

CHSMLS Fines

As a member of the Charleston Regional Multiple Listing Service (CHSMLS), it is your duty to be familiar with the CHSMLS Rules & Regulations. This includes the Penalties and Fines, Section 9.3.

If you do receive a fine, you may appeal within 15 days of the fine date. The appeal must be submitted on the CTMLS Appeal Form and sent to Appeals@CharlestonRealtors.com.

Section 9.3. Penalties and Fines

It is the Broker's responsibility to keep complete and accurate information and to comply with the requirement from South Carolina Real Estate Commission to maintain paperwork. The MLS will reserve the right to randomly audit listings. Concentration will be on accuracy of required fields, status, and timely entrance. If information is questioned, the listing agent and broker in charge will be contacted and required to send a copy of any requested paperwork to MLS within 48 hours. The fines are as follows:

- (A) Lockboxes on Sold, Withdrawn and Expired Listings – Any lockbox on a listing whose status changes to closed, withdrawn or expired must be removed within 48 hours from the date the status is changed. If the lockbox is not removed, any SmartCard holder may call the CTMLS department, get an Emergency Shackle Code, and return the box to the CTMLS department. CTMLS staff will contact (via email) the box owner and his/her BIC to pick up the box at CTAR; if the box is not picked up within 30 days, the CTMLS reserves the right to reissue the box.
- (B) Inaccurate Information – Participant will be fined \$125 for any inaccurate listing information which remains in the MLS more than 2 business days after the listing agent has been notified of the inaccuracy by MLS Staff. If listing is not corrected within 48 hours, the MLS Staff will correct the inaccuracy. This only applies to inaccuracies in which the listing agent has been notified by MLS Staff of inaccurate information, not those submitted by fellow agents
- (C) Misrepresentation of Status(Other than Sold) - Participant will be fined \$250 for failing to update or misrepresenting the status of a listings as defined in Section 2 of MLS Rules and Regulations. If status is not corrected within five business days after original notification, the listing will be withdrawn. MLS reserves the right to remove any or all of a participant's listings for failure to report status changes as according MLS Rules and Regulations.
- (D) Misrepresentation of Status (Sold Listing)- Participant will be fined \$250 for failing to report closed sales to the service as defined in Section 2.11 of MLS Rules and Regulations.
- (E) Contact Information – Participant will be fined \$250 for violation of the personal contact information rules as outlined in Section 1.1 (J) of MLS Rules and Regulations. Any content in violation of the rule will be removed immediately and the listing agent will be notified. If the agent re-enters said content, further action may be taken.
- (F) Participant will be fined \$50 for violations of Section 1.1(K). Any content in violation of the rule will be removed immediately and the listing agent will be notified. If the agent re-enters said content, further action may be taken.
- (G) Directions –Participant will be fined \$50 for violation of the direction rules as outline in Section 1.1 of MLS Rules and Regulations.
- (H) Website Links –Participant will be fined \$250 for violation of the rules for website links as outlined in Section 1.1 of MLS Rules and Regulations. Any content in violation of the rule will be removed immediately and the listing agent will be notified
- (I) Photo Entry – Participant will be fined \$50 for violation of the rules for photo entry as outlined in Section 1.1 of MLS Rules and Regulations. After 30 days in violation, the listing will be placed on hold._Those listings that have a properly executed Exemption Form signed by the seller shall be excluded from this fine.
- (J) Photo Content – Participant will be fined \$50 for violation of the rules for photo content as outline in Section 1.1 of MLS Rules and Regulations. Any content in violation of the rule will be removed immediately and the listing agent will be notified.

