



## **MLS PARTICIPATION APPLICATION**

I, \_\_\_\_\_, being a member in good standing of Central Mississippi Realtors® do hereby agree and declare that I (and all licensed agents for whom I am responsible) will conform to the Bylaws in **Article XVIII, Section 4. Participation**, which states that any REALTOR® member of this or any other Association who is a principal, partner, corporate officer, or branch office manager acting on behalf of a principal, without further qualification except as otherwise stipulated in these bylaws, shall be eligible to participate in Multiple Listing upon agreeing in writing to conform to the Rules and Regulations thereof and to pay the costs incidental thereto. However, under no circumstances is any individual or firm, regardless of membership status, entitled to Multiple Listing Service “Membership” or “Participation” unless they hold a current, valid real estate broker’s license and **offer or accept** compensation to and from other Participants or are licensed or certified by an appropriate state regulatory agency to engage in the appraisal of real property.

Note: Mere possession of a broker’s license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm ‘offers or accepts cooperation and compensation’ means that the Participant actively endeavors during the operation of its real estate business to list real property of the type listed on the MLS and/or to accept offers of cooperation and compensation made by listing brokers or agents in the MLS. “Actively” means on a continual and on-going basis during the operation of the Participant’s real estate business. The “actively” requirement is not intended to preclude MLS participation by a Participant or potential Participant that operates a real estate business on a part time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions. Similarly, the requirement is not intended to deny MLS participation to a Participant or potential Participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit an MLS to deny participation based on the level of service provided by the Participant or potential Participant as long as the level of service satisfies state law.

The key is that the Participant or potential Participant **actively endeavors to make or accept offers of cooperation and compensation with respect to properties of the type that are listed on the MLS in which participation is sought**. This requirement does not permit an MLS to deny participation to Participant or potential Participant that operates a Virtual Office Website (“VOW”) (including a VOW that the Participant uses to refer customers to other Participants) if the Participant or potential Participant actively endeavors to make or accept offers of cooperation and compensation. An MLS may evaluate whether a Participant or potential Participant “actively endeavors during the operation of its real estate business” to “offer or accept cooperation and compensation” only if the MLS has a reasonable basis to believe that the Participant or potential Participant is in fact not doing so. The membership requirement shall be applied on a nondiscriminatory manner to all Participants and potential Participants. (Adopted 11/08)

Use of information developed by or published by an Association's Multiple Listing Service is strictly limited to the activities authorized under a Participant's licensure(s) or certification and unauthorized uses are prohibited. Further, none of the foregoing is intended to convey "Participation" or "Membership" or any right of access to information developed or published by an Association's Multiple Listing Service where access to such information is prohibited by law (Amended 11/08).

According to the Policies & Procedures and Rules & Regulations of Central Mississippi MLS, Inc. the Participant shall pay costs incidental to membership and to further pay the **Participation fee of \$500.00** as set by the Board of Directors of Central Mississippi MLS, Inc.

\_\_\_\_\_, shall be designated as the voting member, and I hereby certify that I meet all requirements of voting designees.

**I am responsible for the following licensed agents:**

1. Name: \_\_\_\_\_
2. Name: \_\_\_\_\_
3. Name: \_\_\_\_\_

**I understand that I am required to provide the MLS with a signed Licensee Status Form immediately upon hiring a new licensee and immediately upon terminating an existing licensee's affiliation with my firm.** \_\_\_\_\_

Initial Here

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Firm Name:** \_\_\_\_\_ **Phone:** \_\_\_\_\_

**Email Address:** \_\_\_\_\_

**Mailing Address:** \_\_\_\_\_

**Participation Fee:** \$ \_\_\_\_\_ **Online Access Fee:** \$ \_\_\_\_\_

**Reinstatement Fee Pd.** \$ \_\_\_\_\_ (\$50) **Reinstatement?** Yes \_\_\_ No \_\_\_

**Website address:** \_\_\_\_\_



## MLS ACCESS ACKNOWLEDGMENT

Signed by MLS Participant/Subscriber prior to gaining access to MLS services.

