

# MLS & Rules Committee

## Agenda / Action Items



**Date:** 08.22.2024

**Time:** 1:30pm

**Locati** LBOR Office

**Co-Chairperson:** Beth Ham

**Co-Chairperson:** Vanessa Schmidt

**Staff Liaison:** Linda Manley & Rob Hulse

Committee Members: See Roster/Attendance Handout

### AGENDA ITEMS

No	Topic	Done	Notes/Update
1	Review Previous Meeting Minutes from 6.20.2024		
2	Consider Policy for how Sold Statuses are determined for Listings with a Limited Visibility Type (Exclusive Agent/Office/Firm) a. Receive Report from MLS Staff on Exclusive Listings		
3	Consider adding in Paragon a Member Type of "Self-Represented Buyer" like we have now for "Non-Member."		
4	Realtor.com Request to display SOLD properties without the SOLD Price.		
5	Cooperation Fields to MLS - implementation of these fields has been paused due to Broker concern/feedback. a. Cooperation - Buyer Agent b. Cooperation - Designated Agent c. Cooperation - Transaction Broker d. Cooperation - Sub-Agent Opinion from LBOR Counsel - Danielle Davey writes: <i>I've tried a couple of times to connect with NAR counsel on this but have not had any luck getting a response by email or connecting by phone. My opinion is that the settlement does not prohibit cooperation in the MLS so I think you could include the field. HOWEVER, I think it will be important for the MLS to monitor the field and make sure that agents aren't using the cooperation field as a substitute for signaling compensation. If that appears to be the practice, the field should not be offered.</i>		
6	Consider Tabled Topics? a. Readily Available to Show. b. Fair and Equal Access for all. c. Do we need policy/rules regarding Ancillary Dwelling Units (ADUs)? d. Define "Reasonably Prominent" in IDX Rules.		
10	<b>Next Meeting:</b> _____		
11	<b>Adjourn:</b>		

# MLS & Rules Committee Minutes

August 22, 2024 – 1:30pm.

Previous Meeting Minutes – It was moved and seconded to approve. Motion Passed.

Request for Committee feedback on NAR Settlement changes made to forms:

- Confusion on paragraph 12 how buyer broker is being paid by both do they need to add the amount on their buyer agency agreement. It was mentioned that some additional spacing might help.

Next, the Committee discussed two MLS issues that may occur from the NAR Settlement, and what the fine amount for these would look like:

- Failure to have a written agreement with the Buyer
- Inputting compensation information in the MLS system.

There is no current structure in place as to the discipline for these items.

## **FIRST – FAILURE TO HAVE A WRITTEN AGREEMENT**

The MLS has considered using products like SentiKey or ShowingTime to audit and issue a fine. However, the Committee is concerned that this is an overreach, and that it might result in Members not using SentiKey or ShowingTime if they learn that the MLS is using these systems to trigger and audit. Also, it would be nearly impossible for the MLS to prove if the triggered event was an actual showing.

Other options might include a statement from managing Brokers that the Broker has a policy for written agreements, and that Brokers are providing required training on this topic for their licensees.

Questions to explore with other MLSs at upcoming NAR events:

- What are other MLS's doing to audit for written buyer agreements?

The Professional Standards committee suggests that it the MLS not do routine audits, but rather investigate on a complaint basis.

Bottom line is that this is still evolving, and it is super vague on how NAR is handling or proposing that MLSs enforce the written agreement requirement. It will be good to learn what issues come up before cementing the rules in place. We will work with Members to help during this new normal. In the event of violations, the MLS does have the ability to impose discipline and sanctions as per MLS Rules.

## **NEXT – INPUTTING COMPENSATION IN THE MLS SYSTEM**

Punitive action for this violation could range from a reduction of the security level in the MLS System, to accelerating fines, and/or both. It might be best to mirror the Clear Cooperation Policy fine schedule, although there is sentiment that this is a bigger deal (violation) than the CCP.

