

Policies & Procedures for Using the Aiken MLS

Prepared By: The Aiken Multiple Listing Service

Amended 2024

Fine System:

1. Brokers in Charge are responsible for all violations made by unlicensed staff and unlicensed personal assistants in their brokerage. (Amended 2020)
2. For subscribers/users who violate the MLS Rules that do not already have fines attached, the fines will be as follows:
 - First Offense: Warning Letter mailed to agent and BIC
 - Second Offense: \$100 fine & agent must pass MLS Rules Quiz within 5 calendar days
 - Third Offense: \$250 fine & agent must pass MLS Rules Quiz within 3 calendar days
 - Subsequent Offenses: Fine will go up a hundred dollars for each offense thereof beginning at \$350.00. Agent to attend a full day of new member orientation within sixty (60) days for each subsequent offense and pass MLS Rules Quiz.

For clarification: for the graduated fines to go into effect, the agent must be violating the same MLS rule over and over within one year's time. The MLS staff will not look for these infractions/violations, but if brought to their attention, will act on them.
(Amended 2020)

3. Subscribers/Users are prohibited from sharing their MLS system passwords and/or MLS System account with anyone including office staff, other REALTORS®, Appraisers etc. Fine as follows: \$250 fine-1st offense, \$500 fine and 2-week suspension from MLS-2nd offense, 3rd offense to appear before Board of Directors. (Amended 2010)
4. Lost, stolen, or damaged lockboxes.
Fine: \$100.00 per box. If you find the lockbox and return it to the Association office within 60 (sixty) calendar days, in working condition, you will receive a full refund. (Amended 2019)
5. Agent information (i.e. name, phone, company, logos, etc.) will NOT be allowed in the Remarks Section, Directions Section, or on any uploaded documents or photos in the MLS. Marketing/text phone numbers are considered agent information and are now allowed. MLS staff will not actively search for remarks violations, however if they are brought to the staff's attention the fine will be as follows: \$100 fine, however if the violation is corrected within the first 24 hours of notification the fine will be reduced to \$50. (Amended 2020)
6. Items such as combo lockbox codes, agents' name/number and information that could put a member of the public at risk will NOT be allowed in the Remarks Section, Directions Section, or any uploaded documents or photos in the MLS. MLS staff will not actively search for remarks violations, however if they are brought to the staffs' attention the fine will be

as follows: \$100 fine, however if the violation is corrected within the first 24 hours of notification the fine will be reduced to \$50. The MLS staff will retain the right to remove anything related to public security; however, the \$100 fine will be assessed. (Amended 2019)

7. Directions must be entered at the same time the listing is put into The MLS System. If a listing is found to have missing or incomplete directions, Board staff will contact the agent and give them 2 business days to correct. If not corrected within 2 business days, the agent will be fined \$35.00. Directions must use street names, not DOT street numbers. Directions must identify cross streets or other landmarks. "See Aiken Map" putting the subdivision will not suffice. (Amended 2019)
8. Members will be billed annually for their Key use in July. If payment is not received by the second business day following the due date, the key will be deactivated, and a \$30 reactivation fee will apply. (Amended 2018)
9. All appeals for fines must be put in writing to the Association office within 10 calendar days of the date of the invoice. If an agent does not agree with the decision of the MLS Committee, they will have the right to request to appeal through the Professional Standards Process in accordance with section 9.1 of the MLS Rules and Regulations. (Amended 2009)

Lockboxes:

1. Lockboxes are for use only on listings in Aiken MLS with lockable structures or gates. Agents may lease a lockbox for a New Construction listing once it has progressed to the point of having a lockable door.
2. Lockbox lease forms must be filled out in advance and signed by the agent. AAOR recognized assistants may lease a lockbox as a representative of that Agent. Each form must have a complete listing address, expiration date, and MLS Number. If picking up lockbox before entering the MLS, you must email MLS Office with the MLS number within **3 business days** to avoid a \$3/day fee. (Amended 2018)

There are several ways of filling out a Lockbox Loan Agreement to check out a lockbox:

- Standard carbon copy form found at the AAOR office
- Fillable online form found at <https://form.jotform.com/aikenrealtors/LB>

