

RULES AND REGULATIONS OF THE Triangle MLS, INC.

Appendix A: Data Integrity Guidelines

TMLS is responsible for the enforcement of the Rules and Regulations. All complaints, having to do with violations of the MLS Rules and Regulations, will be considered by the TMLS staff in accordance with these Data Integrity Guidelines.

TMLS staff will check the database to confirm the alleged violation. If a violation occurs, it will fall into one of four categories.

HOW IT WORKS

Category I Violations

These are considered to be "correctable violations" and do not carry a fine if corrected within the required time frame.

Category II Violations

These are considered to be serious violations. Many are not considered "correctable" and will incur heavier fines.

Category III Violations

These violations pertain to sharing of compensation, late listing entry, illegal listings, and lock box security.

Category IV Violations

These violations pertain to the unauthorized disclosure of the MLS system and showing appointment center access.

Alleged violations of the Rules and Regulations may be made in writing and may be initiated by:

- A. Participants or Subscribers as defined in the Rules and Regulations.
- B. Licensed and unlicensed administrative and clerical staff affiliated with the MLS Participant.
- C. MLS staff or staff of Associations.

D. The general public

When a complaint is filed in writing, these forms may be sent (mailed, emailed or delivered) to MLS staff. TMLS staff will maintain the confidentiality of the complainant(s).

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<u>CATEGORY I VIOLATIONS</u>	
Definition	Considered to be "correctable violations" and does not carry a fine if corrected within the required time frame.
Staff Action	TMLS staff will send "Triangle MLS Notice of Violation", emailed to the attention of the Subscriber. A copy will also be emailed to the Participant.
Fine	There is no fine for Category I violations.
Compliance	The Subscriber must correct the violation within 2 business days.
Non-Compliance	If the Subscriber does not correct the violation within 2 business days, a Notice of Fine as described in the Data Integrity Fee Schedule will be assessed.
Continued Non Compliance	For every 2 business days the Subscriber does not correct the violation, a Notice of Fine as described in the Data Integrity Fee Schedule will be assessed.
Non-Payment Failure to pay a fine within 30 days	If the Subscriber does not pay all fines within 30 days (including weekends and holidays) of the original invoice date, the Subscriber will be suspended.
Non-Payment Failure to pay a fine within 60 days	If the Participant does not pay all fines within 60 days (including weekends and holidays) of the original invoice date, the TMLS Service for the OFFICE will be suspended until all fines are paid.
Non-Payment Failure to pay a fine within 90 days	If the Participant does not pay all fines within 90 days (including weekends and holidays) of the original invoice date, the TMLS Service for the OFFICE will be terminated.

Violations Include (but may not be limited to):

1. Failure to enter the correct geographical information in the required fields of a listing. (Sec. 1.2)
2. Failure to report the correct sale price, financial terms, and seller concessions on a closed listing. (Sec. 1.16)
3. Failure to report the correct selling office and selling agent on a sold listing. (Sec. 1.16)
4. Failure to include in the cooperative commission field a specific dollar amount or percentage of gross selling price. (Sec. 5.02)
5. Failure to include the full gross listing price, as stated in the listing contract. (Sec. 1.8)
6. Failure to submit at least one (1) photograph, rendering, or drawing on new construction or rental properties within seven (7) days of entering the listing into the Service. (Sec. 1.2d)
7. Failure to submit at least three (3) different photographs, renderings, or drawings on resale Residential, Multi-Family or Commercial Improved listing within seven (7) days of entering the listing into the Service. (Sec. 1.2d)
8. Submitting photographs, renderings, or drawings into the Service that are not an actual representation of the property. (Sec. 1.2d)
9. Placing contact information or marketing or promotional messages in the Directions, Financial Comments, Photos, Photo Captions, Virtual Tours, Remarks (excluding Agent Only Remarks), etc. of the listing. (Sec. 1.2)
10. Placing open house information in the Remarks, Agent Only Remarks, Financial Comments, Directions, etc. of the listing. (Sec. 1.2f)
11. Failure to upload the document "Property Owner Request No Showing" in Document Manager within 2 days of changing the status to No Showings.
12. Any violation of the TMLS Rules and Regulations not covered by the Data Integrity Guidelines.

