

**MIDLANDS COMMERCIAL
INFORMATION EXCHANGE
CIE RULES**

ARTICLE 1 – MEMBERSHIP

1.1 MIDLANDS. The Midlands Commercial Information Exchange (“CIE”) is a service provided by Midlands MLS, Inc. (“Midlands”), a wholly-owned subsidiary of the REALTORS® Association of Lincoln.

1.2 PARTICIPANT. Each Participant of the CIE shall be classified as an Employing Broker or Branch Manager by the Nebraska Real Estate Commission.

1.3 SUBSCRIBER. Each Subscriber of the CIE shall be classified as an Associate-Broker or Salesperson by the Nebraska Real Estate Commission and be affiliated with a Participant; or shall be classified as a Registered, Licensed or Certified Appraiser by the Nebraska Real Estate Appraiser Board.

1.4 MEMBERS. All Participants and Subscribers are collectively referred to in these Rules as Members.

1.5 RULES. All Members and are bound by these Rules as they exist at the time of the application and as thereafter amended by Midlands, and may be disciplined for violations thereof.

1.6 PASSWORD-PROTECTED ACCESS. Only Members or their authorized assistants shall be allowed to access the password-protected CIE database and input property information. Members and their authorized assistants are strictly prohibited from permitting or enabling unauthorized access.

1.7 FEES. All Members agree to pay monthly fees for CIE services as set by Midlands.

ARTICLE 2 – LISTING PROCEDURES

2.1 VALID LISTING. All property information is voluntarily entered in the CIE and shall be only on properties which are currently listed for sale or lease by a CIE Participant,. By entering property information in the CIE, the Participant and the Subscriber listing agent is affirming there is a valid listing on the property which includes authorization to market the property and share information via the Internet.

2.2 MIDLANDS NOT RESPONSIBLE FOR INFORMATION SUBMITTED.

Each Participant and listing Member is responsible for the information entered into the CIE for a property and warrants that the information is accurate and complies with fair housing laws when applicable. Member is aware that all information entered in the CIE is published without change and that the CIE does not verify the information being entered and disclaims any liability or responsibility for its accuracy. Each Participant and listing Member agrees to hold Midlands harmless from, and pay the cost of defense, of any claim or liability arising from the information the Participant and listing Member places in the CIE.

2.3 PROPERTY TYPES. Property information entered into the CIE must be categorized into the following property types:

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|---|---|
| Commercial (for sale) – Industrial/Warehouse | Commercial (for lease) – Retail/Service |
| Commercial (for sale) – Office | Commercial (for lease) – Multi-Use |
| Commercial (for sale) – Retail/Service | Land – Commercial/Industrial lot |
| Commercial (for sale) – Multi-Use | Land – Farm/Agricultural |
| Commercial (for sale) – Businesses | Multi-Family |
| Commercial (for lease) – Industrial/Warehouse | |
| Commercial (for lease) – Office | |

2.4 STATUS. Listing information entered in the CIE shall at all times be place in one of the following six categories:

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|--------------------------------------|---------|
| Active | Leased |
| Under Contract (Transaction Pending) | Sold |
| Withdrawn or Cancelled | Expired |

2.5 PUBLIC ACCESS. Public access, including display on approved third party websites, will be made available to Active-status property information.

2.6 REQUIRED INFORMATION. The CIE does not require a Member to use a particular type of listing agreement, but does require the entry of standardized fields of Property Information which include a list price, expiration date and other required fields of information that must be entered in the CIE for each property. If the Member does not have an ownership interest in the property, the Member shall have a written agreement with the owner of the property to market the property on behalf of the owner.

2.7 COOPERATION AND COMPENSATION. Property information entered into the CIE does not include an offer of cooperation or compensation to other Members. Members must arrange the terms of cooperation directly.

2.8 EXPIRATION DATE. Property information entered in the CIE automatically expires on the date specified in the property information unless renewed by the Member prior to the expiration date. If a property expires, an extension may be processed up to 30 days after the expiration date. If the property information has expired for more than 30 days, the information must be processed as a new listing.

2.9 INFORMATION CHANGES. For the benefit of all Members, changes in the status, list price, or other property information shall be submitted to the CIE within three business days.

