



557 W. Silver Street 201A  
Elko, Nevada 89801

**11:30 AM • Tuesday June 14, 2022**

**Dalling Hall**

**Monthly Membership Meeting Agenda**

- I. Call to order by Kaci Lynch
- II. Pledge of Allegiance
- III. Inspirational/Invocation
- IV. Recognition of Past Presidents
- V. Roll Call
- VI. Introduce CMFG
- VII. Introduce New Affiliate Member Trent Whitaker with A Closer Look Home Inspections, LLC
- VIII. Introduce MLS Training Speaker, Marcella Syme
  - I. Social Media-Flyer Attached
  - II. Spring Creek Tracts
  - III. PUD Options
  - IV. Active Hold No Show/Withdrawn
  - V. Coming Soon-Can NOT be used
  - VI. How to obtain sketches from the Assessor's Office for Multilevel square footage
  - VII. Questions?

- I. Introduce Candidates running for Board of Director Positions
  
- IX. Education Updates, Assessor's Class Coming July 8<sup>th</sup> at 1pm located at the Court House, more information to come. Please keep an eye out for Green Envelope Invite.
  
- X. Kaci Lynch, Updates

Next Membership Meeting will be held Tuesday, August 16, 2022, at 11:30 am

Hosting is: Movement Mortgage

Guest Speaker will be: Elko County Commissioner

Raffle Drawing

Adjournment





Motions Forwarded for the ECR Board of Directors  
Elko County REALTORS® from **Committee**

**Dated: June 7, 2022**

The following motions were presented at the Board of Directors meeting after discussion, action was taken on the motions as indicated below. If you have questions in regards, to the motions please do not hesitate to contact your Board of Directors or the Association office.

Dated: 6/7/22

MOTION # 1

Chair: \_\_\_ Kaci Lynch \_\_\_\_\_

Idea Origination: \_\_\_ Committee {specify} \_\_\_\_\_

BOD Motion Required?  Yes \_\_\_ No

MOTION: 1

The following to serve on the 2023 Credentials Committee

Jesse James

KP Polkinghorne

Tammy Bawcom

PROPOSED CHANGE will affect:  Policy,  Bylaw,  Procedures,  MLS,  Other

RATIONALE: FINAL IMPACT ON ECR: BOD ACTION TAKEN:

BOD ACTION TAKEN: Dated: June 7, 2022

Approved,  Denied,  Tabled,  Amended,  Referred to \_\_\_\_\_ Committee

# MLS Motions

Dated: May 26, 2022

## MOTION # 1

Chair: Marcella Syme

Idea Origination: \_\_\_ Committee {specify} MLS Committee

BOD Motion Required? X Yes \_\_\_ No

### MOTION: 1 for reconsideration

To provide the assessor's office with some guidelines for the MLS for the use of our access with the following:

1-They report employment changes within 48 hours

2-They report updated employee access every quarter

3-The access is for client use only

4-If an employee is found to use the confidential information for personal gain that the assessor's office will be terminated

***MLS Committee felt that further explanation was necessary to bring this back, the BOD requested additional information when tabled at the BOD meeting for May 2022***

Requested information: The assessor's office has been a part of the our MLS for long time. Up until about 4 months ago they had been granted MLS access. Due to lack of communication, it was proposed and voted to remove the access.

Research of other MLS's Denise found that they are not apart of the MLS's in other areas.

Reasoning from NNRMLS: Not wanting the Assessor's office to use the service to increase taxes or request permits for work that has been done outside of the permitting process when a home is placed on Market.

PROPOSED CHANGE will affect:  Policy,  Bylaw,  Procedures,  MLS,  Other

RATIONALE: FINAL IMPACT ON ECR: BOD ACTION TAKEN:

BOD ACTION TAKEN: Dated: June 7, 2022

Approved,  Denied,  Tabled,  Amended,  Referred to \_\_\_\_\_ Committee

Board requested Dennis from the Assessor's Office to attend next Board Meeting.

