



## **eXp Realty**

# **Policy and Procedures**

*These Maine Policies and Procedures (“ME 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 ME P&Ps, capitalized terms used herein shall have the meanings ascribed to them in the eXp P&Ps and the ICA.*

<b>GENERAL MAINE POLICIES</b>	<b>4</b>
<b>AGENCY INFORMATION</b>	<b>4</b>
Broker Hotline	4
Company EIN	4
NAID for HUD Homestore	4
Office Address(es)	4
Main Office Physical Address:	4
Branch Office Physical Addresses:	5
Mail Commission Payment Checks to:	6
Overnight / Fed Ex:	6
Mailing Address for Agency and Designated Broker:	6
Responsible Broker (DMB)	6
Administrative Support Coordinator (ASC)	6
Contract Compliance Specialist (CCS)	6
Transaction Support Specialist (TSS)	7
<b>SIGNATURE REQUIREMENTS</b>	<b>7</b>
<b>MAINE REAL ESTATE COMMISSION</b>	<b>7</b>
Real Estate Commission Forms	8
Maine Real Estate Brokerage Act	8
<b>REALTOR® MEMBERSHIPS</b>	<b>8</b>
Maine Association of REALTORS®	8
Maine Real Estate Information Services (MLS)	9
<b>MLS's WHO HAVE OPTED OUT OF THE NAR SETTLEMENT</b>	<b>9</b>
<b>eXp ACCESS POLICY</b>	<b>10</b>
<b>APPROVED FORMS &amp; RELATED PROCEDURES</b>	<b>11</b>
Required eXp Realty Forms	11
Affiliated Business Agreement Disclosure	11
Wire Fraud Advisory Notice	11
Personal Interest Disclosure	12
Listing Agreement Transfer	12
Transfer of Transaction Under Contract	12
<b>OVERSIGHT OF AGENTS</b>	<b>12</b>
Sales Agent Supervision	12
General Supervision	12
State Meetings	12
Morning Mastermind	13
Managing Broker Notifications & Acknowledgments	13
Agent Education	13

Continuing Education	13
Mentor Required	13
<b>TEAMS</b>	<b>14</b>
<b>ADVERTISING</b>	<b>14</b>
Use of Names	14
Broker Review	14
<b>AUTHORIZED ACTIVITIES</b>	<b>14</b>
Property Management Not Allowed	15
Property Preservation Limited	15
Leasing Activities	15
Wholesaling and Net Listings Prohibited	15
<b>COMMISSION PAYMENTS</b>	<b>15</b>
When Will the Agent Be Paid?	15
Payee as a Business Entity	16
<b>BROKERAGE RELATIONSHIPS</b>	<b>16</b>
Appointed Agency	16
Exclusive Representation Agreements	16
Non-Exclusive Representation Agreements	16
Transaction Brokerage	16
Disclosed Dual Agency	17
Disclosure	17
<b>PROPERTY VALUATION</b>	<b>18</b>
Broker Price Opinion	18
Comparative Market Analysis	18
<b>EARNEST MONEY PROCESS</b>	<b>18</b>
Accounting	18
Escrow Procedures	18
Checks:	18
Electronic Deposit Using DepositLink	19
<b>DISBURSEMENT PROCESS</b>	<b>19</b>
Closing	19
Canceled Contract	19
<b>eXp REALTY TECHNOLOGY ENVIRONMENTS</b>	<b>20</b>
Workplace	20
World	20
Skyslope	20
<b>EMERGENCY PREPAREDNESS</b>	<b>20</b>
<b>DO NOT CALL</b>	<b>20</b>
<b>WIRE FRAUD</b>	<b>22</b>

## GENERAL MAINE POLICIES

All Agents doing business in the State of Maine (ME) 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 (“ME P&Ps”), To the extent that these ME P&Ps conflict with the eXp P&Ps due to specific Maine laws or regulations, these ME P&Ps will govern. If there are any questions about these ME P&Ps or the eXp P&Ps in general, contact the State Broker or Managing Broker(s).

