

# Article 11.4: Penalties for Inaccurate or Incomplete Data

## Section 4: Penalties for Inaccurate or Incomplete Data

The intent of these Rules and Regulations is to ensure Participants/Subscribers provide the buying and selling public the best possible information and to facilitate cooperation between Participants/Subscribers. The listing office will be notified in writing or by electronic means if there is a violation of the Rules and Regulations. Fines are billed to the Subscriber/agent, the Participant is ultimately responsible. Failure to correct the listing and pay fines within 30 days after the original fine was issued will result in suspension of the individual Participant/Subscriber. Correction of the listing and payment of the outstanding fine plus a reinstatement fee will be required prior to reactivation of MLS privileges.

If a Subscriber is changing offices, they must pay any outstanding fines issued while they were in their previous office before a transfer to a different office with a different Participant will be allowed. (Amended 3/2020)

1. **Courtesy Warning Notice:** The Service will automatically issue a courtesy warning notification prior to any fine being issued, except for any violation resulting in an automatic fine as defined in these Rules and Regulations. If the violation is corrected within the grace period of three business days (excluding weekends and holidays) unless noted otherwise, there will be no fine assessed; if the violation has not been corrected within the grace period specified after notification, the Participant or Subscriber shall automatically be assessed a fine. Repeated or deliberate violation of the same rule by the same subscriber will immediately be subject to the progressive fine schedule with no further notice.
2. **General Fine Schedule:** The following progressive fine schedule has been established by the Board of Directors and applies to the Progressive Fines.
  - a. 1st offense: \$50
  - b. 2nd offense: \$100
  - c. 3rd offense: \$250
  - d. 4th offense: \$500 and will also require a disciplinary hearing before a Board hearing panel.
  - e. Further Offenses for same violation will result in a mandatory hearing before a board hearing panel with allowable maximum monetary penalty of up to \$15,000, possible suspension/termination of MLS privileges and services and other provisions in accordance with MLS Rules and Regulations Article 11.1.
3. **Automatic Fines Schedule:** For violations that are more serious in nature the following fines categories have been established by the Board of Directors:
  - a. Level I
    - i. 1st Offense: \$100
    - ii. 2nd Offense: \$250
    - iii. 3rd Offense: \$500
    - iv. 4th Offense: \$1000 and will also require a disciplinary hearing before a Board hearing panel.
    - v. Further Offenses for same violation will result in a mandatory hearing before a board hearing panel with allowable maximum monetary penalty of up to \$15,000, possible suspension/termination of MLS privileges and services and other provisions in accordance with MLS Rules and Regulations Article 11.1.
  - b. Level II
    - i. 1st Offense: \$500
    - ii. 2nd Offense: \$1,000
    - iii. 3rd Offense: \$5,000
    - iv. Further Offenses for same violation will result in a mandatory hearing before a board hearing panel with allowable maximum monetary penalty of up to \$15,000, possible suspension/termination of MLS privileges and services and other provisions in accordance with MLS Rules and Regulations Article 11.1.
  - c. Level III - Severe
    - i. 1st Offense: \$500
    - ii. 2nd Offense: \$2,500
    - iii. Further Offenses for same violation will result in a mandatory hearing before a board hearing panel with allowable maximum monetary penalty of up to \$15,000, possible suspension/termination of MLS privileges and services and other provisions in accordance with MLS Rules and Regulations Article 11.1

**Progressive Fines:** The progressive fine schedule is per-agent per-offense and any Rule violation is counted as an offense. Fines are billed to the Agent, the Participant is ultimately responsible. Failure to correct listing after a fine has been issued. The following non-compliance fees will be assessed after a fine has been issued but the listing is not corrected:

1. \$25 if listing not corrected at the end of 7 business days after the fine was issued.
2. Additional \$25 if listing is not corrected after 14 business days after the fine was issued.
3. Additional \$25 if listing is not corrected after 21 business days after the fine was issued.
4. Additional \$25 if listing is not corrected after 28 business days after the fine was issued.
5. Failure to correct the listing and pay fines within 30 days after the original fine was issued will result in suspension of the individual Participant /Subscriber until all fines are brought current and listing is corrected.
6. Any reactivation fees will also apply if the individual Participant/Subscriber has been suspended.