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CATEGORY II VIOLATIONS	
Definition	Many are not considered "correctable" and therefore incur heavier fines.
Staff Action	TMLS staff will send "Triangle MLS Notice of Violation", emailed to the attention of the Subscriber. A copy will also be emailed to the Participant.
Fine	See Data Integrity Fee Schedule.
Compliance	The Subscriber must correct the violation (if the violation can be corrected) within 2 business days.
Non-Compliance	If the Subscriber does not correct the violation (if correction is possible) within 2 business days, a Notice of Fine as described in the Data Integrity Fee Schedule will be assessed.
Continued Non Compliance	For every 2 business days the Subscriber does not correct the violation, a Notice of Fine as described in the Data Integrity Fee Schedule will be assessed.
Non-Payment Failure to pay a fine within 30 days	If the Subscriber does not pay all fines within 30 days (including weekends and holidays) of the original invoice date, Subscriber will be suspended.

Non-Payment Failure to pay a fine within 60 days	If the Participant does not pay all fines within 60 days (including weekends and holidays) of the original invoice date, the TMLS Service for the OFFICE will be suspended until all fines are paid.
Non Payment Failure to pay a fine within 90 days	If the Participant does not pay all fines within 90 days (including weekends and holidays) of the original invoice date, the TMLS Service for the OFFICE will be terminated.
Violations include (but may not be limited to):	
IIa	
<ol style="list-style-type: none"> 1. Failure to report a listing's change of status or terms on a listing within 2 business days. (Sec. 1.5, 1.6, 1.16, 2.5a, 2.8) 2. Failure to enter a listing in the correct Area/SubArea in the system. (Sec. 1.2) 3. Failure to comply with the IDX rules and regulations. 4. Any violation of the TMLS Rules and Regulations not covered by the Data Integrity Guidelines. 	
IIb	
<ol style="list-style-type: none"> 1. Late submission of the No Cooperation / Office Exclusive / Withheld form or a similar form providing the same information. (Sec. 1.4). 2. Failure to indicate that a listing is a Limited Service Listing or Entry Only. (Sec. 1.2.1, 1.2.2) 3. Failure to provide TMLS with a requested listing agreement within 2 business days. (Sec. 1.1) 4. Placing contact information, marketing or promotional messages into an appointment center (ShowingTime) generated feedback. (Sec. 2) 5. Failure to indicate that a listing contains dual or a variable rate commission arrangement. (Sec. 5.3) 6. Deliberate entry of inaccurate data on a listing. (Sec. 1.2) 7. Any violation of the TMLS Rules and Regulations not covered by the Data Integrity Guidelines. 	

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CATEGORY III VIOLATIONS	
Definition	These violations pertain to timely listing entry, entering a listing into the MLS without an executed Exclusive Listing Agreement, displaying compensation related information on the listing, and showing security.
Staff Action	TMLS staff will send "Triangle MLS Notice of Violation", emailed to the attention of the Subscriber. A copy will also be emailed to the Participant.
Fine	See Data Integrity Fee Schedule.
Compliance	The Subscriber must correct the violation (if the violation can be corrected) within 1 business day.
Non-Compliance	See Data Integrity Fee Schedule.

Continued Non Compliance	See Data Integrity Fee Schedule.
Non-Payment Failure to pay a fine within 30 days	If the Subscriber does not pay all fines within 30 days (including weekends and holidays) of the original invoice date, Subscriber will be suspended.
Non-Payment Failure to pay a fine within 60 days	If the Participant does not pay all fines within 60 days (including weekends and holidays) of the original invoice date, the TMLS Service for the OFFICE will be suspended until all fines are paid.
Non-Payment Failure to pay a fine within 90 days	If the Participant does not pay all fines within 90 days (including weekends and holidays) of the original invoice date, the TMLS Service for the OFFICE will be terminated.
Violations include (but may not be limited to): <ol style="list-style-type: none"> 1. Late entry of listing into the MLS system. (Sec. 1) 2. Placing lock box on property without seller's written permission. (Sec. 16 b) 3. Entering a listing in the MLS without an executed exclusive listing agreement. (Sec. 1) 4. Entering a property without a showing appointment or approval of the listing agent. (Sec. 2 b) 5. Showing a property in a Coming Soon or No Showing status. 6. Entering Buyer Agent compensation information on the listing. 7. Any violation of the TMLS Rules and Regulations not covered by the Data Integrity Guidelines. 	

