



**MULTIPLE LISTING SERVICE OF
SOUTHERN ARIZONA**

POLICY STATEMENTS

**REVISED: AUGUST 25, 2022
APPROVED: DECEMBER 16, 2021**

Contents

Operational Philosophy.....	4
Policy #1: Policy Purpose & Formulation	4
Policy #2: Requests for Information	4
Policy #3: Anti-Trust Compliance.....	4
Policy #4: Confidentiality	4
Policy #5: Smoking Policy.....	4
Policy #6: Products and Services Endorsements/Group Discounts.....	5
Policy #7: Donations and Sponsorships.....	5
Policy #8: Fees Payable	5
Policy #9: This policy was combined with Policy 40	5
Policy #10: Collection Policy.....	5
Policy #11: Office Initiation Fee	6
Policy #12: Establishment of Product or Service Cost.....	6
Policy #13: Operating and Reserve/Investment Account Funds.....	6
Policy #14: Capital Operating Reserve Account	6
Policy #15: Dividend.....	6
Policy #16: Access to Legal Counsel.....	6
Policy #17: Contract/Encumbrances.....	7
Policy #18: Bid Policy	7
Policy #19: President and President-Elect Travel.....	8
Policy #20: Committee or Task Force Communications.....	8
Policy #21: Meetings.....	8
Policy #22: Board of Directors Agenda Items	8
Policy #23: Staff Liaison/Meeting Schedule	9
Policy #25: Committee or Task Force Participation.....	9
Policy #26: MLSSAZ Staff Support.....	9
Policy #27: Committee Meeting Report Procedure.....	9
Policy #28: Noise Emitting Devices.....	9
Policy #29: Candidates for MLSSAZ Director Position.....	9
Policy #30: Voting Procedures.....	9
Policy #31: General Advertising Policy.....	11
Policy #32: MLSSAZ Computer Message and Text Message Guidelines	11
Policy #33: MLSSAZ Announcements.....	11

Policy #34: Policy Prohibiting Harassment (Including Sexual Harassment)..... 11
Policy #35: Staff Relatives in Leadership Positions 13
Policy #36: Conflict of Interest 13
Policy #37: Whistleblower Policy: 16
Policy #38: Employee and Subscriber/Volunteer Working Relationships: 16
Policy #39: Corrections Policy 17
Policy #40: Waiver Policy 17
Policy #41: Vendor/Participant Policy 17
Policy #42: MLSSAZ Fines Collection 17
Policy #43: Cybersecurity Audit..... 17

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

All Committee members, task-force members, and members of the Board of Directors have an obligation to keep the confidential matters of MLSSAZ confidential. The meetings of Committees, task forces, and the Board of Directors are open to Participants of the MLS and their participating Subscribers under Policy #21, but those Participants and Subscribers are generally not bound by an obligation of confidentiality to MLSSAZ. Consequently, Committee and task-force members and Directors must alert the presiding officer of any open meeting to the confidential nature of a matter before disclosing or discussing any confidential information in such a meeting. The presiding officer should then gavel the meeting into executive session for the duration of the discussion of the confidential matter, allowing Participants and Subscribers to return to the meeting after the discussion is concluded. In the alternative, the presiding officer may postpone the discussion of the confidential matter until the end of the meeting, excusing all guests after non-confidential matters are resolved and concluding the meeting with the executive session. At the beginning of any executive session of the Board of Directors (but not during any other meeting), a Director may challenge the presiding officer's decision to enter executive session by moving to end the executive session. Deliberation on this motion may include disclosure of the nature and content of information believed to be confidential, and the Board of Directors may then determine whether to continue in executive session. *(Revised 12/2022)*

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 June 30 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 12/2021)*

- 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 at least 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 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.

