



# MULTIPLE LISTING SERVICE OF SOUTHERN ARIZONA

## MEETING AGENDA

Committee: MLSSAZ Board of Directors  
 Meeting Date: October 22, 2020  
 Chair: Sue Cartun, President

I.	Call to Order 3:00pm	
II.	Consent Agenda*	
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IV.	Treasurers Report: <i>Cheryl Terpening</i>	
	A. Balance Sheet .....	69
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	C. Equity & Reserves.....	72
V.	Unfinished Business	
	A. 2021 Budget Approval <i>President-Elect David Dynes (separate document)</i>	
VI.	New Business	
	A. 2021-2022 Strategic Planning—Two 2-hour sessions, November 5 & 6, 2-4pm <i>President-Elect David Dynes</i>	
	1. 2021 Business Planning, December 2 & 3, 2-4pm	
	B. CMLS Review – <i>President Cartun, President-Elect Dynes, CEO Rogers</i>	
	1. Meeting Highlights	
	2. CEO Forum and survey.....	73
	C. GVSAR Service Agreement Request – Three (3) year extension	
	D. Staffing Update – <i>CEO Rogers</i>	
	E. Building/Mortgage Update – <i>CEO Rogers</i>	
VII.	Updates	
	A. Coming Soon Workgroup – <i>President Cartun</i>	

ADJOURN

\*= Items that may require action

### Meeting Dates

1. MLS Standards Committee, 11/3/2020 – 1:30pm
2. MLS Technology Committee, 11/4/2020 - 2:30pm
3. MLSSAZ Executive Committee, 11/9/2020 – 11:30am
4. MLSSAZ Board of Directors, 11/18/2020 – 3:00pm



# MULTIPLE LISTING SERVICE OF SOUTHERN ARIZONA

Committee: MLSSAZ Board of Directors (Zoom Video Conferencing)  
Meeting Date: September 24, 2020  
Chair: Sue Cartun, President  
Call to Order: 3:02pm

Attendance:	Lori Adamson	James Bowman	Sue Cartun	Susan Derlein
	David Dynes	Cathy Erchull	Diane Marzonie	Louis Parish
	Joette Schenck	Cheryl Terpening		
Absent:	Jim Adams	Kim Clifton	John Gebhart	
Guest:	Lisa Sullivan			
Staff:	Christine Sanchez	Randy Rogers	Lori Wadsack	Andrew Castillo

## Action Items:

M/S/C: Move to approve the Consent Agenda as presented.

M/S/: Move to provide Santa Cruz County Board of REALTORS a 90-day notice of termination on October 1, 2020 notifying them that MLSSAZ will not be renewing the Service Center Agreement for the year 2021.

M/S/C: Amend the motion to notify Santa Cruz County Board of REALTORS immediately.

M/S/C: The underlying motion as amended.

M/S/C: Move to approve the recommendation from the Standards Committee to add a seller acknowledgement for the capturing of video and images during showings to the listing agreement as presented.

M/S/C: Move to approve the recommendation from the Standards Committee to increase the minimum fine for the failure to follow showing instructions to \$150.

M/S/C: Move to approve the recommendation from the Technology Committee to add the new quick search template (Residential Expanded) with the fields after # of Garage Spaces to be in alphabetical order and to make it available to all Participants and Subscribers.

M/S/C: Move to allow Arizona REALTORS and NAR Advocacy team access to the MLSSAZ statistical data through RPR for the purpose of generating Housing Reports to be used to further advocacy efforts on both state and federal levels.

M/S/C: Move to contribute a \$500 donation to the Hearth Foundation in the name of 2001 MLS Past President Mike Waling.

## Information Items:

- Review of the August financials.
  - The Budget vs Actuals reflects new categories.
  - Reserves are at 8.5 months.
  - ShowingTime is listed as a budgeted item, 836006.
    - CEO Rogers will request to have separate line items for the ShowingTime products: MarketStats and Showing Management with a note that pricing is based on a multiple product discount.
  - 6225 MLS Fees invoices have been paid as of Monday, September 24<sup>th</sup>.
  - The Finance and Budget Committee will meet on September 30 to review the 2021 Budget. It will be presented to the board for review, changes and approval on October 22 and forwarded to the Shareholder for approval.

- President-elect Dynes has been working with CEO Rogers on a preliminary budget. He will be reviewing the Strategic Plan for initiatives that should be included in the budget for 2021. The board was asked to submit their budget recommendations for the committee to review.
- Review of the Service Center Agreement revised budget and bylaws change requests from Santa Cruz County Board of REALTORS. A motion was made, seconded, amended and passed to immediately provide Santa Cruz County Board of REALTORS a notice of non-renewal and termination of the Service Agreement for the coming year 2021. The current agreement is in effect until December 31, 2020.
  - CEO Rogers will draft a letter to be sent immediately to their Association Executive and President.
- A Bylaws Task Force will meet to review the bylaws in its entirety before December 31, 2020 and submit recommended changes to the board for approval. The following have agreed to serve on the task force: Cathy Erchull (Chair), Cheryl Terpening, Lisa Sullivan and Susan Derlein.
- Review of the Standards Committee recommendation to add the proposed language of a seller acknowledgement to the listing agreement for the capturing of video & images during showings. A motion was made, seconded and passed to approve the recommendation.
- Review of the Standards Committee recommendation to increase the minimum fine for the failure to follow showing instructions from \$50 to \$150. A motion was made, seconded and passed to approve the recommendation.
- Review of the Technology Committee recommendation to add the new quick search template (Residential Expanded) with the fields after # of Garage Spaces to be in alphabetical order and make it available to all Participants and Subscribers. A motion was made, seconded and passed to approve the recommendation.
- Review of the request from Arizona REALTORS to allow Arizona REALTORS and NAR Advocacy team access to the MLSSAZ statistical data for the purpose of generating RPR Housing Reports to be used to further advocacy efforts on both state and federal levels. A motion was made, seconded and passed to approve the request from Arizona REALTORS.
- Discussion of donating \$500 to the Hearth Foundation in the name of 2001 Past President Mike Waling. A motion was made, seconded and passed to donate \$500 to the Hearth Foundation in the name of 2001 Past President Mike Waling.
- The Coming Soon Workgroup is scheduled to meet the first week of October. The workgroup will be chaired by Robin Willis and confirmed members include Jacob Friedman, Martha Appel, Patrick Devine, Mark Shinn and Jim Adams.
- CEO Rogers has identified four companies he will be reaching out to request an RFP for the MLSSAZ website. More information will be provided in October.
- CEO Rogers reported that he signed a contract with ZenDesk, a software to assist in improving customer service for Participants and Subscribers and is in the process of scheduling staff to be trained on the software.
- CEO Rogers reported that urgent messages will be sent to Participants and Subscribers via text messaging. He is currently developing a policy on how and when it will be used, which will be presented to the Executive Committee and the Board for approval.
- NAR Conference will be held virtually from November 2<sup>nd</sup> – 18<sup>th</sup> for \$199 per person. At the expense of the MLSSAZ, the following have agreed to attend and report back on the sessions they attended:, with emphasis on MLS Sessions: Cheryl Terpening, Joette Schenck, Lisa Sullivan, Susan Derlein and Jim Bowman. President-elect David Dynes and President Sue Cartun will also be attending.
- Discussion of working with an unfamiliar purchase contract and the importance of understanding all the terms and conditions as they are not standardized.
- Adjourned at 4:47pm

MLSSAZ Executive Committee  
October 19, 2020  
Meeting Report  
Chair: Sue Cartun, President

- I. Call to order-11:30am
- II. Service Center Agreement-GVSAR
  - a. Request for 3 year extension was approved and will be sent to the Board for vote. (GVSAR liaison to recuse herself for vote and discussion)
- III. CMLS-Discussion of the topics and highlights of the CMLS Virtual Conference.
  - a. Many were working with Rental Listings, as is MLSSAZ
  - b. Many MLS's are working with Coming Soon listings and 87% do not allow showings based on the poll at the conference.
  - c. Discussion around the MLS's acting like a business and not following the same Association model that maybe they have in years past.
  - d. Discussion about others having outside Board members such as financial, CPA, legal (this will be a part of strategic planning in 2021-22)
- IV. Coming Soon Workgroup
  - a. Workgroup put together a survey to be sent to all participants and subscribers and it is narrowed down to one question about Coming soon listing as public or not.
  - b. Survey to be sent this week.
- V. September Financials reviewed and approved
  - a. Note made that the 2021 Budget is to go to the Board as this committee was a part of the Budget and Finance Committee.
  - b. Discussion of Community Outreach and being a member of Sun Corridor. This will go to the Board
  - c. Discussion of contribution to the TRCF (Charitable Foundation). CEO Rogers to meet with CPA's to determine the best method for this to be accomplished.
  - d. Sidebar conversation regarding Showing Time service and issues surrounding usage. Suggestion made to review options to educate subscribers. This will be discussed with training.
- VI. 2021-22 Strategic Plan
  - a. Strategic Planning dates of November 5 and 6 from 2-4 pm via Zoom.
  - b. This will include the current Board, current leaders and future committee chairs
  - c. 2021 Business Planning dates set for December 2 and 3 from 2-4 pm. Attendees not determined at this time.
  - d. Facilitator to be chosen but options to be reviewed after a later point.
- VII. 2021 Transition Planning
  - a. Discussion of Installation in January but need the committee chairs by December to prepare for January installation
  - b. Bylaws and Policies to be reviewed and approved by the Board in October
  - c. 2021 Officer Discussion. President Elect Dynes to reach out to individuals to determine interest in serving.
- VIII. CEO Updates
  - a. staffing change with Lori Wadsack.
  - b. Weekly Stats to be continued
  - c. Current Newsletter has a 34% Open rate and will be resent this week.



# MULTIPLE LISTING SERVICE OF SOUTHERN ARIZONA

**Committee:** MLSSAZ Standards  
**Meeting Date:** October 7, 2020  
**Chair:** Sterling Bancroft  
**Called to order:** 1:35 PM

**Present:** Sterling Bancroft, Henry Zipf, Annie Barmore, Amanda Elmer, Patrick Devine, Mindy Maddock, Michele Ream, Shiraz-ali Peera, Jacob Freidman

**Absent:** Lisa Sullivan

**Staff:** Andrew Castillo

**Guests:** Nicole Brule-Fisher

## Action Items:

**M/S/C:** Recommend issue Letter of Concern for failure to follow the requirements of the Clear Cooperation Policy.

**M/S/C:** Recommend issue Letter of Concern for failure to follow the requirements of the Clear Cooperation Policy.

## Information Items:

- Meeting was held via video conference.
- Sterling Bancroft Chairman chaired this meeting.
- Minutes of the September meeting were approved.
- Unfinished Business – Adding a secondary watermark to listing photos. Andrew Castillo presented an alternative to amending the watermark policy restriction. Flexmls has an option to add a secondary watermark to listing photos. The secondary watermark feature allows MLS subscribers at any time to add an additional watermark prominently displayed across individual or multiple listings photos. The secondary watermark feature is intended to support concerns surrounding the unauthorized reproduction of listing images.
  - Standards Committee recommends the following watermark text verbiage:
    - Check with a licensed Real Estate Broker.
- MLSSAZ Policy 1.18 Restrictions to Listing Information: Keyboxes.
  - Based on the recommendation from the MLS Rental Taskforce, The Standards Committee discussed allowing non MLS approved to keyboxes to be referenced in the listing.
    - The committee recommended to make no changes to policy 1.18. Lessening the restriction for the non-approved keybox reference would create a higher security risk, increase liability and showing instruction violations.
- Hearing Results
  - Based on the evidence presented the committee determined the listing broker used a for sale sign to publicly advertise the property for sale without submitting the listing to the MLS for cooperation as required by the Clear Cooperation Policy. As an educational opportunity for a first violation the committee recommended a letter of concern.
  - Based on the evidence presented the committee determined the listing agent used a for sale sign to publicly advertise the property for sale without submitting the listing to the MLS for cooperation as required by the Clear Cooperation Policy. As an educational opportunity for a first violation the committee recommended a letter of concern.

Adjourned @ 3:04 PM

**Our next meeting is November 11, 2020 at 1:30 PM**



# MULTIPLE LISTING SERVICE OF SOUTHERN ARIZONA

## MEETING REPORT

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**Committee:** 2020 Technology

**Meeting Date:** October 6, 2020

**Chair:** Cathy Wolfson

**Called to order at:** 2:34pm

**Attendance:** Kelly Hand                      Jennie James                      Dawn Heinemann  
Ron Keeler                                      Laurie Lundeen                      Brad Sensenbach  
Cathy Wolfson

**Absent:** Rebecca Crane

**Staff:** Lori Wadsack                      Randy Rogers

### **Action Items:**

**M/S/C:** Move to approve Meeting Report of September 1, 2020.

### **Information Items:**

- CEO Rogers gave update on staffing, building and association news
- Committee reviewed the Homesnap video that was sent ahead of the meeting. This review of the product was at the request of a subscriber.
  - General discussion followed about the nature of such products, the cost associated with them and who uses them.
  - Request was made to see if Homesnap could do a demo at the next Technology committee meeting in November.
- Follow up discussion was had regarding Clariety and the future of this. It was recommended that this be evaluated in 2021.

**Adjourned**



# New Subscribers

9/1/2020 through 9/30/2020

Last Name	First Name	Office	Type	Association
Sorensen	Kenneth	Valucentric, LLC	APPR	TAR
Metcalf	Sean	Metcalf Team	APPR	TAR
Polley	Margaret	Silver Home Rentals LLC	DR	TAR
Patton	Patricia	Patton Realty Services	DR	TAR
Wesson	William	The Waterfall Group, LLC	DR	TAR
Workman	Chris	AZ Homestead	MAB	Other
Calnin	Bob	My Home Group Real Estate	MAB	Other
Machado	Denise	Abbott Realty, LTD	MAB	Other
Ochoa	Amanda	Model Perfect Homes	MAB	Other
Peralta	Jorge	DeLex Realty, LLC 001	MAB	Other
Perez	Jose	Best Homes Real Estate	MAB	Other
Petersen	Ann	Exit Realty Living	MAB	Other
Girmonde	Joseph	My Home Group Real Estate	MAB	Other
Galdarisi	Lauren	eXp Realty LLC	MAB	Other
Bright	Jerene	Luxe Real Estate Group	MAB	Other
Smith	Joshua	Opendoor Brokerage, LLC	MAB	Other
Dalmolin	Alicia	Mahoney Properties	MAB	TAR
Erickson	Pamela	eXp Realty LLC	MAB	Other
Chance	Kathy	Ivory Towers Realty	MAB	Other
Vance	Kathryn	Realty ONE Group	MAB	Other
Montano	Bonnie	A.Z. & Associates	MAB	Other
Kovacs	Caroline	A.Z. & Associates	MAB	Other
Hubbard	Jaelyn	HomeSmart	MAB	Other
Perry	Gilbert	Homesmart Advantage Group	MAB	Other
Opitz	Bradley	North & Co	MAB	Other
Sherrill	April	My Home Group Real Estate	MAB	Other
Lopez	Janine	OfferPad	MAB	Other
Harrison	Gina	OfferPad	MAB	Other
Robles	Ruben	EMG Real Estate	MAB	Other
Oliveros	Katalina	O48 Realty - OFRP01	MAB	Other
Montalvo	Susan	HomeSmart	MAB	Other
Lopez	Itzel	A.Z. & Associates	MAB	Other
Workman	Leslie	Legendary Properties	MAB	Other
Perez	Ryan	A.Z. & Associates	MAB	Other
Giddings	Rich	Model Perfect Homes	MBB	Other
Gunby	Matthew	Dorn Realty, Inc.	MBB	Other
Hakimi	Jeremy	Empire Capital Group INC	MBB	Other
Whitmore	Tyler	O48 Realty - OFRP01	MBB	Other
Freeland	Thomas	HomeSmart Pros Real Estate	R	GVSAR
Bishop	Julie	Coldwell Banker Realty	R	GVSAR
Ulrickson	Renee	Long Realty -Green Valley	R	GVSAR

R=REALTOR, DR=Designated REALTOR, MAB=MLS Only Agent, MBB=MLS Only Broker, APR=Appraiser



# New Subscribers

9/1/2020 through 9/30/2020

Crawford	Kalynn	RE/MAX Portfolio Homes	R	GVSAR
Moreno	Adriana	RE/MAX Portfolio Homes	R	GVSAR
Ryan	Sharon	Tierra Antigua Realty	R	GVSAR
Diaz	Leticia	Coldwell Banker Realty	R	GVSAR
Pyle	James	Homesmart Advantage Group	R	TAR
Madsen	Allison	Long Realty Company	R	TAR
Clifton	Adam	Tierra Antigua Realty	R	TAR
Hardman	Steve	Appraisal Associates	R	TAR
Mendoza	Sebastian	eXp Realty	R	TAR
Mazzeo	Ruth	Homesmart Advantage Group	R	TAR
Jackson-Slye	Connie	Realty Executives Arizona Territory	R	TAR
Polley	Jeffrey	Silver Home Rentals LLC	R	TAR
Johnson	Kristine	Long Realty Company	R	TAR
Escobedo	Eduardo	Homesmart Advantage Group	R	TAR
Belardi	Carolyn	Tierra Antigua Realty	R	TAR
Armenta	Audon	Keller Williams Southern Arizona	R	TAR
Di Pasqua Wilson	Alisa	eXp Realty LLC	R	TAR
Olive	Virginie	Keller Williams Southern Arizona	R	TAR
Burrueal	Raziel	Oliver Realty, LLC	R	TAR
Stone	Michael	Opendoor Brokerage, LLC	R	TAR
Orth	Anna	eXp Realty	R	TAR
Wilson	Joshua	eXp Realty LLC	R	Other
Sosa	Megan	HomeSmart	R	TAR
Casanova	Angela	eXp Realty	R	TAR
Grafe	Aaron	Realty Executives Arizona Territory	R	TAR
Warren	Anthony	Long Realty Company	R	TAR
Parra	Joshua	Keller Williams Southern Arizona	R	TAR
Nzeukou	Gisele	Arizona Eagle Realty	R	TAR
Basham	Leah	Keller Williams Southern Arizona	R	TAR
Compton	Woodrow	eXp Realty LLC	R	TAR
Moseley	Cameron	Coldwell Banker Realty	R	TAR
Brown	William	Long Realty Company	R	TAR
Graham	Amber	Long Realty-Benson	R	TAR
Salazar	Juan Antonio	Keller Williams Southern Arizona	R	TAR
Nottingham	Marika	Long Realty Company	R	TAR
Grajeda	Javier	eXp Realty	R	TAR
Kreger	Brian	Coldwell Banker Realty	R	TAR
Rich	Susan	Tierra Antigua Realty	R	TAR
Tedesco	Kristi	Coldwell Banker Realty	R	TAR
Lopez	Cody	Long Realty Company	R	TAR
Harris	Rebecca	OMNI Homes International, LLC	R	TAR
Roth	Jennifer	Realty Executives Arizona Territory	R	Other
Baxter	Isaac	Gateway Realty International	R	TAR
Benvenuto	Mauri	Long Realty Company	R	Other

R=REALTOR, DR=Designated REALTOR, MAB=MLS Only Agent, MBB=MLS Only Broker, APR=Appraiser





