

Appendix A - Citable Infractions Rev. 4/2020

With reference to Applicable Rules, Complaint Requirements & Potential Consequences for Specific Violations Shaded areas are new citable infractions

SECTION	Violation Description	Fine/Action	Applicable Rules Section(s)
1	<u>Unauthorized Access to MLS</u>		
1.1	<u>Use of MLS System by Unauthorized Party</u>	Refer to Hearing Panel	4, 5, 12.1, 12.2, 12.3
1.1.1	Filing of False Participation Waiver.	\$500 fine per incident (in addition to 6 months MLS Fees for each sales person in violation of Waiver	5.1.6
1.1.2	Failure of Participant to Notify the MLS within 10 days of Termination, Transfer, or Addition of an Associate Under Participant's License	1st Violation - Notice to Comply Failure to comply - \$250	4.4
1.1.3	Failure to meet all of the requirements as a Participant or Subscriber.	Loss of MLS Services (Note: Subscriber – loss of MLS services, Participant – loss of entire office MLS Services.	4.1 4.2
1.2	<u>Misuse of MLS Information</u>		
1.2.1	Reproducing, Distributing or Displaying MLS Information for Unauthorized Purposes	\$500 fine/ Refer to Hearing Panel	12.15.2
1.2.2	Reproducing, Distributing or Displaying Unauthorized Portions of the MLS Database	1st Violation - Letter of Warning 2nd Violation - \$100 3rd Violation - \$200	12.15.1 12.19.15
1.2.3	Unauthorized Computer Download or Transmission of Data	Refer to Hearing Panel & Legal Council	12.15 12.19.1
1.2.4	Use of MLS in your website address or search name	Letter of warning 1 st violation \$300 2 nd violation \$500 3 rd violation loss of IDX & MLS	12.18
2	<u>Loading Listings and Reporting Status Changes By Deadline</u>		
2.1	Listing Not Loaded Within 3 days of Start Date of Listing	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	7.5
2.1.1	Listing not loaded within one business of marketing to the public	Letter of warning will be sent Fine amount TBA	7.5.1
2.2	Listing Waiver Not Submitted to MLS Within 3 days of Start Date of Listing	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	7.6

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2.3	<u>Status Changes Not Reported By Deadline</u>		
2.3.1	Sale Not Reported by within 3 days after Close of Escrow	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	10.2
2.3.2	Pending Sale Not Reported within 3 days after Ratification of Sales Contract	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	10.2
2.3.3	Contingent Sale or Lease Not within 3 days after Ratification of Sales Contract	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	10.2
2.3.4	Cancellation of Pending Sale Not Reported within day after Written Cancellation	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	10.3
2.3.5	Any Change in the original listing Agreement, be in the MLS within one (3) day. Examples: ○ Price Change ○ Extending expiration date	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	7.8
2.3.6	Resolution of Contingencies (Court confirmation, sale of buyer property) Not Reported within 3 days after Resolution	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	10.2
2.4	<u>Unilateral Contractual Offer</u>		
2.4.1	Unilateral Contractual Offer. Must make some offer of compensation	1st Violation - Letter of Warning 2nd Violation - \$200 Fine 3rd Violation - \$300 Fine	7.12
3	<u>Reporting and Accuracy of Information</u>		
	<u>Submission of Listings That Do Not Satisfy the Requirements of the MLS Rules</u>		
3.1	Must disclose potential short sales. Not allowed to place any reduction conditions on compensation offered through the MLS	1st Violation - Letter of Warning 2nd Violation - \$200 Fine 3rd Violation - \$300 Fine	7.28
3.1.1	Failure to Properly Classify Listing Type and Category	1st Violation - Letter of Warning 2nd Violation - \$200 Fine 3rd Violation - \$300 Fine	7.3