**After discussion, it was moved and seconded that:**

**If someone uses the MLS to communicate compensation, the fines are as follows, per listing:**

- First offense - \$500
  - Second offense - \$1000 and reduction in Paragon to Level 2 for 5 transactions
  - Third offense \$2500
  - Fourth offense in a calendar year – sent to professional standards for discipline
- MLS Training required on first offense  
Within a 12-month rolling period

**And**

**If an audit occurs on a complaint basis, and a member is unable to produce a written agreement with a buyer, on a per buyer basis:**

- First offense - \$500
  - Second offense - \$1000
  - Third offense \$2500
  - Fourth offense in a calendar year - sent to professional standards for discipline
- MLS Training required on first offense  
Within a 12-month rolling period

**Motion passed and these fines/discipline will be sent to the Board of Directors.**

As the conversation continued, the following questions were asked:

- If agents are using our data (email roster) from the MLS to send emails to the membership advertising compensation - is this a violation? Should the MLS provide a disclosure on any future distribution list that the list cannot be used to communicate compensation?  
MLS Staff will ask NAR about the use of a MLS Roster/Distribution to share compensation.
- Also, if a Mom/Day accompany their Daughter/Son on a showing appointment, do the Mom/Dad have to sign a buyer's written agreement? Consensus is NO because they are not the buyers....but this is super grey.
- Also, can a listing agent ask a showing agent for evidence of a written buyer agreement, if the showing agent from another market requests a showing? Are we liable for them?
- For an Agent Preview - do we need a written buyer agreement?
- What if we take a seller to go see a house so that they can see what other homes on the market look like? Would this be an agent preview?
- What are the Lawyer's going to think? Can we get clarification on this from NAR?

To continue, there was a lot of talk about brokerages using their own listing agreements or creating their own.

And members are reminded that Class action notices went out on the 17th – DO NOT ADVISE OR PROVIDE ANY INSTRUCTION IN REGARDS TO CLASS ACTION

### **NEXT – REGARDING FIELDS TO BE ADDED TO THE MLS FOR COOPERATION**

Cooperation fields could be perceived as a way to communicate they are offering compensation. Danielle still has not received an answer back from NAR. It is currently hidden until we can get an answer. Tabled for now.

It was then mentioned that KAR would have been the perfect ones to translate the NAR Settlement and how it works within Kansas Law, and they did nothing.

### **NEXT – QUESTION REGARDING DOUGLAS COUNTY APPRAISER**

Request to reconsider participation to DG County Appraisers from BOD

New info: Other MLS in the state do not provide data feeds but they do allow access. We are a little bit of the exception. The Board of Directors has asked the Committee to reconsider.

Would the MLS, on behalf of members, be able to use this as leverage is we can maintain access to the county website if it is in fact going away.

### **It was moved and seconded to take no action on this item.**

The Committee would like more information to be provided on if the county website is being discontinued, or if it being revamped. Clarification - do not feel like we are uncooperative. Do not think it will change the relationship. **After discussion, the motion passed.**

A small group of MLS Committee Representatives will schedule a meeting with the County Appraiser. The group includes: Beth Ham, Cheri Drake, Nicholas Lerner, Ryan Desch, Vanessa Schmidt, and Zach Dodson.

Next meeting on September 18<sup>th</sup> at 1:30pm to 3:00pm.

Meeting adjourned.

