

# Royal Gorge Association of REALTORS® Fines & Sanctions Schedule

Compliance with all RGAR Bylaws, MLS Rules and Regulations and MLS Governance Provisions is applicable to all Participants, Subscribers/Users, Administrative Staff and Assistants. Violations can be generated by RGAR Staff, MLS Committee or Written complaints. *The following is an outline of possible violations and is not inclusive of all possible violations.*

## Level 1 Violations

A courtesy notice to correct will be emailed first. If the Violation is not corrected the following fine schedule will apply:

\*1st Violation-\$50.00 or NO FINE if corrected within 3 working days

\*2nd Violation-\$75.00 or NO FINE if corrected within 3 working days

\*3rd Violation-\$100.00 to User and Participant or NO FINE if corrected within 3 working days

- **Incomplete or Inaccurate information** – *All mandatory fields must be completed.* The only time that zeros, dashes or N/A is permissible is if that field does not pertain to the subject listing.
- **Room Measurements**- all rooms including bathrooms must be measured and input Length X Width in Feet and Inches.
- **Failure to Upload Lead Base Paint Disclosure** - Lead Based Paint Disclosures must be uploaded to the system within three (3) days.
- **Advertising Prohibited prior to entering into MLS** - No property shall be advertised by any means until the listing has been entered in the MLS, including but not limited to signs, social media, internet, print and radio.
- **No Main Photo** – Photos must be uploaded to the system within three (3) days. The main photo for Residential, Multi-Family and Improved Commercial Property must be of the exterior of the main structure. All other listings shall have an exterior photo that is an accurate representation of the listed real property, map or elevation of the actual subject property as the main photo.
- **Prohibited Photos** - Photos cannot contain company signs, broker identification, contact information, logos or people.
- **Use of Photos Without Authorization** – Photos cannot be copied or otherwise used without written permission from the agent.
- **Prohibited Information in (Public) Remarks or Directions** – Agent/office name, logos, codes, website addresses, phone numbers, instructions to “Call, Contact or See” (to include mapping sites), offers of incentives or bonuses, showing instructions, vacancy or other information that does not describe the Property is not allowed in Public “Remarks” or “Directions”.
- **Prohibited Media Attached**- Agent, office or broker name, phone number, email address, web address or other information of this nature that is not descriptive in nature is prohibited in Virtual tours or other virtual media to be attached to listing in the MLS
- **Duplicate Reporting of SOLDS** - Only One Listing may be marked as SOLD if entered into multiple property types. The other listings must be Withdrawn.
- **Agent Ownership** - Agent shall disclose Agent has interest in the property when the listing is filed with the MLS and such information shall be disseminated to all Multiple Listing Participants.
- **Co-Listing Information** – Co-listings must contain the Co-List Office and Agent Information. Non-MLS Office/Agent information, as well as showing and/or negotiations instructions are to be included in the Agent Remarks.

## Level 2 Violations

User/Participant will receive notification that a possible violation has occurred and will be reviewed by the MLS Committee at the next scheduled meeting. User/Participant may be present at the meeting.

\*1st Violation- A written letter of Admonition will be sent to the User stating that a violation has occurred and if applicable, asking for immediate compliance. The User is responsible for insuring compliance has been met. The letter will also state that a second violation will entail a dollar fine. Failure to comply will automatically become a second violation. A copy of the letter will be sent to the Participant.

\*2nd Violation- The User will be automatically fined a minimum of \$50 and notified that any additional violations may necessitate further sanctioning by the MLS Committee. A copy will be sent to the Participant stating that a third violation by this user will also result in a fine to The Participant.

\*3rd Violation- The User will be automatically fined a minimum of \$100. The Participant will also be fined a minimum of \$100 and notified that any additional violations may necessitate further sanctioning by the MLS Committee.

- **Failure to upload listings and within 3 days of listing** - Listings must be entered into the MLS within 3 days after all signatures of the sellers have been obtained.
- **Failure to enter a listing of any property within the jurisdiction** - Listings located within the territorial jurisdiction or RGAR are required to be submitted to the service.
- **Failure to disclose Limited Service Listings**
- **Failure to report change of listing** - Any changes in listed price or other changes must be made within 24 hours.
- **Failure to change status (Sold, U/C, Pending)** – Sales or status changes shall be reported within 48 hours or two (2) business days.
- **Failure to enter the cancellation of Pending Sale** - A cancellation of a Pending Sale requires that the listing shall be reinstated immediately.
- **Failure to report contingency changes** – Contingencies that have been fulfilled, renewed or cancelled must be reported within 24 hours.

