

INSTRUCTIONS FOR FILING AN ETHICS COMPLAINT

Please read the following important background information:

Boards and associations of REALTORS are responsible for enforcing the REALTORS Code of Ethics. The Code of Ethics is a Code of Conduct expected of real estate professionals who choose to become REALTORS.

Many disputes result from misunderstanding, miscommunication, or lack of adequate communication. If you have a problem with a real estate professional, you may want to speak with them directly or with a principal broker in the firm. Open, constructive discussion often resolves questions or differences, eliminating the need for a formal complaint.

You may contact the professional standards administrator, Allison Barto at abarto@tcsr.realtor or 610-560-4800 to discuss potential options for communicating with a REALTOR with whom you have a dispute.

If you have attempted communication and you are not satisfied, or you feel you only want to file an ethics complaint here is information that will be helpful.

- Only REALTORS are subject to the Code of Ethics of the National Association of REALTORS.
- If the real estate professional you are dealing with is not a REALTOR, your recourse may be the state real estate licensing authority or the courts.
- Tri-County Suburban REALTORS has authority to determine whether the Code of Ethics has been violated, not whether the law or real estate regulations have been broken. Those decisions can only be made by the licensing authorities or the courts.
- Tri-County Suburban REALTORS can sanction REALTORS who have been found to have violated the Code of Ethics. Typical forms of discipline include attendance at courses and seminars designed to increase understanding of the ethical duties or other responsibilities of real estate professionals. REALTORS may also be reprimanded, fined, or their membership can be suspended or terminated for serious or repeated violations.
- Tri-County Suburban REALTORS cannot require REALTORS to pay money to parties filing ethics complaints; cannot award "punitive damages" for violations of the Code of Ethics; and cannot suspend or revoke a real estate professional's license.
- The primary emphasis of discipline for ethical lapses is educational; to create a heightened awareness of and appreciation for the duties the Code imposes. At the same time, more severe forms of discipline, including fines and suspension and termination of membership may be imposed for serious or repeated violations.

Completing and submitting your complaint:

Complete the "Ethics Complaint" form. The following directions will assist you to complete the form and prepare your complaint. If you have any questions, please contact the professional standards administrator, Allison Barto at 610-560-4800

- a) List all persons who wish to be considered complainants. Only those persons named as complainants on the form may be present for the entire hearing.
- b) Be sure to fill in the name of the respondent. The respondent is the person or persons against whom you are filing this complaint. **If there are multiple respondents complete one form for each respondent.** The Respondent must be a member of the Tri-County Suburban REALTORS. If you are not sure of the membership status of an individual, contact Allison Barto @ 610-560-4800.
 - Respondents are individuals; not a firm or office.
- c) Complete the blank in the first paragraph, which tells the Association the articles you feel have been violated. Review the current year Code of Ethics to determine which articles to cite. You may cite standards of practice in

support of the article. If there are multiple respondents, they do not necessarily have to be charged with a violation of the same articles. **If there are multiple respondents complete one form for each respondent.**

- The administrator cannot assist with which articles or standards of practice to cite. If you are unable to identify at least one article that fits the complaint, then it is likely this matter is not appropriate for an ethics complaint.
- d) Answer yes or no if the matter is subject to any other proceeding. If yes, provide the name of the agency or court where the additional proceedings are being handled. Provide a case or docket number.
- e) Answer yes or no if an ethics complaint relating to the same circumstances has been filed or will be filed with another REALTOR® Association.
- f) Sign your name in the space provided. Below the signature, print your name and add your address and daytime phone number, and e-mail address. e-Mail is the preferred form of communication **EXCEPT** for the following:
- Submitting an initial ethics complaint and/or supporting documents
 - Filing an appeal or request for procedural review
- g) If there is a reason you do not wish your contact information to be disclosed to the other party, please notify the Association office in writing along with your complaint.

TYPE: A detailed narrative of the events leading you to file an ethics complaint. Attach **copies** of pertinent documents, if any, that support your claim.

- Please be sure to include all pertinent dates in your narrative. The Grievance Committee must be able to accurately determine that a complaint was timely filed.
- Include in your narrative a statement as to how/why you feel each article cited.
- If there are multiple respondents be sure to clarify how you feel each respondent may have violated the article(s) cited for that respondent.

Complainants are not required to prove their case upon submission to the Grievance Committee. However, complainants must provide enough factual detail so that the Grievance Committee can determine if the complaint, taken as true on its face, warrants a hearing.

If forwarded for a hearing, the complainant will need to provide clear, strong and convincing evidence that a violation occurred.

MAIL: The completed complaint forms, your narrative of events, and **copies** of any supporting documents to: Allison Barto,
Tri-County Suburban REALTORS
1 Country View Road, Suite 201
Malvern, PA 19355.

The initial filing of the complaint must be done by mail or hand delivery.



**TRI-COUNTY
SUBURBAN
REALTORS®**

ETHIC COMPLAINT

To the Professional Standards Committee of the Tri-County Suburban REALTORS®

Complainant (s)

Respondent

(In the case of multiple respondents; use one form for each Respondent)

Complainant(s) charge(s) an alleged violation of Article(s) _____ of the Code of Ethics and alleges that this charge is supported by the 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 by the complainant in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction, whichever is later.

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?

☐ **Yes** ☐ **No** If yes identify the court and docket number here: _____

Are the circumstances giving rise to this ethics complaint involved in any proceeding before the state real estate licensing authority or any other state or federal administrative agency? ☐ **Yes** ☐ **No**

If yes identify the agency here: _____

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 yes identify the other Association or Board of REALTORS here: _____

Tri-County Suburban REALTORS® has established a Citation Schedule of offenses with fines that apply to specific potential violations of the Code of Ethics. If a complaint contains allegations of only citation eligible actions, and a Grievance Panel determines that there could be a potential violation of the Code of Ethics, then the Grievance Panel, at its sole discretion may issue a citation to the respondent. If a citation is issued, the Respondent will have the option to accept the citation and pay the fine or request a full hearing on the complaint.

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

COMPLAINANT #1:

TYPE or PRINT Name Here.

SIGNATURE

Mailing address: _____

Daytime Phone #: _____

PRINT e-Mail Address: _____

e-Mail is the preferred form of communication **EXCEPT** for the following:

- Submitting an initial ethics complaint and/or supporting documents
- Fling an appeal or request for procedural review

COMPLAINANT #2:

TYPE or PRINT Name Here.

SIGNATURE

Mailing address: _____

Daytime Phone #: _____

PRINT e-Mail Address: _____

e-Mail is the preferred form of communication **EXCEPT** for the following:

- Submitting an initial ethics complaint and/or supporting documents
- Fling an appeal or request for procedural review