

MULTIPLE LISTING SERVICE  
OF THE  
Greater Baton Rouge Association of REALTORS, INC.  
Rules and Regulations

LISTING PROCEDURE

Section 1. Listings of properties of the following types located within the jurisdiction of the Greater Baton Rouge Association of REALTORS, Inc. and Livingston Parish taken by participants on an exclusive right to sell or an exclusive agency listing form shall be delivered to the Multiple Listing office within 72 hours after all necessary signatures of seller have been obtained.

- (a) Single-family homes for sale or exchange
- (b) Townhouses, town homes and condominiums for sale or exchange
- (c) Vacant lots or acreage for sale or exchange
- (d) Two-family, three family and four family and all other multi-family residential buildings for sale or exchange
- (e) Land and ranch property for sale or exchange
- (f) Business opportunity, which includes some interest in real property for sale or exchange.
- (g) Motel/Hotel property for sale or exchange
- (h) Mobile Home parks for sale or exchange
- (i) Commercial income property for sale or exchange
- (j) Industrial property for sale or exchange
- (k) Investment property for sale or exchange
- (l) Office space for sale or exchange
- (m) Retail for sale or exchange
- (n) All other types of property for sale or exchange.

Section 1.1 Any listing taken on a contract to be referred to the Multiple Listing Service is subject to the Rules and Regulations of the Service upon the signature of the seller.

Section 1.2 A listing agreement when filed with the Multiple Listing by a listing broker shall be complete in every detail which is ascertainable as shown on the form.

Section 1.2.1 Remarks in listing information submitted to MLS shall be objective and may not contain the name or phone number of the listing agent or the broker or the brokerage.

Section 1.3 If the seller refuses to permit the property to be listed with the Service, the REALTOR may then take the listing (office exclusive) and such listing shall be filed with but not bulletined to Participants. Filing of the listing must be accompanied by certification signed by the seller that he does not desire the listing to be placed in the Service.

Section 1.4 Any change in the listed price or other change in original listing agreement shall be made only when authorized in writing by the owner and shall be filed with the Service within 24 hours (except weekends, holidays and postal holidays) after notice is received by the listing broker.

Section 1.5 Listed property may be withdrawn from Multiple Listing by the listing broker before expiration date of listing agreement provided that notice is filed with Multiple Listing, including a copy of the agreement between the owner and REALTOR which authorizes withdrawal.

Section 1.6 Any contingency in a listing shall be noted and processed to the Participants.

Note: 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. 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. The code for exclusive right to sell listings is "ER", for exclusive agency listings "EA" and for exclusive right to sell with prospect exclusions "ERP".

Section 1.7 The Multiple Listing shall not accept net listings or open listings.

Section 1.8 All properties, which are to be or may be sold separately must be listed individually. When part of a listed property has been sold the listing shall be considered canceled and remainder of the property should be relisted, or proper notification be given to the Multiple Listing Service.

Section 1.9 The Multiple Listing Service shall not fix, control, recommend, suggest or maintain commission rates or fees for services to be rendered by Participants. Further, the Multiple Listing Service shall not fix, control, recommend, suggest, or maintain the division of commissions or fees between cooperating Participants or between Participants and non-participants.

Section 1.10 Any listing filed with the Multiple Listing automatically expires on date specified on form unless renewed and notice of renewal or extension is filed with Multiple Listing prior to expiration from Multiple Listing.

Section 1.11 Listings submitted to the Service shall bear a definite and final termination date as negotiated between the REALTOR and the owner.

Section 1.12 Only listings of the designated types of property located within the jurisdiction of the Greater Baton Rouge Association of REALTORS or Livingston Parish are required to be submitted to the Service. Listings of property outside these areas will be accepted if submitted by participant.

