

MetroList®

Unleash The Power!

MLS Orientation Program Manual

Thank you for becoming a Participant, Subscriber or Clerical User in the MetroList Multiple Listing Service ("MLS").

We believe that after you have read this manual, you will agree that you have joined one of the most progressive MLS organizations in the United States. The manual describes:

- √ how the unique organizational structure of MetroList, Services, Inc., provides for Participant Subscriber and Clerical User access to an MLS that serves the counties of El Dorado, Merced, Placer, Sacramento, San Joaquin, Stanislaus and Yolo with minimal encumbrances typically created by jurisdictional boundaries;
- √ how the Prospector computer system gives you the latest technology allowing you to enhance your marketing techniques.
- √ how you can use your home or office PC to get the most out of your MLS service;
- √ how the MLS Rules actually help you best serve your clients and enhance cooperation among Participants and Subscribers;
- √ how MetroList's excellent staff can offer you the hands-on training you will need to compliment the industry knowledge you already possess;

To assist you in understanding your new MLS affiliation, MetroList's Orientation Manual has been organized by subject area. Within each subject area, you will find a series of questions and answers. We have tried to think of them all, and know of course, that there is no way we can, so, please feel free to call us anytime.

We are here to serve you—our newest MLS customer. Welcome!

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Note: Throughout this document, you will find citations enclosed in parentheses () which refer to specific sections of the MLS Rules.

History and Organizational Structure

MetroList Services, Inc. is a general corporation. It was founded in 1985 by the Sacramento, Placer and El Dorado County Associations of REALTORS®. Its purpose was to own and operate the computer system supporting the regional MLS database of the three associations.

In 1988, MetroList entered into a full service contract to support the regional MLS database of the Modesto, Turlock, and Manteca Associations of REALTORS®. In 1992, these three associations formed a corporation, MTMRMLS, Inc., which became a shareholder in MetroList Services, Inc.

In April 1995, MetroList and its shareholders reorganized MetroList; the associations ceased to function as individual MLSs; and the MetroList MLS was created as part of the MetroList real estate information service business. In June 1995, the Tracy Association of REALTORS® merged with the Central Valley Association of REALTORS® and became part of MetroList. In October 1995, the Lodi Association of REALTORS® ceased providing MLS service in favor of MetroList providing the service; in December 1996 the Stockton Association of REALTORS® did the same; in October 1997, the Brokerages doing business in the Western half of Merced county became part of MetroList; in June 1998 the Yolo County Association of REALTORS® ceased providing MLS service to have MetroList provide the service.

The objective from the beginning and continues to be to expand MetroList and its MLS as a seamless real estate information network serving the largest possible geographical area. With one MLS, there is only one database, one application, one orientation program, one set of rules, one set of enforcement procedures and one common keybox system. The result is a more efficient and effective information system.

To assist its Participants and Subscribers with convenient, local access for their MLS service needs and questions, MetroList has entered into Administrative Center Provider Agreements with five Associations of REALTORS®. The El Dorado County, Lodi, Placer County, Sacramento and Yolo County Associations of REALTORS® each operate a MetroList Administrative Center to vend services on MetroList's behalf in the area traditionally served by the association. To insure convenience for all MetroList Participants and Subscribers MetroList operates three additional Administrative Centers in geographically strategic areas.

The associations are also shareholders in MetroList. In December 2006, MetroList reorganized the corporation to include ownership by the Real Estate Participant Brokers as members of a Mutual Benefit Corporation, California Real Estate Brokers, Inc. (CREB). The associations and CREB share ownership of MetroList by 50% associations, 50% CREB. As shareholders the associations and CREB nominate candidates for election to the MetroList Board of Directors. There is also an MLS Committee which serves as an advisory body to the Board of Directors.

Who governs the MLS?

The MetroList Services, Inc., Board of Directors is the governing body of the MLS (3.1). There is also an MLS Committee, which serves as an advisory body to the Board of Directors (3.1).

The MLS Service Package

One's MLS status, (Participant, Subscriber or Clerical User), and one's license or certification status, (real estate or appraiser), determines the individual's "level" of access to the different components included in the MLS Service Package.

