



PCMLS Schedule of Fees, Fines & Sanctions

The following Fees, fines and sanctions have been approved and implemented by the Park City Board of REALTORS® and the Park City Multiple Listing Service (PCMLS) effective on the revision date noted at the bottom of each page.

I. DATA INPUT VIOLATIONS:

With respect to a listing, each of the items listed below is a violation of the PCMLS Rules and Regulations. Following written notification (e-mail and/or mail) of the violation(s), the member will have a three (3) business day grace period to correct the violation(s). If the violation(s) is corrected during this grace period, the fine will be waived. For purposes of this schedule, the term “business days” shall mean Monday through Friday, exclusive of State or Federal holidays. If the violation is not corrected during the three (3) business day grace period, the member will be fined \$50.00. If the violation is not corrected within five (5) business days of the original notification, the Board will assess an additional \$50 fee and may, but is not required to, make the correction.

Rule/Section Number	Description of violation
1.0	Failure to enter a listing in the correct property type
1.0.2	Entering a listing into more than one property type
1.2	Failure to enter a listing which is complete and accurate in every mandatory field, including wrong map location.
1.2.1	Failure to update tax identification number after a permanent number is issued
1.2.4	Failure to correct an error if the tax identification number is entered incorrectly Failure to correct any other error brought to the attention of listing agent/office.
1.2.7	Failure to include an “Amenities”, “Lifestyle”, or “Surrounding Area” banner on the primary photo of any Listing that is taken off the property
1.2.8	Posting a photo that does not accurately represent the property views
1.2.9	Failure to include clear visual evidence of the unfinished nature of property that does not have a Certificate of Occupancy
5.0.4 Note 2	Failure to enter any changes in the broker compensation including bonuses.

II. TIMELINESS AND MISCELLANEOUS VIOLATIONS:

The MLS Rules & Regulations stipulate that entry of, and status changes to, listings must occur within five (5) business days of either the effective date or the date that all required signatures have been obtained (whichever is later). Violations are tracked for a 2-year period from the first offense per each individual violation.

Following written notification (e-mail and/or mail) of the violation(s), the member will have a three (3) business day grace period to correct the violation(s). For purposes of this schedule, the term “business days” shall mean Monday through Friday, exclusive of State or Federal holidays. If the violation(s) is corrected during this grace period, the fine will be waived. If the violation is not corrected during the three (3) business day grace period, the member will be fined \$50.00 (*does not apply to 1st offense Warning*). If the violation is not corrected within five (5) business days of the original violation, the Board will assess an additional \$50 fee and may issue a 2nd offense citation for the same continuing violation. The Board may, but is not required to, make any correction to a

listing to bring it into compliance with the rules.

The following violations and the fines associated with the offense(s) are as follows:

1st offense: Warning issued.

2nd offense: \$50 fine

3rd offense: \$100 fine

4th offense: \$200 fine

5th offense: \$500 fine

6th offense: 3-month MLS usage suspension and, upon reinstatement, must complete an ethics class within one month.

Rule/Section Number	Description of violation
1.0	Failure to enter a listing of any property within the MLS territorial service area
1.0.1 & 1.3	Failure to submit a signed "Certification to Withhold Property Listing" or advertising a property that has been withheld subject to such certification through a channel or media provided by the MLS or Board of Realtors. <i>(Amended 11/1/19)</i>
1.2.3	Failure to comply with the rules governing public remarks
2.7	MLS subscriber NOT obtaining the prior consent of the listing broker to advertise their listing
5.1	Failure of a subscriber to disclose through the MLS any ownership in the listed property
5.2	Failure of a subscriber to disclose a contemplated personal interest in the property at the time the purchase offer is submitted
6.1.1	Non-Subscriber placing a listing through their Participant to circumvent subscription requirement
1.2.3 10.3	Non-subscriber information cannot be listed in the confidential and/or any public remarks sections
1.4	Failure to enter any changes to listing agreement, including change in listing price
1.5 1.10	Failure to enter an extension, withdrawal or renewal (reinstate date) for a listing
1.6 2.6	Failure to enter the renewal or removal of a contingency
1.4	Failure to report a status change
2.5.4	Failure to enter a Pending Sale with a Time Clause Contingency
2.5.4	Failure to enter a Pending Sale
2.5	Failure to enter a Closed sale within five (5) business days
2.8	Failure to enter the cancellation of a Pending Sale (failed sale)
2.8.1	Failure to remove a time clause contingency
13.2	Failure to obtain permission from the original listing broker, or any other owner of a photograph or other visual image, to use such photographs or visual image associated with any current or previous listings, except as permitted by the Rules
1.2.9	Failure to include an "Under Construction" banner on the primary photo of any listing that does not have a Certificate of Occupancy
2.2	Failure to submit a written offer to a seller
1.2.14	Failure to include the words "Limited Service Listing" in the confidential remarks of a Limited Service Listing
5.3	Failure to disclose dual rate commission in confidential remarks

Rule/Section Number	Description of violation
5.4	Failure to disclose HUD identification number in confidential remarks when a range of commissions is approved by HUD
2.10	Misrepresentation of availability of access to show or inspect listed property
5.0.5	Failure to report a potential Short Sale when reasonably known
2.5	Failure to enter a closed Short Sale. (Section 2.5)

III. IMMEDIATE FINES:

Violations are tracked for a 2-year period from the first offense per each individual violation. There is no warning associated with these fines and the fine schedule is as follows.

