

Ethics Complaint

An ethics complaint charges that a REALTOR® has violated an Article(s) of the Code of Ethics.

How to file a complaint

You will need to complete and return the Ethics Packet – 2018, found at 618realtor.com/ethics-complaint. In this packet, you will find:

- ⇒ A letter from Association CEO, Deb Frazier
- ⇒ “Before You File an Ethics Complaint” from National Association of REALTORS®
- ⇒ Form #E-1
- ⇒ Code of Ethics and Standards of Practice of the National Association of Realtors® – Effective January 1, 2018

Along with the completed packet, you will need to include a letter explaining the alleged violation(s), and include any supporting documents and/or photos.



Intro to Professional Standards

The first step in any dispute with a REALTOR® is to speak with their Managing Broker. If your dispute is with the Managing Broker themselves, or you feel the issue is still not resolved, there are other options.

We offer our members and their clients and customers a vehicle to economically expedite ethics complaints and/or arbitration requests without going to court. In addition, REALTORS® are judged by their peers as opposed to other individuals who may be far less familiar with the practices and customs of the real estate industry.

There are five programs in place to aid in dispute resolution:

- ⇒ Ombudsman Program
- ⇒ Ethics Complaint
- ⇒ Ethics Citation Program
- ⇒ Mediation
- ⇒ Arbitration

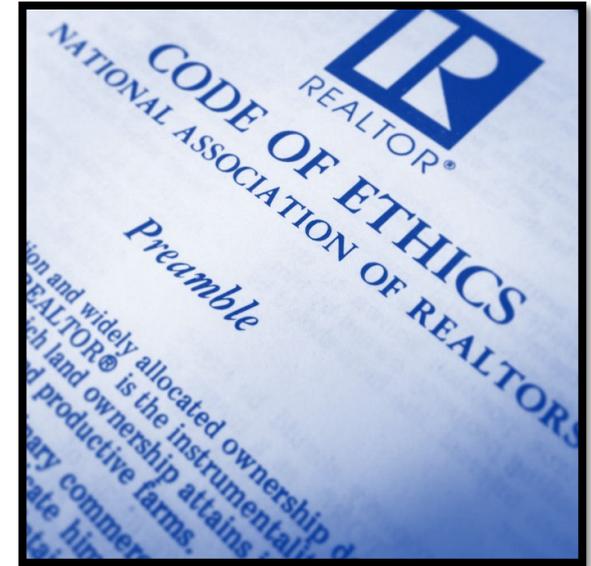
Please note that the Association staff is unable to assist you in determining which Article(s) might have been violated. Please refer to the Code of Ethics.

Keep In Mind

- Only REALTORS® are subject to the Code of Ethics of the National Association of REALTORS®.
- If the real estate professional (or their broker) you are dealing with is not a REALTOR®, your only recourse may be the state real state licensing authority or the courts.
- Associations of REALTORS® determine whether the Code of Ethics has been violated, not whether the law or real estate regulations have been broken. Those decisions can only be made by the licensing authorities or the courts.
- The Association staff is unable to assist you in determining which Article(s) might have been violated. Please refer to the Code of Ethics.
- The primary emphasis of discipline for ethical lapses is educational, to create a heightened awareness of and appreciation for the duties the Code imposes.

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NAR's Code of Ethics, adopted in 1913, was one of the first codifications of ethical duties adopted by any business group. The Code ensures that consumers are served by requiring REALTORS® to cooperate with each other in furthering clients' best interests.

This brochure highlights the options available to you if you find yourself in a dispute with a REALTOR®.



Ombudsman

Illinois REALTORS® has a team of Ombudsmen who work with consumers and REALTORS® to resolve disputes.

How it works: Any member of the public or an association member who has a question about or dispute with a REALTOR® can get assistance. The case will be assigned to a specially trained Ombudsman who will work with a complainant to resolve the issue.

The program does not offer legal advice, but Illinois REALTORS® representatives can offer guidance on next steps to take, resources for information and can act as an intermediary in some disputes. The program has been able to clean up numerous misunderstandings and/or communication issues since its inception.

How to file a complaint

Fill out the *Ombudsman Request Form* with contact information and an overview of the facts of your question or dispute.

Need more information?

Call Illinois REALTORS® at (217) 529-2600 from 9 a.m. to 4:30 p.m. Monday through Friday (Closed major holidays) or go to illinoisrealtors.org/ethics/disputes.



Ethics Citation Program

If a dispute arises with a REALTOR® pertaining to several provisions of the Code, complaints may be filed for review by a panel of Illinois REALTORS® members which specializes in ethical standards.

The complaints, which can be filed anonymously, can come from REALTORS® or REALTORS® clients.

How the service works

1. If a filing is found to meet the program's standards, a Citation Panel will review the case. If the Citation Panel believes a violation has occurred, a citation will be issued to the Respondent, along with a set fine.
2. The Respondent has the opportunity to pay the fine within 30 days or request a hearing before an Ethics Hearing Panel. Fines range from \$250 to \$1,000, depending on the nature and severity of the violation. The panel can also mandate training or other remedies.
3. If a hearing is requested by the Respondent, the complaint will be sent to the Grievance Committee for review.

How to file a complaint

- ⇒ Fill out the online form at illinoisrealtors.org/ethics/ethics-citation-program. It will be reviewed typically within one business day.
- ⇒ Call Illinois REALTORS®. The Ethics Citation Hotline can be reached at 217-529-2600 from 8:30 a.m. to 4:30 p.m. Monday through Friday (closed major holidays).

Mediation

Even the best-intentioned buyers and sellers occasionally have honest disputes with other parties. Mediation is a voluntary, confidential settlement process where parties have complete control over the outcome.

Why Mediation Works

- Most disputes are successfully resolved
- High speed
- Low or no cost
- Flexible
- Maintains/improves relationships
- Improves poor communication/clarifies misunderstandings because parties come together and talk
- Discovers/addresses the true interests of parties
- Moves beyond different views of law/fact
- Allows creative solutions beyond win/lose
- Mediated resolution is just as binding and enforceable as an arbitration award

When It Will Not Work

- When a precedent is necessary
- When there is no relationship and it is cheaper to contest the claim
- When vindication/punishment remains the main objective
- When the "jackpot syndrome" is involved (maximize/minimize recovery)

How to file a complaint

- ⇒ Complete the Initiate Mediation - Transmittal Form at 618realtor.com/mediation
- ⇒ Select a Mediator

Arbitration

Arbitration, a form of alternative dispute resolution (ADR), is a legal technique for the resolution of disputes outside the courts. The parties to a dispute refer it to one or more persons (the "arbitrators", "arbiters," or "arbitral tribunal"), whose decision (the "award") they agree to be bound. It is a settlement technique in which a third party reviews the case and imposes a decision that is legally binding for both sides.

How to file a complaint

- ⇒ Complete and return the Request and Agreement to Arbitrate to Illinois REALTORS®.
- ⇒ Call Illinois REALTORS® with any questions at (217) 529-2600.

