

Ethics

The basics of filing an ethics complaint through a local REALTOR® organization

A service provided to you by the Georgia Association of REALTORS®

The Voice for Real Estate™ in Georgia



P R E F A C E

The Code of Ethics was adopted by the National Association of REALTORS® in 1913. Since then, REALTORS® everywhere have agreed to meet its high standards. Enforcement of the Code of Ethics is a very important part of the REALTOR® organization and helps to ensure honorable, faithful and competent service to clients, customers, other members of the public and fellow REALTORS®. This brochure was prepared to help you understand the process of filing an ethics complaint.

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

A. To file a complaint with a REALTOR® Board/Association, you must first determine if the real estate licensee involved is a REALTOR®. Not all real estate licensees are REALTORS®. Only those who belong to a REALTOR® Board/Association can use the term REALTOR®. When joining a Board/Association, all members agree to abide by the Code of Ethics as a continuing condition of membership. It is because of their obligation to abide by the Code of Ethics that you can file a complaint through the member's local Board/Association.

Q. Does your issue concern an ethics or an arbitration matter?

A. You may have to consider whether your issue concerns an ethics matter or an arbitration of a business dispute.

The information contained in this brochure pertains to filing an ethics complaint. A separate brochure is available explaining the filing of a request for arbitration.

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

If your situation concerns both ethics and arbitration, the Board/Association will handle them separately. Only when the arbitration is completed will the ethics complaint be considered. Arbitration is always held first.

Q. Who may file an ethics complaint?

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

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

The Complainant (you) may file a complaint from any location providing it is filed with the REALTOR® Board/Association where the REALTOR® holds primary membership.

Q. What can the REALTOR® Board/Association do?

A. A Board/Association of REALTORS® has limitations to its authority regarding its members. The following is a list of those limitations:

- The Board/Association cannot “try” a member for violations of the Georgia real estate license law, the Georgia Real Estate Commission rules and regulations or any other alleged violation of the law. It has jurisdiction only over violations of membership duties. The Georgia Real Estate Commission has sole control of the real estate licensee’s ability to sell real estate. If you think a person has violated the law, you should go to the Georgia Real Estate Commission’s web site, www.grec.state.ga.us, or call 404/ 656-3916.

- For the same reason stated above, the Board/Association *cannot* suspend or terminate the *license* of one of its members.
- The Board/Association *can*, in the case of an ethics violation being determined in a due process hearing procedure, administer discipline to the REALTOR® in one or more of the following ways:
 - a. send a letter of warning or reprimand to the member with a copy placed in the member’s personal file
 - b. direct the member to attend an ethics class or other training appropriate to the violation
 - c. fine the member up to \$5,000.00

(Note: This fine is *not* awarded to the Complainant.)

- d. place the member on probation
 - e. suspend the member from membership
 - f. expel the member from membership
4. Money damages may *not* be part of an ethics proceeding.

Q. How do you file an ethics complaint?

To file an ethics complaint, you need to follow these steps:

- Complete and sign the complaint form (supplied by the REALTOR® Board/Association). This form requires you to name the REALTOR®(s) in question as the Respondent(s).
- List the Article(s) of the Code of Ethics that you think the REALTOR® has violated. The Code of Ethics may be found on www.garealtor.com. Alternately, the local Board/Association of the REALTOR® in question will provide you with a copy of the Code of Ethics.
 - In filing a charge of an alleged violation of the Code of Ethics by a REALTOR®, the charge must read as an alleged violation of one or more Articles

of the Code. The Standards of Practice serve to clarify the ethical obligations imposed by the various Articles.

3. Attach an explanation of the situation surrounding the complaint. Be as specific as possible. State what, when, where, why, and how, etc., you think each Article was violated.
4. Attach copies of any and all pertinent documents such as listing agreements, purchase and sale agreements, addendum, etc. If you have notarized statements from witnesses, include those also.
5. Send the entire package, keeping a copy for yourself, to the REALTOR® Board/Association. Your complaint will then be processed through the Board's/ Association's Grievance Committee.

It is not unusual for a Board/Association to receive an ethics complaint and an arbitration request regarding the same set of circumstances. If you think the REALTOR® has violated the Code of Ethics and you also have a monetary dispute with the REALTOR®, you must file an ethics complaint separately from any request for arbitration.

Q. How does the Board/Association process the complaint?

A. There are two committees of the Board/ Association that handle complaints: the Grievance Committee and the Professional Standards Committee.

