

COMMON VIOLATIONS TO ECIMLS RULES AND REGULATIONS THAT COST YOU MONEY!!!

LATE FILING OF LISTING: (\$25 per day fine) ECIMLS RULE: Listing of real or personal property of the following types listed in Section 1.1, which are listed subject to a real estate broker's license and are located within the territorial jurisdiction of the ECIMLS and are taken by Participants on exclusive right to sell and exclusive agency listing forms approved by the ECIMLS. MLS property data must be entered into the MLS system by 11:59 P.M. of the next business day from the later of the listing start date or last seller signature date of the listing contract (excluding weekends and holidays).

LISTING AGREEMENT AND LISTING AMENDMENT AUDIT: The ECIMLS may audit MLS Participant's Listing Agreements and listing amendments. Upon audit, failure to supply Listing Agreement or Listing agreement amendment within two (2) business days will result in a fine to the Participant (Broker) per agreement. Fine of \$25 per day for every day late after the two (2) business day grace period (excluding weekends and holidays).

COMPLETE DETAIL WHICH IS ASCERTAINABLE AS SPECIFIED ON PROPERTY DETAIL FORM: (\$25 fine per missing piece of information) ECIMLS RULE: Detail on Listings Filed with the ECIMLS: A listing agreement or property data form, when filed with the ECIMLS by the listing broker, shall be complete in every detail which is ascertainable as specified on the property data form.

MISSING, INCORRECT OR INCOMPLETE LISTING DATA: (\$25 fine) ECIMLS RULE: Missing, Incorrect or Incomplete Listing Data Filed with the ECIMLS: A listing when filed with the ECIMLS by the listing broker, shall be complete in every detail which is ascertainable as specified on the property classification data form.

EXCLUSIVE AGENCY LISTINGS: (\$10 fine) ECIMLS RULE: The exclusive agency listing also authorizes the listing broker, as exclusive agent, to offer cooperation, but also reserves to the seller the general right to sell the property on an unlimited or restrictive basis. Exclusive agency listings and exclusive right to sell listings with named prospects exempted should be clearly distinguished by a simple designation such as a code or symbol from exclusive right to sell listings with no named prospects exempted, since they can present special risks of procuring cause controversies and administrative problems not posed by exclusive right to sell listings with no named prospects exempted. Exclusive Agency listings shall show the code E.A. for exclusive agency in the Agent Remarks section of the description sheet. Care should be exercised to ensure that different codes or symbols are used to denote exclusive agency and exclusive right to sell listings with prospect reservations.

UPLOAD LISTING ASSOCIATED DOCUMENTS (DISCLOSURES): (\$25 fine) ECIMLS RULE: ECIMLS Participants shall be responsible for uploading all listing associated documents (Seller Disclosures, Lead Base Paint Disclosure, Disclosure Form for Limited Service Listings) into the MLS system within one (1) business day (excluding weekends and holidays).
Note: \$5 per document to have the office of the ECIMLS upload.

BRANDING: (\$25 fine) ECIMLS RULE: Branding - The flagrant use of personal logos, symbols, pictures, or contact information of agent, agent's office, broker or company in listing data available for public viewing (listing photos, public remarks) is strictly prohibited and subject to a fine. Associated Documents: Associated Docs with Agent name, photo, and contact information are not allowed to be uploaded in Paragon with the Public Box checked. (When the Public box is unchecked, this means that the file is only viewable by MLS members and can be downloaded to print or email.) Brokerage logos are permissible in Associated Docs with the Public box checked.

PHOTO UPLOAD (\$25 fine) ECIMLS RULE: Any office submitting a listing must submit a clear, reproducible picture of the property with the listing within one (1) business day excluding weekends and holidays. If a picture does not accompany listings, brokers will be charged a fine, which will be determined by the ECIMLS Committee, subject to approval of BOD.

USE OF SOMEONE ELSE'S PHOTOS: (\$25 fine) ECIMLS RULE: Listing photos – the use of other members listing photo(s) is a violation of copyright and is strictly prohibited and subject to a fine.

CHANGE OF STATUS FORM: (\$25 fine) ECIMLS RULE: Change in Listing Status: Any change in listing status (Active, Active-Delayed Showing, Pending, Pending-No Show, Subject to Contingencies–Show, Subject to Contingencies-No Show) with the exception of offers with subject to sale contingency, must be updated within one (1) business day except weekends and holidays, after the status change is received by the listing broker.

