

May 19, 2008

Board of Director Minutes

Multiple Listing Service of the Wilmington Regional Association of REALTORS®
1444 S. 17th Street

Attending	R. J. Alexoudis	Jonathan Barfield	Melanie Bertrand	Bryan Greene
	Bob Jamieson	Dan Kibler	Susan Lacy	Sharon Laney
	Mary Martin	Russ May	April McDavid	Bob McKoy
	Karen Parkin	Vance Young		
Staff:	Jerry Panz			

President April McDavid called the meeting to order at 11: 20 AM. All members of the Board of Directors received notice of the meeting.

On motions duly made, seconded and carried the Board approved:

- 1) The Consent Agenda (attached)
- 2) Participating in the NC Datashare
- 3) The following recommendations from the MLS Committee:
 - a) Making "Construction Status" required and also adding "Keybox Yes/No" trigger in the event that an existing house did not have a KeyBox.
 - b) Adding to both Residential and Land listings Fuel Tank field "gasoline tank" and whether the tank is leased or owned and whether the tank is buried or above ground;
 - c) That staff discovers whether it is possible to have an option for receiving the client-portal-emails once daily as a digest instead an individual emails when a listing matches a client request. Also that the default is to send an individual email as a listing is matched to a client.
 - d) Making Auction Properties a part of the default search and if agents do NOT want to see auction properties that they uncheck the "Include Auction Properties."
 - e) That a checkbox be added to allow the public to see "External Documents;" that each document type have an additional flag that would make it either or both a "public viewable document" and "agent only document". If "public viewable document" was selected a URL would be provided in RETS.
 - f) Postponing until the June 20, 2008 meeting the following MLS Committee recommendations:
 - i) That the recommendation be made to use the basic Wyldfyre product
 - ii) Eliminating all branding within a virtual tour
 - iii) That duplicate listings be allowed in the MLS. The agent would be required :
 - (1) to notify staff to delete the non-intended-use-listing
 - (2) to disclose within the listing that it is a duplicate listing and provide the MLS# of the duplicate. **Postponed**
 - iv) That in regards to the church listings provided by staff, the MLS committee would like feedback from the RCASENC and will add the issue to the next MLS committee agenda.
- 4) Not renewing the contract with PossibleNow DNC

Staff was directed to do the following:

- ❖ Prepare Background papers on
 - Cooperating Key Agreements
 - Virtual Tours (websites, possible draft Rule language, etc.)
 - NC Datashare
- ❖ Place the following on the Agenda for the next meeting:

- Whether to adopt new alternative MLS Rule approved at NAR Mid Year Meeting: (Note: MLSs may also, as a matter of local discretion, allow participants to offer cooperative compensation as a percentage of the net sales price, with net sales price defined as the gross sales price minus buyer upgrades (new construction) and seller concessions (as defined by the MLS unless otherwise defined by state law or regulation). **Rationale:** These enhancements to the Statement of MLS Policy and to the model MLS rules give MLSs discretionary authority to enable participants to offer cooperative compensation through MLS as a percentage of the net sale price. **STAFF:** I am not asking you to approve this language, only the concept. Definitions of seller concessions are NOT defined in NC statute or regulation but appraisal standards do have guidelines. If the Board desires to have language adopted, I would want to work with the chairs and vice chairs of the Appraisal Council and MLS Committee, the President, President-Elect and Brian Bell in order to bring exact language to the Board.
- Providing Sold Data as part of the IDX data feed

There being no further business the meeting adjourned at 12:33 PM.



Jerry S. Panz, CAE, e-PRO, RCE
Secretary

Consent Agenda

Multiple Listing Service of the Wilmington Regional Association of REALTORS®

May 29, 2008

Approval Of:

