

# MLS & Rules Committee

## Agenda / Action Items



**Date:** 08.22.2024

**Co-Chairperson:** Beth Ham

**Time:** 1:30pm

**Co-Chairperson:** Vanessa Schmidt

**Locati** LBOR Office

**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	Committee Feedback for recent NAR Rules Changes: Compensation & Written Agreements.		
3	Consider discipline for Rules Changes Violations <ol style="list-style-type: none"><li>Compensation in the MLS</li><li>Failure to produce a written Buyer Agreement<ol style="list-style-type: none"><li>Professional Standards Committee is recommending a Complaint Based audit process for written Buyer Agreements.</li></ol></li><li>Class Notice out to public beginning August 17th - Do not advise clients and customers.</li></ol>		
4	Cooperation Fields to MLS - implementation of these fields has been paused due to Broker concern/feedback. <ol style="list-style-type: none"><li>Cooperation - Buyer Agent</li><li>Cooperation - Designated Agent</li><li>Cooperation - Transaction Broker</li><li>Cooperation - Sub-Agent</li></ol> 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>		
5	Request from Board of Directors to reconsider participation with DG County Appraiser's Office for MLS Access and/or Data Feed.		
6	Consider Policy for how Sold Statuses are determined for Listings with a Limited Visibility Type (Exclusive Agent/Office/Firm) <ol style="list-style-type: none"><li>Receive Report from MLS Staff on Exclusive Listings</li></ol>		

7 Consider adding a Member Type of "Unrepresented Buyer" like we have now for "Non-Member."

8 Realtor.com Request to display SOLD properties without the SOLD Price.

9 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 **Next Meeting:** \_\_\_\_\_

11 **Adjourn:**

# MLS & Rules Committee Minutes

June 20, 2024 – 1:00pm.

Previous Meeting Minutes Reviewed –

**It was moved and seconded to approve previous meeting minutes. Motion passed.**

First was an update from the Sub-Committee for Contracts & Forms: The sub-committee has proposed approval of the Buyer Agency Agreement, Exclusive Right of Sale, and Sales Contract. Also, the sub-committee is recommending that they create a Agreement to Compensate. At this time it was determined that a future meeting of the Committee would be used to review final forms. A meeting date of June 24<sup>th</sup> was set. Then, **it was moved and seconded to have the LBOR create a form called Compensation Agreement for Brokerages. Motion Passed 4-3.** Also, **it was moved and seconded to create a form called the Seller-Buyer Agreement for Brokerage Compensation. Motion Passed 4-3.**

MLS Staff Shared the Following timeline with the Committee

- Timeline for forms to Brokers
- Forms Training on August 7<sup>th</sup> and 8<sup>th</sup>
- MLS Compensation Fields removed the week of August 12<sup>th</sup>.
- Class Action Notice will occur beginning August 17<sup>th</sup>.

Next the Committee discussed adding fields to Paragon for Cooperation (Buyer Agent, Designated Agent, Transaction Broker, Sub-Agency). Each type would be a field with a Yes/No value. After discussion, **it was moved and seconded to add fields for Cooperation as discussed. Motion Passed.**

Next the Committee discussed the use of Concession Field for Active Listings (currently only available when sharing SOLD details). After discussion, **it was moved and seconded to table this item for a future agenda. Motion Passed.**

The Committee learned that the Board of Directors provided approval for the MLS & Rules Committee to move forward with rules for a Pre-MLS status in the MLS system. After review, the following members agreed to serve on a Sub-Committee for Pre-MLS: Vanessa Schmidt, Jill Stueve, Claire Vowels, Bailey Stuart, Zach Dodson, Erin Maigaard, Nicholas Lerner, and Drew Deck. The Sub-Committee will schedule their first meeting and will also report back to the Committee regarding their progress. Additionally, MLS Staff will make the opportunity to serve on the Sub-Committee available to LBOR/LMLS Board members.

Next, the Committee considered whether to add a Field for Homes.com Data Feed-Include/Exclude. The field would operate like the Realtor.com and Listhub fields and would allow the listing agent to Include or Exclude the listing from the data feed, at the listing level. After discussion, **it was moved and agreed to approve the field for Homes.com. Motion Passed.**

Next, MLS Staff asked the Committee to report errors for MLS data displayed online. This will also be asked of the Technology Committee, and members will be asked in the LBOR Newsletter to submit any errors online.

The next meeting is scheduled for June 24<sup>th</sup> from 2pm-3pm, specifically to review newly updated/completed Contracts and Forms.

Having reached the end of the allotted meeting time, the meeting was adjourned at 3pm.

