



## Ethics Complaints & Arbitration

### I have a problem with a REALTOR®. What now?

REALTORS® pledge to observe the spirit of the Code of Ethics and Standards of Practice of the National Association of REALTORS®. Contact your local association to learn more about filing an ethics complaint or requesting arbitration.

Code of Ethics enforcement is a *member benefit...*

The term REALTOR® has come to represent competency, fairness, and high integrity. These qualities stem from voluntary adherence to an ideal of moral conduct in real estate business practices. Your local board or association offer its members and their clients a vehicle to economically expedite ethics complaints and arbitration requests without court costs. The single, most outstanding characteristic that sets REALTORS® apart from other real estate practitioners is the willingness to accept and abide by the Code of Ethics of the National Association of REALTORS®, and its enforcement is a privilege shared by all REALTORS® in South Carolina.

#### South Carolina Association of REALTORS®

3780 Fernandina Road  
Columbia, SC 29210  
[www.screaltors.org](http://www.screaltors.org)

## South Carolina Association of REALTORS®

Ethics Complaint & Arbitration Brochure



## Ethics/ Arbitration Timeline

- ✓ Contact the respondent's local association for the appropriate forms
- ✓ Complete either the Ethics Complaint or Arbitration Request Form
- ✓ The complaint/ request will be sent to the Grievance Committee for review.
- ✓ If the Grievance Committee determines that a hearing is warranted, the parties will be advised of the date, time and place of the hearing subsequent to having an opportunity to challenge the panelists for cause.
- ✓ During the hearing, the parties have an opportunity to present their positions. Parties may exercise their right to bring witnesses and/ or attorneys to the hearing.
- ✓ The Hearing Panel's ethics decision or arbitration award is sent to the parties. Either party may file an ethics appeal or re-hearing request, but the complainant may only appeal on procedural grounds.
- ✓ On appeal, the Board of Directors will its final decision, which will be sent to the parties. Arbitration awards are considered final and binding subsequent to the expiration of the procedural review period.



## REALTOR® Code of Ethics Enforcement

### Frequently Asked Questions

- 1) What's the difference between an ethics complaint and arbitration request? An ethics complaint charges that a REALTOR® has violated an Article of the Code of Ethics. An arbitration request involves a dispute over entitlement to a monetary transaction, such as a commission.
- 2) Who can file an ethics complaint? Any person, whether a member or not, having reason to believe that a member is in violation of any conduct subject to disciplinary action.
- 3) Who can file an arbitration request? A customer, client or REALTOR® principal. A REALTOR® non-principal can also request arbitration with his current or former REALTOR® principal.
- 4) Is there a time limit? Yes:
  - a. Ethics complaints must be filed within 180 days from the time that the alleged offense and relating facts could have been known by the complainant in the exercise of reasonable diligence.
  - b. Requests for arbitration must be filed within 180 days after a transaction's closing, or after the facts constituting the arbitral matter could have been known in exercise of reasonable diligence.
- 5) Can Standards of Practice be cited in an Ethics Complaint? No, only Articles may be cited. Standards of practice may be cited only in support of the Articles that was allegedly violated.
- 6) What should be included with the ethics complaint or arbitration request?
  - a. Ethics: An ethics complaint form must be completed and filed. In addition, a written statement of the facts, with any appropriate documentation, on which the complaint is based must also be included dated, and signed by the complainant. The appropriate Article as they pertain to the facts in the alleged violation must be cited in the complaint.
  - b. Arbitration: An arbitration request form must be completed with details of the dispute and the deposit as set by the board or association. In addition, include whatever documentation that may help substantiate your position.
- 7) Are there issues or complaints that should not be brought before a board/association of REALTORS®? Yes. A court of law, rather than a board or association, should decide a charged violation of the law or South Carolina Real Estate Commission's licensing statute.
- 8) Is submitting to arbitration mandatory? It depends on the circumstances. A REALTOR® may be obligated to arbitrate, or she/he may have a choice as to whether or not to voluntarily participate in an arbitration proceeding conducted by the board or association. Contact your association to learn more.