- 1) Adding to MLS Bylaws Section IV, E a provision found in **WRAR's Bylaws: Harassment** Any Participant or Subscriber may be reprimanded, placed on probation, suspended or expelled for harassment of an Association or MLS employee, Officer or Director after a hearing in accordance with the established procedures. Disciplinary action may also consist of any sanction authorized in the Association's Code of Ethics and Arbitration Manual. As used in this section, harassment means any verbal, written, or physical conduct including threatening or obscene language, unwelcome sexual advances, stalking, actions including strikes, shoves, kicks, or other similar physical contact, or threats to do the same, or any other conduct with the purpose or effect of unreasonably interfering with an individual's work performance by creating a hostile, intimidating or offensive work environment. The decision of the appropriate disciplinary action to be taken shall be made by the investigatory team comprised of the President, and President-elect and/or Vice President and one member of the Board of Directors selected by the highest ranking officer not named in the complaint, upon consultation with legal counsel for the Association. If the complaint names the President, President-Elect or Vice President, they may not participate in the proceedings and shall be replaced by the Immediate Past President or, alternatively, by another member of the Board of Directors selected by the highest ranking officer not named in the complaint.
- 2) Amending the MLS Rules and Regulations to Section 5: **Note 6: Multiple Listing Services must give participants the ability to disclose to other participants any potential for a short sale. As used in these rules, short sales are defined as a transaction where title transfers; where the sale price is insufficient to pay the total of all liens and costs of sale; and where the seller does not bring sufficient liquid assets to the closing to cure all deficiencies. Multiple Listing Services may, as a matter of local discretion, require participants to disclose potential short sales when participants know a transaction is a potential short sale. In any instance where a participant discloses a potential short sale, they must also be permitted to communicate to other participants how any reduction in the gross commission established in the listing contract required by the lender as a condition of approving the sale will be apportioned between listing and cooperating participants. All confidential disclosures and confidential information related to short sales must be communicated in the Non Public Remarks available only to participants and subscribers.**
- 3) **Multiple Listing Services that require participants to disclose potential short sales should adopt the following rule:** Section 5.0.1: Participants must disclose potential short sales when reasonably known to the listing participants. When disclosed, participants may, at their discretion, advise other participants whether and how any reduction in the gross commission established in the listing agreement, required by the lender as a condition of approving the sale, will be apportioned between listing and cooperating participants. All confidential disclosures and confidential information related to short sales must be communicated in the Non Public Remarks available only to participants and subscribers.

- 4) (NOTE: The MLS Rule changes below are mandatory requirements of NAR's 2008 MLS Rules. Additions are boldfaced and underline and deletions are stricken)
- a) **Section 2.5 Reporting "Pending" And Sold Sales to The Service: Status changes, including final closing of sales,** ~~"Pending" and sold sales~~ shall be reported immediately to the Multiple Listing Service by the listing broker. ~~unless the~~ **If the** negotiations were carried on under Section 2 (a) or (b) hereof ~~in which case~~ the cooperating broker shall report **the status changes to the listing broker immediately and the listing broker shall report them to the MLS** ~~sending a copy of the sales contract to the listing broker~~ within 24 hours **after receiving notice from the cooperating broker acceptance.** ~~The cooperating broker may notify the MLS using a change form indicating that the Listing broker is out of town and that the listing status should be changed to "Pending." (See BofD Minutes 01/20/05)~~
- b) **Section 7. Compliance with Rule-Authority to Impose Discipline: By becoming and remaining a participant or subscriber in this MLS, each participant and subscriber agrees to be subject to the rules and regulations and any other MLS governance provision. The MLS may, through the administrative and hearing procedures established in these rules, impose discipline for violations of the rules and other MLS governance provisions. Discipline that may be imposed may only consist of one or more of the following:**
- a. **letter of warning**
- b. **letter of reprimand**
- c. **attendance at MLS orientation or other appropriate courses or seminars which the participant or subscriber can reasonably attend taking into consideration cost, location, and duration**
- d. **appropriate, reasonable fine not to exceed \$15,000**
- e. **probation for a stated period of time not less than thirty (30) days nor more than one (1) year**
- f. **suspension of MLS rights, privileges, and services for not less than thirty (30) days nor more than one (1) year**
- g. **termination of MLS rights, privileges, and services with no right to reapply for a specified period not to exceed three (3) years. (Adopted 11/07) The following action may be taken for noncompliance with the rules:**
- 5) Amending the MLS Rules and Regulations to permit Subscribers to operate their own IDX website: Section 19. Licensee sites. ~~All non-principal licensee web sites must "frame" or "gateway" to the IDX Participant's web site in order to display IDX listings. Affiliated Subscribers' sites may frame the IDX Participant's site only subject to an agreement prescribed by the Service among the IDX Participant, the Affiliated Subscriber, the IDX site vendor, and the Service; and all such displays are subject to these Rules, including without limitation Section 11.~~ **All non-principal licensee web sites displaying IDX listings are subject to the IDX Participant's control. Non-principal licensee web sites may display IDX listings only subject to an agreement prescribed by the Service among the Service, the IDX Participant with whom/which the non-principal licensee is affiliated, and the IDX web site vendor. All such displays are subject to these rules, including without limitation, rules applicable to IDX Participant control and branding. IDX Participants may operate multiple web sites displaying the IDX Database, each of which meets the requirements of these rules applicable to Participant control and branding, but which give the appearance of being web sites jointly branded by the IDX Participant and one or more of its non-principal licensees.**