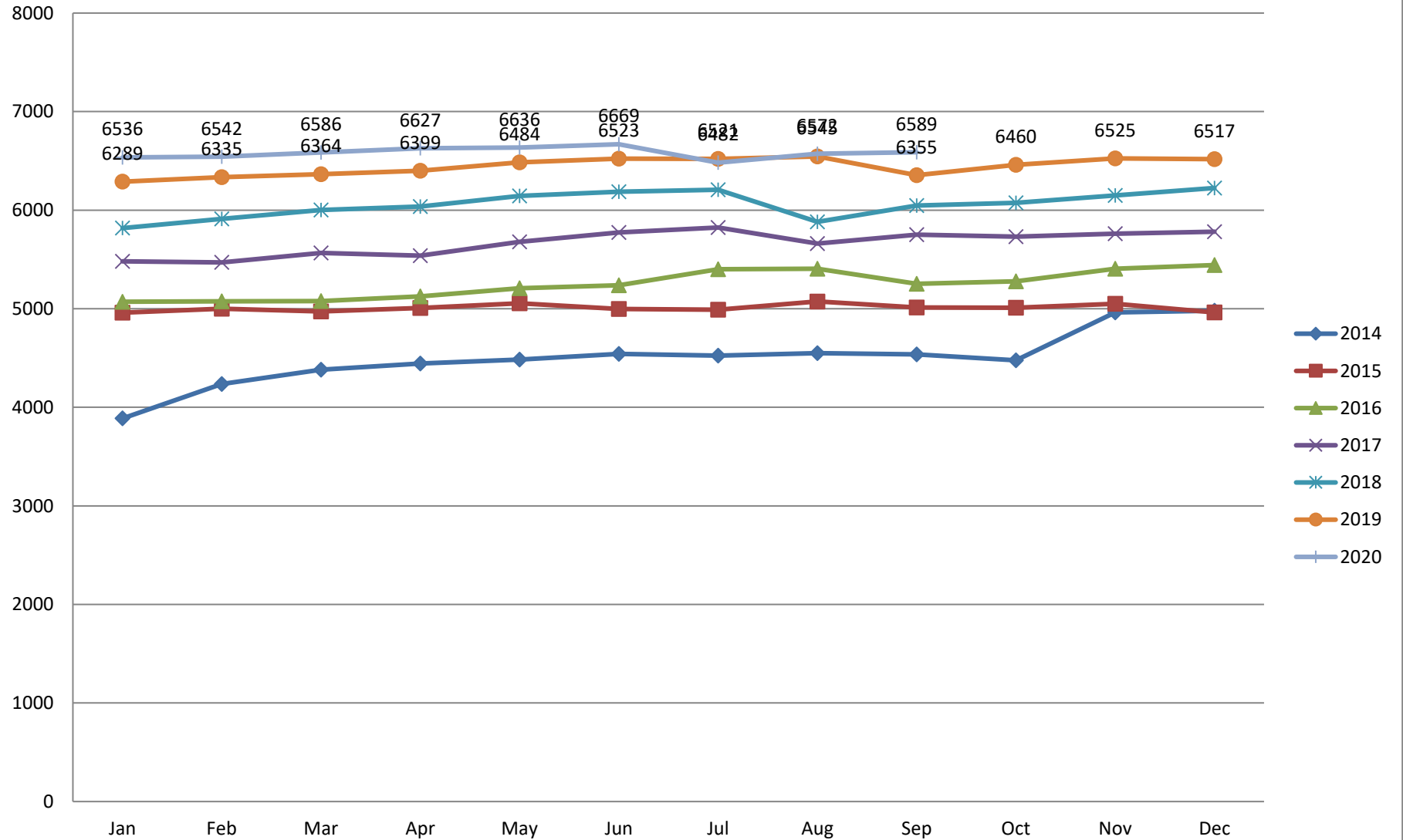
## New Subscribers

9/1/2020 through 9/30/2020

Gray	Bethany	Keller Williams Southern Arizona	R	TAR
Worrell	Tiffany	Realty Executives Arizona Territory	R	TAR
Oxnam	Thomas	OMNI Homes International	R	TAR
Krug	Hae	Russ Lyon Sotheby's Int Realty	R	TAR
Wahl	Michael	Cobb Realty LLC	R	TAR
Maloney	Blue	Equity Arizona Real Estate	R	Other
Gonzvar	Jocelyn	CASAS Real Estate	R	TAR
Schwartz	Alicia	Tierra Antigua Realty	R	TAR
Koc	Jessica	Russ Lyon Sotheby's Int Realty	R	TAR
Jiggetts	Sean	Tierra Antigua Realty	R	TAR
Bogan	Sara	Coldwell Banker Realty	R	TAR
Cota	Loren	New Concept	R	TAR
Linam	Eugenia	Oliver Realty, LLC	R	TAR
Boyd	Tafe	Coldwell Banker Realty	R	TAR
Rogers	Garrett	eXp Realty	R	TAR
Marshall	Bayley	eXp Realty	R	TAR
Mugford	Robert	Cordova Realty	R	TAR
Turner	S. Michele	Opendoor Brokerage, LLC	R	TAR
Nagore	Jamie	Realty Executives Arizona Territory	R	Other
Thompson	Dillan	eXp Realty LLC	R	TAR
Mendez	Katherine	Long Realty Company	R	TAR
Clarke	Ryan	Long Realty Company	R	TAR
Walsh	Kellie	Homesmart Advantage Group	R	TAR
Torres	Patricia	DiPeso Realty	R	TAR
Parrish	Anthony	United Real Estate Specialists	R	TAR
Singleton	Donna	Engel & Volkers Tucson	R	TAR

New Subscriber Count - 111

## Membership Trends September 2020



**Active Participants: 899**

# All Residential Properties Market Overview

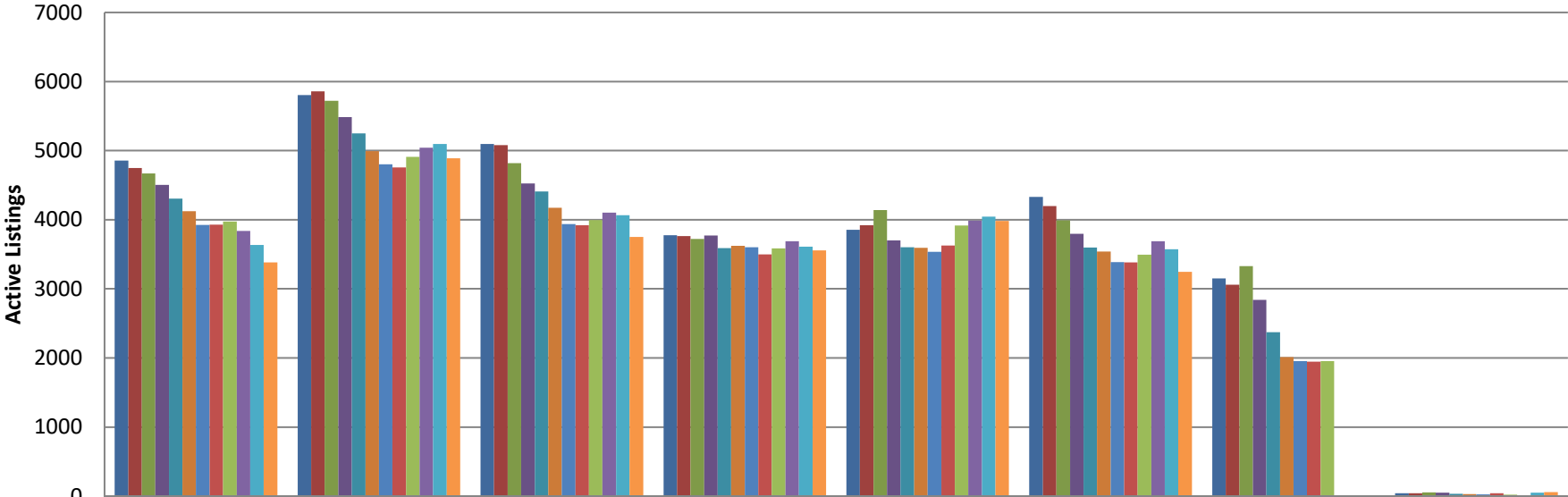
Key metrics by report month and for year-to-date (YTD) starting from the first of the year. Includes all Single Family and Townhome/Condo listings in the MLS.



MULTIPLE LISTING SERVICE OF  
**SOUTHERN ARIZONA**

Key Metrics	Historical Sparkbars	8-2019	8-2020	% Change	YTD 2019	YTD 2020	% Change
<b>New Listings</b>		1,912	<b>1,909</b>	- 0.2%	16,541	<b>15,416</b>	- 6.8%
<b>Pending Sales</b>		1,616	<b>2,061</b>	+ 27.5%	13,754	<b>14,015</b>	+ 1.9%
<b>Closed Sales</b>		1,685	<b>1,608</b>	- 4.6%	13,086	<b>12,697</b>	- 3.0%
<b>Days on Market Until Sale</b>		38	<b>33</b>	- 13.2%	43	<b>37</b>	- 14.0%
<b>Median Sales Price</b>		\$226,000	<b>\$255,000</b>	+ 12.8%	\$225,000	<b>\$245,000</b>	+ 8.9%
<b>Average Sales Price</b>		\$268,374	<b>\$310,572</b>	+ 15.7%	\$265,529	<b>\$288,766</b>	+ 8.8%
<b>Percent of List Price Received</b>		98.5%	<b>99.2%</b>	+ 0.7%	98.3%	<b>98.7%</b>	+ 0.4%
<b>Housing Affordability Index</b>		137	<b>126</b>	- 8.0%	138	<b>131</b>	- 5.1%
<b>Inventory of Homes for Sale</b>		3,410	<b>1,840</b>	- 46.0%	—	—	—
<b>Months Supply of Inventory</b>		2.2	<b>1.1</b>	- 50.0%	—	—	—

# Inventory Trends September 2020



	2004	2015	2016	2017	2018	2019	2020	Distressed
Jan	4856	5803	5095	3777	3855	4329	3150	43
Feb	4750	5857	5078	3765	3922	4196	3059	43
Mar	4668	5721	4820	3721	4140	3989	3330	54
Apr	4505	5487	4525	3773	3700	3798	2842	49
May	4307	5250	4408	3589	3601	3598	2371	32
Jun	4123	4992	4175	3624	3593	3538	2012	29
Jul	3926	4803	3936	3602	3536	3388	1956	25
Aug	3927	4758	3919	3500	3627	3381	1946	42
Sep	3976	4909	3996	3587	3918	3493	1954	22
Oct	3838	5043	4103	3689	3988	3687		
Nov	3633	5096	4067	3611	4046	3571		48
Dec	3383	4888	3752	3557	3982	3245		58

\*Beginning January 2016, inventory market area has been adjusted to include the entire MLSSAZ Service Area including Coshise, Graham, and Greenlee counties.

# RESIDENTIAL WEEKLY STATISTICS

## 2020 \*dates denote week ending

	Sold	New	Pending	Withdrawn	Cancelled	Back On Market	Active in Range	Current Active	Coming Soon	Virtual Open House	In-Person Open House
26-Jun	252	299	261	23	39	115	3,655	3,334	50	2	262
3-Jul	408	311	269	14	45	115	3,581	3,217	43	5	312
10-Jul	182	320	217	18	36	93	3,467	3,186	40	5	214
17-Jul	306	339	299	14	42	111	3504	3135	39	5	247
24-Jul	280	321	272	31	38	110	3413	3073	47	0	274
31-Jul	344	315	304	27	41	99	3339	2966	65	4	287
7-Aug	316	378	233	25	41	100	3240	2931	62	2	289
14-Aug	268	372	227	14	44	105	3333	3039	51	0	324
21-Aug	302	380	281	21	47	89	3397	3030	65	0	359
28-Aug	270	344	249	18	36	100	3377	3065	68	0	397
4-Sep	316	392	244	22	40	97	3424	3090	69	0	340
11-Sep	225	382	211	19	27	99	3445	3163	56	2	349
18-Sep	276	408	259	27	40	110	3562	3211	53	0	329
25-Sep	257	369	301	25	41	97	3576	3189	65	0	357
2-Oct	414	423	323	19	52	105	3585	3156	67	0	346
9-Oct	311	471	331	19	40	119	3574	2837		0	372
16-Oct	328	398	270	21	30	98	3590	3218	47	0	400

## 2019 \*dates denote week ending

	Sold	New	Pending	Withdrawn	Cancelled	Back On Market	Active in Range	Current Active	Open Houses
3-Jul	496	446	385	23	75	119	4526	54	567
10-Jul	279	358	317	20	45	112	4389	54	343
17-Jul	372	451	362	35	64	96	4473	54	459
24-Jul	328	367	341	22	56	96	4401	55	403
31-Jul	340	355	363	24	66	108	4,351	53	447
7-Aug	402	377	340	29	64	84	4,236	50	404
14-Aug	289	369	307	15	53	109	4,219	51	433
21-Aug	346	387	315	25	74	108	4,236	49	422
28-Aug	285	411	345	23	49	93	4,211	46	448
4-Sep	379	351	329	30	42	77	4,186	44	367
11-Sep	322	453	319	23	66	94	4,220	46	402
18-Sep	303	395	310	21	55	102	4,215	44	417
25-Sep	296	387	281	22	37	104	4,222	45	426
2-Oct	434	406	350	38	61	100	4,296	45	394
9-Oct	269	422	279	21	45	106	4,247	45	469
16-Oct	274	412	271	17	60	91	4,306	46	520

RESIDENTIAL WEEKLY STATISTICS

<u>New</u>			<u>Back on Market</u>		
<u>24-Jul</u>	<u>17-Jul</u>	<u>Weekly % Change</u>	<u>24-Jul</u>	<u>17-Jul</u>	<u>Weekly % Change</u>
321	339	-5.31%	110	111	-0.90%
<u>31-Jul</u>	<u>24-Jul</u>	<u>Weekly % Change</u>	<u>31-Jul</u>	<u>24-Jul</u>	<u>Weekly % Change</u>
315	321	-1.87%	99	110	-10.00%
<u>7-Aug</u>	<u>31-Jul</u>	<u>Weekly % Change</u>	<u>7-Aug</u>	<u>31-Jul</u>	<u>Weekly % Change</u>
378	315	20.00%	100	99	1.01%
<u>14-Aug</u>	<u>7-Aug</u>	<u>Weekly % Change</u>	<u>14-Aug</u>	<u>7-Aug</u>	<u>Weekly % Change</u>
372	378	-1.59%	105	100	5.00%
<u>21-Aug</u>	<u>14-Aug</u>	<u>Weekly % Change</u>	<u>21-Aug</u>	<u>14-Aug</u>	<u>Weekly % Change</u>
380	372	2.15%	89	105	-15.24%
<u>28-Aug</u>	<u>21-Aug</u>	<u>Weekly % Change</u>	<u>28-Aug</u>	<u>21-Aug</u>	<u>Weekly % Change</u>
344	380	-9.47%	100	89	12.36%
<u>4-Sep</u>	<u>28-Aug</u>	<u>Weekly % Change</u>	<u>4-Sep</u>	<u>28-Aug</u>	<u>Weekly % Change</u>
392	344	13.95%	97	100	-3.00%
<u>11-Sep</u>	<u>4-Sep</u>	<u>Weekly % Change</u>	<u>11-Sep</u>	<u>4-Sep</u>	<u>Weekly % Change</u>
382	392	-2.55%	99	97	2.06%
<u>18-Sep</u>	<u>11-Sep</u>	<u>Weekly % Change</u>	<u>18-Sep</u>	<u>11-Sep</u>	<u>Weekly % Change</u>
408	382	6.81%	110	99	11.11%
<u>25-Sep</u>	<u>18-Sep</u>	<u>Weekly % Change</u>	<u>25-Sep</u>	<u>18-Sep</u>	<u>Weekly % Change</u>
369	408	-9.56%	97	110	-11.82%
<u>2-Oct</u>	<u>25-Sep</u>	<u>Weekly % Change</u>	<u>2-Oct</u>	<u>25-Sep</u>	<u>Weekly % Change</u>
423	369	14.63%	105	97	8.25%
<u>9-Oct</u>	<u>2-Oct</u>	<u>Weekly % Change</u>	<u>9-Oct</u>	<u>2-Oct</u>	<u>Weekly % Change</u>
471	423	11.35%	119	105	13.33%
<u>16-Oct</u>	<u>9-Oct</u>	<u>Weekly % Change</u>	<u>16-Oct</u>	<u>9-Oct</u>	<u>Weekly % Change</u>
398	471	-15.50%	98	119	-17.65%

<u>Sold</u>			<u>Cancelled</u>		
<u>24-Jul</u>	<u>17-Jul</u>	<u>Weekly % Change</u>	<u>24-Jul</u>	<u>17-Jul</u>	<u>Weekly % Change</u>
280	306	-8.50%	38	42	-9.52%
<u>31-Jul</u>	<u>24-Jul</u>	<u>Weekly % Change</u>	<u>31-Jul</u>	<u>24-Jul</u>	<u>Weekly % Change</u>
344	280	22.86%	41	62	-33.87%
<u>7-Aug</u>	<u>31-Jul</u>	<u>Weekly % Change</u>	<u>7-Aug</u>	<u>31-Jul</u>	<u>Weekly % Change</u>
316	344	-8.14%	41	51	-19.61%
<u>14-Aug</u>	<u>7-Aug</u>	<u>Weekly % Change</u>	<u>14-Aug</u>	<u>7-Aug</u>	<u>Weekly % Change</u>
268	316	-15.19%	44	70	-37.14%
<u>21-Aug</u>	<u>14-Aug</u>	<u>Weekly % Change</u>	<u>21-Aug</u>	<u>14-Aug</u>	<u>Weekly % Change</u>
302	268	12.69%	47	44	6.82%
<u>28-Aug</u>	<u>21-Aug</u>	<u>Weekly % Change</u>	<u>28-Aug</u>	<u>21-Aug</u>	<u>Weekly % Change</u>
270	302	-10.60%	36	47	-23.40%
<u>4-Sep</u>	<u>28-Aug</u>	<u>Weekly % Change</u>	<u>4-Sep</u>	<u>28-Aug</u>	<u>Weekly % Change</u>
316	270	17.04%	40	36	11.11%
<u>11-Sep</u>	<u>4-Sep</u>	<u>Weekly % Change</u>	<u>11-Sep</u>	<u>4-Sep</u>	<u>Weekly % Change</u>
225	316	-28.80%	27	40	-32.50%
<u>18-Sep</u>	<u>11-Sep</u>	<u>Weekly % Change</u>	<u>18-Sep</u>	<u>11-Sep</u>	<u>Weekly % Change</u>
276	225	22.67%	40	27	48.15%
<u>25-Sep</u>	<u>18-Sep</u>	<u>Weekly % Change</u>	<u>25-Sep</u>	<u>18-Sep</u>	<u>Weekly % Change</u>
257	276	-6.88%	41	40	2.50%
<u>2-Oct</u>	<u>25-Sep</u>	<u>Weekly % Change</u>	<u>2-Oct</u>	<u>25-Sep</u>	<u>Weekly % Change</u>
414	257	61.09%	105	41	156.10%
<u>9-Oct</u>	<u>2-Oct</u>	<u>Weekly % Change</u>	<u>9-Oct</u>	<u>2-Oct</u>	<u>Weekly % Change</u>
311	414	-24.88%	119	105	13.33%
<u>16-Oct</u>	<u>9-Oct</u>	<u>Weekly % Change</u>	<u>16-Oct</u>	<u>9-Oct</u>	<u>Weekly % Change</u>
328	311	5.47%	98	119	-17.65%

RESIDENTIAL WEEKLY STATISTICS

**Pending**

<u>24-Jul</u>	<u>17-Jul</u>	<u>Weekly % Change</u>
272	299	-9.03%
<u>31-Jul</u>	<u>24-Jul</u>	<u>Weekly % Change</u>
304	272	11.76%
<u>7-Aug</u>	<u>31-Jul</u>	<u>Weekly % Change</u>
233	304	-23.36%
<u>14-Aug</u>	<u>7-Aug</u>	<u>Weekly % Change</u>
227	233	-2.58%
<u>21-Aug</u>	<u>14-Aug</u>	<u>Weekly % Change</u>
281	227	23.79%
<u>28-Aug</u>	<u>21-Aug</u>	<u>Weekly % Change</u>
249	281	-11.39%
<u>4-Sep</u>	<u>28-Aug</u>	<u>Weekly % Change</u>
244	249	-2.01%
<u>11-Sep</u>	<u>4-Sep</u>	<u>Weekly % Change</u>
211	244	-13.52%
<u>18-Sep</u>	<u>11-Sep</u>	<u>Weekly % Change</u>
259	211	22.75%
<u>25-Sep</u>	<u>18-Sep</u>	<u>Weekly % Change</u>
301	259	16.22%
<u>2-Oct</u>	<u>25-Sep</u>	<u>Weekly % Change</u>
323	301	7.31%
<u>9-Oct</u>	<u>2-Oct</u>	<u>Weekly % Change</u>
331	323	2.48%
<u>16-Oct</u>	<u>9-Oct</u>	<u>Weekly % Change</u>
270	331	-18.43%