Dated: May 26, 2022

## MOTION # 2-Reconsideration

Chair: Marcella Syme

Idea Origination: \_\_\_ Committee {specify} MLS Committee

BOD Motion Required? X Yes \_\_\_ No

MOTION: 2 To Remove Active Hold No Show

Motion denied at BOD in May 2022-the majority felt that we should not punish the majority for the behavior of a few.

Committee felt that further clarification was needed for additional consideration. Marcella was requested to attend the BOD meeting on June 7<sup>th</sup> to help answer any questions for clarification.

The following is information that was requested of Denise.

How does Realty Pro handle syndication of Active Hold No Show:

Currently the Status remains active and accumulates Days on Market when moved to Active Hold No Show

Possibility of change could be that once the status has changed to Active Hold No Show the listing is removed from on Market, however it will accumulate DOM until it has been off Market for 90 days.

PROPOSED CHANGE will affect:  Policy,  Bylaw,  Procedures,  MLS,  Other

RATIONALE: FINAL IMPACT ON ECR: BOD ACTION TAKEN: **Withdraw is the same as Active Hold No Show**

BOD ACTION TAKEN: Dated: June 7, 2022

Approved,  Denied,  Tabled,  Amended,  Referred to \_\_\_\_\_ Committee

Dated: May 26<sup>th</sup> 2022

MOTION # 3

Chair: Marcella Syme

Idea Origination: MLS Committee {specify} \_\_\_\_\_

BOD Motion Required? x Yes \_\_\_ No

MOTION: 3

Adjust all MLS Assistants Licensed or Unlicensed to Pay the same fees for MLS Access at the current rate at \$45.00 per month or \$540.00 annually. To begin on January 1, 2023, for existing members and immediately upon approval for any new administrative assistants licensed or unlicensed.

These fees will be prorated the in the same manner as all other fees currently in place.

Supra is a separate Service.

PROPOSED CHANGE will affect:  Policy,  Bylaw,  Procedures,  MLS,  Other

RATIONALE: FINAL IMPACT ON ECR: BOD ACTION TAKEN:

BOD ACTION TAKEN: Dated: \_\_\_\_\_

Approved,  Denied,  Tabled,  Amended,  Referred to \_\_\_\_\_ Committee

Motion Failed to be seconded on June 7, 2022

Association Office Motion

Dated: June 6, 2022

MOTION # 1

Chair: \_\_ Association Office \_\_\_\_\_

Idea Origination: \_\_\_\_ Committee {specify} \_\_\_\_\_

BOD Motion Required?  Yes  No

MOTION:

To purchase an annual subscription for QR Code Generator.

This will be used for the Monthly Membership Meeting Agenda and information. It will also be great for other Association activities such as STO, Quarter Auction, PSF Events. This QR Code can be put on Facebook and Website for members to use their phone to get to the information. The QR Code will allow members to get the information on their phone or electronic device and save the information for a later date to refer to. Having this QR Code Generator will lessen the copies and printing that we do here in the office.

Attached is the pricing for this QR Code Generator. It is billed annually. The recommendation from the Association office is the Advanced Option. However there are 2 other options to consider.

PROPOSED CHANGE will affect:  Policy,  Bylaw,  Procedures,  MLS,  Other

RATIONALE: FINAL IMPACT ON ECR: BOD ACTION TAKEN: \$191.88 Annually

BOD ACTION TAKEN: Dated: \_\_ June 7, 2022 \_\_\_\_\_

Approved,  Denied,  Tabled,  Amended,  Referred to \_\_\_\_\_ Committee

1 Opposed

# Social Media

## CODE COMPREHENSION ARTICLE 12

### Display of Competitor's Listings on Social Media

#### QUESTION:

I want to advertise newly listed properties on my Facebook and other social media profiles.

May I do that even though I am not the listing broker for those properties?