As a whole, the MLS service package is defined as:

The Prospector MLS Computer System, including: active listing information within MetroList's service area as defined in the MLS Rules; off market listing information, including closed escrows (SOLDS), within MetroList's service area; on-line color photos of every new residential, mobile home, residential income and commercial listing within MetroList's service area; property tax record information for properties within MetroList's service area via Realist.com; Property History - a history of MLS listing(s) activity on a specific piece of property, ariel mapping, and much, much more.

Display of residential, land, residential income listings at MetroList's website, metrolistmls.com.

Clearly defined participation classifications and fees.

A unique user name ("Agent ID"), password, and token for access to the MLS database.

Personal computer access to the MLS database.

Training and Technical Support for users of the Prospector computer system.

The Keybox System (additional cost item).

Common MLS Rules.

Common enforcement of the MLS Rules.

Excellent Service.

The Prospector MLS Computer System

The Prospector system is an Internet-based MLS computer system that provides a friendly, web-based interface. Its features include on-line color photos and on-line tax record information. With Prospector, you can prepare detailed searches with simple input; zero in on prospects; and add listings more easily than ever. The System's Agents/Office search feature can retrieve information on MLS Participants and Subscribers, and its on-line Help function provides you with immediate assistance.

For purposes of this section, three of the Prospector features – on-line color photos, property tax record information and property history – will be discussed. Plan to attend one or more of the MetroList Prospector training classes to learn more about how to use the computer system.

On-line Photos

The Prospector MLS computer system includes photos taken by MetroList's professional photographers and its agents.

Does Prospector store multiple photos of a listing?

Yes. Prospector has the capacity to store up to twelve (12) photos of a property. The front exterior photo of residential property is provided by MetroList as part of the MLS service package paid for by your monthly participation fees. Additional photos at additional cost can include, but are not limited to; living room, family room, dining room, master bedroom suite, study, kitchen, porch, pool and backyard.

Who takes the photos?

MetroList has contracted with a professional MLS photography company to take the photos in its service area.

Can I have the photographer take additional photos? If so, is there a cost?

Yes and yes. When the listing is added, you have the opportunity to note on the listing that you wish to have the photographer take additional photos. The current cost is \$25 for an appointment and seven additional photos.

Can I upload my own digital photos?

Yes, refer to the Prospector Help Menu for specific instructions.

Can a photo of a land listing be taken?

Yes, but an appointment with the photographer is required to avoid taking a photo of the wrong property, or you may take and upload your own photos.

What is the turnaround time from adding the listing until the photo is available for viewing on the Prospector system?

All properties requiring a photo will have one within 7 to 10 days of entry into the computer system. About 70% of the new listings are processed during the first week and the remaining 30% during the second week.

Property Tax Record Information One of the services available to you through the Prospector MLS computer system is a property tax record database for Sacramento, Placer, El Dorado, Yolo, San Joaquin, Stanislaus, and Merced counties through an on-line link to Realist.com. In addition to the primary counties, through the Prospector MLS computer system you have access to property tax records for Alameda, Amador, Calaveras, Colusa, Contra Costa, Nevada, San Mateo, Santa Clara, Santa Cruz, Solano, Sutter, Tuolumne, and Yuba Counties.

Are there tax records for properties not listed with MLS?

Yes. There are hundreds of thousands of tax records. Thus, you may search for a property in the tax database that is not listed with the MLS.

How is the property tax record information used?

You can automatically copy portions of the tax record (“autopopulate”) for a property you have just listed and insert them into your listing as you add it to the computer system. This is especially important because the tax record provides properly formatted parcel numbers, and correct parcel numbers are the basis for the Property History. Property tax record information is also useful for prospecting for sale by owners.

Does the property tax record database provide parcel maps as well?

Yes. Now you have the option of purchasing parcel maps via Realist.com. You may also elect to purchase deeds of trust, flood maps and AVMs.

Property History Viewing past changes for a listing

You can view the history of changes made to a listing by clicking the Property History link available in your search results (depending on display format) and when viewing a property’s listing detail. To view these changes, locate a listing’s “Property History” link and click it.