MLS & Rules Committee 2024		1/25	2/22	3/21	5/16	6/20	6/24	8/22	9/18	Oct.	Nov.	Dec.	Present	Excused	Unexcused	
Role		Thu	Thu	Thu	Thu	Thu	Mon	Thu	Wed	Oct.	Nov.	Dec.	P	E	U	
Elizabeth Ham	Co-Chairperson	P	P	P	P	E	P	P								
Vanessa Schmidt	Co-Chairperson	P	P	AL	P	P	P	P								
Angela Shopper	Committee Member	P	P	P	Z	U	U	U								
Anna Clemente	Committee Member	U	P	P	P	P	P	P								
Bailey Stuart	Committee Member	P	P	P	P	P	P	P								
Cheri Drake	Committee Member	P	P	P	Z	E	P	P								
Chris Earl	Committee Member	P	E	P	P	P	P	E								
Cindy Glynn	Committee Member					P	P	P-Z	E							
Danny Freeman	Committee Member	P	P	E	P	E	E	E								
Deanna Dibble	Committee Member					P	P	AL								
Erin Maigaard	Committee Member	P	U	P	P	P	E	P								
Katherine Moore	Committee Member	U	P-Z	P	E	E	U	A								
Lindsay Landis	Committee Member	P	P	P	P	P	P	P								
Michelle Roberts-Freeman	Committee Member	AL-E	P	P	P	E	E	E								
Nicholas Lerner	Committee Member	P	P	P	P	P	P	P								
Ryan Desch	Committee Member	P	AL-Z	P	P	P	P	P								
Taylor LaRue	Committee Member	P	P	P	P	P	P	P								
William Perkins	Committee Member	P	P	P	P	E	P	P								
Claire Vowels	Committee Member					P	E	P								
Zach Dodson	Committee Member	E	E	P	U	P	P	P								
Jill Ballew	President					P										
Linda Manley	LBOR	P	E	P	P	P	P	P								
Rob Hulse	LBOR	P	P	P	P	P	P	P								

Z = Zoom AL = Arrived Late LE = Left Early

Guests on May 16: Karyn Davis, Claire Vowels, Denise Bridwell, Susan Parker

Guest on June 24: Drew Deck

**From:** [Nicholas Lerner](#)  
**To:** [Rob Hulse](#); [Vanessa Schmidt](#)  
**Subject:** MLS Committee Agenda Item request  
**Date:** Monday, August 19, 2024 11:56:30 AM

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Hello Rob and Vanessa,

I'd like to request that an additional category of "Self-Represented Buyer" be added in Paragon or maybe category is not the correct term and it should be an agent? I'm thinking in the instance that a home is sold with an unrepresented buyer, it could filled in as such instead of Non-member, which I believe is the current practice. It would allow us to delineate from properties that we sold by an agent that isn't a member of LBoR and unrepresented buyers.

Similar to FSBO, I think it would be helpful data to have and see how many houses are being sold with an unrepresented buyer.

Thank you,

Nick

**Nicholas Lerner** | Digital Realtor | McGrew Real Estate, Inc. | 1501 Kasold Drive, Lawrence KS 66047 | Direct 785-766-5613 | [NL@NicholasLerner.com](mailto:NL@NicholasLerner.com) | [www.NicholasLerner.com](http://www.NicholasLerner.com) | Licensed Real Estate Broker in the state of Kansas |

## Rob Hulse

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**Subject:** FW: Grid transition

Hi Ashley –

I can authorize that we keep the Sold info as it is on <http://Realtor.com>, displaying on an Agents profile only, with no price/amount. I am happy to take the request to expand use of Sold information (as you proposed) to our MLS & Rules Committee for approval. Their next meeting is on August 22<sup>nd</sup>.

Of course we can do both....but I'm not sure if your team will want to handle this data twice. Let me know how you want to proceed.

Thanks,

Rob

### **Rob Hulse, RCE, AHWD**

#### **Executive Vice-President**

Lawrence Board of REALTORS®

Lawrence Multiple Listing Service

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**From:** Ashley Sacia <[ashley.sacia@realtor.com](mailto:ashley.sacia@realtor.com)>

**Sent:** Monday, July 8, 2024 8:35 AM

**To:** Rob Hulse <[Rob@lawrencerealtor.com](mailto:Rob@lawrencerealtor.com)>

**Subject:** Re: Grid transition

Good morning Rob,

I hope you had a great weekend! I wanted to follow up and see if you wanted to keep the sold data as it was or adjust it to sold minus price.

Please let me know.

Thank you,

Ashley Sacia

Vice President, Industry Relations

c: 608-797-3810

Realtor.com®

On Tue, Jul 2, 2024 at 10:09 AM Ashley Sacia <[ashley.sacia@realtor.com](mailto:ashley.sacia@realtor.com)> wrote:

You are correct, we had the approval to show it in profiles only. This withheld the price and from it being searchable.