## AGENCY INFORMATION

[ME Agent website](#)

### Broker Hotline

The State Broker is easily accessible by calling or texting **603.722.0126**. This line is monitored by the Designated Managing Broker, Managing Broker and Administrative Support Coordinator.

### Company EIN

Exp Realty LLC  
EIN: 20-8369429

### NAID for HUD Homestore

XPRLTY9439

### [Maine Real Estate Commission License Information](#)

### Office Address(es)

#### Main Office Physical Address:

At [Think Tank](#)  
533 CONGRESS STREET  
PORTLAND, ME 04101  
800.994.5661  
info@thinktankcoworking.com  
License Number: AL90602642  
Expiration Date: 06/12/2023  
MLS ID: 2742  
[More information on ThinkTank](#)



### **Branch Office Physical Addresses:**

Rob Edgerley, Team Leader  
Authorized branding:  
Maine Life Real Estate Co. Brokered by eXp Realty  
254 US ROUTE 1  
SCARBOROUGH, ME 04074  
License Number: AB90603257  
Expiration Date: 02/13/2025

Brett Davis, Team Leader  
Authorized branding:  
Brett Davis Real Estate Brokered by eXp Realty  
12 SCHOOL ST  
FREEPORT, ME 04032-1337  
License Number: AB90603367  
Expiration Date: 04/05/2024  
No MLS ID

Keith Nicely, Team Leader  
Authorized branding:  
Real Estate Done Nicely  
110 MIGHTY STREET  
GORHAM, ME 04038  
License Number: AB90603370  
Expiration Date: 04/29/2024  
No MLS ID

Debra Chapman  
23A SPRING ST  
DEXTER, ME 04930-1325  
License Number: AB90603422  
Expiration Date: 09/22/2024  
No MLS ID

Tessie Elwell  
395 Favittius  
Lewiston ME 04240-5429  
License AB90603597  
Exp 3/31/2024

## **Mail Commission Payment Checks to:**

### **Regular Mail:**

eXp Realty LLC  
PO Box 787962  
Philadelphia, PA 19178-7962

### **Overnight / Fed Ex:**

eXp Realty, LLC - East  
Lockbox 603506  
1525 West W.T. Harris Blvd- 2C2  
Charlotte, NC 28262

## **Mailing Address for Agency and Designated Broker:**

Debbie Ball  
eXp Realty, LLC  
170 Commerce Way Suite 200  
Portsmouth, NH 03801

Broker Hotline Number:

**(603) 722-0126**

***Agents should use this number any time they need to reach the Broker***

Office Phone Number on Agency Record

**(888) 439-8743** for use only when required on forms

## **Responsible Broker (DMB)**

[Debbie Ball](#)

License Number: DB926726

Expiration Date: 11/14/2024

Broker Hotline: 603.722.0126

Personal: 603.490.9402

DMB Office Extension: 888.439.8743

Email: [me.broker@exprealty.net](mailto:me.broker@exprealty.net)

## **Administrative Support Coordinator (ASC)**

Jessica Vaughan [jessica.vaughan@exprealty.net](mailto:jessica.vaughan@exprealty.net)

## **Contract Compliance Specialist (CCS)**

LisaMarie Doherty [Lisa.Doherty@exprealty.net](mailto:Lisa.Doherty@exprealty.net)

## Transaction Support Specialist (TSS)

Individual Agents: [ME.Transactions@exprealty.net](mailto:ME.Transactions@exprealty.net)

Teams: [ME.TeamTransactions@exprealty.net](mailto:ME.TeamTransactions@exprealty.net)

## SIGNATURE REQUIREMENTS

All Agents are required to include the following in their email signature:

- Wire Fraud Prevention Statement (must be prominent) :  
IMPORTANT NOTICE: Never trust wiring instructions sent via email. Cyber criminals are hacking email accounts and sending emails with fake wiring instructions. These emails are convincing and sophisticated. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct. [FBI Wire Fraud Prevention Booklet](#)
- Name
- REALTOR® [*other titles can be added here in addition*]
- eXp Realty
- [*Insert other contact info here*]
- Digital Communication Disclaimer:  
This e-mail message may contain confidential or legally privileged information and is intended only for the use of the intended recipient(s). E-mails are not secure and cannot be guaranteed to be error free as they can be intercepted, amended, or contain viruses. Neither eXp REALTY nor its affiliated licensees can be held responsible for errors or omissions in this message or for any damages arising from the use of e-mail. Any statements made within this email cannot be interpreted as creating a legally binding agreement.