Acknowledgement of:

Financial statements for April 2008

MLS Waivers Granted by Staff

Name	Company	Why Waived
Scott Reinschmidt	Carolina Beach Realty	Inactive license, clerical duties
Jane Brock	Century 21 Sweyer & Associates	unlicensed, clerical duties
Vickie Porter	Commercial Realty	Inactive license, clerical duties
Christine Gallagher	Commercial Realty	unlicensed, clerical duties
Megan Slugg	Intracoastal Realty	unlicensed, clerical duties
Shannon Tully	Laney Real Estate Co.	unlicensed, clerical duties
Karen Langelier	Coldwell Banker Sea Coast	Unlicensed, clerical duties

MLS Financial Narrative Month Ending April 2008

Account Name	Monthly Narrative
CURRENT ASSETS	
All Asset accounts	In balance
Prepaid Taxes	Waiting adjusting journal entries from CPA (2007 taxes)
CURRENT LIABILITIES	
NC Unemployment	Paid quarterly
REVENUES	
MLS Access Fees	Higher than budgeted. Budget based on 2133 users. 2278 were billed in April.
MLS Initiation Fees	11 New MLS Companies. Budget based on 40 in 2008. Total of 33 year to date.
EXPENSES	
Contingency Fund	Deposit for Rapattoni setting up the Internet Store
KeyBox expense	Income from lost/stolen KeyBox
Deferred Compensation (IRA), Health Insurance, Taxes (FICA, ESC, FUTA), Technical Services, Telephone, & Wages Expense	WRAR makes quarterly payment to MLS to offset expense

MLS Balance Sheet as of April 30, 2008

Without Audit or Review by CPA

ASSETS		
Current Assets		
Merrill Lynch Money Market	357,444.31	
BB&T-Operating Account	25,439.75	
Accounts Receivable-Membership	11,135.27	
Inventory-Store	22,027.59	
Prepaid Taxes	10,839.00	
Total Current Assets		426,885.92
Property and Equipment		
Accumulated Depreciation	(647,715.66)	
Office Furniture and Equipment	58,724.40	
Computer Equipment	173,971.24	
Lockbox Inventory	433,921.55	
Total Property and Equipment		18,901.53
Designated Reserves		
Computer Reserve (FF-19,000)	19,000.00	
Operating Reserve (598,340.49)	101,064.00	
Copier Reserve (FF-15,000)	15,000.00	
Issues Mob Rsv(\$35,000)	35,000.00	
Server/Sftwre Rsvr(FF-25,000)	25,000.00	
Furniture/Fixt Rsrv(FF-10,000)	10,000.00	
Lockbox Reserve (276,936)	276,936.00	
Next MLS System(\$185,000)	185,000.00	
Total Designated Assets		667,000.00
Total Assets		1,112,787.45
LIABILITIES AND CAPITAL		
Current Liabilities		
NC Unemployment Tax Payable	502.08	
Total Current Liabilities		502.08
Total Liabilities		502.08
Capital		
Common Stock	500.00	
Retained Earnings	953,776.27	
Net Income	158,009.10	
Total Capital		1,112,285.37
Total Liabilities & Capital		1,112,787.45

