



**REALTOR®
ASSOCIATION
OF GREATER
FORT LAUDERDALE**

**2008
ETHICS COMPLAINT
PROCEDURES**

REALTOR® Association of Greater Fort Lauderdale

1765 Northeast 26th Street, Fort Lauderdale, FL 33305
(954) 563-7261 ♦ FAX (954) 568-9695

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For Assoc. Use Only

Case # _____

FORM #E-1

REALTOR ASSOCIATION OF GREATER FORT LAUDERDALE, INC.
1765 N.E. 26 STREET, FORT LAUDERDALE, FL 33305

ETHICS COMPLAINT

To the Grievance Committee of the REALTOR Association of Greater Fort Lauderdale, Inc.
(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 VI, Section 1 – 3 and alleges that the above charge(s) (is/are) supported by the attached statement, which is signed and dated by the complainant(s).

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.

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?

(Check one)

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 proceedings 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?

(Check one)

Yes No

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

Complainant(s):

Type/Print Signature

Type/Print Signature

Address City State Zip Code () Phone Number

REALTOR® ASSOCIATION OF GREATER FORT LAUDERDALE, INC.
Ethics/Arbitration Documentation Checklist

Attachment “B”

The following checklist is designed to assist you in providing the proper documentation when filing an ethics complaint or requesting arbitration with the REALTOR® Association of Greater Fort Lauderdale, Inc. Be sure to include with your complaint all applicable documentation to support your claim. **FAILURE TO PROVIDE PERTINENT DOCUMENTS MAY RESULT IN A DELAY OR DISMISSAL OF YOUR CASE.**

- _____ Listing Agreement(s)
 - _____ Profile Sheet(s)
 - _____ Feature Sheet(s)
 - _____ Any Disclosure Forms
 - _____ Contract For Sale & Purchase
 - _____ Addendum
 - _____ Warrantees/Guarantees
 - _____ Copies of Checks
 - _____ Inspection Reports
 - _____ Walk-through Forms
 - _____ Advertisements
 - _____ Exclusive Rental Listing Agreement
 - _____ Agreement To Enter Into A Lease
 - _____ Lease
 - _____ Conditional/Unconditional Withdrawal
 - _____ Bills/Invoices (water, electric, etc.)
 - _____ Correspondence
 - _____ Closing Statement
 - _____ Other Documentation: _____
-

Complainant's Signature

Date

Complainant's Signature

Date

Please return this form with your complaint package.

REALTOR Association of Greater Fort Lauderdale, Inc.

Attachment "C"

This form is to assist you in citing the appropriate Article(s) of the Code of Ethics that you feel a REALTOR may have violated. Please refer to the attached National Association of REALTORS Code of Ethics & Standards of Practice for the descriptions of each Article. *(Use additional paper if necessary.)*

I feel Article ____ has been violated because _____

I feel Article ____ has been violated because _____

I feel Article ____ has been violated because _____

I feel Article ____ has been violated because _____

Complainant's Signature

Date

Complainant's Signature

Date

Please return this form with your complaint package.

