



Big Bear Association of REALTORS,[®] Inc.

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BBAOR Clerical User Access Agreement

The Clerical User category has been established to help ensure the integrity of the MLS database and to assist Brokers with the business of listing and selling real estate.

Clerical User(s) (for purposes of this document) are individuals who, under the direct supervision of a Broker, Agent, or Appraiser, perform only administrative and clerical tasks that utilize the MLS database and may or may not require a Real Estate License in accordance with the Department of Real Estate regulations. Please refer to Business and Professions Code Section 10130, et seq. for a general description of licensed activity.-

Participant/Subscriber Name: _____ MLS ID: _____
(Agent or Responsible Broker providing direct supervision)

Office Name: _____ Office ID: _____

Participant/Subscriber Email: _____

Clerical User Full Name: _____

Clerical User Address: _____ Phone No.: _____

Clerical User Email: _____

Please Note: The above-named Participant/Subscriber hereby agrees to the Clerical User's access to the BBAOR MLS. By allowing access, the Clerical User may work within the MLS on your behalf. The Participant/Subscriber is ultimately responsible for the Clerical User's activity within the MLS. It is essential that the Clerical User be provided adequate supervision to ensure that the proper limitations are placed upon the Clerical User. Business and Professions Code Section 10137 makes it unlawful for a real estate broker to employ or compensate, directly or indirectly, an unlicensed person for performing licensed acts. It is imperative that the activities of unlicensed Assistants be properly monitored.

The parties signing this agreement certify that they have read, understand, and agree to **Exhibit A** (attached).

Should the Assistant terminate his/her relationship with the Participant/Subscriber, the Association must be notified in writing immediately. _____ [Participant/Subscriber Initial]

I understand that the Clerical User MLS orientation is mandatory for all new applicants. Failure to complete orientation within 30 days will result in suspended membership/access. _____
[Participant/Subscriber Initial] ____ Clerical User Initial]

As a Clerical User under this Agreement, I have read the information provided in this form and expressly agree to its contents and conditions.

Responsible Broker Signature: _____ Date: _____

Participant/Subscriber Signature: _____ Date: _____

Clerical User Signature: _____ Date: _____

Clerical User is (select one):

Unlicensed

Licensed (Provide DRE# _____)

Office Use Only

Payment Information: [There is no fee for Assistant access at this time]

MLS ID: _____ Date Activated: _____ Activated By: _____

Orientation Completed, Date: _____

Termination Date: _____ Deactivated By: _____

EXHIBIT A

(Excerpt from Big Bear Association of REALTORS® MLS Rules):

4.3 Clerical Users. Clerical Users are individuals (whether licensed or unlicensed) under the direct supervision of an MLS Participant or Subscriber that perform only administrative and clerical tasks that do not require a real estate license or an Appraiser's certificate or license. Clerical Users may join the MLS through their employing Participant or Subscriber. The Participant shall be responsible for the conduct of the Clerical User. Clerical Users shall be linked in the system to at least one Participant. They may also be linked to a particular Subscriber. Each Participant and Subscriber shall provide the MLS with a list of all Clerical Users employed by or affiliated as independent contractors with the Participant or Subscriber and shall immediately notify the MLS of any changes, additions or deletions from the list. Clerical Users shall also be subject to the following requirements:

- a. Clerical Users are given a unique passcode;
- b. Clerical Users must have any fees paid in full;
- c. Participant or Subscriber linked to the Clerical User may be fined, disciplined or terminated for Clerical User's misconduct;
- d. Clerical Users shall sign a written agreement to abide by the rules and regulations of the MLS; and
- e. Clerical Users shall complete any required orientation program of no more than eight (8) classroom hours within thirty (30) days after access has been provided, said individual to be given the opportunity to complete any mandated orientation program remotely.

(Excerpt from Big Bear Association of REALTORS® MLS Policies and Procedures Manual):

CLERICAL USER ACCESS

Sharing login information for MLS access is prohibited. All Clerical Users will have their own Username and Password with independent tracking that does not interfere with their employing Participant or Subscriber's access. The Participant/Subscriber provides the Clerical User full access to their MLS data, at their security level, for administrative purposes. All Clerical Users must register with the BBAOR office and provide a copy of the executed Clerical User Agreement. The responsible Participant/Subscriber must notify the MLS Administrator immediately upon termination of the relationship with the Clerical User. Any violation caused by a Clerical User is the responsibility of the employing Participant and Subscriber and will be subject to the same disciplinary actions and fines as outlined in the MLS Rules and Policies and Procedures Manual. Clerical Users will have a unique Orientation and must complete Orientation within 30 days of gaining access to the MLS.

LH 1/2020