Multiple Listing Service					
Income Statement as of April 30, 2008 Without Audit or Review by CPA					
	Current Month Actual	Current Month Budget	Year to Date Actual	YTD or Annual Budget	Variance YTD
Revenues					
Contract Services w/ D-S AOR**	1,943.00	1,887.16	13,503.00	7,548.64	5,954.36
Contract Services with RCA	0.00	0.00	40,000.00	40,000.00	0.00
Int&IncVal-M/L Money Market **	2,816.34	2,227.19	8,557.90	8,908.76	(350.86)
MLS Access Fees **	104,522.04	96,735.00	416,173.92	386,940.00	29,233.92
MLS-Branch Office Fees **	0.00	16.67	300.00	66.68	233.32
MLS Initiation Fees **	8,250.00	2,500.00	24,950.00	10,000.00	14,950.00
MLS Firm User Fees **	15,370.90	14,040.00	60,898.91	56,160.00	4,738.91
MLS & Keybox Fines **	190.00	1,250.00	455.00	5,000.00	(4,545.00)
MLS Late Payment Fees **	435.00	617.91	1,600.00	2,471.64	(871.64)
MLS Reinstatement Fees **	290.00	282.86	850.00	1,131.44	(281.44)
MLS - Misc. Income **	176.00	83.33	5,697.87	333.32	5,364.55
NSF fees	0.00	0.00	25.00	0.00	25.00
Supra Initiation Fee **	2,030.00	333.33	9,865.00	1,333.32	8,531.68
Supra Monthly Fee **	28,038.75	28,454.25	109,049.50	113,817.00	(4,767.50)
Store Income(net) **	2,162.41	1,666.67	7,607.95	6,666.68	941.27
Total Revenues	166,164.44	150,094.37	699,474.05	640,377.48	59,096.57

	Current Month Actual	Current Month Budget	Year to Date Actual	YTD or Annual Budget	Variance YTD
Expenses					
Accounting & Consulting-CPA	0.00	0.00	3,350.00	4,000.00	(650.00)
Advertising	0.00	0.00	0.00	500.00	(500.00)
Annual Meeting & Election	0.00	0.00	0.00	4,500.00	(4,500.00)
Bank Service Charges **	3,787.13	4,010.79	14,713.92	16,043.16	(1,329.24)
Banquet Expenses	0.00	0.00	3,000.00	3,000.00	0.00
Clark Memorial	0.00	0.00	0.00	275.00	(275.00)
Contingency Fund	3,700.00	0.00	3,700.00	10,332.35	(6,632.35)
Computer Operations **	1,782.20	3,834.52	6,753.35	15,338.08	(8,584.73)
Depreciation	0.00	0.00	26,656.00	26,656.00	0.00
Directors Meetings **	108.35	166.67	461.70	666.68	(204.98)
Donations	375.00	0.00	2,875.00	3,000.00	(125.00)
Dues & Subscriptions **	0.00	41.67	100.00	166.68	(66.68)
Economic & Market Watch	0.00	0.00	0.00	3,000.00	(3,000.00)
Election Expense	0.00	0.00	0.00	1,500.00	(1,500.00)
Equipment Maint & Purc**	244.46	250.00	979.46	1,000.00	(20.54)
Governmental Affairs **	0.00	1,666.67	0.00	6,666.68	(6,666.68)
iCheck	0.00	0.00	(4,277.00)	23,500.00	(27,777.00)
iMapp, Inc (tax service)	0.00	10,158.75	11,222.65	21,985.15	(10,762.50)
Insurance-Comp Equip	0.00	0.00	0.00	5,632.00	(5,632.00)
Insurance-Health **	6,663.44	5,544.00	19,919.13	22,176.00	(2,256.87)
Insurance-Work Comp	0.00	0.00	0.00	2,549.40	(2,549.40)
IRA Emp Contributions **	1,016.72	917.36	1,514.91	3,669.44	(2,154.53)
Keybox Expense **	(115.00)	5,500.00	(990.10)	22,000.00	(22,990.10)
Leadership Training	0.00	0.00	0.00	5,000.00	(5,000.00)
Lease-Building **	4,584.29	4,584.29	18,337.16	18,337.16	0.00
Legal Fees **	470.00	1,166.67	3,400.51	4,666.68	(1,266.17)
Misc. Expenses **	0.00	199.33	457.83	797.32	(339.49)
MLS Committee Meeting	55.00	0.00	55.00	1,000.00	(945.00)
NAR & ASAE-Travel	275.00	0.00	1,953.08	14,180.96	(12,227.88)
NCAR Directors Expenses	535.88	0.00	4,533.43	14,215.35	(9,681.92)
Office Supplies **	1,031.21	791.67	3,143.14	3,166.68	(23.54)
Orientation	0.00	0.00	5,000.00	5,500.00	(500.00)
Other Meetings Expense	0.00	0.00	3,165.12	1,000.00	2,165.12
PossibleNow.com	0.00	0.00	0.00	12,000.00	(12,000.00)
Postage and Shipping **	0.48	416.67	(58.53)	1,666.68	(1,725.21)
Postage Meter	0.00	0.00	312.57	1,700.00	(1,387.43)
Printing	0.00	0.00	0.00	500.00	(500.00)
	Current Month Actual	Current Month Budget	Year to Date Actual	YTD or Annual Budget	Variance YTD
Rapattoni MLS **	27,540.41	27,989.20	110,476.79	111,956.80	(1,480.01)
Salary-Casual Labor **	1,990.14	996.67	6,304.35	3,986.68	2,317.67
Reserves **	0.00	6,117.13	0.00	24,468.52	(24,468.52)
Software Lic & Upgrades **	0.00	133.33	0.00	533.32	(533.32)

