**REALTOR® ASSOCIATION OF ACADIANA**

**MLS Committee**

**August 21, 2018**

**Minutes**

PRESENT: Jacquelyn Cain, Alyson Finch, Eloise Gauthier, Troy Hebert, Cindy Herring, Dennis Jones, Jim Keaty, Lori McCarthy, Danny Nugier, Don Perron & Helen Thibeaux.

ABSENT: Steven Desormeaux (U), Mark Dunbar (E), Paula Duncan (E)

ALSO PRESENT: Mary Sliman, Susan Holliday, Lisa Sheppert, Walter Campbell, Rachel Hebert, Shannon Higginbotham, Kirk Schexnaider, Jennifer Forester, Jessica Melancon and Suzanne D’Ambrosio

The meeting was called to order by Jim Keaty at 9:00a.m.

1. Jim Keaty welcomed the RAA Leadership Class members in attendance.
2. **Motion to approve the minutes from the June 21, 2018 meeting.** The motion was seconded and passed.
3. **Motion to add a rule to the MLS Rules and Regulations regarding the prohibition of all forms of brokerage/affiliate marketing through any MLS provided software or service. Agents and brokers should not be using services such as CSS feedback or Instanet documents to advertise themselves or an affiliate business.** The motion seconded and passed.

1. **Motion to create a form specifically for licensed personal assistants that will include broker signatures for both the licensed assistant’s broker and the contracting agent’s broker. Both brokers are required to sign this document acknowledging the relationship between the agent and licensed assistant.** The motion was seconded and passed.
2. **Motion for the following fine schedule to be applied for fines violating motion 3 of these minutes. The fine schedule is $100 first offense, $250 second offense, $500 third offense and subsequent offenses will be brought to the MLS Committee.** The motion was seconded and passed.
3. **Motion to form a task force to further address the licensed assistant rules in MLS and advertising in MLS services**. The motion was seconded and passed. Task force members will be Lori McCarthy, Don Perron, Alyson Finch, Helen Thibeaux and Danny Nugier as appointed by Lisa Sheppert.
4. **Motion to add the following rules to the MLS Rules and Regulations.** Section numbers with ?? will be assigned once rules are added to the MLS Rules and Regulations.

Section 4.6  Export of Data Restrictions

MLS data is for the exclusive use of Participants and their Subscribers, Users and clients as expressed through these Rules.  Any data file transfer or export of data through use of the ‘Export Function’ within the MLS software to third parties without authorized consent of the Service is considered a violation of these Rules, as referenced in Sections 10,11, 12 and 13.

NOTE:          Participants are always allowed to send their own data to any third party as allowed by these Rules. MLS data can be assembled and used for internal research and use.  This rule prohibits the transfer or export of the MLS Compilation, in part or in whole, to third parties who are not clients or MLS Users.

Section 20.4 Use Restrictions

Holder shall use the Key only for the purposes of gaining authorized entry into real property on which an RAA issued lockbox has been installed pursuant to an agreement with the seller of such real property. Use of a Key to gain entry to a property for any purpose other than the exercise of authority or responsibility derived from the agency or other legally recognized brokerage relationship granted by the owner in the Listing agreement or offer of cooperation by the Agent, or from an appraisal relationship with the owner or contract buyer, is specifically prohibited. Utilization of information derived from viewing properties shall not be used or conveyed to anyone for any purpose other than to facilitate the sale or lease of real property.

Section ?? RESO Data Dictionary compliance

The RAA MLS will only implement field additions and/or changes that are in compliance with the Real Estate Standards Organization (RESO)’s Data Dictionary.

Section ?? Auction Listings in MLS

MLS shall accept listings subject to auction terms provided they are conducted in accordance with all applicable laws and the following conditions are met:

(1) a valid listing contract between the Participant and the Seller exists, subject to the requirements outlined in Section 1(b)

(2) a listing price is specified as outlined in Section 1.7

(3) compensation is offered to cooperating Participants as outlined in Section 4

(4) an agency relationship between the Seller and the Participant exists for the duration of the auction process  
(5) the Participant clearly discloses in the MLS that the listing is subject to auction terms.

(6) the Participant clearly discloses in public Remarks any and all participation terms and conditions as they relate to financial obligations to the buyer.