## **MLS & Rules Committee Minutes**

### **June 24, 2024 – 2:00pm.**

The Committee met to review the final versions of the newly updated Buyer Agency Agreement, Exclusive Right of Sale, and LBOR Sales Contract.

Each new form was reviewed individually.

It was moved and seconded to approve the LBOR Sales Contract as proposed, with a new change to correct the formatting of Paragraph on Interim Maintenance - #19. Motion Passed.

It was moved and seconded to approve the Buyer Agency Agreement. Motion Passed.

It was moved and seconded to approve the Exclusive Right of Sale. Motion Passed.

Last, the MLS & Rules Committee directed Staff to prepare an Amendment to the Exclusive Right of Sale and an Amendment to the Buyer Agency Agreement. The LBOR Sales Contract will be updated with an Addendum to the Sales Contract. The new NAR Settlement language will be inserted to each Amendment and the Addendum. After discussion, it was moved and seconded to create the Amendments and Addendum as discussed. Motion Passed.

A next meeting was scheduled on August 22, 2024 at 1pm to 2:30pm.

Meeting adjourned.

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

## Rob Hulse

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**From:** Vanessa Schmidt <vanessaschmidt@kw.com>  
**Sent:** Thursday, August 1, 2024 12:08 PM  
**To:** Rob Hulse; jillstueve@kw.com; baileystuart@askmcgrew.com; Holly Garber; zachdodson@stephensre.com; dannyfreeman@stephensre.com; nicholas@askmcgrew.com; Erin Maigaard; Claire Vowels; Linda Manley; drewdeck@reecenichols.com  
**Subject:** Pre-MLS Subcommittee Notes 08.01.2024

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Our next Pre-MLS Subcommittee will be on September 12th at 11 am for 1 hour

Zach has been excused  
Drew Deck was absent  
Holly Garber has been added to the committee

### Pros of Pre-MLS

- As a member of both HMLS and LMLS the clear cooperation of rules contradict each other and some of the LMLS fines that are in place are pretty hefty. It's a pain point to not be able to use all of the tools at our disposal if HMLS is a primary board.
- It isn't something that is NEEDED to be used, and having the tool at our disposal instead.
- Providing a value to buyers for what is coming soon that is not readily available on public facing websites.
- No longer puts our membership at a disadvantage when a seller chooses to use a KCRAR agent over a LMLS/LBOR agent because of Pre-MLS
- There is no reason for KCRAR agents to join our board if they are not able to use Pre-MLS as a tool, we are losing out on their membership
- Harm for not having Pre-MLS is that if a seller wants to market this way they are not able to - this is not in the best interest of the sellers

Current LMLS requirement means that active means that it has to be readily available to show within one business day.

KREC - must have an effective written agreement in order to put a sign in the yard/any public marketing.  
City Sign Ordinance - no policy in place that says you can/can't say anything on signage.

We would have days on market and days on MLS similar to exclusive listings.

Heartland does not feed PreMLS to Zillow. They are currently considering the option at the listing level to allow agents to syndicate that listing for data feed. We would have to have a discussion on whether or not we would allow it to be included on idx feeds.

Wichita MLS has a coming soon option but it is only for one week.

Members do NOT need to utilize Pre-MLS even if it is an ability.

## Cons of Pre-MLS

Does not seem ethical for having a pre-mls for a long period of time such as 6 months or longer.

This system provides opportunities abuse for unscrupulous agents

Could make this more advantageous to listing agents over buyer agents

If an agent sees a PreMLS listing coming on they're not doing showings

- By law any offers sight unseen have to be delivered
- An offer being delivered means that no one else has a chance at it
- HMLS has a rule that if a sight unseen offer comes forward then the status must go active and then pending immediately up to one calendar day.

Voted to have Pre-MLS

Motion passes unanimously

We can really get into the weeds about the details on this we need to start somewhere.

## Timeline

Why limit it? This is about providing options - if other agents are advising their clients to go Pre-MLS for a long period of time then that's on them.

Voted to have Pre-MLS to mirror the HMLS timeline

Motion passes unanimously

Ask Heartland:

Mechanism for offer sight unseen if the offer falls apart? Can it be returned to Pre-MLS? It seems like it could not be "put back in the box"

Pre-MLS to IDX?

Ask how it works for exclusive listings in conjunction with Pre-MLS

Showing Availability Rules

We should consider all of the "topics" on how we want to approach this with our MLS and go through them one by one. For instance:

- Showing Availability
- Fines
- Form Mechanisms/Amendment
- Feeding to IDX
- Withdrawn Status
- Exclusive Listing Status
- What are we calling Pre-MLS? Coming Soon? Pre-MLS? Consensus is Coming Soon for other clients.

