

**South Padre Island Board of REALTORS®
COMPLIANCE GUIDELINES & SCHEDULE OF FINES**

**SECTION 1
How it Works**

Initiators of Alleged Violations:

When a violation of the Rules and Regulations has been discovered, written notice of the alleged violation must be submitted to the South Padre Island Board of REALTORS® office via mail, email or delivered to South Padre Island Board of REALTORS® staff. South Padre Island Board of REALTORS® staff will investigate the alleged violation. The Participant and Subscriber will be notified of any listing changes or corrections that need to be made in the South Padre Island Board of REALTORS® database.

If a violation occurs it will fall into one of the following categories:

- a. Minor Violations;
- b. Non-Response or Non- Compliance Fines;
- c. Automatic Violations;
- d. Internet Data Display Violations;
- e. Lockbox Violations and Fines;

When a minor violation is alleged, the South Padre Island Board of REALTORS® staff will send a Compliance Form by email to the Participant and Subscriber. The Participant or Subscriber must correct the error within two (2) days.

**Section 2
Minor Violations
Failure to Correct a Listing**

Minor violations will be fined if they are not corrected within two (2) days after notification. The fines will escalate as described below.

If a Participant or Subscriber desires to explain any extenuating circumstances for failure to comply, notice must be given to the South Padre Island Board of REALTORS® office within two (2) business days from the date of the initial notification.

**SECTION 3
Non-Compliance Fines for Minor Violations**

Non-compliance to a South Padre Island Board of REALTORS® Compliance Form by the appropriate deadlines carries escalating fines to the Participant as follows:

1st Notice: warning notice, \$0 fine assessed.

2nd Notice: \$50.00 fine assessed.

3rd Notice: \$250.00 fine assessed, a total of \$300.00 assessed.

After the 3rd notice the Participant's MLS rights, privileges, and services will be suspended from the South Padre Island Board of REALTORS® database for not less than thirty (30) days nor more than one (1) year.

On the 5th minor violation in the same calendar year, the participant will be fined \$500 and be required to attend mandatory MLS training.

The fine schedule is per offense and billed to the Broker.

SECTION 4 AUTOMATIC VIOLATIONS

When an automatic violation is found, the South Padre Island Board of REALTORS® staff will send a Compliance Form by email to the Participant and Subscriber. The South Padre Island Board of REALTORS® staff will make the correction immediately where applicable and the following fines will immediately be assessed. Violations that are not corrected within two (2) days after notification and cannot be corrected by South Padre Island Board of REALTORS® staff will be charged per the fine schedule below, plus \$100.00 per calendar day thereafter until the correction is made up to \$5,000 at which time MLS access will be suspended.

If a Participant or Subscriber desires to explain any extenuating circumstance for failure to comply, notice must be given to the South Padre Island Board of REALTORS® office within two (2) business days from the date of the initial notification.

SECTION 5 INTERNET DISPLAY DATA VIOLATIONS AND FINES

Failure to Correct Internet Data Display Fines

If a South Padre Island Board of REALTORS® Compliance Form has been sent to the Participant and Subscriber, the correction must be made within two (2) days. Violations that are not corrected within two (2) days after notification will be charged \$100.00 per calendar day thereafter until the correction is made up to \$5,000 at which time MLS access will be suspended.

If a Participant or Subscriber desires to explain any extenuating circumstances for failure to comply, a letter must be sent to the South Padre Island Board of REALTORS® office within two (2) business days from the date of the initial notification.

**SECTION 6
FAILURE TO PAY FINES**

In the event the fines, including any late fees, are unpaid after 30 days, access to the South Padre Island Board of REALTORS® MLS are subject to suspension until such time as all sums are paid in full.

**SECTION 7
APPEAL FROM FINES**

Any Participant or Subscriber, having reason to believe that a fine imposed by the South Padre Island Board of REALTORS® is without merit, may file an appeal with the South Padre Island Board of REALTORS® MLS Committee within seven (7) business days of the notification of fine. The appeal must include:

1. Proof of correction where applicable;
2. Copies of any relevant documents.

The appeal hearing will be scheduled for the Participant at the next South Padre Island Board of REALTORS® MLS Committee Meeting.

