

## APPLICATION FOR BERKSHIRE MLS BROKER & FIRM PARTICIPATION

To be completed by licensed Brokers who are principals, partners, corporate officers, or individuals in positions of management control (e.g. branch office managers) that are named to serve as the Broker of Record / Designated REALTOR / MLS Participant for an applicant office. Applicants must be engaged in the real estate profession in connection with the firm's office located within the jurisdiction of the Board. (MA, VT, NY, CT)

### APPLICATION MEMBERSHIP LEVEL

- I AM NOT a REALTOR anywhere else and would like to apply for primary membership in the Berkshires  
 I AM a REALTOR somewhere else, and use this to satisfy my national, state and local membership requirement.  
 I AM a REALTOR somewhere else but would also like to join  Berkshire  MA as a secondary member.

- a. If you're a member elsewhere, *please include a letter in good standing* and the following M1/ NRDS Number:  
 Applicant Membership ID # \_\_\_\_\_ Office Membership ID # \_\_\_\_\_

### BROKER CONTACT INFORMATION

2. Salutation:  Ms.  Mrs.  Mr.  Dr. Nickname: \_\_\_\_\_  
 3. Full Name for Roster: \_\_\_\_\_  
 4. Gender:  Male (*he/him*)  Female (*she/her*)  Prefer not to identify (*they/their*)  
 5. Preferred Mailing:  Home - or -  Office Home Street: \_\_\_\_\_  
 6. Home City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 7. Home: \_\_\_\_\_ Mobile: \_\_\_\_\_ Office: \_\_\_\_\_ Preferred  Home  Mobile  Office  
 8. E-Mail: \_\_\_\_\_  
 9. Birth Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Fluent Languages Spoken: \_\_\_\_\_  
 10. Professional Specialties:  Residential Sales |  Commercial Sales/Leasing  \_\_\_\_\_

 **Applicant Initial** \_\_\_\_\_ I consent to receive communication emails, text messages, weekly REcap email update, and mailings from the Berkshire County Board of REALTORS and MLS in accordance with membership activities.

### LOCAL OFFICE INFORMATION (WITHIN THE JURISDICTION)

11. Office Name: \_\_\_\_\_  
 12. Physical Office Street Address: \_\_\_\_\_  
 Physical City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 13. Office Mailing Address: \_\_\_\_\_  
 Mailing City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 14. Office Website: \_\_\_\_\_  
 15. Office Billing Email, if different from above: \_\_\_\_\_

**APPLICATION FOR BERKSHIRE MLS  
BROKER & FIRM PARTICIPATION**

16. Unlicensed Office Admin Name/Email, if any \_\_\_\_\_

**APPLICANT LICENSE HISTORY (BROKER OF RECORD FOR FIRM)**

17. Office Status:  Principal/Owner/Partner  Office Manager  Assigned Responsible Broker of Record, attached
18. Broker License # \_\_\_\_\_ Exp Date \_\_\_\_\_ Type:  Broker  Appraiser
19. State of Above Broker Licensure:  MA  VT  NY  CT
20. Do you hold, or have you ever held, a real estate license in any other state? If yes, please specify: \_\_\_\_\_
21. Has your real estate license, in this or any other state, been suspended or revoked?  No  Yes, *\*details attached*
22. Have there been any complaints/cases against you before any real estate association, state real estate regulatory agency or any other agency of government within the last three years?  No  Yes, *\*details attached*
23. Have you ever been convicted of a felony?  No  Yes, *\*details attached*
- \*For any issues with membership, licensure or past convictions, please attach additional details to describe the issue(s) and resolution(s) if any. Please specify the place(s) and date(s) of such action, the substance of each complaint and the current status or resolution of such complaint on a separate sheet.*