Motion to have Vanessa take over as Chairing this committee

Motion Passes

Ajourned.

Please send any other items for topics to ask Heartland as well as any of the other “topics” on how we want to approach Pre-MLS to me AND Rob.

Rob will be emailing his questions to HMLS on MONDAY, August 5th so all questions for HMLS should be sent prior to Monday.

**Vanessa Schmidt**

Realtor® | Notary Public | Transaction Coordinator

[vanessaschmidt@kw.com](mailto:vanessaschmidt@kw.com) | 785.917.0188

**kw** INTEGRITY

545 Columbia Drive,  
Lawrence, KS 66049

**IMPORTANT REMINDER:** Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct. The title company will ALWAYS call to verify wiring information is correct.



## LMLS Citation Schedule

<u>VIOLATION</u>		<u>1ST</u>	<u>2ND</u>	<u>3RD</u>	<u>4TH</u>
<b>Listing Violations</b>	No Listing Agreement	<b>\$50 Training Available</b>  May be appealed to the Professional Standards Committee	<b>\$100 *Training Required</b>  May be appealed to the Professional Standards Committee	<b>\$250 Permissions Reduced to Level 3 for 5 completed transactions</b>  May be appealed to the Professional Standards Committee	<b>Referral to Professional Standards Committee for Discipline</b>  Decision may be appealed to the Board of Directors
	Incorrect Price on LA				
	No Address on LA				
	No Dates on LA				
	No Signature(s) on LA				
	No Seller's Disclosure				
	No Amendment to the LA or Change Form (i.e., price change, list date, etc.)				
<b>Status Change Violations</b>	Late Submittal of Listing to the MLS	<b>\$100 Training Available</b>  May be appealed to the Professional Standards Committee	<b>\$250 *Training Required</b>  May be appealed to the Professional Standards Committee	<b>\$500 Permissions Reduced to Level 3 for 5 completed transactions</b>  May be appealed to the Professional Standards Committee	<b>Referral to Professional Standards Committee for Discipline</b>  May be appealed to the Board of Directors
	Late Status Change for Sold				
	Late Status Change for Under Contract				
	Late Status Change for Withdrawn				
	Late Status Change for Cancelled				
	Status Change to Withdrawn or Cancelled without an Amendment to the EROS or Change Form				
<b>\$500 Training Required</b>  May be appealed to the Professional Standards Committee  <b>All further offenses referred to the Professional Standards Committee</b>  Decision may be appealed to the Board of Directors					
<b>Clear Cooperation Policy Violation</b>					

*\*Training sessions are scheduled every third Wednesday of the month. THERE IS A \$50.00 FINE FOR THE 1st MISSED OPPORTUNITY TO ATTEND REQUIRED TRAINING. Fines increase for each missed training session: 2nd - \$100, 3rd - \$150, thereafter - \$200 for each missed training session.*

**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®

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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.

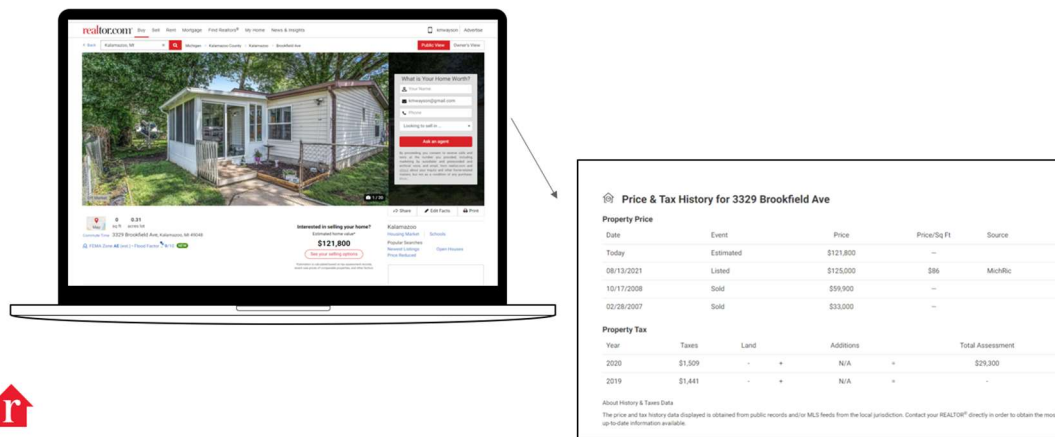
However, would you consider allowing us to show sold without a price on our site? I provided an example below from another non-disclosure state.

