

February 18, 2010

Multiple Listing Service of the Board of Director Minutes  
Multiple Listing Service of the Wilmington Regional Association of REALTORS®  
1444 S. 17<sup>th</sup> Street

Attending	R. J. Alexoudis	Buddy Blake	Carlos Braxton	Faye Brock
	Tom Gale	Ashley Garner	John Hinrichs	Sharon Laney
	Mary Martin	April McDavid	Mary Jo Miller	Karen Parkin
	Louise Voelker	Jody Wainio		
Staff:	Jerry Panz			

President Karen Parkin called the meeting to order at 10:15 AM. All members of the Board of Directors received notice of the meeting.

By Consent, the following was approved:

- 1) The Consent Agenda (attached)
- 2) MLS IDX Rule Changes:
  - a) **Section 15 Orientation** Any applicant for MLS Participation and any licensee affiliated with an MLS Participant who has access to and use of MLS-generated information may be required to complete an orientation program of no more than eight (8) classroom hours devoted to the MLS rules and regulations and computer training related to MLS information entry and retrieval and the operation of the MLS within thirty (30) days after access has been provided. (Amended 11/96)

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 enhancements and/or changes to MLS rules or policies. Participants and subscribers must be given the opportunity to complete any mandated additional training remotely. (Adopted 11/09) Exhibit 4, IDX Rules: Section 1. Definitions.

- b) Exhibit 4, IDX Rules: “Internet Data Exchange” or “IDX” ~~is a means by which each Participant subscribing to the IDX program (the “IDX Participant”) permits the~~ affords MLS Participants the option of authorizing display of ~~their~~ its active listings appearing in MLS on ~~each~~ other IDX Participants’ ~~Internet~~ website, subject to the requirements of these Rules.
- c) **Section 3. Publication permitted.** An IDX Participant may republish all or a portion of the IDX Database on the Internet, or frame the Service’s search page, in accordance with the provisions of these Rules and in keeping with any policies that the Service may adopt from time to time. Unless expressly contravened by the provisions of this Exhibit 4, all other rules and regulations remain in full force and effect. ~~A Participant must notify the Service in writing at least two weeks in advance that it intends to publish any portion of the IDX Database on the Participant’s web site.~~ (Jerry: Included in Section 12.1.1)
- d) **Section 4. Required and prohibited fields and records.** An Internet republication of another IDX Participant’s listing must contain those fields defined as required for the IDX program, and may not contain those fields of data identified by the Service as prohibited for IDX displays. The Service’s Board of Directors may amend the lists of required and prohibited fields in its discretion as part of the Service’s operating policies. (MLS now controls what fields are in the data feed rather than providing all of the fields—thus the deletion of the fields below.)

Required fields	Prohibited fields	
A. Listing Office Name	A. Expiration Date	N. Bus. Name
	B. Agent Compensation	O. Bus. Loc
	C. Compensation Type	P. # Employees
	D. Compensation Value	Q. Year Establ'd
	E. Lease Comp Same As Sale	R. Financial Fig Year
	F. Current Owner	S. Lease Expires
	E. Tax Assessed Value	T. Annual Gross Inc.
	F. Duty Agent Information	U. Values: Equipment and Inventory
	G. Agent Information	V. Net Oper. Income
	H. Showing Instructions	W. Operating Days + Hours
	I. Annual Gross Income	X. Upfit Allw./Sqft
	J. Net Operating Income	Y. Leasehold Int (both fields)
	K. Annual Expenses	
	L. Year Established	
	M. Comm. Vac. Rate	

~~An IDX Participant may select the listings of other IDX Participants they choose to display on their IDX sites based only on objective criteria including, but not limited to, factors such as geography or location (“uptown”, “downtown”, etc), list price, type of property, (e.g., condominiums, cooperatives, single-family detached, multi family), type of listing (e.g., exclusive right to sell or exclusive agency), or the level of service being provided by the listing firm. Selection of listings displayed on any IDX site must be independently made by each Participant. If an IDX Participant displays less than all the records in the IDX Database, the Participant’s web site must include a disclosure to consumers of the basis upon which listings are excluded. (See Rule 12.1.4 below—this is a duplicate)~~