**Active Listings**

<u>24-Jul</u>	<u>17-Jul</u>	<u>Weekly % Change</u>
3073	3135	-1.98%
<u>31-Jul</u>	<u>24-Jul</u>	<u>Weekly % Change</u>
2966	3073	-3.48%
<u>7-Aug</u>	<u>31-Jul</u>	<u>Weekly % Change</u>
3931	2966	32.54%
<u>14-Aug</u>	<u>7-Aug</u>	<u>Weekly % Change</u>
3039	3931	-22.69%
<u>21-Aug</u>	<u>14-Aug</u>	<u>Weekly % Change</u>
3030	3039	-0.30%
<u>28-Aug</u>	<u>21-Aug</u>	<u>Weekly % Change</u>
3065	3030	1.16%
<u>4-Sep</u>	<u>28-Aug</u>	<u>Weekly % Change</u>
3090	3065	0.82%
<u>11-Sep</u>	<u>4-Sep</u>	<u>Weekly % Change</u>
3163	3090	2.36%
<u>18-Sep</u>	<u>11-Sep</u>	<u>Weekly % Change</u>
3211	3163	1.52%
<u>25-Sep</u>	<u>18-Sep</u>	<u>Weekly % Change</u>
3189	3211	-0.69%
<u>2-Oct</u>	<u>25-Sep</u>	<u>Weekly % Change</u>
3156	3189	-1.03%
<u>9-Oct</u>	<u>2-Oct</u>	<u>Weekly % Change</u>
2837	3156	-10.11%
<u>16-Oct</u>	<u>9-Oct</u>	<u>Weekly % Change</u>
3218	2837	13.43%

**Withdrawn**

<u>24-Jul</u>	<u>17-Jul</u>	<u>Weekly % Change</u>
31	14	121.43%
<u>31-Jul</u>	<u>24-Jul</u>	<u>Weekly % Change</u>
27	31	-12.90%
<u>7-Aug</u>	<u>31-Jul</u>	<u>Weekly % Change</u>
25	27	-7.41%
<u>14-Aug</u>	<u>7-Aug</u>	<u>Weekly % Change</u>
14	25	-44.00%
<u>21-Aug</u>	<u>14-Aug</u>	<u>Weekly % Change</u>
21	14	50.00%
<u>28-Aug</u>	<u>21-Aug</u>	<u>Weekly % Change</u>
18	21	-14.29%
<u>4-Sep</u>	<u>28-Aug</u>	<u>Weekly % Change</u>
22	18	22.22%
<u>11-Sep</u>	<u>4-Sep</u>	<u>Weekly % Change</u>
19	22	-13.64%
<u>18-Sep</u>	<u>11-Sep</u>	<u>Weekly % Change</u>
27	19	42.11%
<u>25-Sep</u>	<u>18-Sep</u>	<u>Weekly % Change</u>
25	27	-7.41%
<u>2-Oct</u>	<u>25-Sep</u>	<u>Weekly % Change</u>
19	25	-24.00%
<u>9-Oct</u>	<u>2-Oct</u>	<u>Weekly % Change</u>
19	19	0.00%
<u>16-Oct</u>	<u>9-Oct</u>	<u>Weekly % Change</u>
21	19	10.53%



MLSSAZ Programs, Products and Services	Start Date	Timeline	Status	Lead	Budget
<b>Goal #1 Hub of Data, Resources and connections</b>					
<b>Goal #2 Education and Training-Participants and Subscribers</b>					
Create Video and Webinar Library-(Rename-Playlist)					
Organize and define categories	8/1/2020	9/20/2020	in process, several up, organization on going, website	Amy	none
Determine links and access	9/1/2020	9/30/2020	*in process, change to current sites	Amy/Jennifer	none
Determine plan for communication to customers	9/15/2020	10/15/2020		Jennifer	none
Develop "Why they need it" series					
Determine topics for agent to use with buyer and sellers	9/15/2020	10/1/2020		BethAnn/Amy	none
Quick Start Guides					
Determine products needing quick start	6/1/2020	9/20/2020	*Top 5 products selected CCP, CS, Showing time, Stats	BethAnn	none
Develop one page guides	6/1/2020	12/31/2020	CCP-done, Showingtime-done, App video done	BethAnn	\$250 copies
Agent/Brokerage Training					
Determine various segments of Agents/brokerage and needs	9/20/2020	9/30/2020		BethAnn	none
Determine top 5 office needs (ex. Listing transfers, etc)	7/1/2020	9/1/2020	*completed. Training to implement	BethAnn	none
develop education and awareness plan	9/1/2020	10/15/2020	*in process, Training working on plan	BethAnn/Jen	none
Determine top 5 Agent needs	9/1/2020	10/15/2020		BethAnn	none
develop education and awareness plan (Tips and tricks)	9/15/2020	10/30/2020	*in process, Tutorial Tuesday's, additional options	BethAnn/Amy	none
MLS Class 1					
Evaluate delivery and plan during COVID -new agents	6/1/2020	7/1/2020	Training adjusted to zoom and video, completed	BethAnn	none
Develop refresher on-line course-all agents	10/1/2020	10/31/2020		Amy	none
<b>Goal #2 Customer Service</b>					
SUPRA Lock Box support hours					
Adjusted hours for efficiency/covid	6/1/2020	6/30/2020	complete	Amy	none
Tech Support Hours					
Adjust temp hours for Covid/Saturday hours-Future hours	5/1/2020	12/31/2020	complete	Randy	none, in place already
Determine need for expanded hours	8/1/2020	9/30/2020	initial discussion, staffing roles in process*complete	Randy	TBD
Finalize and implement expanded hours pilot program	10/1/2020	10/15/2020	* no adjustment to current hours, add staff, in process	Randy	
Review success and adjust for 2021	12/1/2020	12/15/2020		Randy	
Helpdesk/Tech Support customer service system					
Determine needs and outcome for system	7/1/2020	8/30/2020	in process, 8/20 final team review* completed	Randy	TBD, in process
Review of 5-8 other MLS's	6/1/2020	8/1/2020	*completed, zendesk is top	Christine	
Vendor review	8/1/2020	8/30/2020	in process, 8/20 final team review*completed	Randy/Christine	
Implementation	9/15/2020	10/15/2020	*in process over October	Christine	
Define service delivery needs for region					
ExComm and Board to determine overall plan	8/1/2020	12/1/2020	initial discussion started	Randy	TBD, 2021 plan
<b>Goal #5 Value of MLSSAZ Brand</b>					
<b>Goal #5 Robust Market Reports</b>					
Market Stats review (adoption rates, success, needs for training/promo	10/1/2020	10/30/2020		Randy	none



<b>Data Quality and Technology</b>						
<b>Goal #4 Application of Advanced Technology</b>						
Showing Time review (adoption rates, success, needs for training)	9/1/2020	11/30/2020			Randy/Tech Com	none
Clear Cooperation Policy and Coming Soon review (success, needs)	8/1/2020	12/31/2020	*new workgroup in place, tracking,		Andrew	none
Supra lockbox review (success, needs, training)	7/1/2020	10/31/2020	*completed, training with videos, on site		Amy	none
Active key retirement	7/1/2020	12/31/2020	in process, 530 left to convert, * 410 current		Amy	none
Clariety/CRS Product review	7/1/2020	11/1/2020	July tech review, September for Clariety*now October		Lori/Tech Com	none
<b>Goal #3 Regional integration and Quality of Data</b>						
Regional data integration success review and needs	10/1/2020	11/30/2020			Tech Com/Lori	none
Property Mgmt compliance issues and concerns	8/1/2020	10/30/2020	in process. *Workgroup completed		Andrew/Lori/Exec	none
Compliance-proactive review plan established and executed	7/1/2020	12/31/2020	on going, *Compliance educating/plan needed		Andrew/Standard	none
Profile Sheet review (if needed)	10/1/2020	12/31/2020	*Completed		Tech Com/Lori	TBD
<b>Goal #3 Data Expansion</b>						
Property Mgmt/Rental Property enhancement w/FlexMLS						
Workgroup established	8/10/2020	8/31/2020	*Completed		President/Andrew	none
Review input sheet/Flex fields	8/10/2020	9/30/2020	*Completed		Lori/Tech Com	none
Enhancement to rules and regulations	8/10/2020	11/30/2020	* in process from workgroup		Andrew/Standard	none
<b>Marketing, Communication and Outreach</b>						
Website RFP development						
Workgroup chair and members and liaison determined	7/1/2020	8/1/2020	complete		Jennifer	none
Workgroup Goals and meetings scheduled	7/1/2020	8/30/2020	* Completed		Jennifer	none
Website capabilities, audience, update plan	8/1/2020	9/30/2020	*Completed		Workgroup/Jen	none
Evaluate other Websites (top 5 )	8/1/2020	8/30/2020	*Completed		Workgroup/Jen	none
RFP completed, sent, final company selected	10/1/2020	11/15/2020	*RFP in process		Workgroup/Exec	TBD
<b>Information Delivery Methods</b>						
Texting	10/1/2020	11/30/2020	*Vendors being reviewed		Jennifer	TBD, system?
Develop guidelines of use	10/1/2020	10/30/2020			Jennifer	none
Implement plan for use	11/1/2020	11/30/2020			Jennifer	none
<b>Newsletter</b>						
Template review and frequency determination	7/1/2020	8/30/2020	complete, monthly to all, segments still to go		Jennifer	none
Audience segmentation determined (Participant, Mgr, subscriber)	9/1/2020	9/30/2020			Jennifer	none
Implementation of monthly newsletter	8/1/2020	12/31/2020	first newsletter to drop in August *September		Jennifer	none
Plan and process for each group and each item communicated	9/1/2020	9/30/2020			Jennifer	none
Different subject lines, messages for each group determined	9/1/2020	9/1/2020	*completed but will have adjustments, Bkr, mgr, agent		Jennifer	none
<b>Training Communication Plan</b>						
Determine plan for each audience to communicate Goal #2 efforts	9/1/2020	11/1/2020	* in process, staff trainer in place		Jennifer	none
<b>Organizational Development and Sustainability</b>						
<b>Goal #7 Efficient and Effective Business Model</b>						
VPN/Technology enhancements-for tech support effectiveness	7/1/2020	9/15/2020	updates complete, final phase in process*completed		Brian	\$5000/split with TAR

Server upgrades, wireless enhancements	7/1/2020	8/30/2020	updates complete	Brian	\$5000/split with TAR
IT/Data Audit and security test	9/1/2020	9/30/2020		Randy/Brian	TBD
Business Plan review and adjustments COVID	7/1/2020	8/30/2020	adjustments made, August Board review*completed	Randy	none
Organizational Staff Roles review					
Determine needs and execute additions,changes	7/1/2020	9/30/2020	Review complete, phase 1 of 3 complete*interviewing	Randy	TBD
Staff training Plan					
Cross training plan and execution of plan	9/1/2020	10/31/2020	*in process, Gateway, compliance, training	BethAnn	none
Life of an agent/brokerage series plan and implementation	9/1/2020	10/31/2020	* in process, first office complete, list developed	BethAnn	none
			* MLS contact sheet developed		
<b>Goal #7 Expansion/Growth Strategy</b>					
Analysis of pandemic impact	10/1/2020	12/31/2020		Exec/Board/Randy	none
Plan established based on review of impact	11/1/2020	12/31/2020		Exec/Board/Randy	TBD
<b>Goal #7 Leadership and Governance</b>					
Research changes if needed and complete	9/1/2020	11/30/2020		Exec/Board/Randy	none
<b>Goal #7 Resource Capacity</b>					
Review Reserve requirements and adjustments	7/1/2020	8/31/2020	August Exec meeting/Board*move to October	Randy/Exec	none
Cooperative Agreement review and adjustments	9/1/2020	9/30/2020		Randy/Exec	TBD
2021 Service Center Agreements reviewd, completed	7/1/2020	8/30/2020	SC in process, GV next 8/10/20*GV completed	Randy/Exec	TBD
2021 Budget Planning and adoption	8/1/2020	11/1/2020	*in process, first mtg set, 2nd draft complete	Randy/Exec	none
Billing Cycle Review 2020/21	8/1/2020	8/30/2020	Cycle complete, 97% renewal*completed	Randy/Exec	none
*					

\* New updates added

Sept. 2020 Professional Development		Registered 2020	Attended 2020	Attended 2019
<b>MLSSAZ training</b>	2-Brokers		13	
	12 Open ( 30 minutes )		35	
			48 People	97 People
			14 classes	12 classes
<b>MLSSAZ videos Views</b>			395	467
		Total	443	564
<b>Presented for membership</b>			28	
<b>New Member</b>	3 classes – 1 evening	86	67	1 class 56 attended
<b>CE offered</b>	5 classes 2 online, 1-evening	146	118	6 classes 181 classroom
<b>Professional Dev</b>	3	62	43	7 – 1 class
		(13%)	699	808

#### Highlights:

- 67% of all new members chose an evening or Saturday for their NMO
- Launch of evening class showed 76% of those registered attended – higher than day CE classes
- New members had a mandatory classroom attendance for ethics for 56 individuals. This contributes to the (35%) of CE attendance over 2019.
- Real difference in CE year over year with mandatory class removed is (8%) with 1 less class offered



**Tucson Association of REALTORS®  
Multiple Listing Service, Inc.  
D.B.A. Multiple Listing Service of  
Southern Arizona**

**BYLAWS**

Approved by NAR: 10/03/2019

Approved by MLSSAZ Board of Directors: **12/07/2018**

Approved by TAR Board of Directors: **12/13/2018**

Effective: **12/13/2018**

**Tucson Association of REALTORS®  
Multiple Listing Service, Inc.  
D.B.A. Multiple Listing Service of Southern Arizona  
BYLAWS**

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**Tucson Association of REALTORS®  
Multiple Listing Service, Inc.  
D.B.A. Multiple Listing Service of Southern Arizona**

**BYLAWS**

Approved by MLSSAZ BOD: ~~12/07/2018~~

Approved by TAR BOD: ~~12/13/2018~~

Effective: ~~12/13/2018~~

**ARTICLE I – NAME**

**Section 1. MLS Name.**

The name of this organization shall be the Tucson Association of REALTORS® Multiple Listing Service, Inc., Which shall be doing business as Multiple Listing Service of Southern Arizona, hereinafter referred to as the “MLS.” All the shares of stock of the MLS are solely and wholly-owned by the Tucson Association of REALTORS®, Inc., hereinafter referred to as the “Shareholder.”

**Section 2. Definitions.**

For the purposes of these bylaws, the following terms are hereby defined:

- (A) Participants:** The Participants of the MLS are real estate companies which hold a valid license in the state of Arizona and are currently paying fees to the MLS. Participants are represented by their Designated Broker.
- (B) Subscribers:** The Subscribers of the MLS are fees paying individuals who hold a valid license in the state of Arizona and are authorized by their Participants to use the services of the MLS.
- (C) Clients:** Clients are those members of the public who are represented by a Subscriber and may have access to MLS data through their agency relationship with a Subscriber and Participant.
- (D) Customers:** Customers are members of the public who do not have representation with a Subscriber and Participant (though they may have representation with another Subscriber/Participant and in that relationship also be a client).
- (E) Prospects:** Prospects are those customers who may become clients of a Subscriber.
- (F) Real Property:** Land and everything attached to it, and the rights that accompany it, which may be transferred by deed.
- (G) Listings:** Listings are offers for sale or rent of Real Property placed on the MLS.
- (H) Limited Subscribers:** Limited subscribership may be available to affiliated unlicensed administrative and clerical staff and personal assistants who are under the direct supervision of a Participant or the Participants licensed designee.
- (I) Non-Member Licensee:** Non-Member Licensees are licensees who are affiliated with a Participant and (a) are designated as Non-Members with their REALTOR® Association or (b) does not qualify or has selected to not to Subscribe to MLSSAZ. Participants are responsible for Non-Member Licensees and payment of Non-Member Licensee fees within



their company. Non-Member Licensees are not authorized to act on behalf of Participants in the listing or sale of real estate.

## ARTICLE II – PURPOSE

### Section 1. Purpose of MLS.

A Multiple Listing Service is a means by which authorized Participants make blanket unilateral offers of compensation to other Participants (acting as buyer agents, or other agency or non-agency capacities defined by law); by which cooperation among participants is enhanced, by which information is accumulated and disseminated to enable authorized participants to prepare appraisals, analyses, and other valuations of real property for bona fide prospects, clients and customers; by which participants engaging in real estate appraisal contribute to common databases; and is a facility for orderly correlation and dissemination of listing information so participants may better serve their clients and customers and the public. Entitlement to compensation is determined by the cooperating broker's performance as a procuring cause of the sale (or lease.)

## ARTICLE III – SERVICE AREA

### Section 1. Service Area of MLS.

The area within which the MLS functions ~~shall at all times be Cochise, Graham, Greenlee, Pima, Pinal, and Santa Cruz Counties with~~in the state of Arizona.

**Commented [CS1]:** Area serviced is greater than what is listed. Inclusive of the state of AZ.

## ARTICLE IV – PARTICIPATION

### Section 1. Participation Defined.

Any REALTOR® of this or any other association who is a principal, partner, corporate officer, or branch manager acting on behalf of a principal, without further qualification, except as otherwise stipulated in these bylaws, shall be eligible to participate in the MLS upon agreeing in writing to conform to the rules and regulations thereof and to pay the costs incidental thereto. Any applicant for MLS participation and any licensee (including licensed or certified appraisers) affiliated with an MLS participant who has access to and use of MLS-generated information shall complete an orientation program, approved by the Board of Directors, of no more than eight (8) classroom hours that shall include the MLS bylaws, Rules and Regulations, Policy Statements and MLS structure within ninety (90) days after access has been provided. However, under no circumstances is any individual or firm, regardless of membership status, entitled to multiple listing membership or participation unless they hold a current, valid Arizona real estate broker's license and offer and/or accept compensation to and from other participants or are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property. Use of information developed by or published by an association multiple listing service is strictly limited to the activities authorized under a participant's licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey participation or membership or any right of access to information developed by or published by an association multiple listing service where access to such information is prohibited by law. The REALTOR® principal of any firm, partnership,

corporation, or the branch office manager designated by said firm, partnership, or corporation as the participant shall have all rights, benefits, and privileges of the service, and shall accept all obligations to the service for the participant's firm, partnership, or corporation, and for compliance with these Bylaws and Rules and Regulations for the MLS by all persons affiliated with the participant who utilize the MLS.

Mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm offers and/or accepts cooperation and compensation means that the participant actively endeavors during the operation of its real estate business to list real property of the type listed on the MLS and/or to accept offers of cooperation and compensation made by listing brokers or agents in the MLS. "Actively" means on a continual and ongoing basis during the operation of the participant's real estate business. The "actively" requirement is not intended to preclude MLS participation by participant or potential participant that operates a real estate business on a part-time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the requirement is not intended to deny MLS participation to a Participant or potential participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit the MLS to deny participation based on the level of service provided by the participant or potential participant as long as the level of service satisfies national, state and local law.

The key is that the participant or potential participant actively endeavors to make and/or accept offers of cooperation and compensation with respect to properties of the types that are listed on the MLS in which participation is sought. This requirement does not permit the MLS to deny participation to a participant or potential participant that operates a "Virtual Office Website" (VOW) (including a VOW that the participant uses to refer customers and/or prospects to other participants) if the participant or potential participant actively endeavors to make and/or accept offers of cooperation and compensation. The MLS may evaluate whether a participant or potential participant endeavors during the operation of its real estate business to offer and/or accept cooperation and compensation only if the MLS has a reasonable basis to believe that the participant or potential participant is in fact not doing so. The membership requirement shall be applied in a nondiscriminatory manner to all participants and potential participants.

#### **Section 2 - Privileges and Obligations.**

Participants shall have full rights, benefits, and privileges of the MLS. Participants in the MLS agree to abide by these Bylaws and the Rules and Regulations and written Policies of the MLS and to pay all required Service fees.

Participants shall be responsible to the MLS for compliance with the Bylaws, Rules and Regulations and written Policies of the MLS by all real estate licensees and licensed or certified appraisers who are employed by, or affiliated as independent contractors, or are otherwise directly or indirectly licensed with such Participant's firm, partnership or corporation and who utilize the MLS.

All REALTOR® Participants and Subscribers shall agree to abide by the Code of Ethics of the National Association of REALTORS®, as from time to time amended.