## MAINE REAL ESTATE COMMISSION

All Agents of eXp Realty are required to stay up to date and remain informed of Real Estate Commission Rules and Regulation and comply with the same.

### [Real Estate Commission Rules](#)

See also [Title 5](#), [Title 10](#) and OLR Rules [Chapters 10, 11 and 13](#) for administrative and departmental provisions applicable to this profession.

[Department Rules](#) are maintained on the Secretary of State's Website.

## Real Estate Commission Forms

The Real Estate Commission provides two forms Agents must provide to all clients and customers. [The Maine Real Estate Brokerage Relationships Form](#) must be presented and discussed with buyers and sellers prior to any substantive and/or specific discussion about property or a potential transaction. The [Offers and Counteroffers Guidelines](#) must also be shared with all customers and clients.

If an Agent presents a Maine Real Estate Brokerage Relationships Form and the customer does not enter into a Buyer Agreement, please fill out the form and email it to:

[MaineOffice@skyslope.com](mailto:MaineOffice@skyslope.com) \*\*\* **Be sure to put the name(s) of all Customers in the Subject line so this can be easily found if needed.**\*\*\*

## Maine Real Estate Brokerage Act

All Agents of eXp Realty will abide by all laws related to the [Real Estate Brokerage License Act](#)

## REALTOR® MEMBERSHIPS

Agents Must Be REALTORS®

Each Agent agrees to maintain an active REALTOR® association membership in good standing with National Association of REALTORS® , Maine Association of REALTORS® , and one of the local boards or councils where eXp Realty's Designated Broker is already a member. Agents must obtain Designated Broker approval prior to joining any other board.

[National Association of REALTORS®](#)

[Maine Association of REALTORS®](#)

[Greater Portland Board of REALTORS®](#)

[Greater Bangor Board of REALTORS®](#)

[Kennebec Valley Board of REALTORS®](#)

[Maine Commercial Association of REALTORS®](#)

[Mountains to Shore Board of REALTORS®](#)

[York County Council of REALTORS®](#)

## Maine Association of REALTORS®

Agents will use the contractual and disclosure forms provided by the Maine Association of REALTORS®. These forms can be found in [zipForm® Plus](#). Agents are permitted to complete the forms by filling in the blanks on these forms. If other terms are to be written into the form, Agents may use the appropriate clause from the Clause Library or consult the Designated Managing Broker and/or the client's attorney.



## Maine Real Estate Information Services (MLS)

All Agents are required to comply with the [Rules and Regulations](#) of the [Maine Real Estate Information Services](#) (MREIS) multiple listing service. MREIS is administered by Maine Listings. The actual database interface is FLEXmls. Therefore, Agents may hear the MLS referred to as MREIS (mah-REE-ess), Maine Listings, FLEX or the former platform replaced by FLEX, Matrix.

## 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**

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:**

Maine Listings (Flex)

## **APPROVED FORMS & RELATED PROCEDURES**

All Agents will use only forms approved by the Designated Managing Broker for Maine. If other forms are requested by clients, customers or cooperating brokerage agencies, the Agent must present the form to the Designated Managing Broker for approval prior to use or prior to advising a client to sign.

Only clauses provided by the Maine Association of REALTORS® Legal Counsel or approved by the Designated Broker(DB) can be added to an agreement on behalf of a client or customer. If special terms are needed, Agents **MUST** consult the Broker or ask the client/customer to seek legal counsel to write additional terms.

### **Required eXp Realty Forms**

Agents will use any forms provided and required by eXp Realty. The following forms are placed here for convenience.

#### **[Affiliated Business Agreement Disclosure](#)**

This form must be acknowledged by any client or unrepresented customer of eXp Realty.

#### **[Wire Fraud Advisory Notice](#)**

This form must be acknowledged by any client or unrepresented customer of eXp Realty.

