

## VICTOR VALLEY ASSOCIATION OF REALTORS®

### MLS CITATION POLICY

To ensure the integrity of the MLS and the MLS database, the Victor Valley Association of REALTORS® has established this Citation Policy in accordance with Section 14.3 of the MLS Rules and Regulations. Fines will be issued in accordance with this policy, subject to change upon approval of the Board of Directors. This policy is not all-inclusive, may not reflect violations of the Code of Ethics, and does not replace Professional Standards Enforcement.

#### TO REPORT A VIOLATION:

Call the VVAR at (760) 244-8841

FAX to (760) 244-7387

E-mail to [mlsviolations@vvar.com](mailto:mlsviolations@vvar.com)

Your identity will, of course, be kept **CONFIDENTIAL**.

Report as follows-

- o The name and office of the alleged violator
- o The nature of the violation (be as specific as possible, i.e., when it occurred, the MLS #, etc.)
- o Leave your name and contact information (**THIS INFORMATION IS FOR VERIFICATION PURPOSES ONLY AND WILL BE KEPT IN STRICT CONFIDENCE**)

#### **Violations**

- 1.1 Active listing without valid listing agreement (MLS Rules 8.1, 8.2)
- 1.2 Failure to enter listings in MLS or provide VVAR with Authorization To Exclude Listing from MLS And Exempt From Publication Certification (MLS Rules 7.5, 7.6, 7.7)
- 1.3 Late entry of a new listing (MLS Rules 7.5)
- 1.4 Entry of a property listed by a non-MLS member (MLS Rules 4.1 – 4.8)
- 1.5 Entry of inaccurate listing status (MLS Rules 7.9, 7.19, 10.1, 10.2, 10.3)
- 1.6 Late reporting of pending sale (MLS Rules 10.1)
- 1.7 Late reporting of a final sale (MLS Rules 10.1)
- 1.8 Conditional offers of compensation (MLS Rules 7.12)
- 1.9 Misuse of data with intent to mislead (MLS Rules 12.7, 12.8, 12.9, 12.10, 12.15)
- 1.10 Inappropriate Image (MLS Rules 12.5)
- 1.11 Duplicate listings by the same agent/broker (MLS Rules 8.3)
- 1.12 Entry of inaccurate selling information (MLS Rules 8.3, 10.1)
- 1.13 Wrong property classification (MLS Rules 8.3)
- 1.14 Misuse of Public Remarks (MLS Rules 12.5)
- 1.15 Inaccurate Information in address field ( 8.3)

**RESPONSIBILITY FOR VIOLATIONS AND FINES**

The Violator shall have responsibility for correcting the violation and paying all fines.

**NOTICE OF VIOLATION**

For purposes of this policy, notices of violations will be sent directly to the Violator. If the Violator is a Subscriber, a copy of the notice will be sent to the Broker/Participant.

**DUE DATE FOR FINES**

Fines will be sent with Notice of Violation. Fines will be added to the MLS Dues and billed quarterly.

**REPEAT VIOLATIONS - AUTOMATIC FINE ASSESSMENT**

An **AUTOMATIC** *Notice of Violation and Fine Assessment* will be issued if, within a calendar year, either of the following happens:

- 1. A second violation.....\$250.00
- 2. A third violation.....\$500.00
- 3. Third violation and more.....\$750.00

**RIGHT TO DISPUTE NOTICE OF VIOLATION AND FINE ASSESSMENT**

To dispute a *Notice of Violation* and Fine Assessment, the Violator may request a hearing before the Professional Standards Committee.

The Violator must first correct the violation. Then within Fifteen (15) business days of the Receipt Date of the *Notice of Violation and Fine Assessment*, the Violator may submit a *Request for Hearing* form.

The *Request for Hearing* form must state the specific ground(s) for the hearing and include all facts and/or reasons for the request. The grounds for a hearing are one or more of the following:

- \* Factual dispute regarding the alleged violation(s) such as misapplication of the MLS Rule(s) cited.
- \* Contention that there has been a violation of procedural due process.

[NOTE: FAILURE TO RECEIVE ANY NOTICE IS NOT GROUNDS FOR A HEARING]

If the grounds set forth are proper grounds for a hearing, VVAR will set a hearing in accordance with the *California Code of Ethics and Arbitration Manual*. The Violator may, but is not required to, attend the hearing.

In the event the hearing panel determines that the violation occurred, the fine in the *Notice of Violation and Fine Assessment* OR SUCH INCREASED FINE AS IS IMPOSED BY THE HEARING PANEL will be payable in full by the date noticed in the decision, and the Violator may be required to comply with ADDITIONAL DISCIPLINE AND PUNISHMENT MAY BE IMPOSED BY THE HEARING PANEL in accordance with the *California Code of Ethics and Arbitration Manual*. The sanctioning guidelines are set forth on the *Request for Hearing* form.

In the event the hearing panel determines that there has been a procedural due process violation, the hearing panel may return the matter the VVAR MLS Department or dismiss the citation.

