

ARTICLE XXI - MULTIPLE LISTING SERVICE

Section 1. Authority. The Association of REALTORS® shall maintain for the use of its Members a Multiple Listing Service which shall be a lawful corporation of the State of Texas, all the stock of which shall be owned by the Boards/Associations of REALTORS® as shareholders of the North Texas Real Estate Information Systems, Inc. (NTREIS).

Section 2. Purpose. A Multiple Listing Service is a means ~~by which authorized Participants make blanket unilateral offers of compensation to other Participants (acting as subagents, buyer agents, or in other agency or non-agency capacities defined by law);~~ by which cooperation among participants is enhanced; by which information is accumulated and disseminated to enable authorized Participants to prepare appraisals, analyses, and other valuations of real property for bona fide clients and customers; by which Participants engaging in real estate appraisal contribute to common databases; and is a facility for the orderly correlation and dissemination of listing information so Participants may better serve their clients and the public. Entitlement to compensation is determined by the cooperating broker's performance as a procuring cause of the sale (or lease).

Section 3. Governing Documents. The Board of Directors shall cause any Multiple Listing Service established by it pursuant to this Article to conform its Corporate Charter, Constitution, Bylaws, Rules, Regulations, and Policies, Practices, and Procedures at all times to the Constitution, Bylaws, Rules, Regulations, and Policies of the NATIONAL ASSOCIATION OF REALTORS®.

Section 4. Participation. Any REALTOR® 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 the MLS 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 MLS "membership" or "participation"~~ unless they hold a current, valid real estate broker's license and ~~cooperate 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**. ~~Cooperation is the obligation to share information on listed property and to make property available to other brokers for showing to prospective purchasers and tenants when it is in the best interest of their clients.~~ Use of information developed by or published by an Association MLS 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 by or published by an Association MLS where access to such information is prohibited by law.

Any applicant for MLS participation and any licensee (including licensees or certified appraisers) affiliated with an MLS Participant who has access to, and the use of MLS-generated information shall complete an orientation program of no more than eight classroom hours devoted to the MLS rules and regulations and computer training related to MLS information entry and retrieval within thirty (30) days after access has been provided.

Participants and subscribers may be required, at the discretion of the MLS, to complete additional training of not more than four (4) classroom hours in any twelve (12) month period when deemed necessary by the MLS to familiarize participants and subscribers with system changes or enhancement and/or changes to MLS rules or policies. Participants and subscribers must be given the opportunity to complete any mandated additional training remotely.”

Note: Mere possession of a broker’s license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm ~~cooperates ‘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, ~~share information on listed property and make property available to other brokers for showing to prospective purchasers and tenants when it is in the best interests of their client(s). 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 ~~cooperate 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. ~~Cooperation is the obligation to share information on listed property and to make property available to other brokers for showing to prospective purchasers and tenants when it is in the best interest of their clients.~~ This requirement does not permit an MLS to deny participation to a 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 ~~cooperate 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 ~~cooperate “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.

Section 5. Supervision. Supervision. The activity shall be operated under the supervision of the North Texas Real Estate Information Systems, Inc. (NTREIS).

Section 6. Voting Delegate. North Texas Real Estate Information Systems, Inc. voting Directors from the Greater Fort Worth Association of REALTORS® serving on the Board of Directors of the North Texas Real Estate Information Systems, Inc. shall be

appointed by the Greater Fort Worth Association of REALTORS®' President, subject to the approval of the Board of Directors for such terms as identified in the Bylaws of the North Texas Real Estate Information Systems, Inc.

Section 7. Appointment of Greater Fort Worth Association of REALTORS®' MLS Committee. The President shall appoint, subject to the confirmation of the Board of Directors, a Multiple Listing Service Committee of at least eleven REALTOR® Members. All Members of the committee shall be PARTICIPANTS in the Multiple Listing Service, except at the option of the Board of Directors, REALTORS® affiliated with PARTICIPANTS may be appointed to serve in such numbers as determined by the Board of Directors. The Committee Members so named shall serve two-year terms. The Chairman shall be designated by the President.

Section 8. Vacancies. Vacancies in unexpired terms shall be filled as in the case of original appointees.

Section 9. REALTORS® who are actively engaged in real estate brokerage, management, appraising, land development or building, but who do not participate in the MLS, are nonetheless entitled to receive, by purchase or 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 reports. This information is provided by the exclusive use of these members and individuals affiliated with these 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 MLS Rules and Regulations. REALTORS® who receive such information, whether as an Association service or through the Association's MLS, are subject to the applicable provisions of the MLS Rules and Regulations whether they participate in the MLS or not.

Section 10. Subscribers. "Subscriber" (or "user of the MLS") means a non-principal broker, sales associate, and a licensed or certified appraiser affiliated with a Participant. Subscriber includes each licensed person, whether licensed as a broker or as a salesperson, including a licensed or certified appraiser, who is employed by or affiliated with a Participant as an employee, or as an independent contractor. (This definition should not be construed to require any non-principal broker, sales licensee or licensed or certified appraiser affiliated with a Participant to become a REALTOR® Member before having access to or using the MLS.) Subscribers shall have the right to file property listings in the MLS through their Participant.

Section 11. (a) Non-member Access. A non-member applicant for MLS Participation who is a principal, partner, corporate officer or branch office manager acting on behalf of a principal, shall supply evidence satisfactory to the Membership Committee that the applicant has no record of recent or pending bankruptcy; has no record of official sanctions involving unprofessional conduct; agrees to complete a course of instruction (if any) covering the MLS Rules and Regulations, "and computer training related to MLS information entry and retrieval" and shall pass such reasonable and non-discriminatory written examination thereon as may be required by the MLS; and shall agree that if elected as a Participant, will abide by such Rules and Regulations and pay the MLS fees and dues, including the non-member differential (if any), as

from time to time established. Under no circumstances is any individual or firm entitled to MLS Participation or Membership unless they hold a current, valid real estate brokers license and ~~cooperate 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.**

~~Cooperation is the obligation to share information on listed property and to make property available to other brokers for showing to prospective purchasers and tenants when it is in the best interest of their clients.~~ Use of information developed by or published by a Board/Association 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 by or published by a Board/Association Multiple Listing Service where access to such information is prohibited by law.

Mere possession of a broker’s license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm ~~cooperates 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, share information on listed property and make property available to other brokers for showing to prospective purchasers and tenants when it is in the best interests of their client. ~~and/or to accept offers of cooperation and compensation made by listing brokers or agents in the MLS.~~ “Actively” means on a continual and ongoing 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

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(a) The Membership Committee will also consider the following in determining a non-member applicant’s qualifications for MLS Participation or Membership.

1. All final findings of Code of Ethics violations and violations of other membership duties in any other association within the past three (3) years.
2. Pending ethics complaints (or hearings).
3. Unsatisfied discipline pending.
4. Pending arbitration requests (or hearings).
5. Unpaid arbitration awards or unpaid financial obligations to any other association or association MLS.