#### **[Personal Interest Disclosure](#)**

This internal eXp Realty form must be used in any transaction where an Agent has an ownership interest in a property that is for sale. ( Please see U.S. P&P for other disclosure requirements for Agents who are also acting as a buyer or a seller.)

#### **[Listing Agreement Transfer](#)**

If an Agent has joined eXp Realty and has a listing that Agent will be bringing with them OR if an Agent is leaving eXp Realty and wishes to take a listing with them, please complete this form with clients' and brokers' signatures.

## Transfer of Transaction Under Contract

If an Agent has joined eXp Realty and has a transaction in the process that they will be bringing with them OR if an Agent is leaving eXp Realty and wishes to transfer a transaction under contract to their next brokerage, please complete this form with clients' and brokers' signatures.

## OVERSIGHT OF AGENTS

### Sales Agent Supervision

From: [Ch. 400](#) Agency/Designated Broker Responsibilities  
Review of Sales Agent Documents

*“The designated broker, at a minimum, shall review and initial, as soon as possible, all contracts, property data sheets, disclosure forms, market analyses and other relevant information prepared by a sales agent for buyers and sellers during the first 90 days of the licensing of the sales agent with the real estate brokerage agency. The requirements of this Section are not intended to affect the validity of a contract.”*

#### **During the first 90 days of any Sales Agent’s affiliation with eXp Realty :**

All client agreements between any Agent and Client, and/or Purchase & Sale Agreements between Clients and other parties must be reviewed and signed by the Designated Broker OR a designee such as a mentor. If sending to the Broker, the forms must be sent to [ME.Broker@exprealty.net](mailto:ME.Broker@exprealty.net) for digital signatures **prior** to being presented to the consumer.

Agents are not permitted to perform Broker Price Opinions or Non-Residential Transactions without first getting approval from the Broker.

### General Supervision

#### State Meetings

Monthly meetings will take place at 10:00 am ET on the first Thursday of the month in the Maine State Broker Room, Mentor Room in eXp World. This meeting is also available on the mobile app. Meetings will be recorded whenever practical and live streamed in the State Group on Workplace.

#### Morning Mastermind

Morning Mastermind takes place from 9:00 am to 10:00 am ET every Monday and Wednesday in Meeting Rooms - Project Team Room 5 - Boardroom 1 in eXp World. This is the perfect opportunity to ask non-urgent questions related to current clients and transactions (discussed without names and in general terms of course) or ask general questions related to real estate practice. Commonly discussed topics are: contract compliance issues, REALTOR® Code of Ethics issues, eXp Realty policies and systems, how to build a successful business, and more. This is a great opportunity to connect with Agents around the region and learn vicariously

through each other. This meeting is also available on the mobile app. Meetings will be recorded whenever practical and live streamed in the New England States Group on Workplace.

## **Managing Broker Notifications & Acknowledgments**

Important notices including but not limited to company policies, state and regional law changes, and REALTOR® policies will be disseminated

- by post in the State Group on Workplace,
- by email in our Newsletter, and
- by presentation in monthly state meetings.

## **Agent Education**

All Agents will attend or complete any education required by the Designated Managing Broker.

REALTOR® Code of Ethics, Fair Housing, and the current Core course must be completed in every two year licensing cycle.

## **Continuing Education**

All Agents will comply with Real Estate Commission rules regarding continuing education requirements as well as all REALTOR® Code of Ethics training. All certificates of completion shall be provided to the Designated Managing Broker.

**Please submit certificates as credit is earned by using this form.**

[Continuing Education Records](#)

## **Mentor Required**

**All Agents** who have not closed the minimum of 3 transactions in the preceding 12 months **will be assigned a mentor** and must commit to fulfilling the terms of a mentoring agreement until the minimum number of transactions has been accomplished. Only the Designated Broker may exempt an Agent from the mentoring requirement.

## **TEAMS**

All team agreements must be in writing to be recognized by eXp Realty. If no team agreement is on file, eXp Realty will authorize commission payment only as indicated in SkySlope. Team leaders are hereby made aware that commissions may not be paid as the team intended if no agreement is on file.

