



6393 Poplar Avenue Memphis, TN 38119 901-685-2100 (phone) 901-761-4003 (fax)

GENERAL INFORMATION REGARDING MLS LOCKBOX/SENTRICARD COMPLAINT

1. Any person, whether a member or not, having reason to believe that a Participant or User of the Multiple Listing Service of the Association is guilty of violating any item of Section 8 of the MLS Rules and Regulations, may file a complaint in writing with the Association, stating the facts on which it is based and be filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction, whichever is later.
2. Complaints must be typewritten (i.e., typewriter, computer, word processor) or in legible handwriting.
3. Complaints must name the individual(s) that are believed to have failed to comply with Section 8 of the MLS Rules & Regulations. In completing the complaint form, please review the accompanying MLS Rules & Regulations and base your complaint on the Item Number(s) of Section 8 you allege have been violated.
4. The Association does not have the authority to revoke a real estate license; only the Tennessee Real Estate Commission has the authority to suspend or revoke a license.
5. The Association does not have the authority to award damages or “try” a member as to any alleged violation of the state real estate license law or any other alleged violation of law.
6. The Association does have the authority to discipline a Participant or User, who has been found in violation of the Section 8 of the MLS Rules and Regulations. Improper use of MLS Lockboxes and SentiCards may result in a fine of up to \$15,000 (payable to the Association); being required to complete educational courses; being placed on probation of membership; or, in severe cases, being suspended or expelled from membership in the Association.
7. The Association does have jurisdiction over Participants and Users of the MLS who are not members of the Association, and, therefore, can take disciplinary action against them.
8. If the Participant or User is involved in civil litigation or in any proceeding before the Tennessee Real Estate Commission or any other state or federal regulatory or administrative agency in a matter arising out of the same facts and circumstances giving rise to the complaint alleging a Lockbox/ SentiCard violation, the Association, at its discretion, will determine whether to proceed to a hearing or hold the complaint in abeyance pending conclusion of the civil litigation or other proceeding. If the other proceeding is criminal litigation, the Association must hold the complaint in abeyance pending conclusion of the criminal litigation.
9. A copy of the complaint will be sent to the Respondent, who will be given 15 business days to provide a written response. The Grievance Committee meets monthly to review complaints/responses received to date and may investigate further, dismiss the complaint, or forward the complaint to a hearing before the Professional Standards Committee. If the matter is forwarded for a hearing, both Complainant and Respondent will be asked to appear at the hearing.
10. Participants and Users of the MLS are subject to comply with the REALTOR® Code of Ethics. An ethics complaint giving rise to the same circumstances as a Lockbox/SentiCard complaint may not be filed with the Association. However, if other alleged unethical conduct exists, an additional complaint may be filed and will be heard separately from the Lockbox/SentiCard complaint.

Questions? Contact Ken Scroggs at ken.scroggs@maar.org or (901) 818-2423.



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MLS RULES AND REGULATIONS, SECTION 8: REALTOR® LOCKBOX SYSTEM, LOCKBOXES AND SENTRICARDS

Section 8.1. REALTOR LOCKBOX AND SENTRICARD AGREEMENT: The “REALTOR® Lockbox System Agreement” must be signed by the Participant and the user (“Holder”) before a SentiCard may be sold and shall govern the use of SentiCards in matters of dispute between the MLS and the Holder.

Section 8.2. PERSONAL IDENTIFICATION NUMBER (PIN): Holder will not allow his/her PIN to be attached to the SentiCard and will not disclose his/her PIN to a third party.

Section 8.3. NO LOAN OF SENTRICARD: Holder shall not loan the SentiCard to any person for any period of time. The foregoing includes, but is not limited to loans to appraisers, mortgage and utility agents, builders, other brokers and salespersons, prospective purchasers or sellers. The only exception shall be that a Participant or branch office manager may purchase an Office SentiCard to be issued on a temporary basis to a SentiCard holder in the same office in the event his or her SentiCard becomes non-functional outside normal business hours or under circumstances where a replacement SentiCard is not reasonably available from the MLS. It shall be the responsibility of the Participant or branch office manager to advise the MLS in writing that the Office SentiCard 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 Participant or branch office manager to advise the MLS in writing within forty-eight (48) hours after the Office SentiCard has been returned to the Participant or branch office manager.

