

## **ETHICS COMPLAINT**

**Boards and Associations of REALTORS are responsible for enforcing the REALTORS Code of Ethics. The Code of Ethics imposes duties about and in addition to those imposed by the law or regulation which apply only to real estate professionals who to become REALTORS.**

**Many difficulties between real estate professionals (whether REALTORS or not) result from misunderstanding, miscommunication or lack of adequate communication. If you have a problem with a real estate professional, you may want to speak with them or with a principal broker in the firm. Open constructive discussion often resolves questions or differences, eliminating the need for further action.**

**If, after these steps, you still feel you have a grievance, you want to consider filing an ethics complaint. You will want to keep in that.....**

- **Only REALTORS and REALTOR Associates are subject to the Code of Ethics of the National Association of REALTORS.**
- **If the real estate professional (or their broker you are dealing with is not a REALTOR Your only recourse may be the state real estate licensing authority or the courts.**
- **Boards and Associations of REALTORS determine whether the Code of Ethics has been violated, not whether the law or real estate regulations have been broken. Those decisions can only be made by the licensing authorities or the courts.**
- **Boards of REALTORS can discipline REALTORS for violating the Code of Ethics. Typical forms of discipline include attendance at courses and seminars designed to increase REALTORS understanding of the ethical duties or other responsibilities of real estate professionals. REALTORS may also be reprimanded, fined, or their membership can be suspended or terminated for serious or repeated violations. Boards and Associations of REALTORS cannot require REALTORS to pay money to parties filing ethics complaints; cannot award "punitive damages" for violations of the Code of Ethics; and cannot suspend or revoke a real estate professional's license.**
- **The primary emphasis of discipline for ethical lapses is educational, to create a heightened awareness of and appreciation for the duties the Code imposes. At the same time, more severe forms of discipline , including fines and suspension and termination of membership may be imposed for serious or repeated violations.**

**Please contact Beverly Pardue at 706-736-0429 if you have any questions or to confirm that the Real Estate Professional you have a complaint against is a REALTOR member tht the Greater Augusta Association of REALTORS has jurisdiction over.**

## **ARBITRATION REQUESTS**

**Arbitration, a form of alternative dispute resolution, is a legal technique for the resolution of disputes outside the courts. The parties to a dispute refer it to one or more persons (the “arbitrators, arbiters or arbitral tribunal), whose decision (the award) they agree to be bound. It is a settlement technique in which a third party reviews the case and imposes a decision that is legally binding for both sides.**

**A Request for Arbitration must be filed: 1) after the real estate transaction giving rise to the dispute has been completed; 2) within six months after the facts constituting the Arbitration matter could have been known in the exercise of reasonable diligence; 3) by the broker of a real estate agency.**

**Please contact Beverly Pardue at 706-736-0429 if you have any questions about the Ethics and/or Arbitration process.**

**For more information on Ethics Complaints and Arbitration you can go to [realtor.org](http://realtor.org) and search Professional Standards.**

**The complaint forms can be obtained on this website.**

**Form #E-1**

**GREATER AUGUSTA ASSOCIATION**

Board or State Association

1214 ROY ROAD

Address

AUGUSTA

City

GA

State

30909

Zip

**Ethics Complaint**

To the Grievance Committee of the

GREATER AUGUSTA ASSOCIATION OF REALTORS

Board or State Association

Filed \_\_\_\_\_

Complainant(s)

Respondent(s)

Complainant(s) charge(s):

An alleged violation of Article(s) \_\_\_\_\_ of the Code of Ethics or other membership duty as set forth in the bylaws of the Board in Article V11, Section 2 (Article, Section) and alleges that the above charge(s) (is/are) supported by the attached statement, which is signed and dated by the complainant(s).

This complaint is true and correct to the best knowledge and belief of the undersigned and is 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.

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true.

Are the circumstances giving rise to this ethics complaint involved in civil or criminal litigation or in any proceeding before the state real estate licensing authority or any other state or federal regulatory or administrative agency?

Yes  No

You may file an ethics complaint in any jurisdiction where a REALTOR® is a member or MLS participant. Note that the REALTORS® Code of Ethics, Standard of Practice 14-1 provides, in relevant part, "REALTORS® shall not be subject to disciplinary proceeding in more than one Board of REALTORS®"

Have you file, or do you intend to file, a similar or related complaint with another Association(s) of REALTORS® ?

Yes  No

If so, name of other Association(s): \_\_\_\_\_ Date(s) filed: \_\_\_\_\_

I understand that should the Grievance Committee dismiss this ethics complaint in part or in total, that I have twenty (20) days from my receipt of the dismissal notice to appeal the dismissal to the Board of Directors.

Complainant(s):

\_\_\_\_\_

Type/Print Name

Phone

Signature

Address

GREATER AUGUSTA ASSOCIATION OF REALTORS

Board or State Association

1214 Roy Road

Address

Augusta

City

GA

State

30809

Zip

Request and Agreement to Arbitrate

- (1) The undersigned, by becoming and remaining a member of the Board of REALTORS (or Participant in its MLS), has previously consented to arbitration through the Board under its rules and regulations.
(2) I am informed that each person named below is a member in good standing of the Board (or Participant in its MLS), or was a member of said 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 \$200.00 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.

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 has the right to be present throughout the hearing:

Name

\*Not to exceed \$500

(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:

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(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.

(11) Are the circumstances giving rise to this arbitration request the subject of civil litigation? Yes  No

(12) Important note related to arbitration conducted pursuant to Standard of Practice 17-4 (1) or (2): Where arbitration is conducted between two (or more) cooperating brokers pursuant to Standard of Practice 17-4 (1) or (2), the amount in dispute and the amount of any potential resulting award is limited to the amount paid to the respondent by the listing broker, seller, or landlord and any amount credited or paid to a party to the transaction at the direction of the respondent.

(13) Address of the property in the transaction giving rise to this arbitration request:

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(14) The sale/lease closed on: \_\_\_\_\_

(15) Agreements to arbitrate are irrevocable except as otherwise provided under state law.

### Complainant(s):

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Name (Type/Print)	Signature of REALTOR® Principal	Date
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Address

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Telephone

Email

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Name (Type/Print)	Signature of REALTOR® Principal	Date
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Address

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Name of Firm\*

Address

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Telephone

Email

\* In cases where arbitration is requested in the name of a firm comprised of REALTORS® (principals), the request must be signed by at least one of the REALTOR® principals of the firm as a complainant.

(Revised 11/12)