## **ADVERTISING**

Any printed collateral, websites, social networking sites, and postings, and any other communication distributed for the purposes of promoting real estate or soliciting customers and

clients on behalf of eXp Realty must comply with Federal and State laws, Maine Real Estate Commission rules, and [eXp brand guidelines](#) [eXp Marketing Dos & Don'ts](#). The [eXp Marketing Center](#) has a wide variety of approved advertising templates. Thus, all Agents are encouraged to use these.

**All advertising must be submitted and approved by the Designated Broker via email at [me.broker@exprealty.net](mailto:me.broker@exprealty.net). Agents will use the attached form to submit final ad proofs [Advertising Approval Request](#) prior to use.**

## **Use of Names**

Any Agents or team must obtain written permission from the Designated Broker prior to advertising using any other name than that which is on the license with the Maine Real Estate Commission.

Register the name here to get Designated Broker approval: [Agent Advertising Name Registration](#)

## **Broker Review**

All Agents will register and deliver uploaded copies of or links to any advertising that:

- Is used to prospect for new business,
- promotes any property, or
- otherwise includes the logo to eXp Realty for Managing Broker review prior to distribution.

## **AUTHORIZED ACTIVITIES**

The purpose of eXp Realty is to facilitate the exchange of rights to real property in Maine, and from time to time provide opinions of value for prospective buyers, sellers, lessees, lessors, and lending institutions. Only acts with these ultimate goals are permitted.

### **Property Management Not Allowed**

Property Management does not require a real estate license and is therefore not part of eXp Realty's scope of activities. eXp Realty Agents are prohibited from engaging in property management which includes, but is not limited to: setting or handling rents; screening tenants; handling tenant issues; scheduling and tracking maintenance; managing finances and records.

### **Property Preservation Limited**

Property preservation is the process of caring for the inside and outside of a foreclosed property, be it vacant or occupied. Agents are permitted under certain conditions to work with banks and asset management companies to provide services such as repair, inspection,

insurance claim management, and maintenance. Consult the State Broker team for specific limitations.

### **Leasing Activities**

Agents may be compensated for procuring a lessee or representing an owner in a leasing transaction. Please see the Designated Managing Broker to be sure the Agent is using the required documentation for rental property.

### **Wholesaling and Net Listings Prohibited**

Selling a contract to purchase a property at less than fair market value for the amount of the contract plus a “finders fee” is considered wholesaling. For wholesaling please see the U.S. P&P.

Net Listings are illegal in Maine and not authorized. ([Chapter 410: Minimum Standards of Practice](#))

## **COMMISSION PAYMENTS**

### **When Will the Agent Be Paid?**

All Agent commissions shall be paid

- immediately upon closing,
- when the commission is received by eXp Realty, or
- when the Skyslope file is complete, whichever is later.

Third parties (title companies, attorneys, auction companies) may be authorized to pay eXp Realty Agents directly according to a Commission Disbursement Authorization provided by eXp Realty’s Payment Processing Team. Incomplete files may result in delays of commission payment.

### **Payee as a Business Entity**

State regulations require Agents be paid according to the name as it appears on their real estate license. If any Agent wishes to be paid under a different name than is on their license, it will be allowed provided the State broker has a signed letter on file from that Agent stating that the Agent is assigning all payments to the legal entity that will be collecting the payment.

*This may not be allowed if eXp Realty is under order to collect for back taxes, child support or other such liens and garnishments.*

Submit legal documentation here: [Agent DBA Registration](#)

# **BROKERAGE RELATIONSHIPS**

## **Appointed Agency**

eXp Realty practices Appointed Agency, NOT Single Agency. All Agents work with clients as Appointed Agents and only the Agents listed on the company agreement have fiduciary duties to the client. Therefore, Agents acting as client representatives or are aware of confidential client information must be listed in the Appointed Agency section of any Representation agreement.

## **Exclusive Representation Agreements**

Agents are encouraged to convert customers to clients as early as possible to avoid any misinterpretation by a customer regarding the level of service owed. Representation Agreements must be uploaded to SkySlope within 2 Business Days of execution, even when Buyer is not under contract.