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CATEGORY IV VIOLATIONS	
Definition	Unauthorized disclosure of the MLS system, appointment center (ShowingTime) access and lockbox.
Staff Action	TMLS staff will send "Triangle MLS Notice of Violation", emailed to the attention of the Subscriber. A copy will also be emailed to the Participant.
Fine	See Data Integrity Fee Schedule.
Compliance	Must change password within 2 business days.
Non-Compliance	See Data Integrity Fee Schedule.
Repeat Violations	Repeat violations will be fined as outlined in the Data Integrity Fee Schedule.

Non-Payment Failure to pay a fine within 30 days	If the Subscriber does not pay all fines within 30 days (including weekends and holidays) of the original invoice date, Subscriber will be suspended.
Non-Payment Failure to pay a fine within 60 days	If the Participant does not pay all fines within 60 days (including weekends and holidays) of the original invoice date, the TMLS Service for the OFFICE will be suspended until all fines are paid.
Non-Payment Failure to pay a fine within 90 days	If the Participant does not pay all fines within 90 days (including weekends and holidays) of the original invoice date, the TMLS Service for the OFFICE will be terminated.
Violations include (but may not be limited to): <ol style="list-style-type: none"> 1. Unauthorized disclosure of MLS password. (Sec. 4.4) 2. Unauthorized disclosure of any PIN used to access electronic lockboxes. (Sec. 16) 3. Unauthorized lockbox combination disclosure. (Sec. 16 d) 4. Unauthorized disclosure of ShowingTime appointment center code. (Sec. 2) 5. Other violations as may be determined by the TMLS Board of Directors. 	

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Data Integrity Fee Schedule				
	Category I	Category II	Category III	Category IV
Fines	None	IIa – None – First offense IIa – Additional violations incur Minimum \$100. Not to exceed \$500. IIb - Minimum \$100 Not to exceed \$500	Minimum \$500 2 nd \$1000-7 day suspension 3 rd \$2000-30 day suspension 4 th Potential suspension from TMLS for a period of one year. Reinstatement will require the approval of the TMLS Board of Directors.	Minimum \$1500 2 nd \$3000 3 rd Expelled from TMLS for a period of one year. Reinstatement will require the approval of the TMLS Board of Directors.

Data Integrity Fee Schedule				
Non Compliance (If the Violation is not corrected within 2 business days excluding weekends and holidays)	\$100	\$100	N/A	N/A
Continued Non Compliance (if applicable)	\$100 for every 2 business days not to exceed \$500.	\$100 for every 2 business days not to exceed \$500.	\$100 for every 1 business days not to exceed \$500.	N/A
Non-Payment Failure to pay a fine within 30 days of original invoice date	Subscriber suspended until all fines are paid.	Subscriber suspended until all fines are paid.	Subscriber suspended until all fines are paid.	Subscriber suspended until all fines are paid.
Non-Payment Failure to pay a fine within 60 days of original invoice date	TMLS service for the OFFICE suspended until all fines are paid.	TMLS service for the OFFICE suspended until all fines are paid.	TMLS service for the OFFICE suspended until all fines are paid.	TMLS service for the OFFICE suspended until all fines are paid.
Non-Payment Failure to pay a fine within 90 days of original invoice date	TMLS service for the OFFICE terminated.	TMLS service for the OFFICE terminated.	TMLS service for the OFFICE terminated.	TMLS service for the OFFICE terminated.