The Property History page displays the dates and times when changes were made to the listing. If you are the listing agent, co-agent, or broker for the listing, then the form displays a time stamp for every type of listing change, who made the change, and changes in status and price. For other users, the change history only shows changes in status or price.

Participation Classifications and Fees

Participation Classifications

There are three service levels in the MetroList MLS: a Participant, a Subscriber or a Clerical User.

Who can be a Participant?

There are two definitions of Participant. One Participant is a Broker Participant who is a California licensed real estate broker (4.1.1). The other Participant is an Appraiser Participant who is a California licensed or certified appraiser (4.1.2). Participants are individuals who are the principal, partner, corporate officer, or branch manager acting on behalf of a principal. Aside from the license, the distinction between the two types of Participants is that a Broker Participant must be capable of offering and accepting compensation in the capacity of a real estate broker.

Since many appraisers work for institutions, such as banks, and are not principal officers, are they required to join the MLS if the institution has an individual who has joined as a Participant?

Yes. An appraiser who is an employee of an institution is required to join the MLS if the institution has an individual who has joined the MetroList MLS as an Appraiser Participant. The employee appraiser would join as an Appraiser Subscriber (4.2.2 & 4.4).

What is a Subscriber?

There are two definitions of Subscribers. One Subscriber is a Real Estate Subscriber (R.E. Subscriber), who is an individual with a California Salesperson or Broker's license who is employed by or affiliated as an independent contractor with a broker Participant (4.2.1). The other Subscriber is an Appraiser Subscriber, who is an individual with a California Appraiser's license or certification (4.2.1). Appraiser Subscriber, are employees of Appraiser Participants (4.2.2). Appraisers who are independent contractors may only join as Participants.

What is a Clerical User?

A Clerical User is an individual doing clerical work for a Participant or a Subscriber. Clerical Users may or may not be licensed or certified. A Clerical User must be an employee of a Participant and/or Subscriber and may only perform clerical tasks that do not require a real estate license or appraiser's license or certificate.

Fees

MetroList offers an excellent Service package and a competitive fee schedule.

Is there an initial application or registration fee?

Yes. Participants and Subscribers pay an initial application fee (5.1.1). Clerical Users pay an initial registration fee (5.1.2).

Is there an ongoing participation or access fee?

Yes. Participants and Subscribers will be billed individually by MetroList for a monthly participation fee, which covers the costs associated with the MLS Service Package except for the electronic Keybox system. Clerical Users pay a monthly access fee (5.1.3). This fee is billed three (3) months in advance, and is due and payable upon receipt and past due thirty (30) days after the beginning of each three (3) month billing period (5.1.3). You will receive a payment envelope with your invoice for the return of your payment, or you may pay with VISA or Mastercard. You also have the option of paying monthly by preauthorized charge to an accepted credit card.

Does the Participant, Subscriber or Clerical User have access to MLS services if payment is past due?

No. All MLS services including access to the computer and electronic Keybox system will be suspended if payment is not received within thirty (30) days of the beginning of the billing period (5.1.3).

When will MLS services be terminated for nonpayment?

If payment of fees invoiced plus a reinstatement fee is not received within sixty (60) days of the beginning of the billing period, MLS services are terminated (5.1.3).

Is the Participant responsible for payment of fees owed by their Subscribers and Clerical Users?

No. MetroList directly invoices each individual and takes responsibility for collection of all monies owed by each individual (5.1.3).

If the Participant is suspended or terminated, are his/her Subscribers' or Clerical Users' access to MLS services affected?

Yes. Subscriber and Clerical User access depends on Participant's good standing.

Unique User Name ("Agent ID")

Participants, Subscribers and Clerical Users are assigned a unique user name (Agent ID") and ("Password") by MetroList in order to use the MLS and access the MLS database. Only Authorized Users are permitted to use the MLS and/or access the MetroList MLS Computer System.

Can I access the MLS database from any PC?

Yes. Your Agent ID allows you to access the database from any personal computer with access to the Internet using Internet Explorer 6.0+ and Adobe Acrobat Reader 6.0.

Can I be working on more than one PC at a time?

