Policies & Procedures

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Board of Directors

Conflict of Interest Policy

This Conflict of Interest Policy of Capital Area Technology & REALTORS® Services, Inc: (1) defines conflicts of interest; (2) identifies classes of individuals within the Organization covered by this policy; (3) facilitates disclosure of information that may help identify conflicts of interest; and (4) specifies procedures to be followed in managing conflicts of interest.

1. Definition of conflicts of interest. A conflict of interest arises when a person in a position of authority over the Organization may benefit financially from a decision he or she could make in that capacity, including indirect benefits such as to family members or businesses with which the person is closely associated. This policy is focused upon material financial interest of, or benefit to, such persons.

2. Individuals covered. Persons covered by this policy are the Organization’s officers, directors, and chief employed executive and other key employees.

3. Facilitation of disclosure. Persons covered by this policy will annually disclose or update to the Chairman of the Board of Directors their interests that could give rise to conflicts of interest, such as a list of family members, substantial business or investment holdings, and other transactions or affiliations with businesses and other organizations or those of family members.

4. Procedures to manage conflicts. For each interest disclosed to the Chairman of the Board of Directors, the Chairman will determine whether to: (a) take no action; (b) assure full disclosure to the Board of Directors and other individuals covered by this policy; (c) ask the person to recuse from participation in related discussions or decisions within the Organization; or (d) ask the person to resign from his or her position in the Organization or, if the person refuses to resign, become subject to possible removal in accordance with the Organization’s removal procedures. The Organization’s Secretary/Treasurer will monitor proposed or ongoing transactions for conflicts of interest and disclose them to the Chairman of the Board of Directors in order to deal with potential or actual conflicts, whether discovered before or after the transaction has occurred.
Procedure: All members of the board of directors will sign a form indicating their agreement to adhere to the Conflict of Interest policy. (Adopted 10/6/2009)

Attendance Policy: Members of the CATRS board of directors are required to attend all properly noticed meetings unless otherwise excused in advance by the chairman of the board.

Procedure: Members of the board of directors that will be absent from a meeting will contact the chairman of the board as soon as they know their conflict will cause an absence. The chairman of the board will determine if the reason for the absence is sufficient to be “excused.” The chairman, at their sole discretion, may request a vote by the board of directors to “excuse” an absence. If it is the chairman that will be absent, they will notify the elected vice chairman. (Adopted 10/6/2009)

Committees

Attendance at Meetings: Members of committees are expected to attend all properly noticed meetings; failure to do so may result in removal from committee.

Procedure: After a committee member has missed two properly noticed meetings; their name will be forwarded to the Chairman of the board. The Chairman, or their designee, will contact the member and determine whether they should be allowed to continue on the committee for the completion of their term. If it is determined that the member will not complete their term, their entire service for that term will be considered not to have been served. (Adopted 10/2010)

MLS Committee Policy: The purpose of the MLS Committee is to oversee the operation of the MLS and implement the MLS Rules & Regulations under the guidance and direction of the Board of Directors and according to the provisions of the NAR Multiple Listing Rules and Regulations. Including:

1. Periodically review the Multiple Listing Rules and Regulations for accuracy and compliance with any laws, rules or guidelines from agencies having authority over Capital Area Technology & REALTORS® Services or the Tallahassee Board of REALTORS®.
2. Recommend changes to the Multiple Listing Rules and Regulations for approval by the Board of Directors.
3. Monitor the participation of members and make recommendations to the Board of Directors regarding enforcement of Rules and Regulations.
4. Periodically review the adequacy of the MLS Computer system and recommend program revisions to the Board of Directors.
5. Work with the computer system vendor to insure vendor performance according to the contract.
6. Establish a computer vendor review and selection process to accomplish any necessary contract review or vendor changes at the end of a current contract in an efficient and timely manner.
7. Notice all rule changes and proposed rule changes, with a copy of the changed form, to all Participants via electronic media or mailing and to the subscribers of the service through the Board Briefs.
8. The Board of Directors must approve all changes or additions to the MLS Forms or data fields.