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3.1.2	Entry of Inaccurate or Non-Text Information Anywhere in a Listing	1st Violation - Letter of Warning 2nd Violation - \$200 Fine 3rd Violation - \$300 Fine	8.3
3.1.3	Listing Information Incomplete or Not Kept Current	1st Violation - Letter of Warning 2nd Violation - \$200 Fine 3rd Violation - \$300 Fine	7.11
3.1.4	Failure to Enter Accurate Information in a Required Data Field	1st Violation - Letter of Warning 2nd Violation - \$200 Fine 3rd Violation - \$300 Fine	7.11, 8.3
3.1.5	Using a Data Field for a Purpose Other Than its Intended Use	TBD	8.3
3.1.6	Failure to Correct Incomplete or Inaccurate Information Within one (1) day after Notification by Staff	1st Violation - \$300 Fine 2nd Violation - \$400 Fine 3rd Violation - \$500 Fine	8.2, 8.3
3.1.7	Submission of Duplicate Listings by the Same Participant within the Same Key Property Type or Category	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	7.3
3.1.8	Entry of a Non-Property-Specific Virtual Media Link Anywhere in a Listing (with the exception of confidential remarks)	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	12.15.2
3.1.9	On Photos: Display of Agent Contact Information, such as Email Addresses, Website Addresses, or other Non-Property Descriptive Text	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - \$350 Fine	11.5
3.1.10	Use of Photographs on a Listing Without Proper Authorization	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - \$350 Fine	11.5
3.1.11	The main photo/image of the front exterior must be added upon submission of the listing into the MLS	1 st Violation – Letter of Warning 2 nd Violation – \$50 Fine 3 rd Violation - \$200 Fine	11.5a
3.2	Failure to Withdraw a Cancelled listing by the end of the next business day after ratification of cancellation	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - \$350 Fine	7.9
3.3	Failure to Report the Correct Sales Price on a Closed Sale	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	8.1
3.4	<u>Purposely Manipulating the MLS System to Circumvent the Rules</u>		

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3.4.1	Entry of Inaccurate or Prohibited Information	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	8.3
3.4.2	Posting of a Listing to the MLS Without Having a Written Listing Agreement	\$250 Fine for each occurrences	8.1
3.4.3	Submitting a Listing as Withdrawn/Cancelled When Not Withdrawn/Cancelled by Seller	1st Violation - Letter of Warning 2nd Violation - \$150 Fine 3rd Violation - \$300 Fine	8.3
3.4.4	Extending a Listing Without Written Authorization from the Seller	1st Violation - Letter of Warning 2nd Violation - \$150 Fine 3rd Violation - \$300 Fine	8.3
3.4.5	Failure to Report a Dual or Variable Rate Commission	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	7.22
3.4.6	Refusal to Report Accurate Information or to Correct Inaccurate Information	1st Violation - Letter of Warning 2nd Violation - \$300 Fine 3rd Violation - \$400 Fine 4th Violation - \$500 Fine	8.3
3.4.7	Failure to Present Offers. Listing Broker must present all offers to Seller(s)	1st Violation - Letter of Warning 2nd Violation - \$500 Fine 3rd Violation - \$1,000 Fine	9.4
3.4.8	Failure to Submit all Counter Offers. Listing Broker must present all offers to Seller(s)	1st Violation - Letter of Warning 2nd Violation - \$500 Fine 3rd Violation - \$1,000 Fine	9.5
4	<u>Remarks</u>		
4.1	<u>Misuse of Remarks:</u>		12.5
4.1.1	Publishing Presentation Offer Date and/or Time Without Written Instructions From Seller(s)	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	12.5.2 f
4.1.2	Failure to Include "For Comps Only" in First Line of Confidential Remarks of Listings Entered For That Purpose	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	10.2
4.1.3	Failure to Update Offer Date within 1 day After Receiving Revised Written Instructions From Seller(s)	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	12.5.2 f

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4.2	<u>Misuse of Public Remarks – Publishing any of the following in public remarks:</u>		12.5.1
4.2.1	Telephone Numbers	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - \$350 Fine	12.5.1
4.2.2	Names, Including Company Names	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - \$350 Fine	12.5.1
4.2.3	Email Addresses	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - \$350 Fine	12.5.1
4.2.4	Websites	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - \$350 Fine	12.5.1
4.2.5	Security Code changes	1st Violation - \$250 Fine 2nd Violation - \$350 Fine 3rd Violation - \$450 Fine	12.5.1
4.2.6	Lockbox Code changes	1st Violation - \$250 Fine 2nd Violation - \$350 Fine 3rd Violation - \$450 Fine	12.5.1
4.2.7	Virtual Tours	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - \$350 Fine	12.5.1
4.2.8	Vacancy of Property	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - \$350 Fine	12.5.1
4.2.9	Title or Escrow Instructions	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - \$350 Fine	12.5.1