HEARING REQUEST

Any Participant, having reason to believe that the fine imposed on that Participant by the MLS is without merit, may file an "MLS Data Integrity Hearing Request" form. The request for a hearing must:

- 1) Include copies of any relevant documents;

- 2) Include an administrative processing fee in the amount of \$100 and
- 3) Be sent to the MLS Data Integrity Director within ten (10) days (excluding weekends and holidays) after the "Triangle MLS Violation".

If any additional documents provided are proof that there is not a violation, the assessed fine will be voided, the appearance deposit will be refunded, and the Participant and MLS Hearing Committee will be notified.

Within 10 days (excluding weekend and holidays) of receiving a "MLS Data Integrity Hearing Request" form, TMLS staff shall send notice to the Participant requesting a hearing, offering two hearing dates. The Participant will have 10 days (excluding weekends and holidays) to notify the MLS staff of the preferred date. If the Participant does not respond with a preferred date the hearing shall proceed. TMLS will notify the Participant of the hearing outcome.

When the Participant selects a date within the 10-day period, TMLS staff will send the Participant requesting the hearing, within 10 days, the list of the MLS Hearing Committee members scheduled to appear at the hearing and the list of alternates. When the Participant has good cause the Participant may request the substitution of an alternate to sit on the MLS Hearing Committee. Substitution requests must occur at least 10 days before the hearing date. The Participant must provide a written detailed explanation for the substitution request. TMLS staff will review the request and schedule the alternate when appropriate. If the MLS staff does not hear from the Participant it will be assumed that the scheduled panel is acceptable. Last minute emergency absences by scheduled panel members will be filled with the scheduled alternate from the same association/board.

MLS HEARING COMMITTEE

In December of each year, the MLS Directors will approve 15 MLS Participants or Subscribers to serve on the MLS Hearing Committee for one-year term. These appointees will be broken down in 3 groups with 5 appointees on each group. Members of the MLS Hearing Committee shall not be:

- A. Members of the MLS Board of Directors.
- B. Executives or staff of associations, boards or TMLS.

Members of the MLS Hearing Committee will be scheduled to serve on panels as primary and alternate participants on a rotating basis. Only one person connected with any association/board (except for Wake) and one person from a firm shall serve on any one panel of the MLS Hearing Committee. Each hearing panel shall elect its own Chairperson. At least one hearing per month shall be scheduled. If 10 business days prior to a hearing date there are no hearing requests scheduled, the hearing will be

anceled.

REQUESTS FOR DOCUMENTS

Members of the panel scheduled for a hearing may request any documents that are deemed relevant and necessary to the determination of the hearing, from the Participant filing the hearing request. The Participant requesting the hearing shall provide the documents requested by the hearing panel. In most cases the relevant and necessary documents will have been submitted with the "MLS Data Integrity Hearing Request."

CONTINUANCE OF HEARING

If the Participant fails to appear at a hearing, the hearing shall proceed as scheduled. One continuance may be granted if there are extenuating circumstances. Requests for continuance must be made to the TMLS staff in writing, by the Participant originally requesting the hearing, at least 2 business days prior to the hearing date. When a continuance is granted, the Participant shall be notified by the TMLS staff of the next regularly scheduled hearing date for the MLS Hearing Committee. The TMLS staff shall notify the scheduled hearing panel.

CANCELLATION OF HEARING REQUEST

The Participant who requested the "MLS Listing Data Integrity Hearing Request" may cancel the request.

The request must be in writing and received (mail or fax) by noon of the business day preceding the hearing date. The appearance deposit will be refunded in full.

RECORDING THE HEARING

Only TMLS staff may audio record the proceeding (no video recording permitted). Any other party involved may request a copy.

HEARING PROCEDURES

The MLS Hearing Committee panel shall not be bound by the rules of evidence applicable in courts of law, but shall afford all parties a full opportunity to be heard, present witnesses, and offer evidence, subject to its judgment as to relevance.

