

PCMLS Schedule of Fines & Sanctions for MLS Violations

I: DATA INPUT VIOLATIONS:

With respect to a listing, each of the items listed below is a violation of the Rules and Regulations. Following written notification (e-mail and/or mail) of the violation(s), the member will have a three (3) business day grace period to correct the violation(s). If the violation(s) is corrected during this grace period, the fine will be waived. For purposes of this schedule, the term “business days” shall mean Monday through Friday, exclusive of State or Federal holidays. If the violation is not corrected during the three (3) business day grace period, the member will be fined \$50.00. If the violation is not corrected within five (5) business days of the original violation, the Board will assess an additional \$50 fee and may, but is not required to make the correction.

1. Failure to enter a listing which is complete and accurate in every mandatory field. (Section 1.2)
2. Failure to enter any changes in the broker compensation including bonuses (Section 5, Note 2A)
3. Failure to update tax identification number after a permanent number is issued or to correct an error if the tax identification number is entered incorrectly. (Section 1.2)
4. Failure to enter a listing in the correct property type, or entering a listing into more than one property type. (Section 1B)

II-TIMELINESS AND MISCELLANEOUS VIOLATIONS:

The MLS Rules & Regulations stipulate that entry of, and status changes to, listings must occur within five (5) business days of either the effective date or the date that all required signatures have been obtained (whichever is later), **EXCEPT for cancellations of pending sales which must be reported immediately**. Violations are tracked for a 2 year period from the first offense per each individual violation.

The following violations and the fines associated with the offense(s) are as follows:

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| 1 st offense: | Warning issued. |
| 2 nd offense: | \$25 fine |
| 3 rd offense: | \$100 fine |
| 4 th offense: | \$200 fine |
| 5 th offense: | \$500 fine |
| 6 th offense: | 3 month MLS usage suspension and, upon reinstatement, must complete an ethics class within one month. |

1. Failure to enter a listing of any property within the MLS jurisdiction. (Section 1)
2. Failure to submit a signed “Certification to Withhold Property Listing” (Section 1.3A)
3. Failure to comply with the public remarks rules. (Section 1.2C)
4. MLS subscriber NOT obtaining the prior consent of the listing broker to advertise their listing. (Section 2.7)
5. Failure of a subscriber to disclose through the MLS any ownership in the listed property (Section 5.1)
6. Failure of a subscriber to disclose a contemplated personal interest in the property at the time the purchase offer is submitted (Sections 5.2)
7. Non-subscriber information cannot be listed in the confidential and/or any public remarks sections. (Section 3.18)
8. Entering a listing in which the subscriber is not the named listing agent. (Sec. 1)
9. Failure to enter any changes to listing agreement, including change in listing price (Section 1.4)
10. Failure to enter an extension, withdrawal or renewal (reinstate date) for a listing (Sections 1.5 & 1.10)
11. Failure to enter the renewal or removal of a contingency (Sections 1.6 & 2.6)
12. Failure to report a status change (Section 1.5)
13. Failure to enter immediately the cancellation of a pending sale (failed sale) (Section 2.8)
14. Failure to remove a time clause contingency (Section 2.8A)
15. Failure to obtain permission from the original listing broker, or any other owner of a photograph or other visual image, to use such photographs or visual image associated with any current or previous listings, except as permitted by Section 13A of Rules and Regulations of the Park City Multiple Listing Service. (Section 13A)
16. Failure to report a potential short sale when reasonably known. (Section 5.0.1)
17. Failure to enter at least one photo within 5 calendar days of entering the listing on the MLS. (Section 1.2F)
18. Failure to include an “Under Construction” banner on the primary photo of any listing that does not have a Certificate of Occupancy. (Section 1.2G)
19. Failure to submit a written offer to a seller. (Section 2.2)

20. Failure to include the words “Limited Service Listing” in the confidential remarks of a Limited Service Listing. (Sec. 1.2.1A)
21. Failure to disclose dual rate commission in confidential remarks (Sec. 5.3.A)
22. Failure to disclose HUD identification number in confidential remarks when a range of commissions is approved by HUD. (Sec. 5.3C)
23. Misrepresentation of availability of access to show or inspect listed property (Sec. 2.10)

III. IMMEDIATE FINES:

Violations are tracked for a 2 year period from the first offense per each individual violation. There is no warning associated with these fines and the fine schedule is as follows:

- 1st offense - \$100
- 2nd offense - \$200
- 3rd offense - \$500
- 4th offense - \$1,500
- 5th offense - 3 month MLS usage suspension and, upon reinstatement, must complete Ethics Class within 1 month.

1. Subscriber and/or affiliate subscriber (e.g., home inspector, photographer) who loans or transfers a key pad, or device with key pad ability to any unauthorized person or entity or uses the key pad for any unauthorized purpose. (Section 20.3.n)
2. Failure to comply with the Utah Administrative Code, a copy of which may be found at <http://www.rules.utah.gov/publicat/code/r162/r162.htm>.
3. Failure to disclose the presence of exempted prospects or the expiration date of their exemption in the MLS “confidential remarks” (Sec. 5.3B)
4. Failure to coordinate showing appointments through the listing broker, or otherwise failing to follow showing instructions contained in the MLS listing (Section 2)
5. Failure to obtain written authorization, in advance, from the owner of a property verifying his/her consent to market the property not yet owned by a potential seller, or the assignability of a real estate purchase contract by the potential seller. A potential seller is anyone who does not yet own the property. (Sec. 2.5B, Notes 1 & 1A)
6. Subscriber providing MLS credentials to ANYONE. (Section 4A)
7. Placing a lock box on a property without the prior written consent of the owner of that property (Sec. 20.3k)
8. Failure to obtain signed authorization from seller & the listing broker before entering a listing, an extension, withdrawal or renewal of a listing (Section 1B, Note 1)
9. Violation of any provisions of the Park City Multiple Listing Service Rules & Regulations, including but not limited to the prohibition of communication of confidential information (Section 10.2D)

IV: VERIFICATION PROCESS:

The PCMLS may request subscriber who violates these rules and regulation to provide any signed and dated document(s), at the PCMLS’s discretion, reasonably related to such violation(s). (Sec 1.2E) Failure to provide the PCMLS with the requested documentation within three (3) business days after the request shall result in an additional \$25 administrative fine.

V. APPEALS PROCESS

Appeals to the fines may be requested by providing written notice to the PCMLS together with the basis of the appeal, within 15 days of the original notification of violation (refer to Article 11, Enforcement of Rules or Disputes in the MLS Rules and Regulations.)

VI. PAYMENT OF FINES

Fines will be billed to the subscriber’s MLS account and are payable as stated in Section 7C of the MLS Rules and Regulations.

I agree that I have received, read and understand the above fines and sanctions.

NAME _____ SIGNATURE _____ DATE _____
 Please print legibly