No. This is YOUR Agent ID, and as such, can only be recognized as being used by you. This system knows that you should not be using more than one piece of equipment at a time. Therefore, if you logon with more than one piece of equipment at a time or you share your Agent ID with someone else who then logs on at the same time you do, your system access will be denied.

Can I "loan" my Agent ID to my assistant?

No. Only Authorized Users are permitted to use the MLS and/or access the MetroList MLS Computer System. Your assistant should register as a Clerical User. An Agent ID and Password will be assigned when he/she registers with the MLS (12.16).

Can I "loan" my Agent ID to my wife/husband/friend to gather data for me?

No. An Authorized User who permits another person not authorized by MetroList to use the MetroList MLS or who provides a MetroList Agent ID and Password to any person not authorized by MetroList shall pay an automatic fine of \$100 and shall be subject to other disciplinary action up to and including termination of MLS services. Unauthorized access to and/or use of computers, computer systems or computer data, including misuse of an Agent ID assigned by MetroList is a crime under California penal code section 502 (12.17).

Training and Technical Support

MetroList provides a series of training classes so that you can make the most of your opportunity to use the MetroList Prospector MLS system. Below is a brief description of the MetroList Training Classes.

Prospector Training/MLS Orientation Program – Session One

This class is approximately three (3) hours in length. The class covers basic use of the Internet, Browsers and introduction to the Prospector MLS System.

Prospector Training – Session Two

Must have attended a Basic Prospector course or shown proficiency with the use of the Browser and Prospector System. This class is approximately three (3) hours in length and will explore the many advanced features of the Prospector MLS System. Instruction will include e-mail, auto prospecting, reverse prospecting, contact and prospect management, custom searching, listing management, report outputs, statistics, tax record searches and other areas derived from Participant/Subscriber interest.

Broker/Office Administrator/Clerical User Prospector Training

This lecture style class is approximately two (2) hours in length and is specifically for Broker/Office Administrators and Clerical Users that have the primary responsibility for the administration of the Office Listing Inventory, Hotsheets, Agent Access Levels and other office wide preferences and reports management.

How do I schedule / sign-up for a MetroList Prospector Training Class?

You can register for MetroList Training Classes Online. To register, log onto Prospector and in the Single Sign-On Module select the Training icon. Click on the Register for Training, Seminars and Events link, and register for your class. Registering online is fast and easy.

Who do I call for technical support?

MetroList has a team of trained technical support representatives available to help you. Technical Support is available from 7:30 AM to 4:30 PM Monday through Friday, system outages or major system malfunctions may be reported 24 hours a day.

Within the 916 area code -- (916) 922-7584 option 1
Outside the 916 area code -- (888) 898-9788

Keybox System

The Keybox System is an integral part to the selling of listings submitted to the MetroList MLS. For that reason, great care must be taken to insure the security of the system so that sellers are confident about having a Keybox placed on their property. You must treat the system, and, particularly, your Key and personal identification number, with great care.

What is a Key?

A Key is a programmable electronic keypad (there are different hardware options) which when engaged in a Keybox may be used with a personal identification number to gain access to the keys to the listed property.

What is a KeyBox?

A Keybox is the physical container attached to the listed property which contains a removable key compartment. The keys to the property are stored in the key compartment in the Keybox.

Who may lease a Key?

All Participants and Subscribers may lease a Key from MetroList. Individuals leasing Keys are called Keyholders. Clerical Users may not lease Keys nor may Participants or Subscribers "loan" their Keys to a Clerical User for any reason (13.1).

What is the relationship between a Key and controlled access to Keyboxes?

When you sign either the MetroList Keybox System Use and KeyLease Agreement for Supra Keybox System (the "Agreement"), you will be issued a key and assigned a personal identification number that when used with your Key allows you to access Keyboxes. Every time you access a Keybox, the Keybox records your personal identification number and the date and time of your entry. Just as you take care with your Agent ID and Password for the MetroList MLS computer system, you must take equal care with your Key and unique personal Identification number for the Keybox System. **DO NOT UNDER ANY CIRCUMSTANCES STORE YOUR PERSONAL IDENTIFICATION NUMBER WITH YOUR KEY!**

Are there any restrictions on the use of the Key?