3. The agent or team that completes the lockbox lease form is responsible for the lockbox. You may switch the box from one listing to another if the listing is yours or the team's listing. You must send a "Change of Location" written notice to the MLS office for each lockbox that changes location. Lockboxes are Non-Transferable between agents. You are financially responsible for each box you sign out even if the box is lost, stolen, damaged or vandalized. When a team checks out a lockbox, all team members are jointly responsible for the lockbox and any fees or fines that may be assessed. (Amended 2019)
4. Once a listing that has a lockbox has been Sold, Withdrawn or Expired, the Agent has a 14- calendar day grace period to either:
 - Fill out a change of location form and return it to the AAOR office

- Send a detailed Email with the Lockbox#, New Location, New MLS Number and New Expiration Date to the AAOR Office
- Return the lockbox to inside AAOR office during normal business hours or attach the shackle to the chain in front of the AAOR Office
- If you are extending the listing, you may send a Change of Expiration date form or send a detailed email with the listing information and new expiration to the AAOR office

If the lockbox is not returned/updated within the 14-calendar day grace period, the agent will be fined \$3.00 per calendar day for every day the box is overdue. If the lockbox is not returned/updated 14 calendar days after the grace period ends, the agent's services will be restricted, and no new lockboxes will be issued until the lockbox is returned/updated and the fine has been paid.

5. Reminders will be e-mailed to you and your office when your lockbox is due. (Amended 2011)
6. If you have a problem retrieving the box or getting your listing extension, please request an extension to your grace period from the MLS office. Fines will not be assessed if you communicate with the MLS office.
6. If you extend a listing with a lockbox, it is YOUR responsibility to advise the MLS office of the Change in writing. (Amended 2002)
7. If you move a lockbox from one location to another it is your responsibility to advise the MLS office of the change with a "Change of Location" in writing. If the lockbox location has been changed without notifying the MLS office, the lockbox with the expired date will continue to accumulate fines of \$3.00 per day. (Amended 2018)
8. If you have trouble removing a lockbox, try the following:
 - Verify the shackle code.
 - Have another REALTOR® try to get the lockbox off with their key.
 - As a last measure, we will have it removed/repaired by a locksmith. However, if we find the lockbox is in working order, you will be charged the fee that the MLS incurred to have it removed. (Amended 2005)
9. We respectfully request all lockboxes be wiped down and be free of loose debris before returning to the association office. (Amended 2014)
10. Association Members may lease lockboxes at no charge. MLS Only Subscribers may lease lockboxes for a nominal monthly fee. (Amended 2019)

Supra Keys

1. Supra Keys will be issued upon joining the MLS and passing the MLS Rules Quiz. (Amended 2023)
2. If your Supra Key is not working, simply restart your phone. (Amended 2020)

3. A lost or stolen Supra Key must be reported immediately to the Aiken MLS office so it can be immediately deactivated. NEVER keep your pin number with your Supra Key. Contact the MLS office if you forget or lose your pin code.
4. If an agent puts a key on the wrong side of the box and the key jams the lockbox a \$55 fee will be assessed to the last agent that opened the box. (Amended 2020)
5. You are not allowed to share Supra Keys with anyone including your staff, other REALTORS®, Appraisers etc. The fine for sharing Supra Keys is as follows: \$100 fine-1st offense and 2-week Supra Key Suspension, 2nd offense is a \$250 fine and 1 year Supra Key suspension. (Amended 2018)

Listing Information:

1. MLS participants and subscribers must not represent that their brokerage services to a client or customer are free or available at no cost to their clients, unless the participant or subscriber will receive no financial compensation from any source for those services. (Amended 2023)
2. Offers of compensation are strictly prohibited from the Aiken MLS and any product, service, or media offered by the Aiken MLS. The fine for adding any offer of compensation to the Aiken MLS/Association product will be as follows
 - First Offense: \$1000 fine to the offending agent. Broker in Charge shall acknowledge notification of violation in writing.
 - Second Offense: \$2500 fine to the offending agent. The offending agent will be suspended from MLS for 30 days. The offender must take and pass the MLS Rules Quiz to be reinstated. Broker in Charge shall acknowledge notification of violation in writing.
 - Third Offense: Termination of offender's MLS rights, privileges, and services for 1 year. The offender must take and pass the MLS Rules Quiz to be reinstated. Broker in Charge shall acknowledge notification of violation in writing. (Amended 2024)
3. MLS Participants and Subscribers must not filter out or restrict MLS listings that are communicated to customers or clients based on the existence or level of compensation offered to the cooperating broker or the name of a brokerage or agent. (Amended 2024)
4. All MLS Participants and Subscribers working with a buyer must enter into a written agreement with the buyer prior to touring a home. (Amended 2024)
5. Disclosure of Compensation
MLS Participants and Subscribers must:
 - Disclose to prospective sellers and buyers that broker compensation is not set by law and is fully negotiable. This must be included in conspicuous language as part of any listing agreement, buyer written agreement, and pre-closing disclosure documents (if any).
 - Conspicuously disclose in writing to sellers, and obtain the seller's authority, for any payments or offer of payment that the listing Participant or seller will make to another broker, agent, or other representative (e.g. real estate attorney) acting for

