

# UtahRealEstate.com Fine Policy

**Purpose:** This policy sets forth the fines and/or discipline that can be imposed against Participants and Subscribers (“Members”) for violations of the UtahRealEstate.com (“MLS”) Rules (the “Fine Policy”). This Policy also outlines the procedures for Members to appeal a violation. The Fine Policy has been approved by the MLS’ Board of Directors and is incorporated into the MLS Rules.

The following tiers set forth the fines and penalties as they relate to their respective Rule sections:

## Tier 1

Description	Rule Section
Incomplete or Inaccurate Information	1.2, 1.2.1, 1.6, 1.7, 1.11, 1.18(a), 1.20, 1.28, 2.9, 5.0.6, 5.0.7, 5.4, 8.2, 20.4(d)
Inaccurate Status	1.4, 2.8
Property Addresses	1.16
Listing Photos Errors	1.21, 20.4(f)
Misuse of Remarks	1.24 -1.25
Improper Use of Virtual Tours	1.31
Incorrect Reporting of Sales	2.5, 1.18(c), 2.12
Failure to Report Contingencies	2.6
Failure to Disclose Ownership Interest	5.1
Failure to Provide Documentation	7.3

**Tier 1 Penalties:** If a Tier 1 violation is not corrected within three (3) business days after the date the MLS provides email notification of the violation to the Member, a \$20 fine per business day will be assessed until the violation is corrected.

## Tier 2

Description	Rule Section
Requirements for Exclusive Office Listings and Limited Marketing Listings	1.3
Duplicate Listings	1.17
Improper “For Sale” Signs	4.1
Misuse of “Sold” Signs	4.2
Misuse of MLS Information (Correctable Offense e.g. Digital Marketing Material)	13.1

**Tier 2 Penalties:** \$100 fine

### Tier 3

Description	Rule Section
Late Entry of Listing	1.0.1
Non-Member Inclusion	1.27, 4.0.1
VOW and IDX Violations	18, 19

**Tier 3 Penalties:** \$250 fine

### Tier 4

Description	Rule Section
Clear Cooperation & Public Marketing	1.0.2
Disparaging Remarks	1.24.1
Unauthorized Advertising of Listings	2.7

**Tier 4 Penalties:** \$500 fine

### Tier 5

Description	Rule Section
Entry of Listing Without Listing Agreement	1.0.1, 1.17
Use of Photos, Media, or Remarks without Authorization	1.22, 1.26
Improper Filtering of Listings	4.6
Advertising or Disclosure of Commissions	5.0.1 - 5.0.4
No Written Buyer Agreement	5.0.6
Sharing of Passwords	10.3
Copyright Violations	11.0.1, 11.2, 12.0.1, 12.2, 20.4(e), 20.4(g)
Misuse of Confidential Information	1.0.1, 10.2
Improper Advertising	4.4, 4.5, 20.1, 20.3
Misuse of MLS Information (Non-Correctable Offense e.g. Print Marketing Material)	13.1
Fair Housing Act Violations	20.5
Sending Unsolicited Emails	22

**Tier 5 Penalties:** \$1,000 fine for the 1<sup>st</sup> offense; \$2,500 fine for the 2<sup>nd</sup> offense; \$5,000 fine and suspension of MLS access as determined by the MLS Board of Directors for the 3<sup>rd</sup> offense and any offenses thereafter. The fine amounts for Tier 5 violations escalate based on the number of times a given Rule Section is violated and do not reset each calendar year.

In addition to the penalties described herein, any violations of Rule 5.0.2 will result in the immediate suspension of the Members' MLS access, and, if applicable, the Members' access to an MLS data feed (including data feeds directly accessed by the Member or otherwise provided to the Member through a Third Party License Agreement). Said suspension will remain in effect until the MLS has affirmatively verified that the Member is no longer in violation of Rule 5.0.2. If there is more than 1 violation of Rule 5.0.2 by a Member or Broker, URE reserves the right to terminate that Member's or Broker's access to the MLS for a time period or permanently, depending on the severity of the violation.