**EXPLANATION OF VIOLATION CATEGORIES**

1.1 **Active listing without a valid listing agreement or listings entered with inaccurate expiration date (Ref. MLS Rules 8.1 and 8.2)**

**8.1 Listing Agreement and Seller's Permission.** Prior to inputting a listing to the service, the listing broker shall obtain the written agreement of the seller expressly granting the listing broker authority to: (1) file the listing with the service for publication and dissemination to those authorized by the MLS; (2) act as an agent for the seller; (3) abide by the rules of the service; (4) provide timely notice of status changes of the listing to the service; (5) provide sales information including selling price to the service upon sale of the property for publication and dissemination to those authorized by the MLS and (6) publish sales information after the final closing of a sales transaction in accordance with these MLS rules (See Section 10.1).

**8.2 Written Documentation.** Listing brokers filing listings with the service shall have a written listing agreement with all necessary signatures in their possession. Only listings that create an agency relationship between the seller and the broker participant are eligible for submission to the service. By inputting a listing to the service, broker participants and r.e. subscribers represent that they have in their possession such written agreements establishing agency and the represented type of listing agreement. The service shall have the right to demand a copy of such written listing agreements and verify the listing's existence and adequacy at any time. The service shall also have the right to demand a copy of seller's written authorization required under these rules. If the broker participant or r.e. subscriber fails to provide documentation requested by the service within 24 hours, the service shall have the right to immediately withdraw any listings from the data base in addition to disciplining the participant and subscriber for a violation of MLS rules.

Action:

- (1) MLS Department reports violation.
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department contact Violator to request a copy of the written listing agreement,
- (4) If the written listing agreement is not provided within 24 hours, the Violator is fined and invalid listing is removed by the MLS.

## **1.2 Failure to enter listing in MLS or provide VVAR with Authorization To Exclude Listing From MLS and Exempt form Publication Certification (Ref. MLS Rules 7.5,7.6 and 7.7)**

**7.5 Mandatory Submission.** Broker participants shall input exclusive right to sell or exclusive agency listings on one to four unit residential property and vacant lots located within the service area of the MLS within forty eight (48) hours (excepting weekends, holidays and postal holidays) after all necessary signatures of the seller(s) have been obtained on the listing. Only those listings that are within the service area of the MLS must be input. Open listings or listings of property located outside the MLS's service area (see section 7.7) are not required by the service, but may be input at the broker participant's option.

**7.6 Exempted Listings.** If the seller refuses to permit the listing to be disseminated by the service, the listing broker shall submit to the service a certification signed by the seller that the seller does not authorize the listing to be disseminated by the service.

**7.7 Service Area.** The MLS's service area shall be determined by the MLS Committee, subject to approval by the Board of Directors. If the VVAR has entered into regional MLS agreements or a regional MLS corporation with other MLS's and has enlarged the service area as part of the agreement or corporation, submission of the type of listings specified in section 7.5 is mandatory for the area covered by the combined territorial service areas of the Associations signatory to the regional MLS agreement or part of the regional MLS corporation.

Note: The MLS will only accept the VVAR MLS Form "Exempt From Publication Certification." This form is available by calling VVAR and it will be faxed to you. VVAR will no longer accept the check-off area of the *Residential Listing Agreement (LA)* form.

Action:

- (1) MLS Department reports violation.
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and requests that within 24 hours either the listing is input or *Authorization to Exclude Listing from MLS and Exempt From Publication Certification* is received.
- (4) If violation is not corrected within 24 hours, the VVAR MLS Department sends another Notice of Violation and Fine Assessment and forwards to the Professional Standards Committee.

### **1.3 Late entry of a new Listing (Ref. MLS Rule 7.5)**

**7.5 Mandatory Submission.** Broker participants shall input exclusive right to sell or exclusive agency listings on one to four unit residential property and vacant lots located within the service area of the MLS within forty-eight (48) hours (excepting weekends, holidays and postal holidays) after all necessary signatures of the seller(s) have been obtained on the listing. Only those listings that are within the service area of the MLS must be input. Open listings or listings of property located outside the MLS's service area (see section 7.7) are not required by the service, but may be input at the broker participant's option.

Action:

- (1) MLS Department reports violation
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within 24 hours.

### **1.4 Entry of property listed by a non-MLS member (Ref. MLS Rules 4.1-4.8)**

Only those Broker Participants and Subscribers who are MLS users in good standing may enter listings into the MLS.

Action:

- (1) MLS Department reports violation.
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within twenty-four (24) hours.
- (4) A letter is sent to the Broker with the amount due for the unauthorized user to join the MLS.

### **1.5 Entry of inaccurate listing status (Ref. MLS Rules 7.9, 7.19, 10.1, 10.2, 10.3)**

The status of the listing should correctly reflect the current status of that listing .  
DO NOT leave your listing in active status if it is withdrawn or taking back-up offers.  
DO NOT leave your listing as active and in remarks explain that it is off market or taking back-up offers.

