



ROGUE VALLEY ASSOCIATION OF  
**REALTORS®**

*The Voice For Real Estate® In The Rogue Valley*

629 Franquette St. ♦ Medford, OR 97501-7831 ♦ (541) 779-9421 ♦ Fax (541) 770-7111 ♦ [www.somls.com](http://www.somls.com)

---

Dear Sir or Madam,

Enclosed is a Request for Arbitration form per your request. To file your complaint, please complete the form and attach a statement and any evidence that supports your request. NOTE: We will be making copies of your complaint for the Grievance Committee's review, so please do not use "tabs" or "flags" and bear in mind that highlighting does not photocopy well.

Part of the form is an Arbitration Agreement that you must sign in order for an Arbitration to be held at the Association. As a member of the public or non-RVAR member, you cannot be forced to arbitrate and it is completely voluntary on your part. However, by signing the agreement, you agree to arbitrate and to be bound by the decision of a hearing panel of the Professional Standards Committee of this Association. The form also includes several disclosures concerning your rights and obligations should you pursue your request to arbitrate. Please read it carefully before signing.

Please note that a \$250.00 filing fee is required as a part of the arbitration process. The prevailing party may receive a full refund of the filing fee. In the absence of attorneys, the non-prevailing party may be refunded up to one half of the filing fee at the discretion of the Hearing Panel.

The enclosed brochure, *A Guide to Filing Ethics Complaints and Arbitration Requests and Code of Ethics Enforcement*, should help explain the process. However, if you have any questions at any time, please feel free to contact me or my assistant, Jamie.

Regards,

*Tina Grimes*

Executive Officer

Enc: A-2 and "Filing Complaints" Brochure

**Request and Agreement to Arbitrate**  
(Non-Member)

1. The undersigned agrees and wants to submit to arbitration before a Hearing Panel of the Rogue Valley Association of REALTORS® with the understanding that the arbitration will be conducted pursuant to the *Code of Ethics and Arbitration Manual* of the Association. The undersigned acknowledges having had the opportunity to review the Association's procedures or having been provided with a copy of the procedures.
2. I am informed that each person named below is a member in good standing of the Association (or Participant in its MLS), or was a member of said Association of REALTORS® at the time the dispute arose.
3. A dispute arising out of the real estate business as defined by Article 17 of the Code of Ethics exists between me and (list all persons and/or firms you wish to name as respondents to this arbitration):

Name(s): \_\_\_\_\_, REALTOR® Principal(s)

Firm: \_\_\_\_\_ Address: \_\_\_\_\_

4. There is due, unpaid, and owing to me (or I retain) from the above-named persons the sum of \$ \_\_\_\_\_. My claim is predicated upon the statement attached, marked Exhibit 1 and incorporated by reference into this application.
5. The undersigned confirms that execution of this Agreement is wholly voluntary and, pursuant to this Agreement, agrees and promises to abide absolutely by the award of the Hearing Panel and, in the event of adverse decision, to make prompt compliance and to pay the fees and costs as provided by the Association's professional standards procedures.
6. I enclose my check in the sum of **\$250.00** for the arbitration filing fee.
7. I understand that I may be represented by legal counsel, and that I should give written notice no less than fifteen (15) days before the hearing of the name, address, and phone number of my attorney to all parties and the Association. Failure to provide this notice may result in a continuance of the hearing, if the Hearing Panel determines that the rights of the other party(ies) require representation.

Each party must provide a list of the names of witnesses he/she intends to call at the hearing to the Association and to all other parties not less than fifteen (15) days prior to the hearing. Each party shall arrange for their witnesses to be present at the time and place designated for the hearing.

8. I declare that this application and the allegations contained herein are true and correct to the best of my knowledge and belief and this request for arbitration is filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.
9. If either party to an arbitration request believes that the Grievance Committee has incorrectly classified the issue presented in the request (i.e. mandatory or voluntary), the party has twenty (20) days from the date of the receipt of the Grievance Committee's decision to file a written appeal of the decision. Only those materials that the Grievance Committee had at the time of its determination may be considered with the appeal by the Board of Directors.
10. Are the circumstances giving rise to this arbitration request the subject of civil litigation? \_\_\_\_\_ Yes \_\_\_\_\_ No

Complainant(s):

\_\_\_\_\_  
Name (Type/Print) Signature Date

\_\_\_\_\_  
Address Telephone

\_\_\_\_\_  
Name (Type/Print) Signature Date

\_\_\_\_\_  
Address Telephone

The terms REALTOR® and REALTORS® are registered collective membership marks which may only be used by real estate professionals who are members of the National Association of REALTORS® and who subscribe to its strict Code of Ethics.