- **Failure to obtain permission to advertise** – A listing shall not be advertised by any agent other than the listing agent without prior consent of the listing agent.
- **Providing MLS Data to Unauthorized Persons** – Listing information cannot be given to any Broker or firm that is not a member of the MLS without prior consent of the listing broker.
- **Distribution of Confidential Information** - Data sheets distributed to any person cannot contain Compensation, Agent Remarks or any other confidential information.
- **Failure to use disclaimers when using RGAR Stats for advertising** – See Section 13 of RGAR MLS Rules and Regulations for required verbiage when advertising.
- **Notification of Termination of Agent or Administrative Staff** – Broker must send written notification to the Board Office within 48 hours when an Agent or Administrative Staff leaves an office. If notification is not made prior to the end of the month the Broker is required to pay the next month's MLS fees.
- **Failure to make appointment for Access of Listed Property** - Access to a listed property must be arranged with the listing broker, even if the property is vacant.

### Level 3 Violations

User/Participant will receive notification that a possible violation has occurred and will be reviewed by the MLS Committee at the next scheduled meeting. User/Participant may be present at the meeting.

#### **Egregious Violations – No Warnings or Letters of Admonition – These are Automatic Fines**

\*1st Violation- \$270.00

\*2nd Violation- \$1000 plus 30-Day Suspension

\*3rd Violation- \$2000 plus an additional 30-Day Suspension

- **Unauthorized Access to NavicaMLS** – Providing access to NavicaMLS, regardless if it is intentional, negligent or inadvertent, *the Participant shall be fined per User.*
- **Unauthorized Use of Supra Electronic Equipment** – Providing access to or use of the electronic access key to anyone, regardless if it is intentional, negligent or inadvertent, the Keyholder shall be fined.
- **Active listing without Listing Agreement** – All listings entered must be supported with a listing agreement that is signed by the MLS Participant/User as the listing agent.
- **Co-Listing** – Co-listed properties with non-MLS Participants must have a listing agreement that is also signed by the RGAR Participant.
- **MLS Only Co-List /Team Listings-** An exempted licensee may not co-list properties with another licensee within their brokerage unless both licensees are RGAR MLS members. Licensees operating as a team must all be added under the Participant. Team members cannot be exempted.
- **Change of Active Listing** – Written permission from seller is required to extend or withdraw listing.
- **Failure to adhere to IDX and/or VOW rules** – may also result in inactivation of IDX and/or VOW

Any act or omission which violates the Bylaws, MLS Rules and Regulations or *MLS Governance Provisions* of the Royal Gorge Association of REALTORS® shall constitute a "Violation". **Notifications of violations will be sent via email to the agent and carbon copied to the Broker. Current email information is required to be on file at the Board Office.**

Complaints of possible violations must be submitted to the MLS Committee in writing and may be initiated by RGAR Participants, Users, Board Office staff or indiscriminate listing audits. Reporting of possible violations will remain confidential.

For purposes of fines and/or violations resulting from failure to correct MLS data inaccuracies a team will be recognized in the same manner as an individual User and notifications will be sent to each "Team" User. All other violations will be reviewed by the MLS Committee as individual User violations.

Failure to correct violations and/or pay fines will be subject to action taken as outlined in the Royal Gorge Association of REALTORS® MLS Rules and Regulations. The MLS Committee and/or the Board of Directors reserves the right to charge a User and/or Participant with rules violations which may result in additional fines or sanctioning in accordance with the Royal Gorge Association of REALTORS® Bylaws and/or MLS Rules and Regulations. The number of Violations will be tracked on a 12-month period beginning with the date of the first violation. The date of the violation(s) will be the date that the MLS Committee determines that it is a violation. The date will be included in the notification letter. Users and Participants may request the MLS Committee to review a Violation notification by submitting written evidence that a Violation has not occurred within 10 days\* of the notification date. If there is no WRITTEN response on a complaint inquiry from the recipient, the appropriate fine will automatically be imposed after 30 days\*.

Invoices for violations are due upon receipt. Failure to pay within 30 days\* of the invoice date will result in a late fee of \$50.00. Any fines, including late fees that remain unpaid after 30 days\* are subject to suspension of RGARMLS access until the account is paid in full. After 30 days any unpaid balanced due from a User may be transferred to the Participant. *\*Unless otherwise specified, days will be defined as calendar days.*

I have received, read and understand the above Fines and Sanctions Schedule

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Signed

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Date

3/7/2018