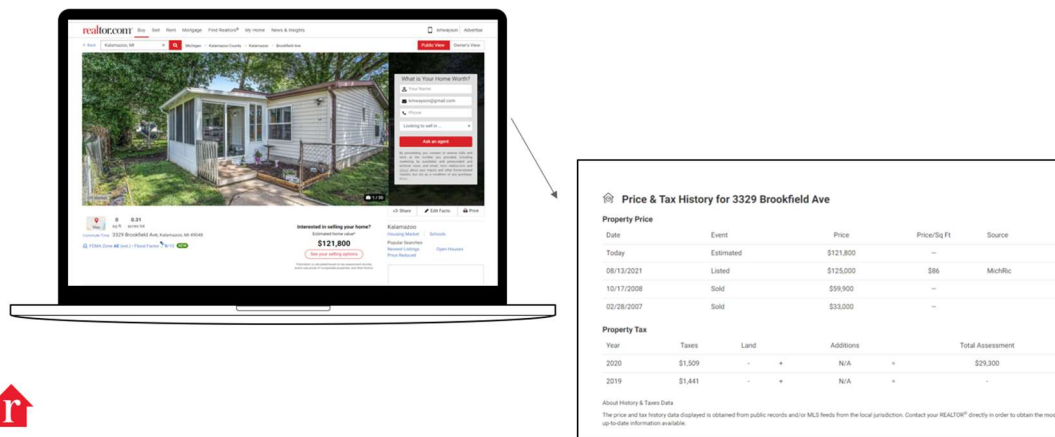
However, would you consider allowing us to show sold without a price on our site? I provided an example below from another non-disclosure state.

The difference with your permission, would be a fluid experience for the consumer, which would show broker and agent attribution for both seller and buyer, as well as list your MLS as the source, which is what we all want, and what's best for your agents who work so hard to show off their experience and who they represented, as well as the MLS who is the one true source.

The other difference this would make is when a property changes to sold status, it would reflect that on our site correctly, versus today, where it flips to off-market status to pull from public records, and creates a very confusing experience for that consumer who had a handful of properties on their watch list in your market.

I have a few screenshots for you here as well. We would just need an email from you authorizing us to display sold but without the price, since you're in a non-disclosure state.

## Without Sold Data for property search, public records information is displayed



Price & Tax History for 3329 Brookfield Ave				
Property Price				
Date	Event	Price	Price/Sq Ft	Source
Today	Estimated	\$121,800	--	
08/13/2021	Listed	\$125,000	\$86	MichRc
10/17/2008	Sold	\$59,900	--	
02/28/2007	Sold	\$33,000	--	
Property Tax				
Year	Taxes	Land	Additions	Total Assessment
2020	\$1,509	-	N/A	\$29,300
2019	\$1,441	-	N/A	-

About History & Taxes Data  
The price and tax history data displayed is obtained from public records and/or MLS feeds from the local jurisdiction. Contact your REALTOR® directly in order to obtain the most up-to-date information available.

**Without Sold Data for Listing pages, Public Records information is provided  
There's NO ability to give Agent or Brokerage recognition**



San Antonio, TX Texas > Bexar > San Antonio > Grey Hawk Dr > 4959 Grey Hawk Dr



Sold on July 12, 2023

What's your equity? (It's easy to find out)