buyers. This disclosure must include the amount or rate of any such payment and be made in writing in advance of any payment or agreement to pay.

6. When you reinstate a listing, put it back on the market, transfer or obtain an expired/withdrawn listing from *your brokerage* DO NOT issue a new MLS number unless it has been off the market for 30 days. Please contact the MLS office to have the listing switched to your inventory. You will be contacted by the MLS to make corrections if you erroneously assign a new MLS number.

When you obtain an expired/withdrawn listing from *another brokerage*, you can issue a new MLS number. The MLS System will reflect Cumulative Days on Market (CDOM) if the listing has not been off the market for 30 days. (Amended 2021)

7. If a listing has been expired, withdrawn, or pending for over 30 days, regardless of its origin, you may assign a new MLS number. (Amended 2018)
8. The only time a listing is to be deleted from the system is if there is a multiple entry. The MLS office is the only one who is authorized to delete an entry. (Amended 2005)
9. Listings within the AAOR MLS Service area (all of Aiken, Barnwell, and Allendale Counties) must be entered into the MLS within 2 Business Days, excluding Federal Holidays, of obtaining all necessary signatures of the seller(s) on the listing agreement or within 1 business day of advertising the real property to the general public through a website or utilizing any publicly accessible print advertisements, including for sale signs, whichever is earlier. If Owner declines to permit the listing to be disseminated via the MLS and the property will not be advertised to the public through a website or utilizes any publicly accessible print advertisements, including for sale signs a listing exemption form shall be signed by Owner indicating that Owner does not desire the listing to be immediately filed with the MLS. Business Days are defined as Monday-Friday. (Amended 2022)
 - a. COMING SOON – NO SHOWINGS Listings Status may be used for up to 7 calendar days after entry into the Aiken MLS. The seller must authorize the use of this listing in writing. No showings of any kind are allowed for listings in the COMING SOON – NO SHOWINGS status. If a listing is shown during the COMING SOON – NO SHOWING period, the agent MUST change the listing to ACTIVE Status or be referred to the MLS Committee for review and possible fines. (Amended 2022)
 - b. Clear Cooperation: Within one (1) business day of marketing a property to the public, the listing broker must submit the listing to the MLS for cooperation with other MLS participants. Public marketing includes, but is not limited to, flyers displayed in windows, yard signs, digital marketing on public facing websites, brokerage website displays (including IDX and VOW), digital communications marketing (email blasts), multi-brokerage listing sharing networks, and applications available to the general public. (Amended 2019)

Clear Cooperation Violation Fine:

- First offense: \$100 fine plus \$100 per day until violation is corrected.
- Second offense: \$250 fine plus \$100 per day until violation is corrected.

- Third offense: \$500 fine plus \$100 per day until violation is corrected and agent must appear before the MLS Committee.
- c. If a Subscriber/User/Office is advertising in any medium and it is determined the listing is not in the MLS staff will e-mail the BIC by the end of that business day stating that they will have one business day to submit the listing to the MLS. If not submitted within one business day, the Subscriber/User will need to appear before the MLS Committee and give an explanation on why it is not corrected. Exempted listing forms are not used to reset the DOM. (Amended 2011)
10. You must close out a listing in the MLS System within 2 Business Days of the actual closing, excluding Federal Holidays. (Amended 2023)
 11. Before contacting owners of listings on the “Expired” list in The MLS System, agents must:
 - d. Check the history of the address in the MLS System to be sure that the listing has not been re-listed as a new listing, pending listing or closed listing. (Amended 2005)
 - e. Check the Do Not Call registry to make sure the current homeowner is not registered. www.donotcall.gov (Amended 2005)
 12. A property may appear only once in a single property type (residential, land, commercial) unless the property can be sold in different configurations/variations. In this case, the Parent/Child feature in Flexmls should be used. The whole property/configuration should be the parent listing, and other configurations/variations should be the child listings.
 - f. The Broker in Charge must give written approval/notice to MLS.
 - g. All variations must be noted on the listing agreement.
 - h. Each variation must reference the other MLS numbers in Private or Public Remarks.
 - i. If one variation is Pending, the listing agent must update all other variations to reflect the change in availability.
 (Amended 2023)
 13. Although properties may be listed in more than one category for marketing purposes, they should only be closed in one category. The MLS office should be notified to delete the duplicate listings at the time of closing. (Amended 2008)