A guide to  
**Filing Ethics Complaints**  
and  
**Arbitration Requests**  
with your  
**REALTOR® Board**  
or Association



P.O. Box 351  
Salem, Oregon 97308-0351  
(503) 362-3645 1 (800) 252-9115  
Email: [oar@oregonrealtors.org](mailto:oar@oregonrealtors.org)  
[www.oregonrealtors.org](http://www.oregonrealtors.org)



*Your Real Estate Business Advocate!*



## Preface

The Code of Ethics was adopted by the National Association of REALTORS® in 1913. Since then, REALTORS® everywhere have agreed to meet its high standards. The professional standards process is a very important part of a REALTOR® Board or Association, and helps to ensure honorable, faithful and competent service to clients, customers and other members of the public by enforcing the Code of Ethics. This brochure was prepared to help you understand the process.

### OREGON ASSOCIATION OF REALTORS® 2006 Professional Standards Administrators

**Baker County, Columbia Basin, Malheur County, Umatilla County, Union County, Wallowa County REGIONAL**  
Marilyn Dale . . . . .541-938-3380  
(maridale@bmi.net)

**Central Oregon Association**  
Geneese Zinsli . . . . .541-382-3452  
(geneese@centraloregonrealtors.org)

**Central Oregon Coast, Coos County, Cottage Grove, Curry County, Douglas County, Springfield Board REGIONAL**  
Joan Parker . . . . .1-866-808-7684  
(dcbrc@cmspan.net)

**Clatsop, Lincoln County, Tillamook County REGIONAL**  
Susan Poling . . . . .541-994-4949  
(spoling@charterinternet.com)

**Commercial Association**  
Gloria Sherrill . . . . .800-252-9115  
(gsherrill@oregonrealtors.org)

**East Metro Association, Columbia County Board**  
Beverly Lombardo . . . . .503-669-5102  
(ae.ccbrc@verizon.net)

**Eugene Association**  
Patricia Manning . . . . .541-484-3043  
(pmanning@eugenerealtors.org)

**Grants Pass Association**  
Sue George . . . . .541-476-8139  
(sue@gpar.net)

**Klamath County, Rogue Valley REGIONAL**  
Gary Stine . . . . .541-779-9421  
(garys@somls.com)

**Mid-Columbia Association**  
Jennifer Ouzounian . . . . .541-387-2364  
(mcar@gorge.net)

**North Willamette, Polk County, Salem, Santiam, Willamette REGIONAL**  
Diane McLaran . . . . .503-540-0081  
(diane@salemrealtors.com)

**Oregon State Professional Standards**  
Gloria Sherrill . . . . .800-252-9115  
(gsherrill@oregonrealtors.org)

**Portland Metro Association**  
Susan Schneider . . . . .503-459-2156  
(sschneider@pmar.org)

**Yamhill County Association**  
Gloria Sherrill . . . . .800-252-9115  
(gsherrill@oregonrealtors.org)

## Professional Standards Committee

The function of this committee is to hold ethics and arbitration hearings. If the Respondent(s) has not already been requested to reply to your complaint, they will be at this time. A hearing will then be scheduled and you will be notified of the hearing's date, time and place. 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, a Hearing Panel, consisting of Members of the Board chosen on the basis of their experience, temperament and objectivity, will determine whether the Code of Ethics has been violated, or in the case of an arbitration, how the dispute should be settled.

You will be informed by the Board/Association about each step of this process as it occurs. You will also be given instructions about the hearing procedures prior to the hearing. **The entire process will usually take a minimum of 60 days, but may take longer.**

If you have any questions relating to filing your complaint, please call your local REALTOR® Board/Association or the professional standards administrators listed on the following page.

