**1.18 Fines for Rule Violations & Failure to Correct Listings ***

A. **Violations of MLS Rules:** Violations of MLS Rules can result in the information, photograph or graphic being administratively deleted. In addition, violations of the Rules within one calendar year (January – December) will result in the following penalties unless otherwise stated: 2/19 (Amended 1/21)
   - 1st offense: warning
   - 2nd offense: $50
   - 3rd offense: $100
   - 4th offense: Fine to be determined by the GPRMLS Board of Directors up to the maximum allowable by the MLS, currently $15,000.

B. **Violations of 1.17(VII)(A), Section 4.5, Section 5, Section 5.0.0, and Section 5.0.2:** Any violation of MLS Rules related to the NAR Settlement Agreement may result in the administrative removal of the non-compliant information from the MLS. Violations of the Rules within one calendar year (January – December) will result in the following penalties:
   - 1st offense: $250
   - 2nd offense: $500
   - 3rd offense: $1,000
   - 4th offense: Fine to be determined by the GPRMLS Board of Directors up to maximum allowable by the MLS, currently $15,000.

C. **Failure to Correct Listing:** Failure to correct listing input policy violations, status changes, inaccurate data, or failing to submit required documentation within two (2) days of receiving notice may result in a fine to the listing agent of $200. This fine is in addition to other applicable fines. 2/19 (Amended 6/21)

**VII. <u>Remarks & Associated Documents</u>**

A. **Remarks Guidelines:** Remarks fields cannot contain any reference to compensation offered between MLS Participants. Any concessions listed in GPRMLS cannot be limited to or conditioned on the retention of or payment to a cooperating broker, buyer broker, or other buyer representative and those concessions may only be directly from the seller to the buyer. 7/24
   - Violations are subject to the fine policy in Section 1.18(B)

**Section 4.5 No Filtering of Listings:** Participants and Subscribers must not filter out or restrict MLS listings that are communicated to customers or clients based on the existence or level of compensation offered to the cooperating broker or the name of a brokerage or agent. (NAR 4.6 Adopted 8/24) 7/24 M

- Violations are subject to the fine policy in Section 1.18(B)

**Section 5 No Compensation Specified on Listings:**

Participants, Subscribers, or their sellers may not make offers of compensation to buyer brokers and other buyer representatives in the MLS system.

Use of MLS data or data feeds to directly or indirectly establish or maintain a platform to make offers of compensation from multiple brokers to buyer brokers or other buyer representatives is prohibited and must result in the MLS terminating that Participant's access to any MLS data and data feeds.

- Violations are subject to the fine policy in Section 1.18(B)

**Section 5.0.0 Required Consumer Disclosure**
**Disclosure of Compensation:** MLS Participants and Subscribers must:

1. Disclose to prospective sellers and buyers that broker compensation is not set by law and is fully negotiable. This must be included in conspicuous language as part of any listing agreement, buyer written agreement, and pre-closing disclosure documents (if any).

2. Conspicuously disclose in writing to sellers, and obtain the seller's authority, for any payments or offer of payment that the listing Participant or seller will make to another broker, agent, or other representative (e.g. real estate attorney) acting for buyers. This disclosure must include the amount or rate of any such payment and be made in writing in advance of any payment or agreement to pay. (NAR Adopted 8/24) 7/24 (Amended 8/24) M

- Violations are subject to the fine policy in Section 1.18(B)

**Section 5.0.2 Written Buyer Agreement:** Unless inconsistent with state or federal law or regulation, all MLS Participants working with a buyer must enter into a written agreement with the buyer prior to touring a home.

The written agreement must include:

a. a specific and conspicuous disclosure of the amount or rate of compensation the Participant will receive or how this amount will be determined, to the extent that the Participant will receive compensation from any source.

b. the amount of compensation in a manner that is objectively ascertainable and not open-ended.

c. a term that prohibits the Participant from receiving compensation for brokerage services from any source that exceeds the amount or rate agreed to in the agreement with the buyer; and

d. a conspicuous statement that broker fees and commissions are not set by law and are fully negotiable. (NAR Adopted 8/24) 7/24 (Amended 8/24) M

- Violations are subject to the fine policy in Section 1.18(B)