#### ANSWER:

Linking to another broker's website doesn't required specific authority. However, copying and publishing another broker's listing information is considered advertising and does require specific authority from the listing broker. The NAR Code of Ethics and several NAR MLS policies impact this practice. State licensing laws may also apply.

## CODE OF ETHICS

Reproduced below are excerpts from several areas of the Code of Ethics that likely will be applicable.

### STANDARD OF PRACTICE 12-4

REALTORS® shall not offer for sale/ lease or advertise property without authority. When acting as listing brokers or as subagents, REALTORS® shall not quote a price different from that agreed upon with the seller/ landlord. (Amended 1/93)

Note that decisions on whether someone has advertised without authority, as with any alleged violation of the Code of Ethics, are made after a full due-process hearing by a local association's professional standards committee.

## CASE INTERPRETATIONS

12-15, Links to Other Websites; and 12-16, Copying and Publishing other

Brokers' Listings. [nar.realtor/code-of-ethics-and-arbitration-manual/case-interpretations-related-to-article-12](http://nar.realtor/code-of-ethics-and-arbitration-manual/case-interpretations-related-to-article-12)

## CODE COMPREHENSION 2021

### MLS POLICIES:

In addition to the Code of Ethics, several NAR MLS Policies apply. The first is model MLS rule Section 2.7, reproduced below.

#### SECTION 2.7: ADVERTISING OF LISTINGS FILED WITH THE SERVICE

A listing shall not be advertised by any participant other than the listing broker without the prior consent of the listing broker.



As with alleged violations of the Code of Ethics, decisions on whether someone has violated this locally adopted rule, would be a decision made by the appropriate tribunal, per the process in the local MLS rules.

**QUESTION:**

May I display an IDX feed on my social media profiles?

**ANSWER:**

Yes, provided your display conforms to the IDX rules. Pay particular attention to these three key factors:

1. IDX displays of listing information must automatically update not less frequently than every 12 hours. (IDX Rule Section 18.2.5). Note that there are software companies with proprietary products that facilitate IDX compliant displays within a social media platform.

2. The MLS Participant must have “control” of the IDX display. For purposes of this policy “control” means actual and apparent control of the participant, and must be presented to the public as being the participant’s display.

a. Actual control requires that the participant has developed the display, or caused the display to be developed for the participant pursuant to an agreement giving the participant authority to determine what listings will be displayed, and how those listings will be displayed.

b. Apparent control requires that a reasonable consumer receiving the participant’s display will understand the display is the participant’s, and that the display is controlled by the participant. Factors evidencing control include, but are not limited to, clear, conspicuous, written or verbal identification of the name of the brokerage firm under which the participant operates.

Note: All electronic display of IDX information conducted pursuant to this policy must comply with state law and regulations, and MLS rules. (MLS Policy Statement 7.58)

3. Local MLSs may prohibit any advertising (or cobranding) on pages displaying IDX-provided listing information. (IDX Rules, Section 18.3.16)

**CODE COMPREHENSION 2021**

**ADDITIONAL LOCAL OPTIONS:**

Pursuant to MLS Policy Statement 7.98, MLSs may authorize displays of listing information outside of IDX. This is a matter of local discretion and must also include the specific consent of the listing broker. This policy authorizes a local MLS to create other display options at local discretion with listing information beyond IDX and VOW.

For a discussion of the factors brokers should consider when deciding where to advertise their listings, view NAR’s resource Internet Display of Listings: Broker Considerations for Syndication.

**CODE COMPREHENSION 2021**

The subject of sharing listings on social media came up, and how and what can be shared. NAR has some clear guidelines on re-posting listings on social media.

According to NAR's Model MLS Rules, MLS participants can display other participants' listings online without obtaining advance permission only via IDX display or Virtual Office Websites. Social media websites are neither IDX-compliant nor VOWs.

The Facebook & twitter tab on Realty Pro are not IDX compliant. Information posted from these tabs do not change with the any status listing changes as they do using the link through the IDX.

REALTOR Code of Ethics, Article 12 addresses the social media advertising by REALTORS.

