

Frequently Asked Questions about the Principal Broker Subscriber License & Access Agreement

*Lin McIntosh, President
June, 1999*

What is it?

The agreement that sets forth the terms & conditions for use of the Hawaii Information Service databases. It was formerly called the “Participation Agreement”, and every Principal Broker signed it when joining the Multiple Listing Service (MLS).

What are the highlights of the Agreement?

- Hawaii Information Service does not evaluate or edit the information contained in the databases and is, therefore, not responsible for its accuracy. Obviously, HIS works very hard to be sure the data is accurate, but the agreement limits your ability to sue the corporation if the data is inaccurate.
- Every user has a separate license to use the databases and agrees to abide by the rules.
- PB is responsible for all associates who access the database under his/her authority. Principal Broker represents that he/she has the proper consent to submit listing data (including photos, floorplans, etc.) to the database.
- PB authorizes the HIS Board of Directors to redistribute the listing data without further consent by the Principal Broker unless the Principal Broker limits this authority
- PB ultimately responsible for the payment of fees, but HIS will notify PB on 5th of every month of any unpaid fees.
- PB/Subscriber acknowledges HIS ownership of the copyright of the compilation of the database.
- Fees may be raised with 30-days’ notice. A training reservation fee may be imposed.
- Substantial fines are imposed for sharing passwords or providing unauthorized access to the database.
- HIS is not responsible for failure to deliver service or for losses or damages incurred to PB in use of data.
- HIS may sue PB for damages if PB shares access or provides unauthorized access
- All disputes between PB & HIS will be settled by arbitration
- In the event of lawsuits between PB and HIS, the prevailing party is entitled to reasonable legal fees.
- The agreement is between the PB/Subscriber and HIS

- The agreement can be amended only by written agreement between PB and HIS
- Fees are non-refundable and are payable in advance

Benefits

- PB may choose to have the agents billed directly by HIS
- PB may choose to have the MLS books delivered to his/her office
- More information in roster
- Fees may be paid by credit card
- Discounts for prepayment of fees (5% for 3 months; 7.5% for 6 months, 10% for one year)

Why should I indemnify the corporation?

The agreement asks only that you be responsible for your own data ... that you indemnify the corporation and, therefore, your fellow Subscribers from mistakes that you or your agents might make. Without this indemnification, the corporation, and therefore each Subscriber, shares liability with each of you for incorrect data your agents – or your fellow Subscribers - might input.

Why doesn't the corporation indemnify me?

Beause you use the data at your own risk. The cost to purchase insurance to provide this type of indemnification has been investigated and determined to be cost prohibitive.

Am I giving up my rights to the data?

No, in fact the agreement enforces your ownership rights in the data.

Will you ask me every time you license my data to a third party like Realtor.com?

No. You are delegating the decision-making power to Hawaii Information Service Board of Directors. The Hawaii Information Service Board of Directors are your peers, your fellow Participants, and they will determine who may license your data after consultation with you, their fellow Participants. It would be literally impossible to poll each one of you every time a request to license data is received.

By providing Hawaii Information Service with the exclusive right to license your data to third parties, you are authorizing Hawaii Information Service to protect your data from unauthorized distribution. We recently discovered that a major Oahu firm had downloaded the entire HIS database and published it on the Internet, without including the listing office contact information, giving the impression that all the listings belonged

to that particular firm. We immediately issued a cease and desist letter, and the firm complied.

You do have the right to opt out of any specific license agreement by notifying HIS in writing that you do not wish to share your listing data with any particular licensee.

May the public subscribe to HIS?

No. A license to sell real estate is still required to subscribe to the MLS database. However, the public can **currently** access some MLS information on the mlshawaii.com web site or Realtor.com or HomeAdvisor. There are **NO** plans to share the “private” comments from the “Remarks” section to the general public.

A new class of subscriber was created to allow HIS to share data with lending institutions, escrow companies, etc. who have need of the data for statistical & marketing purposes. These additional revenues would help subsidize your fees.

There are NO plans to offer subscriptions to the MLS data to the public.

Do my current agents have to pay the \$150 initiation fee?

No. The initiation fee applies only to those agents who are new to the Service after January 1, 1999 or who have been absent from the service for six months or longer.

How do I notify HIS of changes to my personal information?

1. Complete the “Change in Subscriber Information” form and send it to HIS.
2. If an agent is changing offices, both the former and the new Principal Broker must sign the “Change in Subscriber Information” form before it is sent to HIS or a copy of the DCCA change form may be sent to HIS.
 - a) As the listing broker, the listings belong to you. Your IC agreement with your agents should address what happens to listings if the agent transfers to another office. HIS requires the PB’s consent to transfer listings.
 - b) If you allow agents to take listings with them, the agent must complete the “Application to Transfer Listings” and attach a print-out of the listings to be transferred; both you and the new Principal Broker sign the transfer form and send the form to HIS. Only HIS can transfer the listings all at one time.
 - c) If an agent is signed off from an office and no notification is received to the contrary, the listing will be transferred to the Principal Broker.

Why do I have to complete the “Equipment Inventory Form”?

In order to better serve you, we need to know how you are accessing the system to determine if we are having problems with a specific type of equipment or a specific type of software or a specific type of communications device.

