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GUIDE TO FILING AN ETHICS COMPLAINT

Who Can File a Complaint?

Anyone may file an Ethics Complaint against any member of West Central Association of Realtors. All members agree to abide by the Code of Ethics as a condition of membership. It is because of their obligation to abide by the Code of Ethics that a complaint may be filed.

Is Your Complaint an Ethics or Arbitration?

Ethics - charges that a REALTOR has violated an Article(s) of the National Association of REALTORS Code of Ethics.

Arbitration - a dispute arising out of a real estate transaction, usually a commission dispute.

If your situation concerns both ethics and arbitration, they will be handled separately. Arbitration cases are always processed first. Only when the arbitration is completed, will the ethics complaint be considered.

Filing an Ethics Complaint

1. Complete and sign the ethics complaint form below, indicating the REALTOR in question as Respondent.
2. List the Article(s) of the Code of Ethics that you think the REALTOR has violated, using the Code of Ethics, supplied by our office or by clicking [here](#).
3. Attach an explanation of the situation surrounding the complaint. Be as specific as possible. State what, when, where, why and how you think each Article was violated.
4. Attach copies of any and all pertinent documents such as listing agreements, purchase and sale agreements, addendums, etc. If you have notarized statements from witnesses, include those also.
5. Send the entire package to the West Central Association of Realtors at the address listed above.

Please note that ethics complaints must be filed within 180 days from when the facts became known.

Filing an Ethics Complaint

There are two (2) committees of the West Central Association of Realtors that handle complaints. The Grievance Committee reviews the cases first and the Professional Standards Committee provides the panel to hear the complaints and render a decision.

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 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 on to a Hearing...

- The respondent will be notified and a reply requested
- All parties will be sent a list of the Professional Standards Committee, along with a form to challenge any of the members serving on the hearing panel
- All parties will be given 21day notice of the hearing date
- An Outline of Procedures will be included in 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 "his/her 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.

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 class or other training appropriate to the violation
- Place the REALTOR on probation
- Suspend membership
- Expel the REALTOR from membership
- Fine the REALTOR up to \$15,000

A REALTOR Association does have limitations to its authority. We cannot try a member for violation of the law or any alleged violations of the law. We cannot suspend or terminate a real estate license. The Ohio Division of Real Estate has jurisdiction over real estate licenses and should be contacted for violations of the law at 614-466-4100.

You will be informed by the Association office about each step of the process as it occurs. If you have any questions relating to filing your complaint, please call West Central Assn of REALTORS at 419-227-5432.

Ethics Complaint

To the Grievance Committee of the _____
Board or State Association

Filed: _____ 20 _____

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 VII, Section II _____ and alleges that the above charge(s) (is/are) supported by the _____ Article, Section

attached statement, which is signed and dated by the complainant(s) and which explains when the alleged violation(s) occurred and, if a different date, 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 eighty (180) days after the conclusion of the transaction, whichever is later.

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

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

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

Have you filed, 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 transmittal of the dismissal notice to appeal the dismissal to the Board of Directors.

Complainant(s):

Type/Print Name Signature

Type/Print Name Signature

Address

Phone Email