Strategic Plan	2,663.82	0.00	21,402.15	10,000.00	11,402.15
Supra Key Expense **	79,497.59	28,028.70	79,581.62	112,114.80	(32,533.18)
Taxes-Employers FICA **	3,708.03	2,439.57	11,118.97	9,758.28	1,360.69
Taxes-Emp Security **	502.08	67.49	2,205.15	269.96	1,935.19
Taxes-Franchise	0.00	0.00	0.00	735.00	(735.00)
Taxes-Income	22,500.00	0.00	22,500.00	20,011.95	2,488.05
Taxes-FUTA	25.70	0.00	(187.41)	98.00	(285.41)
Technology Seminar	0.00	0.00	0.00	5,000.00	(5,000.00)
Telephone/Computer Lines	972.93	515.50	2,394.36	2,062.00	332.36
Tokens for MLS (Net)	(691.50)	0.00	(3,653.10)	0.00	(3,653.10)
Travel & Education CEO	1,558.29	0.00	3,259.97	14,311.08	(11,051.11)
Travel & Education Staff	3,875.39	0.00	6,404.51	25,879.62	(19,475.11)
Website Creation & Prom	725.00	0.00	4,586.51	80,000.00	(75,413.49)
Wages Expense **	48,471.37	30,554.57	144,852.75	122,218.28	22,634.47
Total Expenses	217,793.41	136,091.22	541,464.95	825,291.74	(283,826.79)
Net Income	(51,628.97)	14,003.15	158,009.10	(184,914.26)	342,923.36

April 24, 2008

**MLS Committee Meeting Minutes
Courtyard Marriott – Wilmington NC**

Brian Bell, CTO, opened the meeting at 1:00pm by introducing the vendor who then demonstrated the Wyldfyre desktop product that integrates with any MLS system.

At 2:20pm MLS President April McDavid and MLS Chair Joyce Barnwell and Jason Mann, MLS Vice Chair were introduced. On motions duly made, seconded and carried the MLS Committee makes the following recommendations to the Board of Directors:

1. That the recommendation be made to use the basic Wyldfyre product. **Postponed**
2. That staff educates members to use the “contains” radio button when searching for a community name since implementing “contains” as the default search would cause a degradation in system performance.
3. Making “Construction Status” required and also adding “Keybox Yes/No” trigger in the event that an existing house did not have a KeyBox. **Approved**
4. Eliminating all branding within a virtual tour. **Postpone see examples**
5. Adding to both Residential and Land listings Fuel Tank field “gasoline tank” and whether the tank is leased or owned and whether the tank is buried or above ground. **Approved**
6. That staff discovers whether it is possible to have an option for receiving the client-portal-emails once daily as a digest instead an individual emails when a listing matches a client request. Also that the default is to send an individual email as a listing is matched to a client. **Approved**
7. Making Auction Properties a part of the default search and if agents do NOT want to see auction properties that they uncheck the “Include Auction Properties.” **Approved**
8. That a checkbox be added to allow the public to see “External Documents;” that each document type have an additional flag that would make it either or both a “public viewable document” and “agent only document”. If “public viewable document” was selected a URL would be provided in RETS. **Approved**
9. That duplicate listings be allowed in the MLS. The agent would be required :
 - a. to notify staff to delete the non-intended-use-listing
 - b. to disclose within the listing that it is a duplicate listing and provide the MLS# of the duplicate . **Postponed**
10. That in regards to the church listings provided by staff, the MLS committee would like feedback from the RCASENC and will add the issue to the next MLS committee agenda. **Postponed**

There being no further business the meeting adjourned at 3:50 pm.

Submitted,

Brian Bell, CTO