- (K) Potential Financing Information– Participant will be fined \$50 for violation of the rules for disclosing potential financing information as outlined in Section 1.1 of MLS Rules and Regulations. Any content in violation of the rule will be removed immediately and the listing agent will be notified.
- (L) Sellers Property Condition Disclosure – Participant will be fined \$50 for violation of the rules for Sellers Property Condition Disclosure. After 1 month in violation, the listing will be placed on hold. Listings exempt from the South Carolina Sellers Disclosure law are also exempt from this fine. Those listings that have a properly executed Exemption Form signed by the seller shall be excluded from this fine.
- (M) Lead Based Paint Disclosure - Participant will be fined \$50 for violation of the rules for Lead Based Paint Disclosure. After 1 month in violation, the listing will be placed on hold. Listings exempt from the Lead Based Paint Disclosure law are also exempt from this fine. Those listings that have a properly executed Exemption Form signed by the seller shall be excluded from this fine.
- (N) MLS Password or SmartCard Violation - MLS members may not share their MLS passwords or SmartCards with any other member or non-member. Participant will be fined \$1000 for the first offense and subject to suspension of membership privileges for six months for a second offense, at the discretion of the MLS Board of Directors. Staff and/or assistants will be assigned an MLS username and password after attending MLS training.
- (O) Agent Reports– MLS generate reports designated as Agent reports contain confidential information that may not be shared with the public. Participant will be fined \$500 for the first offense and subject to suspension of membership privileges for six months for a second offense, at the discretion of the MLS Board of Directors.
- (P) Violations of Section 6.2: Any violation of Section 6.2 by a licensee subject to fee waiver under Section 6.2 of these Rules and Regulations will result in either, at MLS's option, (a) a fine levied against the participant of \$1,000 for the first offense, \$1,500 for the second offense, and \$5,000 for the third offense, plus the other consequences described in Section 6.2.4; or (b) retroactive subscription fees that the MLS would have collected had the fee-waived licensee been a subscriber during the entire period of the waiver.
- (Q) SmartCard or lockbox rules violation– MLS members may not share their SmartCard or PIN with another member or non-member. One-day codes may only be used as described in Section 18.2 of these rules. Participant will be fined \$1000 for the first offense and subject to suspension of membership privileges for six months for a second offense, at the discretion of the MLS Board of Directors. SmartCards are not provided for non-licensed staff and/or assistants, or any other non-member.
- (R) Clear Cooperation 8.0 Policy Violations – Listings must be submitted to the CHS MLS as Active within one business day of public marketing. Listings that are verified as out of compliance will be subject to the following:
 - \$500 fine warning email, with one business day to be in compliance
 - Additional \$250 fine per business day that it remains out of compliance

SECTION 9.4. APPEALING FINES

All fines may be appealed by the Participant. A written appeal must be filed with the Service within 15 days of fine being issued. All appeals will be reviewed on an as needed basis and at a minimum of every quarter. Specific instructions on filing an appeal are included with the original fine.

FINES CHEAT SHEET

Inaccurate Information	2 business days to correct after notice by MLS Staff	\$125
Misrepresentation of Status	2 business days to enter (other than sold).	\$250
Misrepresentation of Sold	5 business days to report closed sales	\$250
Contact Info in Public Areas	names, phone #'s emails	\$250
Contact or Open House	states to contact listing agent; open house details	\$50
Directions	must be to listing address	\$50
Website Links	other than in Agent Notes	\$250
Late Photo Entry	5 business days to enter at least 1 of front	\$50
Photo Content	no people, logos, offensive photos	\$50
Potential Financing	in dedicated fields and Agent Notes only	\$50
Property Condition Disclosure	5 business days to enter	\$50
Lead Based Paint Disclosure	5 business days to enter	\$50
Access Sharing	MLS credentials, SentiCard or SentiCard pin	\$1,000
<u>NAR's Clear Cooperation 8.0</u>	<p>Listings must be submitted to the CHS MLS as Active within one business day of public marketing. Listings that are verified as out of compliance will be subject to the following:</p> <ul style="list-style-type: none"> • \$500 fine warning email, with one business day to be in compliance • Additional \$250 fine per business day that it remains out of compliance 	

If you are in doubt on any finable detail, please contact your Broker-in-Charge or Support@CHSMLS.com. We would love to help you avoid a fine!