

**GENERAL INSTRUCTIONS AND INFORMATION
FOR FILING AND REPLYING TO ARBITRATION REQUESTS**

1. Arbitration requests must be typewritten and submitted with a sufficient number of copies to enable the Board to provide one to each respondent plus one copy for the Board's records. Any reply must be typewritten and submitted with a sufficient number of copies to enable the Board to provide one to each complainant plus one copy for the Board's records. Additional copies of the arbitration request and reply should be furnished by the complainant and respondent as requested by the Executive Officer. If the complainant is a member of the public extra copies of the arbitration request should not be requested.
2. Arbitration requests will be referred to the Board Executive Officer, and by the Executive Officer to the Chairperson of the Grievance Committee. If the Grievance Committee finds the matter to constitute a proper cause of action, it will be referred to the Board Executive Officer to arrange a hearing; if not found to constitute a proper cause of action, it will be returned to the complainant with the decision of the Grievance Committee, together with information advising the complainant of the procedures by which the Grievance Committee's decision may be appealed to the Board of Directors.
3. If there is to be a hearing, respondent will have fifteen (15) days after service of copy of the arbitration request to reply. Copy of the reply will be sent to complainant, the Board President, and the Professional Standards Committee Chairperson. The date for hearing will be set and all parties will be notified of the date and place of hearing at least twenty-one (21) days in advance.
4. If no response is filed to the arbitration request within the time allotted, the Grievance Committee shall make its determination as to whether an arbitration hearing should be scheduled based upon the information set forth in the request. Complainant, the Board President, and the Professional Standards Committee Chairperson will be advised that no reply has been filed.
5. All parties may be represented by legal counsel, provided that notice of intention to be represented is transmitted in writing to all other parties and to the Hearing Panel at least fifteen (15) days prior to the hearing. Failure to provide timely notice may result in a continuance of the hearing.
6. It is the responsibility of each party to arrange for his witnesses to be present at the hearing.
7. Either party may file with the Executive Officer, within ten (10) days from the date the names of the members of the Professional Standards Committee are mailed to the parties, a written request for disqualification of any potential member of the Hearing Panel for any of the following reasons:
 - (a) Is related by blood or marriage to the complainant or respondent
 - (b) Is an employer, partner, or employee, or in any way associated in business with either complainant or respondent
 - (c) Is a party to the hearing, or a party or a witness in another pending case involving complainant or respondent
 - (d) Knows any reasons acceptable to the Hearing Panel or tribunal which may prevent him from rendering an impartial decision
8. The notice of hearing will contain names of members of the tribunal who will hear the case and should be accompanied by an "Outline of Procedure for Arbitration Hearing" and the Arbitration Guidelines (including the Worksheet).
9. The parties shall not discuss the case with any member of the Hearing Panel or the Board of Directors at any time prior to announcement of a decision in the case.
10. No hearing will be held in the absence of a complainant. An arbitration hearing may (depending on State law and the options selected by the Board) proceed in the absence of the respondent.

Danville Area Board of REALTORS®
15 Ridgeview Street, DANVILLE, IL 61832

REQUEST AND AGREEMENT TO ARBITRATE

- (1) The undersigned, by becoming and remaining a member of the Danville Area Board of REALTORS® (or Participant in its M.L.S.), has previously consented to arbitration through the Board under its rules and regulation.
- (2) I am informed that each person named below is a member in good standing of the Board (or Participant in its M.L.S.), or was a member of the Danville Area Board of REALTORS® at the time the dispute arose.
- (3) A dispute arising out of the real estate business as defined by Article 17 of the Code of Ethics exists between me (or my firm) and (list all persons and/or firms you wish to name as respondents to this arbitration):

Name	, REALTOR® Principal	Address
Name	, REALTOR® Principal	Address
Firm		Address

(NOTE: Arbitration is generally conducted between REALTORS® (principals) or between firms comprised of REALTOR® principals.)

- (4) There is due, unpaid and owing to me (or I retain) from the above-named persons the sum of \$ _____ . My claim is predicated upon the statement attached, marked Exhibit I and incorporated by reference into this application. The disputed funds are currently held by _____ .
- (5) I request and consent to arbitration through the Board in accordance with its *Code of Ethics and Arbitration Manual* (alternatively, "in accordance with the professional standards procedures set forth in the bylaws of the Board"), and I agree to abide by the arbitration award and to comply with it promptly.

In the event I do not comply with the arbitration award and it is necessary for any party to this arbitration to obtain judicial confirmation and enforcement of the arbitration award against me, I agree to pay the party obtaining such confirmation the costs and reasonable attorney's fees incurred in obtaining such confirmation and enforcement.
- (6) I enclose my check in the sum of \$100 for the arbitration filing deposit.
- (7) I understand that I may be represented by legal counsel, and that I should give written notice no less than fifteen (15) days before the hearing of the name, address, and phone number of my attorney to all parties and the Board. Failure to provide this notice may result in a continuance of the hearing, if the Hearing Panel determines that the rights of the other party(ies) require representation.
- (8) Each party must provide a list of the names of witnesses he intends to call at the hearing to the Board and to all other parties not less than fifteen (15) days prior to the hearing. Each party shall arrange for his witnesses to be present at the time and place designated for the hearing. The following REALTOR® nonprincipal (or REALTOR®-ASSOCIATE nonprincipal) affiliated with my firm has a financial interest in the outcome of the proceeding and may be called as a witness, and has the right to be present throughout the hearing:

- (9) I declare that this application and the allegations contained herein are true and correct to the best of my knowledge and belief and this request for arbitration is filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.
- (10) If either party to an arbitration request believes that the Grievance Committee has incorrectly classified the issue presented in the request (i.e. mandatory or voluntary), the party has twenty (20) days from the date of receipt of the Grievance Committee's decision to file a written appeal of the decision. Only those materials that the Grievance Committee had at the time of its determination may be considered with the appeal by the Board of Directors.