Yes. Participants and Subscribers may not enter a property using a Key without the listing broker's permission. Such permission may be granted by the listing broker through the MLS. Appraiser Participants and Subscribers are expressly prohibited from using Keys to enter a property without either the owner's or listing broker's prior permission (13.7).

Who may purchase Keyboxes?

Broker Participants and R.E. Subscribers may purchase Keyboxes. Appraiser Participants and Appraiser Subscribers may not purchase Keyboxes (13.3). In order to place a Keybox on a property, Broker Participants and R.E. Subscribers must have the authority of the seller to do so. Appraiser Participants and Appraiser Subscribers shall not place a Keybox used with the MetroList MLS on any property (13.6.1).

Are there fees for the use of the Keybox system?

Yes. The MetroList Keybox System Use Fee is \$12.50 plus sales tax per month which includes a DisplayKey or related equipment. Keyboxes may be purchased for their current price. Ekeys may be leased from Supra for additional amounts.

Common MLS Rules

When listing and selling property it is to everyone's benefit to work under a common set of rules. The MetroList MLS Rules provide that commonality for MetroList Participants and Subscribers.

Listing Input and Maintenance

Participants and Subscribers serve their seller's and improve the effectiveness of the MLS as a listing and appraisal tool when they submit and maintain accurate, complete and meaningful information about the property. This series of questions will help you to take the most advantage of your primary advertising, listing and appraisal resource – and accurate and meaningful MLS database.

As the listing MLS Participant or Subscriber, do I obligate myself to anything when I submit a listing to the Service?

Yes. Prior to submitting a listing to the Service, the listing broker shall obtain the written agreement of the seller(s) expressly granting Participant and Subscribers the right to;

- 1) file the listing with the Service for publication and dissemination to those authorized by the MLS;
- 2) act as an agent for the seller during the time the listing remains in the MLS;
- 3) abide by the Rules of the Service;
- 4) provide timely notice of status changes of the listing to the Service; provide information including selling price to the Service upon sale of the property for publication and dissemination to those authorized by the MLS; and
- 5) publish information after the final closing of a sales transaction in accordance with the MLS Rules (8.1).

Do I have to submit my listing to the MLS?

Yes. Broker Participants and R.E. Subscribers must electronically input (broker load) or deliver property profile sheets of exclusive right to sell or exclusive agency listings on property classes (Residential/Common Interest, Mobile Home in Park, Residential Income, Residential, Commercial Land and Commercial/Industrial) located within the territorial jurisdiction of the MLS within three (3) business days of the commencement date of the listing or after all necessary signatures of seller(s) have been obtained on the listing, whichever is later. If the seller(s) does/do not want their listing included in the MLS, Participants must submit the *listing submission waiver* form to their Primary Service Center. Failure to submit listings as described herein shall cause an automatic fine of \$100 (7.6, Addendum B, Addendum C).

May an appraiser submit a listing to the MLS?

No. Only licensed real estate MLS Broker Participants who have the legal capacity to offer and accept compensation as real estate brokers may submit listings to the MLS (4.6).

May an Appraiser accept the offer of compensation made in the MLS, since the Appraiser has access to all the MLS listings?

No. The offer of compensation is only offered to MLS Broker Participants who have the legal capacity to accept compensation as real estate brokers (4.1.1 and 7.13).

Is there a cost to submit a listing?

Yes and no. Yes, there is a loading fee if you submit your listing for staff to load into the computer system. The minimum charge is \$50.00. No, there is no charge if you load (broker load) the listing yourself (5.1.4 and Addendum A).

When I submit a listing to the Service, what information do I have to include?

Listings filed with the Service shall be complete in every detail as specified on the property profile sheet including full gross listing price or listing price range, listing expiration date, compensation offered to other Broker Participants, all required fields, and correct area. The specifics are outlined in Addendum B of the MLS Rules, and there are fines for inaccurate or incomplete information (7.12 and Addendum B).