- e) ~~Section 5. Eligibility. In order to be an IDX Participant, a Participant must be engaged in real estate brokerage. A Participant will be deemed to engage in real estate brokerage if it maintains an office or Internet presence from which Participant or its Affiliated Subscribers are available to represent real estate sellers or buyers (or both). (This Rule is no longer necessary with the change to the MLS Bylaws mandated by NAR.~~
- f) Section 9 (d) Every display of another Participant’s listing must bear the Service’s approved IDX icon immediately adjacent to the property information. Every detailed display of another Participant’s listing must bear the listing broker Participant’s name firm. Each of these required items must be in a reasonably prominent location, in a reasonably visible and legible type face and color to a site visitor, e.g., no tiny text or gray text on gray background. Text must appear in a type size equal to the median size used for listing data on the page.
- 3) Revising the MLS definition of Special Flood Hazard Zone: If any portion of the real property is located within any Special Flood Hazard Zone, answer Yes. You may place additional clarifying information in the Public or Non Public remarks, such as: No portion of the improvement (house) is located within the Zone.
- 4) Revising MLS Rule Section 5.1 of the MLS to accommodate NAR requirement for compensation: **Section 5.1:** Form of Indicating Compensation: In filing a property with the Service, the Participant of the Service is making blanket unilateral offers of compensation to the other Service Participants, and shall, therefore, specify on each listing filed with the Service, the compensation being offered to the other Service Participants. Specifying the compensation on

each listing is necessary because the cooperating broker has the right to know what his compensation shall be prior to his endeavor to sell. The listing broker must indicate cooperating compensation in the form of a percentage of the gross selling price, a percentage of the net selling price, or a definite dollar amount.

**For rental property, the compensation must be noticed in the Compensation text field. (NOTE: This Rule will become effective when the field is added to the MLS)**

**In the event the offer is a percentage of the net selling price, the listing broker must place the following note in the Non Public Remarks: Compensation paid on net selling price.** The offered compensation must be greater than zero. The listing broker retains the right to determine the amount of compensation offered to other Participants acting as subagents or buyer agents which may be the same or different. The listing broker may, from time to time, adjust the compensation offered to other Multiple Listing Service Participants for their Services with respect to any listing by advance published notice to the Service so that all Participants will be advised. (Revised March 19, 2009 on Consent Agenda)

- 5) Revised MLS Budget (attached)
- 6) Sending Tom Gale and Louse Voelker to Houston RPR event
- 7) The minutes of this meeting

There being no further business the meeting adjourned at 11:31 AM.



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

# Consent Agenda

Multiple Listing Service of the Wilmington Regional Association of REALTORS®

February 18, 2010

## Acknowledgment of:

1. Financial statements sent 02-11-2010

## Approval of:

1. **NAR Mandated MLS Rule Changes:**

**Section 5.5. Short Sales:** A “short Sale” is a sale where: (i) the Purchase Price is or may be insufficient to enable Seller to pay the costs of sale, which include but are not limited to the Seller’s closing costs and payment in full of all loans or debts secured by deeds of trust on the Property due and owing to one or more lender(s) and/or other lienholders (“Lienholders”), (ii) Seller does not have sufficient liquid assets to pay the costs of sale, and (iii) the Lienholders agree to release or discharge their liens upon payment of an amount less than the amount secured by their liens with or without the Seller being released from any further liability. Participants must disclose potential short sales when reasonably known to the listing participants, by answering “Yes” in the Potential Short Sale field. When disclosed, participants ~~may~~ **must** 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. (Revised March 19, 2009 on Consent Agenda)

## Exhibit 4, IDX Rules:

~~Section 5. Eligibility. In order to be an IDX Participant, a Participant must be engaged in real estate brokerage. A Participant will be deemed to engage in real estate brokerage if it maintains an office or Internet presence from which Participant or its Affiliated Subscribers are available to represent real estate sellers or buyers (or both). (This Rule is no longer necessary with the change to the MLS Bylaws mandated by NAR)~~

Section 9 (e) Any IDX site that

- (i) allows third-parties to write comments or reviews about particular listings or displays a hyperlink to such comments or reviews in immediate conjunction with particular listings, or
- (ii) displays an automated estimate of the market value of the listing (or hyperlink to such estimate) in immediate conjunction with the listing,

shall disable or discontinue either or both of those features as to the seller’s listing at the request of the seller. The listing broker or agent shall communicate to the MLS that the seller has elected to have one or both of these features disabled or discontinued on all Participants’ websites. Except for the foregoing and subject to paragraph (f), a Participant’s IDX site may communicate the Participant’s professional judgment concerning any listing. Nothing shall prevent an IDX site from notifying its customers that a particular feature has been disabled at the request of the seller. (Adopted 11/09) No display of another Participant’s listing may include the listings or property addresses of sellers who have chosen to withhold their listings or addresses from display on the Internet. Notwithstanding this prohibition, listing brokers may display on their own sites the listings and property addresses of consenting sellers. (Now included in the last sentence in blue above the red stricken text).

