



# **eXp Realty**

## **Policy and Procedures**

These South Dakota Policies and Procedures (“SD P&Ps”) of eXp Realty comprise an integral and material part of the eXp Realty U.S. Policies and Procedures (“eXp P&Ps”), and are expressly incorporated by this reference into the eXp P&Ps in their entirety, verbatim and at length, and constitute a part of the eXp Realty Independent Contractor Agreement (“ICA”) as though fully set forth herein. Unless otherwise defined in these SD P&Ps, capitalized terms used herein shall have the meanings ascribed to them in the eXp P&Ps and the ICA.

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## **GENERAL SOUTH DAKOTA POLICIES**

All Agents doing business in the State of South Dakota (SD) with eXp Realty LLC. (“eXp Realty”), are expected to abide by both the eXp Realty U.S. Policies and Procedures (“eXp P&Ps”), located at [www.exprealty.com/policies](http://www.exprealty.com/policies), and these eXp Realty LLC. Policies and Procedures (“SD P&Ps”), To the extent that these SD P&Ps conflict with the eXp P&Ps due to specific South Dakota laws or regulations, these SD P&Ps will govern. If there are any questions about these SD P&Ps or the eXp P&Ps in general, contact the State Broker or Managing Broker(s).

## **OFFICE HOURS**

Jon Mehlhoff - Monday - Friday 9-12 pm MST

Lauren Budner - Tuesday, Thursday 8-1 pm MST

## **LEADERSHIP TEAM**

Jon Mehlhoff - Designated Managing Broker (DMB)

Lauren Budner - Administrative Support Analyst (ASA)

Anne Ades - Contract Compliance Analyst (CCA)

Tonya Wagar - Individual Agent - Transaction Settlement Specialist (TSS)

Kyle Faribba - Team - Transaction Settlement Specialist (TSS)

Kim Flores - Team - Transaction Settlement Specialist (TSS)

Spencer Grau - State Concierge

## **State Website**

eXp maintains a resource website for its Agents which is located at [SD Agent Website](#)

## **STATE OFFICE ADDRESS**

eXp Realty

402 Saint Joseph St. Suite 18

Rapid City, SD 57701

## **WORKPLACE**

In an effort to streamline communication, all Agents and staff use Workplace. Not only does it allow everyone at eXp Realty to communicate more effectively and efficiently with one another, it also acts as an internal archive. Workplace Chat allows Agents to reach their Managing Brokers and support staff instantly for assistance when needed.

## **COMMISSION PROCESSING**

Agents will be required to have all required documents on the checklist in Skyslope uploaded and the file is broker approved. The Transaction Team will create a CDA ( Commission Disbursement Authorization) which is sent to the closing agent and the Title Company. The CDA will have instructions on where the commission check and settlement docs are to be sent. It will be the responsibility of the Agent to ensure the closing escrow agent has those instructions and that the TRANS ID # will be on the commission check. Once the final closing docs (Signed Settlement and the Copy of Commission Check) have been uploaded, Agents will send an email to [sd.transactions@exprealty.net](mailto:sd.transactions@exprealty.net) to notify the Transaction Team that a file is ready to settle. The settlement time for files is 1-3 business days from the final DMB approval.

## **STATE MEETINGS**

As part of their supervision, the Managing Brokers (MB) hold state meetings (office meetings) on the 1st & 3rd Tuesday of each month. The content of the meetings include: company announcements, any updates to SD Real Estate Commission, NAR, MLS regulations/bylaws, production recognition. All meetings, unless otherwise announced, are held in the *SD Auditorium* in eXp World. We also use the SD Mentorship Room which is available via the app. Meetings are also available via live-stream and recording in Workplace.

## **STATE TRAININGS**

As part of their supervision, the DMB holds state training on the 1st & 3rd Tuesday of each month. The 1st Tuesday of each month is held in the SD Auditorium and the 3rd Tuesday is via zoom/google meet. The content of the training includes, but is not limited to: contract compliance, agency representation of clients. business planning, and time management.

All training, unless otherwise announced, are held in SD Auditorium in eXp World. The trainings are live-streamed and recorded in Workplace and posted to our SD Page.

## **AGENT ORIENTATION**

When an Agent first affiliates their license with eXp Realty, they attend several trainings and orientations to help them get acquainted with the various systems and processes. On the 4th Tuesday each month, Agent Orientation is held. It covers company and state requirements, as well as an introduction to the staff and fellow Agents.

## **EXP UNIVERSITY**

From mentors to new Agents to Agents who just want to absorb all the knowledge they can, eXp University is for everyone and from wherever an Agent or team is located. There are more than 50 hours of live training each week in eXp World on eXp Realty tools and real estate business best practices. New classes and events are regularly being added based on Agents' needs and experience level. The eXp University On-Demand Library allows Agents to access training content at their convenience.

