

## **Ethics Complaint and Arbitration Request Processes & Code of Ethics FAQ**

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

An ethics complaint charges that a REALTOR® or non-resident member has violated an Article(s) of the Code of Ethics. An arbitration request involves a controversy 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 guilty of any conduct subject to disciplinary action.

### **Who can file an arbitration request?**

A customer, client or REALTOR®

### **Is there a time limit?**

Yes. Ethics complaints must be filed within one hundred eighty (180) days that the alleged offense and relating facts could have been known by the complainant in the exercise of reasonable diligence. 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 Professional Standards Administrator at the Thurston County REALTORS® 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 deposit as set by the association (not to exceed \$350 as directed by the board, refundable if the matter is found to be non arbitrable). In addition, include whatever documentation 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®.

### **What You Should Know About Arbitration**

- **Who is entitled to mandatory arbitration?**

REALTORS® or non-resident member principals of different firms.

REALTORS® or non-resident members other than principals or REALTORS® in different firms provided the REALTOR® or non-resident principals with whom they are affiliated join in.

A client of a REALTOR® or non-resident member principal provided the client agrees in writing to arbitrate the dispute arising out of their agency relationship and the matter is found to be properly arbitrable.

- **Who is entitled to arbitration?**

REALTORS® and non-resident members who are or were affiliated with the same firm, if each party voluntarily agrees in writing and if the association finds the dispute properly arbitrable.

A REALTOR® or non-resident member principal may request arbitration with a nonmember broker, providing that each party agrees in writing to arbitration and providing the association finds the matter properly arbitrable.

A REALTOR® or non-resident member principal and a customer provided that a written contractual relationship has been created between the customer and a client, the customer and the REALTOR® or nonresident member agrees in writing to arbitrate the dispute and the matter is found to be properly arbitrable.

### **Must the Association arbitrate all disputes?**

No, the board association may decline to arbitrate if its' Grievance Committee determines that (1) the dispute is not properly arbitrable, or (2) the amount involved is too small or too large, or (3) the legal complexity of the dispute is too great.

The filing of litigation and refusal to withdraw from it by the REALTORS® in an arbitrable matter constitutes a refusal to arbitrate. (Adopted 2/86) in accordance with Article 17, Standard of Practice 17-1 of the NAR Code of Ethics).