**OFFICE LICENSE HISTORY AND BUSINESS INFORMATION**

24. Primary Office Street Address: \_\_\_\_\_  
 Primary City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
25. Office Status: (Select one and attached required documentation) MA Corp Certificates: [www.sec.state.ma.us](http://www.sec.state.ma.us)
- Sole Proprietor or  Partnership with attached DBA filed with the City/Town where office is located  
 Massachusetts Corporation or  Massachusetts LLC / LLP with attached Certificate of Good Standing  
 Outside MA Corporation or  Outside MA LLC/LLP with attached Foreign Corporation Certificate
26. State of Office Real Estate Licensure, within the jurisdiction:  MA  VT  NY  CT
27. Office / Brokerage License # \_\_\_\_\_ Exp Date \_\_\_\_\_  
 Note: If Sole Proprietorship / Partnership, a DBA (Doing Business As”) must be filed in the town where the business is located. The individual broker’s license number / expiration for DBA sole proprietorships and partnerships. All other corporations and LLC must hold a separate real estate business license in the jurisdiction.
28. Office Tax I. D. Number \_\_\_\_\_
29. State the names and titles of all other principals, partners, or corporate officers of your firm.
- |            |              |
|------------|--------------|
| Name _____ | Title: _____ |
| Name _____ | Title: _____ |
| Name _____ | Title: _____ |
30. List the names and addresses of all branch offices or other real estate firms in which you are a principal, partner, or corporate officer within the jurisdiction of the Board:
- |            |                |
|------------|----------------|
| Name _____ | Address: _____ |
| Name _____ | Address: _____ |



**APPLICATION FOR BERKSHIRE MLS  
BROKER & FIRM PARTICIPATION**

*(Attached additional sheets if needed)*

31. Bank References: Indicate Bank / Financial Institution Name (NOT account #)

General Acct: \_\_\_\_\_ Escrow Account: \_\_\_\_\_

32. Are you or is any real estate firm in which you are a sole proprietor, general partner, corporate officer or manager involved in any pending bankruptcy or insolvency proceeding or have you or any real estate firm in which you are a sole proprietor, general partner or corporate officer been adjudged bankrupt in the past three (3) years?  No  Yes

*\* We may require that the bankrupt applicant pay cash in advance for MLS fees for up to one (1) year from the date that membership is approved or from the date that the applicant is discharged from bankruptcy (whichever is later) or, in the event that bankruptcy proceedings are initiated subsequent to obtaining membership, that the member may be placed on a "cash basis" from the date that bankruptcy is initiated until one (1) year from the date that the member has been discharged from bankruptcy.*

33. Have there been any complaints/cases against this firm before any real estate association, state real estate regulatory agency or any other agency of government within the last three years?  No  Yes, \*details attached

*\*For any issues with membership, licensure or past convictions, please attach additional details to describe the issue(s) and resolution(s) if any. Please specify the place(s) and date(s) of such action, the substance of each complaint and the current status or resolution of such complaint on a separate sheet.*

**MLS / REALTOR CERTIFICATION:**

List below every real estate salesperson, broker and licensed or certified appraiser who is employed by or affiliated as an independent contractor or who is otherwise directly or indirectly affiliated with the firm named above. NOTE: If you have multiple offices, services may only be used by those who are members in good standing and all agents affiliated with this location MUST BE NAMED. If waiving MLS access, a MLS Subscriber Fee Waiver application must be completed and returned with this application.

34. \_\_\_\_\_ total # of Real Estate/Appraisal Licensees Affiliated with this office named in #11 (not including yourself)

- **AGENT NAME** \_\_\_\_\_ Preferred Phone # \_\_\_\_\_  
 License #(s) \_\_\_\_\_ exp. \_\_\_\_\_ License Type:  Broker  Salesperson  Appraiser  
 Agent is:  Current Berkshire REALTOR  Applicant  Letter of Good Standing Attached  MLS Waiver attached
  
- **AGENT NAME** \_\_\_\_\_ Home Phone # \_\_\_\_\_  
 License #(s) \_\_\_\_\_ exp. \_\_\_\_\_ License Type:  Broker  Salesperson  Appraiser  
 Agent is:  Current Berkshire REALTOR  Applicant  Letter of Good Standing Attached  MLS Waiver attached
  
- **AGENT NAME** \_\_\_\_\_ Home Phone # \_\_\_\_\_  
 License #(s) \_\_\_\_\_ exp. \_\_\_\_\_ License Type:  Broker  Salesperson  Appraiser  
 Agent is:  Current Berkshire REALTOR  Applicant  Letter of Good Standing Attached  MLS Waiver attached

*Please Check Here if An Additional Agent Certification Pages Are Attached.*

## REQUIREMENTS OF MEMBERSHIP

As the REALTOR® Principal / manager of this firm I hereby apply for Participation in the Multiple Listing Service (MLS) for myself, and user access for the agents of my office. I understand that, if accepted, I shall be designated the "Participant" in the MLS Service and shall have all rights, benefits, and privileges of the Service, and shall accept all obligations of the Service for the Participant's firm, partnership, or corporation including the supervisory responsibility for the agents and employees affiliated with this office.