What do I do with the “Seller’s Authorization and Waiver for Photographic Services”?

This form is enclosed as a suggestion only. By signing the agreement, the seller provides written consent to put photographs of his/her property into the database and/or wherever Hawaii Information Service policy allows and releases you and Hawaii Information Service from any liability that may result. HIS strongly suggests that you get the seller’s written acknowledgment that information about his/her property will be distributed to Realtors® and non-Realtors® alike and that HIS does provide data to various real estate information sites on the Internet. The seller should be given the option of putting the information onto the Internet or not.

Do ***NOT*** send the form to HIS or to your Board office. If you choose to use this form, it should be kept in your listing file.

How do I get my listing data and photo into the database?

1. Board Load

Listing - You may continue to pay the staff of your local Board of Realtors® to input the listing and any changes to the listing (price changes, status changes, etc.). You will have to share your password with board staff in order for them to input your listing data.

Photo - The photo label must have an MLS#; so you cannot send your photos until you know what the MLS# is. Once the system has assigned the MLS#, and the Board has advised what the number is, you just enter the MLS# in the photo label and send your photos to HIS. (See “How do I send photos to Hawaii Information Service?”)

2. Broker Load

- 1) Only the Principal Broker can authorize data entry privileges for the agents. Please remember that data entry privileges extend to ***every*** listing associated with your office code. Therefore, every agent who has data entry privileges has the ability to change every listing associated with your office code. If an agent with data entry privileges leaves your office, it is ***very*** important that you sign that agent off and notify HIS ***immediately*** to terminate data entry privileges. You can imagine what problems an unhappy agent could cause by lowering all prices, for instance, or withdrawing all listings. Data entry privileges should not be given lightly!

- 2) You may wish to have just one person on your staff responsible for all data entry.
- 3) The photo label must have an MLS#. Once the system has assigned the MLS#, enter the MLS# in the photo label and send your photos to HIS. (See “How do I send photos to Hawaii Information Service?”)

How do I report status changes in my listing to the service?

1. Board Load

You may continue to submit “Status Change Forms” to the board staff for entering into the system.

2. Broker Load

After completing Data Entry Training, and if you have data entry privileges, you may enter changes to your listing yourself.

Do I need a CD-ROM drive on my computer?

Yes. It is recommended because most software loads faster from a CD.

Will other real estate software, such as Top Producer, work with Research?

Yes, you will find a “top producer” custom download in the standard formats.

Can I use my Macintosh computer?

Your Mac will access REsearch, the text version, and it will access WebREsearch, the browser version, by the end of 1999.

Can I use my printer terminal?

Your printer terminal will access REsearch, the text version.

When will my subscription fees begin?

On the first of the month following HIS’ receipt of the signed subscription agreement.

What is the method of payment of fees?

The Principal broker is ultimately responsible for the payment of fees. It is your choice whether you elect to bill your agents for their service fees or to pay them on behalf of your agents.

You may choose to pay for all your agents with one monthly check or you may elect to have your agents billed individually.

If you choose to have your agents billed individually, they must provide authorization for HIS to debit a credit card, a bank account, or they must pay by check at least a quarter in advance. You will be notified of any agents' non payment on the 5th of the month. You may then elect to pay the fees on behalf of that agent or sign a DCCA "Change of Status" form releasing that agent from your roster. You must send HIS a copy of the "Change of Status" form to remove the agent from your roster.

When will subscription fees begin?

For a new agent, fees are due calculated from the date of the real estate license. If the license is dated from the 1st to the 15th of the month, fees will be calculated from the first of the month following. If the license is dated from the 16th to the 31st of the month, fees will be calculated from the 15th of the month following.

July 1 – 15	August 1	July 16-31	August 15
-------------	----------	------------	-----------

For a current member on waiver, fees will be calculated from the date you receive access to the system.

How do I schedule training?

Training schedules are posted on a monthly basis. Your agents may call the Customer Support Team at 1-800-628-3121 to schedule training or send an email to service@hawaiiinformation.com. Check the schedule at www.hawaiiinformation.com.

Can my agents register for training before they receive their pocket card?

No. A license to sell real estate is a prerequisite to subscribe to the service.

Can I walk into training classes?

No.

Can I take training more than once?

Yes. You may attend training classes as many times as needed.

I do not know Windows™ or how to use a mouse. Do I need to take a class before I learn WebREsearch?

Yes, WebResearch™ uses Microsoft's Internet Explorer™, and a basic understanding of both Windows™ and Internet Explorer™ makes understanding WebREsearch™ much easier. WebREsearch also takes advantage of the integration of Microsoft Office™ products; so a class in Office™ would be well worth your while.

How often can I contact the Customer Support Team?

As often as you need to, but we encourage your use of www.hawaiiinformation.com before you contact the Customer Support Team. Training manuals and frequently asked questions are on line, and it may be faster for you to find the answer yourself.

What are the customer support hours?

Monday through Friday, 9 am until 4 pm.

What do I do with all these forms?

Fill them out and attach to the signed signature page of the License & Access Agreement along with a copy of your pocket card or real estate license. The forms may be fax'd or mailed to HIS.