#### Standard of Practice 12-4

REALTORS® cannot advertise property without authority. Posting listing information on social media websites constitutes advertising, so it cannot be done without authority (i.e., obtaining permission from the listing agent).

#### Standard of Practice 12-5

REALTOR® shall not advertise nor permit any person employed by or affiliated with them to advertise real estate services or listed property in any medium (e.g., electronically, print, radio, television, etc.) without disclosing the name of that REALTOR's firm in a reasonable and readily apparent manner either in the advertisement or in electronic advertising via a link to a display with all required disclosures. (Adopted 11/86, Amended 1/16)

#### Standard of Practice 12-10

REALTORS®' obligation to present a true picture in their advertising and representations to the public includes Internet content posted, and the URLs and domain names they use, and prohibits REALTORS® from:

1. engaging in deceptive or unauthorized framing of real estate brokerage websites;
2. manipulating (e.g., presenting content developed by others) listing and other content in any way that produces a deceptive or misleading result;
3. deceptively using metatags, keywords or other devices/methods to direct, drive, or divert Internet traffic; or

4. presenting content developed by others without either attribution or without permission, or to otherwise mislead consumers. (Adopted 1/07, Amended 1/13)

### CASE Interpretations

#### Case #12-15: Links to Other Websites

5. (Adopted April, 1998. Revised May, 2017.)

6. REALTOR® A, in building out her firm's Facebook page, decided to include a link to all the listings in her city on Realtor.com.

7. REALTOR® B, a competing broker in the same community, happened upon REALTOR® A's Facebook page, and discovered the link to Realtor.com which included REALTOR® B's listings.

8. REALTOR® B immediately filed an ethics complaint with the local Association of REALTORS® alleging that REALTOR® A had violated Article 12 of the Code of Ethics as interpreted by Standard of Practice 12-4. Following review by the Association's Grievance Committee, the complaint was scheduled for a hearing before a Hearing Panel of the Professional Standards Committee.

9. At the hearing, REALTOR® B argued that by providing a link to the listings on Realtor.com, REALTOR® A was advertising without authority all the listings in the local MLS on her firm's Facebook page.

10. REALTOR® A countered saying that links are merely a method of "pointing" or "referring" to another site; that the information had not been altered nor had any information been deleted; and that people who view links to websites understand that.

11. After hearing all relevant testimony, the Hearing Panel went into executive session and concluded that by linking to a website which contained other REALTORS®' listings, REALTOR® A had not engaged in unauthorized advertising and had not violated Article 12.

#### 12. Case #12-16, Copying and Publishing other Brokers' Listings

13. (Adopted April, 1998. Revised May, 2017.)

14. In developing his website, REALTOR® A decided he would offer two pages of listings: his own and some featured listings of his competitors. Being careful not to present a misleading picture in his advertising, he was very careful to list the company name and phone number of the listing company with each of his competitors' listings.

15. When REALTOR® B found one of her listings on REALTOR® A's website, she filed an ethics complaint with the local Association of REALTORS® complaining that REALTOR® A had "blatantly and without authorization of any kind whatsoever advertised my listing on his website and in so doing was clearly in violation of Article 12 of the Code of Ethics as interpreted by Standard of Practice 12-4."

16. At their next meeting, the Grievance Committee decided that the alleged conduct, if taken at face value, could possibly violate Article 12 and directed the Association's Professional Standards Administrator to schedule an ethics hearing before a Hearing Panel of the Association's Professional Standards Committee.

17. At the hearing, REALTOR® B produced a printed copy of her listing which was on REALTOR® A's website. She produced a copy of her listing agreement and a photograph of the property, which matched the

information in the listing. She testified that she had never been contacted by REALTOR® A for permission to advertise her listing.

18. When REALTOR® A presented his case, he showed the hearing panel several examples of REALTORS® providing links to sites with ads for other REALTORS®' listings. He said he saw no fundamental difference between providing such links and actually advertising other listings on his website, especially when he was very careful to also give the listing company's name and phone number. He went on to argue that REALTOR® B's clients would be hard pressed to understand REALTOR® B's objection to giving their properties the additional exposure they received on REALTOR® A's website.