Section 1.13 When a Participant of the Service is suspended from the MLS for failure to abide by a membership duty (i.e., violation of the Code of Ethics, Association Bylaws, MLS Rules and Regulations, or other membership obligations except failures to pay appropriate dues, fees, or charges), all listings currently filed with the MLS by the suspended Participant shall, at the Participant's option, be retained in the Service until sold, withdrawn, or expired, and shall not be renewed or extended by the MLS beyond the termination of the listing agreement in effect when the suspension became effective. If a Participant has been suspended from the Association or MLS (or both) for failure to pay appropriate dues, fees or charges, the MLS is not obligated to provide MLS services, including continued inclusion of the suspended Participant's listings in the MLS compilation of current listing information. Prior to any removal of a suspended Participant's listings from the MLS, the suspended Participant will be advised in writing of the intended removal so that the suspended Participant may advise his clients.

Section 1.13 When a Participant of the Service is expelled from the MLS for failing to abide by a membership duty (i.e., violation of the Code of Ethics, Association Bylaws, MLS Rules and Regulations, or other membership obligations except failures to pay appropriate dues, fees, or charges), all listings currently filed with the MLS shall, at the expelled Participant's option, be retained in the Service until sold, withdrawn, or expired, and shall not be renewed or extended by the MLS beyond the termination of the listing agreement in effect when the expulsion became effective. If a Participant has been expelled from the Association for failure to pay appropriate dues, fees, or charges, the MLS is not obligated to provide MLS services, including continued inclusion of the expelled Participant's listings in the MLS compilation of current listing information. Prior to any removal of an expelled Participant's listings from the MLS, the expelled Participant will be advised in writing of the intended removal so that the expelled Participant may advise his clients.

Section 1.14 When a Participant resigns from the MLS or Association, the MLS is not obligated to provide services, including continued inclusion of the resigned Participant's listings in the MLS compilation of current listing information. Prior to any removal of a resigned Participant's listings from the MLS, the resigned Participant will be advised in writing of the intended removal so that he may advise his clients.

## SELLING PROCEDURE

Section 2. Negotiations with the seller for the showing and/or the purchase of listed property filed with Multiple Listing shall be conducted through the listing broker, except under the following circumstances:

- (a) The listing broker gives the cooperating broker specific authority to show and/or negotiate directly, if indicated in the designated section of the MLS, or
- (b) After reasonable effort, the cooperating broker cannot contact the listing broker or his representative. However, the listing broker, at his option, may preclude such direct negotiations by cooperating brokers.

Section 2.1 Listing broker must make arrangements to present offers as soon as possible but no later than 24 hours, or give the cooperating broker (subagent or buyer agent) a satisfactory reason for not doing so.

Section 2.2 Listing broker shall submit to the seller all written offers until closing, unless otherwise precluded by law, government rule, regulation, or agreed otherwise in writing between the seller and the listing broker. Unless the subsequent offer is contingent upon the termination of an existing contract, the listing broker shall recommend that the seller obtain the advice of legal counsel prior to acceptance of the subsequent offer.

Section 2.3 Right of Cooperating Broker in Presentation of Offer: The cooperating broker (subagent or buyer agent) or his representative has the right to participate in the presentation to the seller or lessor of any offer he secures to purchase or lease. He does not have the right to be present at any discussion or evaluation of that offer by the seller or lessor and the listing broker. However, if the seller or lessor gives written instructions to the listing broker that the cooperating broker not be present when an offer the cooperating broker secured is presented, the cooperating broker has the right to a copy of the seller's written instructions. None of the foregoing diminished the listing broker's right to control the establishment of appointments for such presentations.

Section 2.4 Right of Listing Broker in Presentation of Counter Offers. The listing broker or his representative has the right to participate in the presentation of any counter-offer made by the seller or lessor. He does not have the right to be present at any discussion or evaluation of a counter-offer by the purchaser (except where the cooperating broker is a subagent). However, if the purchaser or lessee gives written instructions to the cooperating broker that the listing broker not be present when a counter-offer is presented, the listing broker has the right to a copy of the purchaser's or lessee's written instructions.

Section 2.5 Sales in process shall be reported to the Multiple Listing Service by the listing office within seventy-two (72) hours after both buyer and seller have signed the purchase agreement.

Section 2.6 Cooperating broker (subagent or buyer agent) shall deliver to listing broker, within 24 hours after acceptance, copy of any sales agreement. Listing broker shall retain the deposit in all cases.