9. Coordinate with the Professional Development Committee of the Tallahassee Board of REALTORS® to educate members on any changes to the MLS database and forms, as needed.

**Make-up of MLS Committee**

The committee’s chairman will be appointed by the chairman of the CATRS board of directors. The committee will consist of 9 members appointed to staggered three-year terms. The chairman of the CATRS board of directors, after consulting with the Manager of Association Technology and the CEO, will appoint three new members each year. Vacancies will be appointed by the chairman of the board at the time of the vacancy. At least five of the members must be participants in the CATRS MLS. Should a Participant change status to a Subscriber, they may complete their term. Not more than two members may be from the same office. Should a member change firms, thereby creating more than two from a given office, that member may complete their term.

**Prerequisites for MLS Committee Service**

To ensure that committee members are well-versed in the operation, use, and rules of the MLS, committee members are required to have attended the six MLS-related classes within six-months of being appointed to the committee.

The classes are:

- MLS & Your Liability
- Paragon Overview
- Client Connect
- Listings
- Search & Mapping
- CMA
- Applications Class (HomeSnap and Showingtime)

**Procedure:** Hold regular meeting of the committee to comply with the policies. Actively solicit Participant and Subscriber feedback through firms to evaluate the effectiveness of the MLS and other services.

**Financial**

**Application Fees:** Application fees for MLS-Only Participants and Subscribers are set by the CATRS board of directors and are subject to change.

**Annual Fees:** Annual fees for MLS-Only Participants and subscribers are set by the CATRS board of directors and are subject to change. Annual fees shall be prorated quarterly.

**All fees paid are non-refundable.**
**MLS Billing Policy:** Invoice and collect MLS service fees from Participants based on the number of subscribers in each of their offices.

**Procedures:** On the 28th of each month (or the nearest work day to the 28th) MLS Invoices will be created for the subsequent month. Invoices for Multiple Listing Services are due on the 1st of the month for which service is granted. Each MLS Participant (Designated REALTOR®) will be billed at the fee rate times the number of participants and subscribers in the office. For example: if the fee rate is $35 and there are nine agents and the broker in Office A, the broker (MLS Participant) will be billed $35 X 10 or $350. Agents must be terminated through DBPR and reported to CATRS to avoid being invoiced for their MLS access. Credits are not granted for agents after invoices are created.

MLS fees are due on the 1st of the month for which service is granted, late charges and penalties will apply according to the following schedule:

<table>
<thead>
<tr>
<th># Days Past Due</th>
<th>Consequences and Fee Schedule</th>
</tr>
</thead>
<tbody>
<tr>
<td>30</td>
<td>A 5% late charge.</td>
</tr>
<tr>
<td>60</td>
<td>A total of a 15% late charge and the company will be suspended from the service. Upon payment of all current and past fees and a $50 reactivation fee, service will be activated.</td>
</tr>
</tbody>
</table>

**MLS Fees Mid Billing Cycle**

Invoicing MLS monthly fees when a Participant or Subscribers reinstates their MLS subscription.

1. Reinstatements or reactivations. Brokers would be billed the current month’s MLS fee, for each agent that reactivates their MLS subscription by the 7th of the month. Further, all past due fees must be paid.

2. Joining for the first time. These offices wouldn’t be billed for subscribers until the next scheduled billing cycle, see MLS Billing Policies earlier in this manual.

3. Rejoining after being gone for a year or more (equivalent to a new member). These offices wouldn’t be billed for subscribers until the next scheduled billing cycle, see MLS Billing Policies earlier in this manual.

**Returned Checks Policy**

A service fee, to be determined from time to time by the board of directors, shall be assessed for a returned check. The account is considered **unpaid** and subject to the above fee schedule, including the returned check service fee.