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4.3	<u>Misuse of Confidential Remarks:</u>		
4.3.1	Publishing Security Codes Without Seller's Written Permission	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - \$350 Fine	12.5.2
4.3.2	<u>Caution:</u> Title or escrow information may be entered in confidential remarks; however, participants/subscribers should note that any verbiage, which implies a requirement to use a specific title company or escrow service, may be a violation of RESPA. You are advised to seek legal counsel for specific advice when using such verbiage.		
4.3.3	Publishing Reference to Licensed Non-Subscribers Except in the Case of Reciprocal Listings	1st Violation - \$100 Fine 2nd Violation - \$200 Fine 3rd Violation - \$350 Fine	12.5.2
5	<u>Miscellaneous</u>		
5.1	<u>Showings and Access</u>		
5.1.1	Showing Access. Properties entered into the system must be available to show within 3 days subject to <u>any tenants rights.</u>	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	9.1.1
5.1.2	Use of Lockbox Key by Someone Other than Registered Key holder.	1st Violation: Warning Letter 2nd Violation: \$500 3rd & Subsequent Violations - \$1000	13.2
5.1.3	Placement of Lockbox Without Written Authority of Seller and Tenants	1st Violation - \$100 Fine 2nd Violation - \$200 Fine 3rd Violation - \$500 Fine	13.5
5.1.4	Unauthorized Entrance into a Listed Property (i.e., Failure to Follow the Showing Instructions)	1st Violation - \$100 Fine 2nd Violation - \$200 Fine 3rd Violation - \$500 Fine	13.2.1
5.1.5	Failure to Remove Lockbox within 1 day after Close of Escrow or expiration/cancellation of listing.	1st Violation - \$100 Fine 2nd Violation - \$200 Fine 3rd Violation - \$300 Fine	13.10
5.1.6	Failure to provide a Kim Users Group approved iBox lockbox when other lockbox types are installed.	1 st Violation – Letter of Warning 2 nd Violation – \$100 3 rd Violation - \$200	13.2.2
5.1.7	Failure to comply with property access key rules	1 st Violation – Letter of Warning 2 nd Violation – \$50 3 rd Violation - \$100	13.1

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5.1.8	Failure by cooperating brokers or buyer's agent to obtain listing agent permission prior to sharing lockbox combinations.	1 st Violation – \$250 2 nd Violation – \$500 each occurrence thereafter	13.3
5.2	Violation of IDX rules	1st Violation - Letter of Warning 2nd Violation - \$250 Fine 3rd Violation - Loss of IDX Privileges 4th- Loss of MLS Privileges	12.16
5.3	Advertising of Listing Filed with the MLS (Outside the scope of IDX)	1st Violation - Letter of Warning 2nd Violation - \$200 Fine 3rd Violation - \$300 Fine	12.8
5.4	Failure to Provide Adequate Informational Notice on Print or Non-Print Forms of Advertising or Other Forms of Public Representations	1st Violation - Letter of Warning 2nd Violation - \$100 Fine 3rd Violation - \$200 Fine	12.9
5.5	Non-Completion of Any Required MLS Orientation Program Within 60 Days	1st Violation - Letter of Warning 2nd Violation - \$100 Fine	4.1.1, 4.1.2 4.2.1, 4.2.2
5.6	Failure to Pay Any MLS Fees, Fines or Charges	Suspension Until Paid	17.1
5.7	Violation of VOW rules	1 st -Violation - Letter of Warning 2 nd -Violation - \$250 Fine 3 rd -Violation - Loss of IDX Privileges 4 th - Loss of MLS Privileges	12.19



Appendix B - Property Class

Residential

- a. Single Family Detached A single-unit residential property not attached to another living unit. Properties with party or common walls are not permitted in this category.

- b. Apt-Condo An individual living unit contained within a larger building or group of buildings. Typically have shared responsibility for maintenance of the property. Includes co-operatives.

- c. Townhome Typically attached individual living units with no other units above or below. Category does include patio homes. Usually have shared responsibility for maintenance of the property.

- d. Duet Home An attached property with only two residences in the structure, usually side by side.

- e. Loft-Condo An individual living unit often contained within a larger building or group of buildings, usually having high ceilings and modern architectural features. Often found in neighborhoods where live/work is permitted or required.

- f. Manufactured A detached individual residential unit that has been transported to the site in a finished or partially finished state and is supported by a full foundation.

- g. Floating Home An individual living unit floating on water without a means of self-propulsion and connected to public sewer and water systems. Has been assigned an APN. If in the San Francisco Bay Area, is recognized by the Bay Conservation and Development Commission (BCDC).

- h. Tenants in Common (TIC) Undivided interest in a multi-unit building where rights to the use of individual units are marketed separately. Typically have shared responsibility for maintenance of the property.
- i. Lease Rental A residential property available to rent or lease.

Residential Income

Two or more legally permitted living units on a single or adjacent lot being marketed as a single property. Five or more units can be cross-classed as commercial.

Mobile Homes

Independent living units that can or could be moved; equipped, or originally equipped, with axles and wheels. Only those that may be sold by real estate licensees. Typically licensed as a vehicle but may also be real property in some cases. Must have a DOH number prior to listing on the MLS.

Lots & Land

Includes:

- Residential undeveloped land or under-developed parcels being marketed primarily for the value of the land.
- Commercial undeveloped land or under-developed parcels being marketed primarily for the value of the land.
- Agricultural – Ranches and farms