



MLS

CITATION POLICY AND FINE STRUCTURE

Effective Date: January 3, 2022

The purpose of this citation policy is to ensure the integrity of the MLS including the currency and accuracy of its information. Fines will be issued and processed in accordance with this Citation Policy. The citable offenses and fines are subject to change upon approval of the California Desert Association of REALTORS® “CDAR” Board of Directors. The Citation Policy is in addition to and does not replace the provisions of Section 14 of the California Desert Association of REALTORS® MLS Rules and Regulations.

1. A violation of the rules must be corrected within two (2) days of receipt of a Warning Notice of violation sent to the Violator and/or Responsible Participant. Failure to correct a violation within two (2) days of receipt of the Citation is a violation of MLS Rule 14.4(a) and will result in an additional Citation for failure to correct. A non-conforming listing may be subject to removal by the MLS from active display.
2. Receipt of notices referenced in this Policy is presumed to be the sooner of three (3) business days after mailing or one (1) business day after an email has been sent. California Desert Association of REALTORS® will utilize the email address provided by the Participant/Subscriber as contained within the AMS. Every MLS Participant and Subscriber shall be required to maintain a current, accurate, and active email address at which they may be contacted.
3. Fines are due within twenty (20) calendar days of receipt of a Citation.
4. If a violator wishes to contest a Citation, the violator may, within twenty (20) calendar days of receipt of a Citation, request a review in accordance with the procedures set forth below. Failure to request a review in writing within twenty (20) calendar days of receipt of the Citation, according to these procedures, will result in the opportunity for a review being waived. A request for review will not be processed unless the violation at issue has been corrected.
5. The amount of the fines is set by the CDAR Board of Directors, and as a result CDAR Staff does not have the authority to waive or reduce any fine.
6. Citation Review Procedures:
 - a. A request for a Citation Review must be filed online at mlsviolations@cdaronline.org within twenty (20) calendar days of a receipt of a Citation.
 - b. Supervisor level Compliance Staff shall conduct an internal audit of the case taking into consideration any additional evidence provided by the Violator. CDAR’s Supervisors may either withdraw the Citation or process the Citation Review by compiling relevant facts and evidence, including all evidence provided by the Violator.
 - c. The CDAR Citation Review shall be managed by a Panel of 3 members of CDAR’s Professional Standards Committee. The review Panel shall evaluate the documentary evidence presented by both the Association and the Violator.

No verbal testimony or in-person hearing shall be permitted. The review Panel shall either confirm or withdraw the Citation. No additional MLS rule violations or Code of Ethics charges may be added to the case. The Association may charge an additional \$100 Citation Review Processing Fee in addition to any fine amount for any Citation Review that results in the review Panel confirming the violation.

d. Notwithstanding item (c) above, at the time of submission of a Citation Review request the Violator may instead elect to have a full disciplinary case, including a full evidentiary hearing consistent with the C.A.R. Code of Ethics and Arbitration Manual. If a full hearing process is chosen:

i. The Citation Review will be sent for review by the CDAR Grievance Committee, which may add additional MLS Rule or Code of Ethics Violations. It is the role of the Grievance Committee to determine if there is sufficient evidence present to justify a Professional Standards Review Hearing. The Grievance Committee will consider both the Violators written statement in the request for review and the evidence presented by CDAR. The Grievance Committee may dismiss the Citation if it finds there is insufficient evidence of a violation.

ii. If the Grievance Committee finds sufficient evidence of the rule being violated, a Professional Standards Hearing will be scheduled. The Professional Standards Committee will conduct a full evidentiary hearing and will render a final decision. The decision may include additional MLS Rule or Code of Ethics Violations in addition to the original citation. CDAR may charge an additional \$200 Citation Review Processing Fee in addition to any fine amount for any Citation Review that results in the professional standards panel confirming the violation.

e. Failure to either pay a fine or request a review within twenty (20) calendar days of receipt of a Citation may subject the Violator to suspension from the MLS in accordance with section 17.1 of the MLS Rules and Regulations.

7. The CDAR Board of Directors reserves the right and discretion to charge a Participant or Subscriber with rules violations by virtue of the Professional Standards hearing process, including the possibility of additional fees or fines, suspension, or expulsion, rather than utilizing the citation process. Thus, the below fines may not be all inclusive.

8. CDAR may apply this Policy and provisions of the CDAR GPS MLS Rules and Regulations with reasonable discretion, including but not limited to, issuing single Warning or Citation Notices for multiple violations by a single Violator, issuing separate Warning or Citation Notices for Co-Violations, or otherwise attempting to accurately assign responsibility for violations.

CDAR/GPS MLS FINE STRUCTURE

ARTICLE	CDAR/GPS MLS VIOLATION	WARNING	FINE
4.3	Failure of Participant/Subscriber to Notify the MLS of Termination of Clerical	Yes	\$100
4.4	Failure of Participant/Subscriber to Notify the MLS of Termination of Any Licensees	Yes	\$100
5.1.3	Failure to Comply with "Certification of Nonuse" (back fees owing under Certification to be cumulatively added to citation amount)	No	\$250
7.12	Failure to Offer Unconditional Compensation	No	\$100
7.17	Failure to Disclose Interest by a Broker Participant or R.E. Subscriber in the Subject Listing	Yes	\$250
7.19	Failure to Update/Change Expiration Extension and Renewal of Listing	No	\$250
7.19	Failure to Obtain Seller's Written Authorization Before Extension/Renewal	No	\$500
7.2	Improper Classification of Listing Agreement Type	Yes	\$100
7.22	Failure to Disclose Dual Variable Commission	Yes	\$250
7.24	Failure to Comply with Auction Listing Requirements	No	\$100
7.25	Prohibited Co-Listing	No	\$250
7.26	Violation of DIM Calculation	No	\$250
7.27	Failure to disclose REO	Yes	\$100
7.3	Failure to Properly Specify Property Type	No	\$100
7.3	Failure to Properly Specify Property Type Subtype	No	\$100
7.3	Duplicate Listing Entry	Yes	\$250