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. *(Revised 10/2020)*

Policy #14: Capital Operating Reserve Account

A Capital Operating Reserve Account will be established to meet the needs of MLSSAZ providing the resources necessary for non-budgeted expenses that may provide benefit to the participants and subscribers. This account will be capped at \$200,000 at any one time with no more than \$75,000 being placed in the fund in any given fiscal year.

A majority vote of the MLSSAZ Board of Directors is required for any use of the funds. These designated funds will not be invested with an outside investment management firm. *(Adopted 11/2020)*

Policy #15: Dividend

On a monthly basis, 50% of the net income of the MLSSAZ will be paid to the Shareholder, Tucson Association of REALTORS as a dividend. The dividend will not be paid in months that MLSSAZ runs a deficit and/or the MLSSAZ reserve goes below 6 months.

(Revised 08/2022)

Policy #16: Access to Legal Counsel

The President and Chief Executive Officer 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 #17: 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 #18: 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, timely responsiveness to staff 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, timely responsiveness to staff 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 #19: 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 #20: Committee or Task Force Communications

Any and all communication from a committee or task force to any individual(s) regarding those 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 or task force 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 or task forces allowed to disseminate any information to the public, i.e., print media, radio, TV, or in any other manner.

Policy #21: Meetings

Participants of the MLS and their participating Subscribers may attend meetings of the Board of Directors and MLSSAZ committee and task-force meetings as guests. This policy does not apply to hearings, executive sessions called for confidential matters (as described in Policy #4), or meetings where the MLSSAZ Board of Directors has expressly approved a closed meeting or deliberation. *(Revised 12/2021)*

Policy #22: 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 #23: 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 or virtually 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 #24: 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 #25: Committee or Task Force Participation

Participation on committees or task forces will occur by appointment or recommendation of the Executive Committee and 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 five (5) 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. PAG's and task forces may continue until their project is completed. *(Amended 12/2021)*

Policy #26: 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 #27: Committee Meeting Report Procedure

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

A copy of the reports and minutes of all committee meetings will be distributed to the Board of Directors by the 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 #28: Noise Emitting Devices

Mobile phones and all other noise emitting devices must be in either off or in the silent mode in all MLSSAZ meetings or programs. *(Revised 12/2021)*

Policy #29: Candidates for MLSSAZ Director Position

Candidates for MLSSAZ Director position, except officer positions, will receive one MLSSAZ email blast for campaign purposes.

Policy #30: 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 only to members on the MLSSAZ webpage for 30 days. *(Amended 01/2013)*

Policy #31: 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 in accordance with local, state and federal guidelines and strive to be inclusive in accepting advertising and will not accept advertising of services, products or educational ideas which in any way indicates such discrimination by advertisers. *(Revised 12/2021)*

Policy #32: MLSSAZ Computer Message and Text Message Guidelines

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

(Revised 10/2020)

Policy #33: MLSSAZ Announcements

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 12/2021)

Policy #34: 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. Harassment in any form is strictly prohibited. Harassment includes inappropriate conduct, comment, display, action, or gesture based on another person's sex (including pregnancy), color, race, religion, national origin, age, physical or mental disability, sexual orientation, gender identity, or genetic information. Examples of harassment include, but are not limited to: epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and the display or circulation of written or graphic material that denigrates or shows hostility toward an individual or group based such characteristics. *(Amended 12/2021)*
- 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. (If the CEO or President of the Board of Directors is the party accused of harassment, the complaint must be referred to outside counsel, with the report made to the Board of Directors.) Employees are required to cooperate in any investigation. A timely resolution of each complaint is to be reached and communicated to the parties involved. *(Amended 12/2021)*
- F. Retaliation against any employee for filing a complaint or participating in an investigation is strictly prohibited. MLSSAZ reserves the right to take any necessary and appropriate action against an Employee, Participant, or Subscriber who engages in any form of harassment or inappropriate behavior in violation of this Policy. Such actions may include, but are not limited to, prohibition from attendance at future MLSSAZ meetings or events, removal from committee appointments, termination of offending employee, Participant or Subscriber, or any other action deemed appropriate by MLSSAZ. In the event that the Board of Directors contemplates termination of a Participant or Subscriber's participatory rights, it will consult with outside counsel on the matter before taking final action. *(Amended 12/2021)*
- G. To prevent contact between a Participant or Subscriber who has engaged in harassing conduct and an affected staff member, the CEO may identify a direct staff contact for that Participant or Subscriber. In that instance, the Participant or Subscriber is prohibited from contacting any other member of MLSSAZ's staff without first working through the designated contact. *(Amended 12/2021)*