**Section 3. Application for Participation.**

Application for participation shall be made in such manner and form as may be prescribed by the Board of Directors of the MLS and made available to any REALTOR® principal of this or any other association requesting it. The application form shall contain a signed statement agreeing to abide by these and any other applicable rules and regulations of the MLS as from time to time amended or adopted.

**Section 4. Discontinuance of Service.**

Participants of the MLS may discontinue the MLS by giving thirty (30) days written notice and must reapply to the MLS after 12 months by making formal application in the manner prescribed for new applicants for participation provided all past dues and fees are fully paid. Participants may reapply to the MLS within 12 months by making formal application for participation provided all past fees are fully paid.

**Section 5. Subscribers.**

Subscribers (or users) of the MLS include non-principal brokers, sales associates, and licensed and certified appraisers affiliated with participants.

**ARTICLE V – FEES**

**Section 1. Application Fee.**

The Board of Directors shall establish the amount of the application fee for participants and subscribers. The payment of the application fee shall accompany the application.

**Section 2. Annual Fees.**

The fees for participation in the MLS shall be as determined, and as amended from time to time by the Board of Directors of the MLS.

**Section 3. Fees Payable.**

In the event a Subscriber is dropped for nonpayment of MLS fees, and the individual remains with the participant’s firm, the fees obligation will become the responsibility of the participant.

**Section 4. Nonpayment of Financial Obligation.**

Any Participant or Subscriber failing to pay any fees, assessments, or other financial obligations owed to the MLS within thirty (30) days of first notice shall become past due. When the account becomes thirty (30) days past due, the account shall automatically be suspended and all services shall cease. When the account of a Subscriber is sixty (60) days past due, the Subscriber shall become a Non-Member licensee and all future financial obligations will become the responsibility of the Participant until all fees have been paid in full.

When the account of the Participant becomes sixty (60) days past due, the Participation of the delinquent Participant shall automatically terminate unless within that time the full amount due and owing is paid.

The MLS may, at its discretion, charge the legal rate of interest on past dues fees and assessments and other participant/subscriber obligations due the MLS. A participant/subscriber terminated for nonpayment of a financial obligation due the MLS may

apply for reinstatement in the manner prescribed for new Applicants for Participation in Article IV, Section 3 of these Bylaws provided the full amount of the past due account plus the application fee and any other amounts which are required pursuant to Article V are paid at the time of the submission of the application for Participation. If an existing participant/subscriber initiates bankruptcy proceedings, the MLS shall require that the participant/subscriber thereafter be placed on a "cash basis" from the date that bankruptcy is initiated until one (1) year from the date that the participant/subscriber has been discharged from bankruptcy. It shall be the obligation of the participant/subscriber to timely provide evidence of the discharge of bankruptcy to the appropriate MLS staff on or after the first anniversary date of the discharge of the participant/subscriber or the participant/subscriber shall remain on a "cash basis" until such proof is provided.

## ARTICLE VI – DIRECTORS

### Section 1. Governance of the MLS.

The Governance of the MLS shall be vested in a Board of Directors. All Directors must be fee-paying Subscribers in good standing. The membership of the Board of Directors shall consist of 10 Directors and the Association Directors who shall be selected as follows:

- (A) Market Share Report: Each January, no later than January 15, the CEO shall create a Market Share Report. This report shall rank all Participants according to the largest number of year-to-date Closed Sales of all for sale property types, including both listing and selling sides for the previous year for all Participants, according to the procedures outlined in Policy Statement 29. Listings entered for Comparable Purposes Only will not be included in the Market Share Report. The Market Share Report shall be made available to all Participants no later than January 16th of each year.
- (B) Each of the elected seats on the Board shall be voted on by the Participants. All Participants in good standing shall be eligible to vote in the election. Each elected seat shall be held by a Subscriber representing a Participant with a specific 10% of the market share.
- (C) The market share report shall be divided into ten groups, one group for each 10% of market share. Groups shall be organized and Participants divided among the groups from the top down.
  1. If a Participant has done all of the business in the first group (from 90% to 100%), that Participant shall appoint a Subscriber for that seat who shall be elected by acclamation. That ten percent shall be retired, and the Participants shall then be re-ranked for the next group. This rule shall be followed until a group consists of no Participant with 10% or more of the market share. Any remaining percentages belonging to Participants who have a seat through the above rule, shall remain theirs and they shall be a part of the first group containing Participants with less than 10% of market share.
  2. If a Participant's market share is less than 10% and its share is split between two groups, the Participant shall fall into the group which represents the majority of their market share. If the percentage is evenly split, then the Participant will be considered in the higher group.

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3. If the next group of Participants consists only of one or more Participants without a seat on the Board, then each of those Participants may participate in the election for that seat. If there is only one Participant in that group without a seat and that Participant's percentage is higher than all seated Participants, they shall be elected by acclamation. Any Participant who already has a seat on the Board must have a remaining percentage of business higher than any other non-seated Participant in that group to be eligible for participation in the election for that seat. If all Participants in that group already have a seat then each Participant in the group may participate for that seat's election. An election shall be held between the Participants and their appointed Subscriber for that seat. The process shall be repeated until all ten groups have had a chance to participate in an election for the seats representing each group on the Board.
  4. If any group of Participants fails to participate in the election for a seat on the Board, the Participants for the next higher and/or next lower seat, as determined by the MLS President, shall be considered for that seat in the election. Participants and their appointed Subscriber for the Board shall be introduced to the Participants as determined by the Board of Directors. If there is only one Subscriber appointed by a Participant group for a seat on the Board, that Subscriber shall be elected by acclamation. When more than one has been fielded for a seat, an election for that seat shall be held among the Participants at the time fees are paid for the MLS. Participants may field only one Subscriber for each group in which they are eligible, and that Subscriber must be an active, fee-paying member of that brokerage.
  5. If any Participant who has a seat on the board becomes eligible to participate in an election for a different seat than the one they currently represent, the Participant may complete their current term or place their existing seat up for election in the following year and participate in the election for the seat reflected by the Market Share Report.
- (D)** In addition, each October, each participating association shall designate one member of the ~~association board~~ executive committee, excluding the president, to serve as an Association Director of the MLS Board and liaison to the association board during the next calendar year.
- (E)** Each ~~November~~ October, the MLS President shall designate one (1) Director, who shall be the incoming MLS President-Elect, to serve as a Shareholder Director and Liaison to the Shareholder Board. If the incoming MLS President-Elect is unable or unwilling to serve as a Shareholder Director, the current MLS President shall designate another MLS Director, to serve as the Liaison and Shareholder Director during the next calendar year.
- (F)** In the event a Director's Participant's market share shifts two or more groups from the previous year in the following year's Market Share Report, or if the Participant is no longer a fee paying member, or if that Participant is no longer a Subscriber of the MLS, or if that Director has changed affiliation to a new Participant, the Director must resign his/her Directorship immediately. Vacancies will be addressed as outlined in ARTICLE VI, Section 10 Vacancy of an Officer or Director. No MLS Director may contemporaneously serve as a Director of an association board with the exception of the liaisons to the association boards as defined in D and E. ~~The associations shall not appoint any subscriber that would~~

**Commented [CS2]:** Added a member of the Executive Committee excluding the president – someone who is involved and can report back to their board.

**Commented [CS3]:** Officers are not elected until December 15 (Article VIII Section 7)

result in any Participant having more than one director over the number established in the Market Share Report.

**Commented [CS4]:** Discuss with BOD – remove or adhere

**Section 2. Duties of the Board of Directors.**

The Board of Directors shall be charged with the responsibility of management of the MLS’s business, including the adoption of necessary Rules and Regulations and written policies and the levy of fines and the enforcement thereof. Except as otherwise provided in these Bylaws and the Rules and Regulations and written policies, the action of the Board of Directors shall be final.

**Section 3. Term of Office.**

Directors shall serve for a term of three (3) years, except in the case where a Director has been elected to serve as incoming President-Elect. In this case their term shall be extended to cover the year of their Presidency. No Director shall hold a MLS Director seat for more than 8 consecutive years. Directors who have reached the maximum years served will be eligible to serve after a one-year absence. A Director may not begin a new term if they will be unable to complete a full term before they reach their maximum years served.

No Association Director shall serve for more than six (6) consecutive years.

Incoming **elected** Directors shall attend ~~at least four~~ Board meetings prior to the start of their term to understand ongoing issues ~~and will be eligible to vote for Officers.~~

**Commented [CS5]:** If associations appoint their directors in October, they are not able to fulfill this requirement  
-Propose we remove “at least four” or add “elected”

Officers are elected by Dec 15 – incoming directors do not take office until Jan 1.

**Section 4. Regular Meetings of Directors.**

A quorum for the transaction of business shall require one-half of the number of Directors fixed by ARTICLE VI, Section 1 of these Bylaws. At all meetings of the Board of Directors of the MLS, each Director present shall be entitled to one (1) vote.

**Section 5. Annual Budget.**

The Board of Directors shall, prior to end of each fiscal year, prepare a budget reflecting projected costs and expenses of the MLS for the next fiscal year, indicating projected income from all sources. **The budget shall be submitted to the Shareholder for approval not less than sixty (60) days prior to the first day of the next fiscal year.** The Shareholder and MLS Finance Committees shall jointly meet at least once prior to the budget being submitted to the Shareholder for approval.

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**Section 6. Deposit of Funds.**

The Board of Directors shall establish approved repositories for the deposit of all funds incoming to the MLS. All these funds shall be deposited to federally insured financial accounts. All monies received by the MLS from any source and for any purpose shall be expeditiously deposited to the appropriate financial account of the MLS.

**Section 7. Expenditures.**

**The Board of Directors shall not incur any obligation in excess of \$15,000 per non-budgeted item per annum without authorization by a two-thirds (2/3) vote of the entire Board of Directors.** Funds designated as reserves may be expended for the applicable purpose for which the reserve was established.

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**Section 8. Audit.**

An annual audit of the accounting books and records of the MLS shall be performed by a Certified Public Accountant.

**Section 9. Removal of Officers and Directors.**

An Officer or Director may be removed from office for cause by a majority vote of the Directors of the Shareholder.

**Section 10. Vacancy of an Officer or Director.**

If a vacancy should occur in the office of President, the President-Elect shall succeed to the Presidency as stipulated in Section 3 of Article VIII. All other vacancies occurring among the MLS Officers and Directors shall be filled from the source from which they came. Vacancies shall be filled by an alternate member of the same Participant's brokerage, unless the Participant is unwilling or unable to do so. If a Participant's seat becomes vacant more than once during a term, the Executive Committee may, by majority vote, force a forfeiture of that seat. In the case where a Participant is unable or unwilling to appoint an alternate Subscriber, the next highest vote-getter from that group from the previous election who meets the qualifications will be offered the position. In the event there is no one to serve from the elected positions, the Board of Directors shall appoint a replacement Participant from that group with a majority vote. In the event there is no qualifying Participant in that group, the Board of Directors shall appoint a replacement Participant with a majority vote. That Participant may appoint a Subscriber to fill the vacant seat. Participants currently represented on the Board of Directors are not eligible to fill a vacancy by Board vote. Vacancies must be filled by the next Board meeting.

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**ARTICLE VII – DIRECTOR CONFLICT OF INTEREST**

**Section 1. Director Conflict of Interest.**

A Director shall be deemed to have a conflict of interest when the Director, acting on behalf of the MLS, is or appears unable to exercise fair and impartial judgment in the best interests of the MLS due to a substantial conflict with the Director's personal or business interests. A Director's conflicting interest is governed by Arizona Revised Statutes §10-3860 *et. seq.*

**Section 2. Real Estate Business.**

The fact that a Director, while making decisions on behalf of the MLS, is also directly or indirectly involved in the real estate business does not in and of itself create a conflict of interest. To constitute a conflict of interest, there must be a substantial actual or perceived inappropriate use or attempted use of the Director's position with the MLS for the Director's personal interest or gain contrary to the best interests of the MLS.

**Section 3. Disclosure.**

As soon as practical following discovery of an actual or perceived conflict of interest, the Director shall disclose the nature and extent of the actual, perceived or potential conflict of interest to the Board of Directors. At the sole discretion of the Board of Directors, upon request of any member of the Board of Directors, the Board of Directors may take a non-

binding, non-controlling vote as to whether in the opinion of the Board of Directors a conflict of interest exists in a particular circumstance.

**Section 4. Voting.**

A Director shall not be present at nor participate directly or indirectly in the Board of Directors' deliberations or vote concerning the matter giving rise to the conflict of interest.

**Section 5. Violation of Conflict of Interest.**

If a Director knowingly makes decisions or participates in discussions about and/or votes upon any matter where an actual or perceived conflict of interest exists, then such Director shall be deemed to be in violation of Membership duties and shall be referred to the Arizona Association of REALTORS® Professional Standards Committee for review in conformity with the appropriate procedures for dealing with such complaints.

**ARTICLE VIII – OFFICERS**

**Section 1. Category and Duties**

- (A) Elected Officers.** The elected Officers of the MLS shall be: President-Elect, Vice President, and Treasurer. Each Elected Officer shall serve in such position for a term of one (1) year. To be eligible for the position of President or President-Elect, a Subscriber shall have served one (1) year as an MLS Director.
- (B) Staff Officers.** The Chief Executive Officer is currently the only Staff Officer. The Chief Executive Officer shall report to the President subject to the direction of the Board of Directors concerning the management of the day-to-day operations of the MLS. The Board of Directors in its sole discretion may appoint various vice presidents as needed who will become Staff Officer. The Chief Executive Officer is entitled to serve on the Board of Directors and on the Executive Committee as a non-voting member.
- (C) Officer Duties.** All Officers of the MLS, appointed or elected, shall fulfill their specific job responsibilities specified in these Bylaws, as directed from time to time by the Board of Directors, and as necessarily implied by the office itself. Officers shall act at all times in good faith, with the care that a reasonably prudent person in a like position would exercise under similar circumstances and in a manner the Officer reasonably believes to be in the best interests of the MLS. Failure to fulfill these duties may be grounds for removal from Office. All Elected Officers shall be members of the Executive Committee and of the Board of Directors. All Officers shall make a good faith effort to participate in as many MLS functions as possible.

**Section 2. President – Duties.**

The President shall be the chairperson of all MLS meetings including, but not limited to, Board of Director meetings, Executive Committee meetings, and other special MLS membership meetings with the exception of Standing Committee Meetings. The President shall act as the official representative of and spokesperson for the MLS in all matters, public or otherwise, unless instructed to the contrary by the Board of Directors. The President shall regularly report to the Board of Directors on all matters relevant and significant to the operation of the MLS.



### Section 3. President-Elect – Duties

The President-Elect shall succeed to the Presidency at the expiration of the current President's term. The President-Elect shall assume the responsibilities of and act as the President of MLS in the President's absence. The President-Elect shall perform such other duties as are requested by the President or the Board of Directors. In the event the President is no longer willing or is unable to serve as President for any reason, the President-Elect shall automatically ~~success-succeed~~ to the office of President to complete the unexpired term of the current President and shall then serve as President for an additional term.

### Section 4. Vice President - Duties

Vice President. In the absence of the President and the President-Elect, the Vice President shall act as the President of the MLS. The Vice President shall perform other such duties as requested by the President or the Board of Directors.

### Section 5. Treasurer - Duties.

The Treasurer in addition to responding to relevant requests pertaining to financial matters from the Board of Directors, shall be responsible for the following: 1) presenting a comprehensive financial report at each regular meeting of the Board of Directors; 2) reviewing and monitoring the MLS's accounts receivable, accounts payable, and dues status of MLS Members; 3) reporting to and acting as liaison between the Chief Executive Officer and the Board of Directors to ensure all parties are informed on important financial issues relevant to the management of the MLS; 4) reviewing the current dues status and the billing of all Subscribers, Participants and Assistants; and 5) reporting all relevant and significant findings regularly to the Board of Directors. The Treasurer shall coordinate with the Staff Officer in charge of Finance and shall be entitled to have said Staff Officer assist in providing information, records and reports to assist the Treasurer in accomplishing the above duties all without creating interference in the performance of the Staff Officer's regular duties. Additionally, the Treasurer shall meet with the Shareholder's Treasurer semi-annually to review, coordinate and communicate any pertinent financial issues between Boards.

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### Section 6. Conflict of Interest – Officers.

Officers shall refrain from making any decision on behalf of the MLS when a conflict of interest exists. A conflict of interest exists when an Officer is or appears unable to exercise fair and impartial judgment in the best interests of the MLS due to a substantial conflict with the Officer's personal or business interests. To constitute a violation, there must be a substantial actual or perceived inappropriate use or attempted use of the Officer's position for the Officer's personal interest or gain contrary to the best interests of the MLS. A violation shall be deemed to be in violation of the Officer's Membership duties and shall be referred to the Arizona Association of REALTORS® Professional Standards Committee for review in conformity with the appropriate procedures for dealing with such complaints.

### Section 7. Officer Elections.

The individuals serving on the Board of Directors shall elect, no later than ~~NovemberDecember~~ 15-30 a, President-elect, Vice President, Treasurer and any other officers

Commented [CS6]: Coincides with TAR, AAR and NAR elective years

deemed necessary. At no time shall an association appointed Director serve as an officer of the MLS.

## ARTICLE IX – EXECUTIVE COMMITTEE

### Section 1. Composition of Executive Committee.

The Executive Committee shall be comprised of the MLS Elected Officers and as a non-voting member, the Chief Executive Officer. The current President shall allow, at their discretion, the Immediate Past President as a non-voting member of this committee.

Commented [CS7]: Important for historical purposes

### Section 2. Responsibilities of Executive Committee.

The Executive Committee shall have the following rights and responsibilities: 1) conduct, when necessary, MLS business on an emergency basis 2) transact any matters delegated to it by the Board of Directors; 3) implement responsibilities designated in the Authority Matrix.

### Section 3. Meeting Schedule of Executive Committee.

The Executive Committee shall meet in advance of each regularly scheduled meeting of the Board of Directors at a time and place as determined by the President.

### Section 4. Quorum of Executive Committee.

A quorum of the Executive Committee shall be a majority of the members of the Executive Committee. If a quorum fails to appear for a regularly scheduled meeting, then those members appearing shall schedule a new meeting date of the Executive Committee to be conducted, if feasible, prior to the next regularly scheduled meeting of the Board of Directors.

## ARTICLE X – MEETINGS

### Section 1. Meetings of the Participants.

(A) **Annual Meeting.** The annual meeting of the Participants shall be held at least once per year at a time and place to be determined by the Board of Directors, but no later than June 30.

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(B) **Other Meetings.** Meetings of the Participants may be held at any time as the President of the Board of Directors may determine, or upon written request of at least 5% of the Participants eligible to vote. A quorum for the transaction of business shall consist of those Participants present and eligible to vote.

### Section 2. Regular Meetings of Directors.

(A) The Board of Directors shall designate a regular time and place for its meetings. A quorum for the transaction of business shall be a majority of the number of Directors (not including any current vacancies). A quorum must be present for any vote to be taken by the Board of Directors. Telephonic or other electronic attendance is permitted for attendance provided there is proper technology present so that all parties, including the person(s) not physically present, may hear the discussions of one another and can participate in the discussion. No proxy voting is permitted.

(B) **Attendance At Board Meetings.**

~~Directors of the MLS Board are expected to attend all Meetings of the MLS Board of Directors. The failure of a Director to attend two consecutive Board meetings or a total of three scheduled MLS Board meetings within a calendar year shall, absent a showing of a health condition, jury duty, or catastrophic event, be deemed to be an automatic resignation from the Board of Directors. In such event, the Board of Directors shall review the circumstances and by majority vote determine whether there was an adequate showing of such circumstances to merit the Director remaining on the Board of Directors. The Chief Executive Officer shall be responsible for maintaining the official record of attendance which shall be distributed on the meeting report to the MLS Board of Directors. Members of the Board of Directors are expected to attend all Board of Directors' meetings. The Chief Executive Officer shall be responsible for maintaining the official record of attendance which shall be distributed at least quarterly to all Board Members. The failure of an individual Director Member to attend two consecutive Board meetings or a total of three scheduled Board of Directors' meetings within a calendar year shall be deemed to be an automatic resignation from the Board of Directors. Notification of the automatic resignation shall be made in writing to the Director Member by the President of the MLS Board prior to the next Executive Board meeting.~~

### Section 3. Special Director Meetings.

Special Meetings of the Board of Directors may be called from time to time by the President or by a quorum of the Board of Directors. Written notice stating the day, place, and hour of the meeting and the purpose(s) for which the meeting is called, shall be delivered to all Directors not less than fourteen (14) days prior to said meeting.