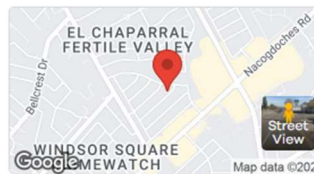
Just Sold

Last sold for

N/A

4 bed 3 bath 1,685 sqft 6,560 sqft lot

4959 Grey Hawk Dr, San Antonio, TX 78217



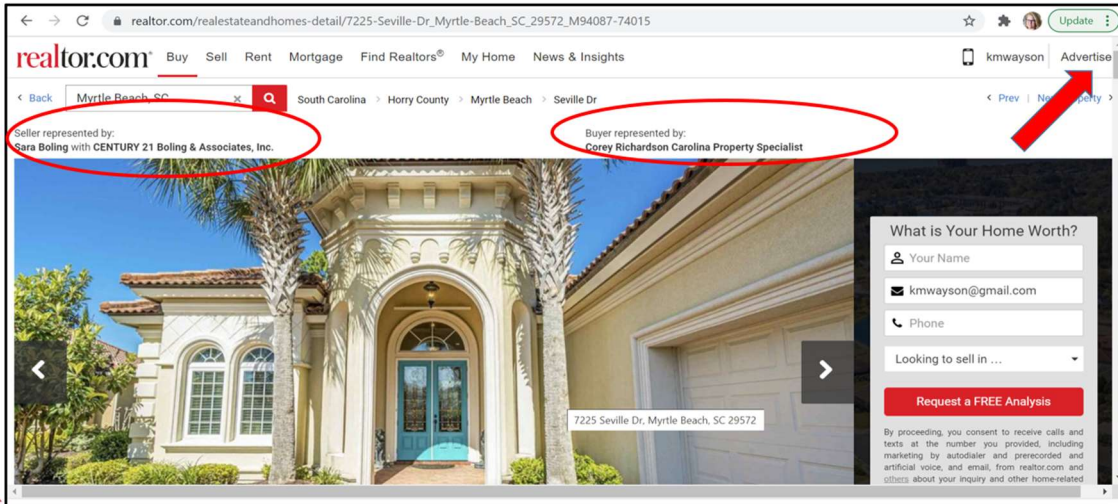
Property History

Price History

Date	Event	Price	Price/Sqft	Source
07/12/2023	Sold	-	-	Public Record
03/26/2019	Listing Removed	\$1,500	\$1	SanAntonio
03/19/2019	Listing Removed	-	-	SanAntonio
03/12/2019	Listed For Rent	\$1,500	\$1	SanAntonio
03/10/2019	Listing Removed	-	-	SanAntonio
03/04/2019	Price Changed For Rent	\$1,500	\$1	SanAntonio
01/31/2019	Listed For Rent	\$1,600	\$1	SanAntonio

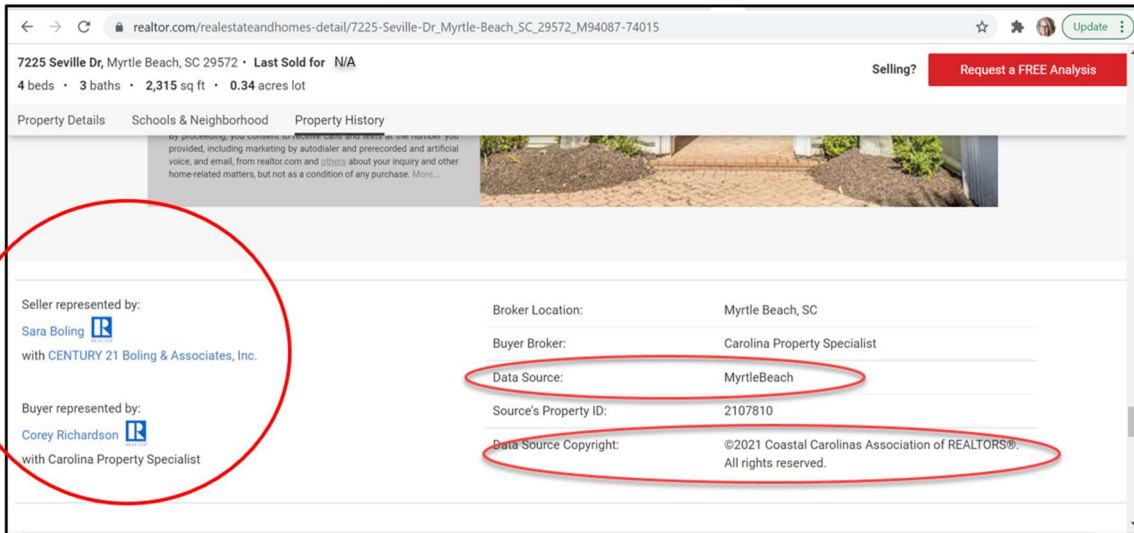
# If MLS sold data is provided, consumers can easily find the Agent they seek

Full Agent/Brokerage attribution- Both sides



## The only names displayed on Sold pages are Agents and Brokerages that participated in the transaction

Links to Profiles allow consumers to contact agent by phone, email, or text.