All hearings and procedures shall be conducted in accordance with the professional standards procedures outlined in the current NAR Code of Ethics and Arbitration Manual.

AMENDING A COMPLAINT

At any time during the hearing, the complaint may be amended either by Data Integrity Director or upon motion of the Hearing Panel to add previously uncited violations of the TMLS Rules and Regulations or additional respondents. In such event the hearing, with the concurrence of the Participant who is the respondent to the complaint, may proceed uninterrupted or be reconvened on a date certain, not less than fifteen (15) or more than thirty (30) days from adjournment. If the

Participant knowingly waives his right to the adjournment, the record should reflect the fact that the Participant was aware of the right to an adjournment but chose to proceed with the hearing without interruption on the basis of the amended complaint. If the hearing is adjourned to be reconvened at a later time, the amended complaint shall be filed in writing, signed by the Chairperson of the Hearing Panel, and shall be promptly served on the Participant as in all other cases provided herein.

HEARING APPEALS

The Complainant or Respondent may appeal a Hearing decision for an alleged violation of the TMLS Rules and Regulations.

Within twenty (20) days of receipt of the Hearing Outcome, the Complainant or Respondent may petition the MLS Hearing Committee panel for a rehearing solely on the grounds of newly discovered evidence. The petition must include: (1) a summary of the new evidence, (2) a statement of what the new evidence is intended to show and how it might affect the panel's decision and (3) an explanation of why the petitioner could not have discovered and produced the evidence at the original hearing.

Within twenty (20) days of receipt of the MLS Hearing Committee panel's decision, if no petition for rehearing has been filed, or within ten (10) days after denial of a petition for a rehearing, the Complainant or Respondent may file an appeal.

The TMLS Directors will hear appeals of determination by the TMLS Hearing Committee panel. TMLS will charge a \$100 non-refundable administrative deposit for an appeal of a hearing decision.

The TMLS President and TMLS's legal counsel will review written requests for appeals of Hearing decisions to determine whether the request stated a legitimate basis for consideration by the TMLS Directors.

HEARING OUTCOME

The MLS Hearing Committee panel will submit their decision in writing, signed by all panel members to the Data Integrity Director following the hearing, and the Participant requesting the hearing, within 10 days. If a majority of the MLS Hearing Committee panel finds that a rule or regulation has been violated the assessed fine shall be paid. If a majority of the MLS Hearing Committee panel finds that the Participant's appeal prevails on its merits, the panel may revoke the fine that is the subject of the Participant's appeal. The outcome of all hearings will remain strictly confidential.

RECORDS

TMLS staff will retain records of all complaints and their disposition and tapes from MLS Data Integrity hearings for 7 years.

COMPENSATION RULE

Communicating the presence or amount of an offer of commission, compensation,

brokerage fees, broker fees, or related language in the MLS is strictly prohibited. This includes all MLS front ends, TMLS Listing Manager, ShowingTime, HomeSpotter, and any other MLS provided service. Violation of this rule by a Subscriber (agent) shall result in a Category III Violation starting at 8AM December 1, 2-24.

WRITTEN AGREEMENTS FOR TOURING

Appendix B and NAR policy state that MLS must require all Participants and Subscribers working with a buyer to enter into a written agreement before the Prospective Buyer tours any home in person or by live video. There are limited exceptions for Subscribers working for the Seller, refer to the Rules and Regs for details. TMLS may request any Participants and Subscribers to produce their Buyer Agency Agreements in TMLS's efforts to ensure compliance with the Settlement. Failure to produce a requested document with one (1) business day of the request will result in a Category III Violation.

Note: First Offenses will incur a warning, not a fine, from the date this rule goes into effect through December 1.

ENFORCEMENT NOTES

In practice, when TMLS staff verifies a violation, a supervisor follows a checklist for a violation. The first step of that checklist is to change the visibility of the listing to "hidden" using a special administrative Listing Status. In this status, the only people who can see it are those few people who can edit it at the Listing Brokerage. It will disappear from core systems immediately and will not syndicate. It will not be returned to active inventory until verified to be compliant by staff.