

## Guidelines for Filing an Ethics Complaint

The National Association of REALTORS® adopted the Code of Ethics in 1913. Since then, REALTORS® everywhere have agreed to meet its high standards. Enforcing the Code of Ethics is a very important function of a REALTOR® Association that helps to ensure honorable, faithful and competent service to clients, customers and members of the public. These guidelines were prepared to help you understand the process of filing an ethics complaint.

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

A. The first thing to determine is whether the real estate agent involved is a REALTOR®. Not all real estate agents are REALTORS®. Only those real estate professionals who belong to an Association of REALTORS® can use the term. By joining an Association, all members agree to abide by the Code of Ethics as a continuing condition of membership. It is only because of their obligation to abide by the Code of Ethics that you can file an ethics complaint at a REALTOR® Association.

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

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

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

A complaint may be filed from any location so long as it is filed with an Association having jurisdiction over the individual named in the complaint.

### **Q. What can the Association do?**

A. An Association has limitations to its authority regarding its members. If an ethics violation is determined after a hearing, the Association can discipline a REALTOR® in one or more of the following ways:

1. Send a letter of warning or reprimand;
2. Direct the REALTOR® to attend Ethics or other appropriate training;
3. Place the REALTOR® on probation;
4. Suspend the REALTOR®'s membership; or
5. Expel the REALTOR® from membership.

The Association **cannot**:

1. Try a REALTOR® for violations of the Idaho real estate law or any other alleged violation of the law. It has jurisdiction only over violations of membership duties. If you think a person has violated the law, you should contact the Idaho Real Estate Commission.
2. Suspend or terminate the real estate license of one of its REALTOR® members. The Idaho Real Estate Commission has sole control of a real estate agent's license to sell real estate.
3. Order a REALTOR® to pay money or other damages to a complainant.<sup>1</sup>

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<sup>1</sup> An Association can arbitrate certain money disputes, but generally these disputes are between two REALTOR® members. If a money dispute involves a member of the public, then that person must agree in writing to arbitrate the dispute and to be bound by the decision.

If you want to file an Ethics Complaint, follow these steps:

1. Complete and sign the attached Complaint form. 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.
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, correspondence, etc.
5. Send the entire package, keeping a copy for yourself, to the attention of the Executive Director, Selkirk Association of REALTORS®, 325 S Marion, Sandpoint, Idaho 83864.

After you have filed an Ethics Complaint, your complaint will be processed through the Association's Grievance Committee. This committee reviews all complaints and determines whether they merit further consideration, somewhat like a "grand jury". The committee does NOT determine guilt or innocence. The Grievance Committee will either:

- a. Forward the case for a hearing;
- b. Dismiss the case, if the complaint is determined to be unfounded, frivolous, or harassing; or
- c. Postpone its decision based on getting more information from you or determining that the case should be more appropriately considered for an arbitration proceeding.

If the Grievance Committee dismisses your complaint, you have the right to appeal the dismissal to the Association's Board of Directors. In an appeal, the Directors re-examine the materials submitted to the Grievance Committee and will either uphold or overturn the committee's decision.

If a complaint is to be given further consideration, the Respondent(s) will be requested to reply to the complaint, and a hearing will be scheduled before a Hearing Panel composed of REALTOR® members of the Association who have been chosen based on their experience, temperament and objectivity. The hearing provides an opportunity for the Complainant and Respondent to explain "his or her side of the story" by presenting testimony and witnesses, if any. Once all of the facts have been presented, the Hearing Panel will determine whether the Code of Ethics has been violated and, if so, what discipline should be imposed.

The Association will inform you about each step of this process as it occurs. If a matter is scheduled for a hearing, you will also be given instructions about the hearing and appeal procedures. The entire process usually takes a minimum of 90 days. If you have any questions related to filing an ethics complaint, please contact the Selkirk Association of REALTORS®.

SELKIRK ASSOCIATION OF REALTORS®  
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(208) 265-2227; [www.selkirkaor.com](http://www.selkirkaor.com)