- H. In the event a Participant/Subscriber's subscription has been terminated for violation of this harassment policy, the MLS Board of Directors may, by majority vote, determine that the Participant/Subscriber may not reapply for a specified period not to exceed three (3) years.
(Amended 12/2021)

Policy #35: Staff Relatives in Leadership Positions

Participants and/or Subscribers related to 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 #36: 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 would reasonably be expected to exert an influence, or would appear to others to exert an influence, on the judgment of an officer or director, committee or task-force member, or staff member of MLSSAZ. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest. *(Amended 12/2021)*

Definitions:

A. Interested Person

Any affected leader who has a direct or indirect financial interest, as defined below, is an interested person. *(Amended 12/2021)*

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.

C. Reporting Officer. An interested person's reporting officer is identified according to the following rules:

- 1. No interested person can be their own reporting officer.
- 2. If the interested person is a member of a committee or task force, the chair or presiding officer of the committee or task force is the reporting officer.
- 3. If the interested person is a chair or presiding officer of a committee or is the chief staff officer of MLSSAZ, the president of MLSSAZ is the reporting officer.
- 4. If the interested person is a staff member of MLSSAZ, the chief staff officer of MLSSAZ is the reporting officer.
- 5. For any other interested person, the Board of Directors is the reporting officer.

(Amended 12/2021)

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

Procedures:

A. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose to their reporting officer the existence of the financial interest and be given the opportunity to disclose all material facts concerning the proposed transaction or arrangement. *(Amended 12/2021)*

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, the reporting officer will determine whether a conflict of interest exists. If the reporting officer is the Board of Directors, the interested person 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. *(Amended 12/2021)*

C. Procedures for Addressing the Conflict of Interest where Board of Directors is the reporting officer

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 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 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. Procedures for Addressing the Conflict of Interest with reporting officers other than the Board of Directors

1. A reporting officer shall exercise due diligence in assessing the potential conflict of the interested person.
2. If the potential conflict cannot be managed to allow the interested person's continued involvement in decision making regarding the transaction or arrangement giving rise to the conflict, the reporting officer shall excuse the interested person from deliberation and voting on the arrangement.
3. If the potential conflict can be managed to allow the interested person's continued involvement in decision making, the reporting officer shall memorialize the management plan agreed to with the interested person and share the management plan with any other participants in decision-making on the transaction or arrangement giving rise to the conflict and with the reporting officer's own reporting officer.

(Amended 12/2021)

E. Violations of the Conflicts of Interest Policy

1. If any reporting officer has reasonable cause to believe an interested person has failed to disclose actual or possible conflicts of interest, they shall inform the interested person of the

basis for such belief and afford the interested person an opportunity to explain the alleged failure to disclose. *(Amended 12/2021)*

2. If, after hearing the interested person's response and after making further investigation as warranted by the circumstances, the reposting officer determines the interested person has failed to disclose an actual or possible conflict of interest, the reposting officer shall take appropriate disciplinary and corrective action. *(Amended 12/2021)*

Records of Proceedings:

The minutes of the Board of Directors and all committees and task forces 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, the reporting officer's decision as to whether a conflict of interest in fact existed, and a description of any plan for managing the conflict. *(Amended 12/2021)*
- 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 MLSSAZ, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Annual Statements:

Each affected leader (as defined above) 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

(Amended 12/2021)

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 #37: 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 President-Elect 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 #38: Employee and Subscriber/Volunteer Working Relationships:

MLSSAZ establishes the following Employee and Subscriber/Volunteer Working Relationships 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 or task forces 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 requested by the committee chair and/or Chief Executive Officer.
- B. An MLSSAZ employee is expected to be knowledgeable on MLSSAZ policy, committee or task force scope and the subject under discussion.

