

## **2010/2011 Updates and changes to Sandicor MLS Rules and Regulations.**

Sandicor MLS Rules and Regulations are a combination of CAR Model Rules and local rules approved by the Sandicor Board of Directors and the National Association of Realtors. Below are the changes approved and in effect for 2010/2011. The new rules are denoted with NEW in red and modifications to existing rules are highlighted below for your convenience. The complete Sandicor Rules & Regulations Document can be found at [www.Sandicor.com](http://www.Sandicor.com), under the RULES link and is titled "SANDICOR RULES & REGULATIONS DOCUMENT" (link included below).

<http://www.sandicor.com/rules-regulations/Sandicor-Rules-and-Regulations-Document.pdf>

**New**

**4.1.3 Redundant Participant Qualifications.** Participant type (Broker or Appraiser) must be selected during application for participation. A Participant with both a California Real Estate Broker's license and a California Appraiser's certification or license must join as a "Broker Participant" to be a listing broker under Section 4.6 or a cooperating broker or selling broker under Section 4.7.

**New**

**4.2.3 Redundant Subscriber Qualifications.** Subscriber type, real estate or appraiser, must correlate to the Participant type. A Subscriber who is both a California Real Estate Licensee and a California certified or licensed appraiser must join as a R.E. Subscriber, unless their employing or affiliated Participant is an Appraiser Participant.

**Additions to existing Rule highlighted:**

**4.4 Registered Assistant Access.** Individuals (whether licensed or unlicensed) that use the MLS for clerical tasks such as entering listings and/or searching the database and are under the direct supervision of a Participant, Subscriber or Appraiser, may be given access to the MLS by a unique and individual pass code. The assistant pass code will be directly linked to the Assistant's employer and will be terminated if said employer should become inactive in the MLS. An assistant must adhere to the following requirements:

- (a) The assistant fees will be up to date as set forth by the service center that their employer participates at;
- (b) The assistant will have signed a written agreement to abide by the rules and regulations of Sandicor and will be required to either attend MLS orientation or pass a standardized test administered by staff covering the Sandicor rules and regulations;
- (c) The assistant will only relay MLS information to their employer and not to members of the public or other Sandicor Participants, Subscribers or Appraisers (this does not prohibit licensed assistants from performing duties of a real estate licensee or appraiser licensee outside of the MLS as long as the duties performed do not involve data retrieved from the Sandicor database);
- (d) The assistant may not be identified as an agent or contact person for a property listed with Sandicor MLS;
- (e) Assistants are eligible for lockbox Smart Card services and are prohibited from using any other Participant, Subscriber or Appraiser's Smart Card
- (f) Participant or Subscriber linked to the Registered Assistant may be fined, disciplined or terminated for Registered Assistant's misconduct.

New

**4.11 Denied Application.** In the event an application for participation in the MLS is rejected by the MLS, the applicant, and his or her broker, if applicable, will be promptly notified in writing of the reason for the rejection. The broker shall have the right to respond in writing, and to request a hearing in accordance with the *California Code of Ethic and Arbitration Manual*.

New

**20 Interim Training.** Participants and Subscribers may be required, at the discretion of the MLS, to complete additional training of not more than four (4) classroom hours in any twelve (12) month period when deemed necessary by the MLS to familiarize Participants and Subscribers with system changes or enhancement and/or changes to MLS rules or policies. Participants and Subscribers must be given the opportunity to complete any mandated additional training remotely.

New

**7.3.2 Co-Listings.** Only the listings of Participants and Subscribers will be accepted by the MLS. Inclusion of non-member Participants and Subscribers as the co-listing broker or agent is prohibited. Inclusion of co-listings where the co-listing broker/agent is not a Participant or Subscriber in the MLS is prohibited.

