



The Voice of Real Estate in North Carolina

Can I exclude another agent from showing my listing?

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QUESTION: I have a seller client who says she had a “very bad experience” with another local REALTOR® a few years ago, and she insists that this agent not be allowed to show the property. The agent has her own one-person firm and participates in our association’s MLS. Can I prohibit the other agent from showing the property, and if so, how?

ANSWER: Yes, you can. Although Article 3 of the Code of Ethics obligates REALTORS® to cooperate with other brokers, there is an exception when such cooperation is “not in the client’s best interest.” If the client instructs you not to cooperate with another broker, following that instruction would not violate the Code of Ethics, assuming that the instruction does not constitute some form of illegal discrimination.

But that’s not the end of the analysis. The obligation to “cooperate” as used in Article 3 of the Code does not include the obligation to share commissions. Compensation issues are addressed by your MLS rules. A broker filing a listing with MLS is making a blanket offer of compensation to all other MLS participants, which would include the broker in question. However, the MLS rules do allow the listing broker to offer compensation to another participant other than the compensation indicated on the listing published by the MLS, provided the listing broker informs the other broker, in writing, in advance of submitting an offer to purchase, and provided that the modification in the specified compensation is not the result of any agreement among all or any other participants in the service. Thus, you should notify the broker in writing that per the seller’s request, she will not be permitted to show the property and that you are not offering to compensate her or her firm in any amount in connection with the sale of the property.

If your MLS has a centralized the showing service, you may include in the instructions to the showing service that the seller requests the agent in question not be allowed to show the property. Also, it would probably be wise to put the property on a “confirmed appointment” only status so that the seller must confirm or deny any showings.

Although it’s permitted, excluding other agents from participating in the sale of a property should be done rarely and only at a seller’s request. It should never be done to further some personal agenda a broker may have with another agent or firm.

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