Staff and Subscriber/Volunteer Working Relationships

- 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 #39: Corrections Policy

MLSSAZ Corrections Policy is available in Appendix 1

Policy #40: Waiver Policy

MLSSAZ Waiver Policy is available in Appendix 2

Policy #41: Vendor/Participant Policy

To avoid a conflict of interest, MLSSAZ will not implement/offer any service provided or owned by any MLS Participant without the express permission of the MLSSAZ Board.

Policy #42: MLSSAZ Fines Collection

On a quarterly basis, 50% of fines collected during that quarter will be made as a donation to a qualified charitable foundation in the communities we serve, as approved by the MLSSAZ Executive Committee and 50% to be used at the board's discretion. *(Revised 05/2022)*

Policy #43: Cybersecurity Audit

Due to the significant impact of Cybersecurity issues, the MLSSAZ shall conduct a Cybersecurity audit at least annually, through an experienced third-party cybersecurity company. Once the audit is complete, findings and recommendations will be presented to the Board of Directors at their next meeting. *(Adopted 11/2021)*

Appendix 1
MLSSAZ Corrections Policy

Multiple Listing Service of Southern Arizona

Policy #39 – Corrections and Compliance Policy

Policy Effective May 27, 2022

This Corrections Policy has been established in accordance with the MLSSAZ Rules & Regulations to ensure the integrity of the MLS and the MLS database. Sanctions will be issued in accordance with this policy. This policy is subject to change upon approval of the MLSSAZ 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®. Requests for arbitration or REALTOR® Code of Ethics enforcement shall be administered by the Arizona Association of REALTORS®. The MLSSAZ Board of Directors understands that the MLS database is an integral part of the membership's day-to-day business and has instituted this Corrections and Compliance Policy to make a focused effort to increase the accuracy and protect the integrity of the MLS.

Participants and Subscribers, or any other entity authorized to have access to the information published by Tucson Association of REALTORS® Multiple Listing Service, Inc, are subject to MLSSAZ Rules and Regulations, MLSSAZ Bylaws, and any other MLSSAZ governance provisions. Failure to follow MLSSAZ rules will result in disciplinary actions.

Summary of Penalty Process

Violations are reported to the MLS in a variety of ways. When a violation is reported, MLS staff will verify the validity of the violation and send a Notice of Correction to the Participant and Subscriber indicating nature of the violation, any administrative action taken, and timetables for a resolution or response. The MLS Compliance Department may assess fines under these rules administratively, without a hearing, subject to a Participant's or Subscriber's right to appeal hereunder. A Participant's access to the Service may be suspended, or terminated, for failure to pay a fine and correct the finable offense in the Service subsequent to the exhaustion of appeal rights under these Rules and Regulations.

Section 1 - Violation Origination

Violations reported to the MLS are confidential. The most common methods of reporting violations are:

- Reported to MLS Staff
- Checks of the database
- Result of listing audit
- Reporting of concerns from the general public

Categories of Alleged Violations (See Section 6 for Definitions)

- Verifiable Violations
- Non-Verifiable Violations

Section 1.1 – Complaint Confidentiality

MLSSAZ processes complaints without revealing the complainant's identity. If a complaint is subsequently forwarded to a hearing, and the original complainant does not consent to participating in the process, the MLS will appoint a representative to serve as the complainant. (M)

Section 2 – Compliance with Rules - Authority to Impose Discipline

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

- a) letter of warning
- b) letter of reprimand
- c) attendance at MLS orientation or other appropriate courses or seminars which the Participant or Subscriber can reasonably attend taking into consideration cost, location, and duration
- d) appropriate, reasonable fine not to exceed \$15,000
- e) suspension of MLS rights, privileges, and services for not less than thirty (30) calendar days nor more than one (1) year
- f) termination of MLS rights, privileges, and services with no right to reapply for a specified period not to exceed three (3) years.

