

Rules and Regulations
Kosciusko Board of REALTORS®
Appendix: Fine Schedule

Rules and regulations exist to ensure that there is an orderly marketplace, and that includes having timely, accurate and robust MLS Data. The following schedule will be adhered to by the KBOR Board of Directors and Staff.

Reporting of alleged violations of the Rules and Regulation **MUST BE IN WRITING**, no other form of complaint will be accepted. Complaints may be initiated by:

- KBOR MLS Staff
- Participants or Subscribers to the MLS
- Unlicensed administrative and clerical staff affiliated with the MLS Participant.

KBOR staff will maintain the confidentiality of the complaint. Anonymous complaints will not be addressed.

Definitions:

MLS Participant: The MLS Participant is recognized as the Owner and/or Managing Broker of a member Firm. They are responsible for ensuring that all affiliated Subscribers, including registered staff, broker assistants, comply with the rules, regulations and policies of the Service.

MLS Subscriber: The MLS Subscribers are non-Owners and/or Brokers and are reported as individual users of the MLS beneath the responsible MLS Participant and firm.

CATEGORY I VIOLATIONS—See Compliance Fee Schedule

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| Definition | Considered to be a “basic violation” and carry an appropriate fine. |
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- Violations Include (but are not limited to):
1. Any listing entered into the IRMLS has two (2) business days to show COMPLETE data.
 2. Any associated documents required by listing (Sales Disclosure, Lead Base Paint) must be uploaded at the time of listing being input into the system.
 3. Submit the photo(s) (for vacant land an aerial or photo is required), for new construction architectural rendering acceptable until file is closed. Upon closing actual photo must be submitted as the primary photo. Water access property listing utilizing water view as main photo will be acceptable prior to closing. Upon closing primary photo must consist of dwelling.
 4. Submitting a photo in the IRMLS which does not accurately depict the property for sale, by including people, inserted text (such as marketing or promotional messages) or digital or physical alterations of the photograph.
 5. Any change of status of listing not submitted to the IRMLS within two (2) business days of receipt of signed document by seller.
 6. Any listing bearing names, phone numbers, web site addresses, company slogans or any language that infers identification of a company or individual.
 7. Entering confidential or “agent only” information in any field other than the agent remarks field.
 8. Failure to report the correct selling office and selling agent on the sold listing.
 9. Other violations as may be changed or added to the KBOR Rules and Regulations.

CATEGORY II VIOLATIONS—See Compliance Fee Schedule

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| Definition | Considered more serious than a Category I violation; Potentially a willing violation of rules. |
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- Violations Include (but are not limited to):
1. KBOR Participant (or subscriber) duplicates photographs or descriptive text fields into a new Listing without permission from previous Listing Participant.
 2. Advertising a property prior to obtaining a signed contract in any format including signage and social media outlets.
 3. Another Agent other than the Listing Broker places a “For Sale” sign on a property.
 4. Utilizing the Co-List Agent Field incorrectly. It is not intended for use by Teams. The co-list field can only be used when a specific property has been listed by 2 agents from the same or different office.
 5. Teams—The name of the Listing and Selling Agent in Paragon must be the same agent whose name is on the listing agreement and purchase agreement.
 - The listing agent will be the agent whose name is on the listing agreement
 - The selling agent will be the agent whose name is on the Purchase Agreement.
 6. Knowingly providing false data in informational fields.
 7. Other violations as may be changed or added to the KBOR Rules and Regulations.

CATEGORY III VIOLATIONS—See Compliance Fee Schedule

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| Definition | Due to their nature, they are not considered “correctable” and therefore incur heavier fines. |
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- Violations Include (but are not limited to):
1. Failure to provide KBOR MLS Staff with requested documentation immediately upon request or within the designated time period set by the Staff.
 2. Failure to obtain seller’s written consent before entering status changes relating to amendments to the listing agreement with a seller.
 3. Sharing IRMLS listing data with any unauthorized individual.
 4. Entering or extending a listing in the IRMLS without a signed listing agreement or extension.
 5. Entering a duplicate listing for the same property in the IRMLS that are both Active.
 6. A KBOR Participant (or Subscriber) may not use Amendments, Addendums or any other forms or agreements to circumvent the Rules and Regulations and/or policies of the IRMLS in any way on any Listing Contract or Listing with the IRMLS.
 7. Misrepresenting the availability of listed property by keeping the listing active, but not allowing showings.
 8. Other violations as may be changed or added to the KBOR Rules and Regulations

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| COMPLIANCE FINE SCHEDULE | | | |
|--|---|--------------|--------------|
| Fine Amounts | Category I | Category II | Category III |
| 1st Notice | No Fine if Violation is taken care of within timeframe. * | | |
| 2nd Notice | Fine = \$150 | Fine = \$250 | Fine = \$500 |
| 3rd Notice | Fine = \$200 | Fine = \$300 | Fine = \$550 |
| * Each Category's Time Frame for Action/Correction of violation is (2) Business Days. Fine Payments due within 30 days. | | | |

- All Violation Notices will be in writing with defined compliance timelines and sent to both the Participant and Subscriber.
- Category determination and fine amounts will relate to the gravity and duration of the offense.
- Repeat violations will be tracked. If multiple violations occur within a 180 day period, MLS Board consideration could include:
 1. Additional Fines from \$500 to \$1,000 and potential loss of MLS service for 30 days.
 2. Participant or Subscriber will be on probation for an additional 180 days.
- Failure to pay fines by the due date may result in termination of IRMLS service for the Participant's firm. If IRMLS service of a Participant is terminated for non-payment of fine(s), the service will be reinstated when the fine(s) have been paid.
- Consideration of Violation compliance may change at the decision of the MLS Board and/or Staff if there are extenuating circumstances.
- Any Participant or Subscriber having reason to believe that the sanction imposed is without merit may file a written complaint to the Board for review and consideration.