Section 2.7 Listing broker shall report to the Multiple Listing office within 24 hours that a contingency on file with the Multiple Listing office has been fulfilled or renewed, or the agreement canceled.

Section 2.8 Advertising of any listing by a participant, other than the listing office, is permissible only with the consent

of the listing office.

Section 2.9 Listing office shall report immediately to the Multiple Listing office at the time any pending sale is not completed.

## REFUSAL TO SELL

Section 3. If the owner of any listed property filed with the Multiple Listing refuses to accept a written offer on the terms and conditions stated in the listing, information shall be transmitted to Multiple Listing Service regarding status of the listing and this information shall be transmitted to the Participants.

## PROHIBITIONS

Section 4. Any information filed with the Service shall not be made available, without the prior consent of the listing broker, to any broker or firm not a member of the MLS.

Section 4.1 "For Sale" signs of listing broker only may be placed on a property the listing of which is filed with Multiple Listing Service.

Section 4.2 Sold Signs: Prior to closing, only the "sold" sign of the listing broker may be placed on a property, unless the listing broker authorizes the cooperating (selling) broker to post such a sign.

Section 4.3 Participants shall not solicit listing on property filed with the Multiple Listing Service unless such solicitation is consistent with Article 16 of the REALTORS Code of Ethics, its Standards of Practice, and its Case Interpretations.

## DIVISION OF COMMISSIONS

Section 5. The listing broker shall specify, on each listing filed with the Multiple Listing Service, the compensation offered to other Multiple Listing Service Participants for their services in the sale or lease of such listing. Such offers are unconditional except that entitlement to compensation is determined by the cooperating broker's performance as the procuring cause of the sale (or lease). The listing broker's obligation to compensate any cooperating broker as the procuring cause of sale (or lease) may be excused if it is determined through arbitration that, through no fault of the listing broker and in exercise of good faith and reasonable care, it was impossible or financially unfeasible for the listing broker to collect a commission pursuant to the listing agreement. In such instances, entitlement to cooperative compensation offered through MLS would be a question to be determined by an arbitration hearing panel based on all relevant facts and circumstances including, but not limited to, why it was impossible or financially unfeasible for the listing broker to collect some or all of the commission established in the listing agreement; at what point in the transaction did the listing broker know (or should have known) that some or all of the commission established in the listing agreement might not be paid; and how promptly had the listing broker communicated to cooperating brokers that the commission established in the listing agreement might not be paid. The listing broker may, at his option, offer to compensate buyer agents. The listing broker retains the right to determine the amount of compensation offered to Participants (acting as subagents, buyer agents or in other agency or non-agency capacities defined by law). In filing a property with the MLS, the Participant of the Service is making blanket unilateral offers of cooperation to the other MLS Participants, and shall therefore specify on each listing filed with the MLS, the compensation being offered to the other MLS Participants. The compensation specified on listings published by the MLS shall be shown in one of the following forms: (1) by showing a percentage of the gross selling price or (2) by showing a definite dollar amount. The listing broker may offer any participant compensation other than that indicated on his listings as published by the MLS provided the listing broker informs the other broker in writing in advance of their producing an offer to purchase.

Section 5.1 Participant as Principal. If a Participant or any licensee (or licensed or certified appraiser) affiliated with a Participant has any interest in property, the listing of which is to be disseminated through the MLS, that person shall disclose that interest when the listing is filed with the MLS and such information shall be disseminated to all MLS Participants.

Section 5.2 Participant as Purchaser. If a Participant or any licensee (including licensed or certified appraisers) affiliated with a Participant wishes to acquire an interest in property listed with another Participant, such contemplated interest shall be disclosed in writing to the listing broker not later than the time an offer to purchase is submitted to the listing broker.