Section 9 (f) Participants shall maintain a means (e.g., e-mail address, telephone number) to receive comments about the accuracy of any data or information that is added by or on behalf of the Participant beyond that supplied by the MLS and that relates to a specific property displayed on the IDX site. Participants shall

correct or remove any false data or information relating to a specific property upon receipt of a communication from the listing broker or listing agent for the property explaining why the data or information is false. However, Participants shall not be obligated to remove or correct any data or information that simply reflects good faith opinion, advice, or professional judgment. (Adopted 11/09)

**Section 12.1.1 Intent to Establish IDX.** Participants must notify the MLS of their intention to establish an IDX site and must make their site directly accessible to the MLS for purposes of monitoring/ensuring compliance with applicable rules and policies.

~~Section 12.1.2: Participants must protect IDX information from misappropriation by employing reasonable efforts to monitor and prevent “scraping” or other unauthorized accessing, reproduction, or use of the MLS database.~~ MLS participants may not use IDX-provided listings for any purpose other than display on their IDX websites. This does not require Participants to prevent indexing of IDX listings by recognized search engines.

**Section 12.1.3** Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or property address from display on the Internet (including, but not limited to, publicly-accessible websites or VOWs) shall not be accessible via IDX sites. ~~Notwithstanding this prohibition, listing brokers may display on their IDX sites or their other website(s) the listing or property address of consenting sellers.~~

**Section 12.1.4:** Participants may select the listings they choose to display on their IDX sites based only on objective criteria including, but not limited to, factors such as geography or location (“uptown,” “downtown,” etc.), list price, type of property (e.g., condominiums, cooperatives, single-family detached, multi-family), cooperative compensation offered by listing brokers, type of listing (e.g., exclusive right-to-sell or exclusive agency), or the level of service being provided by the listing firm. Selection of listings displayed on any IDX site must be independently made by each participant. If an IDX Participant displays less than all the records in the IDX Database, the Participant’s web site must include a disclosure to consumers of the basis upon which listings are excluded.

~~Section 12.1.5: Participants must refresh all MLS downloads and refresh all MLS data at least once every seven (7) days. (duplicates Section 6 above)~~

~~Section 12.1.6: Except as provided in these rules, an IDX site or a participant or user operating an IDX site may not distribute, provide, or make any portion of the MLS database available to any person or entity. (See Rule 12.1.2 above and Section 13 below)~~

**Section 13. Audit Trail** ~~Avoid scraping of data.~~ ~~An IDX Participant displaying the IDX Database or any portion of it must make reasonable efforts to avoid “scraping” of the data by third parties or displaying of that data on any other web site. Reasonable efforts include monitoring the web site for signs that a third party is “scraping” data.~~ The IDX Participant shall maintain for a period of six months an audit trail of consumer activity on the Participant’s IDX site and make that information available to the Service if the Service has reason to believe that the Participant’s IDX site has caused or permitted a breach in the security of the data or a violation of Rules related to use by consumers.

#### MLS Waivers Granted by Staff

Name	Company	Why Waived
Tara Singleton	Intracoastal Realty-Rentals	License hangs at home
Catherine Angel	Intracoastal Realty-Rentals	Unlicensed Office Help

Eva Farr	Century 21 Sweyer & Associates	License hangs with company that is not a member
Erica Novelli	EXIT Coastal Connection Realty	Unlicensed Office Help
Ashley Allen	Coldwell Banker Sea Coast Realty	Unlicensed Office Help
James Aikens	Joanne S. Parker, Inc.	Unlicensed Office Help

<b>Tracking Board of Directors' Motions: MLS</b>		
<b>Date</b>	<b>Issue</b>	<b>Resolution</b>
<b>01/14/2010</b>	Promotional package presented by ViaMark to implement the Strategic Plan's Goal 4:	Being implemented
	MLS Rule draft on compensation for rental listings	Sent to Board but not enough responses to approve via email
	Adding two logic fields: Lease-Purchase and Lease with an Option to Purchase with both being required fields when the status is changed to Pending	In process
	MLS Rules for Data Compliance Assurance for Adaptive Technology	Communicated by MLS President