If in the opinion of the MLS Committee Members, the Participant is unable to show compliance with the South Padre Island Board of REALTORS® Rules and Regulations, the fine must be paid. If, in the opinion of the Committee, the Participant is able to show compliance with the South Padre Island Board of REALTORS® Rules and Regulations the fine will be cancelled.

The decision of the MLS Committee may be appealed to the Board of Directors within twenty (20) days of the tribunal’s decision being rendered.

**SECTION 8
SCHEDULE OF FINES**

RULE	WARNING	SUMMARY	FINE
Section 1 – Listing Procedures	NO Automatic violation	Failure to submit a listing to the MLS within 48 hours after receiving all necessary signatures	1 st \$100 2 nd \$250 & MLS Training 3 rd \$1,000
Section 1.0 – Clear Cooperation	NO Automatic violation	Failure to submit a listing within 1 business day after public marketing	1 st \$100 2 nd \$250 & MLS Training 3 rd \$1,000
Section 1.2 – Details on Listings	YES Minor Violation	Incomplete information on listing	Notice to correct
Section 1.2.0 Accuracy of Listing Data	YES Minor Violation	Inaccurate information on listing	Notice to correct

Section 1.3 – Exempt Listings	NO Automatic violation	Failure to file the Seller's Waiver of MLS Benefits and Public Marketing	1 st \$100 2 nd \$250 & MLS Training 3 rd \$1,000
Section 1.4 – Change of Price/Status of Listing	YES Minor Violation	Failure to report and update listing information	Notice to correct
Section 1.5 – Withdrawal of Termination Prior to Expiration	NO Automatic Violation	Withdrawing or terminating a listing w/o sellers' consent	1 st \$100 2 nd \$250 & MLS Training 3 rd \$1,000
Section 1.6 – Contingencies Applicable to Listings	YES Minor Violation	Failure to disclose listing contingencies	Notice to correct
Section 1.7 – Listing Price Specified	YES Minor Violation	Accurate listing price must be specified	Notice to correct
Section 1.8 – Listing Multiple Listing Properties	YES Minor Violation	Failure to properly input multiple unit properties	Notice to correct
Section 1.10 – Expiration, Extension and Renewal of Listings	NO Automatic violation	Improper extensions of listings	1 st \$100 2 nd \$250 & MLS Training 3 rd \$1,000
Section 1.11 – Termination Date of Listing	NO Automatic violation	Failure to report the accurate expiration date	1 st \$100 2 nd \$250 & MLS Training 3 rd \$1,000
Section 1.12 – Service Area	NO Automatic violation	Failure to submit a listing to the MLS within 48 hours after receiving all necessary signatures	1 st \$100 2 nd \$250 & MLS Training 3 rd \$1,000
Section 1.16 – Property Addresses	YES Minor Violation	Failure to specify correct listing address	Notice to correct
Section 1.17 – Data/Image Input Requirements	YES Minor Violation	Failure to input required number of photos within 48 hours or adding photos with contact info or copying photos	Notice to correct
Section 2 – Showings and Negotiations	NO Automatic violation	Failure to follow showing instructions	1 st – 100 2 nd - \$500 3 rd - \$1,000
Section 2.1 – Presentation of Offers	NO Automatic violation	Failure to present an offer or provide written confirmation of an offer being submitted	\$500
Section 2.2 Submission of Written Offers	NO Automatic violation	Failure to present an offer or provide written confirmation of an offer being submitted	\$500

