

Dayton REALTORS®: SENTRILOCK LOCKBOX SYSTEM POLICY, RULES AND REGULATIONS

Purpose

Dayton REALTORS® Multiple Listing Service (MLS) provides electronic lockbox service to MLS participants and subscribers through a lease agreement with its third-party licensor, SentiLock, LLC. The lockbox services are a means by which authorized MLS participants and subscribers place lockboxes on a listed property, providing access to the property via smartphone app, or access PIN, subject to these rules and regulations.

1. Eligibility

Subject to execution of the appropriate usage agreement, the following are eligible to use the lockbox services:

- a) Brokers, affiliated non-principal brokers, and affiliated sales licensees who are participants or subscribers of Dayton REALTORS® Multiple Listing Service.
- b) Affiliate members or associate affiliate members of Dayton REALTORS® Multiple Listing Service who are licensed appraisers or home inspectors.
- c) Administrative staff personnel, clerical staff, and personal assistants that are under the direct supervision of an MLS participant or the participant's licensed designee.

Collectively, all eligible users of the electronic lockbox service are referred to in this policy as "Eligible Users."

2. Administration

- a) The Lockbox system shall be under the supervision of the Dayton REALTORS® Board of Directors and administered by Dayton REALTORS® staff.
- b) The Board of Directors shall adopt and maintain written rules and regulations for Eligible User's use of the Lockbox System, which shall include fines and penalties for non-compliance.
- c) The Board of Directors shall establish all issuing fees, recurring fees, and other administrative costs.
- d) Dayton REALTORS® staff shall maintain records as to all lockboxes issued to broker participants, and all Physical Lockbox Assets issued to Eligible Users. Dayton REALTORS® staff will conduct an annual lockbox inventory audit on or about August 1st of each year with the broker participant. All Eligible Users agree to provide cooperation as requested by Dayton REALTORS® staff in the lockbox audit.
- e) Dayton REALTORS® shall have the right, in its sole and absolute discretion, to deactivate or refuse to sell or lease any lockbox, to any person who has been or subsequently is arrested or convicted of a felony or misdemeanor crime (other than traffic misdemeanor offenses) in accordance with and as is required by Section 7.31 of the National Association of REALTORS® Handbook on Multiple Listing Policy, as amended from time to time.

3. Transfer or assignment of lockboxes

- a) Lockboxes are subleased to broker participants by Dayton REALTORS®, subject to Dayton REALTORS®'s lease agreement with its third-party licensor.
- b) If a non-principal broker or sales licensee leaves a firm, all lockboxes shall remain with the broker participant. If a listing transfers with the non-principal broker or sales licensee to the new firm, the new firm shall be responsible for facilitating a lockbox for the listing.
- c) If a member firm should merge with another member firm, after the termination and transfer of all appropriate listings in compliance with MLS rules and policies, Dayton REALTORS® will request from both firms all lockbox serial numbers and addresses that will transfer to the new member firm and will do a mass transfer from old firm to new firm. The broker participant, or their authorized administrative assistant, may then assign those boxes to new properties.
- d) If a member firm should close, all lockboxes subleased to that firm must be returned within three business days to Dayton REALTORS® office. Any lockboxes that are not returned will be billed to the member at the cost defined in the pricing schedule.
- e) If a broker starts a new firm, that broker will be responsible for subleasing and receiving lockboxes from Dayton REALTORS® as supplies are available, or may be purchased directly from SentiLock.

4. Rules

The following rules and regulations shall apply to all Eligible Users of the Dayton REALTORS® lockbox services. Each Eligible User shall:

- a) Access property solely in connection with his or her legally permitted, normal and customary activities while acting as a real estate licensee with a broker participant, or in the course of providing real estate related services, such as inspection or appraisal services. This includes the use of Bluetooth functionality, Access PIN or Entry Code access into real property upon which a system lockbox has been installed. (\$3,000 fine if violated)
- b) Enter into real property on which a system lockbox has been installed only with the **prior knowledge and or expressed consent of the listing agent, showing service, or listing office** pursuant to letter J of these Rules and Regulations. (\$3,000 fine if violated)
- c) It will be the responsibility of the broker participant, or his/her affiliated non-principal brokers, or sales licensees to remove any lockbox within three (3) business days when a property is moved to a final status.
- d) Non-principal broker and sales licensee will notify Dayton REALTORS®, in writing within two (2) business days, of any change in his or her current company/office/firm affiliation.
- e) Affiliate members will notify Dayton REALTORS®, in writing within one (1) business day, of any change in his or her current company/office/firm affiliation or termination of membership.

- f) Agree to pay all fees, charges, and fines as established by the Board of Directors and set forth in the schedule of fees and these rules. Failure to pay all fees, charges and fines will result in termination of system access.
- g) Each Eligible User shall respond to any compliance inquiries from Dayton REALTORS® within 24 hours of such inquiry. Eligible User will not disclose his or her Access PIN to any other person. (\$3,000 fine if violated)
- h) Attend any instructional meeting on the operation and use of the Lockbox System as required by Dayton REALTORS®.
- i) Comply with National Association of REALTORS® lockbox security requirements (as from time to time amended) in accordance with and as is required by Section 7.31 of the National Association of REALTORS® Handbook on Multiple Listing Policy for the access and use of a Lockbox System, including notification of each listing office or listing agent of the Eligible User's intention to enter the property through the use of the lockbox. This notification is to be prior to the actual entry unless the listing indicates the cooperating agent may access the property without prior notice to the listing agent or the listing office.
- j) Obtain the written authorization from the owner(s) of the property prior to the installation or use of the Lockbox on any property as required by the Dayton REALTORS® Listing Agreement and in accordance with and as is required by Section 7.31 of the National Association of REALTORS® Handbook on Multiple Listing Policy, as amended from time to time.

5. Default and violations

- a) Any Eligible User after an administrative review, found in violation of the Dayton REALTORS® Lockbox System rules, may dispute the rule violation, by written request for an administrative review by MLS Committee within five (5) business days following the notice of violation. A written decision of the MLS Committee shall be provided to Participant or Subscriber within twenty (20) business days after the request for administrative review. In the event either the Participant or Subscriber disputes the decision of the MLS Committee, either may request a hearing before the Board of Directors of Association in accordance with the By-Laws of the Dayton Realtors® within five (5) business days following the MLS Committee's decision.
- b) Reporting of violations to these rules is the responsibility of all Eligible Users. Such reporting will be made to Dayton REALTORS® MLS staff liaison(s) to be referred to the MLS Committee for enforcement of sanctions or fines as outlined in Sections 4 (a) and (b). No alterations to fines imposed as outlined in Sections 4 (a) or (b) shall be permitted.

The Dayton REALTORS® Board of Directors reserves the right to update this Sentrilock Lockbox System Policy, Rules and Regulations at any time.