



CODE OF ETHICS ENFORCEMENT – FREQUENTLY ASKED QUESTIONS

What's the difference between an ethics complaint and arbitration request?

An ethics complaint charges that a REALTOR® has violated an article(s) of the Code of Ethics. An arbitration request involves a dispute over entitlement to a monetary transaction (e.g., a commission).

Who can file an ethics complaint?

Any person, whether a member or not, having reason to believe that a member is in violation of any conduct subject to disciplinary action.

Who can file an arbitration request?

A customer, client, or REALTOR® principal. A REALTOR® nonprincipal can also request arbitration with his current or former REALTOR® principal.

Is there a time limit?

Yes, ethics complaints must be filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction or event, whichever is later. Requests for arbitration must be 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.*

Who should I give the complaint or request to?

The Association Executive/Professional Standards Administrator of the Association.

What should be included with the ethics complaint or arbitration request?

Ethics – An ethics complaint form must be completed and filed. In addition, a written statement of the facts (with appropriate documentation, if any) on which the complaint is based must also be included, dated, and signed by the complainant. The appropriate Article(s) as they pertain to the facts in the alleged violation must be cited in the complaint.

Arbitration – An arbitration request form must be completed and submitted with details of the dispute and the \$150 deposit as set by the board (not to exceed \$500, which may be refundable if the requestor is found to be the prevailing party). In addition, whatever documentation that may help to substantiate your position.

Are there certain articles that can or can't be cited?

Only Articles 1 through 17 may be the basis of a complaint. The Preamble is aspirational and establishes ideals that a REALTOR® should strive to attain. Because of its subjective nature, the Preamble may not be used as a basis for charges of alleged unethical conduct or as the basis for disciplinary action.

Can Standards of Practice be cited in an ethics complaint?

No. Standards of Practice may be cited only in support of the Article(s) that was allegedly violated.

Are there issues or complaints that should not be brought before a board/association of REALTORS®?

Yes. A charge of violating the law or state real estate regulations is not a matter that would be considered by the board/association of REALTORS®. Also, the board/association is not a court of law where criminal or civil issues are resolved.

Is submitting to arbitration mandatory?

It depends on the circumstances. A REALTOR® may be obligated to arbitrate, or he/she may have a choice as to whether or not to voluntarily participate in an arbitration proceeding conducted by the board/association of REALTORS®.

When is arbitration mandatory/voluntary?

Mandatory – When the dispute is between: 1) REALTORS® who are principal brokers** in different firms; 2) clients and REALTOR® principals.

Voluntary – When the dispute is between: 1) Members in the same firm; 2) a REALTOR® who is a principal broker and a non-member principal broker in another firm; 3) customers and REALTOR® principals.

*If the board's informal dispute resolution processes (e.g., mediation) are involved, the 180 day filing deadline is suspended.

**"Principal Broker" means...A sole proprietor, partner, corporate officer, majority shareholder, or branch office manager of a real estate firm.