

Ethics Case Example #3

Client Z arrived at her mother's condo, listed by REALTOR® H, where she found a stranger leaving through the opened front door and a prospective buyer in the bathroom. When confronted, the prospective buyer said she was there to meet with people to measure for blinds, a carpet installer and painters.

The prospective buyer further stated that REALTOR® G (her REALTOR®) had given her the lock box code which she wrote on a post-it note and she was unable to find and was letting Client Z's sister to come secure the property.

Client Z believed REALTOR® G to be in violation of article 1 of the Code of Ethics as REALTOR® G left a prospective buyer alone in a property prior to sale and allowed the prospective buyer to bring in unsupervised tradespeople prior to sale. Also, Client Z was very concerned that the REALTOR® G could not have been sure the property would be secure and Client Z's mother had not yet removed all of her possessions.

REALTOR® G responded that she had set up an appointment with REALTOR® H for the prospective buyer to meet with the painter and carpet installers. REALTOR® G was running late and the prospective buyer phoned to let her know that she and the contractors were waiting at the home. REALTOR® G, knowing that she would be at the home within 10-15 minutes, gave the prospective buyer the code to the lock box. REALTOR® G arrived and stayed with the buyer and contractors for about an hour. REALTOR® G had an appointment with out of town buyers. When REALTOR® G was leaving the home to meet with her next appointment, the prospective buyer told REALTOR® G that she felt sick and needed to use the bathroom. REALTOR® G then showed the prospective buyer how to lock the lockbox and left.

REALTOR® G received a call from REALTOR® H stating that his client was very upset and was going to file a complaint. REALTOR® G explained the situation and apologized stating that the prospective buyer was 80 years old and it was unusual circumstances.

Is there a possible violation of Article 1?

Should case be dismissed?

Should case be sent to Professional Standards Committee for a hearing?

Conclusion

The Grievance Committee Panel determined that the complaint should be forwarded to the Professional Standards Committee for a hearing. The Hearing Panel concluded that REALTOR® G violated Article 1 based on the fact that she left the property unsecured without the knowledge and consent of the seller.