If my seller tells me that they do not want to close escrow any sooner than 6 months from the date of the listing, do I have to disclose this in the MLS?

Yes. Any contingency or condition of any term in the listing shall be specified and noticed to the Participants. Another example of a contingency that must be noticed is when the seller wants the right to sell to one party without compensation to anyone. There are many types of contingencies. All of them must be noticed to the other Participants and Subscribers (7.11).

May I place my website name or bonus amount or my name and office number in the address line or in the property description section?

No. The address line, property description and directions sections may be reproduced and distributed to potential buyers, and the information referenced in the question qualifies as either a solicitation of another Participant's listing and/or consists of reproducing confidential information from the database (12.4, 12.14.2).

Once my listing has expired, been canceled or taken temporarily off the market, can I delete any or all of the listing information?

Yes. You may delete contact information and Agent Only Remarks (8.6).

What is the difference between withdrawal of a listing and temporarily off market?

Withdrawal of a listing means that the listing agreement is canceled. Temporarily off market means that the listing agreement is still valid (7.10).

Do I have to notice pending sales or statuses, and if so, how to I do it?

Pending sales are defined as an accepted offer. Pending sales must be reported in the correct category. The reporting categories are: PS (offer accepted – no additional offers being sought); PSB (offer accepted – additional offers being sought); ACC (Offer accepted subject to court approval. Upon approval of the court or if additional offers are not being sought the Status shall be changed to PS); ASC (Short sale offer accepted by seller only – additional offers being sought pending lender approval. If the listing was not a short sale when listed but has become a short sale because of the amount of the accepted offer the Listing Broker shall so indicate by using the ASC Status. Upon approval of the lender or if additional offers are not being sought the Status shall be changed to PS); AR (offer accepted with a release clause of a specific time period activated upon the receipt of another accepted offer – additional offers being sought.) If the listing has been entered into more than one (1) property type, at the time a pending sale is reported for one (1) of the listings, the second listing shall be reported as a Duplicate –Withdrawn listing. PS must include the pending date. All pending sales, regardless of category, must be reported by the listing broker within three (3) business days of acceptance. Participants and Subscribers shall be subject to citations as set forth in Addendum B for failure to enter and maintain the correct status (10.1.3).

Do I have to report a final sale?

Final sales shall be defined as recorded transfers of title of property. Final sales with the correct cooperating broker information and the correct sales information shall be inputted to the

MLS by the listing broker within three (3) business days of the final closing date. Failure to do so will result in an automatic fine as set forth in Addendum B (10.1.1).

If the sale falls through, do I have to cancel the pending status?

Yes. The listing broker must report the cancellation of any pending sale to the Service within three (3) business days, and the listing shall be reinstated as active as long as there is still a valid listing agreement. If the listing agreement is no longer valid the listing must then be classified as an expired listing and the status must be changed to reflect this expired status regardless of whether it is an expired listing or a final sale. Failure to report the status of an expired pending sale within three (3) business days will result in a fine as set forth in Addendum B (10.2).

What if my seller accepts a contingent offer and does not want me to report the change to the MLS?

Failure to report a pending sale, including all contingent offers, will result in a fine because it is a violation of the MLS Rules. The listing agreement that your seller signs states that you will disseminate all information in accordance with the MLS Rules. The seller is not a Participant or Subscriber of the MLS – you are, and as such, you are subject to the Rules and fines for non-compliance (8.1 and 10.1).

Offers and Commissions

The proper handling of offers is critical to the successful closing of a transaction.

When an agent writes up a purchase agreement, can they put a higher commission in the contract than is stated on the MLS?

No. The cooperating broker shall not use the terms of an offer to purchase to attempt to modify the listing broker's offer of compensation stated in the MLS nor make the offer contingent on the modification of compensation. The offer, however, must still be presented to the seller as required by California law (9.5).

Can I change my offer of compensation that I had offered to the cooperating agent in the MLS agent after the produces an offer signed by the buyer?

No. In no event shall the listing broker revoke or modify the offer of compensation later than the time the cooperating broker produces a prospective buyer who has signed an offer to purchase the property for which the compensation has been offered through the MLS (7.17).

