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# **Clark County Association of REALTORS®**

1514 Broadway St. STE.102 | Vancouver | Washington | 98663

PHONE 360-695-5980

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## **GUIDE TO FILING ETHICS COMPLAINT**

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### **Who can file a complaint?**

An **Ethics Complaint** may be filed against a REALTOR® member of our Association by anyone.

Not all real estate licensees are REALTORS®. Only those who belong to an Association can use the term REALTOR®. By joining an Association, 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. Please contact our office to determine whether the real estate agent involved is a REALTOR®.

### **Is your complaint 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 (supplied by our office), 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.
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 Clark County 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.**

### **The Process**

There is a two part process to handle complaints received at the Clark County Association of REALTORS®. The Grievance Panel reviews the cases first and the Professional Standards Committee provides the panel to hear the complaints and render a decision.

The Grievance Panel 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 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 21 days 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. 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 class or other training appropriate to the violation
- cease and refrain
- 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 Department of Licensing has jurisdiction over real estate licenses and should be contacted for violations of the law at 360.664.6484

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***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 CCAR at 360-695-5980***