

# MIBOR REALTOR® Association

## BLC® Listing Service

### Policy Manual

(June, 2018)

The MIBOR REALTOR® Association is responsible for insuring BLC® Listing Service information available to its members and their clients is complete, accurate, reliable, and trustworthy. The Association is responsible for enforcement of its Rules & Regulations, Business Rules, and the policies set forth in this Manual. A Member of the BLC® Listing Service shall include all subscribers, users, participants, and members who have paid current required dues and otherwise remain in good standing with the Service.

### **BLC® Compliance Policy**

**Reporting Violations.** Violations of Association rules, regulations, and policies may be reported to BLC® Listing Service support staff via phone, email, helpdesk, fax, or by utilizing the “Report an Error” link in the Details view of the BLC® Listing Service. BLC® Listing Service Data Checker also monitors listings and searches for violations. The BLC® Listing Service Data Checker and/or BLC Listing Service support staff will notify the listing agent and listing broker via email and/or telephone when a listing violation is identified. The notification date shall be the date said notice is issued.

**Repeat Violations.** Listing agents receiving three (3) fines in a 12-month period will be required to attend an educational session on the rules, regulations and policies of the BLC® Listing Service within 90 days of being notified of the requirement to do so.

### **\$100 – (Level One) Violations of “Complete and Accurate Data” Rules**

BLC® Listing Service Rules and Regulations - Section 1.2 - Detail on Listings Filed with the Service: A listing agreement or property data form, when filed with the BLC® Listing Service by the listing broker, shall be complete and accurate in every ascertainable detail.

**ALL** Level One Violations for incomplete or inaccurate information must be corrected **within two (2) full business days, after notification** to avoid issuance of a fine.

### **\$250 – (Level Two) Violations of “Status Changes/Agreement Date Changes” Rules**

Providing timely updates to the status of each listing in the BLC® Listing Service is imperative “to present a true picture in advertising, marketing, and other representations.” (Article 12 National Association of REALTORS® Code of Ethics).

All contractual updates to a listing (accepted offers, status changes, price changes, etc.) must be represented in the BLC® Listing Service within two (2) full business days of signatures by all required parties.

To avoid issuance of a fine all listings must be entered in the BLC® Listing Service **within two (2) full business days** of the beginning date of a listing contract signed by seller(s); the listing and expiration dates entered in the BLC Listing Service must accurately reflect dates on the listing contract or any extensions, renewals, or amendments thereto; and changes to the status of a listing must be made in the BLC® Listing Service **within two (2) full business days following acceptance of a purchase agreement or execution of other documents that impact contract and/or listing status**. See also status dates and definitions in the BLC® Business Rules.

### **\$500 – (Level Three) Violations of “Exempt Listing” Rules**

The impact of Level Three Exempt Listing Violations cannot be undone and carries an increased fine amount.

BLC® Listing Service Rules and Regulations - Section 1.3 - Exempted Listings: If the seller refuses to permit the listing to be disseminated by the BLC® Listing Service, the listing broker may then take the listing ("office exclusive") and such listing shall be filed with the BLC® Listing Service but not disseminated. Filing of the listing, accompanied by a copy of the Exempt Listing Disclosure Certification form signed by the listing agent, listing broker and seller, must be completed **within two (2) full business days** of the listing date. Failure to file the Exempt Listing Disclosure Certification form within the required time frame will result in automatic issuance of the fine.

### **\$1000 – (Level Four) Violation of “Sharing BLC® Password/Unauthorized Access” Rules**

The BLC® Listing Service is a subscription-based service requiring each member to have a unique set of credentials (Login ID and Password) to gain access. Limiting BLC® Listing Service access to members is essential to protect the integrity of information and the investment members have in the service. Sharing login credentials or enabling unauthorized access to or use of information in the BLC® Listing Service is considered a serious violation and will result in automatic issuance of a Level Four fine.

### **Requesting Waivers and Appealing Fines**

Members have the right to request a Waiver of any fine assessed. Should the Waiver be denied, the member shall be notified of their right to a hearing by the MIBOR BLC® Listing Service – Violations Hearing Panel. To the extent reasonable, the Hearing and Appeal processes will be conducted in accordance with the ethics proceedings as outlined in the National Association of REALTORS® Code of Ethics and Arbitration Manual.

Maximum penalties and additional sanctions may be added during the hearing process in accordance with Appendix VII to Part Four of the National Association of REALTORS® Code of Ethics and Arbitration Manual and the National Association REALTORS® Multiple Listing Service Handbook.

**Initial Request for Waiver of Fine.** Waiver requests must be submitted in writing within twenty (20) calendar days of the fine being assessed. Policy violations must be corrected prior to requesting waiver of a fine.

