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## 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.

42 **Procedure:** All members of the board of directors will sign a form indicating their  
43 agreement to adhere to the Conflict of Interest policy. (Adopted 10/6/2009)

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

48  
49 **Procedure:** Members of the board of directors that will be absent from a meeting will  
50 contact the chairman of the board as soon as they know their conflict will cause an absence.  
51 The chairman of the board will determine if the reason for the absence is sufficient to be  
52 “excused.” The chairman, at their sole discretion, may request a vote by the board of  
53 directors to “excuse” an absence. If it is the chairman that will be absent, they will notify  
54 the elected vice chairman. (Adopted 10/6/2009)

55  
56 Committees

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

59  
60 **Procedure:** After a committee member has missed two properly noticed meetings; their  
61 name will be forwarded to the Chairman of the board. The Chairman, or their designee,  
62 will contact the member and determine whether they should be allowed to continue on the  
63 committee for the completion of their term. If it is determined that the member will not  
64 complete their term, their entire service for that term will be considered not to have been  
65 served. (Adopted 10/2010)

66  
67 **MLS Committee Policy:** The purpose of the MLS Committee is to oversee the operation of  
68 the MLS and implement the MLS Rules & Regulations under the guidance and direction of  
69 the Board of Directors and according to the provisions of the NAR Multiple Listing Rules  
70 and Regulations. Including:

- 71 **1.** Periodically review the Multiple Listing Rules and Regulations for accuracy and  
72 compliance with any laws, rules or guidelines from agencies having authority over Capital  
73 Area Technology & REALTORS® Services or the Tallahassee Board of REALTORS®.
- 74 **2.** Recommend changes to the Multiple Listing Rules and Regulations for approval by the  
75 Board of Directors.
- 76 **3.** Monitor the participation of members and make recommendations to the Board of  
77 Directors regarding enforcement of Rules and Regulations.
- 78 **4.** Periodically review the adequacy of the MLS Computer system and recommend program  
79 revisions to the Board of Directors.
- 80 **5.** Work with the computer system vendor to insure vendor performance according to the  
81 contract.
- 82 **6.** Establish a computer vendor review and selection process to accomplish any necessary  
83 contract review or vendor changes at the end of a current contract in an efficient and  
84 timely manner.
- 85 **7.** Notice all rule changes and proposed rule changes, with a copy of the changed form, to  
86 all Participants via electronic media or mailing and to the subscribers of the service  
87 through the Board Briefs.

88 **8.** The Board of Directors must approve all changes or additions to the MLS Forms or data  
89 fields.

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

93

#### 94 **Make-up of MLS Committee**

95 The committee's chairman will be appointed by the chairman of the CATRS board of  
96 directors. The committee will consist of 9 members appointed to staggered three-year  
97 terms. The chairman of the CATRS board of directors, after consulting with the Manager of  
98 Association Technology and the CEO, will appoint three new members each year.

99 Vacancies will be appointed by the chairman of the board at the time of the vacancy. At  
100 least five of the members must be participants in the CATRS MLS. Should a Participant  
101 change status to a Subscriber, they may complete their term. Not more than two members  
102 may be from the same office. Should a member change firms, thereby creating more than  
103 two from a given office, that member may complete their term.

104

#### 105 **Prerequisites for MLS Committee Service**

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

109

110 The classes are:

111                   MLS & Your Liability

112                   Paragon Overview

113                   Client Connect

114                   Listings

115                   Search & Mapping

116                   CMA

117                   Applications Class (HomeSnap and Showingtime)

118

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

122

#### 123 Financial

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

127

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

130

131 **All fees paid are non-refundable.**

132

133 **MLS Billing Policy:** Invoice and collect MLS service fees from Participants based on the  
134 number of subscribers in each of their offices.