- ▶ **Applicant Initial**\_\_\_\_\_ **Office Responsibility:** I understand that, if accepted, I shall accept responsibility for the real estate and appraisal licensees affiliated with my office, including adherence to all rules and payment of fees.
- ▶ **Applicant Initial**\_\_\_\_\_ **Agreement to Pay Fees:** I agree that the credit card provided by me to may be used pay the initial application fees, and prorated dues outlined as applicable. I understand dues will be returned to me in the event I am not accepted to membership. I further authorize use of this credit card for reoccurring monthly MLS fees, and I agree that, if accepted for Membership in the Board, I shall continue to pay the fees and dues owed by me and my firm, as from time to time amended. Note: A portion of the dues payments are tax deductible as ordinary and necessary business expenses, in an amount established and noticed each year. Note: Changes to reoccurring charged can be made by calling the Board Office. Please allow 15 days before scheduled charge for notice.
- ▶ **Applicant Initial**\_\_\_\_\_ **Attendance at Training:** I agree as a condition to primary REALTOR membership to complete a two-part Orientation program offered by the Berkshire County Board of REALTORS®, within the next two offerings. I understand that provisional membership will be granted until both sections of the orientation program is completed in full. Membership classification shall be amended to "Full REALTOR®" status upon completion of the programs or be terminated for non-attendance. In the event provisional membership is terminated, no refunds will be provided. Additionally, submission of a new application and application fee will be required to reapply for provisional membership and current year dues, if not already remitted, will be due and payable. Additional MLS training may be required.
- ▶ **Applicant Initial**\_\_\_\_\_ **Abide by Polices and Regulations in Governing Documents:** I agree to, upon my own initiative, thoroughly familiarize myself with the Code of Ethics of the National Association of REALTORS® and with the governing documents of the Board of REALTORS®, which is continually available on the Board's website: <http://berkshirerealtors.net/association-highlights/governance>. I agree that my act of paying dues shall evidence my initial and continuing commitment to abide by the aforementioned Code of Ethics, Constitutions, Bylaws, Rules and Regulations, and duty to arbitrate, all as from time to time amended.
- ▶ **Applicant Initial**\_\_\_\_\_ **Code of Ethics & Arbitration:** I further agree to be bound by the Code of Ethics including the obligation to submit to ethics hearing and the duty to arbitrate contractual disputes with other REALTORS® in accordance with the established procedures of the board. I understand that a violation of the Code of Ethics may result in termination of any MLS or REALTOR® privileges and that I may be assessed an administrative processing fee which may be in addition to any discipline, including fines, that may be imposed. This includes compliance with the Bylaws and Rules and Regulations of the Service by all persons affiliated with me. **NOTE:** Applicant acknowledges that if accepted as a Member and he/she subsequently resigns or is expelled from membership in the Board with an ethics complaint or arbitration request pending, the Board of Directors may condition renewal of membership upon applicant's verification that he/she will submit to the pending ethics or arbitration proceeding and will abide by the decision of the Hearing Panel; or if applicant resigns or is expelled from membership without having complied with an award in arbitration, the Board of Directors may condition renewal of membership upon his/her payment of the award, plus any

**APPLICATION FOR BERKSHIRE MLS  
BROKER & FIRM PARTICIPATION**

costs that have been established previously as due and payable in relation thereto, provided that the award and such costs have not, in the interim, been otherwise satisfied.

▶ **Applicant Initial** \_\_\_\_\_ **Real Estate Activities:** I agree that my firm actively endeavors to List/Sell/Appraise Real estate in the Berkshires or contiguous areas to the MLS. The MLS Bylaws confirm that mere possession of a broker's license is not sufficient to qualify for MLS participation. Rather, the requirement that an individual or firm 'offers or accepts cooperation and compensation' means that the Participant actively endeavors during the operation of its real estate business to list real property of the type listed on the MLS and/or to accept offers of cooperation and compensation made by listing brokers or agents in the MLS.

“Actively” means on a continual and on-going basis during the operation of the Participant's real estate business. The “actively” requirement is not intended to preclude MLS participation by a Participant or potential Participant that operates a real estate business on a part time, seasonal, or similarly time-limited basis or that has its business interrupted by periods of relative inactivity occasioned by market conditions.

Similarly, the requirement is not intended to deny MLS participation to a Participant or potential Participant who has not achieved a minimum number of transactions despite good faith efforts. Nor is it intended to permit an MLS to deny participation based on the level of service provided by the Participant or potential Participant as long as the level of service satisfies state law.

