

## **NO OFFER OF BUYER'S BROKER/AGENT COMPENSATION IN THE MLS**

The following information lists words or phrases that are not allowed in the Property Description or Agent Notes fields in the MLS. These words or phrases are seen as messages or coded notes that can convey offers of Buyer Agent compensation in the MLS. Using any of the following will trigger an Administrative Hold on your listing, cutting off syndication, while MLS Staff investigates the possible violation which holds an initial fine of \$500.00, and other consequences as noted in Section 9.6(B).

Remember that the PARMLS Rules & Regs states in Section 5.0: "Participants, Subscribers, or their sellers **may not make offers of compensation** to buyer brokers and other buyer representatives in the MLS. This includes but is not limited to websites, links, QR codes, notes in any MLS fields, e.g., Property Description or Agent Notes, **coded notes that can be interpreted as a message/offer of compensation or commission**, documents, videos, and pictures."

The list below are words or phrases that need to be avoided. Please note that this is not a set or limited list as not all synonyms or "creative phrasing" can be listed.

- Agent
- **Agent** Concessions
- Agent Friendly
- Agent Incentives
- Agt Con
- Agt Frdly
- Agt Inct
- Bonus
- Bonus for Buyer's Agent
- Bonus for Buyer's Broker
- **Broker** Concessions
- Broker Friendly
- Brk Con
- Brk Frdy
- Brk Inct
- Buyer's Agent
- Buyer Agents Welcomed
- Buyer's Broker
- Buyer's Broker Friendly
- Buyer Broker Welcomed
- Commission
- Cmmsn
- Comm
- Compensation
- Cmpnstn
- Comp

Please note that with each violation of this requirement, it places all MLS Participants (Brokers), MLS Subscribers (Agents), PARMLS, and the Pensacola Association of REALTORS at risk of being found in breach of the NAR Settlement and removed from the protections offered under the Settlement from further/copy-cat lawsuits.

Remember that these words and phrases are also prohibited within **"documents, videos, and pictures"** as noted in Section 5.0 when used in relation to any offer of commission or compensation and will be treated in the same manner.

On the following page, PARMLS has provided an informational breakdown that explains the procedures and fines if found in violation of Section 9.6(B) and its amendment of Sections 9.7 and Section 9.9 of the PARMLS Rules & Regulations.

## **SECTION 9.6B: FAILURE TO ADHERE TO NAR/PARMLS NO COOPERATIVE COMPENSATION ON THE MLS LISTING POLICY**

If a Participant or Subscriber enters an offer of cooperative compensation or commission in any field or remark section in the MLS, uploads documents or pictures with compensation or commission information, or shares a website, link, QR Code, or any other form of media to display, discover, or direct other REALTORS, Real Estate professionals, or the public to compensation or commission information, the following penalties will apply:

Procedures:

- The listing in question is placed on an immediate Administrative Hold, removing it from public access and the MLS search features.
- Participant, or Subscriber if authorized, must pay the assessed fine (noted below) within seven (7) calendar days via phone, by mail, or in person during normal office hours, or via the online Member Portal which is available twenty-four (24) hours a day.
- If the fine is not paid within seven (7) calendar days, a \$200.00 fee is applied along with an Official Notice of Termination of MLS Services in ten (10) calendar days being sent out to the Participant if the fine is not paid.
- Once the fine has been paid, MLS Staff will correct and release the listing from its Hold Status and place it in its original status only during normal business hours.

Fines:

- 1st Violation – Participant (Broker) is fined \$500.00, Listing Agent must attend an In-Person MLS Orientation class within sixty (60) days, and the Listing Agent is placed on a six (6) month probationary period.
- 2nd Violation – Participant is fined \$2,000.00 and Listing Agent is suspended from the MLS for ninety (90) days.
- 2nd Violation (**under probationary period**) – Participant is fined \$3,000.00 and the Listing Agent is suspended from the MLS for ninety (90) days.
- 3rd Violation (and any thereafter) – Participant is fined \$5,000.00 and Listing Agent is suspended from the MLS for six (6) months.

**NOTE:** The procedures in this rule **supersede** the time frame set under **Section 9.7** of the PARMLS Rules and Regulations. In addition, this rule, although adhering to Section 9.9 of the MLS Rules and Regulations, does amend and **reduce** the twenty (20) calendar day payment requirement to **seven (7) calendar** days.