

## **What is a “Thompson Broker?”**

In the 1991 Thompson v. Dekalb County Board of REALTORS® case, the 11th U.S. Circuit Court of Appeals ruled that the exclusive right of members of the Dekalb County Board of REALTORS® to use their Multiple Listing Service is harmful to non-member real estate brokers. The decision opened up MLS participation to nonmembers in the jurisdiction of the 11<sup>th</sup> Circuit, which includes Florida.

## **NAR MLS Policies**

National Association of REALTORS®’ (NAR) policies related to non-member access to the MLS include:

### **Section 3 MLS Indoctrination Requirements Relating to Individuals Entitled to Participation without Association Membership (Policy Statement 7.38)**

In processing the application of an individual entitled by law to MLS participation without Realtor® membership, the listing information and services shall be promptly provided upon completion of the following:

1. confirmation applicant has a valid, current, real estate license or certificate
2. applicant’s written application and agreement to abide by the MLS rules and regulations
3. applicant’s completion of any required MLS orientation on MLS bylaws, MLS rules and regulations, other MLS related policies or procedures, and computer training related to MLS information entry and retrieval within a reasonable time not to exceed thirty (30) days, and
4. payment of all required initial MLS fees or charges

If any examination on the MLS orientation is given, it shall be an open-book, no-pass, no-fail examination for programmed learning purposes only. (Amended 11/04) M

### **Section 8 Categorization of MLS Services, Information, and Products (Policy Statement 7.57)**

The services, information, and products that multiple listing services provide to participants and to subscribers affiliated with participants may be categorized as core, as ancillary to the core but included in a basic package of MLS services as determined locally and provided to all MLS participants and subscribers automatically or on a discretionary basis, or as optional and available to participants and subscribers at their discretion. The following will guide MLSs in categorizing their services, information, and products.

Core: Core MLS information, services, and products are essential to the effective functioning of MLS, as defined, and include:

- active listing information
  - information communicating compensation to potential cooperating brokers
- Core services include the mechanisms (print or electronic or both) by which this information is communicated between participants and the MLS.

Where MLS participation is available to non-member brokers or their firms, either by law or by local decision, the information, services, and products available to such participants may be limited to those categorized as core.

## **Daytona Beach Area Association of REALTORS® Policy**

The Daytona Beach Area Association of REALTORS® (DBAAR) adheres to the published MLS policies of the National Association of REALTORS®.

With respect to non-member MLS Participants (“Thompson Brokers”), the DBAAR permits limited participatory rights in its MLS. Non-member MLS Participants may join the MLS and gain limited access to its on-line system. Participatory rights so granted do not confer voting privileges or eligibility for committee membership, officer, or director of the Daytona Beach Area Association of REALTORS®.

### **Specific MLS System Limited Access**

Non-member MLS Participants have limited access to the on-line MLS of the Daytona Beach Area Association of REALTORS® with *no access to any function that requires membership in the Daytona Beach Area Association of REALTORS®, Florida REALTORS®, or the National Association of REALTORS, including but not limited to:*

Form Simplicity  
MLS Advantage  
Florida REALTORS® members-only website  
REALTORS® Property Resource

The Daytona Beach Area Association of REALTORS® reserves the right to amend this list at its sole discretion.