**REALTOR® ASSOCIATION OF GREATER FORT LAUDERDALE, INC.
PROFESSIONAL STANDARDS ETHICS COMPLAINT PROCEDURES**

- 1.) All complaints must be in writing on the forms provided by the REALTOR® Association of Greater Fort Lauderdale (Ethics Complaint Form #E-1 and Attachments A, B & C). The complaint should be typewritten (if possible) or printed, and legible **copies** of any supporting documentation should be submitted, i.e. listing agreements, contracts, etc. (NOTE: Do not send original documents if you do not wish to have them returned. The Association will not return any portion of this complaint, and it is your responsibility to maintain a photocopy of your complaint.) The Grievance Committee must have all pertinent documentation relating to a complaint. Failure to provide all this information may result in a delay or a dismissal of your complaint. Please refer to "Attachment B" of this package for a list of possible applicable documents which may pertain to your complaint.
- 2.) An ethics complaint must be filed within one hundred eighty (180) days after the facts constituting the matter could have been known in the exercise of reasonable diligence.
- 3.) If the complainant has difficulty understanding the procedures or stating the charges, a member of the Association's Grievance Committee may be assigned to assist the complainant (please contact the Association at 954-563-7261, ext. 5035 if you require assistance from a member of the Committee). However, the member will not write the complaint or act as an advocator (prosecutor) for the complainant.
- 4.) A copy of the complaint will be forwarded to the Respondent(s) and he/she/they will have fifteen (15) days from receipt of the complaint in which to respond to the allegations set forth in the written complaint. If a response is received, a copy will be sent to you, the Complainant. In order to avoid delay in the Grievance Committee review process, once the complaint and response is received, **NO ADDITIONAL INFORMATION WILL BE ACCEPTED FROM EITHER PARTY AT THIS TIME.**
- 5.) The complaint will then be referred to the Association's Grievance Committee for review. The Grievance Committee will NOT hold hearings, attempt to determine the truthfulness of the complaint or make a decision as to guilt or innocence – they will simply review the matter to determine "probable cause," or if the complaint has merit to proceed to a hearing. After review, the Grievance Committee will take one of three actions: a) dismiss the complaint as unworthy of further consideration based upon a lack of probable cause that the Code of Ethics has been violated; b) refer the complaint back to the complainant as more appropriate for arbitration as a business dispute; c) refer it to the Chairman of the Professional Standards Committee to arrange a formal Ethics Hearing. Parties to a complaint (the Complainant(s) and Respondent(s)) are not present at the Grievance Committee meeting.
- 6.) If the complaint has been referred to the Professional Standards Committee for a formal Ethics Hearing, a panel not successfully challenged by the parties will be appointed from the Association's Professional Standards Committee and a hearing date will be scheduled.

Because a case is forwarded to the Professional Standards Committee for a hearing does not imply guilt or innocence. It means that enough evidence exists to justify probable cause of an ethics violation by the Respondent(s), which will be determined at the ethics hearing. The Chairman of the Professional Standards Committee will appoint a hearing panel and all parties will be notified at least twenty-one (21) days in advance of the date, place and time of the hearing and the procedures to be followed. All parties to the complaint must be present at the ethics hearing once it is scheduled. All hearings are conducted at the REALTOR Association of Greater Fort Lauderdale's headquarters unless otherwise notified.

7.) The Grievance Committee may dismiss a complaint as groundless or without evidence to warrant an ethics hearing. The dismissal of a complaint by the Grievance Committee may be appealed by the Complainant(s) to the Board of Directors within twenty (20) days of receipt of the notice of dismissal. When considering the appeal, the Directors will only review the same information that was reviewed and considered by the Grievance Committee when making its decision. The complainant does not have the right to appear before the Directors, and no further documentation may be supplied to the Board of Directors when considering an appeal.

8.) If a REALTOR® is found guilty of violating the Code of Ethics, he/she may receive one or more of the following disciplinary actions: a) a letter of warning or reprimand to be placed in the member's file; b) requirement that the member attend a Board Indoctrination Course (or a portion of the Course) or other appropriate educational course; c) a fine not to exceed \$5,000, which is paid to and retained by the Realtor Association of Greater Fort Lauderdale; d) member placed on probation or suspension for a time not less than 30 days nor more than 1 year; e) termination of membership.

IMPORTANT! These are the only disciplinary actions that the Association may take against its members. It may not award damages or monies to a member of the public, and in the case of a fine the Association receives the payment, not the aggrieved party. Other forms of discipline or recovery of monies are the purview of the court system and NOT the Association of REALTORS®. If you are seeking assistance in recovering deposit monies, you are advised to contact the Department of Business & Professional Regulation at (850) 487-1395 or online at: www.MyFloridalicense.com/dbpr.

Please send the completed complaint and supporting documentation to:
Professional Standards Department
REALTOR® Association of Greater Fort Lauderdale, Inc.
1765 N.E. 26 Street, Ft. Lauderdale, FL 33305