RESERVED PROSPECTS: (\$10 fine) ECIMLS RULE: Complete names of reserved prospects must be noted on listing agreement including the activation date and expiration date, the time limit shall be left to the client and listing REALTOR®. Reserve prospect code (RP) will be shown on the description sheet along with the expiration date in the Agent Remarks section.

INCOMPLETE RESIDENTIAL SELLERS DISCLOSURE: (Up to \$30 fine) ECIMLS RULE: Posting of incomplete Residential Property Disclosure (Seller fails to answer/address any of the Section1 State of Iowa mandated questions) \$10 per unanswered question with a maximum fine of \$30 per disclosure. If after receiving notice that the Disclosure is not completed and the member fails to provide a complete Disclosure within (2) business days (excluding weekends and holidays) after receiving notice, the member will be notified and fined again.

AMENDMENT TO LISTING CONTRACT (\$25 fine) ECIMLS RULE: Any amendment to the listing contract (change in price, expiration date or withdrawal), shall be made only when authorized in writing by the seller and shall be filed with the ECIMLS within one (1) business day (except weekends and holidays), after the authorized change is received by the listing broker.

SELLER REQUEST FOR DELAYED SHOWING (\$25 fine) ECIMLS RULE: Seller Request for Delayed Showing – The Seller Request for Delayed Showing form must be completed by the Seller and sent to the Association Office with the completed Listing Contract. The Listing agent must notify members of the delayed showing by selecting “Active – Delayed Showing” in the listing Status field in Paragon and place “No show till (date)” in the Agent’s Remarks section.

SELLER DELAYED REVIEW/RESPONSE TO OFFERS (\$25 Fine) – Listing agents are **prohibited** from entering information regarding a Seller Delayed Review/Response to Offers in the Public Remarks Section in Paragon and marketing to the Public. Reference to the Seller Delayed Review/Response to Offers is to be placed in the Agent Only Remarks Section in Paragon.

NO COMPENSATION SPECIFIED ON MLS LISTINGS (\$100 fine) ECIMLS RULE: Note 1: The ECIMLS must not have a rule requiring the listing broker to disclose the amount of total negotiated commission on his listing contract, and the ECIMLS shall not publish the total negotiated commission on a listing which has been submitted to the ECIMLS by a Participant. The ECIMLS must prohibit disclosing in any way the total commission negotiated between the seller and the listing broker, or total broker compensation (i.e. combined compensation to both listing brokers and buyer brokers).

**** (u)** Including offers of compensation to buyer brokers and other buyer representatives in Paragon, Showingtime or a website that receives an ECIMLS data feed. (Exclusion: Offers of compensation to buyer brokers or other buyer representatives are allowed on agent and company websites only on listings of their own brokerage.) Subscribers will be fined \$100 for the first offense with subsequent violation fines up to \$1,000 as determined by the ECIMLS committee.

FINE GOES IN EFFECT ON AUGUST 15, 2024

MARKETING A LISTING BEFORE IT’S ACTIVE (\$100 fine) ECIMLS RULE: Marketing shall not take place on listing prior to listing start date or last sellers signature date of the listing contract (whichever is later). Marketing is defined as, but not limited to signage, social media, and ads in publications. This practice is strictly prohibited and subject to fine.

FAILURE TO UPDATE “ACTIVE – DELAYED SHOWING” LISTINGS TO “ACTIVE” IMMEDIATELY FOLLOWING SELLER SIGNATURE AND/OR NOTIFYING AGENTS OF CHANGE WITH SCHEDULED SHOWINGS (SEE SECTION 1.5.1) (First offense \$2500, Second offense \$5000, Third offense listing agent/broker will be denied continued use of said program).

WRITTEN BUYER AGREEMENTS - Enforcement of Buyer Agreements will be on a complaint basis; however, the ECIMLS may audit MLS Participant's Agreements regardless of complaint. Upon audit, failure to supply necessary Buyer Agreements within two business days will result in a fine to the Participant (Broker) per agreement and the ECIMLS may file a complaint with the Iowa Real Estate Commission. See Section 7 ECIMLS Fines for fine schedule. Failure to provide necessary Buyer Agreement within two business days after audit request. \$100 Fine to Participant (Broker) per agreement.