



GENERAL INFORMATION REGARDING MLS COMPLAINT

1. Any person having reason to believe that a Participant, Subscriber, User of the Multiple Listing Service (MLS), or Authorized Keyholder is guilty of violating the MLS Rules, Section 1.2.6 (Coming Soon), Section 4.4 & Section 7.5 (Loaning/Sharing MLS Login), Section 6.2 (MLS as Communication Vehicle for Non-Users), and/or Section 19 (Loaning/Sharing Key, Accessing a Keybox without Permission), may file a complaint in writing with the Association. The complaint should state the facts on which it is based and be filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction, whichever is later.
2. Complaints must be typewritten (i.e., typewriter, computer, word processor) or in legible handwriting.
3. Complaints must name the individual(s) that are believed to have failed to comply with the MLS Rules. In completing the complaint form, please refer to the accompanying MLS Rules and base your complaint on the Section(s) you allege have been violated.
4. The Association does not have authority to suspend or revoke a real estate license. Only the state real estate commission has such authority.
5. The Association does not have the authority to award damages, refund earnest money, or "try" a member as to any alleged violation of the state real estate license law or any other alleged violation of law.
6. The Association does have the authority to discipline a Participant, Subscriber, User of the MLS, or Authorized Keyholder who has been found in violation of the MLS Rules. Violations may result in a member's receiving a Letter of Warning or Reprimand; being fined up to \$15,000 (payable to the Association); being required to complete educational courses; being placed on probation of membership; or, in severe cases, being suspended or expelled from membership in the Association.
7. If the member is involved in civil litigation or in any proceeding before the state real estate commission or any other state or federal regulatory or administrative agency in a matter arising out of the same facts and circumstances giving rise to the complaint alleging unethical conduct, the Association, at its discretion, will determine whether to proceed to a hearing or hold the complaint in abeyance pending conclusion of the civil litigation or other proceeding. If the other proceeding is criminal litigation, the Association must hold the complaint in abeyance pending conclusion of the criminal litigation.



MULTIPLE LISTING SERVICE (MLS) RULES

Section 1.2.6. Listing Status Definitions. Coming Soon: A residential listing for sale and for which the Participant has a current listing agreement and the Seller has specified a Start Showing Date no more than fourteen (14) days, including weekends and holidays, in the future on which showings, open houses and/or previews will begin and the listing automatically will change to Active status and Days on Market will begin to calculate. Coming Soon listings:

- a. do appear when searching for Active listings;
- b. are not included in syndication feeds;
- c. are not included in prospecting matches;
- d. may not be shown to anyone, including but not limited to other MLS Participants/Subscribers, other real estate licensees, unlicensed assistants, clients and customers of the listing brokers or other licensees, and/or members of the public*;
- e. may only be advertised as “coming soon” and any date used to indicate when the property will be available for showings shall match the date by which the listing automatically or manually is changed to Active status*.

Coming Soon status is only available upon first entering a listing into the MLS. For any Coming Soon listing, the Participant shall execute an MLS-approved Pre-Marketing Addendum (see Exhibit A of these Rules) to confirm the Seller’s written acknowledgement and agreement that the above-stated provisions apply.

While the MLS does not require the posting of a “coming soon” sign/rider, Participants and Subscribers who post a “for sale” sign without a “coming soon” sign/rider should be mindful of Article 12 of the REALTOR® Code of Ethics, which requires that “REALTORS® shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, market and other representations”; Article 3, which requires “REALTORS® shall cooperate with other brokers except when cooperation is not in the client’s best interest. The obligation to cooperate does not include the obligation to share commissions, fees, or to otherwise compensate another broker”; and Standard of Practice 3-8, which requires, “REALTORS® shall not misrepresent the availability of access to show or inspect a listed property.”

These MLS Rules do not prohibit a Seller from accepting an offer from a prospective buyer, who elects to make such an offer without the ability to view the property. Should a Seller accept an offer on a Coming Soon listing, the Participant shall change the listing to a status other than Coming Soon within the required forty-eight (48) hours as outlined in Section 1.4. Change of Status of Listing.

*Alleged violations of the terms and conditions outlined above for Coming Soon listings shall be referred to the Chief Executive Officer for appropriate action in accordance with the professional standards procedures established in the Code of Ethics and Arbitration Manual. Sanctions which may be imposed on users include suspension of MLS rights and privileges and a fine not to exceed fifteen thousand dollars (\$15,000).

Section 4.4. System Access. It is prohibited for any person having legitimate access to the MLS to loan, share or disclose their password with any other person. Alleged violations of this rule shall be referred to the Chief Executive Officer for appropriate action in accordance with the professional standards procedures established in the *Code of Ethics and Arbitration Manual*. Sanctions which may be imposed on users include suspension of MLS rights and privileges and a fine not to exceed fifteen thousand dollars (\$15,000).