Following written notification (e-mail and/or mail) of the violation(s), the member will have a three (3) business day grace period to correct the violation(s). For purposes of this schedule, the term "business days" shall mean Monday through Friday, exclusive of State or Federal holidays. If the violation is not corrected during this grace period, the member will be fined an additional \$50.00. If the violation is not corrected within five (5) business days of the original notification, the Board will assess an additional \$50 fee and may issue a 2nd offense citation for the same continuing violation. The Board may, but is not required to, make any correction to a listing to bring it into compliance with the rules.

1st offense - \$100

2nd offense - \$200

3rd offense - \$500

4th offense - \$1,500

5th offense - 3-month MLS usage suspension and, upon reinstatement, must complete Ethics Class within 1 month.

Rule/Section Number	Description of violation
20.3.8	Subscriber and/or affiliate subscriber (e.g., home inspector, photographer) who loans or transfers a keypad, or device with keypad ability to any unauthorized person or entity or uses the keypad for any unauthorized purpose
1.0.1(c)	Failure to obtain signed authorization from seller & the listing broker before entering a listing, an extension, withdrawal or renewal of a listing
1.0.1(e)	Failure to disclose the presence of exempted prospects or the names of exempted prospects as prescribed (Removed 8/20)
1.0.2(h)	Failure to enter a listing within one business day of advertising the property to the public.
1.2.6	Failure to enter at least one photo immediately upon entering the listing on the MLS.
2.0 through 2.10	Selling Procedures - Failure to coordinate showing appointments through the listing broker, or otherwise failing to follow showing instructions contained in the MLS listing
2.5.1 10.0 10.3	Violation of any provisions of the PCMLS Rules & Regulations, including but not limited to the prohibition of communication of confidential information
2.5.1	Disclosing Sold data to any entity other than the MLS or an active client
2.5 Note	Failure to obtain written authorization, in advance, from the owner of a property verifying his/her consent to market the property not yet owned by a potential

	seller, or the assignability of a real estate purchase contract by the potential seller. A potential seller is anyone who does not yet own the property.
4.0.1	Subscriber providing MLS credentials to ANYONE. (Section 4A)
20.2	Placing a lock box on a property without the prior written consent of the owner of that property
20.2.1	Failure to place PCMLS approved lock box on property if another lock box or controlled access device of any kind is used. (New 7/2020)

In addition to the foregoing, the following additions shall apply to the administration of this policy and the associated penalties for violation of the policy:

1. The Broker of Record for the office in which the Subscriber holds membership shall be notified of all violations of this policy by agents in that office. Likewise, the Broker shall be notified of any penalties to which the agent is subjected for the violation.
2. After the application of the 1st Offense fine of \$100, and subsequently after the three-day grace period and the additional fine of \$50 for non-compliance, and subsequently after the five-day grace period and the second additional fine of \$50 for non-compliance, if the subscriber is still not in compliance with the rule, the 2nd Offense fine of \$200 shall be levied and the grace periods for compliance shall begin anew. This progression shall continue until compliance with the rules is achieved.

IV. INTENTIONAL MISCONDUCT FINES:

Fines for actions taken by participants and/or subscribers to circumvent the rules on reporting accurate information (e.g., evade reporting of the sales price) are immediate and are applied without warning. Fines are not in lieu of correcting the inaccurate information. Along with each fine assessment the member is given notice that the next level of the fine sequence will be assessed in three business days if the inaccuracy or omission has not been corrected within that time.

Intentional Misconduct fines do not reset or sunset. Therefore, regardless of the amount of time between the first, second, and third offenses, the third offense results in a 3-month suspension from the MLS. After the third offense, all subsequent offenses will result in a \$1,000 fine & 3-month suspension.

Intentional Misconduct Fines are applied only to the agent unless the broker actively participated in the agent's misconduct, in which case it is also applied to the broker. The broker will always be notified of an Intentional Misconduct offense by any their agents.

Following written notification (e-mail and/or mail) of the violation(s), the member will have a three (3) business day grace period to correct the violation(s). For purposes of this schedule, the term "business days" shall mean Monday through Friday, exclusive of State or Federal holidays. If the violation is not corrected during this grace period, the member will be fined and additional \$50.00. If the violation is not corrected within five (5) business days of the original notification, the Board will assess an additional \$50 fee and may, but is not required to, make the correction.

1st offense \$500

2nd offense \$1,000

3rd offense 3-month MLS usage suspension. Member must complete an Ethics Class within one month of reinstatement (fine must be paid before reinstatement).

Subsequent: \$1,000 and a 3-month MLS usage suspension. Member must complete an Ethics Class within one month of reinstatement (fine must be paid before reinstatement).

Rule/Section Number	Description of violation
2.5	Failure to report Sales Price of closed listing or actions taken to avoid reporting Sold data to the MLS

V. VERIFICATION PROCESS:

The PCMLS may request subscriber who violates these rules and regulation to provide any signed and dated document(s), at the PCMLS’s discretion, reasonably related to such violation(s). (Sec 1.2.5) Failure to provide the PCMLS with the requested documentation within five (5) business days after the request shall result in an additional \$25 administrative fine.

VI. APPEALS PROCESS

Appeals to the fines may be requested by providing written notice to the PCMLS together with the basis of the appeal, within 15 days of the original notification of violation (refer to Section 9, **Enforcement of Rules or Disputes** in the MLS Rules and Regulations.)

VII. PAYMENT OF FINES

Fines will be billed to the subscriber’s MLS account and are payable as stated in Section 7.0.3 (Formerly 7C) of the MLS Rules and Regulations.

New PCMLS Subscriber Acknowledgement and Affirmation:

I agree that I have received, read and understand the PCMLS Schedule of Fees, Fines & Sanctions and agree to follow and abide by the PCMLS Rules and Regulations as published.

Name: _____ PCMLS User ID No. _____

Signature _____

DATE _____