Section 2.3 Right of Cooperating Broker in Presentation of Offer	NO Minor Violation	Failure to present an offer or provide written confirmation of an offer being submitted	\$500
Section 2.4 - Right of Listing Broker in Presentation of Counter-Offer	NO Minor Violation	Failure to present an offer or provide written confirmation of an offer being submitted	\$500
Section 2.5 – Reporting Sales to the Service	YES Minor Violation	Failure to report a sale and/or failing to report accurate sales information within 48 hours	Notice to correct
Section 2.6 – Reporting Resolutions of Contingencies	YES Minor Violation	Failure to update a contingency on a listing within 24 hours	Notice to correct
Section 2.7 – Advertising of Listing Filed with the Service	NO Automatic violation	Advertising a listing without authority	\$500
Section 2.8 – Reporting Cancellation of Pending Sale	YES Minor Violation	Failure to update listing status	Notice to correct
Section 2.9 – Disclosing the Existence of Offers	YES Minor Violation	Failure to report existence of offers when authorized by buyer	Notice to correct
Section 3 – Refusal to Sell	YES Minor Violation	Failure to inform participants of a rejected offer satisfying the terms of the listing contract	Notice to correct
Section 4 – Information for Participants Only	NO Automatic violation	Providing MLS information to brokers or firms that do not participate in the MLS	1 st - \$1,000 2 nd \$5,000
Section 4.1- For Sale Signs	NO Automatic violation	Violation of for sale sign placement	\$100
Section 4.2 – Sold Signs	NO Automatic violation	Violation of sold sign placement	\$100
Section 4.3 – Solicitation of Listing Filed with the Service	NO Automatic violation	Unauthorized solicitation of seller	\$500
Section 4.4 – MLS Service Mark	YES Minor Violation	Misuse of terms MLS and Multiple Listing Service	Notice to correct
Section 4.5 – Services Advertised as “FREE”	YES Minor Violation	Misrepresentation of “Free” service	Notice to correct
Section 4.7 – Prohibitions	NO Automatic Violation	Filtering or restricting listings based on compensation	\$100
Section 4.8 – Use of the Term MLS	YES Minor Violation	Misuse of terms MLS and Multiple Listing Service	Notice to correct

Section 5 – No Compensation Specified on Each Listing	NO Automatic Violation	Including cooperative compensation in the MLS	1 st – Warning and mandatory training 2 nd - \$250 3 rd - \$1,000 and 30 day suspension
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Section 5.0.0 Required Consumer Notice	NO Automatic violation	Failure to provide the required consumer disclosure	1 st – Warning and mandatory training 2 nd - \$250 3 rd - \$1,000 and 30 day suspension
Section 5.01 Disclosing Potential Short Sales	YES Minor Violation	Failure to disclose potential short sales	Notice to correct
Section 5.02 Written Buyer Agreement	NO Automatic violation	Failure to enter into an agreement with buyer prior to touring a home	1 st – Warning and mandatory training 2 nd - \$250 3 rd - \$1,000 and 30 day suspension
Section 5.1 – Participant as Principal	YES Minor Violation	Failure to disclose status as principal	Notice to correct
Section 5.2- Participant as Purchaser	YES Minor Violation	Failure to disclose status as purchaser	Notice to correct
Section 6 – Service Charges and Fees	NO Automatic violation	MLS Waiver Violation – NAR MLS Policy 7.42	\$500
Section 10 – Confidentiality of MLS Information	NO Automatic violation	Misuse or unauthorized distribution of MLS content	1 st - \$1,000 2 nd \$5,000
Section 12 – Distribution	NO Automatic violation	Misuse or unauthorized distribution of MLS content	1 st - \$1,000 2 nd \$5,000
Section 12.2 – Reproduction	NO Automatic violation	Misuse or unauthorized distribution of MLS content	1 st - \$1,000 2 nd \$5,000

Section 13 – Limitations on Use of MLS Information	NO Automatic violation	Misuse or unauthorized distribution of MLS content	1 st - \$1,000 2 nd \$5,000
Section 15 Orientation	NO Automatic violation	Failure to complete orientation	Suspension until completed
Request for listing or contract documents	YES Minor Violation	Failure to submit documentation for review within 48 hours	Notice to correct
Section 16.2.1	NO IDX Auto. Violation	Failure to notify and provide access to an IDX Display	1 st - \$1,000 2 nd \$5,000
Section 16.2.2	NO IDX Auto. Violation	Misuse of IDX Content	1 st - \$1,000 2 nd \$5,000
Section 16.2.3	NO IDX Auto. Violation	Failure to withhold listing property address per seller's instructions	1 st - \$1,000 2 nd \$5,000
Section 16.2.4	YES IDX Minor Violation	Misuse of IDX content	Notice to correct
Section 16.2.5	YES IDX Minor Violation	Failure to refresh download within 12 hours	Notice to correct