2.10 NON-MEMBER LISTINGS WITHDRAWN. When a Member is suspended, terminated, or voluntarily resigns from the CIE, all Active- and Under Contract-status property information of the Member will automatically be changed to a Withdrawn-status.

ARTICLE 3 – CIE FEES

3.1 NOTICE OF CIE FEES. The monthly fees charged for the CIE service are set by Midlands and may be adjusted from time to time. CIE Members will be notified of changes in the amount of fees being charged at least 30 days prior to the change being implemented.

3.2 AUTOMATIC PAYMENTS REQUIRED. Monthly CIE fees shall be automatically paid by Members each month by electronically deducting such charges from a bank account designated by the Member on the first business-day of each month for the current month's CIE service.

3.3 FAILED PAYMENT. If the electronic payment fails due to the fault of the Member (such as for non-sufficient funds or a closed account), the Member shall be immediately suspended from further service and the Member's suspension will remain in force until the account is paid in full, together with any bank charges assessed to Midlands.

3.4 REINSTATEMENT PENALTY. On accounts where the electronic transaction has failed more than once during any six-month period due to the fault of the Member, a \$20 reinstatement penalty will also be assessed.

3.5 NOTICE TO STOP SERVICE. No refunds for monthly service fees will be made to Members. To stop monthly charges for CIE service, Members must give notice to Midlands prior to the last business-day of the month.

ARTICLE 4 – DISCIPLINARY ACTION

The following disciplinary action may be taken by the CIE Committee against Members for the following violations:

4.1 ACCESS. Violation of rules pertaining to unauthorized use of, or access to CIE information by a Member or their authorized assistant may result in the suspension or termination of CIE service, or a fine up to \$2,500 per offense.

4.2 INACCURATE INFORMATION. Violation of rules pertaining to a Member's failure to provide accurate information in a timely manner may result in a fine up to \$250 per offense.

4.3 OTHER VIOLATIONS. Violation of any other rules of the CIE can result in warnings, suspensions, terminations, or fines from Midlands, as determined by the CIE Committee, based on the facts and circumstances of the case.

ARTICLE 5 – CIE COMMITTEE

5.1 CIE COMMITTEE. The CIE Committee shall be chaired by the individual designated as the “commercial real estate seat” on the Midlands Board of Directors, plus four additional CIE Members selected by the Chair and shall meet at such times and places the committee deems appropriate.

5.2 MEETINGS OF CIE MEMBERS. The CIE Committee may call meetings of the CIE Members at such times and places as the CIE Committee Chair deems appropriate.

ARTICLE 6 – ENFORCEMENT OF DISCIPLINARY ACTION

6.1 ALLEGED VIOLATIONS. The CIE Committee shall give consideration to all written complaints alleging violations of these Rules.

6.2 VIOLATIONS AND PROCESS. If the alleged offense is a violation of the CIE Rules and does not involve a charge of alleged unethical conduct or a request for arbitration, it may be administratively considered and determined by the CIE Committee and if a violation is determined, the CIE Committee may direct the imposition of sanctions as outlined above, provided the recipient of such sanctions may request a hearing in accordance with the Rules and Regulations of Midlands established for complaints of professional conduct within 20 days following receipt of the CIE Committee's decision. A decision of the CIE Committee may be appealed to the Midlands Board of Directors within 20 days after the CIE Committee decision is rendered. Upon hearing, the Midlands Board of Directors shall decide the matter and the sanction to be applied. There shall be no appeal from the decision of the Midlands Board of Directors.

6.3 COMPLAINTS OF UNETHICAL CONDUCT. Complaints of alleged unethical conduct or requests for arbitration shall be referred to the Executive Vice President of the REALTORS® Association of Lincoln for appropriate action in accordance with the professional standards procedures established in the Bylaws of the REALTORS® Association of Lincoln.

ARTICLE 7 – INFORMATION OWNERSHIP AND USE

7.1 EXCLUSIVE USE. Information provided by the CIE shall be considered confidential and is provided exclusively for the use of CIE Members. Members shall only have the right to use the CIE compilation in accordance with these Rules and in connection with the ordinary business activities of attempting to market properties or to identify suitable properties for buyers or tenants.

7.2 SUBMISSION OF INFORMATION. By submitting property information to the CIE, the Member represents that the Member has been authorized, and does hereby grant, authority for Midlands to include all property information in the CIE compilation for use by other Members, and to also include the property information in any statistical reports published by Midlands.

