

Portland Metropolitan Association of Realtors®
150 SW Harrison, STE. 200, Portland OR 97201
Phone 503-459-2156 – Fax 503-228-4170
sschneider@pmar.org

GUIDE TO FILING AN ETHICS COMPLAINT

Who can file a complaint?

An **Ethics Complaint** may be filed against a REALTOR® member of our Association by anyone.

Not all real estate licensees are REALTORS®. Only those who belong to an Association can use the term REALTOR®. By joining an Association, all members agree to abide by the Code of Ethics as a condition of membership. It is because of their obligation to abide by the Code of Ethics that a complaint may be filed. Please contact our office to determine whether the real estate agent involved is a REALTOR®.

Is your complaint Ethics or Arbitration?

Ethics - charges that a REALTOR® has violated an Article(s) of the National Association of REALTORS® Code of Ethics.

Arbitration - a dispute arising out of a real estate transaction, usually a commission dispute.

If your situation concerns both ethics and arbitration, they will be handled separately. Arbitration cases are always processed first. Only when the arbitration is completed, will the ethics complaint be considered.

Filing an Ethics complaint

1. Complete and sign the ethics complaint form (supplied by our office), indicating the REALTOR® in question as Respondent.
2. List the Article(s) of the Code of Ethics that you think the REALTOR® has violated, using the Code of Ethics, supplied by our office.
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, addendums, etc. If you have notarized statements from witnesses, include those also.
5. Send the entire package to the Portland Metropolitan Association of REALTORS® at the address listed above.

Please note that ethics complaints must be filed within 180 days after the facts constituting the matter complained could have been known in the exercise of reasonable diligence or after the conclusion of the transaction or event, whichever is later. "Filed" is defined as the date received by PMAR regardless of the means of delivery, e.g., USPS, email, hand-delivery or fax.

The Process

There are two (2) committees of the Portland Metropolitan Association of REALTORS® that handle complaints. The Grievance Committee reviews the cases first and the Professional Standards Committee provides the panel to hear the complaints and render a decision.

The Grievance Committee reviews complaints and determines whether the complaint has sufficient merit for further consideration. It does not determine guilt or innocence. The Grievance Committee may decide as follows:

- forward the case for a hearing
- dismiss the case if the complaint does not concern a possible violation of the Code of Ethics or is not timely filed
- postpone its decision, based on obtaining more information before a determination can be made

In the event your case is forwarded on to hearing

- the respondent will be notified and a reply requested
- all parties will be sent a list of the Professional Standards Committee, along with a form to challenge any of the members serving on the hearing panel
- all parties will be given 21 days notice of the hearing date
- an Outline of Procedures will be included in materials you receive prior to the hearing

The function of the Professional Standards Committee is to hold ethics and arbitration hearings. These hearings provide an opportunity for the Complainant and the Respondent to explain “his/her side of the story” by presenting testimony and witnesses, if any. Once all the facts have been presented, the Hearing Panel, will determine whether the Code of Ethics has been violated, or, in the case of arbitration, how the dispute should be settled.

Please note that all parties, including the individual(s) filing the complaint, will be required to attend the hearing and present their case to the hearing panel. Only under special circumstances and at the discretion of the Hearing Panel Chair may teleconference or videoconference be permitted.

What the Association can and cannot do

In the case of Ethics violations, (money damages may not be a part of an ethics proceeding) the Association may discipline REALTORS® in one or more of the following ways:

- letter of warning or reprimand
- direct the REALTOR® to attend an ethics class or other training appropriate to the violation
- cease and refrain
- suspend membership
- expel the REALTOR® from membership
- fine the REALTOR® up to \$15,000

A REALTOR® association does have limitations to its authority. We cannot try a member for violation of the law or any alleged violations of the law. We cannot suspend or terminate a real estate license. The Real Estate Agency has jurisdiction over real estate licenses and should be contacted for violations of the law at 503-378-4170.

You will be informed by the Association office about each step of the process as it occurs. If you have any questions relating to filing your complaint, please call PMAR at 503-459-2156

Filed _____
office use only

Portland Metropolitan Association of REALTORS®
150 SW Harrison, Ste. 200, Portland OR 97201

ETHICS COMPLAINT

To the Grievance Committee of the Portland Metropolitan Association of REALTORS®

| | |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

Complainant (s)

Respondent (s)

Complainant(s) charge(s): An alleged violation of Article (s) _____ of the Code of Ethics or other membership duty as set forth in the Bylaws of the Association in Article VI, Section 2 and 3 and alleges that the above charge(s) (is/are) supported by the attached statement, which is signed and dated by the complainant(s) and which explains when the alleged violation(s) occurred and, if a different date, when the complainant(s) first knew about the alleged violations.

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, or event, whichever is later. "Filed" is defined as the date received by

PMAR. Date(s) alleged violation(s) took place: _____

Date(s) you became aware of the facts on which the alleged violation(s) (is/are) based: _____

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegation(s) in this complaint are true.

Please check appropriate box if circumstances giving rise to this ethics complaint are involved in:

- Civil Litigation Criminal Litigation Real Estate Agency Investigation
- Mediation/Arbitration Other _____.

Complaints pending criminal proceedings will be held in abeyance, and all other pending proceedings will be submitted to legal counsel to determine whether the hearing should proceed or be held in abeyance until conclusion of the pending proceeding(s).

I understand that should the Grievance Committee dismiss this ethics complaint in part or in total, that I have twenty (20) days from transmittal of the dismissal notice to appeal the dismissal to the Board of Directors.

COMPLAINANT(S):

Name (Type or Print)

Name (Type or Print)

Street Address

Street Address

City State Zip Code

City State Zip Code

Phone

Phone
