



VALLEY BOARD OF REALTORS

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MEDIATION PROCEDURES

1. A REALTOR® or a client requests a Dispute Resolution Package (Mediation).
2. Each party pays \$300. The Complainant files and pays \$300. If the Respondent does not respond or refuses mediation the entire \$300 is refunded. All funds are maintained in a trust account.
3. An overview of the procedure will then be addressed with both parties.
4. Mediation is the least expensive, most civilized method for depute resolution.
5. The Mediator is a facilitator, not a judge. The Mediator assists the parties in reaching resolution.
6. Traditionally, the REALTOR does not participate in the actual mediation. Parties may bring legal counsel but they are there only to advise their party. Typically, the fewer people in the room, the more likely a resolution will be reached.
7. The parties are separated until the mediation begins.
8. All parties sign a confidentiality agreement.
9. The Mediator has complete control as to the conduct of the mediation.
10. Although the real estate documents state that if a problem arises, mediation is required, sometimes the Respondent refuses to respond. The Respondent could simply ignore the request or state that s/he will not participate in mediation. The Board has no authority. Again, a full refund if given to the Complainent if mediation does not occur.
11. Complainent files a request. A cover letter is written to the Respondent, including a copy of the complaint and a blank mediation packet for the Respondent to return to the Board. As soon as documents are available, a mediation appointment is scheduled.
12. The Mediator will have no affiliation with the parties or the brokerage(s) of either the Complainent or the Respondent. Valley Board of REALTORS does not offer either party with a choice in the Mediator. Mediators are assigned on the basis of availability.
13. A meeting is scheduled with the Mediator, Complainent and the Respondent for mediation. A private venue must be provided for confidentiality purposes. Upon resolution, all parties sign the Mediation Resolution Agreement. Each party is provided with a copy of the executed agreement. A copy of the Mediation Agreement is kept at the VBR office, all other documents are shredded.
14. Each Board must keep an on going register of all professional standards matters including mediation.