

San Diego MLS Rules Enforcement Policy

Compliance. By completing a San Diego MLS application and becoming a member of San Diego MLS, all Participants and Subscribers agree to comply with the San Diego MLS Rules and Regulations.

Reporting a Rules Violation. Rules violations must be filed with San Diego MLS within one hundred eighty (180) days from the time the rules violation took place.

Formal Complaints. Formal complaints shall be submitted on a Rules Violation Report form (RH-1) completed and signed by the complainant naming a respondent and the specific rules violation(s).

As a Respondent. The respondent will be given the opportunity to reply to complaint. If practicable, the infraction will be brought into compliance; however, the respondent may nevertheless be subject to fines or disciplinary actions according to the Citation Schedule of Fines (Appendix B) of the San Diego MLS Rules and Regulations.

Hearings. Staff may forward a complaint to the Rules, Regulations and Enforcement Committee for a formal hearing provided the complaint contains a sufficiently detailed written statement of the facts, which also shows how those facts support the alleged violation. Both complainant and respondent are required to appear and may also request that their broker participant be present. Hearings are conducted in accordance with the California Association of Realtors Code of Ethics and Arbitration Manual. Continuance fees may be assessed.

Decisions and Outcomes. Decisions are made according to the San Diego MLS Rules and Regulations by the Rules, Regulations and Enforcement Committee, which is comprised of representatives from each of the San Diego MLS Service Centers. All decisions will be kept confidential.

Appeals. If the offending party (either MLS Participant or Subscriber) desires to appeal decisions of enforcement, citations, or disciplinary actions, said party may do so by submitting a request for a hearing within twenty (20) days of the decision. Appellants must be aware that a non-refundable administrative fee of \$50.00 will be assessed for appeals. Continuance fees will be assessed and will be progressive.

Non-Response. If the Participant or Subscriber fails to pay an assessed fine or fails to request a hearing within the initial twenty (20) day period, then all MLS privileges for that party will terminate three (3) days after the expiration of the twenty (20) day period.

Anonymous Complaints. Anonymous complaints may be submitted to San Diego MLS by U.S mail, telephone, e-mail or fax. Complainants must be aware that anonymous complaints will be resolved by staff and may or may not include an imposed fine to the respondent. Rules violation(s) must clearly be defined in the complaint. Staff shall give consideration to each complaint in a timely matter.

Respondent of Anonymous Complaint. Respondent shall be contacted by staff and notified of the alleged violation. Respondent will be given the opportunity to correct or clarify. If corrections are necessary, then the respondent will have twenty-four (24) hours from the initial contact to make the corrections. If the corrections are not made, then the Managing Broker will be notified and given twenty-four (24) hours to make the correction. If the necessary corrections are not made after the Managing Broker has been notified, the respondent's MLS privileges will become suspended until the Managing Broker has made the corrections. If the infraction can be brought into compliance the respondent may nevertheless, be subject to fines or disciplinary actions according to the Citation Schedule of Fines (Appendix B) of the San Diego MLS Rules and Regulations

Integrity of the Database. Staff shall from time to time maintain the integrity of the database by performing sweeps of the system. Participants will be given the opportunity to make corrections to the listings prior to receiving a fine or disciplinary action. When a participant or subscriber has been notified of a specific violation and continues to violate said rule, an automatic fine will be implemented. If the offending party (either MLS Participant or Subscriber) desires to appeal the fine they may do so by submitting a request for a hearing within twenty (20) days of the citation letter date. Appellants must be aware that a non-refundable administrative fee of \$50.00 will be assessed for appeals. Continuance fees will be assessed and will be progressive.

Repeat Violations of the Same Rule. Participants and Subscribers found in violation of the same rule within one (1) year of the first violation will be assessed two times the fine (\$5000.00 maximum). A third violation by the same Participant or Subscriber within one (1) year will result in suspension of MLS privileges until Managing Broker contacts San Diego MLS's Rules and Regulations Manager. MLS privileges will resume with the exception of the listing input capability, which will be suspended for sixty (60) days. Abuse of the rules and regulations will result in a mandatory rules and regulations training that shall be attended by the offending Participant or Subscriber, and where appropriate the Managing Broker, before MLS privileges resume for the offending Participant or Subscriber.