135  
136 **Procedures:** On the 28th of each month (or the nearest work day to the 28th) MLS  
137 Invoices will be created for the subsequent month. Invoices for Multiple Listing Services  
138 are due on the 1<sup>st</sup> of the month for which service is granted. Each MLS Participant  
139 (Designated REALTOR®) will be billed at the fee rate times the number of participants and  
140 subscribers in the office. For example: if the fee rate is \$35 and there are nine agents and  
141 the broker in Office A, the broker (MLS Participant) will be billed \$35 X 10 or \$350. Agents  
142 must be terminated through DBPR and reported to CATRS to avoid being invoiced for their  
143 MLS access. Credits are not granted for agents after invoices are created.

144  
145 MLS fees are due on the 1<sup>st</sup> of the month for which service is granted, late charges and  
146 penalties will apply according to the following schedule:  
147

# Days Past Due	Consequences and Fee Schedule
30	A 5% late charge.
60	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.

148  
149 **MLS Fees Mid Billing Cycle**  
150 Invoicing MLS monthly fees when a Participant or Subscribers reinstates their MLS  
151 subscription.

- 152 1. Reinstatements or reactivations. Brokers would be billed the current month's  
153 MLS fee, for each agent that reactivates their MLS subscription by the 7<sup>th</sup> of the  
154 month. Further, all past due fees must be paid.
- 155 2. Joining for the first time. These offices wouldn't be billed for subscribers until  
156 the next scheduled billing cycle, see MLS Billing Policies earlier in this manual.
- 157 3. Rejoining after being gone for a year or more (equivalent to a new member).  
158 These offices wouldn't be billed for subscribers until the next scheduled billing  
159 cycle, see MLS Billing Policies earlier in this manual.

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

166  
167 Please note: in order for a Participant not to be charged for an agent by TBR, CATRS must  
168 have made the agent inactive by the 20<sup>th</sup> day of the preceding month for which service is  
169 billed. CATRS requires Participants to terminate agents from the DBPR online system,  
170 [www.myfloridalicense.com](http://www.myfloridalicense.com). Only when DBPR confirms an agent is no longer with a firm  
171 will the Participants bill be adjusted. (Adopted 11/12/02)

172

173 **Check Signing Policy**

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

178

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

181

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

184

185 **MLS Fines**

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

189

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

192

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

196

197 MLS

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199 **Non-Member Participation**

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

203

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

207

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

210

211 **Assistants to Participants and Subscribers**

212

213 **Policy:**

214 Assistants to Participants and subscribers may be subscribers or non-subscribers to the  
215 CATRS MLS.

216

217 Assistants that are already subscribers

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

221  
222 Assistants that are not qualified to be subscribers

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

229  
230 Note: In order to qualify for assistant-only credentials, an individual must not otherwise be  
231 qualified as a subscriber to the CATRS MLS and must not have a Current/Active real estate  
232 license, as defined by the State of Florida Department of Business and Professional  
233 Services.

234  
235 **Procedures:**

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

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249 **Fine Forgiveness Policy**

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

253 **Procedure**

- 254 • In order to be made active in the MLS, the agent first must pay the fine and fix  
255 the error.
- 256 • Upon paying the fine and making the correction, the agent may request a refund  
257 by replying to the emailed fine notice and requesting to be in the Fine  
258 Forgiveness Program.
- 259 • The agent must complete the "MLS and Your Liability" and "MLS: Listings"  
260 classes offered by the Tallahassee Board of REALTORS®.
- 261 • Both of the above-mentioned classes must be completed within four months of  
262 the fine.

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- 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.

271

272 **Listing Transfers-Participant to Participant**

273

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

277

278 **Procedures for Challenging a Participants' Right to Submit and Maintain a Listing in**  
279 **the MLS**

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

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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:
    - A. Based on the documentation provided, the current listing is sufficient under the MLS Rules to be placed in the MLS.
    - B. 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.

304 10. Participants that fail to comply with the committee's findings are subject to disciplinary  
305 action as outlined in the MLS Rules and Regulations.

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

307

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

310

311 Complainant is e-mailed a confirmation that their complaint was received.

312 Respondent is e-mailed a copy of the complaint

313

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

318

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

325

326 **MLS Education requirement**

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

329

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

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334 Revised 10/2011, 7/2011, 7/2012, 4/2013, 9/2013, 7/2015, 4/2017

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