**Administrative Panel Review.** An Administrative Panel will review the waiver request and issue a decision within twenty (20) calendar days of said request. The Administrative Panel may offer a one-time reprieve based on the member attending an educational session on the rules, regulations and policies of the BLC® Listing Service. If the waiver request is denied, general information and all necessary forms to request a hearing will be included in the response. If a hearing is not requested by the deadline noted in the correspondence, the decision of the Administrative Panel will be final.

**Appealing Administrative Panel Decision / Requesting a Hearing.** The member will have twenty (20) calendar days from the date on the waiver denial notification to appeal the Administrative Panel decision and request a hearing. Requests for a hearing must be submitted on the MIBOR BLC® Violation Appeal Form and be accompanied by a \$50 filing fee and all required forms, including all documentation for review at the hearing. A Request for Hearing will not be considered “received” until the filing fee is submitted and all required information is complete and properly signed (if applicable). The filing fee will be refunded if the hearing panel waives the fine.

**Appeals Panel Composition.** Members of the Appeals Panel will be determined per BLC® Rules & Regulations – Enforcement of Rules or Disputes Section 9.1.

**Conduct and Dates of Hearings.** The member may appear in person at the hearing, bring witnesses, and have legal counsel present. Hearings will be scheduled monthly; additional dates may be scheduled as needed.

**Nonpayment of Fine/No Appeal.** If payment of a fine is NOT made AND an appeal is NOT filed within twenty (20) days of fine issuance, member access to the BLC® Listing Service will be suspended until the fine balance is paid in full.

**Receipt of Documentation.** Receipt of documentation or correspondence sent by BLC® Listing Service support staff to a listing agent or listing broker will be presumed received on the date faxed or emailed. Final dates for receipt of replies will be included in all correspondence.

**Decision of Hearing Panel.** The member will be notified of the results of the Hearing within five (5) calendar days of the final decision of the Hearing Panel, unless it is necessary to obtain MIBOR legal counsel’s review. The Hearing Panel decision will include information on the member’s right to appeal the decision. If an appeal is not filed within the required time, the decision of the Hearing Panel shall be final.

**Right to Appeal the Decision of the Hearing Panel.** Upon notification of the decision of a Hearing Panel, the member shall have the right to appeal the decision as permitted by and defined in the National Association of REALTORS® Code of Ethics and Arbitration Manual

(COEAM) as it applies to ethics complaints. A request for appeal must be filed within twenty (20) calendar days of the date on the decision of the Hearing Panel. Appeals will be referred to the MIBOR REALTOR Association Board of Directors. Members appealing the Hearing Panel's decision will be subject to a \$250 Appeal Fee charged for the procedure. The Appeal Fee will be refunded if the appeal is successful.

### **BLC® Listing Service Support Staff Authorization to Change Listings**

BLC® Listing Service support staff may not revise listing data without written approval of the listing agent or listing broker, and then, only in specific circumstances and upon receipt of any necessary or applicable documentation requested by staff. Members needing assistance adding a listing or revising an existing listing should contact BLC® Listing Service support for assistance. BLC® Listing Service support may revise listing data in the following instances:

**Correction of Original List Price.** BLC® Listing Service support staff will correct the “original list price” if the list price was entered erroneously when the listing was initially added to the system. List price corrections may only be processed by staff within five (5) business days of the listing date.

**Correction of Listing Status.** BLC® Listing Service support staff will change the status of a listing due to an entry error. Additionally, if a listing is placed temporarily off market and reactivated, the status will be changed to “new” in accordance with this section. The status change to “new” will only be made within five (5) business days of the listing activation date.

**Correction of Expiration Date.** BLC® Listing Service support staff will change the expiration date of a listing due to an entry error when the error causes the listing to be inaccessible to the listing agent. A change form signed by the listing agent or listing broker requesting the change will be required prior to correction.

**Staff Transfer of Listings.** BLC® Listing Service support staff will transfer listings from one agent to another in the same company or from one branch to another within the same firm. Listings moved from one company/firm to another must be withdrawn by the former office and re-listed at the new office.

**Staff Input of New Listings/Changes & Upload of Photos/Virtual Tours.** BLC® Listing Service support staff may provide member instructions for adding/updating a listing or uploading photos/virtual tours, but are not authorized to do so on behalf of a member.

**Deletion of Listings.** BLC® Listing Service support staff will not delete or erase a listing and its history from the BLC® Listing Service system under any circumstance other than the removal of an accidental duplication or re-list occurring within five (5) business days of the original listing input. Requests for deletion must be submitted in writing by either the listing agent and listing broker, or the listing broker.