Note 1: A Participant (or user/Subscriber, where appropriate) can be placed on probation. Probation is not a form of discipline. When a Participant (or user/Subscriber, where appropriate) is placed on probation the discipline is held in abeyance for a stipulated period of time of no longer than one (1) year. Any subsequent finding of a violation of the MLS rules during the probationary period may, at the discretion of the MLS Standards Committee, result in the imposition of the suspended discipline. Absent any subsequent findings of a violation during the probationary period, both the probationary status and the suspended discipline are considered fulfilled, and the individual's record will reflect the fulfillment. The fact that one or more forms of discipline are held in abeyance during

the probationary period does not bar imposition of other forms of discipline which will not be held in abeyance. (M)

Section 2.1 – Correction Process

When a violation is reported, MLS staff will verify the validity of the error and send a Notice of Correction to the Participant and Subscriber indicating the MLS listing, nature of the violation, timetables for a response and resolution, or where applicable the administrative action taken. If the violation is verifiable by an official trusted source, MLS staff may make the correction immediately where applicable. These violations will incur an immediate fine as outlined in the schedule of fines. MLSSAZ may take any steps necessary in its judgment, including deleting the Participant contribution or portions thereof, to avoid or remedy any violation of law, breach of the MLSSAZ Policies or infringement of intellectual property right. If the violation found is not verifiable or correctable by MLS staff, a Notice of Correction will be emailed to the Participant and Subscriber. The Notice of Correction will require the Participant or Subscriber to make the correction by the due date stated in the notice (three calendar days). If multiple violations are found in the same listing, they shall be treated as one violation and the most severe penalty available for any of the individual violations shall apply. In the event the MLS staff cannot make a definitive determination based on the evidence, the matter may be referred to the MLS Standards Committee for review of the potential violation at its next regularly scheduled meeting.

Section 2.2 Receipt of Notices

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

Section 2.3 Failure to Address

If the requested correction has not been appropriately addressed within three (3) calendar days of the receipt of the Notice of Correction, on the following business day the Compliance Department may assess a minimum fine under these rules administratively, without any hearing, subject to a Participant's or Subscriber's right to appeal. If the violation remains unresolved, in addition to the fine assessed, a subsequent violation shall be deemed to have occurred. If a Participant fails to appeal a fine within the fifteen (15) calendar day period or pay the fine and fails to address the violation, there shall be an assessment of a \$200.00 fine. Thereafter, every thirty (30) calendar days another \$200.00 fine may be levied if the entry is not corrected. There shall be no appeal rights from any subsequent fines.

Section 2.4 – 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 shall remain in the Subscriber's account pending final determination. If the fine is upheld, the amount will be subject to current MLSSAZ billing policies. If the appeal is approved the fine shall be removed from the Subscribers account.

Section 3 – Failure to Complete Sanctions

Failure of an MLSSAZ Subscriber to pay fines levied by MLSSAZ shall be subject to the terms of the MLSSAZ 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) calendar days of first notice shall become past due. All notices are sent via e-mail, and the MLS Gateway. When the account becomes thirty (30) calendar days past due, the account shall automatically be suspended, and all services shall cease. When the account of a Subscriber is sixty (60) calendar 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) calendar 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, may charge the legal rate of interest on past dues fees and assessments and other Participant/Subscriber obligations due to 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 the MLSSAZ 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. For full details see MLSSAZ Bylaws Section 4 - Nonpayment of Financial Obligation.