**PARTICIPANT:** The REALTOR® Principal of the firm who applied for and was approved by the MLS Board of Directors for Participatory rights to the MLS. By becoming and remaining an MLS Participant I **agree to/acknowledge that:**

- I will abide by the rules and regulations of the service that are from time to time amended.
- I acknowledge that the MLS Board of Directors may administratively impose sanction or discipline on me for my failure to abide by the rules and regulations.
- I am responsible for the MLS fees owed by Subscribers affiliated with my firm even though the MLS invoices the Subscribers directly as a courtesy to me.
- MLS access to my FIRM can be denied for my failure to pay unpaid fees owed by me or any Subscribers affiliated with my firm.
- I acknowledge that I am required to report a new licensee joining or leaving my firm immediately through the Licensee Status Form.
- I have been instructed on how to print a copy of the current **MLS Rules and Regulations** and **MLS Violation and Fine Structure**.

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PARTICIPANT'S Signature

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Date

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**SUBSCRIBER:** A non-principal licensee affiliated with an MLS Participant. As an MLS Subscriber, I **agree to/acknowledge that:**

- I have access to MLS through my REALTOR® Principal who is the MLS Participant.
- My access to the use of MLS and all MLS Services is contingent upon my compliance with the MLS Rules and Regulations and the timely paying of fees.
- My failure to abide by the rules and regulations can result in sanction and/or discipline.
- I am responsible for paying my quarterly MLS fees and my failure to do so by the due date will result in loss of MLS access.
- I have been instructed on how to print a copy of the current **MLS Rules and Regulations** and **MLS Violation and Fine Structure**

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SUBSCRIBER'S Signature

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Date

*Revised 6/30/2017*

## REALTOR® PRINCIPAL ACKNOWLEDGEMENT

In the event you hire licensees to affiliate with your firm the following rules apply in accordance with the CMR and CMMLS bylaws: **(Read & Initial below)**

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### **ADDING/TERMINATING LICENSEES**

DR's must provide the Association a **Licensee Status Form** immediately upon hiring an agent OR immediately upon an agent leaving the firm so that the DR's firm roster can be updated. DR's are responsible for reporting the accuracy of their firm roster to the REALTOR® Association and the CMMLS for accurate dues/fees calculation.

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### **DR'S DUES FORMULA established by NAR**

The annual REALTOR® dues formula for the Designated REALTOR® (DR) includes his/her personal dues PLUS a non-member assessment (\$568) for each non-member licensed with the firm. DR's will be billed for the appropriate number of non-member assessments determined by the non-members affiliated with the firm on December 31 of the current year. To avoid the responsibility of non-member assessments DR's could have an office policy requiring that only REALTORS® can be licensed with the firm. In the event a previous REALTOR® fails to renew his/her membership the DR could return the license to MREC prior to December 31 or acknowledge the willingness to pay the non-member assessment. Non-members are not allowed to pay the assessment. It is part of the DR's personal dues.

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### **PAYMENT OF MLS FEES**

CMMLS PARTICIPANTS are responsible for the CMMLS fees owed by their agents (CMMLS Subscribers). Although CMMLS bills the Subscribers individually, the Participant is responsible for the fees and will be billed for them if the Subscriber fails to pay within 30 days. If all CMMLS fees owed by a Participant and his/her Subscribers are not paid within 30 days from the due date the Participant could lose CMMLS access for the entire firm.

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### **FINES AND DISCIPLINE**

CMMLS PARTICIPANTS are the members who can be disciplined if CMMLS rules are violated. If an CMMLS Subscriber violates an CMMLS rule, the Participant is responsible for any fees owed or any discipline imposed.

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### **IDX**

CMMLS PARTICIPANTS are automatically opted into IDX (Internet Data Exchange) - the agreement whereby CMMLS Participants allow display of their listings on other Brokers' company websites, on BuyInMississippi.com and REALTOR.com. For the privilege of the exposure of their sellers' property by the CMMLS, Participants are prohibited from including names or contact information for anyone in the **PUBLIC REMARKS** section of CMMLS. (Review CMMLS Violation & Fine Structure 2.12. Automatic \$100 fine).