

For Violations of Subscriber Fee Waiver, see Section 9 and 12.

Other Violations of Rules:

For failure to comply with any other rule, the provisions of Sections 12 shall apply.

SECTION 12. ENFORCEMENT OF RULES OR DISPUTES

Section 12.1 COMPLIANCE WITH RULES-AUTHORITY TO IMPOSE DISCIPLINE

By becoming and remaining a participant or subscriber in this MLS, each participant and subscriber agrees to be subject to the rules and regulations and any other MLS governance provision. Each participant is subject to these rules with regard to licensees affiliated with the participant who are subject to fee waiver under Section 9.2.

The MLS may, through the administrative and hearing procedures established in these rules, impose discipline for violations of the rules and other MLS governance provisions. Discipline that may be imposed may only consist of one or more of the following:

- a. letter of warning
- b. letter of reprimand
- c. attendance at MLS orientation or other appropriate courses or seminars which the participant or subscriber can reasonably attend taking into consideration cost, location, and duration
- d. retroactive fees related to any licensee granted a fee waiver under Section 9.2 in the event the MLS determines that the licensee made use of any MLS services prohibited in Section 9.2 during the period of waiver
- e. appropriate, reasonable fine not to exceed \$15,000.00
- f. suspension of MLS rights, privileges, and services for not less than thirty (30) days nor more than one (1) year
- g. termination of MLS rights, privileges, and services with no right to reapply for a specified period not to exceed three (3) years.

Note: A participant (or user/subscriber, where appropriate) can be placed on probation. Probation is not a form of discipline. When a participant (or user/subscriber, where appropriate) is placed on probation the discipline is held in abeyance for a stipulated period of time not longer than one (1) year. Any subsequent finding of a violation of the MLS rules during the probationary period may, at the discretion of the Board of Directors, result in the imposition of the suspended discipline. Absent any subsequent findings of a violation during the probationary period, both the probationary status and the suspended discipline are considered fulfilled, and the individual's record will reflect the fulfillment.

The fact that one or more forms of discipline are held in abeyance during the probationary period does not bar imposition of other forms of discipline which will not be held in abeyance.

Section 12.2 CONSIDERATION OF ALLEGED VIOLATIONS

The MLS Rules Enforcement Committee shall give consideration to all written complaints having to do with violations of the Rules and Regulations. By becoming and remaining a participant, each participant agrees to be subject to these rules and regulations, the enforcement of which are at the sole discretion of the MLS Rules Committee (Board of Directors).

Upon initial administrative review of the written complaint, the MLS may request a written reply from the Respondent to be included in the administrative review by the Rules Enforcement committee.

The MLS may offer the services of voluntary mediation to the complainant / respondent upon written agreement.

Section 12.3 VIOLATIONS OF RULES AND REGULATIONS

If the alleged offense is a violation of the Rules and Regulations of the Service and does not involve a charge of alleged unethical conduct or request for arbitration, it may be administratively considered and determined by the MLS Rules Enforcement Committee, and if a violation is determined, the MLS Rules Enforcement Committee may direct the imposition of sanction, provided the recipient of such sanction may request a hearing before the Professional Standards Committee of the Realtors Association of Northeast Wisconsin in accordance with the Bylaws and Professional Standards Procedures of the REALTORS Association within twenty (20) days following receipt of the Committees' decision.

If, rather than conducting an administrative review, the MLS has a procedure established to conduct hearings, any appeal of the decision of the hearing tribunal may be appealed to the board of directors of the MLS within twenty (20) days of the tribunal's decision.

Alleged violations involving unethical conduct shall be referred to the Professional Standards Committee of the Association of REALTORS® for processing in accordance with the professional standards procedures of the Association. If the charge alleges a refusal to arbitrate, such charge shall be referred directly to the Board of Directors of the REALTORS® Association.

Section 12.4 COMPLAINTS OF UNETHICAL CONDUCT

All other complaints of unethical conduct shall be referred by the Board of Directors of the Service to the local Association for appropriate action in accordance with the usual procedure under the terms of the Bylaws.

