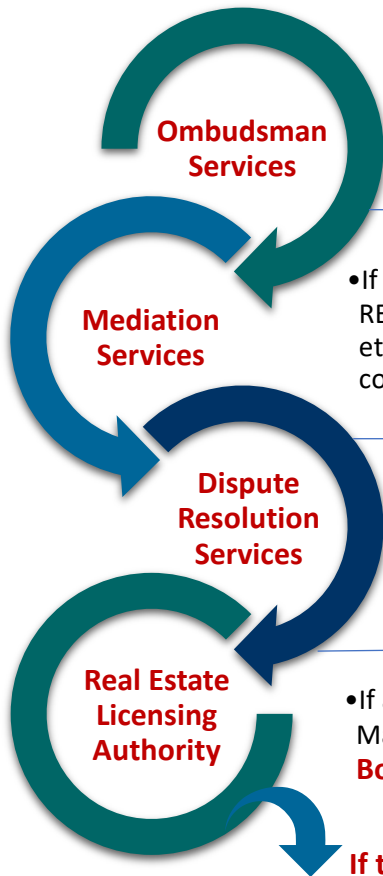


# Board of REALTORS Complaint Process

Call / e-mail is first directed to a trained Professional Standards Administrator on staff



## Initial Resolution Options:



- A REALTOR **Ombudsman** can be appointed to attempt to mediate a dispute through basic telephone communication with the parties. If unsuccessful, a formal complaint can be filed.

- If all parties agree, we will arrange a meeting with two trained REALTOR **mediators** to help resolve an issue before a formal ethics or arbitration hearing is held. The hearing process will continue if no agreement can be made.

- For those that have a complaint involving one or more parties to a transaction governed by a Purchase and Sale Agreement, the court enforceable DRS process administered by the **Berkshire Housing Authority** must be attempted before litigation.

- If a complaint involves a provision of real estate license law or Massachusetts General Law, the **Massachusetts Real Estate Board of Registration** should be contacted.

**If the above options do not resolve the matter, the case will be considered for formal hearing before the Professional Standards Committee**

Formal Ethics Complaint Paperwork and/or a Request to Arbitrate a Business Dispute will be sent when applicable, even to those requesting mediation.

If resolution attempts fail, the matter will be referred to the Grievance Committee and the process below will begin for a formal hearing.

## Request for Arbitration:

### Dispute of Commission / Monetary Payment

Arbitrations do not impose punishment, only awarding of funds to the proper party.

## Ethics Complaint:

### Alleged Conduct Inconsistent with Rules

Disciplinary action imposed for a violation of the rules (Code of Ethics, MLS, Bylaws), no damages awarded



## 1. Grievance

In closed session, a five member "grand jury" will consider if the complaint should go forward to a hearing, as written. They will ensure the complaint is against a current member, all parties have been named correctly, and that it was filed in less than 180 days from the time the facts became known. They will also determine if it is an appropriate Code of Ethics or Arbitrable issue. If the matter meets criteria, it is forwarded to a hearing of the Professional Standards Committee.



## 2. Hearing

A tribunal of 3-5 trained REALTOR professional standards members will serve on a hearing panel. All parties will be asked to attend the hearing, and will submit evidence and statements under oath.

Attorneys and witnesses may attend within guidelines. A full and fair hearing will be held and a decision rendered. An ethics decision will be based on clear and convincing evidence, and an arbitration award will be based on a preponderance of the evidence.



## 3. Appeal

The Hearing panel will send their decision as soon as it is rendered. Ethics decisions will contain findings of fact and disciplinary action, if applicable. Arbitration decisions shall include only the dollar amount awarded, if applicable. Instructions on appeals or procedural reviews are provided with the decision.