### Section 4. Emergency Director Meetings.

In the event of an emergency as determined by the President or the Chief Executive Officer, there shall be a minimum of twenty-four (24) hours-notice of an emergency meeting given to the Board of Directors. Such notice need not be in writing. A quorum for an emergency meeting shall be one-half of the Board of Directors as set by Article VI, Section 1 and Section 4 of these Bylaws. Telephonic or other electronic attendance is permitted for attendance at an emergency meeting provided there is proper technology present so that all parties, including the person(s) not physically present, may hear the discussions of one another and can participate in the discussion. No proxy voting is permitted.

### Section 5. Open Meetings.

All meetings are open to fee-paying Participants or Subscribers in good standing unless an Executive Session is called.

### Section 6: Virtual Meetings.

Executive Committee Meeting, of Directors Meeting and/or Committee Meeting attendance via Remote Access shall meet these criteria:

- (A) Ability to log in virtually via laptop, desktop, phone or tablet.
- (B) Webcam or external camera and microphone (mics are built into webcams).
- (C) Internet Connection – a hard-wire connection is preferable, (a wired connection is optimal).

**Commented [CS8]:** Does this need to be changed?  
Legal Counsels Interpretation:

This is definitely not the best wording. But I think the concept is - without any excuses, you are automatically resigning. If you have excuses, the Board will review them and vote. Here's what I would do -

1. If you have someone who has missed 3 meetings in a calendar year, or 2 consecutive meetings without excuses - then I think they are deemed to have automatically resigned. I think Randy should contact that person and tell them under the Bylaws, they are deemed to have resigned. Does the excuse have to be related to health, catastrophic event or jury duty or can it be any excuse? That's a loaded question. But -yes - I think so. I believe the goal or intent of this provision is to limit people's excuses to things that are serious.

I would also look at what this provision does not say. This provision does not say "including without limitation, a health condition, jury duty or a catastrophic event." If you had language that can be interpreted to show that these excuses are just "examples" of the types of excuses that would be accepted, then I think you have more leeway to look at other types of excuses. But, you don't have that with the language in your bylaws.

The other issue you have to remember is that once you open the interpretation of this provision to include excuses other than the ones set forth above, you will need to continue opening this interpretation for future directors.

2. If this person has an excuse related to health, catastrophic event, or jury duty (or if they give one to Randy on the phone), then the Board needs to review whether the excuses are legit and whether the person is able to continue as a board member. The Board needs to vote, and the decision of a majority of the Board will control.

Language is also under Article XI Section E

Susan & Cheryl will review language

Eliminates the board from deciding

**Commented [CS9]:** Language from ADRE

**Commented [CS10]:** Lisa and Cathy working on language

(D) You MUST be stationary and sitting at a desk/table like you would be when you are in attendance at a board meeting.

If Executive Session is called:

(A) Must have the ability to affirm that you are alone and or headset are utilized. Also no one can visualize the information presented.

## ARTICLE XI – COMMITTEES

### Section 1. Organization.

#### (A) Creation.

The President, with approval of the Board of Directors, shall create and appoint standing or ad hoc Committees as necessary. Each Committee shall consist of not less than three (3) Subscribers.

#### (B) Duties.

All Committees shall have such duties, functions and powers as assigned by the President and approved by the Board of Directors.

#### (C) Statement of Purpose.

All Committees, Task Forces and Presidential Advisory Groups (PAG) formed by the President or the Board of Directors, other than the standing committees, shall be provided a written statement as to the general purpose of the group and its goals. The President shall also designate any relevant time critical to achieving the purpose and goals of the Committee, Task Force or PAG.

#### (D) Orientation.

All new committee members shall be given an orientation packet (prepared by staff under the direction of the Chair), consisting of at least a copy of the previous years' committee meeting reports and a synopsis of any ongoing projects and a written statement of the Committee's purpose and its goals.

#### (E) Attendance.

Committee members are expected to attend all committee meetings to which they are appointed. The failure of a committee member to attend two (2) consecutive committee meetings or a total of three (3) scheduled committee meetings within a calendar year shall, absent a showing of a health condition, jury duty, or catastrophic event, be deemed to be an automatic resignation from the committee.

#### (F) Chair Appointment.

The Chairperson shall be appointed by the President subject to the confirmation by the Board of Directors for a one (1) year term. No Chairperson shall serve more than two (2) consecutive terms. The President shall appoint a Chairperson to each standing committee.

#### (G) Vice Chair Appointment.

The Vice Chair shall be appointed by the Committee Chairperson and shall fulfill the duties of the Chair in any and all circumstances where the Chair cannot perform these functions, through the Chairperson's term.

#### (H) Committee Members.

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Members shall be appointed or reconfirmed by the Chair of that committee, and ratified by the Board of Directors. All committees' composition shall reflect the composition of the MLS Subscribers to the extent possible.

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**(i) President Ex-Officio Member.**

The President shall be an ex-officio member of all committees and shall be notified of their meetings.

**(j) Committee Terms.**

Terms shall coincide with the elective year. Members of the ~~Technology and Standards~~ Committees shall serve not more than three (3) consecutive terms.

Commented [CS11]: Should the Regional Advisory Council and Finance Committee be included or Tech & Standards removed?  
Should this be a blanket statement for all Standing Committees?  
Changed to be all inclusive of all committees.

**Section 2. Presidential Advisory Groups and Task Forces.**

**(A)** At the President's discretion, one or more persons may be appointed as a Presidential Advisory Group ("PAG") to investigate a matter and report to the President without the approval of the Board of Directors. The report to the President may be confidential at the discretion of the President.

**(B)** A Task Force is a group of members selected by the President, and approved by the Board of Directors, for the purpose of accomplishing a specific and limited task, all subject to the approval of the Board of Directors. The report of the Task Force shall be presented to the Board of Directors.

**Section 3. Standing Committees and Regional Advisory Council.**

**(A)** Each Committee Chair shall appoint or reconfirm members to the following standing committees, subject to the confirmation by the Board of Directors: Technology Committee, Standards Committee, and Finance Committee.

**(B)** Regional Advisory Council. The purpose of the Regional Advisory Council is to discuss issues and concerns affecting the MLSSAZ service areas for consideration. The council will be composed of at least two (2) and not more than four (4) representatives from each of the associations participating in MLSSAZ. Each association will appoint their representatives and provide notice to MLSSAZ by November 30. The agendas will be provided to the attendees at least one week prior to the meeting.

Commented [CS12]: Will be sent to the BOD for discussion – purpose of the RAC was to discuss regionalization. RAC is not necessary as they are represented at the BOD level.

Commented [CS13]: Remove

**ARTICLE XII– FISCAL AND ELECTIVE YEAR**

**Section 1. Fiscal Year.**

The fiscal year of the MLS shall be the calendar year of January 1 through December 31.

**Section 2. Elective Year.**

The elective year for Officers and Directors of the MLS shall be the calendar year of December 1~~January 1~~ through November 30~~December 31~~.

**Section 3. Days.**

When used in these Bylaws "days" shall mean calendar days unless otherwise specified.

## **ARTICLE XIII- RULES OF ORDER & NOTIFICATION**

### **Section 1. Rules of Order.**

*Robert's Rules of Order*, latest edition, shall be recognized as the authority governing the meeting procedures of the MLS, its Board of Directors, and committees in all instances wherein its provisions do not conflict with these Bylaws.

### **Section 2. Notification.**

Unless otherwise specified herein, any notification requirement or "written notice" required by these Bylaws may be interpreted as printed information in or by: 1) the official MLS publication; 2) electronic mail; 3) facsimile; 4) bulk mail; 5) any major national carrier such as Federal Express or United Parcel Service; or 6) regular, registered or certified United States mail.

## **ARTICLE XIV- AMENDMENTS**

### **Section 1. Vote.**

Amendments to these Bylaws shall be by recommendation of the MLS Board of Directors or the Participants of the MLS, at a meeting in accordance with the provisions of ARTICLE VI and subject to final approval by the Board of Directors of the Shareholder. Said amendments shall be effective immediately or as stated in the amending resolution.

### **Section 2. Approval by NAR.**

Amendments to these Bylaws that are mandatory changes required by the National Association of REALTORS® shall be incorporated herein, with approval of the Board of Directors of MLS and the Shareholder with any variances to those mandatory changes be approved by the National Association of REALTORS®.

### **Section 3. Changes to Rules and Regulations**

Amendments to the Rules and Regulations of the MLS shall be by consideration and approval of the Board of Directors of the MLS in accordance with the provisions of ARTICLE VI, Section 2, concerning Meetings of the Board of Directors. Said amendments shall be effective immediately or as stated in the amending resolution.

### **Section 4. Amendments to Policy Statements.**

Amendments to the Policy Statements of the MLS shall be by consideration and approval of the Board of Directors of the MLS, in accordance with provisions of ARTICLE VI, Section 2, concerning Meetings of the Board of Directors. Said amendments shall be effective immediately or as stated in the amending resolution.

## **ARTICLE XV- DISSOLUTION**

In the event this MLS shall at any time terminate its activities, the Board of Directors of the MLS shall adopt a plan of liquidation and dissolution with the approval of the Board of Directors of the Shareholder. Said plan shall provide for the collection of assets, the payment

of liabilities, and any remaining assets shall be assigned to the parent corporation, namely the Shareholder.

#### ARTICLE XVI– INDEMNIFICATION

##### Section 1. Indemnification and Hold Harmless.

- (A) Terms of Indemnification.** The MLS shall indemnify any person who incurs expenses or losses by reason of the fact he or she is or was an Officer, Director, volunteer, employee, or agent of the MLS, acting on behalf of the MLS at the time of the alleged act in question (“Indemnitee”). This shall apply in all circumstances and be construed together with those circumstances where indemnity is permissible pursuant to Arizona Revised Statutes §10-3851 through §10-3858 and any subsequent amendments or additions thereto.
- (B) Extent of Indemnification.** The MLS shall indemnify and hold harmless all Indemnitees against all expenses and loss incurred by them and each of them including, but not limited to, legal fees, judgments, penalties and amounts paid in settlement or compromise, which may arise or be incurred, rendered, or levied in any legal action brought or threatened against any of them for or on account of any action or omission alleged to have been committed while acting within the scope of employment as an Officer, Director, volunteer, employee, Committee, Task Force or PAG member, or agent of the MLS at the time of the alleged act in question, whether or not any action is or has been filed against them and whether or not any settlement or compromise is approved by a court or administrative body.
- (C) Consideration By Board of Directors.** Whenever an Indemnitee shall advise the President or Chief Executive Officer of the MLS that he or she has incurred or may incur any such expense or loss, the Board of Directors shall consider the issue at its next regular meeting or at a special meeting held within a reasonable time thereafter.
- (D) Entitlement to Indemnification.** The Indemnitee shall be indemnified against all expenses and loss if the Board of Directors at such meeting determines in good faith that with regard to the matter involved in the action or contemplated action, the Indemnitee acted reasonably and believed his actions or failure to act was done in the best interest of the MLS, and in the case of a criminal action or proceedings, the Board of Directors has no reasonable cause to believe the conduct was unlawful at the time.
- (E) Notice to MLS.** As a condition of indemnification, the Indemnitee shall notify the MLS of any claim or potential claim within thirty (30) days after first becoming aware of the same, and shall permit the MLS, at its sole expense and through counsel of its choice, to represent and defend the Indemnitee in connection with such claim. Indemnitee shall fully cooperate with the MLS and its counsel in said defense.
- (F) Refusal of Indemnification.** The MLS shall have the right to refuse indemnification in any instance in which the Indemnitee shall have failed to timely notify the MLS of the claim or shall have refused to cooperate with the MLS in the defense of the matter or refused to permit the MLS, at its own choosing, to defend him or her in the action.
- (G) Reservation of Rights.** The MLS may, at its option and in its sole discretion, elect to provisionally retain counsel and investigate such claims or potential claims and/or defend the same reserving its right to refuse indemnification and withdraw such defense at any

time, in the event it is later determined that the Indemnitee is not entitled to indemnification under the terms of this Article XIII of these Bylaws. If the MLS elects to proceed under such a conditional basis, it shall notify the person in writing of its intent to proceed under a reservation of rights.

**ARTICLE XVII- EFFECTIVE DATE**

These Bylaws of the MLS shall become effective ~~12/13/2018~~.





**MULTIPLE LISTING SERVICE OF  
SOUTHERN ARIZONA**

## **POLICY STATEMENTS**

**REVISED: ~~FEBRUARY 21, 2020~~**  
**APPROVED: ~~FEBRUARY 21, 2020~~**

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### **Operational Philosophy**

MLSSAZ is a volunteer driven organization. As such, it relies on the volunteers to determine the strategic direction and collect guidance from the Subscriber base in the form of committees, task forces, and advisory groups to provide quality service.

The term "committee" as used in these Policy Statements shall be deemed to include the terms "work group," "sub-committee," "advisory group," "task force," "PAG," or any other group formed under the auspices of MLSSAZ. *(Amended 12/2019)*

### **It's Our Organization!**

#### **Policy #1: Policy Purpose & Formulation**

Policy statements are to be used for developing guidelines and standards for internal operations. Policy statements are ongoing and are reaffirmed by the Board of Directors each year. Any new policies must be approved by the Board of Directors sitting at the time of the recommendation of the new policy. Policy recommendations may be made by staff, committee chairs, the Board of Directors, any Participant and/or Subscriber of the Service. Recommended policy changes must be presented, in writing, to the Chief Executive Officer prior to presentation to the Board of Directors for approval/disapproval.

#### **Policy #2: Requests for Information**

Requests for information from the general public, written or verbal, shall be referred to the President and Chief Executive Officer. The President or the Chief Executive Officer, or the Chief Executive officer's designee pertinent to a specific occasion, shall be the only authorized spokesperson(s) for the Service. No other individuals shall speak for the Service on matters affecting the Service or its Participants without prior written approval of the President or Chief Executive Officer.

#### **Policy #3: Anti-Trust Compliance**

The Multiple Listing Service of Southern Arizona has not and will not establish or maintain fixed or recommended commission rates or fees. Commission rates or fees are a matter of negotiation between the parties (the principal and the broker) and MLSSAZ will not interfere in those negotiations or inhibit in any way the freedom of the parties to negotiate. *(Amended 12/2019)*

#### **Policy #4: Confidentiality**

Certain matters discussed by Committees and the Board of Directors are problematic and of a sensitive nature. Such matters are to be worked out and resolved within the confines of the entity where the matter arose. If it cannot be resolved within those confines, the matter should be taken through the following chain of command for resolution: first to the Committee Chair then to the Chief Executive Officer and then to the MLS President. If it cannot be resolved by working through this chain of command, then and only then should the matter be taken to the Board of Directors. In every case, such matters shall remain confidential during the resolution process. *(Amended 12/2019)*

#### **Policy #5: Smoking Policy**

In accordance with Arizona law, smoking is strictly prohibited at all MLSSAZ events and in all Association facilities and within 20 feet of entrances to said events or facilities.

**Policy #6: Products and Services Endorsements/Group Discounts**

All requests to MLSSAZ to endorse products or services or to provide group discounts to Participants shall be referred to the appropriate committee(s) for approval subject to input and approval by the Chief Executive Officer. All requests must meet the following criteria:

- A. Requests/offers shall be made in writing.
- B. Proposed product or service shall fit within the MLSSAZ current Vision and Mission statements.
- C. Participants must receive a pricing structure that is a group discount due their being an MLSSAZ Participant. If the pricing structure offered is readily available to the general public, MLSSAZ shall decline the offer.
- D. Proposed products shall not be in competition with items sold in the MLSSAZ store.
- E. Consideration should include any potential legal or ethical responsibilities and risks for MLSSAZ, its employees and Participants that may be incurred for promoting the product or service.
- F. There shall not be a monetary commitment needed from MLSSAZ to promote the product, service or group discount.
- G. The product or service shall be competitive in quality and cost with similar products and services in the industry.
- H. The product or service must meet the needs of the Participants.
- I. Length of term for the offer must be stated in writing. Provisions for renegotiating the offer at the end of each term should be provided.
- J. The provider must state in writing their procedure for handling customer complaints.

**Policy #7: Donations and Sponsorships**

MLSSAZ supports charitable efforts and wishes to contribute where appropriate. Donations will be at the discretion of the Board of Directors. *(Amended 12/2019)*

**Policy #8: Fees Payable**

Fees for all primary subscribers shall be payable annually in advance not later than July 31 of each year. Fees shall be computed from the day a new subscriber is granted access to the system and shall be prorated for the remainder of the year. Collection procedures are outlined in Article V, Section 4 (Nonpayment of Financial Obligations) of the Multiple Listing Service Bylaws. *(Amended 12/2019)*

- A. Fees not received by the posted due date will be subject to a late fee as established in the schedule of fees. *(Amended 12/2019)*
- B. Applicants reapplying after 90 days of termination shall pay the application fee established in the Schedule of Fees in addition to any outstanding monies owed by the Applicant. *(Amended 12/2019)*
- C. Applicants reapplying because of termination for nonpayment of financial obligations shall pay the application fee established in the Schedule of Fees in addition to any outstanding monies owed by the Applicant. *(Amended 12/2019)*

Fees for MLS Only/Board of Choice shall be payable annually in advance not later than June 30 of each year. Subscriptions for MLS Only/Board of Choice subscribers shall automatically end if fees are not paid in full by June 30. *(Adopted 12/2019)*

Publication of fees and assessments shall be located on the MLSSAZ Schedule of Fees and Schedule of Fines. All application and annual fees are non-refundable. *(Amended 12/2019)*

**Policy #9: This policy was combined with Policy 40**

**Policy #10: Collection Policy**

MLSSAZ provides services to their Participants and/or Subscribers. Because MLSSAZ has made commitments to outside vendors to provide those services to their Participants and/or Subscribers, the fees charged to the Participants and/or Subscribers must be collected in a fair, consistent and timely fashion to ensure the ability of the MLSSAZ to meet its respective obligations. Collection procedures are outlined in Article V, Section 4 (Nonpayment of Financial Obligations) of the Multiple Listing Service Bylaws.

- A. Any returned checks are subject to a \$35.00 service charge. One attempt will be made to collect on a Non-Sufficient Funds 'NSF' check. Payments not received within 15 calendar days of notice to the member will be submitted to the Pima County Attorney for bad check collection and all MLS Services will be suspended. *(Amended 12/2019)*
- B. Payments not received on the posted due date will be subject to a \$75 late fee. *(Amended 12/2019)*

**Policy #11: Office Initiation Fee**

The Board of Directors may adopt an Office Initiation Fee in a reasonable amount. Office Initiation Fees are non-refundable. Publication of such fee shall be located on the Schedule of Fees. *(Amended 12/2019)*

**Policy #12: Establishment of Product or Service Cost**

Products and Services are to be sold to Participants and/or Subscribers at prices to reflect the actual cost to MLSSAZ, including staff, space and operational expenses. *(Amended 12/2019)*

**Policy #13: Operating and Reserve/~~Investment~~ Account Funds**

Sums placed in checking, savings, money market or Reserve/~~Investment~~ Accounts shall be deposited as per this policy as stated below. All sums placed in ~~designated~~ Reserve/~~Investment~~ Accounts shall be a continuing item placed on the balance sheet, shall be so identified, and shall be utilized only for MLSSAZ operations as determined by the Board of Directors by majority vote. *(Amended 12/2019)*

In the event the Board of Directors determines that Reserve/~~Investment~~ Account Funds are necessary for MLSSAZ operations, said funds shall be strictly utilized for and to the purpose so outlined under the auspices of the name of the account. In no event shall these funds be in any way encumbered or utilized in any other fashion. The Chief Executive Officer shall be responsible for and have authority to invest all MLSSAZ funds, subject to Board approval.

