

2021 MLS FINE SCHEDULE

For failure to abide by MLS Policies and Procedures, the Participant will be assessed in the following manner:

Fines are cumulative on a per listing basis. Subsequent violations within a 2 year period are subject to the escalated fines listed herein.

* Fines not paid within 30 days will be subject to additional fees and/or suspension of MLS services.

NOTE: The MLS is required to send a copy of all administrative sanctions against a subscriber (Agent) to the subscriber's participant (Broker) and the participant is required to attend the MLS hearing of a subscriber who has received more than three (3) administrative sanctions within a calendar year. (11/2020)

Brokers are responsible for all agents/teams and office admins and for any and all unpaid fines.

Listing agents are responsible for unlicensed assistants or authorized team members who add/edit listings on their behalf.

UNAUTHORIZED ACCESS – MISUSE OF MLS INFORMATION

\$5000 plus MLS Review Panel

- Providing MLS access to any unauthorized party (any non-MLS participant)
- Filing false Membership Application
- Reproducing and Distributing unauthorized portions of the MLS database
- Use of MLS data for other than the intended / permitted purposes
- Violating lockbox or electronic key regulations including: providing eKey usage/access to any unlicensed individuals (including but not limited to, public, service providers, lenders, etc.). Supra service will be terminated and member will NOT be assigned any form of Supra service for duration of MIAMI membership.

DATA INTEGRITY – MANIPULATION OF MLS CONTENT

\$5000 plus MLS Review Panel

- Failure to properly specify or intentional manipulation of listing/location information, included but not limited to:

■ Property type	■ City	■ MLS Area / MLS GEO map	■ 5 digit zip code
■ County	■ Address	■ Folio number	■ Square Footage
- Manipulation of property history and/or Days-On-Market information - **includes Cancel & Relist.**

**Members found in violation of the above are subject to fine and loss of listing add/edit capability for 30 to 90 days.*

CLEAR COOPERATION

1st Violation: \$2,500 | 2nd Violation: \$5,000 | 3rd Violation: \$7,500 plus MLS Review Panel

- Failure to submit listing to the MLS within one business day after Publicly Marketing the property Refer to MiamiRealtors.com/ClearCooperation for definition of Public Marketing and FAQs.

COMING SOON LISTINGS

1st Violation: \$1000 or No Fine – If corrected within two days of notification
 2nd Violation: \$2500 | 3rd Violation: \$5000 plus MLS Review Panel

- Listing being shown before Go Live/Active date.
- Offer being accepted before Go Live/Active date.
- Property being listed in **Coming Soon** status more than once per year.
- Public Marketing before Go Live/Active date to include, but not limited to: Flyers – Sign – Digital Marketing – Brokerage Website Display – Digital Communication – Multi-Brokerage sharing Networks (refer to Clear Cooperation)

Showings and Negotiations

1st Violation: \$500 | 2nd Violation: \$750 | 3rd Violation: \$1000 plus MLS Review Panel

- Failure to respond within 24 hours to **Showing Requests** per showing instructions and/or Remarks/Broker Remarks in listing
- Failure to respond to written **Request for Affirmation of Presentation of Offer** within 2 business days

LOADING LISTINGS AND REPORTING CHANGES BY DEADLINE

1st Violation: \$500 or No Fine – If corrected within two days of notification,
2nd Violation: \$750, 3rd Violation: \$1500 plus MLS Review Panel

- Failure to maintain current, accurate, listing agent email address
 - Failure to notify the MIAMI Membership Department of termination, transfer or addition of an associate under the Participant's license within **two business days**
 - Listings not loaded within **two business days** of listing start date - including **"Coming Soon"** Listings (Effective. 5/27/2020)
 - Listing status changes not reported within **two business days**
 - Failure to enter accurate information in a required data field
 - Entering any data in a knowingly and willful manner to subvert the MLS automated data checker
 - Failure to submit valid office Exclusive/Exempt Listing, Syndication Opt-Out or Coming Soon Authorization form within 2 business days of signed Listing Agreement date
 - Advertising a listing NOT authorized as **YES Ok to Advertise** in the actual listing **OR** failure to obtain permission when **Only with Written Permission** is required within the listing or failure to provide listing company attribution when required
- NOTE:** Does not include IDX or Syndication

LOADING LISTINGS AND REPORTING CHANGES BY DEADLINE

1st Violation: \$500 or No Fine – If corrected within days of notification | 2nd Violation: \$750 | 3rd Violation: \$1500 plus MLS Review Panel

- Failure to attach required Auction Information Form to Auction Listing
 - No Photo. Minimum one photo (representative of the front of property) is required for RE1, RE2, RIN & RNT Property Types includes **Coming Soon**
 - Active Listing entered with future availability to show date – does not include Tenant Occupied Rentals
 - Failure to provide documentation within **two business days** after requested by MIAMI staff
- *Members found in violation of the above may have loss of listing add/edit capability for 30 to 90 days.*

DATA INTEGRITY

1st Violation: \$500 | 2nd Violation: \$750 | 3rd Violation: \$1000 plus MLS Review Panel

- Entering incorrect selling agent or sale price information when closing a listing
- Posting a listing on MLS without having a signed listing agreement
- Placing URLs, showing instructions, Open House information, access codes, Lockbox combinations, commission/bonus information or contact information in Remarks, Directions or Internet Remarks. This includes but is not limited to names, phone numbers, email addresses, hashtags or website / social media addresses.
- Conditional offer of compensation and/or zero commission amount
- Violating IDX or VOW display rules
- Agent solicitation/recruitment in any MLS integrated service

DATA INTEGRITY

1st Violation: \$500 or No Fine – If corrected within two days of notification
2nd Violation: \$750 | 3rd Violation: \$1000 plus MLS Review Panel

- Entering a duplicate listing under same property type
- Entry of inaccurate or non-text information (ie: watermarks, logos, graphics) anywhere in a listing including photos
- Use of any data field for a purpose other than its intended use
- Use or reuse of any photograph or remarks without written authorization
- Inappropriate / inaccurate photos, virtual tours and videos including images with text or embedded links.
- Branded Slide shows, Virtual Tours or Videos (agent, office or company information). Must contain the letters "MLS" or "unbranded" or "non-branded" in the URL
- Inaccurate or out dated fees (i.e.: association fee/HOA or COA fee/maintenance fee/Rec fee/total fees). Zero \$ not acceptable.
- Bonus or incentives entered in any field other than Broker Remarks
- Failure to disclose owner/agent
- Failure to disclose Variable/Dual Rate commission
- Failure to disclose valid/correct brokerage representation
- Failure to secure seller(s), broker or office manager signature on MLS Status Change Form
- Failure to update Expected Closing Date (ECD)
- Use of Showing services remarks for other than intended use for showing information
- Failure to correctly record "Buyers Country of Origin" or, if USA, record "Buyers State"

These items and fines are subject to change as directed by the Residential Board(s) of Governors.

* Fines not paid within 30 days will be subject to additional fees and/or suspension of MLS services.

In accordance with the National Association of REALTORS® Standards of Conduct for MLS Participants, a penalty not to exceed \$15,000 may be imposed for violations of MLS rules or other MLS governance provisions (04/08).

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