

SECTION 9.4.2: CATEGORY II VIOLATIONS: Considered serious violations. Many are not “correctable” and therefore incur an immediate fine.

A. Staff Action: CMLS staff will confirm a violation in fact. If there is no violation the matter is closed with CMLS staff contacting the person who filed the original complaint when that person has requested notification of the alleged violation outcome. When the respondent has violated the CMLS Rules and Regulations, CMLS staff will send a "Listing Complaint and Fine Notification" to the attention of the respondent and the respondent's Member Participant.

B. Fine: See Section 9.5: Compliance Fee Schedule.

C. Compliance: The respondent must correct the violation (if the violation is correctable) within 48 hours (including weekends and holidays).

D. Non Compliance: If the respondent does not correct the violation (if correction is possible) within 48 hours (including weekends and holidays), and the Member Participant has not indicated plans to appeal the alleged violation, CMLS will assess a Category II Non Compliance Fine as described in Section 9.5: Compliance Fee Schedule.

E. Repeat Violations: Repeat violations carry fines as outlined in Section 9.5: Compliance Fee Schedule.

F. Violations include (but are not limited to):

1. Failure to input a new listing required to be entered into the MLS system.
2. Failure to indicate that a listing is a Limited Service Listing as described under Section 1.5.
3. Failure to produce a signed listing agreement within 48 hours (including holidays and weekends) when requested by CMLS staff indicating that the Seller refuses to permit the dissemination of the listing by the MLS service.
4. Failure to report a listing's change of status within 48 hours (excluding holidays and weekends), or failure to report a listing's correct status.
5. Failure to include a Cooperating Brokerage when an offer is made to the Seller except where the Seller prohibits this in writing. The Listing Brokerage must provide a copy of the Seller's written instructions to the Cooperating Brokerage on request.
6. Failure to include the Listing Brokerage when a counteroffer is made to the purchaser except where the purchaser prohibits this in writing. The Cooperating Brokerage must provide a copy of the purchaser's written instructions to the Listing Brokerage on request.
7. Failure to comply with any of the Internet Data Exchange Rules and Regulations within five days of written notification from CMLS.
8. Entering a listing in the MLS without a valid, signed listing agreement.
9. Failure to remove a listing upon termination of a listing agreement.
10. Making an appointment for a showing or negotiating with the Seller for the purchase of listed property submitted to the Service without the permission of the Listing Brokerage unless after reasonable effort, the Cooperating Brokerage (subagent or buyer agent) is unable to contact the Listing Brokerage or his representative.
11. Failure to make an appointment with the Listing Brokerage prior to entering a listed property submitted to the Service.
12. Failure to provide CMLS with requested documentation within 48 hours.