## **AGENT FILE REVIEW/BROKER AUDITS**

eXp uses Skyslope for settlement and storing of all files. For South Dakota, all Agents have a checklist for each file with required documents of transactions. Agents are required to upload those documents within 48 hours upon executing signed contracts. Broker will review and approve those docs. Internal review audit will be completed by the TSS prior to settling the file and commission payments processed.

## **EARNEST MONEY**

eXp doesn't have an earnest money account. Agents are to deliver the earnest money to the title company/attorney who is handling the closing of the transaction.

## **AGENCY**

Agents are Appointed Agents in the representation relationship with the clients. The DBM appoints Agents to represent either the buyer side or the seller side.

Limited Agency is allowed in certain circumstances, when working in a transaction with the DMB/MB.

Dual Agency is allowed. Agents will use the proper state forms and have client written consent.

## **MLS's WHO HAVE OPTED OUT OF THE NAR SETTLEMENT**

This policy outlines the guidelines for recognizing Multiple Listing Services (MLSs) who have **opted out** of the National Association of Realtors (NAR) settlement and subsequent practice changes removing offers of compensation from any MLS beginning August 17, 2024.

eXp Realty agents are REALTOR® members covered under the NAR settlement and are required to follow the updated rules regarding no offers of compensation being offered in the MLS.

While eXp Realty recognizes some MLS's have chosen not to "opt in" to the NAR settlement agreement, as a company we must default to the more restrictive rule as part of the settlement agreement.

No compensation may be conveyed via the Multiple Listing Service.

If a seller directs an eXp Realty agent in writing that they are willing to consider an offer of Buyer Broker Compensation by means of a concessions to a buyer, that may be promoted in such a manner as to comply with the MLS Rules as adopted, eXp Realty will not share listing side commission, so any offer of compensation would be paid by Seller to Buyer Broker directly. eXp in no way desires to circumvent MLS rules or boundaries; therefore, we require all eXp agents to abide by the rules of the MLS(s) in which they are a member, so long as they do not conflict with this policy.

Any members of My State MLS must Opt out of offering cooperating compensation

MLS(s) that have opted out of the NAR Settlement Agreement:

None at this time

For additional questions, please contact your local State Broker.

## **eXp ACCESS POLICY**

**The purpose of eXp Access is to:**

- Provide an unique offering for sellers who, due to varying circumstances, do not want their listing marketed in a public manner.
- Provide greater transparency to eXp agents and clients by eliminating geographic boundaries that limit us from viewing all eXp listings nationally/internationally.

**The eXp Access platform makes two sets of data available to all eXp agents and their clients:**

- *eXp Office Exclusives (OEs)*: These are listings that eXp agents have entered directly into the Zenlist software platform
- *eXp Public Listings*: These are eXp listings that originate from the listing agent's local MLS.

**eXp in no way desires to circumvent existing MLS rules or boundaries; therefore, we require all eXp agents, when utilizing eXp Access, to abide by the rules of the MLS(s) in which they are a member.**

Only listings with a valid Listing agreement may be entered as an eXp Office Exclusive (OE).

eXp OEs will have an expiration and should be renewed in the platform as the seller directs.

Listings from the multiple listing will automatically pull in to eXp Public Listings and the original OE input will need to be deleted by the agent so there is no duplication. Agents will be responsible for maintaining and updating the status, price and comments of any listing entered in eXp Access within 24 hours of the update.

### **Advertising**

- OE listings may **not** be advertised publicly in any medium so as to adhere to local MLS rules.
- **Only Buyers that have signed a Buyer-Broker Representation Agreement with eXp Realty can be allowed access to view eXp Access listings.**
- Listing a property as an eXp OE is not considered public marketing under the NAR Clear Cooperation Policy. If your MLS does not follow NAR's [Clear Cooperation](#) policy, or has other rules, you must abide by the rules of your MLS.
- MLS Exemption Form - You must follow your MLS's rules: *If your MLS requires an exemption form to withhold entering your listing, even if it's not being marketed publicly, you **must** have a seller exemption form signed.*

**Multiple listing services that should be considered and local rules followed are as follows:**

Black Hills Association of Realtors - (BHAR)  
Mount Rushmore Association of Realtors - (MRAR)  
Realtors of the Sioux Falls Empire - (RASE)  
East Central SD Realtors - (ESC)  
NE SD Association of Realtors - (NESD)  
Aberdeen Area Association of Realtors - (ABOR)  
Meridian Association of Realtors - (MAR)  
Mitchell Board of Realtors

## **COMMERCIAL SALES**

Agents are permitted to sell commercial properties. Agents must first reach out to the DMB to ensure that they have the competency to perform the tasks.

## **BRANCH OFFICES**

Branch offices within eXp are allowed and have an application process. Requirements for a branch office depend on overall Agent production level, having the lease reviewed and approved to ensure eXp Realty is not on any lease, providing a proper insurance declaration page and Agents to provide pictures of the office. At the board level, each office is required to sign up with a MLS board as a new firm. The final steps are approval from the DMB, and each Agent working in that branch office is required for a secondary license from the SDREC. All fees associated with creating the Branch Office to be covered by the Agent(s) requesting the Branch Office location.