Section 5.3 Dual or Variable Rate Commission Arrangements. The existence of a dual or variable rate commission arrangement (i.e., one in which the seller/landlord agrees to pay a specified commission if the property is sold/leased by the listing broker without assistance and a different commission if the sale/lease results through the efforts of a cooperating broker; or one in which the seller/landlord agrees to pay a specified commission if the property is sold/leased by the listing broker either with or without the assistance of a cooperating broker and a different commission if the sale/lease results through the efforts of a seller/landlord) shall be disclosed by the listing broker by placing the letter "V" in the space following the selling commission in the commission field or by indicating such in the appropriate input field. The listing broker shall, in response to inquiries from potential cooperating brokers, disclose the differential that would result in either a cooperative transaction or, alternatively, in a sale/lease that results through the efforts of the seller/landlord. If the cooperating broker is a buyer/tenant representative, the buyer/tenant representative must disclose such information to their client.

## SERVICES CHARGES

Section 6. The following service charges for operation of the Multiple Listing Service are in effect to defray the costs of the Service and are subject to change from time to time in the manner prescribed:

- (a) Initial participation fee for Active Members shall be \$500.00.
- (b) The monthly participation shall be an amount as set by the Board of Directors of the Greater Baton Rouge Association of REALTORS, Inc. from time to time plus an amount as set by the Board of Directors of the Greater Baton Rouge Association of REALTORS, Inc. times each salesperson and licensed or certified appraiser who has access to and use of the Service, whether licensed as a broker or salesperson or licensed or certified appraiser, who is employed or affiliated as an independent contractor with such Participant.
- (c) The fees for filing a new listing or renewal of listing shall be set by the Board of Directors of the Greater Baton Rouge Association of REALTORS, Inc.
- (d) The Participant (Designated REALTOR) shall be responsible for the payment of all the service charges and fees applicable to his firm. Any REALTOR wishing to discontinue his access to the Service must check-out with the MLS office by the 25th of the month, otherwise, payment will be due for the following month, and every month until all check-out requirements have been met or participant is released from the obligation by the MLS Committee.

## COMPLIANCE WITH RULES

Section 7. The following action may be taken for non-compliance with the rules:

- (a) For failure to pay any service charge or fee within one month of the date due and provided that at least ten days notice has been given, access to the Service shall be suspended until service charges or fees are paid in full.
- (b) For failure to comply with any other rule, the provisions of Section 9 and 9.1 shall apply.

Section 7.1 Applicability of Rules to Users and/or Subscribers: Non-principal brokers, sales licensees, appraisers and others authorized to have access to information published by the MLS are subject to these Rules and Regulations and may be disciplined for violations thereof provided that the user or subscriber has signed an agreement acknowledging that access to and use of MLS information is contingent on compliance with the Rules and Regulations. Further failure of any user or subscriber to abide by the Rules and/or any sanctions imposed for violations thereof can subject the Participant to the same or other discipline. This provision does not eliminate the Participant's ultimate responsibility and accountability for all users or subscribers affiliated with the Participant.

## MEETINGS

Section 8. The Committee shall meet for the transaction of its business at a time and place determined by the Committee or at the call of the Chairman.

Section 8.1 The Committee may call meetings of the Participants in the Service to be known as meetings of the Multiple Listing.

Section 8.2 The Chairman shall preside at all meetings, or in his absence, a temporary chairman from the membership of the Committee shall be named by the Chairman, or upon failure to do so, by the Committee.

## ENFORCEMENT OF RULES OR DISPUTES

Section 9. The Committee shall give consideration to all written complaints from participants having to do with a violation of the Rules and Regulations.

Section 9.1 If the alleged offense is a violation of the Rules and Regulations of the Service and does not involve a charge of alleged ethical misconduct or request for arbitration, it may be considered and determined by the Multiple Listing Service Committee, and if a violation is determined, the Multiple Listing Service Committee may direct the imposition of sanction, provided that the recipient of said sanction may request a hearing before the Professional Standards Committee of the Association in accordance with the Bylaws and the Rules and Regulations of the Association within twenty (20) days following receipt of the Committee's decision.

Section 9.2 All other complaints on unethical conduct shall be referred by the Multiple Listing Committee to the Association of REALTORS, Inc. for appropriate action in accordance with the usual procedure under the terms of the Bylaws.