The key is that the Participant or potential Participant actively endeavors to make or accept offers of cooperation and compensation with respect to properties of the type that are listed on the MLS in which participation is sought. MLS’s may NOT deny participation to a Participant or potential Participant that operates a Virtual Office Website (“VOW”) (including a VOW that the Participant uses to refer customers to other Participants) if the Participant or potential Participant actively endeavors to make or accept offers of cooperation and compensation.

An MLS may evaluate whether a Participant or potential Participant “actively endeavors during the operation of its real estate business” to “offer or accept cooperation and compensation” only if the MLS has a reasonable basis to believe that the Participant or potential Participant is in fact not doing so. The membership requirement shall be applied on a nondiscriminatory manner to all Participants and potential Participants.

**MEMBERSHIP AGREEMENT**

I hereby certify that the foregoing information furnished by me is true and correct, and I agree that failure to provide complete and accurate information as requested, or any misstatement of fact, may be grounds for revocation of my membership if granted.

**SIGNATURE:** \_\_\_\_\_

**DATE:** \_\_\_\_/\_\_\_\_/\_\_\_\_

## APPLICATION PROCESS

Submit your application via: **E-mail:** [Support@BerkshireRealtors.org](mailto:Support@BerkshireRealtors.org) and remember to include:

- Letter in Good Standing if you are a member of another Board, if applicable (question 1)
- Copy of your valid real estate license in the jurisdiction / MA and contiguous states (question 18)
- Letters in Good standing if agents are members of other board(s), if applicable (question 34)
- Additional Pages of ALL agents affiliated with this firm, if applicable (question 34)
- MLS Waivers if all agents affiliated do not wish to subscribe to the Berkshire MLS (34)
- Certificate granting your office the right to do business in the jurisdiction (question 25)
- Principal/Partner/Owner assignment of you as Responsible Broker of Record if applicable (question 17)
- Any issues with past licensure or complaints

**WE WILL:** Within two (2) business days of receipt, the Board office staff will;

1. Review the completeness of the application information,
2. Verify license in good standing with the licensing authority
3. Create preliminary access to the membership systems, hubs and databases.

**YOU WILL,** when the above is complete, receive an email to access your membership hub where you can:

1. Pay the application fee
2. Pay prorated dues online
3. Setup monthly MLS payments
4. Update your bio and headshot, as desired.

**When all steps above are complete, services of the Board or MLS will begin.**

**Note: This step can take up to 4 business days, although we strive to process applications and begin services as quickly as possible.**

- ◆ You will receive notification when your application has been administratively accepted
- ◆ You will receive a lengthy and IMPORTANT email that contains all of the information, user names and passwords needed to activate your membership and begin taking advantage of all of the benefits of membership: Discount programs, free CE, Recap news, MLS services, listing in rosters, ability to submit listings / open houses etc...)

DUES/FEES	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Local: (Berkshire)	\$270.00	\$247.50	\$225.00	\$202.50	\$180.00	\$157.50	\$135.00	\$112.50	\$90.00	\$67.25	\$45.00	\$22.50
State (MA)*	\$181.00	\$166.75	\$152.50	\$138.25	\$124.00	\$109.75	\$95.50	\$8.25	\$67.00	\$52.75	\$38.50	\$24.25
National (NAR)*	\$201.00	\$188.00	\$175.00	\$162.00	\$149.00	\$136.00	\$123.00	\$110.00	\$97.00	\$84.00	\$71.00	\$58.00
<b>Total Dues:</b>	<b>\$652.00</b>	<b>\$602.25</b>	<b>\$552.50</b>	<b>\$502.75</b>	<b>\$453.00</b>	<b>\$403.25</b>	<b>\$353.50</b>	<b>\$303.75</b>	<b>\$254.00</b>	<b>\$204.25</b>	<b>\$154.50</b>	<b>\$104.75</b>
Application Fee	\$175.00	\$175.00	\$175.00	\$175.00	\$175.00	\$175.00	\$175.00	\$175.00	\$175.00	\$175.00	\$175.00	\$175.00
PAF (optional)	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00	\$25.00
<b>REALTOR Initial</b>	<b>\$852.00</b>	<b>\$802.25</b>	<b>\$752.50</b>	<b>\$702.75</b>	<b>\$653.00</b>	<b>\$603.25</b>	<b>\$553.50</b>	<b>\$503.75</b>	<b>\$454.00</b>	<b>\$404.25</b>	<b>\$354.50</b>	<b>\$304.75</b>



**APPLICATION FOR BERKSHIRE MLS  
BROKER & FIRM PARTICIPATION**

<i>MLS Application</i>	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00
<i>MLS Monthly</i>	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00	\$35.00