[https://sdlegislature.gov/Statutes/Codified\\_Laws/2060672](https://sdlegislature.gov/Statutes/Codified_Laws/2060672)

## **LICENSE LAW**

Agents will abide by all the laws and regulations established by the state. The below links are Agent references.

[36-21A-6. Real estate broker and broker defined](#)

[https://sdlegislature.gov/Statutes/Codified\\_Laws/2060748](https://sdlegislature.gov/Statutes/Codified_Laws/2060748)

[Chapter 36-21A License Law](#)

## **AGENT SAFETY**

Agent safety is a priority. Resources, tips and best practices for Agent safety can be found on the [National Association of Realtors](#) website.

## **DO NOT CALL POLICY**

**Before making solicitation calls, the licensee or telemarketer must be familiar with the current laws. All Agents are encouraged to utilize eXp Realty's DialSafe tool to ensure all**

**consumer phone numbers are verified to not be on the Do Not Call List prior to commencing any contact, thereby ensuring compliance with the Do Not Call regulations.**

The [eXp Realty TCPA Resource Guide](#) is a valuable resource for Agents to familiarize themselves with to ensure they are in compliance with and abide by federal laws and the Telephone Consumer Protection Act ( TCPA) regulations.

The **Telephone Consumer Protection Act (TCPA)**, regulates telemarketing calls, automatic telephone dialing systems, and artificial or prerecorded voice messages. The law also requires those who make telephone solicitations to have procedures for maintaining company-specific **do-not-call** lists. Licensees must maintain their own electronic or written list and make it available to eXp Commercial upon request. Within two business days of the request from a consumer, the licensee will place that consumer and phone number to the licensee's **do not call list**.

In 2012, **TCPA** updated rules require telemarketers:

1. obtain prior express written consent from consumers before robocalling them
2. No longer allow telemarketers to use an "established business relationship" to avoid getting consent from consumers when calling their home phones
3. require telemarketers to provide an automated, interactive "opt-out" mechanism during each robocall so consumers can immediately tell the telemarketer to stop calling.

For more details about the Commission's telemarketing rules, including the **do-not-call** provisions, click on the link on this page for the July 3, 2003 [Order](#). For details about registering with or accessing the **do-not-call registry**, visit the [National Do-Not-Call Registry page](#). Additional reference materials available on the web include a [summary of TCPA rules \(PDF\)](#) and the Commission's [Telemarketing Rules \(CFR Title 47, Part 64, subpart L: "Restrictions on Telemarketing, Telephone Solicitation, and Facsimile Advertising"\)](#).

**TSR: The Telemarketing Sales Rule** requires telemarketers to make specific disclosures of material information; prohibits misrepresentations; sets limits on the times telemarketers may call consumers; prohibits calls to a consumer who has asked not to be called again; and sets payment restrictions for the sale of certain goods and services.

<https://www.ecfr.gov/current/title-16/chapter-I/subchapter-C/part-310?toc=1>

The **TSR** has a "*safe harbor*" for unintentional calls or mistakes. If a licensee or telemarketer can show that, as part of its routine business practice, it meets all the requirements below of the "*safe harbor*," the person/firm will not be subject to civil penalties or sanctions for mistakenly calling a consumer who has either asked for no more calls (and who should have been placed on the licensee's **do not call list**), or for calling a person who is on the **national do not call registry**. eXp and the licensee/telemarketer share the responsibility to meet the "*safe harbor*" requirements. eXp, the licensee or telemarketer must demonstrate that:

- it has written procedures to comply with the do not call requirements
- it trains its personnel in those procedures
- it monitors and enforces compliance with these procedures
- it maintains a company-specific list of telephone numbers that it may not call
- it accesses the national registry no more than 31 days before calling any consumer, and maintains records documenting this process
- any call made in violation of the do not call rules was the result of an error



**If you or the telemarketer you hired have violated any of the above laws, report this event to your broker immediately in writing.**

## **EMERGENCY PREPAREDNESS**

Natural disasters, acts or terrorism, health crises and other events can happen at any time and without warning. Each crisis is different in scope and has varying degrees of impact and exposure at the local, regional and national levels. The company is responsible for and maintains all files and has a backup system. It is recommended that Agents backup all their files and have a secondary system access for files such as an external hard drive or thumb drive. In the event of an evacuation, the company will communicate with Agents on safety procedures. Before a situation arises, the company will provide communications for direction on how to navigate a crisis and who to contact for information and support. For more information on the [SD Emergency Management](#) go to their website.

**NOTIFICATION OF POLICY AND PROCEDURE MANUAL REVISION**  
eXp Realty reserves the right to revise this SD P&P in its sole discretion. Agents are encouraged to review this document regularly to review any revisions.

[END OF DOCUMENT]