



1601 E. Orangewood Ave.  
Anaheim CA 90805  
714-245-5500 Fax 714-245-5559

Dear Valued Clerical User/Personal Assistant:

Thank you for your SoCalMLS Clerical User subscription through the Pacific West Association of REALTORS®. Enclosed you will find what you need to bring with you in order to be part of the SoCal MLS Tempo system.

1. Application needs to be signed by the agent, clerical or personal assistant and the participating broker.
2. You may make payment arrangements if applicable at the time of subscription.
3. **A picture id must accompany the application**
4. You may fax, mail or drop off application at our front counter, or for your convenience, you may want to make an appointment thru our call center
5. Please read the guidelines provided for you in this application packet. These guidelines are issued from the D.R.E .
6. Once your information has been entered in our system, it will be transmitted hourly to the Tempo system and then transmitted once again over to the new Scout registration system, from which you will receive an email providing you with a password to log in to the Tempo system.
7. At that time you will create your own password. It is the broker's responsibility to email [IdSupport@socalmls.com](mailto:IdSupport@socalmls.com) to request that you have access to their Id's in order to maintain your assistant status.

We hope your experience here at PWR will be of benefit to you. Please do not hesitate to contact our customer service department if you have any questions.

**Gretchen Morones**  
Membership Manager



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Anaheim CA 92805  
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## Guidelines For Unlicensed Assistants\*

### **Preamble**

The designated officer of a corporation is explicitly responsible for the supervision and control of the activities conducted on behalf of a corporate broker by its officers and employees as necessary to secure full compliance with the Real Estate Law, including but not limited to the supervision of salespersons licensed to the corporation in the performance of acts for which a real estate license is required. It is inherent with respect to individuals engaging in business as a real estate broker that they are also similarly charged with the responsibility to supervise and control all activities performed by their employees and agents in their name during the course of a transaction for which a real estate license is required, whether or not the activities performed require a real estate license. To assist brokers and designated broker/officers to properly carry out their duty to supervise and control activities conducted on their behalf during the course of a licensed transaction, it is important for the broker to know and identify those activities which do and do not require a real estate license. This knowledge assists the broker to use licensed persons when required, and to extend and provide the necessary quantum of supervision and control over licensed and nonlicensed activities as required by law and good business practices. Identifying licensed activities has become difficult for many brokers as brokerage practices have changed and evolved in response to new laws, the need for new efficiencies in response to consumer demands, and new technology. The following is a guideline, and nothing more, of defined activities which generally do not come

within the term "real estate broker," when performed with the broker's knowledge and consent. Broker knowledge and consent is a prerequisite to the performance of these unlicensed activities, since without these elements there can be no reasonable assurance that the activities performed will be limited as set forth below.

### **Cold Calling**

Making telephone calls to canvass for interest in using the services of a real estate broker. Should the person answering the call indicate an interest in using the services of a broker, or if there is an interest in ascertaining the kind of services a broker can provide, the person answering shall be referred to a licensee, or an appointment may be scheduled to enable him or her to meet with a broker or an associate licensee\*\* (licensee\*\*\*). At no time may the caller attempt to induce the person being called to use a broker's services. The canvassing may only be used to develop general information about the interest of the person answering and may not be used, designed or structured for solicitation purposes with respect to a specific property, transaction or product. (The term "solicitation" as used herein should be given its broadest interpretation.)

### **Open House**

With the principal's consent, assisting licensees at an open house intended for the public by placing signs, greeting the public, providing factual information from or handing out preprinted materials prepared by or reviewed and approved for use by the licensee, or arranging appointments with the licensee. During the holding of an open house, only a licensee may engage in the following: show or exhibit the property, discuss terms and conditions of a possible sale, discuss other features of the property, such as its location, neighborhood or schools, or engage in

any other conduct which is used, designed or structured for solicitation purposes with respect to the property.

**Comparative Market Analysis**

Making, conducting or preparing a comparative market analysis subject to the approval of and for use by the licensee.

**Communicating With the Public**

Providing factual information to others from writings prepared by the licensee. A non-licensee may not communicate with the public in a manner which is used, designed or structured for solicitation purposes with respect to a specific property, transaction or product.

**Arranging Appointments**

Making or scheduling appointments for licensees to meet with a principal or party to the transaction. As directed by the licensee to whom the broker has delegated such authority, arranging for and ordering reports and services from a third party in connection with the transaction, or for the provision of services in connection with the transaction, such as a pest control inspection and report, a roof inspection and report, a title inspection and/or a preliminary report, an appraisal and report, a credit check and report, or repair or other work to be performed to the property as a part of the sale.

**Access to Property**

With the principal's consent, being present to let into the property a person who is either to inspect a portion or all of the property for the purpose of preparing a report or issuing a clearance, or who is to perform repair work or other work to the property in connection with the transaction. Information about the real property which is needed by the person making the inspection for the purpose of completing his or her report must be provided by the broker or associate licensee, unless it comes from a data sheet prepared by the broker, associate licensee or principal, and that fact is made clear to the person requesting the information.