## **Non-Exclusive Representation Agreements**

Agents are encouraged to convert customers to clients as early as possible to avoid any misinterpretation by a customer regarding the level of service owed.

## **Transaction Brokerage**

Transaction Brokers are limited to customer level service which includes **ONLY** the following:

- Providing access to properties for sale;
- Disclosing all material defects pertaining to the physical condition of the real estate that are known by the licensee;
- Completing Purchase & Sale Agreements and related forms on behalf of Buyers or Sellers provided no advice is given;
- Treating both the buyer and seller honestly and not knowingly give false information;
- Accounting for all money and property received from or on behalf of the buyer or seller; and
- Complying with all state and federal laws related to real estate brokerage activity.
- 

Agents working with buyers or sellers as Transaction Brokers may NOT:

- Perform anything beyond ministerial acts on behalf of a buyer or seller;
- Provide specific opinions of value,
- Research property information on behalf of a buyer or seller;
- Keep information obtained from a buyer or seller customer confidential; or
- Advise a buyer or seller with regard to negotiations.



## Disclosed Dual Agency

Disclosed Dual Agency is permitted with written permission by the client prior to entering into a Purchase and Sale Agreement. Agents must obtain permission from the Designated Broker prior to working with clients as Disclosed Dual Agents. Both the buyer and the seller must consent to this type of representation in writing. When representing both a buyer and a seller, the dual agent must not disclose to one party any confidential information obtained from the other party.

If an Agent is a party to the transaction, that Agent may not represent a party with an adverse position.

## Disclosure

- Disclosure of agency relationship options, including an explanation of the difference between a customer and client relationship, must be made in a timely fashion so that customers can protect their own interests.
- [The Maine Brokerage Relationships Form](#) must be presented before any substantive discussion that could result in a customer disclosing information that could impede or compromise their bargaining position.
- Affiliated Business Arrangements of eXp Realty must be presented to **all** clients and signed at the first meeting.
- Known Material Defects about properties must be disclosed to **all** parties (customers and clients).
- Material Facts must be disclosed to clients.
- **All** clients in residential transactions must be provided with the MAR Residential Property Transaction Booklet.
- **All** clients and customers in transactions involving residential property built prior to 1978, including rentals, will receive the [Protect Your Family From Lead in Your Home](#) brochure and the [Lead Based Paint Disclosure](#).
- **All** Buyers and Sellers will be given the [Arsenic in Well Water](#) Brochure and the [Arsenic Treated Wood Fact Sheet](#).
- Agents may not represent both Buyer and Seller in the same transaction without a Disclosed Dual Agency Consent Agreement signed by both parties PRIOR to the start of negotiations.

## PROPERTY VALUATION

### Broker Price Opinion

Agents holding a Broker or Associate Broker license are permitted to perform Broker Price Opinions.

## Comparative Market Analysis

Agents are expected to perform a Comparative Market Analysis (CMA) for clients. Agents may ONLY perform a Comparative Market Analysis for customers as part of preparation for a listing presentation. Any reports of CMAs may be discussed but should not be provided to customers.

## EARNEST MONEY PROCESS

### Accounting

Agents may be responsible for handling earnest money deposits related to a specific transaction. Agents must deliver all available documents and disclosures for the transaction prior to, or at the time of earnest money acceptance or deposit.

**Failure to properly handle earnest money deposits in accordance with these instructions may be grounds for immediate dismissal from eXp Realty.**

### Escrow Procedures

Whenever possible, earnest money deposits will be held by the cooperating brokerage, lender, or title company/attorney.

In compliance with Maine Real Estate Commission Rules, eXp Realty has TWO escrow accounts at Wells Fargo.

Earnest money deposits for real property (property involving land ownership rights plus any improvements/structures affixed) will be held in an account labeled REAL ESTATE TRUST ACCOUNT.

Earnest Money Deposits for mobile homes on leased land, boat slips and any other personal property transaction must be kept in a separate account from our real property earnest money deposits. These deposits will be held in an account titled PERSONAL PROPERTY TRUST ACCOUNT.