**Explanation:** The blue highlighted rows are revised

<b>Narrative</b>	<b>Description</b>	<b>2010 Budget</b>
57 (budget on 53) Duplin/Sampson @ \$29 (Previously a net account. MLS expense now under Rapattoni) New members 3@\$150 + \$10 existing members (2 new members to date) Currently 61 members, budget revised based on 58	<b>Contract Services-D/S AOR</b>	21,164.00
Average employee plus taxes and benefits=\$35 per hr	<b>Contract Services-RCA</b>	49,400.00
See Interest Spreadsheet.	<b>Interest-M/L Money Market</b>	18,670.28
1,651 Pri & Sec Users (90% of 1,834) @ \$55 month + 40 MLS Only Users (90% of 44)@ \$70.75 month (Rapattoni spreadsheet) + <b>MLS Initiation fee individual 140 @ \$55 + 5 (MLS only) @ \$70.75 (Current number 1729 Primary &amp; Secondary + 35 MLS Only)</b>	<b>MLS Access Fees</b>	1,172,293.75
None anticipated	<b>Branch Office Fees</b>	0.00
22 @ \$750 based on YTD	<b>MLS Office Initiation Fee</b>	16,500.00
409 member firms based budget on 377 firms @ \$30 X 12 mo. + 35 MLS Only firms based budget on 33 firms @ \$40.50 X 12 mo. (Rapattoni spreadsheet)	<b>MLS Firm User Fees</b>	151,758.00
Estimated \$6,800 KeyBoxes/\$13,600 MLS Fines-Based on YTD	<b>MLS Listing/KeyBox Fines</b>	20,400.00
YTD divided 7 times 12 times 90%	<b>MLS Late Payment Fees</b>	6,558.69
YTD divided by 7 times 12 times 90%	<b>MLS Reinstatement Fee</b>	3,317.14
	<b>MLS-Misc. Income</b>	1,000.00
Net \$20 X 145 new/lost keyholders (125 YTD)	<b>SuperKey Income-Initiation Fee</b>	2,900.00
See Supra Spreadsheet	<b>SuperKey Monthly Lease Fee</b>	271,068.00
	<b>Reserve</b>	0.00
YTD Annualized Minus \$53 per month software support	<b>Store Income (net)</b>	9,596.57
VOW & IDX Income (New in 2010) Estimated (need to be reduced)	<b>Technology</b>	19,050.00
	<b>To reconcile to YTD P&amp;L for non budgeted items such as non sufficient funds check, new building, etc (see P&amp;L worksheet)</b>	
	<b>Total Revenues</b>	<b>1,763,676.43</b>
	<b>Expenses</b>	

2009 Audit Year	<b>Accounting &amp; Consulting</b>	6,000.00
Not anticipating much, if any, staff changes	<b>Advertising</b>	250.00
	<b>Annual Meeting &amp; Election</b>	4,500.00
Based on income @ 2.28%	<b>Bank Service Charges-CC Fees</b>	36,000.00
Banquet	<b>Banquet Expenses</b>	3,000.00
\$200 recipient balance is plaque	<b>Cathy Clark Memorial</b>	275.00
	<b>Contingency Fund</b>	856.38
See Technology Spreadsheet	<b>Computer Operations</b>	48,061.80
	<b>Consulting Fees</b>	0.00
Per CPA	<b>Depreciation</b>	4,906.00
12 meetings + Director Orientation with Brunswick (\$7000)	<b>Directors Meetings</b>	8,500.00
Cape Fear Resource Conservation Awards Bq (\$2000 in August)	<b>Donations</b>	2,000.00
Magazines, computer images, etc (2009 YTD BD approved OneCallNow \$1800)	<b>Dues &amp; Subscriptions</b>	2,200.00
UNCW Partnership for reports	<b>Economic &amp; Market Watch</b>	2,500.00
Costs for electronic voting & criminal background (Previously \$2,000)	<b>Election Expense</b>	450.00
2nd copier maintenance eliminated	<b>Equipment Maint &amp; Purchases</b>	2,500.00
\$15.95 monthly fee per member..Contract ends Jan 1, 2011 ( <b>previously 1691 members...currently 1764</b> )	<b>eShowings</b>	337,629.60
MLS portion of expense paid to WRAR	<b>Governmental Affairs</b>	4,000.00
Annual Costs: \$23,500 Contract ends 1/2/12	<b>iCheck</b>	23,500.00
\$3,500 mo less RCA (3.25%) Expires 10/1/10	<b>iMapp-IRIS</b>	30,476.25
Computer Equipment included in WRAR umbrella policy. 10% increase	<b>Insurance-Computer Equipment</b>	3,273.60
30%=WRAR,70%=MLS added % increase to mid year renewal. \$7,300 monthly + 15%=\$8395	<b>Insurance-Health-Dental-Disability</b>	65,919.00
Estimated MLS pays 70%	<b>Insurance-Workers Com</b>	1,200.00
Based upon 3% MLS contribution	<b>IRA Employer Contributions</b>	4,981.41
Reserve issue: Policy is \$35,000	<b>Issues Mobilization</b>	0.00
420 currently in inventory (KeyBoxes are being returned during KB Audits)	<b>Keybox Expense</b>	0.00
<b>Strategic Plan calls for implementation (1/2 MLS &amp; 1/2 WRAR) Will not be held in 2010</b>	<b>Leadership Academy</b>	<b>4,250.00</b>
2,892.75 sq ft @ \$19.50	<b>Lease-Building</b>	56,405.12

