

**PROCEDURES FOR FILING DISCIPLINARY & ARBITRATION COMPLAINTS
WITH THE SAN FRANCISCO ASSOCIATION OF REALTORS®**

DISCIPLINARY COMPLAINTS

A “**Disciplinary Complaint**” Form D-1 should be used to allege violations of the Code of Ethics and/or MLS Rules and Regulations. A complaint must be filed within **180 days** after the facts constituting the matter could have been known in the exercise of reasonable diligence. Specify which Articles of the Code of Ethics or Sections of the MLS Rules and Regulations you think were violated, sign and date the form. Attach a statement (preferably typed) and copies of any pertinent documents supporting your claim.

When a **Disciplinary Complaint** is received, it will be reviewed by the Grievance Committee. The Committee will decide whether or not to refer the complaint for hearing before three Professional Standards panelists. You will be notified by mail of the Grievance Committee’s decision. If a hearing is called for, the respondent will be informed, and will be given a copy of your complaint and any other relevant papers, and will be given an opportunity to submit a written response. You will receive a copy of the response if one is submitted, a hearing will be arranged, and all parties will receive at least 21 days’ notice of the date. A \$125 fee may be charged to any party causing a continuance (postponement) of a hearing.

ARBITRATION COMPLAINTS

An “**Arbitration Complaint/Association Member**” Form A-1 should be used by REALTORS® for monetary disputes involving another REALTOR®. An “**Arbitration Complaint/Member of the Public**” Form (PA-1) should be used by members of the public for monetary disputes involving a REALTOR® with whom the member of the public has (or had) a **contractual relationship**. (See “Member of the Public Information Sheet” on the next page.) A complaint must be filed within **180 days** after the closing of the transaction, if any, or after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later. The complainants must include the broker of record. Enter all parties you wish to name and the amount you are requesting. The parties named as respondents must include the broker of record. Be sure to sign and date the form. The filing fee of \$150 must be received with your application. Checks should be made payable to the San Francisco Association of REALTORS®. Attach a statement (preferably typed) and any pertinent documents supporting your claim.

When an **Arbitration Complaint** is received, a copy will be sent to the respondent(s), who will be given an opportunity to submit a written response. A copy of the response will be mailed to you if one is received. A hearing before three Arbitration panelists will be scheduled and all parties will be given at least 21 days’ notice. A \$125 fee may be charged to any party causing a continuance (postponement) of a hearing. Please note that arbitration is mandatory for Association members in most circumstances.

Mediation of the dispute is also available, if both parties agree. If you are interested in pursuing mediation, please contact the Association for further details. If all the parties agree to mediation, a mediation conference will be arranged. Mediation is voluntary and usually can be set up more quickly than arbitration, as no notice periods must be met. If any party does not agree to mediate or the mediation is unsuccessful, a hearing before three Arbitration panelists will be scheduled.

NOTE: It is possible to file both a **Disciplinary Complaint and an Arbitration Complaint** with regard to the same transaction. The *California Code of Ethics and Arbitration Manual*, which contains detailed information on the Disciplinary and Arbitration complaint process, is available at www.car.org (click on “Legal,” then on “Arbitration, Mediation, Ethics” and then on “Ethics and Board Arbitration.” Finally, scroll down to “Manuals and Guidelines.”)

If you have any questions regarding the complaint process, please contact Annie Rattapituck, at the San Francisco Association of REALTORS® (education@sfbrokers.com or 415-431-8022 ext 130).

MEMBER OF THE PUBLIC INFORMATION SHEET REGARDING ARBITRATION

As a client of a member of this Association, you may arbitrate a dispute arising out of a real estate transaction with that member, using the Association's arbitration facilities. Arbitrations held at this Association are conducted in accordance with the rules and procedures set forth in the *California Association of REALTORS® Code of Ethics and Arbitration Manual*. Instead of arbitrating at the Association, you have the right to initiate a court action to resolve the dispute. (You waive your right to resolve this dispute in court by filing and processing an arbitration at the Association.)

If your arbitration request is based upon a written agreement you have entered into which includes an initialed arbitration clause (e.g., a listing agreement, buyer's broker agreement or purchase and sale agreement), **please be advised that the Association will not be able to process an arbitration request** unless all parties and the San Francisco Association of REALTORS® agree to the arbitration. If they do not agree, you must initiate an arbitration according to the terms of your agreement, with an arbitration provider as specified in the agreement.

The *California Association of REALTORS® Code of Ethics and Arbitration Manual* does not allow pre-hearing discovery. The Manual provides for a three-person panel which is comprised of REALTORS® from the local Association. There are no findings of fact or reasons given for an arbitration award.

Finally, Association arbitrations only consider disputes against REALTORS®. If you have a claim arising out of the same transaction against a person who is not a REALTOR®, you may want to take the matter to court, which will allow you to have all disputes heard at one time.