7.3 COPYRIGHT. All right, title and interest in the CIE compilation and in the copyright rights therein, shall at all times remain vested in Midlands.

7.4 INTERNET DISPLAY ON THIRD-PARTY WEBSITES. No publicly-accessible Internet displays of CIE information shall be allowed on third-party websites except as authorized by Midlands.

7.5 FRAMED DISPLAYS. A publicly-accessible, framed-display of Active-status CIE information is authorized on the MidlandsCIE.com website and the websites of Members.

7.6 NOTIFICATION REQUIRED. If a Member elects to implement a publicly-accessible Internet framed-display of Active-status CIE listing information they must (a) notify Midlands and make their Website accessible for purposes of ensuring compliance Rules, (b) indicate on their Website that the information being provided is for consumers' personal, non-commercial use, and (c) the Website must clearly identify the Member.

7.7 MEMBER USE OF INFORMATION. These Rules shall in no way limit a Member from marketing the listings of their firm on the Website of their choice.

ARTICLE 8 – AGREEMENT TO ARBITRATE

8.1 DISPUTES OF MEMBERS. By becoming and remaining a Member, each Member agrees to arbitrate disputes involving contractual issues and questions and specific non-contractual issues and questions defined in Standard of Practice 17.4 of the REALTOR® Code of Ethics. This obligation to arbitrate shall extend to all Members of the CIE, including non-REALTOR® Members.

8.2 ASSOCIATION PROCEDURES. If all disputants are members of the same local REALTOR® association or if one of the disputants is a non-REALTOR®, the parties agree to have their arbitration conducted pursuant to the procedures of the local REALTOR® association's Board of Directors.

8.3 MORE THAN ONE ASSOCIATION. If the disputants are members of different REALTOR® associations they remain obligated to arbitrate in accordance with the procedures of the Nebraska REALTORS® Association.

ARTICLE 9 – STANDARD OF CONDUCT FOR CIE MEMBERS

9.1 AGENCY RELATIONSHIP. CIE Members shall not engage any practice or take any action inconsistent with the agency relationship other Members have with clients.

9.2 SIGNS. Signs giving notice of property for sale, rent, or lease shall not be placed on a property without consent of the seller/landlord.

9.3 ACTING AS SUBAGENTS OR BUYER/TENANT AGENTS. CIE Members acting as subagents or as buyer/tenant agents, shall not attempt to extend a listing Member's offer of cooperation and/or compensation to other brokers without the consent of the listing Member.

9.4 SOLICITATION OF LISTING. Members of the CIE shall not solicit a listing which is currently listed exclusively with another broker. If, however, the listing Member, when asked by another CIE Member refuses to disclose the expiration date and nature of such listing; i.e., an exclusive right to sell, an exclusive agency, or other form of contractual agreement between the listing Member and the client, the Member may contact the owner to secure such information and may discuss the terms upon which the CIE Member might take a future listing, or alternatively may take a listing to become effective upon expiration of any existing exclusive listing.

9.5 COOPERATIVE TRANSACTIONS. Brokers, on behalf of the brokers' listings and the listings of Member licensees affiliated with broker shall compensate cooperating brokers and the Member licensees affiliated with brokers by making payment directly to the cooperating broker and shall not compensate nor offer to compensate, directly or indirectly, any of the sales licensees employed by or affiliated with other broker Members without the prior express knowledge or consent of the broker of such licensees.

9.6 GENERAL COMMENTS. Members are not precluded from making general announcements to prospects describing their services and the terms of their availability even though some recipients may have entered into agency agreements or other exclusive relationships with another Member. A general telephone canvass, general mailing or

distribution addressed to all prospects in a given geographical area or in a given profession, business, club, or organization, or other classification or group is deemed “general” for purposes of this rule. The following types of solicitations are prohibited:

Telephone or personal solicitations or property owners who have been identified by a real estate sign, multiple listing compilation, or other information service as having exclusively listed their property with another Member; and mail or other forms or written solicitations or prospects whose properties are exclusively listed with another Member when such solicitations are not part of a general mailing but are directed specifically to property owners identified through compilations of current listings, “for sale” or “for rent” signs, or other sources of information intended to foster cooperation with Members.

Adopted: October 18, 2006

Approved by NAR: _____

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