Section 8.4. LOSS OF SENTRICARD: In the event a SentiCard is lost, stolen, or otherwise unaccounted for, Holder shall notify the MLS immediately by telephone and promptly thereafter execute a statement co-signed by the Participant and Holder as to all the facts surrounding the loss with such report placed in the files of the MLS.

Section 8.5. NUMBER OF SENTRICARDS: No more than one (1) SentiCard shall be sold to an individual without prior approval of the MLS Information Network Committee. Such request to be in writing. However, a Participant or branch office manager may purchase an Office SentiCard to be issued on a temporary basis to other cardholders in the same office subject to the provisions of Section 8.3.

Section 8.6. PARTICIPANT RESPONSIBLE: The Participant is responsible for the proper use of SentiCards and Lockboxes under his/her jurisdiction.

Section 8.7. LOCKBOXES: Inclusion in MLS compilations cannot be required as a condition of placing lockboxes on listed property. The MLS is prohibited from only accepting listings from Participants who have agreed to use the MAAR Lockboxes on these properties. Lockboxes are NOT an invitation to show a house. One of these two classifications can be specified on the profile sheet:

- a. Open Lockbox - House can be shown without getting in touch with listing broker, but recommend register be signed at the house or call listing broker to inform of showing.
- b. Closed Lockbox - Do not show house under any circumstances unless an appointment is confirmed.

Section 8.8. MLS SUBSCRIBERS ONLY: SentiCards and Lockboxes are to be used ONLY by members of the MLS.

Section 8.9. CARD AUDIT/INSPECTION: Holder shall submit the SentiCard for inspection at a reasonable time at the MLS office after receipt of written notice which may be issued periodically by the Association. The SentiCard shall be deemed unaccounted for if Holder does not demonstrate the SentiCard is within his/her physical control.

Section 8.10. AUTHORIZATION: Prior to installing or using the Lockbox on any property, Participant and Holder shall secure written authorization from the owners of such property. Extreme care shall be taken to ensure that all doors to the property and the Lockbox are locked. Participant and Holder shall include in the listing agreement, or some other agreement signed by the owner(s) of such property prior to installation or use of the REALTOR Lockbox System (System), a provision whereby the owner(s) acknowledge(s) the risk of using the System and release(s) the Association, the MLS, and their officers, directors, employees, independent contractors, and agents from any and all liability in connection with the System.

Section 8.11. FAILURE TO COMPLY: Failure to comply with the above regulations will make the SentiCard Holder responsible.



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MLS Lockbox/SentriCard Complaint Form

To the Grievance Committee of the Memphis Area Association of REALTORS®:

COMPLAINANT(S)

RESPONDENT(S)

Name of Person(s) Filing Complaint

Name of MLS Participant/User

Firm Name

By filing this complaint, I (we) allege the above-named Respondent(s) has violated Section 8 of the MLS Rules and Regulations the Memphis Area Association of REALTORS®. *NOTE: Give a complete statement of the facts, specifying only one Item per narrative, with documentation supporting your allegations. Use additional pages, if necessary.*

I (we) allege violation of Section 8, Item # _____ of the MLS Rules and Regulations.

I (we) allege violation of Section 8, Item # _____ of the MLS Rules and Regulations.

I (we) allege violation of Section 8, Item # _____ of the MLS Rules and Regulations.

Are the circumstances giving rise to this Lockbox/SentriCard complaint involved in civil or criminal litigation or in any proceeding before the state real estate licensing authority or any other state or federal regulatory or administrative agency? _____ Yes* _____ No

**If yes, attach a copy of the official complaint filed.*

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true and is filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction, whichever is later.

I (we) understand that should the Grievance Committee dismiss this Lockbox/SentriCard complaint in part or in total, that I (we) have twenty (20) days from my receipt of the dismissal notice to appeal the dismissal to the Board of Directors.

Complainant(s):

_____	_____
Type or Print Name	Signature
_____	_____
Type or Print Name	Signature

Address	
_____	_____
Phone	Email

Please attach a narrative and copies of support documentation.