**Advertising**

Preparing and designing advertising relating to the

transaction for which the broker was employed, if the advertising is reviewed and approved by the broker or associate licensee prior to its publication.

**Preparation of Documents**

Preparing and completing documents and instruments under the supervision and direction of the licensee if the final documents or instruments will be or have been reviewed or approved by the licensee prior to the documents or instruments being presented, given or delivered to a principal or party to the transaction.

**Delivery and Signing Documents**

Mailing, delivering, picking up, or arranging the mailing, delivery, or picking up of documents or instruments related to the transaction, including obtaining signatures to the documents or instruments from principals, parties or service providers in connection with the transaction. Such activity shall not include a discussion of the content, relevance, importance or significance of the document, or instrument or any portion thereof, with a principal or party to the transaction.

**Trust Funds**

Accepting, accounting for or providing a receipt for trust funds received from a principal or a party to the transaction.

**Communicating With Principals, etc.**

Communicating with a principal, party or service provider in connection with a transaction about when reports or other information needed concerning any aspect of the transaction will be delivered, or when certain services will be performed or completed, or if the services have been completed.

**Document Review**

Reviewing, as instructed by the licensee, transaction documentation for completeness or compliance, providing the final determination as to completeness or compliance is made by the broker or associate licensee. Reviewing transaction documentation for the purpose of making recommendations to the broker on a course of action with respect to the transaction.

\* These "Guidelines," when strictly followed, will assist licensees and their employees to comply with the license requirements of the Real Estate Law. They present specific scenarios which allow brokers to organize their business practices in a manner that will contribute to compliance with the Real Estate Law. As such, they were drafted to serve the interests of both licensees and the public they serve. Nothing in them is intended to limit, add to or supersede any provision of law relating to the duties and obligations of real estate licensees, the consequences of violations of law or licensing requirements. Licensees should take heed that because of the limiting nature of guidelines, as opposed to a statute or regulation, that they will not bind or obligate, nor are they intended to bind and obligate courts or others to follow or adhere to their provisions in civil proceedings or litigation involving conduct for which a real estate license may or may not be required. Brokers and others who may refer to these "Guidelines" from time to time should be aware that it does not take very much to go from unlicensed to licensed activity. For example, it is a commonly held belief and understanding among licensees and others that participation in "negotiations" is somehow limited to the actual bargaining over terms and conditions of a sale or loan, when in fact the courts in this state have given much broader application to this term to include activity which may directly assist or aid in the negotiations or closing of a transaction.

\*\* The term "associate licensee" means and refers to either a salesperson employed by the listing or selling broker in the transaction, or a broker who has entered into a written contract with a broker to act as the broker's agent in transactions requiring a real estate license.

\*\*\* Hereafter, the term "licensee" means "broker" or "associate licensee."

**CLERICAL USER/PERSONAL ASSISTANT APPLICATION**

Please indicate type of membership

Personal Assistant  Clerical Assistant

PA's will have access to only agent listings/CA's will have access to all office listings



1601 E. Orangewood Ave. Anaheim CA 92805  
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**PERSONAL INFORMATION**

Name of CLERICAL USER: \_\_\_\_\_  
Or Personal Assistant (Please Print Clearly)

Home Address: \_\_\_\_\_  
Street City Zip

Email Address: \_\_\_\_\_  
(Please Print Clearly)

Social Security: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

**OFFICE INFORMATION**

Office Name: \_\_\_\_\_  
(Please Print Clearly)

Office Address: \_\_\_\_\_  
Street City Zip

Office Phone: \_\_\_\_\_

Clerical/Personal Assistant To: \_\_\_\_\_ MLS User Name: \_\_\_\_\_  
Print Name of MLS Agent/Subscrber

Sponsoring Broker: \_\_\_\_\_ MLS User Name: \_\_\_\_\_  
Print Name of Broker/Participant

The annual Clerical User/Personal Assistant fee is pro-rated monthly. PWRflex payment options available.  
There will be a MLS processing fee of \$50.00 and a \$75.00 New Application fee. Please include a copy of a picture ID.

**For payment in full please enter your credit card information below**

Discover \_\_\_\_\_ Exp.Date \_\_\_\_\_

Mastercard \_\_\_\_\_ Exp.Date \_\_\_\_\_

Visa \_\_\_\_\_ Exp.Date \_\_\_\_\_

American Express \_\_\_\_\_ Exp.Date \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

I acknowledge that I am responsible for CLERICAL USER'S or PERSONAL ASSISTANT'S maintaining confidentiality of the MLS information as outlined in the MLS Rules and Regulations and the Representation and Agreement for the Tempo MLS Password. (CLERICAL/PERSONAL ASSISTANT).

\_\_\_\_\_  
Signature of Clerical User or Personal Assistant Date \_\_\_\_\_

\_\_\_\_\_  
Signature of MLS Agent/Subscrber Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsoring Broker/Participant Date \_\_\_\_\_

**REPRESENTATION AND AGREEMENT FOR TEMPO MLS PASSWORD USE  
(CLERICAL/PERSONAL ASSISTANT)**

The undersigned SPONSORING BROKER hereby represents that he/she is a Designated Participant of the PACIFIC WEST ASSOCIATION OF REALTORS® Multiple Listing Service, and, the undersigned, CLERICAL USER represents that he/she is employed by and under the direct supervision of the SPONSORING BROKER herein.