SECTION 21

CENTRALIZED SHOWING SYSTEM (CSS)

Section 21 CSS Description

The Centralized Showing Service (CSS) is a separate company that provides an additional service and assists our MLS Participants and Subscribers in making homes easier to show. It provides one central phone number to call when scheduling all appointments and includes canceling or rescheduling appointments. The convenience results in more showings and is a quick and an efficient use of time. All CSS information is deemed reliable, but not guaranteed. All RAA Participants and Subscribers are required to participate in Centralized Showing Service unless an Exemption is granted as outline in Section 21.2.

Section 21.1 CSS Registration

All RAA Participant and Subscribers are registered with Centralized Showing Service upon joining the MLS.

Section 21.2 CSS Exemptions

REALTORS® who do not list or sell residential real estate in RAA’s service area or MLS or who can certify that listing and selling residential real estate are not part of their job description or duties may apply for a CSS Exemption. If at any point in time the exemption is no longer valid, a REALTOR® will be required to participate in CSS. CSS Exemptions can be requested only once per year.

Section 21.3 CSS Log In/Password

To log in to the CSS website, the REALTOR® must use a private password which is not to be distributed to any seller, buyer or member of the public.

Section 21.4 CSS Showings

All showings should be scheduled in accordance with Section 2 of these rules. Cancelling or rescheduling appointments should be handled with CSS or the listing agent/broker.

Section 21.5 Showing Instructions

All MLS Participants and Subscribers shall provide CSS with Showing Instructions within three (3) business day for each listing placed on the MLS.

SECTION ??

MLS Login Credentials

Login credentials to access the MLS software are for the exclusive use of the Participant/Subscriber only and shall not be given to anyone or allowed to be used by anyone other than the Participant/Subscriber, at any time, for any purpose. A $1,000 fine will be issued to any member who shares his/her MLS login credentials at any time or for any purpose.

Password Security

Passwords will be changed every 180 days

The motion was seconded and passed.

1. **Motion to change the following rules in the MLS Rules and Regulations.**
   1. Appendix A: Schedule of Fines and Penalties

Sharing MLS Credentials

~~Definition: An~~ ***~~authorized~~*** ~~person is a member of the REALTOR® Association of Acadiana who is an active paid user of the Multiple Listing Service.~~

Fines will be issued to any member who shares his/her MLS login credentials in ***ANY*** manner.

* 1. Section 20.4 Fine for Misuse

~~The penalty for allowing use of a key by any unauthorized person is $1,000. An authorized person is a member who has been issued a lockbox key and is in good standing with the key vendor.~~

The electronic key is for use by the Lessee only. The penalty for allowing use of a key by any other person is $1,000.

The motion was seconded and passed.

1. **Motion to disallow a listing to be set to active status in the MLS without at least one front exterior photo.** This applies to all property types except for Land. The motion was seconded and passed.
2. **Motion to remove the Xpress Key as an option with the Supra key service**. As of January 1, 2019, the only key option available is the eKey. Beginning now, the only key option offered to members should be the eKey. Section 20.1 of the MLS Rules and Regulation will read the following:

Section 20.1 Key Service

The MLS shall offer key and lockbox services through a master agreement with a vendor approved and contracted by the REALTOR® Association of Acadiana.

The Electronic Key service is available to MLS members. This version of key service involves access through use of the member’s smart phone technology.

The MLS shall strive to provide the most modern and technological sound solutions for the MLS members, and may from time to time change the services available or the vendor as the MLS Board deems appropriate to serve the needs of the membership.

1. **Motion to deny Wanda Schmitz’s fine appeal.** The motion was seconded and passed.
2. **Motion to accept Leticia Porter’s request to divide her fine into 4 monthly payments of $250.** The motion was seconded and passed.
3. **Motion to deny Mia Robinson’s fine appeal.** The motion was seconded and passed.
4. **Motion for the pricing for API access to RAA’s MLS data to be the same as the RETS access.** The motion was seconded and passed.

NEW BUSINESS

1. **Motion to change the Pool Y/N field in MLS to be labeled Pool on Subject Property and to remove the Community Pool option from the additional Pool field.** The motion was seconded and passed.

There being no further business, the meeting adjourned at 10:45a.m.

Minutes submitted by:

Mary Sliman, MLS Director