If I have an agreement with a seller that I will reduce my commission if I also represent the buyer, do I have to disclose this to the MLS?

Yes. A dual or variable rate commission arrangement is one in which the seller agrees to pay a specified commission if the property is sold by the listing broker and a different commission if sold by a cooperating broker, and it must be disclosed in the MLS (7.23).

I wrote an offer (below listed price) on an MLS listing and the listing agent countered below listed price and also wrote in the counter offer that my commission would be less than stated in the MLS printout. What do I do?

The commission is not part of the negotiations between the buyer & seller. Compensation is between the listing and selling broker and in no event shall the listing broker revoke or modify the compensation later than the time the cooperating broker produces a prospective buyer who has signed an offer to purchase. As far as, "What to do?" Proceed with the negotiation of the contract. Do not interfere with the buyer's and seller's ability to come to an agreement. At the same time, point out Section 7.17 of the MLS Rules to the agent and their broker (7.17).

Can you be present at the time the listing agent presents your client's offer to the seller?

Yes, provided the seller did not give written instructions to the contrary (9.4). The listing broker and cooperating broker have the same right during the presentation of a counter offer and/or an addendum.

Solicitations

In order for the MLS to remain a cooperative effort of all the Participants and Subscribers to sell the properties listed therein, it is important that all Participants and Subscribers have a clear understanding of what is and what is not allowed with regard to solicitations of another's listing.

What may I do to solicit another's listing(s)?

The purpose of the MLS is to encourage brokers to participate in the Service by assuring them that other Participants and Subscribers will not attempt to persuade the seller to breach the listing agreement or to interfere with the listing broker's attempts to market the property and to encourage sellers to permit their properties to be filed with the Service by protecting them from being solicited through unwanted phone calls, visits or communications, prior to the expiration of the listing, by Participants or Subscribers seeking the listing upon expiration.

A general telephone canvass, general mailing or distribution addressed to all prospective clients in a given geographical area or in a given profession, business, club or organization or other classification or group shall not constitute a violation of the MLS Rules (12.4).

The following two basic types of solicitations are considered a violation of the MLS Rules:

a. telephone or personal solicitations of property owners who have been identified by a real estate sign, MLS compilation, or other information service as having exclusively listed their property with another MLS Participant; and

b. mail or other forms of written solicitations of prospective clients whose properties are exclusively listed with another MLS Participant when such solicitations are not part of a general mailing but are directed specifically to property owners identified through compilations of current listings. "For Sale" or "For Rent" signs, or other sources of information required by these Rules to be made available to other MLS Participants under offers of cooperation.

Advertising of Sold or Active Listing Information

This next series of questions will explain "who" may advertise with regard to active and SOLD listing information.

When I represent the buyer in the purchase of a property, may I mail or phone this information to neighbors to solicit new business (i.e., a "Just Sold" notice)?

Yes, after the transaction is closed, a successful cooperating broker may advertise that he/she sold the property (12.7).

Can I include another Participant's sold listings in my fliers or newsletters without their permission?

Any Participant or Subscriber may advertise the addresses and prices of the properties that have sold in a neighborhood after the information regarding the properties has been published, as long as the advertisement does not imply the agent was involved in the transaction unless such is the case and as long as the advertisement otherwise presents a "true picture" (12.7).

Can a Participant or Subscriber, other than the listing broker, advertise another Participant's active listings?

No, unless you have written permission from the listing broker, you may not include any portion of another Participant's listing (i.e., street name or price with no property address) in any of your advertising, including flyers or newsletters. The fiduciary relationship which exists between a listing broker and his/her client with respect to the listing causes the cooperating agent to not be vested with any power, authority or rights beyond those authorized by the listing broker regarding said listing, which is the reason you cannot advertise their listing without their consent (12.8).

Display and Reproduction of MLS Compilations

The MLS was designed as a means whereby Participants and Subscribers could share information about a property. The more information shared, the easier it is for cooperating Participants and Subscribers to secure a buyer for the property. Because much of the information is confidential in nature, it is important that any display and reproduction of MLS data not jeopardize the relationship between a listing broker and his/her sellers (s).