## CONFIDENTIALITY OF MLS INFORMATION

Section 10. Any information provided by the Multiple Listing Service to the Participants shall be considered official information of the Service. Such information shall be considered confidential and exclusively for the use of Participants and licensees affiliated with such Participants, and those Participants who are licensed or certified by the Appraisal Subcommittee of the Louisiana Real Estate Commission to engage in the appraisal of real property and licensed or certified appraisers affiliated with such Participants.

Section 10.1 The information published and disseminated by the Service is communicated verbatim, without change by the Service, as filed with the Service by the Participant. The Service does not verify such information provided and disclaims any responsibility for its accuracy. Each Participant agrees to hold the Service harmless against any liability arising from any inaccuracy or inadequacy of the information such Participant provides.

Section 10.2 Access to Comparable and Statistical Information. Association Members who are actively engage in real

estate brokerage, management, mortgage financing, appraising, land development, or building, but who do not participate in the MLS, are nonetheless entitled to receive, by lease, all information other than current listing information that is generated wholly or in part by the MLS including "comparable" information, "sold" information, and statistical information. This information is provided for the exclusive use of Association Members and individuals affiliated with Association Members who are also engaged in the real estate business and may not be transmitted, retransmitted or provided in any manner to any unauthorized individual, office or firm except as otherwise provided in the Rules and Regulations.

#### OWNERSHIP OF MLS COMPILATIONS AND COPYRIGHTS

Section 11. By the act of submission of any property listing data to the Association MLS the Participant represents that he has been authorized to grant and also thereby does grant authority for the Association to include the property listing data in its copyrighted MLS compilation and also in any statistical report on "Comparables".

Section 11.1 All right, title, and interest in each copy of every Multiple Listing Compilation created and copyrighted by the Greater Baton Rouge Association of REALTORS, Inc., and in the copyrights therein, shall at all times remain vested in the Greater Baton Rouge Association of REALTORS, Inc.

Section 11.2 Each Participant shall be entitled to from the Greater Baton Rouge Association of REALTORS, Inc. a number of copies of each MLS Compilation sufficient to provide the Participant and each person affiliated as a licensee with such Participant with one copy of such Compilation. The Participant shall pay, for each such copy, the fee set by the Association.

Participants shall acquire by such lease only the right to use the MLS Compilations in accordance with these rules.

#### USE OF COPYRIGHTED MLS COMPILATIONS

Section 12. Participants shall at all times maintain control over and responsibility for each copy of any MLS Compilation leased to them by the Association of REALTORS, and shall not distribute any such copies to persons other than persons who are affiliated with such Participant as licensees, or those individuals who are licensed or certified by the Appraisal Subcommittee of the Louisiana Real Estate Commission to engage in the appraisal of real property. Use of information developed by or published by the MLS is strictly limited to the activities authorized under a Participant's licensure(s) or certification and unauthorized uses are prohibited.

Section 12.1 Participants, and those persons affiliated as licensees with such Participants, shall be permitted to display the MLS Compilation to prospective customers and clients only, in conjunction with their ordinary business activities of attempting to locate ready, willing and able buyers for the properties described in said MLS Compilation.

Section 12.2 Reproduction. Participants or their affiliated licensees shall not reproduce any MLS Compilation or any portion thereof except in the following limited circumstances:

Participants or their affiliated licensees may reproduce from the MLS Compilation, and distribute to prospective purchasers, a reasonable number of single copies of property listing data contained in the MLS Compilation which relate to any properties in which the prospective purchasers are, or may in the judgment of the Participants or their affiliated licensees, be interested.

Nothing contained herein shall be construed to preclude any Participant from utilizing displaying, distributing, or reproducing property listing sheets or other compilations of data pertaining exclusively to properties currently listed for sale with the Participant.

Any MLS information, whether provided in written or printed form, provided electronically, or provided in any other form or format, is provided for the exclusive use of the Participant and those licensees affiliated with the Participant who are authorized to have access to such information. Such information may not be transmitted, retransmitted or provided in any manner to any unauthorized individual, office or firm.