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)

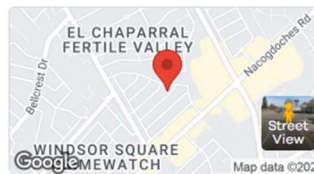
Just Sold

Last sold for

N/A

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

4959 Grey Hawk Dr, San Antonio, TX 78217



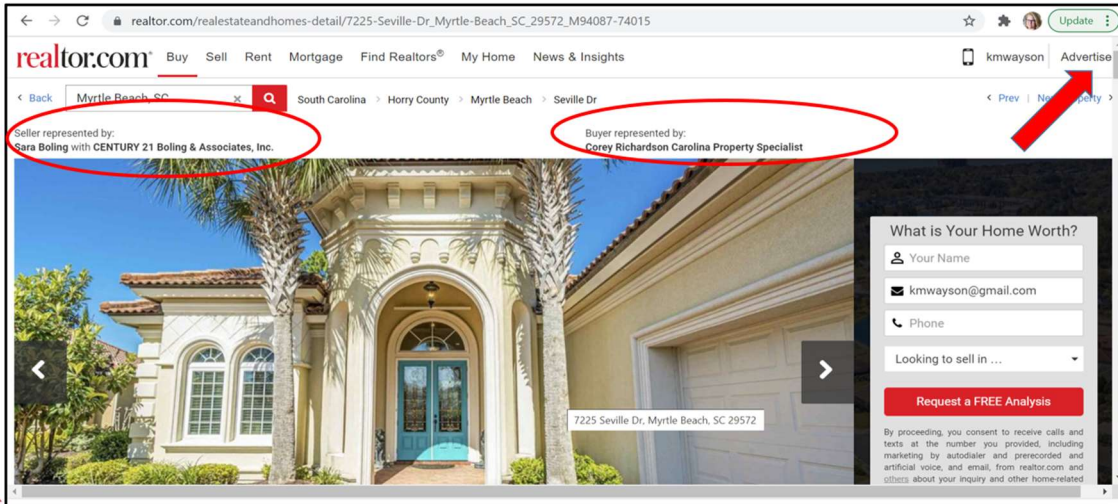
Property History

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

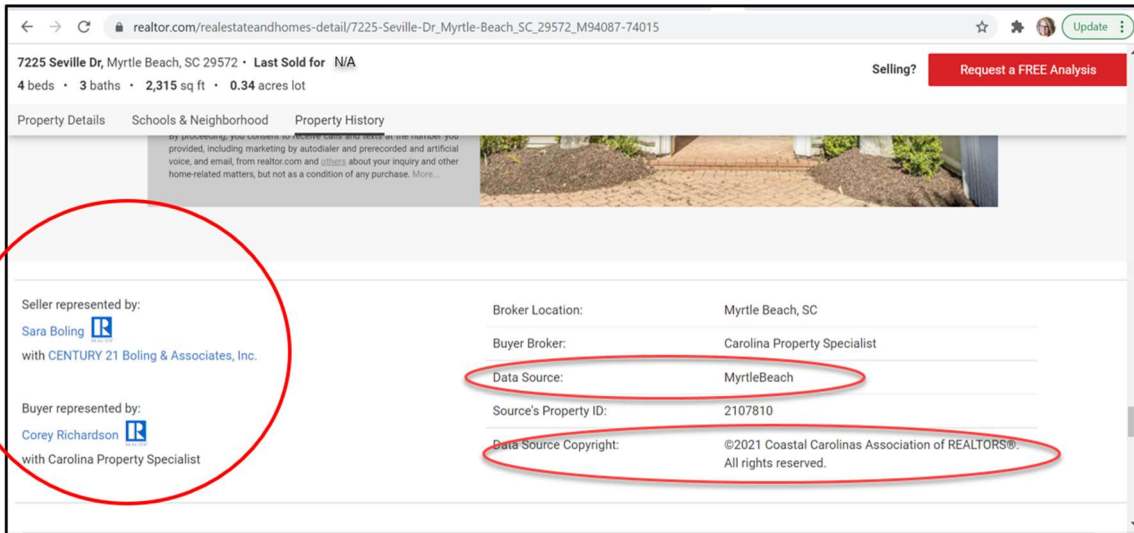
# If MLS sold data is provided, consumers can easily find the Agent they seek