## **Q** *Do you have a complaint concerning a REALTOR®?*

**A.** The first thing that must be determined in processing a complaint with a REALTOR® Board/Association is whether the real estate licensee involved is a REALTOR®. Not all real estate licensees are REALTORS®. Only those who belong to a Board/Association can use the term REALTOR®. By joining a Board/Association, all members agree to abide by the Code of Ethics as a continuing condition of membership. It is because of their obligation to abide by the Code of Ethics that you can file a complaint with a REALTOR® Board/Association.

## **Q** *Is your complaint Ethics or Arbitration?*

**A.** You may have to consider whether your complaint concerns an ethics matter or arbitration of a business dispute. An ethics complaint charges that a REALTOR® has violated an Article(s) of the Code of Ethics.

Arbitration is a means of resolving a business dispute arising out of a real estate transaction that the parties have been unable to solve themselves. An arbitration complaint or request is a simple notice by a member of a disagreement with another member, usually a commission dispute. Sometimes, an arbitration concerns a dispute between a member of the public and a REALTOR®.

If your situation concerns both ethics and arbitration, the Board/Association will handle the arbitration portion SEPARATELY. Only when the arbitration is completed will the ethics complaint be considered. **Arbitration is always held first.**

## **Q** Who may file an ethics complaint?

**A.** Any person, whether a member or not, may file a complaint against a REALTOR® alleging a violation of the Code of Ethics, providing the complaint:

- 1) is in writing
- 2) is signed by the complainant
- 3) states the facts surrounding the case
- 4) is filed within 180 days after the facts became known

The complainant may file a complaint from any location providing it is filed with the Board/Association having jurisdiction over the individual named in the complaint.

## **Q** Who may file an arbitration request?

- A.**
- REALTORS® and non-resident members who are principal brokers
  - REALTORS®, or non-resident members who are not principals, provided their principal broker joins in the request
  - Clients or customers of the REALTOR®
  - The request must also:
    - 1) be in writing
    - 2) be signed by the complainant
    - 3) indicate the amount in dispute
    - 4) be filed within 180 days after the facts became known

Arbitration facilities are provided by the Board/Association as a service to its members. Arbitration is **not** a disciplinary proceeding nor can damages be awarded. By becoming and remaining a member of a REALTOR® Board/Association, each REALTOR® binds themselves to arbitrate certain disputes.

**Be aware that not every situation may be arbitrated at the Board/Association.** There are conditions and limitations to be considered, which will be explained to you by the Board/Association as the process continues.

**Arbitration.** The Grievance Committee's role in arbitration is different from ethics complaints. Its function is only to make such preliminary investigation to determine whether the matter is subject to arbitration by the Board/Association. Arbitration is sometimes a duty and sometimes a privilege. The Committee must decide whether your situation fits into the "duty" or the "privilege" category. It does this by determining:

- 1) whether you are authorized, under the rules, to invoke arbitration
- 2) whether the controversy described is an arbitrable matter
- 3) whether the arbitration is mandatory or voluntary to the people involved (this simply means whether arbitrating the dispute is compulsory, or not)
- 4) whether the amount in dispute is too small or too large, or the matter is too legally complicated for the Board/Association to consider it.

Such a review could result in the release of Board/Association members from the obligation to arbitrate, and thus free you to seek other recourse in order to resolve the dispute.

If the Grievance Committee determines that a matter is arbitrable, it may also notify the parties that a **mediation procedure** is available as a preliminary, voluntary alternative to arbitration. **(This procedure is not available in all Boards/Associations.)**

In either ethics or arbitration cases, you will be informed promptly of the Grievance Committee's decision. If the Grievance Committee forwards the complaint or request for a hearing, it is assigned to the Professional Standards Committee.

As in the case of ethics complaints, you may also appeal a dismissal of an arbitration request to the Board/Association's Board of Directors. The Directors review the materials submitted to the Committee and can uphold or overturn the Grievance Committee's dismissal. Check with your local Board/Association for details.



## How does the Board/Association process the complaint?

**A.** There are two committees of the Board/Association that handle complaints, the Grievance Committee and the Professional Standards Committee. Their functions are described below.