Section 16.2.6	NO IDX Auto. Violation	Unauthorized distribution of MLS database	1 st - \$1,000 2 nd \$5,000
Section 16.2.7	NO IDX Auto. Violation	Failure to disclose the name of the brokerage firm	1 st – 100 2 nd - \$500 3 rd - \$1,000
Section 16.2.8	YES IDX Minor Violation	Failure to disable third-party comments and AVM's	Notice to correct
Section 16.2.9	YES IDX Minor Violation	Failure to include email address or telephone number for displaying broker, or to correct false data	Notice to correct
Section 16.2.11	NO IDX Auto. Violation	Modifying or manipulating other participants listings	\$500
Section 16.2.12	NO IDX Auto. Violation	Failure to identify listing firm, email or phone number	1 st – 100 2 nd - \$500 3 rd - \$1,000
Section 16.3.1	NO IDX Auto. Violation	Display of prohibited fields	\$500
Section 16.3.2	NO IDX Auto. Violation	Failure to identify the listing agent	1 st – 100 2 nd - \$500 3 rd - \$1,000
Section 16.3.3	YES IDX Minor Violation	Failure to include the MLS as the source of the information	Notice to correct

Section 16.3.5	NO IDX Auto. Violation	Subscriber's display of IDX content without participant's consent	\$500
Section 16.3.6	YES IDX Minor Violation	Failure to include required disclaimers	Notice to correct
Section 16.3.8	Yes IDX Minor Violation	Failure to separate listings from other sources	Notice to correct
Section 16.3.9	NO IDX Auto. Violation	Misuse of IDX information	1 st - \$1,000 2 nd \$5,000
Section 16.3.10	NO IDX Auto. Violation	Displaying prohibited statuses	\$500
Section 16.3.11	YES IDX Minor Violation	Displaying sellers/occupants contact information	Notice to correct
Section 16.3.12	YES IDX Minor Violation	Failure to comply with the MLS's advertising rule on pages with IDX listings	Notice to correct

Section 17.1a	NO IDX Auto. Violation	Failure to establish a broker-consumer relationship, or to receive participant consent for non-principal display	1 st - \$1,000 2 nd \$5,000
Section 17.3a ii and iii	NO	Failure to obtain a name, email address, user name and password for registrants	1 st - \$1,000 2 nd \$5,000
Section 17.3 b	NO	Failure to expire passwords for registrants or to keep records for not less than 180 days after expiration	1 st - \$1,000 2 nd \$5,000
Section 17.3 c	NO	Failure to provide the name, email address, user name and current password for alleged breach of MLS listing information or violation of MLS Rules	1 st - \$1,000 2 nd \$5,000
Section 17.4	NO	Failure to display broker's contact information or to respond to registrant inquiries	1 st - 100 2 nd - \$500 3 rd - \$1,000
Section 17.5	NO	Failure to monitor or prevent misappropriation, scraping, or other unauthorized uses of MLS information	1 st - \$1,000 2 nd \$5,000

Section 17.6 a	YES	Displaying seller address when unauthorized	Notice to correct
Section 17.6 b and c	YES	Failure to execute a seller opt-out form when required, or retain the form for 1 year	Notice to correct
Section 17.7 a and b	YES	Failure to disable third-party comments and AVM's	Notice to correct
Section 17.8	YES	Failure to include email address or telephone number for displaying broker, or to correct false data within 48 hours	Notice to correct
Section 17.9	YES	Failure to refresh VOW data feed within 3 days	Notice to correct
Section 17.10	NO	Unauthorized access to VOW content	1 st - \$1,000 2 nd \$5,000
Section 17.11	YES	Failure to display participant's privacy policy	Notice to correct
Section 17.13	NO	Failure to notify and provide access to an IDX display	Notice to correct

Section 17.15	NO	Displaying prohibited information	\$500
Section 17.16	YES	Unauthorized change to VOW content, or failure to identify the source of augmented content	1 st – Warning 2 nd - \$50 3 rd - \$250
Section 17.17	YES	Failure to include required disclosures	1 st – Warning 2 nd - \$50 3 rd - \$250
Section 17.18	NO	Failure to identify the name of the listing firm, broker or agent	1 st – 100 2 nd - \$500 3 rd - \$1,000
Section 17.19	NO	Failure to require registrant's passwords to be changed	1 st - \$1,000 2 nd \$5,000
Section 17.20	YES	Violating the MLS's advertising rules for pages with VOW content	1 st – Warning 2 nd - \$50 3 rd - \$250
Section 17.21 Section 17.22	YES	Failure to identify other sources of property information, or to display search results separately	1 st – Warning 2 nd - \$50 3 rd - \$250
Section 17.23	NO	Failure to execute a license agreement	1 st - \$1,000 2 nd \$5,000