Note: There may be instances where, for marketing purposes, it is advantageous to list a property in more than one category (residential, land, commercial) in the MLS System. This is allowed, at the Brokers’ discretion; however, a BIC/MLS Participant must notify the MLS in writing prior to adding the same listing more than once in the MLS System. Each listing needs to reference the duplicate listings in the remarks section. (Amended 2008)

 - For the same property to be listed in both residential and land it must contain a minimum of 5 acres. (Amended 2008)
 - For a property to be listed in residential and commercial or land and commercial it must be zoned for residential (or residential land) as well as commercial. (Amended 2008)
 14. If you would like a subdivision added to the list on the MLS, please provide the Aiken Association of REALTORS® office a copy of the plat of the subdivision, signed by the

City/County. You may also submit a CRS Property Report showing the subdivision name.
(Amended 2019)

15. The Main photo of a listing shall be a single photo (no collages/multiple photos, etc. allowed as the main photo.) (Amended 2019)
16. By the act of submitting any property listing content to the MLS, the listing agent represents and warrants that he or she is fully authorized to license the property listing content as contemplated by and in compliance with this section and these rules and regulations, and also thereby does grant to the MLS license to include the property listing content in its copyrighted MLS compilation and also in any statistical report on comparables. Listing content includes, but is not limited to, photographs, images, graphics, audio and video recordings, virtual tours, drawings, descriptions, remarks, narratives, pricing information, and other details or information related to the listed property. (Amended 2023)
17. Agents must submit a MAIN photo to their listing when submitting the listing.
However, if the seller expressly directs that the photograph of the property not appear, an e-mail or letter must be submitted to the Association office indicating the homeowner would like the photo omitted. If you do not submit a MAIN photo within one day, and we do not have a photo notice on file saying the sellers would like the photo omitted, The MLS System will take the listing out of view and your listing will become dormant until you put a MAIN photo in the listing or send in a note from the sellers stating they do not want a picture in the MLS. The listings that become dormant due to no MAIN photo will also be pulled from Realtor.com, all IDX, the Board Consumer Web Site etc., only to be seen by the listing office and/or agent under Maintenance. (Amended 2023)
 - i. The Agent will be notified if a listing becomes dormant due to lack of MAIN photo. Once a MAIN photo is added to the listing it becomes viewable again by other REALTORS® and the public. (Amended 2018)

Note 1: Sellers have the right to exclude any photo. However, a written explanation shall be submitted, at the time the listing is entered into the system, to the MLS Office. (Amended 2015)

Note 2: The main photo of each listing submitted to the MLS by a member shall not be deleted. Additional photos of a property may be deleted by the agent submitting them if that agent has the listing. It is highly recommended that agents leave all photos of a listing in the MLS for the benefit of future comps, appraisals, etc. (Amended 2020)

Note 3: Photo rules do not apply to listings entered in the lots/land section of The MLS System. (Amended 2008)

Note 4: "Under Construction" photos are allowed when initially adding a new home listing in the MLS as long as it is noted in the public remarks; however, photos of the actual home are required prior to closing out the listing in the MLS. If an agent does not put in the photo of the completed house upon closing the listing, they will be charged the \$35 photo fine fee. In cases where the house is closed in MLS prior to construction (pre-sales), see Note 1. (Amended 2018)

Note 5: Subscribers/Users may not use any other subscriber/user's listing content without written permission from the person that owns the rights to the content. This could be the listing agent or professional photographer, videographer etc. Anyone who believes another user has engaged in the unauthorized use or display of listing content, shall send written notice of such alleged unauthorized use to the MLS. Such notice shall identify the allegedly unauthorized content and be delivered to the MLS not more than sixty (60) days after the alleged misuse was first identified. No participant may pursue action over the alleged unauthorized use and display of listing content in a court of law without first completing the notice and response procedures outlined in Section 9.3 of the *MLS Rules and Regulations*.