Additions to existing Rule highlighted:

**12.5 Misuse of Remarks.** Participants and Subscribers may not use the public remarks in a listing input form sheet or listing submitted to the MLS or input directly into the MLS database for purposes of conveying information about other offices, disparaging other real estate agents, the transaction or subject property. Public remarks may not include the listing office name, agent names, contact information, phone numbers, email addresses, website addresses, owner's names and phone numbers, title company names, mortgage company names, compensation or bonuses offered to cooperating brokers, showing instructions including references to open house, lockbox, alarm, gate or other security codes, or the occupancy of the property (e.g. vacant). Aforementioned information may be displayed in the confidential remarks section. Public remarks should be limited to the physical characteristics and descriptive property and/or community information. By submitting remarks to the MLS, the Participant and/or Subscriber grants the MLS and the other Participants and Subscribers the right to reproduce and display the remarks in accordance to these rules. If a listing broker desires to use the remarks from a former or current listing made by another Participant or Subscriber (the "Original Listing Broker") the listing broker shall first obtain the written permission of the "Original Listing Broker" to do so.

New

**12.16 Use of Active and Sold Listing Information on Internet (Also known as Internet Data Exchange "IDX").** IDX is a means by which listing brokers permit other participating Broker Participants and R.E. Subscribers to display the listing broker's listings in accordance with the IDX rules set forth herein, on said Broker Participant's and R.E. Subscriber's approved IDX websites .

(a) **Authorization.** Subject to paragraphs (b) through (g) below, and notwithstanding anything in these rules and regulations to the contrary, Broker Participants and R.E. Subscribers may display on their public websites aggregated MLS active and sold listing information through either downloading and placing the data on the Participant or Subscriber's access website (if such a site is available). Such use of information pertains to active and sold listings only and shall exclude all other statuses for public display. Broker Participants and R.E. Subscribers must apply to have their sites approved by Sandicor staff to ensure rules compliance.

- (b) Consent.** The listing broker's consent for such Internet displays is presumed, in satisfaction of SANDICOR Rule 12.8, unless a listing broker affirmatively notifies SANDICOR that the listing broker refuses to permit display on either on a blanket or on a listing-by-listing basis. Listing brokers that refuse to permit other Broker Participants or Real Estate Subscribers to display their listing information on a blanket basis may not display MLS active or sold listing information of other broker's listings;
- (c) Display Content.** Broker Participants and R.E. Subscribers may display the address field as well as the physical characteristics of listings; however Participants and Subscribers may not display confidential information fields as determined by SANDICOR, Inc. such as that information intended for cooperation brokers rather than consumers;
- (d) Listing Attribution.** All listings on a Broker Participant or R.E. Subscriber's site displayed by framing or other electronic means, shall identify the name of the listing firm in a manner designed to easily identify such listing firm. Such identification shall be in a reasonably prominent location and in a readily visible color and typeface not smaller than the median used in the display of the listing data. No listing broker names will be required, however, for a one-line or thumbnail search result display format as long as there is one or more additional display formats available for the listing and each subsequent display format identifies the listing broker.
- (e) Modifications.** Broker Participants and R.E. Subscribers shall not modify the information displayed pursuant to these SANDICOR, Inc. MLS rules and regulations. However, permissible MLS data may be augmented with additional data not otherwise prohibited from display, provided the source of any additional data is clearly identified.
- (f) Source and Update.** Information displayed shall indicate the source of the information being displayed and the most recent date updated. Broker Participants and R.E. Subscribers shall update all downloads and refresh all data at least once every three (3) days.
- (g) Usage and Distribution Limitations.** Sharing of the MLS compilation with any third party not authorized by SANDICOR, Inc. is prohibited. Broker Participants and R.E. Subscribers shall indicate on their websites that the information being provided is for consumer's personal, non-commercial use and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing.
- (h) Display Purpose.** Broker Participants and R.E. Subscribers may not use IDX-provided listings for any purpose other than display on their websites. This does not require Broker Participants and R.E. Subscribers to prevent indexing of IDX listings by recognized search engines.
- (i) Restricted Display.** Listing or property addresses of sellers who have directed their listing brokers to withhold their listing or their property address from display on the Internet shall not be accessible via IDX sites..
- (j) Selective Listing Display.** Not all listings from the MLS must be displayed as long as any exclusions from display on Broker Participants' and R.E. Subscribers' IDX site are based on objective criteria, e.g. type of property, listed price or geographical location.
- (k) Restricted Access.** No portion of the MLS database shall be distributed, provided to or made accessible to any person except as provided for in these rules and/or in the National Association of Realtors IDX policy.
- (l) Brokerage Identification.** When displaying listing content, a Participant's or Subscriber's website must clearly identify the name of the brokerage firm under which they operate in a readily visible color and typeface.
- (m) Co-Mingling.** A Broker Participant or R.E. Subscriber may co-mingle the listings of other Participants with listings from other MLS sources on its website, provided all such displays are consistent with these rules. Co-mingling is (a) the ability for a visitor to the website to execute a single search that searches any