CDAR/GPS MLS FINE STRUCTURE

ARTICLE	CDAR/GPS MLS VIOLATION	WARNING	FINE
7.5	Failure to Submit Listing to MLS Upon Marketing of Property	Yes	\$250
7.5, 7.6	Failure to Input a Required Listing/No SELM on File	No	\$1,500
7.5, 7.6	Late Entry of Listing/No SELM on File	No	\$250
7.8, 7.9	Entry of a Listing as New After Withdrawn Without a New or Amended Listing Contract	No	\$1,000
7.8	Failure to Update/Change Listing Information	No	\$250
8.1	Failure to Obtain Seller's Authority to List in MLS	No	\$1,500
8.2	Failure to Provide Listing Agreement When Requested by the AOR/MLS	No	\$500
8.2	Failure to Provide Written Documentation Requested by AOR/MLS	No	\$250
8.3	Failure to Input Accurate Area	Yes	\$100
8.3	Failure to Input Accurate Subdivision	Yes	\$100
8.3	Failure to Accurately Place Map Pin	Yes	\$100
8.3	Failure to Properly Specify Sale Type	Yes	\$100
8.3	Failure to Provide Accurate APN	Yes	\$100
8.3	Failure to Verify Accurate Listing Info	Yes	\$250
8.3	Failure to Correct	Yes	\$250
9.3	Misrepresenting the Availability to Show or Inspect	Yes	\$250

CDAR/GPS MLS FINE STRUCTURE

ARTICLE	CDAR/GPS MLS VIOLATION	WARNING	FINE
9.9	Failure to be Present When Providing Access to a Listed Property to Buyers and Potential Buyers	No	\$1,500
10.1, 9.3	Showing of Coming Soon or Hold Listing	Yes	\$500
10.1, sec. (c)	Failure to Follow Advertising Requirements for Coming Soon Status Listings	Yes	\$250
10.2	Failure to Timely Report Listing Status Changes and Sales	Yes	\$250
10.2	Property Closed But Not Reported	Yes	\$250
10.4	Failure to Timely Report Cancellation of Pending	Yes	\$250
10.5	Failure to Report a Seller's Refusal to Sell	No	\$1,500
11.5	Use of Photographs on a Listing Without Proper Authorization	No	\$1,500
11.5	Branded Photos/Media	No	\$100
11.5	No Photos in Listing Within 3 Days from Entry Date	No	\$250
11.5	Truthful Representation of Media and Caption Required	Yes	\$100
12.1	Failure to Timely Notify of DRE/OREA	No	\$1,500
12.5	Misuse of Public Remarks; Failure to Limit Public Remarks to Marketing Description and Condition of the Property. Misuse of Other Remarks/Media.	No	\$250
12.5	Inappropriate Words in Remarks	No	\$250
12.5	Failure to Obtain Previous Listing Agents' Authorization to Use Marketing Remarks	No	\$250
12.5.1	Listing and Remarks Must Be in Compliance with Fair Housing Laws	No	\$250

CDAR/GPS MLS FINE STRUCTURE

ARTICLE	CDAR/GPS MLS VIOLATION	WARNING	FINE
12.7	Unauthorized Use of Term "Sold"	Yes	\$250
12.8.1	Unauthorized Advertising of Listing of Another Broker on Neighborhood Market Report	No	\$1,500
12.8.1	Failure to Provide Listing Attribution on Neighborhood Market Report	Yes	\$250
12.8.1	Displaying Unauthorized Listing Content on Neighborhood Marketing Report	Yes	\$250
12.8.1 - 12.10	Displaying Unauthorized Photograph on Neighborhood Marketing Report	No	\$1,500
12.9	Failure to Provide Adequate Info Notice on Print/Non-Print Forms	Yes	\$100
12.11, 12.12, 12.15	Unauthorized Use of MLS	No	\$1,500
12.12.1 (view 4.3), 12.14.1 (view 4.3)	Unauthorized Clerical User Access	No	\$1,500
12.15.2	Unauthorized Reproduction of Confidential Fields and Information	No	\$1,500
12.16 - 12.19.25	Misuse of MLS Data on Public Website; Violation of VOW Rules	No	\$1,500
12.16, sec. (m)	Sharing the MLS Compilation or Portion Thereof with Any Third-Party Vendor Not Authorized by the MLS	No	\$1,500
12.19	Misuse of MLS Data on Public Website; Violation of VOW Rules	No	\$1,500
13.2	Unauthorized Sharing of Lockbox Key	No	\$1,500
13.2.1	Wrongful Use or Removal of Lockbox Contents	No	\$1,500
13.4 - 13.7	Failure to Account for Lockbox key	No	\$1,500
13.5	Failure to Obtain Seller's Permission to Place a Lockbox	No	\$1,500

CDAR/GPS MLS FINE STRUCTURE			
ARTICLE	CDAR/GPS MLS VIOLATION	WARNING	FINE
13.6	Unauthorized Entrance into a Listed Property; Failure to Follow Showing Instructions	No	\$1,500
13.7	Failure to Report Lost or Stolen Lockbox Keys	No	\$1,500
13.11	Failure to Timely Remove Lockbox after COE or Expiration/Cancellation of Listing	No	\$250
Based on Member Type (4.1.1, 4.1.2, 4.2.1, 4.3)	Non-Completion of Required MLS Orientation	Yes	\$100