18. All listings must show the Tax ID number in the Tax ID field. Artificial or incorrect Tax ID numbers are not valid. However, if an agent submits a proposed layout of tracts, they can list each parcel separately without having to have Tax ID numbers. (Amended 2014)

19. Unlicensed staff may have access to the MLS for the Brokerage. However, we will not grant more than one staff access per 5 MLS Subscribers in each office at no charge. Additional unlicensed staff may be added at the normal MLS quarterly fee. (Amended 2019)

20. The mass email feature in the MLS System is to be only used for property related information. The feature is not to be used for unrelated property issues: including but not limited to marketing other products, political ads, or opinions. Abuse of the mass email feature will result in a 2-week suspension from the feature. Emails seeking or describing upcoming listings will not be allowed as they violate the Clear Cooperation Policy.

MLS Email Rule Violation Fine

- First Offense: Warning Letter + Reminder of Rule
- Second Offense: \$25 fine
- Third Offense: \$100 fine
- Fourth Offense: \$200 fine + agent must appear before the MLS Committee

21. The Withdrawn status in the MLS System is to be used for Properties that need to be off the Market for less than 30 days for items such as repairs etc. Days on Market will continue to accrue while the Property is Withdrawn. A Subscriber/User cannot use the Withdrawn status more than once in a six-month period per listing and it must only be for a maximum of 30 days for a property. (Amended 2023)

22. MLS Subscribers may co-list with a non-REALTOR® but may not enter the listing into the MLS. (Amended 2020)

23. If a Participant, any licensee, licensed/certified appraiser, affiliated with a Participant or any member of their immediate families as defined by in the Code of Ethics* has any ownership interest in a property, the listing of which is to be disseminated through the Multiple Listing Service, that person shall disclose in the private remarks that interest when the listing is filed with the Multiple Listing Service and such information shall be disseminated to all Multiple Listing Service Participants.

*"Immediate Family" as used in the Code of Ethics includes, but is not limited to, the REALTOR® and the REALTOR®'s spouse and their siblings, parents, grandparents, children (by birth or adoption), grandchildren, and other descendants. (Amended 2021)

24. For a room to be considered a bedroom in the Aiken MLS, the room must
- be heated and cooled through vents from main system or have its own system
 - have an ingress and egress (one must lead to outside)
 - have a minimum of 70 sq ft.
 - have minimum ceiling height of 7 ft
- (Amended 2019)

MLS Subscribers:

1. New MLS Subscribers must take and pass the MLS Rules Quiz before being granted access to the MLS System. (Adopted 2023)
2. All MLS Subscribers are required to take and pass an MLS Rules Quiz on the same cycle as NAR Code of Ethics Training cycles, starting with the 2025-2027 cycle. (Adopted 2023)
3. Brokerages will be billed quarterly for licensed staff access. (Adopted 2023)

Teams:

1. A team is defined as two or more Aiken MLS Participants or Subscribers working or acting as one for all transactions.
2. To create a team, the Participant/Subscriber will need to complete the team application found on aikenmls.com.
3. The Participant/Subscriber must notify the MLS Office of all team changes, including removing a member from the team, the addition of a team member, the transfer of a member to a new team, or termination of a team. Please email mls@aikenrealtors.org to make changes to a team.
4. Participants/Subscribers may only be on one team at a time.
5. Team members may access the MLS at the same time.
6. Teams must identify a team leader.
7. Team email addresses must be unique.
8. Aiken MLS/SC License Law does not allow team names that imply the team is an independent brokerage. Team names must end with "Team at [Brokerage name]". The following words are prohibited from being in a team name registered with Aiken MLS:
 - Advisors
 - Agency
 - Associates
 - Brokerage
 - Brokers
 - Company
 - Consultants
 - Corporation
 - Corp., or Inc.
 - Partners
 - Partnership
 - Properties
 - Property
 - Real Estate
 - Realty
 - Other words deemed inappropriate by MLS Staff

(Amended 2024)

Internet Data Exchange (IDX)

1. All IDX may include the following sold information: sold date & price. (Amended 2023)

Phone Protocol:

1. We recommend that you do not contact agents before 8:00 a.m. or after 9:00 p.m. Agents are not going to contact their sellers to make appointments except at reasonable hours.
2. We recommend you remember to identify yourself on the telephone. Do not expect everyone to recognize your voice. Be professional and inform the agent you are calling who you are and what you are calling about.

