

## GUIDELINES FOR 1 TO 1 BROKER COMMUNICATION

### DEFINITION

#### **What are one-to-one, broker-to-broker communications applied to Clear Cooperation Policy (CCP)?**

One-to-one, broker to broker communications means person-to-person communications about a listing between a listing broker or agent and another broker or agent outside of the listing brokerage.

### USE CASE

#### **Why would a seller and listing broker want to use the one-to-one, broker-to-broker communication?**

The one-to-one, broker-to-broker communication provides a listing broker and seller, the ability to gather information outside the listing firm without triggering the requirements of CCP.

### CLIENT AUTHORIZATION

#### **How does a listing broker obtain authorization for one-to-one, broker-to-broker communication?**

The one-to-one broker-to-broker communication must be pursuant to the seller's informed consent and interests. The listing broker should also explain that while the communication will not trigger CCP, any brokerage activities that may follow would require that the listing be filed with the MLS for cooperation with other MLS Participants.

### CCP TRIGGERS

#### **What types of activities trigger CCP requirements to file the listing to the MLS for cooperation with other MLS Participants within 1 business day?**

DOES NOT TRIGGER CCP	TRIGGERS CCP
<p><b>One-to-one, broker-to-broker communications.</b></p> <p>One-to-one, broker-to-broker communications may provide the seller with an opportunity to gather important information that helps them determine whether they want to keep their property as an office exclusive listing.</p>	<p><b>Multi-brokerage communication/display.</b></p> <p>Sharing an office exclusive listing with multiple brokers or agents outside the listing firm through single communication or a single display on a multiple broker platform/network is considered public marketing that triggers CCP.</p>

<b>DOES NOT TRIGGER CCP</b>	<b>TRIGGERS CCP</b>
<p><b>One-to-one, broker-to-agent, and agent-to-broker communications.</b></p> <p>Communication between a broker and an agent is allowed without triggering CCP when authorized by the seller.</p>	<p><b>Showing or touring an office exclusive listing by an agent or broker outside the listing brokerage.</b></p> <p>One-to-one, broker-to-broker communication is limited to the communication itself. A showing or touring of the property would trigger CCP.</p>
<p><b>Written or verbal one-to-one broker-to-broker communication.</b></p> <p>There is no required format for how a one-to-one, broker-to-broker communication occurs.</p>	<p><b>Engaging in negotiations and accepting purchase offers on an office exclusive listing.</b></p> <p>These activities go beyond the one-to-one, broker-to-broker communication. This would require the listing to be filed in the MLS within one business day to ensure compliance with the MLS rules, equal opportunity and market transparency.</p>
<p><b>Replicating the same one-to-one, broker-to-broker communication with a different agent and/or broker in a different brokerage.</b></p> <p>If the communication is one-to-one, broker-to-broker, and authorized by the seller, it is permitted. However, it is important that the one-to-one, broker-to-broker communications are pursuant to the seller's informed consent and best interests which may be to protect their privacy, security or other personal circumstances. Failing to serve in accordance with the seller's informed consent and their best interests could result in a breach of fiduciary duties, license laws, and the REALTOR® Code of Ethics (if the broker or agent is a REALTOR®).</p>	<p><b>Recipient of a one-to-one, broker-to-broker communication sharing information about the office exclusive to others.</b></p> <p>The importance of not sharing this information with others should be conveyed to the party receiving the one-to-one, broker-to-broker communication. It should be understood that this is necessary to be consistent with the seller's informed consent and to serve the interests of the seller who may be concerned about their privacy, security, or other personal circumstances.</p>