered that a Referral Company, Non-Participating Brokerage or Sister Company of a Participant with a direct or indirect ownership interest in such Referral Company, Non-Participating Brokerage or Sister Company has used, accessed or displayed the RMLS Database, Compilation, System or Service, or any portion thereof, in any way, the offending Participant shall be fined:

\$15,000.00 per occurrence

See Repeat Offense Policy and Fines in Section 8

- k. If it is discovered by RMLS that a secretary/assistant, or any person with authorized access to the RMLS Database, Compilation, System or Service working for or with a Participant, uses their login to assist any individual in a Referral Company, Non-Participating Brokerage or Sister Company or a Referral Agent or any person not authorized to have access to the RMLS Database, Compilation, System or Service, the Participant with a direct or indirect ownership interest in the Referral Company, Non-Participating Brokerage or Sister Company will be fined:

\$15,000.00 per occurrence

See Repeat Offense Policy and Fines in Section 8

If the Participant would like the opportunity to explain any extenuating circumstances for the violation, please refer to Section 10 of these Compliance Guidelines.

SECTION 5: Lockbox Violations and Fines

Lockbox violations are as follows and incur the following fines:

- a. Participants are responsible for obtaining the shackle code for lockboxes associated with their office. In the event a Participant cannot provide a shackle code or Participant requests RMLS to remove the lockbox, the cost to remove an unattended lockbox will be charged to the Participant.

\$50.00 per removal

- b. No Participant or Subscriber key access or shackle code shall be used nor shall any key access or shackle code be loaned to any person for purposes of entering a property on a lockbox or any other key or lockbox function other than the authorized Lease key holder.

\$500.00 for first violation

For Second and Future violations see Section 8 regarding Repeat Offense Policy and Fines

- c. No Participant or Subscriber may enter any property without notification to, and express approval of, the listing Participant or Subscriber office unless the published RMLS Database indicates otherwise.

**Up to \$500.00 for the first violation
For Second and Future violations see Section 8
regarding Repeat Offense Policy and Fines**

- d. No Participant or Subscriber may attach, mark or in any way disclose the PIN number on any lockbox key, PDA or shackle code on the lockbox.

**Up to \$500.00 for the first violation
For Second and Future violations see Section 8
regarding Repeat Offense Policy and Fines**

- e. Fraudulent requests for PIN/Shackle codes

\$500.00 per infraction

Refer to Section 8 for Repeat Offense Policy and Fines.

SECTION 6: Internet Data Exchange (IDX) Violations and Fines

Failure to abide by Section 12 of the RMLS Rules and Regulations, as may be amended from time to time, will result in the following fines:

An IDX Violation Notice will be sent to the Participant when an IDX site is in violation of the RMLS Rules for Internet Data Exchange (IDX).

**\$1,000.00, per infraction PLUS,
If not corrected promptly within seventy-two (72) hours,
\$100.00 per calendar day thereafter until the correction is made**

The violating site can be taken down within seventy-two (72) hours of notice of violation to avoid the additional daily fines.

Any repeat offense or continuation of the offense may cause termination of the IDX feed. The Participant may reapply for the IDX feed sixty (60) days after termination with the understanding that a future offense will incur a fine of \$15,000.00 per infraction. If a Participant would like the opportunity to explain any extenuating circumstances for violation or failure to comply, please refer to Section 10 of these Compliance Guidelines.

Also, refer to Section 8 for Repeat Offense Policy and Fines.

SECTION 7: Virtual Office and Virtual Office Website (VOW) Violations and Fines

Failure to abide by Section 12 of the RMLS Rules and Regulations, as may be amended from time to time, with regard to virtual offices or virtual office websites will result in the following fines:

A virtual office or virtual office website (VOW) Violation Notice will be sent to the Participant when there is a violation of the RMLS Rules for the following Violations:

- a. Failure to abide by the Virtual Office Website (VOW) Rules and Regulations regarding the operation of the VOW:

**\$1,000.00 per occurrence PLUS,
If not corrected within seventy-two (72) hours,
\$100.00 per calendar day thereafter until the correction is made**

- b. Failure to abide by the Virtual Office Website (VOW) Rules and Regulations regarding display violations. Correction and compliance must be made within seventy-two (72) hours.