portion of the IDX database at the same time it searches listing data from any other source(s); or (b) the display on a single web page of any portion of the IDX database and listing data from any other source.

**(n) Third Party Comments and Automated Value Estimates.** Any IDX site that (a) allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such comments or reviews in immediate conjunction with particular listings, or (b) displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction with the listing, shall disable or discontinue either or both of those features as to the seller's listing at the request of the seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or both of these features disabled or discontinued on all Broker Participants' and R.E. Subscribers' websites. Except for the foregoing and subject to section (o) below, a Broker Participant's or R.E. Subscribers' IDX site may communicate the Broker Participant's or R.E. Subscriber's professional judgment concerning any listing. Nothing shall prevent an IDX site from notifying its viewers that a particular feature has been disabled at the request of the seller.

**(o) Making Corrections.** Broker Participants and R.E. Subscribers shall maintain a means (e.g., e-mail address, telephone number) to receive comments about the accuracy of any data or information that is added by or on behalf of Broker Participants and R.E. Subscribers beyond that supplied by the MLS and that relates to a specific property displayed on the IDX site. Broker Participants and R.E. Subscribers shall correct or remove any false data or information relating to a specific property upon receipt of a communication from the listing broker or listing agent for that property explaining why the data or information is false. However, the Broker Participants and R.E. Subscribers shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment.

**(p) Search Result Limitation.** Broker Participants and R.E. Subscribers shall limit the number of listings that a viewer may view, retrieve, or download to not more than 500 in response to any inquiry.

**(q) Advertising.** Deceptive or misleading advertising (including co-branding) on pages displaying IDX-provided listings is prohibited. For purposes of these rules, co-branding will be presumed not to be deceptive or misleading if the Broker Participant's and/or R.E. Subscriber's logo and contact information is larger than that of any third party.

New

**12.16.1 Notification by Authorized Participants and Subscribers.** Broker Participants and R.E. Subscribers partaking in the display of MLS active listing information of other brokers' listings pursuant to Section 12.16 must notify the MLS before displaying said MLS active listing information and must make their website directly accessible to the MLS and other MLS Participants for purposes of monitoring/ensuring compliance with applicable rules and policies.

New

**12.21 Participant and Subscriber Standards of Conduct.** The services that Participants and Subscribers provide to their clients and customers shall conform to the standards of practice and competence which are reasonably expected in the specific real estate disciplines in which they engage; specifically, residential real estate brokerage, real property management, commercial and industrial real estate brokerage, real estate appraisal, real estate counseling, real estate syndication, real estate auction, and international real estate.

Participants and Subscribers shall not undertake to provide specialized professional services concerning a type of property or service that is outside their field of competence unless they engage the assistance of one who is competent on such types of property or service, or unless the facts are fully disclosed to the client.

Any persons engaged to provide such assistance shall be so identified to the client and their contribution to the assignment should be set forth.