Lock Box Security Requirements

Types of keys. Any physical or electronic key, programmer, or other device (hereinafter referred to as key) by which a lockbox can be opened, must be non-duplicative. Being non-duplicative means that it cannot be readily copied in the manner that other types of keys ordinarily are.

A mobile device (such as, a smart phone, tablet, fob, etc.) can transmit a key to access a lockbox using standard protocols, including, Bluetooth, ZigBee, infrared technology, and others. The applications and software used by mobile devices must contain security controls to allow only authorized users access to the lockbox.

As a matter of local discretion, the listing broker or agent can issue temporary codes/access to the lockbox and property on terms and conditions agreed to in advance by the seller. Temporary codes/access must expire within seventy-two (72) hours after being issued or must be under the control of the listing broker or agent. Temporary codes must be a minimum field size of five (5) characters.

Security protocols. Keys must be obtained from the original manufacturer, from a recognized vendor of lockbox systems or from any other legitimate source. Prior to utilizing previously used keys, lids, or boxes, associations and MLSs must obtain sufficient information from the original manufacturer and surrounding associations and MLSs in order to determine whether the key's pattern, code, or configuration is already in use. Electronic lockboxes and electronic keys running on mobile devices must incorporate security protocols to prevent the following types of cyber-attacks:

- where an unauthorized user can override or escalate their security credentials
- where the communication session between the electronic lockbox and key are recorded and played back later to gain unauthorized access
- forging of electronic credentials that could allow an unauthorized user the ability to masquerade as an authorized user
- digitally signed updates to electronic keys running on mobile devices or electronic lockbox firmware plus a secured update process to prevent unauthorized software from being introduced into the lockbox system
- transmission(s) of frequencies to deceive the lockbox electronics into opening

Availability of lockbox system and keys. Any lockbox system must be designated as either an activity of an association of Realtors® or an association-owned and operated MLS. If the lockbox system is an activity of an association of Realtors®, then every Realtor® and Realtor-Associate® and every non-principal broker, sales licensee and licensed or certified appraiser affiliated with a Realtor®, shall be eligible to hold a key subject to their execution of a lease agreement with the association.

If the lockbox system is an activity of an association-owned and operated MLS, then every MLS participant and every non-principal broker, sales licensee and licensed or certified appraiser who is affiliated with an

MLS participant and who is legally eligible for MLS access shall be eligible to hold a key subject to their execution of a lease agreement with the MLS.

As a matter of local discretion, associations and MLSs can determine that key lease agreements executed by non-principal brokers, sales licensees, unlicensed personal assistants, administrative and clerical staff, and licensed, certified, or those seeking to be licensed or certified as appraisers, must also be cosigned by the designated Realtor® or the office's broker of record. Lease agreements shall spell out the responsibilities of the parties and shall incorporate by reference any applicable rules or regulations or other governing provisions of the association or MLS that relate to the operation of the lockbox system. The lease agreement shall also provide that keys may not be used under any circumstances by anyone other than the keyholder, except as provided elsewhere in this statement of policy.

Associations and MLSs may, at their discretion, lease keys to affiliate members of associations who are actively engaged in a recognized field of real estate practice or in related fields. In such instances, the lease agreement shall be signed by the keyholder and by a principal, partner, or corporate officer of the keyholder's firm.

Individuals may be required to pay lockbox costs as part of association dues or as part of MLS participation fees pursuant to MLS Policy Statement 7.57, Categorization of MLS Services, Information, and Products and pursuant to NAR Bylaws Official Interpretation #32. No one shall be required to lease a key from the association except on a voluntary basis.

Associations and MLSs may refuse to sell or lease lockbox keys, may terminate existing key lease agreements, and may refuse to activate or reactivate any key held by an individual who has been convicted of a crime within the past seven (7) years under the following circumstances:

- A. The association or MLS determines that the conviction(s) relates to the real estate business or puts clients, customers, other real estate professionals, or property at risk, for example through dishonest, deceptive, or violent acts; and
- B. The association or MLS gives the individual an opportunity to provide and the association or MLS must consider mitigating factors related to the individual's criminal history, including, but not limited to, factors such as:
 - i) the individual's age at the time of the conviction(s)
 - ii) nature and seriousness of the crime
 - iii) extent and nature of past criminal activity
 - iv) time elapsed since criminal activity was engaged in
 - v) rehabilitative efforts undertaken by the applicant since the conviction(s)
 - vi) facts and circumstances surrounding the conviction(s) and
 - vii) evidence of current fitness to practice real estate

Associations and MLSs should be sure to evaluate individuals uniformly, and avoid making exceptions for one individual while denying an exception to another individual with a similar criminal history.