**Policy #14: Reserves**

At least fifty percent (50%) of net income at the end of the year, as determined by the Annual Audit, shall be placed in an - ~~Reserve/Investment Account~~ ~~Operating Reserve Fund~~. In the event that the ~~Operating Reserve Fund~~ ~~Reserve/Investment Account~~ reaches an amount equal to six (6) months of operating expenses, any amounts in excess of the reserve requirement shall be paid to the Shareholder in the form of

a dividend. Should the MLSSAZ Board of Directors determine a business need for those amounts in excess of the reserve requirement, that business need shall be identified during the annual budget process and approved by the Shareholder Board of Directors in conjunction with the approval of the MLSSAZ Annual Budget. If these requirements are met, funding the identified business need shall supersede the dividend requirement for that calendar year. *(Revised 11/13)*

**Policy #15: Access to Legal Counsel**

The President, Chief Executive Officer, and Executive Vice President are the only individuals authorized to directly contact MLS Legal Counsel. Should there be a necessity for individuals or committees to meet with legal counsel, prior arrangements must be made through the Chief Executive Officer or the President. Should an unauthorized individual contact legal counsel without prior approval, the individual will be billed in the amount incurred from that contact, and subject to the Collection Policy. *(Amended 12/2019)*

**Policy #16: Contract/Encumbrances**

The President and the Chief Executive Officer, subject to the approval of the Board of Directors, shall be the only individuals authorized to enter into contracts or agreements, which incur financial or other liabilities to the MLS. When outside facilities are required for use by any committee, approval must be obtained from the President or the Chief Executive Officer.

**Policy #17: Bid Policy**

**General Products/Services**

The process of seeking and retaining providers of general products/services (such as one-time expenses/upgrades and local utilities) will be as follows:

- A. The Chief Executive Officer and Staff will research providers based on their professional knowledge of necessary requirements.
- B. If a product or service is over \$15,000.00, at least three bids will be presented as part of the recommendation providing there are three providers of equal quality available for required product/service.
- C. Criteria for recommendation of provider will take the following items into consideration: Quality of service and cost.
- D. The Chief Executive Officer and Staff will present recommendations through the following process:
  1. Committee responsible, if applicable
  2. Executive Committee
  3. Recommendation will then go to the Board of Directors for approval.
- E. It will be determined by the Chief Executive Officer, on a periodic basis if the need/benefit of rebidding any product or service either proposed or existing is necessary. In no way (except in the case of a monopolized utility) shall a product or service enjoy an ongoing relationship with MLSSAZ or any subsidiary for more than 3 years from date of latest contract without such a review.

*(Amended 12/2019)*

**Long Term Products/Services**

The process of seeking and retaining long term providers of products/services (such as MLS Database software, lockbox service, etc.) will be as follows:

- A. The Chief Executive Officer and Staff will research providers based on their professional knowledge of necessary requirements.
- B. At least three providers will be reviewed providing there are three providers of equal quality available for required product/service.
- C. Criteria for recommendation of provider will take the following items into consideration: Quality of service and cost.
- D. The Chief Executive Officer and Staff will present recommendations through the following process:
  1. Committee responsible, if applicable
  2. Executive Committee
  3. Recommendation will then go to the Board of Directors for approval.
- E. Prior to the renewal/extension of a contract, the Chief Executive Officer shall review if the need/benefit of rebidding any product or service either proposed or existing is necessary. In no way shall a product or service enjoy an ongoing relationship with MLSSAZ or any subsidiary for more than 6 years from date of latest contract without a review.

*(Adopted 12/2019)*

**Policy #18: President and President-Elect Travel**

Budgeted travel expenses and registration fees for the President and President-Elect shall be established in the annual budget for attendance at the following meetings unless funding is received from another funding source:

- NAR Annual Convention
- NAR Mid-Year Meeting & Legislative Conference
- Council of Multiple Listing Services Annual Conference
- NAR iOi (Innovation, Opportunity and Investment) Summit
- NAR Leadership Summit (President-Elect)

And any other travel requirements in line with the responsibilities of carrying out the duties of the office of President and President-Elect, as approved from time to time by the Board of Directors. Reimbursed items will include lodging, coach-air fare, ground transportation, and other actual reasonable expenses. To be reimbursed, the President and President-Elect must attend a minimum of the MLS Association Executives Session, Multiple Listing Issues and Policy Forum & Committee, Multiple Listing Service Forum (1500 + Participants or Regional MLS), AAR Caucus, and the Region 11 Caucus, when applicable. If the President or President-Elect serves as a member of an NAR Committee, attendance at said committee meetings shall supersede the requirement to attend the required meetings if a conflict in scheduling occurs.

*(Documentation of expenses must be submitted within thirty (30) days after the expense was incurred.)*

All other travel and/or per diem expense requests for the President, President-Elect or delegate of MLSSAZ may be approved by the Chief Executive Officer or at the Chief Executive Officer's recommendation of approval by the Board of Directors. Anyone accepting such funding shall be obligated to attend and represent MLSSAZ at those meetings and/or programs that are the subject of the request. *(Amended 2/2020)*



**Policy #19: Committee Communications**

Any and all communication from a committee to any individual(s) regarding that committee's functions, responsibilities, programs, activities and meetings shall be coordinated through the Chief Executive Officer or staff liaison designated by the Chief Executive Officer. *(Revised 12/2019)*

Any committee wishing to promote a function through a News or Press Release shall make such requests to the Chief Executive Officer and said release shall be written and released by the Chief Executive Officer. Under no circumstances are any committees allowed to disseminate any information to the public, i.e., print media, radio, TV, or in any other manner.

**Policy #20: Meetings**

Participants of the MLS and their participating Subscribers may attend meetings of the Board of Directors as a guest. All meetings of MLSSAZ and their respective committees shall be open to the Participants and their participating Subscribers. Exceptions may only be made for executive sessions and hearings, and/or with the express approval of the MLSSAZ Board of Directors for items that may be of a confidential nature. *(Revised 12/2019)*

**Policy #21: Board of Directors Agenda Items**

Items to be placed on the Board of Directors Agenda shall be submitted to the Chief Executive Officer at least (7) days prior to the meeting. Any item that is not on the agenda will not be discussed unless it is determined by the President or Chief Executive Officer to be of an emergency nature. If any person requesting the placement of an item on the agenda disagrees with the decision of the President or the Chief Executive Officer, the item will require a two-thirds vote of the Directors present to be placed on the agenda.

A Consent Agenda shall be included as part of regular meeting agendas for the Board of Directors of MLSSAZ. It will include items that are informational, routine, or procedural which require no action, such as, but not limited to: Previous Board meeting reports, Committee meeting reports, Association Liaison reports and Senior Staff reports. *(Adopted 12/2019)*

**Policy #22: Staff Liaison/Meeting Schedule**

The Chief Executive Officer shall assign a staff liaison to all committees. Regularly scheduled committee meetings will be held at the MLS office and the Committee Chair shall make arrangements for meetings through the assigned staff liaison. The staff liaison will be responsible for notifying committee members of meeting dates and times, notices, taking and preparing minutes of meetings and maintaining committee files:

**Policy #23: Coordination of MLS Activities**

All MLS activities shall be coordinated through the Chief Executive Officer in an effort to avoid conflicts that would greatly affect the participation in the activity. *(Revised 12/2019)*

**Policy #24: Committee Participation**

Participation on committees will occur by appointment or recommendation of the Chair of that committee and ratified by the Board of Directors as stated in Article XI Section 1.H. Members of standing committees are appointed for specific terms. Each standing committee shall consist of not less than three (3) members. Only those Participants and/or Subscribers who have been appointed and confirmed by the Board of Directors are authorized to vote on issues that come before a committee. Work groups, PAG's, and/or special committees may continue until their project is completed. *(Amended 12/2019)*

**Policy #25: MLSSAZ Staff Support**

All MLSSAZ staff is directly responsible to and under the direction of the Chief Executive Officer. Any requests for staff time shall be coordinated through the Chief Executive Officer. The Chief Executive Officer is responsible for the hiring, supervision and termination of employment of any and all staff. *(Revised 12/2019)*

**Policy #26: Committee Meeting Report Procedure**

A copy of the reports and minutes of all committee meetings will be available to the Committee prior to their next regularly scheduled meeting.

A copy of the reports and minutes of all committee meetings will be distributed to the Board of Directors at their next regularly scheduled meeting. Information of a confidential nature (hearing results, etc,) may be redacted from public view, but will be kept in the official records of MLSSAZ. *(Amended 12/2019)*

**Policy #27: Noise Emitting Devices**

Pagers/beepers, mobile phones and other noise emitting devices must be in either off or in the silent mode in all MLSSAZ meetings or programs.

**Policy #28: Candidates for MLSSAZ Elected Office**

Candidates for MLSSAZ elected office, except officer positions, may receive one free MLSSAZ email blast for campaign purposes.

**Policy #29: Voting Procedures**

The Chief Executive Officer of MLSSAZ shall be responsible for implementing the voting procedures.

A. Creating the Market Share Report

The report shall include the number of sales each Participant has recorded on the MLS in the previous year and shall include both Selling sides and Listing sides for all For Sale property transactions.

1. Select "Statistics" and then select "Inventory and Production"
2. Select "Saturation Analysis" in the left window
3. Select all For Sale property types
4. Select Comparable Listing Only: "No"
5. Select Status: "Closed"
6. Scroll to the bottom
7. Select Saturation Comparison Types: "Market Share"

8. Enter the Begin Date (January 1, year) of the previous year, i.e., 1/1/2011
9. Enter the End Date (December 31, year) of the previous year, i.e., 12/31/2011
10. Click "Next"
11. Select "Rank Companies" then click "Use This Selection"
12. Select Calculation Method: "Number" and Status: "Sold"
13. Select "Listing **or** Selling Companies"
14. Check "Calculate numbers and volume using sides"
15. Enter a large number in the box "Please enter the maximum number of Companies to display:" i.e., 1000
16. Click "Next"

*(Revised 12/2019)*

#### B. Determining Groups

1. Copy the "Market Penetration Report By Companies Report" to a spread sheet
2. Refer to MLSSAZ Bylaws ARTICLE VI, Section 1 B – C
3. All Participants shall be informed of the Group they fall into each election year, and the number of Participants who are eligible to field a candidate for that Group. If there is not an open seat for the Group, the Participants shall be informed who currently represents the Group and their term of office.
4. Candidates for open seats shall be introduced at the Participant meeting.

#### C. Balloting and Tabulation

1. Elections shall be conducted electronically.
2. Participants eligible to vote will be provided detailed voting instructions with the candidate Information provided in advance of the election period. Participants eligible to vote shall be those Participants in good standing with MLSSAZ. The designated Broker of each eligible Participant shall be the member casting the vote for the Participant. The election period shall be determined by the Chief Executive Officer in compliance with Policies and/or Bylaws.
3. The election site will clearly state "Vote for not more than one (1) Subscriber for each Group."
4. The election site will be a secure site, allowing eligible Participants to vote only during the election period.
5. Participants without internet access may cast their electronic vote at the MLSSAZ office during the election period.
6. If only one candidate is filed for a particular group that candidate shall be elected by acclamation.
7. If there is no candidate running for a particular Group, then the candidates for the next highest group (or failing that, the next lowest group, or failing that by decision of the MLS President) shall be permitted to run for that Group.
8. In the event a candidate running in a Group unopposed receives no votes, the candidate shall be elected by acclamation.
9. In the event multiple candidates running in a Group receive no votes, a written ballot shall be taken at the first appropriate Board of Directors meeting. The candidate receiving the highest number of votes shall be declared elected.

10. At the completion of the election period, the results will be available to the Chief Executive Officer or appointed voting administrator via a password protected website from the electronic voting provider. The reports available will include how many votes were cast and the results of the election. No information is maintained that would indicate who voted for whom.
11. Results of elections shall become part of the permanent records of MLSSAZ. Results of the elections shall be announced to the membership within 5 business days of the end of the election period. Vote results and Group spreadsheet shall be published on the MLSSAZ webpage for 30 days. *(Amended 01/2013)*

**Policy #30: General Advertising Policy**

MLSSAZ reserves the right to accept or reject any advertising which it feels may not be in the best interest of MLSSAZ. All advertising through any medium offered by MLSSAZ shall be restricted to affiliate members of the Shareholder and Non-Shareholder Associations of MLSSAZ, and companies authorized to offer MLS related services to Participants. All advertisers shall indemnify the entire membership of the Shareholder and Non-Shareholder Associations of MLSSAZ and Participants/Subscribers of MLSSAZ, as well as the Shareholder and Non-Shareholder Associations of MLSSAZ and MLSSAZ from advertisements based on any claims that would breach this indemnification, to include but not be limited to advertising that is: defamatory, libelous, obscene, an invasion of privacy or that has been obtained in violation of the proprietary right of any person. *(Revised 12/2019)*

Companies advertising to consumers through MLSSAZ public channels will not offer real estate services (brokerage, mortgage, title, etc.). Advertisements containing political, adult/provocative, alcohol, tobacco/nicotine, religious, or those deemed to be misleading to consumers will not be accepted. *(Adopted 12/2019)*

MLSSAZ will not discriminate with respect to race, creed, religion, color, national origin, age, handicap or sexual orientation in accepting advertising and will not accept advertising of services, products or educational ideas which in any way indicates such discrimination by advertisers. *(Revised 12/2019)*

**Policy #31: MLSSAZ Computer Message and Text Message Guidelines**

- A. Information regarding computer down times.
- B. Programming changes or system performance messages.
- ~~C.~~ C. Any wrongdoing or any unethical or dangerous person(s) trying to defraud our industry.
- ~~C.~~ C. **At the discretion of the CEO and the Executive Committee, additional messages may be sent.**
- ~~D.~~ A. Calls to Action and any appropriate industry functions.
- ~~E.~~ B. Death of any past or current REALTOR®, who has been active in the organization as a director or committee chair.
- ~~F.~~ C. Information notices regarding MLSSAZ vendors.
- ~~G.~~ D. MLSSAZ educational opportunities.
- ~~H.~~ E. Information regarding MLSSAZ Rules and Policies.

*(Amended 12/2019)*

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**Policy #32: MLS Advertising Guidelines**

Participant and/or Subscribers of the MLSSAZ may place advertisements in any media provided through the MLS that contains advertising. The MLSSAZ Board of Directors shall set fees for advertising from time to time. Policies of said advertising are as follows:

- A. Advertising for Participant and/or Subscribers shall be for the purpose of exposing real estate filed with the MLS and promoting scheduled tours of those properties. They may also advertise for sale personal property which may be of benefit to other Participants and/or Subscribers of the REALTOR® community.
- B. Advertising for Affiliates of Shareholder and Non-Shareholder Associations of MLSSAZ shall be for the purpose of exposing products and services which do not relate directly to the sale of properties filed with the MLS, but which have benefit to Participants and/or Subscribers.
- C. MLS announcements are complimentary and for the purpose of promoting Shareholder or Non-Shareholder Association and MLSSAZ educational opportunities, special events, programs, products and services and industry-related information (i.e., grant money, bonds, etc.) for the Participants and/or Subscribers. *(Revised 12/2019)*
- D. A subsidiary company of a company, which is an affiliate of a Shareholder or Non-Shareholder Association of MLSSAZ or Participant of MLSSAZ may not advertise. The parent company must be the advertiser or the subsidiary must join as an affiliate of a Shareholder or Non-Shareholder Association of MLSSAZ.
- E. All advertisements must contain the agent name and the participant company name. Affiliates of a Shareholder or Non-Shareholder Association of MLSSAZ must have company name and contact person on any advertisement.
- F. Real estate advertisements must be for real estate filed with the MLS and must contain the MLS #.
- G. All advertisements must relate to the line of work of the Participant Company or affiliate.
- H. Any advertisement, which is in direct competition with the MLS, will not be allowed.
- I. Advertising is prohibited by Participants and/or Subscribers of other MLSs unless they obtain Participant and/or Subscriber status in MLSSAZ.
- J. Educational courses conducted by non-Participants and/or Subscribers can be advertised only if the course is sponsored by a company, which is a Participant and/or Subscriber of MLSSAZ or an affiliate of a Shareholder or Non-Shareholder Association of MLSSAZ. Sponsorship must be stated.
- K. All ads must comply with ADRE Rules and Fair Housing Laws.
- L. All commission amounts must represent and clearly state that it is the commission to the selling office.
- M. Any incentive (money or anything else of value) offered to a selling agent must say "With Broker's Approval" or "With Broker's Permission."
- N. Any advertising by non-Participant builders must be presented through the MLS Participant who represents the builder. The address and phone number of the builder shall not appear on the advertisement.

**Policy #33: Policy Prohibiting Harassment (Including Sexual Harassment)**

MLSSAZ is committed to providing a work environment that is free of discrimination and/or harassment. In keeping with this commitment, MLSSAZ will not tolerate verbal or physical conduct by any employee or Participant/Subscriber that harasses, disrupts, or interferes with another's work performance or that creates an intimidating, offensive, or hostile environment.

- A. Employees and Participants/Subscribers are expected to maintain a productive work environment that is free from harassing or disruptive activity. No form of harassment will be tolerated, including harassment for the following reasons: race, color, religion, sex (including pregnancy), sexual orientation, gender/gender identity, nationality, age (40 or older), physical or mental disability, or genetic information as outlined in Title VII of the Civil Rights Act of 1964. This also include the City of Tucson's Discrimination/Harassment Policy which includes sexual orientation. Special attention should be paid to the prohibition of sexual harassment, which includes harassment by members of the same or of the opposite sex. *(Amended 12/2019)*
- B. Each supervisor has a responsibility to keep the workplace free of any form of harassment, and in particular, sexual harassment. No supervisor, manager or Participant/Subscriber is to threaten or insinuate, either explicitly or implicitly, that an employee's refusal or willingness to submit to sexual advances will affect the employee's terms or conditions of employment.
- C. Other sexually harassing or offensive conduct in the workplace, whether committed by supervisors, managers, non-supervisory employees, or non-employees, is also prohibited. Such conduct includes:
  - 1. Unwanted or unwelcomed physical contact or conduct of any kind, including sexual flirtations, touching, advances, or propositions;
  - 2. Verbal abuse of a sexual nature;
  - 3. Jokes of a sexual nature;
  - 4. Demeaning, insulting, intimidating, or sexually suggestive comments about an individual's dress or body;
  - 5. The display in the workplace of demeaning, insulting, intimidating, or sexually suggestive objects or pictures, including nude photographs; and
  - 6. Demeaning, insulting, intimidating, or sexually suggestive written, recorded, or electronically transmitted messages.

Any of the above conduct, or other offensive conduct, directed at individuals because of their race, national origin, religion, disability, pregnancy, age, or military status is also prohibited.
- D. Any employee who believes that a supervisor's, manager's, other employee's, or non-employee's actions or words constitute unwelcome harassment has a responsibility to report or complain about the situation as soon as possible. The report or complaint should be made to the employee's supervisor, Staff Vice President, to the CEO or to the President of the Board of Directors.
- E. All complaints of harassment are to be referred to the CEO for prompt investigation in as impartial and confidential manner as possible. Employees are required to cooperate in any investigation. A timely resolution of each complaint is to be reached and communicated to the parties involved.
- F. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited.
- G. Any employee, supervisor, manager or Participant/Subscriber who is found to have violated the harassment policy will be subject to immediate and appropriate corrective action, depending on the circumstances, up to and including termination.

**Policy #34: Staff Relatives in Leadership Positions**

Participants and/or Subscribers related to salaried staff shall not be eligible to hold Chair or Vice Chair or any leadership positions on MLS committees or MLS Board of Directors. If such a relationship develops at

the time a Participant and/or Subscriber is serving in any of said leadership positions, either the leadership position or staff position must result in an immediate resignation.

This policy includes:

- A. Spouse
- B. A natural or adopted son, daughter or a descendant of either.
- C. A stepson or stepdaughter.
- D. The father or mother or an ancestor of either.
- E. A stepfather or stepmother.
- F. A son-in-law, daughter-in-law, father-in-law, or mother-in-law.

*(Revised 6/23/2015)*

**Policy #35: Conflict of Interest**

The purpose of the conflict of interest policy is to protect this organization's interest when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of the MLSSAZ or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest.

**Definitions:**

**A. Interested Person**

Any director, principal officer, or member of a committee with Board of Directors delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

**B. Financial Interest**

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

1. An ownership or investment interest in any entity with which the MLSSAZ has a transaction or arrangement,
2. A compensation arrangement with MLSSAZ or with any entity or individual with which the MLSSAZ has a transaction or arrangement, or A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which the MLSSAZ is negotiating a transaction or arrangement.

Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial.

A financial interest is not necessarily a conflict of interest. Under the Bylaws, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists. *(Revised 6/23/2015)*

**Procedures:**

**A. Duty to Disclose**

In connection with any actual or possible conflict of interest, an interested person must disclose the

existence of the financial interest and be given the opportunity to disclose all material facts to the directors considering the proposed transaction or arrangement.

**B. Determining Whether a Conflict of Interest Exists**

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the Board of Directors meeting while the determination of a conflict of interest is discussed and voted upon. The remaining Board members shall decide if a conflict of interest exists.

**C. Procedures for Addressing the Conflict of Interest**

1. An interested person may make a presentation at the Board of Directors meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
2. The Board President shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
3. After exercising due diligence, the Board of Directors shall determine whether the ~~Association-MLSSAZ~~ can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
4. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Board of Directors shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in the ~~Association's-MLSSAZ~~ best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination it shall make its decision as to whether to enter into the transaction or arrangement.

**D. Violations of the Conflicts of Interest Policy**

1. If the Board of Directors has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
2. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Board of Directors determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

**Records of Proceedings:**

The minutes of the Board of Directors and all committees with board delegated powers shall contain:

- A. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Board's or committee's decision as to whether a conflict of interest in fact existed.



- B. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

**Compensation:**

- A. A voting member of the Board of Directors who receives compensation, directly or indirectly, from the Multiple Listing Service for services is precluded from voting on matters pertaining to that member's compensation.
- B. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the Multiple Listing Service for services is precluded from voting on matters pertaining to that member's compensation.
- C. No voting member of the Board of Directors or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from the [Association MLSSAZ](#), either individually or collectively, is prohibited from providing information to any committee regarding compensation.

**Annual Statements:**

Each director, principal officer and member of a committee with Board of Directors delegated powers shall annually sign a statement which affirms such person:

- A. Has received a copy of the conflicts of interest policy
- B. Has read and understands the policy
- C. Has agreed to comply with the policy

**Periodic Review:**

To ensure the Multiple Listing Service operates in a manner consistent with its purposes and does not engage in activities that could jeopardize its status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- A. Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.
- B. Whether partnerships, joint ventures, and arrangements with management organizations conform to the Multiple Listing Service's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further its purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

**Use of Outside Experts:**

When conducting the periodic reviews as described above, the Multiple Listing Service may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Board of Directors of its responsibility for ensuring periodic reviews are conducted.

**Policy #36: Whistleblower Policy:**

MLSSAZ: (1) encourages staff and volunteers to come forward with credible information on illegal practices or serious violations of adopted policies of the Multiple Listing Service; (2) specifies that the Multiple Listing Service will protect the person from retaliation; and (3) identifies where such information can be reported.

- A. **Encouragement of reporting.** The Multiple Listing Service encourages complaints, reports or inquiries about illegal practices or serious violations of the Multiple Listing Service's policies, including illegal or improper conduct by the Multiple Listing Service itself, by its leadership, or by others on its behalf. Appropriate subjects to raise under this policy would include financial improprieties, accounting or audit matters, ethical violations, or other similar illegal or improper practices or policies. Other subjects on which the Multiple Listing Service has existing complaint mechanisms should be addressed under those mechanisms, such as raising matters of alleged discrimination or harassment via the Multiple Listing Service's human resources channels, unless those channels are themselves implicated in the wrongdoing. This policy is not intended to provide a means of appeal from outcomes in those other mechanisms.
- B. **Protection from Retaliation.** The Multiple Listing Service prohibits retaliation by or on behalf of the Multiple Listing Service against staff or volunteers for making good faith complaints, reports or inquiries under this policy or for participating in a review or investigation under this policy. This protection extends to those whose allegations are made in good faith but prove to be mistaken. The Multiple Listing Service reserves the right to discipline persons who make bad faith, knowingly false, or vexatious complaints, reports or inquiries or who otherwise abuse this policy.
- C. **Where to report.** Complaints, reports or inquiries may be made under this policy on a confidential or anonymous basis. They should describe in detail the specific facts demonstrating the basis of the complaints, reports or inquiries. They should be directed to the Multiple Listing Service's Chief Executive Officer or President of the Board of Directors; if both of those persons are implicated in the complaint, report or inquiry, it should be directed to the Vice President of the Board of Directors. The Multiple Listing Service will conduct a prompt, discreet, and objective review or investigation. Staff or volunteers must recognize that the Multiple Listing Service may be unable to fully evaluate a vague or general complaint, report, or inquiry that is made anonymously.

**Policy #37: Employee and Subscriber/Volunteer Relations:**

MLSSAZ establishes the following Employee and Subscriber/Volunteer Relations policy in order to promote a cordial, pleasant and legally compliant working environment between MLSSAZ employees and its' subscribers.

Since MLSSAZ is a subscriber services organization with revolving terms in the Board of Directors and Committees, this policy is established to preserve continuity of authority and responsibility within the work environment.

**Policies, Programs and Services**

- A. The Board of Directors shall establish the scope of MLSSAZ policies, programs and services. The Chief Executive Officer is responsible to carry out the policies, programs and services established by the Board of Directors.
- B. No subscriber shall be provided with services beyond the scope of services provided to all subscribers. Any request by a subscriber for services outside the scope of an employee's authorization must be forwarded to the Chief Executive Officer. This request must contain information on the unique circumstances of the situation which prompted the subscriber to request the extraordinary measures be considered for their benefit. The Chief Executive Officer may then

determine if an exception should be made, with input from the appropriate MLSSAZ officer, or if the request should be brought to the attention of the Board of Directors for resolution.

**Committee Support**

- A. An MLSSAZ employee should render all possible technical and administrative assistance to the committees and work groups to which he/she is assigned. The MLSSAZ employee is involved so as to answer questions, offer suggestions or raise questions, when appropriate, and to conduct research or carry out tasks as assigned by the committee chair and/or Chief Executive Officer.
- B. A MLSSAZ employee is expected to be knowledgeable on MLSSAZ policy, committee scope and the subject under discussion.

**Staff and Subscriber/Volunteer Relations**

- A. The Chief Executive Officer is responsible to and takes his/her instructions from the Board of Directors (as a collective body). All other MLSSAZ employees are responsible to and take instruction from the Chief Executive Officer.
- B. Interaction between MLSSAZ employees and subscribers/volunteers shall be maintained at a professional level characterized by mutual respect, courtesy, effort and cooperation to resolve issues. Under no circumstances should MLSSAZ employees or Subscribers/volunteers engage in discourteous or unprofessional behavior (i.e., use of profanity, disparagement of another employee or subscriber, use of physical force, etc.)
- C. Any behavior by a Subscriber/volunteer, which interferes with or compromises a MLSSAZ employee's job performance, is not acceptable. A MLSSAZ employee may, at their sole discretion, terminate any conversation with a subscriber/volunteer that may be considered to be offensive. All such incidents should be reported to the Chief Executive Officer or President for appropriate action.
- D. Subscribers/volunteers are not responsible for and may not discipline a MLSSAZ employee. Any unprofessional behavior or unacceptable performance by a MLSSAZ employee, which is observed by a subscriber/volunteer, should be reported to the Chief Executive Officer or President for appropriate action.

*(Revised 12/2019)*

**Policy #38: This policy was combined with Policy 37**

**Policy #39: Corrections Policy**

MLSSAZ Corrections Policy is available in Appendix 1

**Policy #40: Waiver Policy**

MLSSAZ Waiver Policy is available in Appendix 2

## **Appendix 1**

### **MLSSAZ Corrections Policy**

*Policy Adopted March 21, 2017*

*Policy Effective May 1, 2017*

To ensure the integrity of the MLS and the MLS database, this Corrections Policy has been established in accordance with Section 7 of the MLS Rules & Regulations. Sanctions will be issued in accordance with this policy. This policy is subject to change upon approval of the Board of Directors. This policy is not all-inclusive, does not reflect violations of the Code of Ethics, and does not replace Professional Standards Enforcement through your local Association of REALTORS®. The Board of Directors understands that the MLS database is an integral part of your day-to-day business and has instituted this Corrections Policy to make a focused effort to increase the accuracy and protect the integrity of the MLS.

#### **Definitions**

**Complainant** – A Participant or Subscriber who files a complaint against another Participant or Subscriber.

**Days** – Unless otherwise noted, all references to Days shall mean calendar days.

**Firm** – An office or group of offices filed as a single corporate entity. For the purpose of this policy, a firm refers to the main office and any branch offices.

**Participant** – The Designated REALTOR® for any MLSSAZ Brokerage Firm.

**Participant as an Individual** – An individual who holds the title of Designated REALTOR® but is referenced as an individual and not the responsible member of their company.

**Subscriber** – Non-principal brokers, sales associates, and licensed and certified appraisers affiliated with Participants.

**Schedule of Fines** – A list of monetary fines to be used as a guide for assessment of monetary sanctions by MLS Staff or the MLS Standards Committee. List is not all-inclusive and is available in Section 26 of the MLSSAZ Rules and Regulations.

**Sanctions** – a monetary or non-monetary penalty for violations of the MLS Rules and Regulations, including Letter of Concern, Letter of Warning, monetary fine, or mandatory education.

**Respondent** – A Participant or Subscriber who is to respond to a complaint filed by another Participant or Subscriber.

#### **Section 1 – Reporting a Potential Violation**

##### **1.1 How Violations Originate**

Violations are reported to the MLS in a variety of ways. The most common methods of reporting violations to the MLS are:

- Reported to MLS Staff
- Random checks of the database
- Result of listing audit. MLS Rules/Regulations allow MLS staff to request copies of listing forms and change orders
- Reporting of concerns from the general public

Violations reported to the MLS are confidential. MLS staff will not disclose the name of the individual who reported the violation.

### **1.2 Reporting Violations**

Violations are to be reported to the MLS by using “Report Error” option in the MLS or by sending a direct e-mail to MLS staff at [errors@mlssaz.com](mailto:errors@mlssaz.com).

### **1.3 Required Information When Reporting**

When reporting violations, the following information is required for verifying and processing of violations:

- Name and office of the alleged responsible Participant or Subscriber
- Nature of the violation (be as specific as possible, i.e., when it occurred, the MLS #, etc.).

### **1.4 Types of Violations**

There are three main types of violations, Correctable Violations, Non-Correctable Violations, and Behavioral Violations. Correctable violations are typically [clear cooperation policy violations](#), listing input violations involving incorrect information, agent/brokerage branding, and remarks violations which can be corrected in the MLS system. Non-Correctable violations are those where there is no opportunity for correction of the violation and include, but are not limited to, late listing input, failure to complete required forms, statistical manipulation, Lockbox Key sharing, and MLS access sharing. Behavioral violations are focused on a Subscriber's actions and include but are not limited to security violations and showing violations.

## **Section 2 – Correction Process**

### **2.1 – Notice of Correction**

When a violation is reported, MLS staff will verify the validity and send a Notice of Correction to the Participant and Subscriber indicating the MLS listing, nature of the violation, and timetables for a resolution or response. All notices are sent via e-mail only. Notices are sent to the primary e-mail address of the listing Subscriber and the primary e-mail address of the Participant that are listed in the MLS system. A notification sent by MLSSAZ to a Subscriber and/or Participant will be presumed received on the date e-mailed unless a delivery failure message has been received (Receipt Date).

### **2.2 Notice of Administrative Sanctions**

If the requested correction has not been appropriately addressed within two business days of the receipt of the Notice of Correction, a reminder message will be sent. If the violation is not corrected within 24 hours of when the reminder message is sent, appropriate sanctions will be issued according to the escalation scale in Section 3.a.2 of this policy.

The Participant or Subscriber may request a review of the administrative sanctions by submitting a Review Request Form to the MLS within five business days. The review will be conducted by the MLS Standards Committee. The MLS Standards Committee may approve a waiver of the sanctions issued by the MLS with a majority vote. If the waiver is not granted, the Subscriber may request an appeal by the MLS Board of Directors within 20 calendar days.

### **2.3 Notice of Review**

If a violation of the MLS Rules & Regulations is a Non-Correctable Violation or a Behavioral Violation, the initial Notice of Correction indicating two business days for correction will not be sent. The Subscriber and his/her Participant will only receive a Notice of Review indicating that the MLS Standards Committee will review the violation.

The MLS Standards Committee will review the violation and determine if sanctions are to be issued. Following the MLS Standards Committee Meeting, a notification will be sent to the Participant and Subscriber and will include an invoice for the amount of the fine if one was issued. Refer to MLSSAZ Rules and Regulations Section 26 for a schedule of fine amounts.

#### **2.4 – Standards Committee Review – Correctable and Non Correctable Violations**

The MLSSAZ Standards committee is charged with reviewing alleged violations of the MLS Rules and Regulations and determining the sanctions to be issued. During the review process, the Respondent and their Participant will have the opportunity to address the Standards Committee regarding the alleged violation. After all relevant information has been presented, the MLS Standards Committee will rule whether or not an MLS Rule has been violated and what sanctions are to be issued.

#### **2.5 Standards Committee Review – Behavioral Violations**

Behavioral Violations are reported to the MLS by submitting the Rules and Regulations Violation Form complete with all statements, evidence, and names of witnesses to the MLS. The Complainant must submit the form within 30 calendar days from the date of the alleged violation or 30 calendar days from the conclusion of the transaction between the Complainant and Respondent, whichever is later. Alleged Behavioral Violations will be initially reviewed by MLS Staff within 10 calendar days to confirm it meets the requirements for a Behavioral Violation or if it applies as a REALTOR® Code of Ethics violation. If the review determines that the alleged violation is a violation of the REALTOR® Code of Ethics, the Complainant will be advised to file a Code of Ethics complaint.

If the review determines that alleged violation is not a violation of the REALTOR® Code of Ethics and meets all of the requirements of a Behavioral Violation, the MLS will send a copy of the complaint to the Respondent where the Respondent may respond to the allegations with a written statement, evidence, and names of witnesses. The Respondent has 15 calendar days to respond to the notice.

A review by the MLS Standards Committee will be scheduled during the next meeting of the committee and will be communicated to both the Complainant and Respondent with the Notice of Review. The Notice of Review will outline the process to the Complainant and Respondent. During the review, the Complainant and Respondent will individually and separately have the opportunity to testify to the evidence presented to the Standards Committee and present any witnesses. After both the Complainant and Respondent have addressed the committee, the committee will rule on the alleged violation and if/what sanctions will be appropriate. The review will be recorded and made available to the MLS Board of Directors if an appeal is necessary.

MLSSASZ will communicate the decision and any sanctions to the Complainant and Respondent within 10 calendar days of the decision.

## **2.6 – Confidentiality**

MLSSAZ Staff will make every attempt to keep the identity of all parties confidential. If the identity of any party is to be made known to the committee, whether it is material to the process or because of attendance at the committee meeting, all committee members who belong to the same firm or may have a conflict will be excluded from hearing and ruling on the case.

## **2.7 – Communications of Results**

If at any time during the process, it is determined that the reported violation was not a violation of the rules, that fact will be communicated to the Complainant. For Correctable and Non-Correctable violations, any sanctions issued by the committee will only be made known to the Respondent and his/her Participant. For Behavioral Violations, both the Complainant, Respondent and his/her respective Participant will be notified of the decision of the Standards Committee.

## **Section 3 – Repeat Offender/Offense Policy**

The MLSSAZ Repeat Offender/Offense Policy (Repeat Policy) is a set of guidelines used by the MLS Standards Committee and MLS Staff regarding repeat violations of the MLSSAZ Rules and Regulations. One of the primary purposes of the MLS is to provide accurate and up to date information for the facilitation of cooperation and compensation between MLS Participants. With this in mind, the Repeat Policy is designed to escalate potential sanctions placed on Participants and Subscribers for repeat violations of the Rules and Regulations.

Repeat Offender/Offense Policy Defined

### **A. Repeat Offense**

#### **1. Definition:**

A repeat offense is defined as any Participant as an Individual or Subscriber who has had a total of three (3) or more violations of a specific rule, and where the total violation count is greater than 10% of the Subscriber's current Active inventory, within one consecutive year from the most recent violation.

#### **2. Repeat offenses shall be subject to the following escalation scale:**

- a. First, a Letter of Concern will be issued to the Subscriber and their Participant as an educational opportunity.
- b. Next, automatic issuance of the appropriate fine as listed in Section 26 of the Rules and Regulations.
- c. If the offenses continue, fine amounts will continue to increment by a factor of 1 for each subsequent violation of the same type, and shall not exceed \$15,000, until no subsequent violations of the same type occur for one year. (1x\$50, 2x\$50, 3x\$50, etc.)

### **B. Repeat Offenders**

#### **1. Definition:**

A repeat offender shall be defined as any Participant as an Individual or Subscriber who has had a total of ten (10) or more violations of the MLSSAZ Rules and Regulations within one consecutive year from the most recent violation.

#### **2. Repeat offenders shall be subject to the following escalation scale:**

- a. A Letter of Concern will be issued to the Subscriber and their Participant as an educational opportunity.
  - b. Automatic issuance of the appropriate fine as listed in Section 26 of the Rules and Regulations.
  - c. Fine amounts will continue to increment by a factor of 1 for each subsequent violation of the same type, and shall not exceed \$15,000, until no subsequent violations of the same type occur for one year. (1x\$50, 2x\$100, 3x\$50, etc.)
- C. If any Participant as an Individual or Subscriber reaches a total of twenty (20) total violations in one calendar year, the Participant or Subscriber, with his/her Participant, shall attend a mandatory hearing by the Board of Directors for additional sanctions as described in Section 7 - Compliance with Rules/Authority to Impose Discipline.
- D. If any Participant as an Individual or Subscriber has committed the same offense on the same listing, they shall automatically escalate to the repeat offense status and be subject to the provisions in section A.2.b above.
- E. If any individual Participant as an Individual or Subscriber has reached Repeat Offender or Offense status, the Participant or Subscriber may opt for a one-time buy down of one violation by attending an MLS training class suitable for the offense. The individual must submit a request for a buy-down within 5 business days of the issuance of the sanction and complete the MLS training class within 90 calendar days of the buy-down request.

**Section 4 – Calculation of Time Periods**

**4.1 Receipt of Notices**

A notification sent by MLSSAZ to a Subscriber and/or Participant will be presumed received on the date e-mailed unless a delivery failure message has been received. Final dates for receipt of replies from the Subscriber or Participant will be included in all correspondence from MLSSAZ.

**4.2 Initial Notification and Response**

In calculating time periods, calculation of time begins on the day after notification.

**Section 5 – Due Date for Payment of Fines**

Fines will be placed on the Subscriber’s billing account upon assessment. Should an appeal request be submitted in accordance with current policy, the amount will be removed from the Subscriber’s account pending final determination. If the fine is upheld, the amount will be placed back on the Subscriber’s account and payment will be subject to current MLSSAZ billing policies.

**Section 6 – Right to Appeal Standards Committee Sanctions**

**6.1 Initial Request for Appeal**

All Subscribers have the right to request an appeal of any sanction/fine issued by MLSSAZ. The MLS Board of Directors may uphold the sanctions issued from the MLS Standards Committee, overturn or modify the



decision from the MLS Standards Committee, or send the decision back to the MLS Standards Committee for reconsideration.

For Behavioral Violations, the Complainant may appeal the decision of the MLS Standards Committee based on a procedural deficiency or lack of due process only. The Respondent may appeal based on misinterpretation or misapplication of a Rule, procedural deficiency or lack of due process, or may appeal the sanctions issued.

### **6.2 Requesting an Appeal**

Requests for an appeal must be submitted on the Appeal Request form no later than 20 calendar days after the date the notice of sanction/fine was issued and be accompanied by all supporting documentation for review at the appeal. Any required corrections must be made prior to requesting an appeal of a sanction. A request for Appeal will not be considered "received" until all required information is complete and properly signed (if applicable). No additional documents or evidence can be presented after the request has been submitted.

For Behavioral Violations, no additional evidence or witnesses may be presented during the appeal. The Board of Directors will receive a copy of the audio recording or a transcript of the recording and all written statements and evidence presented at the initial review.

