



Guide to Filing an Ethics Complaint

The National Association of REALTORS® Code of Ethics is what sets REALTORS® apart from other licensees. Violations of this code are taken very seriously. In most cases, you will file an ethics complaint with the Local Association/Board of the person whom you feel is in violation of the Code. This can sometimes be difficult to determine, especially when a REALTOR® works in a large area. If you have questions regarding the Local Association/Board of a REALTORS®, you can call the Oregon Association of REALTORS® at 503-362-3645 for information.

Ethics Complaint

1. Complete Form E-1 – making sure you sign and date the document (*form is attached*)
2. Attach a written summary of the situation and any documentation (such as listing agreements, purchase agreements, buyer contracts or disclosure forms) which support your complaint.
3. Complaints must be filed within 180 days of the time that the alleged offense and facts relating to it could have been known by the complainant in the exercise of reasonable diligence or within 180 days after the conclusion of the transaction or event, whichever is later.

Submitting the Complaint

Once you have completed the form, mail it with your summary and supporting documentation to the Professional Standards Administrator of the appropriate Local Association/Board. For a complete list of local Professional Standards Administrators contact the Oregon Association of REALTORS®.

The Process

The Grievance Committee reviews the cases first, and the Professional Standards Committee provides the panel to hear the complaints and render a decision, as described below.

The Grievance Committee reviews complaints and determines whether the complaint has sufficient merit for further consideration. It does not determine guilt or innocence. The Grievance Committee may decide as follows:

- Forward the case to the Professional Standards Committee for a hearing;
- Dismiss the case if the complaint does not concern a possible violation of the Code of Ethics;
- Postpone its decision, based on obtaining more information before a determination can be made.

In the Event Your Case is Forwarded to a Hearing

- The Respondent will be notified by the Professional Standards Administrator, and a reply requested;
- All parties will be sent a list of the Professional Standards Committee members, along with a form to challenge any of the members serving on the Hearing Panel;
- All parties will be given 21 days' notice of the hearing date;
- An Outline of Procedures will be included in the materials you receive prior to the hearing.

The function of the Professional Standards Committee is to hold ethics and arbitration hearings. These hearings provide an opportunity for the Complainant and the Respondent to explain their "side of the story" by presenting testimony and

witnesses, if any. Once all the facts have been presented, the Hearing Panel, will determine whether the Code of Ethics has been violated, or, in the case of arbitration, how the dispute should be settled.

Please note that all parties, including the individual(s) filing the complaint, will be required to attend the hearing and present their case to the Hearing Panel. Only under special circumstances and at the discretion of the Hearing Panel Chair may teleconference or videoconference be permitted.

What the Association Can and Cannot Do

In the case of *Ethics* violations, (money damages may not be a part of an ethics proceeding) the Association may discipline REALTORS® in one or more of the following ways:

- Letter of warning or reprimand
- Direct the REALTOR® to attend an ethics course or other training appropriate to the violation
- Cease and refrain from the action that was the violation
- Suspend membership
- Terminate the REALTOR® from membership
- Fine the REALTOR® up to \$15,000

A REALTOR® Association does have limitations to its authority. It cannot try a member for violation of the law or any alleged violations of the law. It cannot suspend or terminate a real estate license. The Real Estate Agency has jurisdiction over real estate licenses and should be contacted for violations of the law at 503-378-4170.

You will be informed by the Professional Standards Administrator about each step of the process. If you have any questions relating to filing your complaint, please call the Oregon Association of REALTORS® at 503-362-3645 or email info@oregonrealtors.org.

Name of Local Board/Association Respondent(s) Hold Membership

Ethics Complaint

To the Grievance Committee of the _____ Board/Association of REALTORS®.

Filed: _____ / _____ / 20____

Complainant

Respondent

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

Name: _____

[Please attach additional names on a separate sheet]

The Complainant(s) charges an alleged violation of Article(s) _____ of the Code of Ethics or other membership duty as set forth in the bylaws of the association/board and alleges that the above charge(s) is/are supported by the attached statement, which is signed and dated, when the complainant(s) first knew about the alleged violations. 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 or within one hundred and eighty (180) days after the conclusion of the transaction, whichever is later.

Date(s) alleged violation(s) took place: _____ / _____ / _____

[List other dates on a separate sheet]

Date(s) you became aware of the facts on which the alleged violation(s) is/are based: _____ / _____ / _____

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

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

Yes No

If so, please provide the name of the other Association/Board(s) : _____ Date Filed: _____/_____/_____

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 Association/Board of REALTORS® . . . with respect to alleged violations of the Code of Ethics relating to the same transaction or event."

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

Primary Complaint Contact Information

_____/_____/_____
Type/Print Name Signature Date

Phone Number Email Address

RETURN COMPLETED FORM TO:

Oregon Association of REALTORS®
Attn: Professional Standards Administrator
2110 Mission Street SE, Suite 230, Salem, OR 97302