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## Additional Information

**Requirement to Correct Violations:** Members are required to take all action necessary to correct a violation of the MLS Rules. If a Member is issued a violation and/or a fine pursuant to this Fine Policy for a Tier 2, 3, 4, or 5 violation, and the violation in question remains uncorrected, then the Member may be assessed additional fines (per the applicable Fine Policy Section) every three (3) business days until the violation is corrected. If a Member's total fines in a calendar year reach \$15,000, the Member will be suspended from the MLS for the remainder of the calendar year.

**Courtesy Credit:** Members are granted a total of one Courtesy Credit each calendar year, up to \$100, which can be applied to any Tier 1 or Tier 2 violation.

**Compliance Training Class:** Members may attend a total of one Compliance Training Class per calendar year in lieu of paying a fine that was assessed for one of the following violations:

- Tier 1 violation with a fine up to \$100
- Tier 2 violation with a fine up to \$100
- A Late Entry of Listing Violation (Rule 1.0.1) with a fine of \$250

All Classes must be completed within 30 calendar days of the date the violation was initially assessed, otherwise the full fine amount is due and the Member forfeits the Member's Class option for the given calendar year. This Compliance Training Class option does not apply to Habitual Violations.

**Habitual Violations:** If the same Rule is violated more than two (2) times within one (1) calendar year, then the following fines and/or discipline will be assessed in addition to the standard penalties associated with the Rule violation in question:

- 3<sup>rd</sup> Violation: \$250 fine
- 4<sup>th</sup> Violation: \$500 fine
- 5<sup>th</sup> Violation: \$1,000 fine
- 6<sup>th</sup>+ Violation: \$2,000 fine
- Suspension of MLS Access: If a Member's total fines in a calendar year reach \$15,000, the Member will be suspended from the MLS for the remainder of the calendar year.

**Other MLS Rules Violations:** Please note that fines and/or discipline for violations of MLS Rules which are not specifically stated in this Fine Policy may still be assessed to a Member per determination by the MLS Board of Directors or its designated committee (hereinafter referred to collectively as the "Rules Committee").

## Disputed Violations & Mandatory MLS Hearings

1. **File a Violation Dispute Form.** Any objections and/or supporting materials to dispute a violation and/or fine must be submitted to the MLS no later than thirty (30) calendar days following the imposition of the original fine or other sanction. A Violation Dispute Form is available in the Forms Library within the MLS or by email request at [memberservices@utahrealestate.com](mailto:memberservices@utahrealestate.com)
  - a. After a Violation Dispute Form is filed, the MLS will seek to resolve the issue with the Member informally within sixty (60) days.
  - b. If an informal resolution is not agreed upon within sixty (60) days, the Violation Dispute Form will be submitted to the Rules Committee.
  - c. The Rules Committee will schedule a hearing with the Member (unless the appeal is based solely on a written Violation Dispute Form and the Member waives the hearing process).
  - d. The Rules Committee shall make a determination on the dispute and provide the results of that determination in writing to the Member.
  
2. **Anonymous Complaint Process.** If the violation was reported anonymously to URE, URE will not make the identity of the reporter known to the disputing party, unless the anonymous reporter agrees to participate in the appeal process and/or consents to having the reporter's identity disclosed. In the event the reporter informs URE that the reporter intends to remain anonymous, URE will appoint a staff member or other representative to act in place of the reporter at any applicable hearing.
  
3. **Mandatory Hearings.** If a Member receives 3 MLS Rule violations in the Tier 2, 3, 4, or 5 categories within the same calendar year, in addition to any other fines and penalties set forth in the Fine Policy, the Member (and the Member's Broker Participant as applicable) will be required to appear before the Rules Committee and the Member may be subject to additional fines and penalties which shall be at the discretion of the Rules Committee. Examples of additional fines and penalties include, but are not limited to the following:
  - a. Required attendance at a Compliance Training Class for the Member and Broker Participant (if applicable)
  - b. Suspension from the MLS for a period of time for the Member
  - c. Monetary penalties up to \$15,000
  - d. Termination from the MLS