### Grievance Committee

**Ethics.** This committee reviews complaints when they are received at the Board/Association. The Committee determines whether the complaint has sufficient merit for further consideration, somewhat like a “Grand Jury.” It does **not** determine guilt or innocence. The Committee will either:

- 1) forward the case for a hearing,
- 2) dismiss it, if the complaint is determined to be frivolous, harassing or unfounded, or
- 3) postpone its decision based on getting more information from you or determining that the case may be more appropriately considered for arbitration.

Also, before they reach a decision, the Committee may request a reply from the Respondent regarding your complaint.

If your complaint is dismissed by the Committee, you have the right to appeal the dismissal to the Board/Association’s Board of Directors. In the case of an appeal, the Directors re-examine the materials submitted to the Grievance Committee and can either uphold or overturn the Grievance Committee’s decision. Your local Board/Association can explain further details.

If the complaint is to be given further consideration, it will be sent to the Professional Standards Committee for a hearing.



## What can the Board/Association do?

**A.** A REALTOR® Board/Association has limitations to its authority regarding its members. Below is a list of those limitations:

- 1) The Board/Association cannot try a Board/Association member for violations of the Oregon real estate license law or any other alleged violation of the law. It has jurisdiction only over violations of membership duties. The Oregon Real Estate Agency has sole control of individual real estate licenses. If you think a person has violated the law, you should be contacting that Agency.
- 2) For the same reason, the Board/Association **cannot** suspend or terminate the license of one of its members.
- 3) The Board/Association **can**, in the case of an ethics violation being determined in a due process hearing procedure, administer discipline to the REALTOR® in one or more of the following ways:
  - send a 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 the REALTOR®’s membership
  - expel the REALTOR® from membership
  - fine the REALTOR® up to \$5,000.
- 4) Monetary damages may not be a part of an ethics proceeding.
- 5) The Board/Association can arbitrate certain monetary disputes and **must** in some situations, but the member of the public must agree in writing to arbitrate the dispute and to be bound by the decision.
- 6) The award in an arbitration may not be more than the amount in dispute and in no circumstances can “punitive” damages be awarded.



## How do you file?

A. Now that you know the ground rules, if you wish to file a complaint, here's how you do it.

### Ethics Complaints

If you want to file an ethics complaint, you need to follow these steps:

- 1) Complete and sign the complaint form (supplied by the REALTOR® Board/Association). This form requests you to name the REALTOR®(s) in question as the Respondent(s).
- 2) List the Article(s) of the Code of Ethics that you think the REALTOR® has violated (the Board/Association will also supply you with a copy of the Code of Ethics).
- 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 sales agreements, addendums, etc. If you have notarized statements from witnesses, include those also.
- 5) Send the entire package, **keeping a copy for yourself**, to the REALTOR® Board/Association to the attention of the Professional Standards Administrator. Your complaint will then be processed through the Grievance Committee.

### Arbitration Requests

The process is very similar to filing an ethics complaint. A request for arbitration form will be supplied by the Board/Association. Steps to follow are:

- 1) Name the REALTOR®(s) involved (Respondents).
- 2) Indicate the amount in dispute.
- 3) Include an explanation of the situation. State why you feel you are entitled to an award of some kind. Remember, **don't** include allegations of unethical conduct in your argument. If you think there have been ethical violations, they must be handled separately with an ethics complaint.
- 4) Attach copies of any and all pertinent documents such as listing agreements, purchase and sales agreements, closing statements, etc., and any notarized statements from witnesses.
- 5) In some Boards/Associations, an arbitration deposit may be required. Check with the Board/Association about this requirement.
- 6) You will probably be asked to sign an arbitration agreement indicating your commitment to abide by the decision of the Hearing Panel. Sometimes this agreement won't be requested until after the Grievance Committee has reviewed your request.
- 7) Send all these items to the Board/Association to the attention of the Professional Standards Administrator. Your request will then be processed by the Grievance Committee.

Remember, it is not unusual for a Board/Association to receive an ethics complaint and an arbitration request surrounding the same set of circumstances. If you think the REALTOR® violated the Code of Ethics **and** you have a monetary dispute with him, you must complete **BOTH** forms.