**\$1,000.00 per occurrence PLUS
If not corrected within seventy two (72) hours,
\$100.00 per calendar day thereafter until the correction is made**

At the end of the seventy-two (72) hours after the date of the Notice to Participant, the VOW feed may be suspended until Participant's VOW is corrected and compliant as explained on the Notice. Suspension of the VOW feed may occur for one or more of the items listed below but are not limited to:

1. Display of Content that should not be displayed as set forth in the Notice to Correct.
2. No registration process for consumers.
3. Transfer of the RMLS Compilation to any third party without RMLS authorization.
4. Refusal to allow RMLS or any RMLS Participant access to Participant's VOW for evaluation and compliance.

A Participant may avoid the \$100.00 additional daily fine by taking their VOW offline within seventy-two (72) hours of notice of violation until correction or compliance is accomplished.

If a Participant would like the opportunity to explain any extenuating circumstances for violation or failure to comply, please refer to Section 10 of these Compliance Guidelines.

Also, refer to Section 8 for the Repeat Offense Policy and Fines.

SECTION 8: Repeat Offense Policy and Fines

Repeat Offense of Minor Violations

A repeat offense of any Minor Violation will not receive a RMLS Courtesy Notice. The fine for any repeat offense will be an automatic fine as follows:

2nd time offense within one (1) year: double the initial fine

3rd time offense or more within one (1) year: double the last fine levied.

This fine policy is per Participant/Subscriber/Appraiser and/or Secretary/Assistant, per offense and is billed to the Participant. Note that a one-year term is defined as the calendar year.

Repeat Offense of All Other Violations:

A repeat offense of any automatic violations, lockbox violations, IDX violations and VOW violations will be double the last fine levied in the respective Section until reaching a maximum of \$15,000.00 (For Example: \$100.00 first offense, \$200.00 second offense, \$400.00 third offense, etc., etc.).

SECTION 9: Failure to Pay Fines

Invoices for violations are due upon receipt. Failure to pay a fine assessed for a violation(s) within thirty (30) days, of invoice date will result in a late fee or interest charge.

In the event any fines, including any late fees or interest charges, remain unpaid for more than thirty (30) days, all access to RMLS Services are subject to suspension until the account is paid in full. After thirty (30), days any unpaid balances due from a Subscriber may be transferred to the Participant's account for collection.

SECTION 10: Violation Petition Process

Minor Infractions (Fines under \$5,000.00)

If a Participant would like the opportunity to explain any extenuating circumstances regarding an RMLS Rules violation of less than \$5,000.00, the explanation, with supporting documentation, if any, must be received at the RMLS office no later than 5:00 p.m., ten (10) business days from the date of the notice of fine. All explanations or documentation received after the tenth (10th) day of notification will be denied.

An Appeals Committee comprised of RMLS Staff meets at the end of each month to review any request for dispensation from a Rules violation. All those who have submitted petitions explaining extenuating circumstances will receive written notification of the Committee's decision by the US Mail within ten (10) days of submission of the petition.

Major Infractions (Fines \$5,000.00 or Greater)

If a Participant would like the opportunity to explain any extenuating circumstances regarding a RMLS Rule violation resulting in a fine(s) greater than \$5,000.00, the explanation, with supporting documentation, if any, must be received at the RMLS office no later than 5:00 p.m., ten (10) business days from the date of the initial notification of violation. All explanations or documentation received after the tenth (10th) day of notification will be denied.

An Appeals Committee comprised of selected Directors of the RMLS Board of Directors will meet at a time to be determined. (See Section 9.8.1 of the RMLS Rules and Regulations).

All those who have submitted petitions explaining extenuating circumstances will receive written notification of the Committee's decision by US Mail within ten (10) days of submission of the petition.