Functions of the Grievance Committee in an Ethics Complaint

This Committee reviews complaints when they are received at the Board/Association. The Committee determines whether the complaint has sufficient merit for further consideration, somewhat like a “Grand Jury.” It does not determine guilt or innocence. The Committee will:

- forward the case for a hearing, or
- dismiss it, if the complaint is determined to be frivolous, harassing or unfounded, or
- amend it by adding or deleting Articles

Also, before reaching a decision, the Committee may request information from the Respondent regarding the complaint.

If your complaint is dismissed by the Committee, you have the right to appeal the dismissal to

Board's/Association's Board of Directors. In the case of an appeal, the Directors re-examine only the materials submitted to the Grievance Committee and can either uphold or overturn the Grievance Committee's decision. Your local Board/Association can explain further details.

If the complaint is to be given further consideration, it will be forwarded to the Professional Standards Committee for a formal hearing.

Functions of the Professional Standards Committee in an Ethics Complaint

The function of this Committee is to conduct ethics hearings. If the Respondent(s) has not already been requested to respond to your complaint, it will be done at this time. A hearing will then be scheduled before a Hearing Panel made up of members selected from the Professional Standards Committee based on their experience and objectivity. You will be notified of the date, time, and place of the hearing(s). The hearing(s) will provide an opportunity for the Complainant (you) and the Respondent to explain "his or her side of the

story" by presenting testimony, evidence and witnesses, if any.

The Hearing Panel will determine whether the Code of Ethics has been violated. Under certain circumstances, parties to a hearing have an opportunity to either request a re-hearing or may appeal a decision by the Hearing Panel.

You will be informed by the Board/Association about each step of this process as it occurs. You will also be given instructions about the hearing procedures prior to the hearing. The entire process will often take between 60 and 120 days.

If you have any questions regarding filing an ethics complaint, please call the local Board/ Association of REALTORS® in your area.

Member Boards/Associations in Georgia

1. Albany Board - 229/883-6664
2. Altamaha Basin Board - 912/538-7362
3. Americus Board - 229/874-6543
4. Athens Area Association - 706/353-1126
5. Atlanta Board - 404/250-0051
6. Atlanta Commercial Board - 404/250-0051
7. Bartow Area Board - 404/845-4066
8. Camden/Charlton County Board - 912/882-5806
9. Carpet Capital Association - 706/278-0297
10. Central Georgia Board - 478/922-0099
11. Cherokee Association - 770/591-0004
12. Classic South Board - 706/736-0429
13. Cobb Association - 770/422-3900
14. Columbus Board - 706/323-1701
15. Crisp Area Board - 229/874-6543
16. DeKalb Association - 770/493-6100
17. Douglas-Coffee County Board - 229/382-7604
18. Dublin Board - 478/609-0461
19. East Metro Board - 770/787-3763
20. Fayette County Board - 770/461-2401
21. 400 North Board - 706/216-5229
22. Golden Isles Association - 912/264-2915
23. Gordon Association - 706/625-9702
24. Greater Augusta Association - 706/736-0429
25. Greater Rome Board - 706/295-1727
26. Habersham, White & Stephens County Board - 706/776-1551
27. Hall County Board - 770/534-1564
28. Heart of Georgia Board - 770/229-4478
29. Hinesville Area Board - 912/368-4227
30. I-85 North Board - 706/335-3044
31. Lake Country Association - 706/453-0823
32. Metro South Association - 770/477-7579
33. Middle Georgia Association - 478/471-7336
34. Moultrie Board - 229/228-5279
35. Newnan-Coweta Board - 770/683-0990
36. Northeast Atlanta Metro Association 770/495-7300
37. Northeast Georgia Board - 706/781-3030
38. Northwest Georgia Council/ Chattanooga Association - 423/698-8001
39. Perry Board - 478/477-8116
40. Pickens County Board - 404/845-4082
41. Rabun County Board - 706/782-7751
42. RCA Savannah/Hilton Head - 912/354-1513
43. Savannah Board - 912/354-1513
44. Southeast Georgia Board - 912/285-4663
45. Southwest Georgia Board - 229/377-4253
46. Statesboro Board - 912/764-3818
47. Thomasville Area Board - 229/228-5279
48. Tiftarea Board - 229/388-1111
49. Troup County Board - 706/298-0695
50. Valdosta Board - 229/242-2085
51. Walton-Barrow Board - 770/267-8671
52. West Georgia Board - 770/949-9966
53. West Metro Board - 770/832-0804

Telephone numbers are subject to change. Contact the Georgia Association of REALTORS® at 770/451-1831 or toll-free at 866/280-0576 or visit www.garealtor.com for the appropriate telephone number if not listed above.

The terms REALTOR® and REALTORS® are registered collective membership marks which may only be used by real estate professionals who are members of the NATIONAL ASSOCIATION OF REALTORS® and who subscribe to its strict Code of Ethics.



REALTOR®

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