Action:

- (1) MLS Department reports violation.
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within twenty-four (24) hours.

### **1.6 Late reporting of a pending sale (Ref. MLS Rule 10.1)**

Pending sales are to be reported to the MLS within twenty-four (24) hours (excepting weekends, holidays) of an accepted offer.

Action:

- (1) MLS Department reports violation
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within 24 hours.

### **1.7 Late reporting of a final sale (Ref. MLS Rule 10.1)**

Final sales are to be reported to the MLS within twenty-four (24) hours of the final closing date.

Action:

- (1) MLS Department reports violation.
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within 24 hours.

### **1.8 Conditional offers of compensation (Ref. MLS Rule 7.12)**

A Broker Participant must specify some compensation to be paid, stated in one or a combination of the following forms (1) a percentage of the gross selling price; or (2) a definite dollar amount. The amount of compensation may not contain a provision that varies the amount of compensation offered based on conditions precedent or subsequent or on any performance, activity or event. Example include: Non MLS member 2%; If I show it first, I'll pay 1 1/2%.

### **1.9 Misuse of data with intent to mislead (Ref. MLS Rule 12.7, 12.8, 12.9, 12.10, 12.15)**

A Broker Participant may not use the MLS to mislead other participants. Examples include: wrong city code, incorrect APN, wrong area, overstating square footage, incorrect school or water codes, incorrect utilities to site, etc.

Action:

- (1) MLS Department reports violation
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within 24 hours.

### **1.10 Inappropriate image and virtual tour links (Ref. MLS Rule 12.5 , 12.10)**

Images, regardless of how they are submitted and/or uploaded, are not to contain inappropriate information or images. Images uploaded to the system are meant to be representative of the listing and the surroundings. Images are not to include such things as agent/broker photos, names, phone numbers, website addresses, e-mail addresses, advertising other than about the property, etc.

Action:

- (1) MLS Department reports violation
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within 24 hours.

### **1.11 Duplicate listings by the same Broker Participant or Subscriber (Ref. MLS Rule 8.3)**

By inputting the information into the MLS database, the listing Broker Participant or Subscriber represents that the information input is accurate to the best of their knowledge. Therefore, there should only be one record in the MLS database for each property that is for sale. This is misleading and inaccurate.

DO NOT add a listing twice or more to reflect different city codes.

DO NOT add a listing twice or more to reflect a different number of bedrooms.

DO NOT add a listing twice or more to gain additional exposure as another "New" listing.

DO NOT add a listing twice or more to make it pop up on more searches.

Action:

- (1) MLS Department reports violation.
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within 24 hours.

#### **1.12 Entry of inaccurate selling information (Ref. MLS Rule 8.3 and 10.1)**

When reporting a listing as Pending or Sold, you are required to enter the accompanying SOLD information (e.g., selling agent, selling office, sales price, COE date, etc.) The SOLD information is critical for accurate reporting of sales statistics as well as accurate CMA's.

Action:

- (1) MLS Department reports violation.
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within 24 hours.

#### **1.13 Wrong property classification (Ref. MLS Rule 8.3)**

Do not add listings from other property types into other property types. For examples do not include Land under Residential property type.

Action:

- (1) MLS Department reports violation.
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within 24 hours.

#### **1.14 Misuse of public remarks (Ref. MLS Rule 12.5)**

Broker Participants and Subscribers may not use the remarks/property description for purposes of disparaging other real estate agents or conveying information that does not directly relate to the marketing of a listing. Examples of misuse include: Gate codes, Lockbox combinations, E-mail or website addresses, phone numbers of any kind, Agent or Assistant or Owner names, Language that violates Fair-Housing/HUD guidelines for discriminatory language in advertising.

Action:

- (1) MLS Department reports violation
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within 24 hours.

#### **1.15 Inaccurate information in address field (8.3)**

By inputting the information into the MLS database, the listing Broker Participant or Subscriber represents that the information input is accurate to the best of their knowledge. Adding additional comments to the address line that are not part of the address is prohibited. It causes the property to not be able to be searched by address.

Action:

- (1) MLS Department reports violation.
- (2) Member reports violation by calling VVAR or sending fax or e-mail.
- (3) MLS Department sends a Notice of Violation and Fine Assessment and request to correct within 24 hours.

[Fine Schedule for Citations](#)

Violations to the MLS Rules & Regulations regarding lockbox issues, property listing status, allowing non-members access and misuse of marketing remarks. Participants may be cited based on the following fine structure. A letter of warning will be sent for the first violation to individual participant with a copy to the Broker. Fine(s) will be imposed on the individual participant and the accumulation is from calendar year to calendar year, and all late fees/charges apply. If the participant exceeds the third citing then the participant will continue to be fined the maximum fine until the beginning of the new calendar year.

1<sup>st</sup> violation Letter of warning

2<sup>nd</sup> violation \$250.00

3<sup>rd</sup> violation \$500.00

4<sup>th</sup> violation and more \$750.00

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