Section 12.5 COMPLAINTS OF UNAUTHORIZED USE OF LISTING CONTENT

Any Participant who believes another Participant has engaged in the unauthorized use or display of listing content, including photographs, images, audio or video recordings, and virtual tours, shall send notice of such alleged unauthorized use to the MLS. Such notice shall be in writing, specifically identify the allegedly unauthorized content, and be delivered to the MLS not more than sixty (60) days after the alleged misuse was first identified. No Participant may pursue action over the alleged unauthorized use and display of listing content in a court of law without first completing the notice and response procedures outlined in this Section 12.5 of the MLS Rules.

Upon receiving a notice, the committee (Board of Directors) will send the notice to the Participant who is accused of unauthorized use. Within ten (10) days from receipt, the Participant must either: 1) remove the allegedly unauthorized content, or 2) provided proof to the committee (Board of Directors), and a decision of whether it establishes authority to use the listing content will be made within thirty (30) days.

If the Committee (Board of Directors) determines that the use of the content was unauthorized, the Committee (Board of Directors) may issue a sanction pursuant to Section 11 and 12 of the MLS Rules, including a request to remove and/or stop the use of the unauthorized content within ten (10) days after transmittal of the decision. If the unauthorized use stems from a violation of the MLS rules, that too will be considered at the time of establishing an appropriate sanction.

If after ten (10) days following transmittal of the Committee's (Board of Director's) determination the alleged violation remains uncured (i.e. the content is not removed or the rules violation remains uncured), then the complaining party may seek action through a court of law.

Section 12.6 COMPLAINTS OF VIOLATIONS OF CLEAR COOPERATION POLICY

Members may report the listing they believe is in violation of RANW MLS Rule 4.3 by emailing the following information to: MLSRules@ranw.org:

- a. Full Address of the property, including the municipality
- b. Listing agent's name
- c. Listing Company name and location (and office code # if known)
- d. Documentation of the property being publicly marketed: May include the following but is not limited to: flyers displayed in windows, yard signs, digital marketing on public facing websites, brokerage website displays (including IDX and VOW), digital communications marketing (email blasts), multi-brokerage listing sharing networks, and applications available to the general public
- e. The date the occurrence was discovered and identified, and the date public marketing began if verified.
- f. The complaint name and contact information

The listing submission violations and fines as outlined in Section 4 will be administratively considered by RANW MLS staff and as necessary, the RANW MLS Rules Committee, subject to other rule provisions in Section 12.

Section 12.7 MLS RULES VIOLATIONS

MLS Participants may not take legal action against another Participant for alleged rules violation(s) unless the complaining participant has first exhausted the remedies provided in these rules.

SECTION 13. LOCKBOX SYSTEM PROVISIONS

Section 13.1 LOCKBOX SECURITY REQUIREMENTS -- NAR

The Multiple Listing Service shall adhere to the Lockbox Security Requirements as established by the National Association of REALTORS®, as from time to time amended by NAR.

Section 13.2 NAR Policy on Criminal Investigation for Lockbox Key Holders

Associations and MLSs may refuse to sell or lease lockbox keys, may terminate existing key lease agreements, and may refuse to activate or reactivate any key held by an individual who has been convicted of a crime within the past seven (7) years under the following circumstances:

- A. The association or MLS determines that the conviction(s) relates to the real estate business or puts clients, customers, other real estate professionals, or property at risk, for example through dishonest, deceptive, or violent acts; and
- B. The association or MLS gives the individual an opportunity to provide and the association or MLS must consider mitigating factors, related to the individual's criminal history, including, but not limited to factors such as the:

NAR FACTORS USED IN DETERMINATION OF REQUEST – Re: Criminal Investigation

1. The individual's age at the time of conviction(s)
2. The nature of the crime and seriousness
3. The relationship of any of the above to the purposes for limiting lock box access.
4. The extent to which access (or continued access) might afford opportunities for you to engage in similar criminal type activity.
5. The extent and nature of past criminal activity.
6. Time since criminal activity was engaged in.