None of the foregoing shall be construed to prevent any individual legitimately in possession of current listing information, "sold" information, "comparable", or statistical information from utilizing such information to support an estimate of value on a particular property for a particular client.

However, only such information that a Association or Association-owned Multiple Listing Service has deemed nonconfidential and necessary to support the estimate of value may be reproduced and attached to the report as supporting documentation. Any other use of such information is unauthorized and prohibited by these Rules and Regulations.

#### USE OF MLS INFORMATION

Section 13. Information from the MLS compilation of current listing information, from the Association's "Statistical Report", or from any "Sold" or "Comparable" report of the Association or MLS for mass media advertising by an MLS Participant or in other public representations are not prohibited. However, any print or non print forms of advertising or other forms of public representations based in whole or in part on information supplied by the Association or its MLS must clearly demonstrate the period of time over which such claims are based and must include the following or substantially similar notice:

Based on information from the Greater Baton Rouge Association of REALTORS\ Multiple Listing Service for the period \_\_\_\_\_ (date) through \_\_\_\_\_ (date).

#### CHANGE IN RULES AND REGULATIONS

Section 14. Changes in the Rules and Regulations of Multiple Listing may be made by a two-thirds vote of the members of the Committee, subject to the approval of the Board of Directors.

#### MULTIPLE LISTING SERVICE PROCEDURE

##### PROCEDURE FOR REALTOR ACCESS TO MLS

1. He must fill out an application for Membership in the Greater Baton Rouge Association of REALTORS or be a REALTOR member of any other Board of REALTORS.
2. He must pay the initiation fee of \$500.00.
3. He must take the Multiple Listing Service of the Greater Baton Rouge Association of REALTORS, Inc. Indoctrination Course.
4. MLS access will be available after completion of the Indoctrination Course.
5. MLS access is available to all licensees affiliated with MLS Participants.

##### MLS ACCESS

If a REALTOR discontinues access to the Service for a month or more (by taking leave of absence or going on an extended vacation) he must check-out, by returning all Current and Comparable books, and is required to pay a monthly fee as set by the Board of Directors of the Greater Baton Rouge Association of REALTORS, Inc.

##### BEFORE A REALTOR MAY HAVE HIS LICENSE TRANSFERRED OR CANCELLED HE MUST DO THE FOLLOWING

1. Take the necessary materials to the Association office to be checked out. The check-out list will contain the following items:
  - (a) two current MLS books
  - (b) all MLS Comparable books
  - (c) Lock Box Key Card and all lock boxes
  - (d) REALTOR pin
  - (e) any Association library material
  - (f) copy of letter to Louisiana Real Estate Commission, either transferring or canceling his license
2. Return the signed list to his REALTOR
3. All of this must be done within three (3) days so that the license can be sent in to the Real Estate Commission within the prescribed five (5) days. If a REALTOR is transferring from one MLS REALTOR to another, the procedure will be the same. The MLS office will hold the material until the new office has notified us that the license has been transferred.

#### BROKERS PROCEDURES FOR AGENTS FAILING TO CHECK-OUT OF MLS

The Participant (Designated REALTOR) is responsible for the monthly MLS fees of all agents in his firm. In the case of agents failing to properly check-out of MLS, the Participant is responsible for all fees until the end of the month after the MLS Committee is satisfied that the Participant has taken all reasonable steps to regain the MLS Lock Box Key and other property or data which should have been returned to the MLS.

Good faith efforts on the part of the Participant must include:

1. Notification of Louisiana Real Estate Commission in accordance with the LREC Rules and Regulations.
2. Certified letter sent to agent's last known address. Copy of letter is to be sent to MLS at the same time, and if delivered or not, a copy of the return receipt to be sent to MLS.
3. Copies or proof of any other efforts by Participant to contact agent.
4. Inquiry concerning agent is to be published in Greater Baton Rouge Association of REALTORS\ member publication. Any additional information generated by the publication or by any other means must be acted on by the Participant. Participant must furnish MLS with a detailed summary of all efforts to contact the agent, copies of all pertinent documents including letters and certified receipts.

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