Please note: in order for a Participant not to be charged for an agent by TBR, CATRS must have made the agent inactive by the 20th day of the preceding month for which service is billed. CATRS requires Participants to terminate agents from the DBPR online system, www.myfloridalicense.com. Only when DBPR confirms an agent is no longer with a firm will the Participants bill be adjusted. (Adopted 11/12/02)
Check Signing Policy

Policy: CATRS shall maintain various deposit accounts as deemed necessary, individual withdrawal requests (checks) shall require two (2) Signatories. One of the signatures must either be the Chairman, Vice Chairman or Treasurer of the board of directors. The second signature can be any other member of the CATRS board of directors.

CATRS may also have corporate charge accounts as deemed necessary with the Treasurer or his assignee as signatories.

Procedure: Prior to each calendar year, the Treasurer will ensure that all financial institutions have updated signatories for accounts. (Adopted 4/2010)

MLS Fines
Fines for violations of Multiple Listing Service rules may be levied as outlined and from time to time amended in the Capital Area Technology & REALTOR® Services, MLS Rules and Regulations.

Brokers will be required to continue to pay for MLS for agents who have outstanding fines, regardless of the agent’s ability to access the Multiple Listing System.

If the broker is suspended from the MLS for a violation of the MLS rules, and the broker does not complete the requirements for reactivation of services within 15 days, then the office will be suspended until the broker meets the reactivation requirements.

MLS

Non-Member Participation

Non-members of the Tallahassee Board of REALTORS® may be Participants or subscribers in the CATRS MLS. The following are the definitions of non-member categories:

Non-member Participants – Florida real estate brokers who hold REALTOR® membership in another local board/association or are direct State REALTOR® association members. Or Florida real estate brokers who are not REALTORS®.

Non-member Subscribers – A Florida real estate licensee whose real estate license is placed with a non-member Participant, as defined above.

Assistants to Participants and Subscribers

Policy:
Assistants to Participants and subscribers may be subscribers or non-subscribers to the CATRS MLS.

Assistants that are already subscribers
Subscribers will be able to assume the identity of another subscriber or Participant with the Participant's authorization. A form will be available from CATRS that requires the Participant's signature and it will be kept on file with CATRS.

Assistants that are not qualified to be subscribers
Assistants to Participants and subscribers that are not current subscribers to the CATRS MLS will be able to assume the identity of a subscriber or Participant with the Participant's authorization. A form will be available from CATRS that requires the Participant's signature and it will be kept on file with CATRS. These assistants will be issued a unique user login and will only have access to their subscriber or Participant's information. CATRS will charge a monthly fee for these additional credentials.

Note: In order to qualify for assistant-only credentials, an individual must not otherwise be qualified as a subscriber to the CATRS MLS and must not have a Current/Active real estate license, as defined by the State of Florida Department of Business and Professional Services.

Procedures:
1. CATRS/TBR staff will intake the request forms.
2. Non-subscribers will be checked against State of Florida license records to ensure that the user does not otherwise qualify for subscription or Participation in the CATRS MLS.
3. A record in the membership database will be created for non-subscribers.
4. CATRS staff will edit the user id in Paragon to allow the user to assume the subscriber or Participant's credentials.
5. The forms will be scanned and linked to both the Designated REALTORS® (Participant) membership record and the membership record of the user assuming the identity.
6. Account will be tested to ensure requested access is available.

Fine Forgiveness Policy
Agents fined for a violation of the MLS Rules & Regulations can have their fine refunded under the following conditions:

Procedure
• In order to be made active in the MLS, the agent first must pay the fine and fix the error.
• Upon paying the fine and making the correction, the agent may request a refund by replying to the emailed fine notice and requesting to be in the Fine Forgiveness Program.
• The agent must complete the “MLS and Your Liability” and “MLS: Listings” classes offered by the Tallahassee Board of REALTORS®.
• Both of the above-mentioned classes must be completed within four months of the fine.
Space in the classes is not guaranteed, and it is up to the individual agent to register in advance and pay the appropriate registration fees, if any.

- Agents are responsible for reporting to the MLS Committee when they have completed the courses.
- Failure to attend a class for which the agent is registered, thereby taking space from other potential registrants, will result in a forfeiture of this Fine Forgiveness Policy, and the agent will not be eligible for a refund.
- Agents are only eligible for one fine forgiveness per year.