Section 4 – Repeat Offender/Offense Policy

The MLSSAZ Repeat Offender/Offense Policy (Repeat Policy) is a set of guidelines used by the MLSSAZ 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 Offender/Offense Policy is designed to escalate potential sanctions placed on Participants and Subscribers for repeat violations of the Rules and Regulations.

MLS Participants and Subscribers can receive no more than 3 administrative sanctions in a calendar year before they are required to attend a hearing for their actions and potential violations of MLS rules, except that the MLS may allow more administrative

sanctions for violations of listing information provided by Participants and Subscribers before requiring a hearing. The MLS must send a copy of all administrative sanctions against a Subscriber to the Subscriber's Participant and the Participant is required to attend the hearing of a Subscriber who has received more than 6 administrative sanctions within a calendar year.

(M)

Repeat Offender and Offense Policy Defined

Repeat Offense

1. Definition:
A repeat offense is defined as any Participant as an Individual or Subscriber who has a total of three (3) or more violations of a specific rule within one calendar year.
2. Repeat offenses shall be subject to the following escalation scale:
 - a. Upon the 3rd violation a Letter of Concern will be issued to the Subscriber and their Participant as an educational opportunity.
 - b. If applicable an automatic issuance of the appropriate fine.
 - c. Fine amounts will continue to increase 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 calendar one year. (For Example: 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 twelve (12) or more violations of the MLSSAZ Rules and Regulations within one calendar year.
2. Repeat offenses shall be subject to the following: If any Participant as an Individual or Subscriber reaches a total of twelve (12) total within one calendar year.
 - a. The Participant or Subscriber, with his/her Participant, shall attend a mandatory hearing by the MLS Standards Committee for additional sanctions as described in Section 2- Compliance with Rules/Authority to Impose Discipline.
 - b. If applicable an automatic issuance of the appropriate fine.
 - c. Fine amounts will continue to increase 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. (For Example: 1x\$50, 2x\$50, 3x\$50, etc.)

Section 5 – Right to Appeal Sanctions

5.1 Initial Request for Appeal

All Participants and Subscribers have the right to request an appeal of any sanction/fine issued by MLSSAZ. Administrative Sanctions shall be appealed to the MLSSAZ Standards Committee. The MLSSAZ Board of Directors may uphold the sanctions issued from the MLSSAZ Standards Committee, overturn or modify the decision from the MLSSAZ Standards Committee, or send the decision back to the MLSSAZ Standards Committee for reconsideration.

If it is found that the violation is proper and the sanction appropriate to the offense, delay the effective date of sanction until final entry by a court of competent jurisdiction in a suit filed by the association for declaratory relief, except in those states where declaratory relief is not available, declaring that the disciplinary action and proposed sanction violates no rights of the multiple listing service participant. (M)

5.2 Requesting an Appeal

Requests for an appeal must be submitted on the Appeal Request form no later than twenty (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.

5.3 Types of Appeal

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

5.4 Make Up of an Appeal Panel

A panel will consist of all members of the MLS Standards Committee or where applicable 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 Standards Committee or MLS Board of Directors meeting. Members of the Standards Committee and 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.

5.5 Appeal Dates

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

5.6 Decision of Appeal Panel

The responsible Subscriber and/or Participant will be notified of the results of the Appeal. The decision of the MLS Board of Directors is considered final, unless the respondent believes they were denied Due Process. "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 notice.

Section 6 - Schedule of Fines

6.1 Non-Verifiable Violations

Non-Verifiable Violations are possible violations based on the initial evidence presented, MLS staff is unable to make a determination if an MLS rule was violated. Non-Verifiable Violations typically require a period for discovery. During the discovery process MLS staff may request additional documentation and further information from the complainant and or respondent. If the violation found is not correctable by MLS staff, a Notice of Correction will be emailed to the Participant and Subscriber. The Notice of Correction will require the Participant or Subscriber to address the alleged violation by the due date stated in the notice. A Notice of Correction must be addressed within three (3) calendar days from the date the notice was sent. If the requested correction has not been appropriately addressed within three (3) calendar days of the receipt of the Notice of Correction, on the following business day the Compliance department will assess a minimum fine under these rules administratively. In the event that the complaint is not resolved within twenty (20) calendar days, the matter may be referred to the Standards Committee for review at its next regularly scheduled meeting. If multiple violations are found in the same listing, they shall be treated as one violation and the most severe penalty available for any of the individual violations shall apply.

