

Filing a Request for Arbitration

The following individuals may file an arbitration request with a Board of REALTORS®:

- 1) REALTORS® members who are principal broker.
- 2) REALTORS® members who are not principals, provided his or her principal broker joins in the request.
- 3) Clients or Customers of the REALTOR®.

Note: Disputes involving clients or customers require that they sign an agreement to arbitrate and to be bound by the arbitration. The Boards' Professional Standards Committee will determine whether the Complainant is a client or a customer and if the dispute is one that the Board can process.

The Board provides arbitration facilities as a service to its member. Arbitration is not a disciplinary proceeding nor does it award damages. By becoming and remaining a member of the Board of REALTORS®, each REALTOR® binds him or herself to arbitrate certain disputes.

Not every situation may be arbitrated by the Board. Conditions and limitations exist which you must consider. The Board will explain these conditions and limitations to you.

To submit an arbitration request to the Board, take the following steps:

- 1) Complete and sign the request and agreement to arbitrate form (*supplied by the Board of REALTORS®*). Name the REALTORS(s) ®/Company (ies) in question as the Respondent(s).
- 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. (*Do not include unethical allegations in your argument. If you think the REALTOR(s) ® violated the Code of Ethics, the Board can handle this separately through an ethics complaint.*)
- 4) Attach copies of any and all pertinent documents such as listing agreements, purchase and sales agreements, closing statements, etc. Also include any notarized affidavits you may have from witnesses.
- 5) You must include a \$250 deposit (*public exempt from this fee*) with your arbitration request.
- 6) When you sign the request and agreement to arbitrate, this indicates your commitment to abide by the decision of the Hearing Panel.
- 7) Send the entire package, keeping a copy for you, to Vicky Kreyer, Executive Officer, Rock-Green REALTORS® Association, 4451 Woodgate Dr, Unit E, Janesville, WI 53546

It is not unusual for a Board to receive an ethics complaint and an arbitration request surrounding the same set of circumstances. If you think the REALTORS(s) ® violated the Code of Ethics and you have a monetary dispute with that person, you must complete both an ethics complaint form and an arbitration request form.

Mediation Proceedings – Upon receipt of a written request for arbitration, the Professional Standards Administrator will inquire of each party as to whether they are willing to participate in Mediation. If all parties agree, the matter will be referred to a Mediation Officer. A mutually convenient time and location for the Mediation will be arranged with the parties. Participation in Mediation is voluntary on the part of each party.

The objectives of Mediation are to resolve controversies by promoting friendly, amicable resolutions and to facilitate the repair of business relationships, thereby enhancing the possibility of continuing those relationships thereafter.

The Mediation Officer shall have no authoritative decision-making power. The role of the Mediation 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 Mediation Officer, signed by the parties, and the arbitration request shall be dismissed with the arbitration filing fees being returned to each party. In the event Mediation is unsuccessful, the matter shall be referred for an arbitration hearing.

Review Panel – A Review Panel made up of three members of the Board’s Professional Standards Committee may review your arbitration request. A preliminary investigation to determine whether the matter is subject to Board arbitration will be made. Arbitration is sometimes a duty and sometimes a privilege. It will be determined whether your situation fits into the “duty” or the “privilege” category.

To determine which category an arbitration fits into, the following four points are considered:

- 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 either the amount in dispute is too small or too large, or the matter is too legally complex for the Board to consider.

Such a review could result in releasing Board members from their obligation to arbitrate. This would free you to seek other recourse in order to resolve the dispute.

You may appeal a dismissal of an arbitration request to the Board of Directors. The Directors review only the materials submitted to the Review Panel and can uphold or overturn the Panel’s dismissal.

Arbitration Hearing – If a Review Panel refers your arbitration request to a hearing, you will be notified of the hearing date, time and place. An arbitration 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 Arbitration Hearing Panel, consisting of members of the Professional Standards Committee, will determine how the dispute should be settled. An arbitration award may not be more than the amount in dispute. In no circumstances will the Board Award ‘punitive ‘damages.

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

If you have question relating to filing an arbitration request, please call the Rock-Green REALTORS® Association at 608-755-4854.

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

REQUEST AND AGREEMENT TO ARBITRATE

(1) The undersigned, by becoming and remaining a member of the Rock-Green REALTORS® Association (or Participant in its MLS), has previously consented to arbitration through the Board under its rules and regulations.

(2) I am informed that each person named below is a member in good standing of the Board (or Participant in its MLS) or was a member of said Board 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 (or my firm) and (list all persons and/or firms you wish to name as respondents to this arbitration):

_____, REALTOR® principal _____
Name Address

_____, REALTOR® principal _____
Name Address

Firm Address

(NOTE: Arbitration is generally conducted between REALTORS® (principals) or between firms comprised of REALTOR® principals. Naming a REALTOR® (principal) as respondent enables the complainant to know who will participate in the hearing from the respondent's firm; naming a firm may increase the likelihood of collecting any resulting award.)

(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. The disputed funds are currently held by _____.

(5) I request and consent to arbitration through the Board in accordance with its Code of Ethics and Arbitration Manual (alternatively, "in accordance with the professional standards procedures set forth in the bylaws of the Board"), and I agree to abide by the arbitration award and to comply with it promptly.

In the event I do not comply with the arbitration award and it is necessary for any party to this arbitration to obtain judicial confirmation and enforcement of the arbitration award against me, I agree to pay the party obtaining such confirmation the costs and reasonable attorney's fees incurred in obtaining such confirmation and enforcement.

(6) I enclose my check in the sum of \$ _____ for the arbitration filing deposit**.

(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 Board. 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.

(8) Each party must provide a list of the names of witnesses he intends to call at the hearing to the Board and to all other parties not less than fifteen (15) days prior to the hearing. Each party shall arrange for his witnesses to be present at the time and place designated for the hearing. The following REALTOR® nonprincipal (or REALTOR-ASSOCIATE® nonprincipal) affiliated with my firm has a financial interest in the outcome of the proceeding and may be called as a witness, and has the right to be present throughout the hearing:

*Complaints may name one or more REALTOR® principals or a firm comprised of REALTOR® principals as respondents(s). or, complainants may name REALTOR® PRINCIPALS AND FIRMS AS RESPONDENTS.

**Not to exceed \$500

(9) 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.

(10) 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 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.

(11) Are the circumstances giving rise to this arbitration request the subject of civil litigation? _____ Yes _____ No.

(12) Important note related to arbitration conducted pursuant to Standard of Practice 17-4 (1) or (2): Where arbitration is conducted between two (or more) cooperating brokers pursuant to Standard of Practice 17-4 (1) or (2), the amount in dispute and the amount of any potential resulting award is limited to the amount paid to the respondent by the listing broker, seller, or landlord and any amount credited or paid to a party to the transaction at the direction of the respondent.

(13) Address of the property in the transaction giving rise to this arbitration request:

(14) The sale/lease closed on: _____

(15) Agreements to arbitrate are irrevocable except as otherwise provided under state law.

COMPLAINANT(S):

 Name (Type/Print) Signature of REALTOR® Principal Date

 Address

 Telephone Email

 Name (Type/Print) Signature of REALTOR® Principal Date

 Address

 Name of Firm* Address

 Telephone Email

* In cases where arbitration is requested in the name of a firm comprised of REALTORS® (principals), the request must be signed by at least one of the REALTOR® principals of the firm as a co-complainant.