What is an MLS compilation?

The term MLS compilation includes, but is not limited to, the MLS computer database, all printouts of data from the MLS computer database, and all downloading of data from the MLS database (11.1).

In recognition that the purpose of the MLS is to market properties and offer compensation to other broker Participants and R.E. Subscribers for the sole purpose of selling the property and to provide information to Participants to prepare appraisals and valuations of property. Participants and Subscribers are expressly prohibited from using current listing information for any purpose other than to market property or to support market evaluations or appraisals (12.11).

May I DISPLAY active listing information to my clients either to market property or support an appraisal?

Yes, with several restrictions. Broker Participants and R.E. Subscribers are permitted to display the MLS information to their prospective purchaser only in conjunction with their ordinary business activities of attempting to locate ready, willing and able buyers for the properties described in said MLS compilation. Broker Participants and R.E. Subscribers are permitted to display the MLS compilation to sellers or prospective sellers only in conjunction with their ordinary business activities in listing properties.

Appraiser Participants and Appraiser Subscribers are permitted to display the MLS compilation to the person requesting the appraisal only in conjunction with their ordinary business activities of producing a written appraisal.

Such displays by all Participants and Subscribers shall be only in the immediate presence of the Participant or Subscriber. Clerical Users are expressly prohibited from displaying MLS information to anyone other than the Participant or Subscriber under whom the Clerical User is registered (12.13).

May I REPRODUCE active listing information for distribution to my clients to market property or support an appraisal?

Yes, with certain limitations. Participants and Subscribers may reproduce the NON-CONFIDENTIAL portions of an MLS compilation for distribution to their clients to market a property or support an appraisal. There are strict limits on what information may be reproduced and Participants and Subscribers should carefully review section 12.14 of the MLS Rules.

Clerical Users are expressly prohibited from reproducing for distribution any MLS information to anyone other than the Participant or Subscribers with whom the Clerical User is employed.

May I use Active Listing Information on the Internet?

Yes, with certain limitations. Please read Sections 12.15, 12.16, and 12.17 of the MLS Rules.

Enforcement Of The MLS Rules

With common Rules and enforcement proceedings, all Participants and Subscribers can feel confident in the effectiveness of their MLS.

What are citations?

In accordance with Section 14.3 of the MLS Rules, the MetroList Board of Directors may implement a schedule of fines for certain MLS Rules violations and MetroList may issue a citation for the Rules violation and implement a procedure whereby the individual receiving the citation may either pay it or request a full hearing. Addendum B of the MLS Rules is the schedule of fines that may be assessed for violations of the MLS Rules with regard to the input and maintenance of listings. Addendum C of the MLS Rules outlines the procedure (14.3).

Under what procedures are MLS Rules complaints processed?

All allegations involving an MLS Rules' violation are processed by MetroList in accordance with Section 15 of the MLS Rules.

Are Participants and Subscribers and Clerical Users accountable for MLS Rule violations?

Yes. After a hearing by a hearing panel, MetroList's Board of Directors may take disciplinary action and impose sanctions against any MLS Participant and/or Subscriber for violation of any MLS Rule. Furthermore, a Participant may be held accountable for the actions of a Subscriber and Participant may be held accountable for the actions of a Clerical User registered with them.

What should YOU do if you notice a problem with a listing in the MLS which violates one of the MLS Rules?

You should report the alleged violation using the Listing Violation Link from within the Prospector MLS system.

MetroList Services, Inc. Offices and Regional Administrative Centers

With nine field offices, our dedicated team members are ready to serve you. Whether you have a question or you need to pick up additional equipment, a MetroList office is nearby.

MetroList Services, Inc. Offices

Home Office

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Fax (916) 922-1835

Pleasanton Office

5980 Stoneridge Drive, Suite 102
Pleasanton, CA 94588
(888) 898-9788 x310

Modesto Office

1620 North Carpenter Road, Suite D48
Modesto, CA 95351
(888) 898-9788 x330
Fax (209) 549-7079

Stockton Office

1811 Grand Canal, Suite 7
Stockton, CA 95207
(888) 898-9788 x320

MetroList Technical Support.

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