

## **Filing an Ethics Complaint**

Any person, whether a member or not, may file a complaint against an Association member alleging a Code of Ethics violation for any of the 17 Articles. The complaint must be filed with the Association having jurisdiction over the individual named in the complaint.

***Conflict Resolution Conference*** – Prior to receipt of a written complaint, the Professional Standards Administrator will inquire of each party to a prospective complaint as to whether they would be willing to participate in a Conflict Resolution Conference. If the parties agree, the matter will be referred to a Conflict Resolution Officer. A mutually convenient time and location for the conference will be arranged with the parties. Participation in the Conflict Resolution Conference is voluntary on the part of each party.

The objectives of the Conflict Resolution Conference are to resolve controversies by promoting friendly, amicable resolutions; to facilitate the repair of business relationships, thereby enhancing the possibility of continuing those relationships thereafter; and to educate the parties as to the obligations of the Code of Ethics.

The Conflict Resolutions Officer shall have no authoritative decision-making power. The role of the Conflict Resolution Officer shall be to assist the parties in voluntarily reaching their own mutually acceptable settlement of the issues in dispute.

In the event the parties reach a mutually agreeable resolution, a written agreement shall be prepared by the Conflict Resolution Officer and signed by the parties. In the event the Conflict Resolution Conference is unsuccessful, the matter shall be referred to a Review Panel of the Professional Standards Committee upon receipt of a written complaint.

***Note:*** *An offer of a Conflict Resolution Conference may not be made to the parties if the Association has received a written complaint.*

***Written complaint*** – To file a written complaint, take the following steps:

- 1) Complete and sign the complaint form supplied by the Association of REALTORS®. This form requests you to name the REALTOR(s)® in question as the Respondent(s).
- 2) You will be provided with a copy of the Code of Ethics. You may list the Article(s) of the Code that you think the REALTOR(s)® violated, but you are not required to.
- 3) Attach copies of any and all pertinent documents such as listing agreements, purchase and sales agreements, addenda, etc. If you have affidavits notarized from witnesses, include those also.
- 4) Send the entire package, keeping a copy for you, to Vicky Kreyer, Association Executive Officer, Rock-Green REALTORS® Association 4451 Woodgate Dr., Unit E, Janesville, WI. 53546

***Review Panel*** – A Review Panel made up of three members of the Association's Professional Standards Committee will review your written complaint. Based on the assumption that your complaint is true, the Panel will determine if the allegations could constitute a violation of the Code of Ethics and therefore warrant further consideration. The Review Panel does not determine guilt or innocence.

After reviewing the complaint, the Review Panel will either:

- 1) forward the case for a hearing if the facts alleged, taken as true, could constitute a violation of the Code;
- 2) dismiss it, if the complaint is determined to be frivolous, harassing or unfounded (i.e., the facts alleged, even if true, do not constitute a violation of the code); or

- 3) Postpone its decision to get more information or to determine that the case may be more appropriately considered for arbitration.

If the Panel dismisses your complaint, you have the right to appeal the dismissal to the Board of Directors. In the case of an appeal, the Directors review only the materials submitted to the Review Panel. The Directors can then either uphold or overturn the Review Panel's decision.

If the complaint merits further consideration, it will be sent to an Ethics Hearing Panel for a hearing.

***Ethics Hearing*** – If a Review Panel refers your ethics complaint to a hearing, you will be notified of the hearing date, time and place. An ethics hearing provides an opportunity for the Complainant and the Respondent to explain “his or her side of the story” by presenting testimony, evidence and witnesses, if any.

Once all the facts have been presented, an Ethics Hearing Panel, consisting of members of the Professional Standards Committee, will determine whether the Code of Ethics has been violated. If a panel determines that the Code has been violated, it can recommend to the Board of Directors that disciplinary action be taken. The Board can use one or more of the following ways to discipline a members:

- Letter of Warning with a copy to be placed in the member's file for a specified period of time;
- Letter of Reprimand with a copy to be placed in the member's file for specified period of time;
- Requirement that the member attend the ethics portion of the Association Indoctrination Course or other appropriate course or seminar specified by the Hearing Panel which the member could reasonably attend taking into consideration cost, location and duration;
- Appropriate and reasonable fine not to exceed \$2,500;
- Member placed on probation for a stated period of time not less than thirty (30) days nor more than one (1) year;
- Membership suspended for a stated period of time not less than thirty (30) days nor more than one (1) year, with automatic reinstatement of membership in good standing at the end of the specified period of suspension;
- Expulsion from membership with no reinstatement privilege for a specified period of one (1) to three (3) years, with reinstatement of membership to be by application only after the specified period of expulsion, on the merits of the application at the time received;
- Suspension or termination of MLS rights and privileges may also be utilized. Suspension of MLS services may be no less than thirty (30) days nor more than one (1) year; termination of MLS services shall be for a stated period of one (1) to three (3) years;
- An administrative processing fee of \$250 will be assessed against Respondents found in violation of the Code of Ethics. This fee is in addition to and not part of any sanction that may be imposed.
- At the option of the Board of Directors, an assessment in lieu of suspension, with the assessment not to exceed \$2,500 may be offered. This option may be utilized only once in any three-year period.

An ethics proceeding may not include money damages.

The Association staff will inform you about each step of this process as it occurs. The Association will also give you instructions about hearing procedures prior to the hearing.

If you have questions relating to filing an ethics complaint, please call the Rock-Green REALTORS® Association at (608) 755-4854.

Rock-Green REALTORS® Association, Inc.  
4451 Woodgate Dr., Janesville, WI 53546

**ETHICS COMPLAINT**

To the **Grievance Committee** of the Rock-Green Realtors® Association

Filed \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Complainant (s)

Respondent (s)

Complainant(s) charge(s):

An alleged violation of Articles(s) \_\_\_\_\_ of the Code of Ethics or other membership  
duty as set forth in the bylaws of the Board in \_\_\_\_\_ and alleges that the above charge(s)  
Article, Section  
(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 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 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 of 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 receipt 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