

# Triad MLS Temporary Waiver Request Policy

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***Please note this is a two-page form. Both pages must be signed and submitted to Triad MLS Board of Directors for consideration. This form must be completed by the broker-in-charge and signed by the broker, supervising agent (if applicable), and the applicant. Fill out completely and legibly. Requests will be denied if they cannot be read or are incomplete.***

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The broker-in-charge, supervising agent (if applicable), and applicant are required to complete this Triad MLS Waiver Request Application and forward it to the MLS coordinator at their Association. The application will be submitted to Triad MLS staff for recommendation to the Triad MLS Board of Directors for final approval.

The person requesting the waiver of MLS fees must be the broker-in-charge. Approved waivers apply only to the specific person while he or she is employed temporarily on a specific job. Such job (as indicated on the Waiver Request Application) and use of the on-line MLS system shall not be in violation of any policies of the Triad MLS or any agreements to which Triad MLS is a party. Any violation of such policies or unauthorized use shall subject the waived user, broker-in-charge, and supervising agent (if applicable) to penalties to be determined by the Triad MLS Board of Directors and to any other remedies available under law. If there is any change of the broker-in-charge, this waiver is null and void and must be resubmitted.

MLS policy will be determined on the regional level by the Triad MLS Board of Directors. Brokers-in-charge may be exempted from payment of recurring participation fees for any user under the broker-in-charge's supervision who does not have an active NC real estate or appraisal license and who does not perform acts requiring licensure as defined by the NC Real Estate Commission and the NC Appraisal Board in Articles 1&2. The Triad MLS adopts Articles 1&2 as the standard by which the waived user's acts will be evaluated. Copies of these Articles are available at Association offices. It will be assumed that any individual who holds an active license is performing acts requiring licensure and is therefore not eligible for a waiver. All users with the following active licenses are ineligible for waiver and must pay full MLS dues to participate in the MLS system: Real Estate - Broker, Salesperson. Appraiser - Certified, Licensed, Registered.

The broker-in-charge must certify in writing that the applicant is not licensed and is not performing acts requiring licensure. **If at any time the waived user obtains an active license or begins performing acts requiring licensure or is no longer employed, the broker-in-charge is required to notify his or her Association and the Triad MLS Board of Directors in writing.** Once the waived user obtains a license or begins performing acts requiring a license, the broker-in-charge has ten (10) business days to notify his or her Association and begin paying MLS dues for the user. **If the broker-in-charge fails to notify his or her Association and the Triad MLS within ten (10) business days, the broker-in-charge will be subject to penalties determined by the Triad MLS Board of Directors.** Violators will be billed for MLS access from the date (plus 10 days) they obtain an active real estate or appraisal license.

Approved waivers will take effect on the first day of the month after approval by the Triad MLS Board of Directors and will remain in effect until the waived user is no longer employed, obtains an active real estate or appraisal license, or begins performing acts requiring licensure.

If Triad MLS staff or the Triad MLS Board of Directors denies a waiver request application, his or her Association within fifteen (15) business days will notify the broker-in-charge in writing. If Triad MLS staff denies the waiver application the first time, the broker-in-charge may resubmit the request, answering any questions raised. The decision of the Triad MLS Board of Directors is final.

The Triad MLS Board of Directors will hold the broker-in-charge and the supervising agent, if applicable, fully responsible for the acts of the applicant.

When users receive training from Triad MLS a document must be signed regarding the security of passwords and penalties for violations. The penalties for password security violations are as follows: First Offense - \$1,000 fine; Second Offense - \$3,000 fine; Third Offense - Six month suspension from MLS.

***Triad MLS Help Desk will not be available to the Temporarily Waivered User unless training on the MLS system is completed at the Triad MLS office. All Temporarily Waivered Users requesting more than 2 weeks access MUST attend training within 2 weeks of obtaining access. If training is not completed within 2 weeks, access will be denied.***

Broker, supervising agent, and applicant all must sign AND print names. Please date this form AND complete reverse side.

Broker-in-charge: \_\_\_\_\_ (sign) \_\_\_\_\_ (print)

Supervising agent: \_\_\_\_\_ (sign) \_\_\_\_\_ (print)

(if applicable)

Waiver applicant: \_\_\_\_\_ (sign) \_\_\_\_\_ (print)

Today's date: \_\_\_\_\_ (Rev 12/09)