### Checks:

#### **Do not have checks sent to any local office.**

Agents with eXp Realty are required to deposit any funds received from the buyer client OR from a buyer for an earnest money deposit on a property within 5 days of the Effective Date, or the actual date received if a longer delivery period is specified in the contract. **Checks require 7-10 business days to clear in order to be distributed for closing or refunded to a buyer.** Agents will be responsible for making the deposit using the [FTNI ETran Mobile Payments](#) app within the time period allowed. Check your email for your invitation to take the FTNI Orientation Course that is required to qualify for access.

## Electronic Deposit Using DepositLink

If funds are to be delivered electronically, the Agent will send an invitation to the buyer using [DepositLink](#) to make the deposit.

NOTE: There is no cost to the Agent or eXp for using DepositLink, but the buyer will be charged a \$12 processing fee for each deposit. Most buyers do not object to the fee and look at it as just a cost of buying a house.

**TIP: Add email addresses to the SkySlope file, cooperating agent, and lender so they will be automatically notified when payment has been made.**

## DISBURSEMENT PROCESS

### Closing

When a transfer (closing) is due to occur where eXp Realty is holding the earnest money funds, the Trust Accounting Department will verify that the deposit has cleared the eXp Realty account, then submit the total sum of all deposits related to the transaction to the closing agent using a Deluxe eCheck. The deposit will be delivered within 5 business days prior to closing.

Use [this form](#) to request earnest money disbursement. *ALL documents related to earnest money must be uploaded to SkySlope for funds to be released.*

### Canceled Contract

When a Purchase & Sale Agreement is terminated by a buyer or seller; the file is complete in Skyslope; and all parties to the Purchase and Sale Agreement have signed the Earnest Money release, a Deluxe eCheck will be emailed to the client or customer of eXp Realty or to the licensee representing the recipient. Expect the deposit to be sent within 2 Business Days of broker approval of the release or the check clearing our bank, whichever happens later.

Use [this form](#) to request earnest money disbursement. *ALL documents related to earnest money must be uploaded to SkySlope for funds to be released.*

## eXp REALTY TECHNOLOGY ENVIRONMENTS

### Workplace

Agents of eXp Realty will register and set up a profile in Workplace and join the Maine State Group. Important communications from the Maine Designated Managing Broker will be made in this group. Agents should check the State Group at least once weekly.

After an Agent sets up their Workplace account, join the [Maine State Workplace Group](#)

## World

Most of eXp Realty trainings, meetings and social gatherings will occur in eXp World. EXP World [Explore eXp World](#)

## Skyslope

Skyslope is our document Management System. All documents must be submitted for Broker Review within 2 Business Days of execution. <http://Skyslope.com> **Documents submitted after 5 Calendar Days may be subject to a fine by the Maine Real Estate Commission, Maine Listings, or REALTOR association.** Failure to submit any executed document to eXp Realty within 5 calendar days may result in immediate dismissal.

## 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.

## 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 [Maine emergency management](#) go to their website.

## DO NOT CALL

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) to obtain prior express written consent from consumers before robocalling them

(2) to no longer allow telemarketers to use an "established business relationship" to avoid getting consent from consumers when calling their home phones

(3) to 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 <https://www.fcc.gov/sites/default/files/tcpa-rules.pdf>. 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 T CPA 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.***

In addition to the federal telephonic solicitation laws, ME, also has statutes regarding laws to protect the public. Agents are required to be familiar with these laws and adhere to them in the course of their real estate business. [Maine Telephone Solicitation Laws](#)

## **WIRE FRAUD**

Each year tens of thousands of dollars are lost due to wire fraud. eXp requires clients to sign eXp's Wire Fraud Advisory. Agents can find the form in Skyslope Forms or Working Documents: Working Documents > Office Docs > Maine Listing Agreements Please note that eXp does not require the customer on the co-op side of the transaction to sign this document. While this disclosure document is part of the customer file, the document is not part of the Purchase & Sale Agreement. Once the eXp customer signs the document, the Agent will upload it to the customer file.

## **NOTIFICATION OF POLICY AND PROCEDURE MANUAL REVISION**

eXp Realty reserves the right to revise this ME P&P in its sole discretion. Agents are encouraged to review this document regularly to review any revisions.

[END OF DOCUMENT]