Full Agent/Brokerage attribution- Both sides



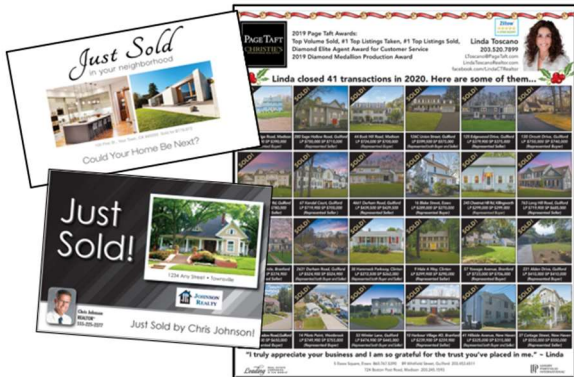
## The only names displayed on Sold pages are Agents and Brokerages that participated in the transaction

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

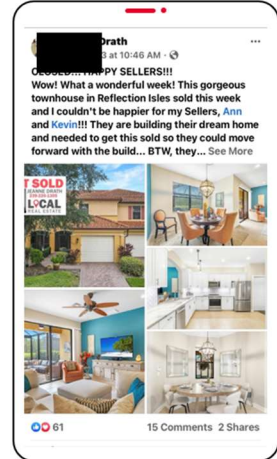
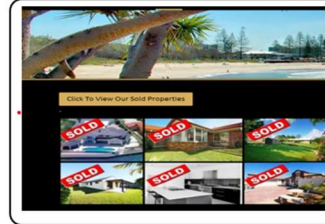


# Brokers and Agents advertise themselves through properties they've sold (historically and today)

## 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



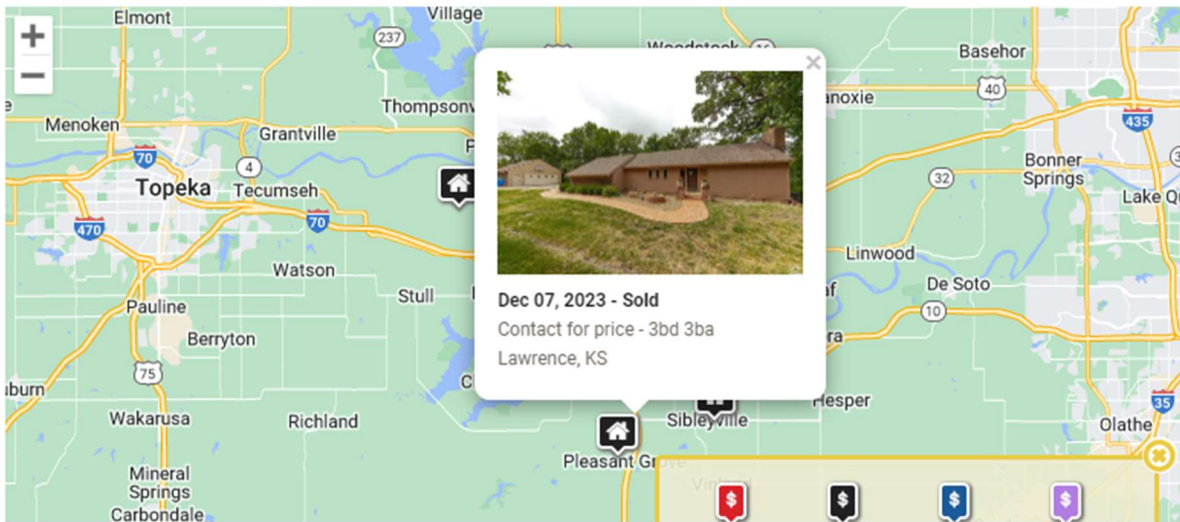
### 👤 Team information

### 📍 178 Listings

Show team listings



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



### Rob Hulse, RCE, AHWD

#### Executive Vice-President

Lawrence Board of REALTORS®

Lawrence Multiple Listing Service

Direct Line: 785.856.0072

Main Line: 785.842.1843

[Rob@LawrenceRealtor.com](mailto:Rob@LawrenceRealtor.com)



[LawrenceRealtor.com](http://LawrenceRealtor.com)

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

**Sent:** Tuesday, July 2, 2024 10:44 AM

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

**Subject:** Grid transition

Hi Rob,

I hope you're well!

Our team is working through your Grid transition and it's been brought to our attention that because you're in a non-disclosure state you need to give Grid permission of us to show sold on profiles. Can you please approve this via email and I will send it to the Grid team?

Also, I would like to talk with you about our sold display options. Can we schedule a connection soon?

Thank you,

**Ashley Sacia**

Vice President, Industry Relations

c: 608-797-3810

<http://Realtor.com>®