Rule Section	Description	Fines
Section 1.4.2	Incorrect number of Bedrooms	\$50
Section 1.4.1	Incorrect Square Footage – Owner/Other Stated	\$25
Section 1.4.1	Incorrect Lot Size – Owner Stated	\$25
Section 1.4.1	Garage-Carport Count	\$25
Section 1.4.1	Distressed Info	\$25
Section 1.4.1	Inaccurate View	\$25
Section 1.4.1	Association Amenities	\$25
Section 2.6	Reporting Resolutions of Contingencies	\$25
Section 2.9	Availability of Listed Property	\$150
Section 4.3	Solicitation of Listing Filed with the MLS	\$250
Section 4.5	Use of the Terms MLS and Multiple Listing Service	\$250
Section 5.1	Failure to disclose Owner-Agent Status	\$500
Section 9.3	Unauthorized Use of Listing Content	\$250
Section 11	Copyright Infringement	\$250
Section 23.4	Securing Property	\$1000
Section 23.8	Simultaneous Unrelated Showings	\$250
Section 24	Sign-In Sheets	\$150

Section 6.2 – Verifiable Violations

Verifiable Violations are evident that an MLS rule was violated based on trusted official sourced information. These violations will incur an immediate fine as outlined in the table below. The Compliance Department may assess fines under these rules administratively, without a hearing, subject to a Participant’s or Subscriber’s right to appeal. A Notice of Correction and fine amount will be sent by email to the Subscriber and copy to the Participant. MLS staff will make the correction immediately where applicable. If MLS staff is unable to make a definitive determination, the alleged violation shall be subject to the rules of Section 6.2 Non-Verifiable Violations. Examples of such violations include, but are not limited to the following:

Rule Section	Description	Fines
Section 1	Listing Procedures – Late Listing Submission	\$150
Section 1	Active Listing without Valid Listing Agreement	\$1000
Section 1	Clear Cooperation Policy	\$500
Section 1.4.1	Subdivision	\$25
Section 1.4.1	Zoning	\$25
Section 1.4.1	Schools	\$25
Section 1.4.1	Dwelling Type	\$25
Section 1.4.1	Property SqFt/Lot Size	\$25
Section 1.4.1	Incorrect Closed/Rented Information	\$50
Section 1.4.1	Accuracy of Listing Data – Data Errors	\$15
Section 1.4.3	Year Built	\$50
Section 1.7	Change Listing Status	\$150
Section 1.18	Restriction to Listing Information	\$150
Section 1.18.7	Fair Housing Violation	\$1000
Section 1.19	Submitting Photos to MLS	\$150
Section 1.19-B	No Primary Photo	\$50
Section 2.5	Reporting Sales to MLS	\$500
Section 2.7	Advertising of Listing Filed with the MLS	\$250
Section 2.8	Reporting Cancellation of Pending Sale	\$150
Section 2.10	Reporting of Team Listings	\$150
Section 2.11	Failure to Follow Showing Instructions	\$500
Section 4.1	For Sale Signs	\$150
Section 4.2	Sold Signs	\$150
Section 5	Cooperative Compensation Specified on Each Listing	\$500
Section 5.1	Participants as Principal	\$500
Section 23.3	Keybox Security	\$1000
Section 23.6	Removal of Keybox	\$500
Section 24.1	Sign-In Sheets - Sign In Required	\$150
Section 25	Unauthorized Access to MLS	\$1000

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 may 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.