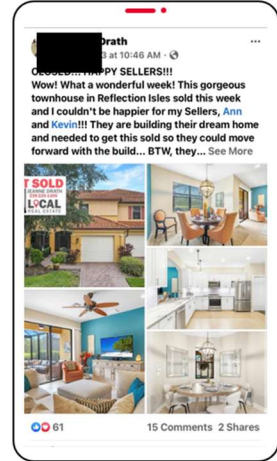
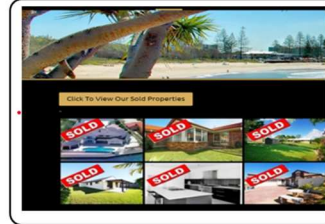


# Brokers and Agents advertise themselves through properties they've sold (historically and today)

## Agents & Brokers



## Buyers & Sellers



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I hope this helps, I am here to discuss more or answer any questions your team might have, just let me know whatever you need from me.

Thank you so much and I look forward to hearing back.

**Ashley Sacia**

Vice President, Industry Relations

c: 608-797-3810

<http://Realtor.com>®

On Tue, Jul 2, 2024 at 9:50 AM Rob Hulse <[Rob@lawrencerealtor.com](mailto:Rob@lawrencerealtor.com)> wrote:

What had been agreed to in the past is to show sold addresses, only in the Agent's Profile displaying "Listings" sold. No sale prices, and not searchable.

Correct? See snip below for the example.

Rob



(Team)

# Tanya Kulaga

Realty Executives Hedges R E

☆ 4.9 (55) . 🗨️ 73 recommendations



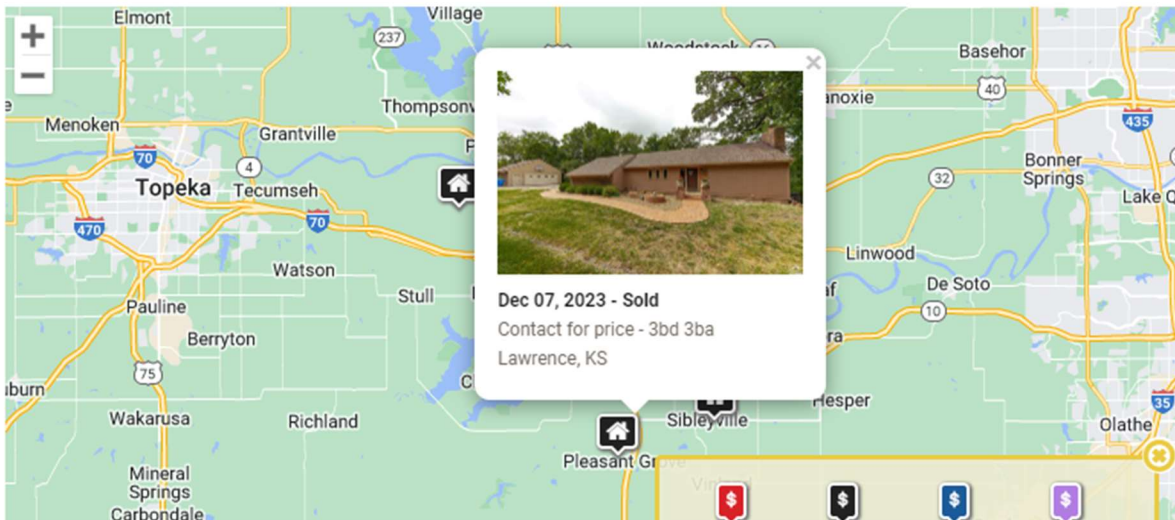
## 👤 Team information

## 📍 178 Listings

Show team listings



- 178 listings
- 7 for sale
- 1 open houses
- 170 sold



## Rob Hulse, RCE, AHWD

### Executive Vice-President

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