### **6.3 Types of Appeal**

The Subscriber will have the option of selecting either a "Documents Only" appeal or to appear in person at the MLS Board of Directors Meeting. A "Documents Only" appeal will consist of any documents submitted with the Request for Appeal. For Behavioral Violations, no additional evidence or statements relating to the alleged violation may be submitted during the appeal process.

### **6.4 Make Up of an Appeal Panel**

A panel will consist of all members of the MLS Board of Directors present at the scheduled meeting. If a quorum is not established at the meeting, the appeal will be rescheduled for the next MLS Board of Directors meeting. Directors employed by the same firm as the Subscriber or any director that may have a conflict of interest will be excused from the Appeal Panel.

### **6.5 Appeal Dates**

Appeals will be scheduled in conjunction with the MLS Board of Directors meetings.

### **6.6 Receipt of Documentation**

Receipt of documentation or correspondence sent by MLSSAZ to a Subscriber and/or Participant will be presumed received on the date e-mailed unless a delivery failure notice has been received. Final dates for receipt of replies will be included in all correspondence.

### **6.7 Decision of Appeal Panel**

The responsible Subscriber and/or Participant will be notified of the results of the Appeal within 10 calendar days of the final decision of the Appeal Panel. The decision of the Appeal Panel is considered final, unless the respondent believes they were denied Due Process.

#### **6.8 Right to Appeal the Decision of the Appeal Panel**

Upon notification of the decision of the Appeal Panel, the Subscriber shall have the right to appeal the decision based only on "Due Process" as defined in the National Association of REALTORS® Code of Ethics and Arbitration Manual (COEAM). A request for appeal must be filed within twenty (20) calendar days of the date on the decision of the Appeal Panel. Appeals based on due process will be referred to the Arizona Association of REALTORS®.

#### **Section 7 – Failure to Complete Sanctions**

Failure of an MLS Subscriber to pay fines levied by the MLS Standards Committee or MLS Board of Directors shall be subject to the terms of the MLSSAZ Collection Policy.

Failure of any Participant or Subscriber to abide by the non-monetary sanctions issued by the MLS Standards Committee shall be reviewed by the MLS Board of Directors for possible Suspension of MLS Services until sanctions are satisfied. Failure of any Participant or Subscriber to abide by any sanctions issued or confirmed by the MLS Board of Directors will result in an immediate suspension of MLS Subscription until sanctions have been fulfilled or until the end of the current MLS Subscription period. If, at the end of the current MLS Subscription period, any Participant as an Individual who has not satisfied sanctions issued, Participation shall be terminated. At the start of the next MLS Subscription period, suspended Subscribers shall become Non-Member Licensees with no access to MLS services and subject to the Non-Member Licensee fees and application fees to re-instate as a full MLS Subscriber

## **Appendix 2**

### **MLSSAZ Waiver Policy**

*Policy Adopted January 16, 2018*

*Policy Effective July 1, 2018*

MLSSAZ provides no cost waivers to real estate licensees (Licensees) employed by an MLS Participant who meet the qualifications of one or more of the Types of Waivers. Licensees who qualify and are on waiver shall be exempt from payment of MLS fees and shall not have access to the MLS or receive any benefits of an MLS Subscription.

#### **Types of Waivers**

##### Property Management

For Licensees who work solely in the field of Property Management and do not utilize the MLS for any purpose including but not limited to the solicitation of properties available for lease or the valuation of rental properties.

##### Commercial

For Licensees who work solely in the field of Commercial Real Estate and not utilize the MLS for any purpose including but not limited to the offer of commercial listings for sale or for lease or the valuation of commercial properties.

##### Active/Reserve Military on Deployment

For Licensees who have an active real estate license and are currently deployed with the United States Armed Services and will not be performing duties as a real estate licensee. Licensees who are deployed may have their Designated REALTOR® submit the waiver application on their behalf without the Licensees signature.

##### Illness

Licensees who are afflicted with a serious illness which prevents him/her from actively performing duties as a real estate licensee.

##### Alternate MLS Subscription

The Alternate MLS Subscription waiver is for Licensees whose license is registered at an office within the Service Area of MLSSAZ but who has an active MLS Subscription at a different MLS where their Designated REALTOR® has Participation rights.

#### **Waiver Application Process**

All Licensees wishing to apply for a waiver must do so with the MLS Waiver Application form. Waiver applications must be authorized by the Participant (Designated REALTOR®). Waivers, if granted, are valid until the end of the current MLS Billing Cycle. The waiver is valid only for the Participant's Licensee listed on the application. If the Licensee transfers to different Participant, this waiver becomes void and he/she is required to reapply for the waiver under the new Participant.

Before any waiver is granted, Licensee must return any and all equipment that may be issued by MLSSAZ. Office secretaries and personal assistants who hold an active real estate license do not qualify for a waiver.

Applicants of the Alternate MLS Subscription waiver must provide MLSSAZ with a certification from the MLS organization where he/she holds his/her alternate Subscription and must re-certify annually. Licensees on waiver are not eligible to participate in transactions with listings listed in MLSSAZ and may not be associated with a team whose members have an active Subscription to MLSSAZ.

**Services Provided**

Licensees on waiver shall receive no services from MLSSAZ. Licensees are not eligible to possess an MLS Issued Lockbox Key.

**Violation of Waiver Terms**

Licensees found to be in violation of the terms of the waiver shall have their exemption automatically revoked and will be subject to a fine in the amount of \$1000 plus any MLS fees previously waived in the previous five years.

**Multiple Listing Service of Southern Arizona**  
**Balance Sheet**  
As of September 30, 2020

	9/30/2020	9/30/2019
<b>ASSETS</b>		
<b>Current Assets</b>		
<b>Bank Accounts</b>		
1000 Wells Fargo Operating 0242	1,805,890	1,758,294
5048 Morgan Stanley Investments	1,056,037	1,009,846
<b>Total Bank Accounts</b>	<b>2,861,127</b>	<b>2,768,139</b>
<b>Other Current Assets</b>		
5000 A/R Ramco		16,599
5001 Cash Receipts	7	
5003 Credit Card Receipts	3,326	7,428
<b>Total 5000 A/R Ramco</b>	<b>4,003</b>	<b>24,027</b>
5110 Federal Corp Tax Deposit	2,668	40,800
5390 Retail Store Inventory	11,835	7,756
5395 SUPRA Inventory	25,762	88,160
5605 Prepaid Expenses	3,748	448
<b>Total Other Current Assets</b>	<b>48,016</b>	<b>161,191</b>
<b>Total Current Assets</b>	<b>2,909,143</b>	<b>2,929,330</b>
<b>Fixed Assets</b>		
5606 Fixed Asset Software	6,820	
<b>Total Fixed Assets</b>	<b>6,820</b>	
<b>Other Assets</b>		
5610 Intercompany TAR -0234		(28,228)
6015 Intercompany Charitable Foundation -0259		180
6316 Due to PSF (RAPAC)		(7,830)
<b>Total Other Assets</b>		<b>(35,878)</b>
<b>TOTAL ASSETS</b>	<b>2,915,963</b>	<b>2,893,452</b>
<b>LIABILITIES AND EQUITY</b>		
<b>Liabilities</b>		
<b>Current Liabilities</b>		
<b>Accounts Payable</b>		
6000 Accounts Payable	157,368	63,758
<b>Total Accounts Payable</b>	<b>157,368</b>	<b>63,758</b>
<b>Other Current Liabilities</b>		
6100 Current Sales Tax Collected	(158)	4,054
6200 Accrued Expenses		(5,459)
6265 Taxes Payable	(0)	8,777
6300 Deferred Revenues		
6310 Deferred Agent Fee Income		
6310-2 Deferred Agent Fee 2019-2020		1,413,688
6310-3 Deferred Agent Fee 2020-2021	1,450,078	
<b>Total 6310 Deferred Agent Fee Income</b>	<b>1,450,078</b>	<b>1,413,688</b>
6311 Deferred Sec/PA Fee Income		

**Multiple Listing Service of Southern Arizona**  
**Balance Sheet**  
As of September 30, 2020

	<u>9/30/2020</u>	<u>9/30/2019</u>
6311-2 Deferred Sec/PA Fee 2019-2020		24,192
6311-3 Deferred Sec/PA Fee 2020 - 2021	24,776	
<b>Total 6311 Deferred Sec/PA Fee Income</b>	<b>24,776</b>	<b>24,192</b>
6315 Deferred SUPRA Admin Fees	(3,958)	1,131
6315-0 Deferred Supra Admin Fee - Quarterly	795	
<b>Total 6315 Deferred SUPRA Admin Fees</b>	<b>(3,163)</b>	<b>1,131</b>
<b>Total 6300 Deferred Revenues</b>	<b>1,471,692</b>	<b>1,439,010</b>
<b>Total Other Current Liabilities</b>	<b>1,471,534</b>	<b>1,446,383</b>
<b>Total Current Liabilities</b>	<b>1,628,902</b>	<b>1,510,141</b>
<b>Total Liabilities</b>	<b>1,628,902</b>	<b>1,510,141</b>
<b>Equity</b>		
30000 Opening Balance Equity	647,500	370,000
32000 Retained Earnings	(258,715)	(506,605)
6500 Capital Stock; No Par	11,561	11,561
6510 Paid in Capital	39,876	39,876
6520 Dividends	(559,208)	(184,546)
6538 Designated Net Assets	790,845	1,094,781
Net Income	615,202	558,245
<b>Total Equity</b>	<b>1,287,062</b>	<b>1,383,312</b>
<b>TOTAL LIABILITIES AND EQUITY</b>	<b>2,915,963</b>	<b>2,893,452</b>

**Multiple Listing Service of Southern Arizona**  
**Budget vs. Actuals**  
**January - September 2020**

	Sep 2020				Total				Annual Budget
	Actual	Budget	over Budget	% of Budget	Actual	Budget	over Budget	% of Budget	
<b>Income</b>									
700001 Relist Fee Income	780	1,250	(470)	62.40%	7,770	11,250	(3,480)	69.07%	15,000
700501 Agent Fees	161,238	157,083	4,155	102.65%	1,493,484	1,413,750	79,734	105.64%	1,885,000
701501 Late Fees	11,250	2,917	8,333	385.71%	16,350	26,250	(9,900)	62.29%	35,000
702001 Office Initiation Fees	3,250	2,396	854	135.65%	27,500	21,562	5,938	127.54%	28,750
702501 Agent Application Fees	16,500	12,500	4,000	132.00%	111,375	112,500	(1,125)	99.00%	150,000
703001 Secretary/Personal Asst Fees	2,753	2,917	(164)	94.39%	27,418	26,250	1,168	104.45%	35,000
703201 Non-Member Fees		1,438	(1,438)			12,938	(12,938)		17,250
706802 Advertising Income(1)		250	(250)			2,250	(2,250)		3,000
707004 MLS Fines		42	(42)		800	375	425	213.32%	500
723102 IDX Data Feed Income						1,000	1,000		
726002 Revenue Agreements Income	648	750	(102)	86.43%	6,180	6,750	(570)	91.55%	9,000
735003 Retail Store Income	1,694	3,500	(1,806)	48.41%	17,143	31,500	(14,357)	54.42%	42,000
737103 IBox Income	7,383	5,500	1,883	134.23%	51,493	49,500	1,993	104.03%	66,000
737503 Administration IBox & Card		250	(250)			2,250	(2,250)		3,000
737801 SUPRA Administration Fee	32,788	15,900	16,888	206.21%	285,748	143,100	142,648	199.68%	190,800
<b>Total Income</b>	<b>238,284</b>	<b>206,692</b>	<b>31,593</b>	<b>115.28%</b>	<b>2,046,259</b>	<b>1,860,225</b>	<b>186,034</b>	<b>110.00%</b>	<b>2,480,300</b>
<b>Cost of Goods Sold</b>									
755005 Retail Store Cost of Sales	1,271	2,500	(1,229)	50.83%	12,793	22,500	(9,707)	56.86%	30,000
864005 IBox Expense	5,537	4,583	954	120.80%	38,619	41,250	(2,631)	93.62%	55,000
<b>Total Cost of Goods Sold</b>	<b>6,808</b>	<b>7,083</b>	<b>(276)</b>	<b>96.11%</b>	<b>51,413</b>	<b>63,750</b>	<b>(12,337)</b>	<b>80.65%</b>	<b>85,000</b>
<b>Gross Profit</b>	<b>231,477</b>	<b>199,608</b>	<b>31,868</b>	<b>115.97%</b>	<b>1,994,847</b>	<b>1,796,475</b>	<b>198,372</b>	<b>111.04%</b>	<b>2,395,300</b>
<b>Expenses</b>									
805507 Dues & Subscriptions	60		60		712		712		
807007 Staff Memberships	529	533	(4)	99.22%	4,763	4,800	(37)	99.22%	6,400
807505 Committee Meals & Entertainment		33	(33)		346	300	46	115.47%	400
807507 Board of Directors Travel									
817508 Credit Card Service Charges	2,892	3,750	(858)	77.12%	49,203	33,750	15,453	145.79%	45,000
818806 Conference Registrations					2,692		2,692		
818807 MLS Staff Travel	1,425	4,167	(2,742)	34.20%	4,726	37,500	(32,774)	12.60%	50,000
831006 MLS Comp User Paymts	37,818	37,375	443	101.18%	341,740	336,375	5,365	101.59%	448,500
833006 Public Records Data	15,173	15,191	(18)	99.88%	121,869	136,719	(14,850)	89.14%	182,292
835806 Clarity Security Systems	11,290	10,561	729	106.91%	99,001	95,049	3,952	104.16%	126,732
836006 Showing Time	5,895	5,850	45	100.78%	64,088	52,650	11,438	121.72%	70,200
836007 Statistics Program	8,209		8,209		8,209		8,209		
836506 Current Software Improvements		833	(833)		608	7,500	(6,892)	8.10%	10,000
837006 Web Site Redesign		1,667	(1,667)			15,000	(15,000)		20,000
844008 Legal Expense	945	1,167	(222)	81.00%	14,134	10,500	3,634	134.61%	14,000
844608 Bank Fees	773	667	107	116.00%	6,469	6,000	469	107.82%	8,000
846508 Accounting Expense(1)		2,103	(2,103)			18,930	(18,930)		25,240
856510 MLS Business Planning	500	750	(250)	66.67%	3,313	6,750	(3,437)	49.07%	9,000
880011 Community Donations		833	(833)		10,000	7,500	2,500	133.33%	10,000
880012 RAPAC Donations	10,000		10,000		10,000		10,000		
885011 Misc Expense		167	(167)		3,998	1,500	2,498	266.52%	2,000
886009 GV Service Center Expense	3,430	3,430		100.00%	30,870	30,870		100.00%	41,160
886109 GV Supra Disbursement	3,355	1,405	1,950	238.80%	14,533	12,645	1,888	114.93%	16,860
887009 SC Service Center Expense	2,350	2,350		100.00%	21,150	21,150		100.00%	28,200
887109 SC Supra Disbursement	1,271	520	751	244.43%	4,913	4,680	233	104.97%	6,240
900209 TAR Cooperative Agreement	58,651	83,333	(24,682)	70.38%	570,739	750,000	(179,261)	76.10%	1,000,000
901010 Regionalization Expenses(1)		2,083	(2,083)			18,750	(18,750)		25,000
901410 Phone App Development		2,083	(2,083)			18,750	(18,750)		25,000
901610 Broker/Participant Meetings		333	(333)			3,000	(3,000)		4,000
901810 MLSSpecific Marketing		417	(417)			3,750	(3,750)		5,000
BOD Travel		1,383	(1,383)			12,450	(12,450)		16,600
<b>Total Expenses</b>	<b>164,568</b>	<b>182,985</b>	<b>(18,418)</b>	<b>89.93%</b>	<b>1,388,075</b>	<b>1,646,868</b>	<b>(258,793)</b>	<b>84.29%</b>	<b>2,195,824</b>
<b>Net Operating Income</b>	<b>66,909</b>	<b>16,623</b>	<b>50,286</b>	<b>402.51%</b>	<b>606,772</b>	<b>149,607</b>	<b>457,165</b>	<b>405.58%</b>	<b>199,476</b>
<b>Other Income</b>									
740004 Operating Interest Income	1,066		1,066		7,396		7,396		
744504 Unrealized Gain/(Loss) on Inve	(22,379)	2,000	(24,379)	-1118.97%	2,305	18,000	(15,695)	12.81%	24,000
<b>Total Other Income</b>	<b>(21,313)</b>	<b>2,000</b>	<b>(23,313)</b>	<b>-1065.67%</b>	<b>9,701</b>	<b>18,000</b>	<b>(8,299)</b>	<b>53.90%</b>	<b>24,000</b>
<b>Other Expenses</b>									
870560 Interest, Penalty on Taxes	28		28		1,271		1,271		
900008 Income Tax Expense(1)		5,833	(5,833)			52,500	(52,500)		70,000
<b>Total Other Expenses</b>	<b>28</b>	<b>5,833</b>	<b>(5,805)</b>	<b>0.48%</b>	<b>1,271</b>	<b>52,500</b>	<b>(51,229)</b>	<b>2.42%</b>	<b>70,000</b>
<b>Net Other Income</b>	<b>(21,341)</b>	<b>(3,833)</b>	<b>(17,508)</b>	<b>556.73%</b>	<b>8,430</b>	<b>(34,500)</b>	<b>42,930</b>	<b>-24.44%</b>	<b>(46,000)</b>
<b>Net Income</b>	<b>45,568</b>	<b>12,790</b>	<b>32,778</b>	<b>356.28%</b>	<b>615,202</b>	<b>115,107</b>	<b>500,095</b>	<b>534.46%</b>	<b>153,476</b>

**Multiple Listing Service of Southern Arizona  
Equity and Reserve**

	<b>Net Income YTD</b>	<b>Equity</b>	<b>Current Assets</b>	<b>Due to/from</b>	<b>Current Liabilities</b>	<b>Cash Reserve</b>	<b>Annual Operating Expenses</b>	<b>Month of Reserve</b>	<b>6-months</b>	<b>Excess</b>
<b>12/31/2017</b>	182,663	634,631	1,601,942	27,106	994,417	634,631	1,494,097	<b>5.1</b>	747,049	<b>(112,417)</b>
<b>12/31/2018</b>	374,982	825,067	1,868,909	(15,564)	1,028,458	824,887	1,538,777	<b>6.4</b>	769,389	<b>55,499</b>
<b>12/31/2019</b>	559,208	1,231,067	2,401,107	42,559	1,212,599	1,231,067	1,747,324	<b>8.5</b>	873,662	<b>357,405</b>
<b>1/31/2020</b>	82,808	1,313,875	2,303,790	(26,149)	963,766	1,313,875	1,747,324	<b>9.0</b>	873,662	<b>440,213</b>
<b>2/29/2020</b>	114,003	1,345,070	2,201,037	(70,612)	785,355	1,345,070	1,747,324	<b>9.2</b>	873,662	<b>471,408</b>
<b>3/31/2020</b>	81,461	1,312,528	2,035,903	(72,464)	650,910	1,312,528	1,747,324	<b>9.0</b>	873,662	<b>438,866</b>
<b>4/30/2020</b>	208,943	1,440,010	1,953,465	(49,686)	463,769	1,440,010	1,747,324	<b>9.9</b>	873,662	<b>566,348</b>
<b>5/31/2020</b>	328,728	1,559,795	2,094,262	(54,204)	487,083	1,552,975	1,747,324	<b>10.7</b>	873,662	<b>679,313</b>
<b>6/30/2020</b>	432,600	1,104,460	1,814,005	(28,951)	687,414	1,097,640	1,747,324	<b>7.5</b>	873,662	<b>223,978</b>
<b>7/31/2020</b>	485,332	1,157,191	2,890,714	(93,469)	1,646,875	1,150,371	1,747,324	<b>7.9</b>	873,662	<b>276,709</b>
<b>8/31/2020</b>	569,635	1,241,494	2,941,273	(156,749)	1,549,850	1,234,674	1,747,324	<b>8.5</b>	873,662	<b>361,012</b>
<b>9/30/2020</b>	615,202	1,287,062	2,909,143		1,628,902	1,280,242	1,747,324	<b>8.8</b>	873,662	<b>406,580</b>



# CEO FORUM SURVEY

Select your top 5 MLS strategic focus areas for the next 12 months (2021).