Section 6.2. Recurring Participation Fee. With the exception of Participants who do not hold Realtor membership with the Greater Chattanooga REALTORS®*, the annual participation fee of each Participant shall be an amount determined by the MLS Board of Directors for each salesperson and licensed or certified appraiser who has access to and use of the service, whether licensed as a broker, sales Subscriber, or licensed or certified appraiser who is employed by or affiliated as an independent contractor with such Participant. Subscribers may provide the MLS with a valid credit card or debit card to be stored by the MLS for payments in the future as directed by the Subscriber. Payment of such fees shall be made on or before the first day of the fiscal year of the multiple listing service. Fees are non-refundable and shall be prorated on a monthly basis.

*Participants, who do not hold Realtor membership with the Greater Chattanooga REALTORS® but are otherwise eligible to participate in the MLS by virtue of membership in another association of REALTORS®, may submit a waiver listing all persons affiliated with his/her firm who should have access to and use of the MLS. Said waiver shall include the Participant's agreement to be billed accordingly for the recurring participation fee for those persons listed on the waiver. In accordance with Section 4.4 of these Rules, any persons having legitimate access to the MLS are prohibited from loaning, sharing or disclosing their password with any other person. The benefits of the MLS are limited to those persons listed by the Participant on the waiver. A Participant is prohibited from using the MLS as a communication vehicle to assign the servicing of a listing to one of his/her affiliated licensees not listed on the waiver and is subject to being assessed a fine equivalent to the recurring participation fee for each instance of using the MLS as such a communication vehicle. Alleged violations of loaning, sharing or disclosing a password or otherwise allowing an unauthorized person to access or use the MLS shall be referred to the Chief Executive Officer for appropriate action in accordance with the professional standards procedures established in the *Code of Ethics and Arbitration Manual*. Sanctions which may be imposed on users include suspension of MLS rights and privileges and a fine not to exceed fifteen thousand dollars (\$15,000).

Section 7.5. System Access. It is prohibited for any person having legitimate access to the MLS to loan, share or disclose their password with any other person. Alleged violations of this rule shall be referred to the Chief Executive Officer for appropriate action in accordance with the professional standards procedures established in the *Code of Ethics and Arbitration Manual*. Sanctions which may be imposed on users include suspension of MLS rights and privileges and a fine not to exceed fifteen thousand dollars (\$15,000).

Section 19.10. Personal Identification Number (PIN). Keyholder shall not allow his/her PIN to be displayed on or attached to the Key for any purpose and shall not disclose his/her PIN to any third party. Alleged violations of this rule shall be referred to the Chief Executive Officer for appropriate action in accordance with the professional standards procedures established in the *Code of Ethics and Arbitration Manual*. Sanctions which may be imposed on users include suspension of MLS rights and privileges and a fine not to exceed fifteen thousand dollars (\$15,000).

Section 19.11. Possession, Loaning or Sharing of Key. With the exception of a Participant who leases an additional key(s) for the sole purpose of loaning to real estate licensees affiliated with his/her firm, Keyholder shall not loan or share his/her key with any person for any period of time. Alleged violations of this rule shall be referred to the Chief Executive Officer for appropriate action in accordance with the professional standards procedures established in the *Code of Ethics and Arbitration Manual*. Sanctions which may be imposed on users include suspension of MLS rights and privileges and a fine not to exceed fifteen thousand dollars (\$15,000).

Section 19.12. Keybox Access. Keyboxes are not an open invitation to show a house. Keyholders shall adhere to showing instructions provided for each listing. Alleged violations for failure to abide by showing instructions shall be referred to the Chief Executive Officer for appropriate action in accordance with the professional standards procedures established in the *Code of Ethics and Arbitration Manual*. Sanctions which may be imposed on users include suspension of MLS rights and privileges and a fine not to exceed fifteen thousand dollars (\$15,000).



MLS RULES COMPLAINT FORM

To the Grievance Committee of the Greater Chattanooga REALTORS®:

Filed: _____, 20_____

COMPLAINANT(S)

RESPONDENT(S)

Person(s) Filing Complaint

MLS Participant, Subscriber, User and/or Keyholder

Firm (If applicable)

Firm

An alleged violation of MLS Rule(s), Section(s) _____ and alleges that the above charge(s) is/are supported by the attached statement, which is signed and dated by the Complainant(s) and which explains when the alleged violation(s) occurred and, if a different date, when the complainant(s) first knew about the alleged violations.

This complaint is true and correct to the best knowledge and belief of the undersigned and is filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction, or event, whichever is later.

Date(s) alleged violation(s) took place: _____

Date(s) you became aware of the facts on which the allege violation(s) (is/are) based: _____

Are the circumstances giving rise to this complaint involved in civil or criminal litigation or in any proceeding before the state real estate licensing authority or any other state or federal regulatory or administrative agency? YES* NO *If yes, please attach a copy of filed litigation and/or other filing.

I understand that should the Grievance Committee dismiss this complaint in part or in total, that I have twenty (20) days from my receipt of the dismissal notice to appeal the dismissal to the Board of Directors.

COMPLAINANT(S):

Type/Print Name

Signature

Type/Print Name

Signature

Address

Phone

Email