Associations or MLSs may suspend the right of lockbox keyholders to use lockbox keys following their arrest and prior to a final determination on any such charge if, in the determination of the association or MLS, the charge relates to a crime that relates to the real estate business or puts clients, customers, other real estate professionals, or property at risk.

Audit requirement. Associations or MLSs shall maintain current records as to all keys issued and in inventory, including registered users accessing lockboxes through applications and software used by mobile devices. There shall be an audit, at least annually, of all keys, whether issued or in inventory. This requirement may be satisfied by a physical inventory or by receipt of a statement signed by the keyholder and the designated Realtor®, broker of record, or, in the case of an affiliate member, by a principal, partner, or corporate officer of the keyholder's firm, attesting that the key is currently in possession of the keyholder.

Seller authority required. Lockboxes may not be placed on a property without written authority from the seller. This authority may be established in the listing contract or any other written document. Inclusion in MLS compilations cannot be required as a condition of placing lockboxes on listed property.

Reporting missing keys. Associations or MLSs must charge keyholders and their cosignatories with the joint obligation of immediately reporting lost, stolen, or otherwise unaccountable for keys to the association or MLS. Upon receipt of notice, the association or MLS must take any steps deemed necessary to resecure the system.

Rules and procedures governing lockbox systems. Associations or MLSs must adopt written, reasonable, and appropriate rules and procedures for administration of lockbox systems which may include appropriate fines, not to exceed \$15,000. Any issuing fees, recurring fees, or other administrative costs shall be established at the discretion of the association or MLS and set forth in the rules and procedures. All keyholders, whether or not they are association members or MLS participants, shall agree, as a condition of the key lease agreement, to be bound by the rules and procedures governing the operation of the lockbox system.

Key lease agreements may contain a liquidated damages provision to offset some or all of the costs in reestablishing the security of the system if it is determined that the security has been compromised through the negligence or fault of the keyholder.

Issuing electronic programmers or keypads on temporary basis. In the event electronic lockbox programmers or keypads are sold or leased, a designated Realtor® principal or an office's broker of record may purchase or lease additional programmers or keypads to be issued on a temporary basis to other keyholders in the same office in the event their programmer or keypad becomes non-functional outside normal business hours or under circumstances where a replacement programmer or keypad is not reasonably available from the issuing association or MLS. When a programmer or keypad is issued on a temporary basis, it shall be the responsibility of the Realtor® principal or the broker of record to advise the association or MLS in writing that the programmer or keypad has been issued, to whom, and the date and time of issuance within forty-eight (48) hours. It shall also be the responsibility of the Realtor® principal or the broker of record to advise the association or MLS in writing within two (2) business days after possession of the previously issued programmer or keypad has been reassumed.

Requiring "approved" lockbox systems. As a matter of local discretion, associations and MLSs may require placement of an "approved" lockbox on listed properties if any device giving access to real estate professionals or service providers is authorized by the seller and occupant and is placed on the property. The purpose of this requirement, if adopted by an association or MLS, is to ensure cooperating participants and subscribers have timely access to listed properties. Requiring that a lockbox or other access device be "approved" does not limit the devices that satisfy the requirement to lockboxes leased or sold by an association or MLS. The association or MLS may require that the devices be submitted in advance for approval, and the access device may be any lockbox or other access device that provides reasonable, timely access to listed property. The association or MLS also may revoke the approval or subject the participant to discipline if the device is used in a manner that fails to continue to satisfy this requirement. Amended 2023)

Important Phone Numbers:

Aiken Association of REALTORS®	p. 803-648-1891 f. 803-642-6044 Office Hours M-F 8:30am-4:30pm
SC Assoc. of REALTORS®	803-772-5206
National Assoc. of REALTORS®	800-874-6500
SC Real Estate Commission	803-896-4400
FlexMLS	888-525-4747 support@flexmls.com
Supra	888-968-4032 (Key Updates) 877-699-6787 (Support)
Showing Time	800-379-0057 support@showingtime.com
Transactions Zip Form	866-279-9653