### Listing Transfers-Participant to Participant

The Board/MLS staff can only transfer Active and Pending listings from one Participant to another Participant and only with the expressed written consent of the current listing broker. October 28, 2011

### Procedures for Challenging a Participants’ Right to Submit and Maintain a Listing in the MLS

Only listings allowed by the CATRS MLS Rules and Regulations are allowed in the MLS. The following procedures apply if a Participant is challenged on the right to submit a listing in the CATRS MLS:

1. The disputing party will send a written request to the Chairman of the MLS Committee claiming that a Participant’s listing does not meet the requirements for entry in the MLS.
2. The listing Participant (respondent) will be informed of the allegation.
3. The respondent may send supporting documentation in defense of their claim to maintain the listing in the MLS. The respondent has 10 days to submit their documentation.
4. Once received, the full MLS Committee or a subset of not less than 5 members (appointed by the Chairman) will review the documentation to determine if the listing meets the criteria set forth in MLS Rules to place the listing within the system.
5. Neither party is allowed at the hearing, unless the panel requests so, at which point, both parties will be asked to attend.
6. Any committee or panel members of either party’s firm will recuse themselves from the proceedings.
7. Consideration by the committee is only in reference to the MLS Rules and Regulations and does not determine if a listing agreement is legally valid or not.
8. The committee can only come to one of two conclusions:
   - Based on the documentation provided, the current listing is sufficient under the MLS Rules to be placed in the MLS.
   - Based on the documentation provided, the current listing is not sufficient under the MLS Rules to be placed in the MLS.
9. The conclusion of the committee or panel is final and there is no appeal.
10. Participants that fail to comply with the committee’s findings are subject to disciplinary action as outlined in the MLS Rules and Regulations.

**Procedures for processing an alleged violation of the Multiple Listing Service rules**

Complainant files with the Tallahassee Board of REALTORS® on the approved complaint form alleging which section(s) of the rules have been violated.

Complainant is e-mailed a confirmation that their complaint was received. Respondent is e-mailed a copy of the complaint.

The complaint is administratively heard by the MLS Committee at their next available meeting, scheduling the hearing is at the discretion of the MLS Committee Chairman. The MLS committee is in Executive Session and neither party is allowed to attend or submit any additional information.

Each party is notified of the determination by the MLS committee. If the conclusion of the MLS committee is that no violation has occurred, the decision is final and there is no opportunity for appeal. If a violation is determined, the committee may direct the imposition of a sanction. The recipient of such a sanction, however, may then request a hearing before the Professional Standards Committee within twenty (20) days following receipt of the Multiple Listing Service Committee’s decision.

**MLS Education requirement**

Pursuant to CATRS MLS Rules and Regulations, Section 17, new MLS Participants and subscribers are required to complete a training program on the MLS Rules and Regulations.

The training class is offered at the Tallahassee Board of REALTORS® at a price determined by the Professional Development Committee of TBR. Further, a self-study option for the MLS Orientation is available at a price set by the board of directors and is subject to change.

**MLS Classes - Cancellation.**

MLS Classes are offered at no charge to MLS Participants and Subscribers. The current classes offered are:

- Overview Features & Functionality
- Search & Mapping
- Creating & Modifying a CMA
- Creating & Modifying Listings
- Collab Center: Managing Prospect Search Criteria

Classes may be added, subtracted, or modified from time to time at the discretion of the CTO, with input from the MLS Committee.
Attendees are encouraged to register in advance for MLS classes to ensure adequate space is available, and for advance notification in the event of schedule changes or cancellation, etc. There is no fee to attend MLS classes. However, if a registrant cannot attend a class, they must cancel their registration at least 24 hours in advance of the scheduled start time of the class, or they will be considered a “no-show” and will be assessed a $20 fee per class; collection will be as outlined in the Financial section of the manual.

Procedure: Notification of the policy shall accompany all MLS Class advertising, including, but not limited to eBoard Briefs; calendar posts; Tallahassee Board of REALTORS® and CATRS website; registration reminder notices.