

Common TCMLS Violations

MLS Rules Summary

<u>Description</u>	<u>#</u>	<u>Amount</u>
Failure to Input Required Listings (Mandatory Submission)	25	\$300/\$500
Prohibited Co-Listings	12	\$500
False/Misleading Advertising & Representation	10	\$500
Wrongful Use of Photographs / Without Permission	10	\$200/\$500
Violation of DOM/CDOM Calculation	9	\$500
Failure to Provide Appropriate Written Documentation	7	\$500
Failure to Input Accurate Information	6	\$200
Failure to Provide Signed Seller Exclusion	6	\$300
Failure to Comply with Certification of Non-Use	6	\$300+Back Fees
Failure to Disclose Interest In Property	4	\$500

Citation Policy. TCMLS has a self-policing policy. Members are responsible for policing the integrity of the database by reporting inaccurate data and rules violations. Complaints must be submitted using the designated reporting method. Verbal complaints will NOT be accepted. Reporting of violations are confidential unless otherwise agreed by the complainant.

Accuracy. The listing broker represents that information submitted to the service is accurate to the best of the listing broker's knowledge, must use good faith effort to determine the accuracy of the information and must not submit information that is known to be inaccurate. 8.3

Signs & False Representation. Members must present a true picture in their advertising and representation. For Sale signs of the listing broker may be placed on the property and Coming Soon advertising is permissible for submitted listings with the status 'Delayed Showing'. Properties with conflicting representation is not permitted. 12.6; 12.10

Co-Listing. Only listings of members will be accepted. Inclusion of co-listings where the co-listing broker/agent is not a member is not permitted. Contact information of non-MLS member licensees is not allowed. 7.25, 5.1.6

DOM/CDOM. Days on Market (DOM) and Cumulative Days on Market (CDOM) measure how long a property has been available for purchase and is determined using the listing date, the address and the APN of the property. DOM in TCMLS is calculated from the effective date of the listing to the close of escrow, canceled or expired date and will increase for all other statuses. DOM will reset when the property is listed with a new agent and CDOM will reset when the property is sold or not available for purchase with no listing agreement in effect for 90 days. Once all signatures have been obtained to create an enforceable contract, the listing agent may use the 1.) Start date of the listing contract OR 2.) Date of the last signature as the effective date of the listing (ie: LISTING DATE). Listing brokers must submit accurate information to the service and must not misrepresent how long a property has been on the market. 7.26

Mandatory Submission & Seller Exclusion. TCMLS abides to NAR's Clear Cooperation Policy. Once a listing is publicly marketed, the listing must be filed with the MLS and be provided to other brokers within (1) one business day. The listing broker must submit a signed certification (eg: SELM form) to the MLS within one (1) business day of the effective date of the listing if the seller has instructed the listing broker to do no public marketing [and has permitted limited scope of marketing to direct one-on-one promotion between the brokers and licensees affiliated with the listing brokerage (ie: office exclusive listing)]. Seller/listing brokers cannot opt-out of the Clear Cooperation Policy. TCMLS require that a copy of your listing agreement be included with all exclusions. In the event seller exclusion is cancelled, modified or the listing is newly authorized by the seller to be disseminated to the MLS, the listing broker must submit the written authorization to the MLS within 1 business days. 7.5, 7.6

Listing Documentation. All listings submitted to the service must have listing agreements and will be assigned listing numbers on a per contract basis. The MLS may ask for documentation at any time and the listing agent must provide the requested information within 24 hours. "Comp-Only" listings are not permitted. 8.1; 8.2

Change of Listing Information. Listing changes (information, price, status, etc) must be reported to the MLS within 2 days. Expired and canceled listings cannot be re-activated. New listing contracts are required and are treated as new listings. 7.8; 7.19; 10.2

Photograph. At least one front exterior photograph is required to be posted on the MLS within 2 days after submission of the listing. Photos may be copied as long as written permission was given by the listing agent or appropriate party with legal rights. 11.5

MLS Tour. No property will be toured if agent or representative is not at MLS tour meeting to represent it. *TCMLS hold three separate weekly tours for the Tulare, Visalia and Porterville areas.* 22.4.1

Key, Lockbox Access and Availability to Show. Keys cannot be used under any circumstance by anyone other than the keyholder. Supra BTLE lockboxes are TCMLS approved lockboxes. Listing agents may use other access devices for showing but must respond within 4 hours after initial contact with access information to show property every day between 8AM – 6PM. Lockboxes must be removed within 1 day after the close of escrow or expiration/cancellation of the listing. Listing broker must not misrepresent the availability of access to show or inspect a listed property. 9.3;12.2; 13.2.2; 13.12

MLS Fees. MLS fees are calculated equal to the number of Broker-participant plus the number of salespersons or appraisers who have access to and use of the MLS that are employed by or affiliated with the firm. Broker-participants must complete a certification of non-use for salespersons or appraisers that will not use the MLS or the MLS compilation in anyway. Certified non-use individuals are not permitted to use MLS services. 5.1.2; 5.1.6

Clerical User. Clerical Users may join through their employing broker-participant and must perform only administrative and clerical tasks that will not require a real estate license or appraiser's certificate. Clerical users can be licensed or unlicensed but must be identified as NBA (No Broker Attached) by BRE to remain eligible for Clerical User services. 4.3

Commission. Offer of compensation must be stated in one, or a combination of, a percentage of the gross selling price or a definite dollar amount and may not contain any provisions that would vary the amount of compensation offered. 7.12

Duplicate Listings. Submission of listings by the same broker-participant within the same property class is not permitted. 7.3

Directions. Directions must include a starting point (ie: cross streets) with N,W,E,S instructions to the property. Instructions to call for direction or go to a website for directions are not permitted. 23

Physical Presence. Members must be physically present on the property at all times when providing access to a listed property unless the seller has consented otherwise. 9.9

Statuses. 10.1

Active: Valid listing contract exists and no offer has been accepted. Advertising is occurring.

Active Under Contract: Offer accepted and either 1) Seller requests that property remain in an On-Market status and is willing to show the property and accept back-up offers, or 2) the sale is subject to court or other third party approval. Advertising is occurring.

Delayed Showing: A valid listing contract is in effect, but Seller has instructed Listing Broker not to show the property to any potential buyers for a period of time. Advertising is occurring.

Hold: A valid listing contract is in effect, however, because of various reasons such as repairs, illness, guests, etc., the Seller has requested that temporarily there be no showings and no marketing.

Withdrawn: A valid listing contract is in effect; however, the property is no longer being marketed.

Pending: The Seller has accepted an offer and is not soliciting further offers through the MLS. This is an Off-Market status (however any incidental remaining marketing is not a violation of said status).

Canceled: The listing agreement has been canceled in writing.

Expired: The listing agreement has expired.

Sold: Escrow has closed.

Remarks. Information in the public remarks must only relate to the marketing, description and condition of the property. No contact information including names, phone, fax number, email addresses, websites, showing instructions, lockbox, alarm, security codes or occupancy of the property is permitted. 12.5

Neighborhood Market Report. NBHD market report is an advertising printed info sheet compiled for use that sets forth a list of home activity in a particular neighborhood area. Listing agent may permit other members to use agent's listings for NBHD market reports created by other members in the same area. If listing agent elect NOT to permit other members to use agent's listings on NBHD market reports, listing agent cannot use listings of other members in the same area. 12.8.1

Lot Dimensions. Measurements of two-dimension properties must be indicated (eg: 80' x 75'). Listing agent may use the term "Irregular" only for non-perfect rectangular lots such as cul-de-sac, curved lots, etc. 21