We represent and agree to the following:

1. We are fully aware that the said Scout MLS Password is not to be copied, and we will not permit it to be used by any other individual, licensee, or non-licensee for any purpose whatsoever. I expressly acknowledge that this provision is intended to retain the security and integrity of the Multiple Listing Service computer system, and any unauthorized use of the Password would lead to a breakdown of the security and integrity of the system. In the event the Password and is misplaced, lost or stolen, within twenty-four (24) hours thereafter I shall cause a report thereof to be made with the PACIFIC WEST ASSOCIATION OF REALTORS®

*Initials:* \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(CLERICAL USER) (AGENT) (BROKER)

2. We expressly agree that should we cause or permit the Password to be copied, or to be used by anyone other than that person to whom the Password was issued, causing the security and integrity of the system to be jeopardized or destroyed, **we shall be liable for all costs and expenses of changing over the entire Tempo MLS Password** if necessary as utilized in all areas using the same Password as referenced herein.

*Initials:* \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(CLERICAL USER) (AGENT) (BROKER)

**4.3 Clerical Users.** Individuals (whether licensed or unlicensed) under the direct supervision of an MLS participant or subscriber that perform only administrative and clerical tasks that do not require a real estate license or an Appraiser's certificate or license. Each participant and subscriber shall provide the AOR/MLS with a list of all Clerical Users employed by or affiliated as independent contractors with the participant or subscriber and shall immediately notify the AOR/MLS of any changes, additions, or deletions from the list.

**4.4 Registered Assistant Access.** Individuals (whether licensed or unlicensed) that use the MLS for clerical tasks such as entering listings and/or searching the database and are under the direct supervision of a participant, subscriber or Appraiser, may be given access to the MLS by a unique and individual pass code. The Assistant pass code will be directly linked to the Assistant's employer and will be terminated if said employer should become inactive in the MLS. An Assistant must adhere to the following requirements:

**4.4.1** The Assistant fees will be up to date as set forth by the service center or AOR/MLS that their employer participates at;

**4.4.2** The Assistant will have signed a written agreement to abide by the rules and regulations of the service center or AOR/MLS and will be required to either attend MLS orientation or pass a standardized test administered by staff covering the service center or AOR/MLS rules and regulations;

**4.4.3** The Assistant will only relay MLS information to their employer and not a members of the public or other service center or AOR/MLS participants, subscribers or Appraisers (this does not prohibit licensed assistants from performing duties of a real estate licensee or appraiser licensee outside of the MLS as long as the duties performed do not involve data retrieved from the service center or AOR/MLS database);

**4.4.4** The Assistant may not be identified as an agent or contact person for a property listed with the service center or AOR/MLS;

**4.4.5** Assistants may be eligible for lockbox access services, unless otherwise prohibited, and are prohibited from using any other participant, subscriber or Appraiser's access device

*Initials:* \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(CLERICAL USER) (AGENT) (BROKER)

4. The foregoing obligations are predicated upon the undersigned SPONSORING BROKER'S and SUBSCRIBER'S and CLERICAL USER'S understanding that any CLERICAL USER, whether licensed or unlicensed, employed by or associated with an MLS Sponsoring Broker as an independent contractor, or the SPONSORING BROKER herein, who have access or use of the Multiple Listing Service, upon signing of the requisite forms.

Initials: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
(CLERICAL USER) (AGENT) (BROKER)

\_\_\_\_\_  
SIGNATURE OF CLERICAL USER/PERSONAL ASSISTANT

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF MLS AGENT/SUBSCRIBER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE OF SPONSORING BROKER/PARTICIPANT

\_\_\_\_\_  
DATE

#### IDENTIFICATION AND AUTHORIZATION

As a SPONSORING BROKER of the PACIFIC WEST ASSOCIATION OF REALTORS® Multiple Listing Service, I represent that \_\_\_\_\_ is currently employed by me and/or one of my subscribers as a CLERICAL USER/PERSONAL ASSISTANT, either licensed or unlicensed.

In consideration of said CLERICAL USER/PERSONAL ASSISTANT receiving Tempo MLS Password , I shall inform the PACIFIC WEST ASSOCIATION OF REALTORS® upon said CLERICAL USER'S/PERSONAL ASSISTANT change in status no later than the next business day of any such event.

I have explained to the said CLERICAL USER/PERSONAL ASSISTANT the importance of preventing the Password from being used by unauthorized persons, permitting it to be used for any purpose by anyone else, being copied, and the obligations to report the same to me and the PACIFIC WEST ASSOCIATION OF REALTORS® in the event it should be duplicated.

\_\_\_\_\_  
SIGNATURE OF SPONSORING BROKER/PARTICIPANT

\_\_\_\_\_  
DATE