19. Upon the conclusion of all testimony and closing statements, the Hearing Panel met in executive session and decided that while providing a link to listings of other REALTORS® did not violate Article 12, by actually publishing REALTOR® B's listing on his website REALTOR® A was not linking, but instead was advertising (by copying, as opposed to simply providing a link) without authority. In their findings of fact, the Hearing Panel also noted that even if REALTOR® B's clients might not object to such advertising, the lack of objection could not be assumed and would not relieve REALTOR® A of the obligation to obtain REALTOR® B's specific authority and consent to advertise her listings.

20. The Hearing Panel found REALTOR® A in violation of Article 12 of the Code of Some Information received from paper written and Posted on April 18, 2017 by SusyH  
NAR has Clear Guidelines on Re-posting Listings on Social Media

## Dear Anne: 'It's in IDX' doesn't mean you can use it

By Anne Cockayne

May 20, 2019 – **Dear Anne:** I'm dealing with a hotshot agent from another office. He claims to be the guru of social media, and I've been watching his social media postings like hawk. Here's the thing: For a guru, he doesn't appear to understand the rules for using Internet Data Exchange (IDX) on social media. He's supposed to identify the listing firm and give them credit when he shares a listing – but he never does. And when he uses a link to point to IDX pages, he doesn't identify the listing firm there either. What can I do to put a stop to this? – Social Media Sentry

**Dear Social Media Sentry:** It sounds like business is slow for you. Apparently, you missed my IDX column published in the [Legal News back in February 2019](#).

Let's begin with the rules. NAR defines IDX as follows: "*IDX affords MLS participants the ability to authorize limited electronic display and delivery of their listings by other participants via the following mediums under the participant's control: websites, mobile apps, and audio devices.*"

The IDX rules govern listing displays from a data feed that's supplied by an MLS to participants specifically to place on their displays. In regard to identifying the listing broker, this is what the rules say: "*All listings displayed pursuant to IDX shall identify the listing firm in a reasonably prominent location and in a readily visible color and typeface not smaller than the median used in the display of the listing.*"

It also says this: "*Displays of minimum information (e.g., "thumbnails" text messages, "tweets," etc., of two hundred characters or less) are exempt from this requirement but only when linked directly to a display that includes all required disclosures. For audio delivery of listing content, all required disclosures must be subsequently delivered electronically to the registered consumer performing the property search or linked to through the device's application.*"

If an agent posts an IDX link on social media, the rules apply, and I'm talking here about the *actual* IDX display where you can search properties.

If the “guru of social media” you’ve been “watching like a hawk” features a listing outside of the IDX display, he may have crossed the line. It doesn’t matter where he chooses to feature that listing, he must have the listing broker’s permission to do so.

And, even if he has permission to use another broker’s listing, the public must be able to easily ascertain that the listing isn’t his. He must ensure a true picture in all representations as required under Article 12 of the Code of Ethics.

**Okay, I can’t stress this enough:** He must have permission from the listing broker to advertise. Period.

I don’t apologize for sounding like a broken record because this is very important: **A listing broker who allows you to post his listing on your IDX display is only granting you permission for it to be on your IDX display.**

In addition, please don’t use the broker’s listing photo for your link. You can post a link to an IDX page, but the photo belongs to the listing broker (and listing content for that matter), and you could be violating MLS rules.

I could go on, but I believe I’ve said enough. As you can probably tell, “Dear Anne” is growing weary of IDX listing display confusion because IDX does not give you carte blanche permission to advertise another broker’s listing.

*Anne Cockayne is Director of Local Association Services for Florida Realtors*

Have an ethics or rules question? Email us at [legalnews@floridarealtors.org](mailto:legalnews@floridarealtors.org) with “Dear Anne” in the subject line. © 2019 Florida Realtors®