Copyright 4 X \$500= \$2,000 + estimated	<b>Legal Fees</b>	12,000.00
None anticipated	<b>Misc. Expenses</b>	0.00
Estimated	<b>MLS Committee Expense</b>	1,000.00
See Travel Spreadsheet.	<b>NAR &amp; ASAE-Travel</b>	37,655.00
See Travel Spreadsheet (Mileage rate reduced to .50)	<b>NCAR Travel</b>	14,655.00
	<b>NC Data Share</b>	4,000.00
Estimated	<b>Office Supplies</b>	5,100.00
\$250 per Orientation (4 in 2010)	<b>Orientation</b>	1,000.00
Estimated	<b>Other Meeting Expenses</b>	5,000.00
<b>(Note: Contract ends October 2008) Board did not renew</b>	<b>Possible Now (DNC)</b>	0.00
Paper Annual Report eliminated (Postage Used 1,400 YTD)	<b>Postage and Shipping</b>	2,000.00
\$325 quarter + \$316 Annually-Independent Mailing (Contract ends June 2010)	<b>Postage Meter/Mailing System</b>	1,616.00
Envelopes	<b>Printing</b>	500.00
Inactive account	<b>Quest</b>	0.00
1729 Users (92% of 1,834 + 92% of 44 MLS only) @ \$10.87 + 53 D-SAOR @ \$10.87. Secure Logon 2,060 @ .75 monthly (Jan-Jun) (5% increase July-Dec..see Rapattoni spreadsheet). Tax updates \$5,000 + 10,000 for other mapping layers. <b>(Currently 1729 Primary &amp; Secondary users + 35 MLS Only. 58 DS members)</b>	<b>Rapattoni MLS</b>	268,625.40
See Capital Reserves spreadsheet <b>Still not funding Operating Reserve/Expending Server Reserve</b>	<b>Reserves</b>	0.00
20 hrs per week @ \$13 per hour	<b>Salary Casual Labor</b>	6,760.00
Strategic Plan: Biennially (every odd year) update and monthly review the Strategic Plan (1/2 budget 2010 & 1/2 budget 2011)	<b>Strategic Plan</b>	5,000.00
See Supra Spreadsheet	<b>Supra Key Expense</b>	264,143.88
7.65% of payroll & IRA	<b>Taxes-Employers FICA</b>	30,190.56
2.040% of first \$19,700 of each employee (est) MLS pays 60%, WRAR pays 40% (Previously \$1,767.74. Increases MLS budget by \$1,125.80 and did not increase the WRAR budget)	<b>Taxes-Employment Security</b>	2,893.54
C. Earney Adjustment (Have not paid due to overpayment of corp taxes) \$928 due in 2008	<b>Taxes-Franchise</b>	1,000.00

<b>Under \$50 k = 15%; 50k-75k=\$7,500+25% on difference; 75k-100k=\$13,750+34% on difference; 100k-335k=22,250 = 39% on difference. (tax on 31,317.15)</b>	<b>Taxes-Income</b>	0.00
	<b>Taxes-Property Business Equip</b>	1,900.00
.8% on first \$7,000 for each employee (\$56) MLS pays 60%, WRAR pays 40%)	<b>Taxes-FUTA</b>	403.20
	<b>Technology Seminar</b>	0.00
See Technology Spreadsheet	<b>Telephone/Computer Lines</b>	8,154.00
	<b>Tokens for MLS (Net Acct)</b>	0.00
Moved Staff NAR & NCAR Travel to NAR & ASAE Travel & NCAR Travel	<b>Staff Travel &amp; Development</b>	8,950.00
Set by Board of Directors	<b>Wages</b>	374,976.39
	<b>To reconcile to YTD P&amp;L for non budgeted items such as: new building, website creation, etc (see P&amp;L worksheet)</b>	0.00
	<b>Total Expenses</b>	<b>1,711,157.12</b>
	<b>Net Income</b>	<b>52,519.31</b>