

INSTRUCTIONS FOR FILING AN ETHICS COMPLAINT

PLEASE READ: “[Before you file an Ethics Complaint](#)”. This document contains valuable information pertaining to the process of filing an ethics complaint.

COMPLETE: The “Ethics Complaint” form that follows this instruction sheet. Use the following directions to complete the complaint form and file your complaint. Following these instructions may help avoid delays in processing. If at any time you have questions, please email [Paula Tansey](#) or call 610-560-4800

- a) List all persons who wish to be considered complainants. Only those people named as complainants may be present for the entire hearing. Once the complaint is filed any additional participants in your complaint will be treated as witnesses. Witnesses have limited access to the hearing room.
- b) Be sure to fill in the name of the respondent. The respondent is the person or persons against whom you are filing this complaint. If there are multiple respondents complete one form for each respondent. The Respondent must be a member of the Suburban West REALTORS[®] Association. If you are not sure of the membership status of an individual, contact [Paula Tansey](#) for assistance.
- c) Complete the blank in the first paragraph, which tells the Association the articles you feel have been violated. Review the current year [Code of Ethics](#) to determine which articles to cite. You may cite standards of practice in support of the article. If there are multiple respondents, it is preferable that you complete one form for each individual respondent.
- d) Answer yes or no if the matter is subject to any other proceeding. If yes, provide the name of the agency or court where the additional proceedings are being handled. Provide a case or docket number, when asked.
- e) Answer yes or no if an ethics complaint relating to the same circumstances has been filed or will be filed with another REALTOR Association.
- f) Be sure to type or print and sign your name in the space provided. Also include your address and daytime phone number. If there is a reason you do not wish your address to be disclosed to the other party, please notify the Association office in writing.
- g) Read “[Mediation of Potentially Unethical Conduct](#)” and check the appropriate box indicating your willingness to try mediation to resolve this matter. If you have questions about this program please contact [Paula Tansey](#).

COMPLETE: The “Permission to Use Email” form. (Found at the end of this document)

TYPE: A detailed narrative of the events leading you to file an ethics complaint. This is very important. The first step in the process is review by the Grievance Committee. You will not be

present for this review so you must submit any and all pertinent information for the Committee to consider. Please be sure to include all pertinent dates in your narrative. The Grievance Committee must be able to accurately determine that a complaint was timely filed. Include in your narrative a statement as to how/why you feel each article cited

ATTACH COPIES, not originals, of pertinent documents, if any, that support your claim. Be careful to include only pertinent documents rather than your entire transaction file. You want to point the Grievance Committee to the facts pertaining to your allegations and avoid having your point(s) be lost among unnecessary papers.

MAIL: The completed complaint forms, your narrative of events, and ***copies*** of any supporting documents to: Paula M. Tansey, Suburban West REALTORS Association, 1 Country View Road, Suite 201, Malvern, PA 19355. The initial filing of the complaint must be done by mail or hand delivery. Electronic submissions of the original filing are not acceptable.

ETHICS CITATION PROGRAM: Suburban West REALTORS Association has established a Citation Schedule of offenses with fines that apply to specific potential violations of the Code of Ethics. A brief summary of the citation program [can be found here](#). If an ethics complaint includes only allegations subject to the Citation Schedule, and if the Grievance Panel determines that there may be a potential violation of the Code of Ethics, it shall issue a citation to the respondent. The respondent will have the option of paying the fine or requesting a full due process hearing. If the complaint contains a mixture of citable and non-citable offenses the Grievance Committee will forward the complaint for a full due process hearing.

Suburban West REALTORS® ASSOCIATION

ETHIC COMPLAINT

To the Grievance Committee of the Suburban West REALTORS® Association

Complainant (s)

Respondent

Complainant charges: An alleged violation of Article(s) _____ of the Code of Ethics or other membership duty as set forth in the Bylaws of the Suburban West REALTORS Association and alleges that the above charge(s) is/are supported by the attached statement, which is signed and dated by the complainant(s).

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, whichever is later.

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

Are the circumstances giving rise to this ethics complaint involved in civil or criminal litigation?
 Yes; _____ **No**
(Where and case/docket number)

Are the circumstances giving rise to this ethics complaint involved in any proceeding before the state real estate licensing authority or any proceeding before any other state or federal regulatory or administrative agency?
 Yes _____ **No**
(Where)

You may file an ethics complaint in any jurisdiction where a REALTOR® is a member or MLS participant. Note that the REALTORS® Code of Ethics, Standard of Practice 14-1 provides, in relevant part, "REALTORS® shall not be subject to disciplinary proceeding in more than one Board of REALTORS® ... with respect to alleged violations of the Code of Ethics relating to the same transaction or event."

Have you filed, or do you intend to file, a similar or related complaint with another Association(s) of REALTORS.

Yes; _____ **No**
(Where and date filed)

I have read the [Mediation of Potentially Unethical Conduct](#) explanation and (check the appropriate answer)

___ would like to try mediation to resolve this matter

___ would not like to try mediation to resolve this matter

___ need more information about the mediation of potentially unethical conduct before making a decision

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

I understand that should this complaint cite only allegations subject to the [Ethics Citation Program](#), the respondent will have the option of paying the citation fine or requesting a full due process hearing.

COMPLAINANT(S): Address is required for each complainant. Some documents pertaining to this complaint will be jointly addressed to both parties. You must notify the Association in writing if you do not wish your address published to the other party.

(Type/Print) (Signature)

ADDRESS _____

Day Phone # _____

(Type/Print) (Signature)

ADDRESS _____

Day Phone # _____

Permission to use email

The Board of Directors has approved a policy allowing limited use of email for correspondence in an Ethics Complaint or a Request for Arbitration. Please confirm or decline the use of email by returning a signed copy of this memo to me.

The email policy **allows** the use of email for the following:

- Notice of right to challenge tribunal members and Challenge to qualifications of tribunal members
- Hearing notice; including postponements and rescheduling
- "Decision of an Ethics Hearing Panel" and the "Award of the Arbitrators"
- Action of the Board of Directors (Ethics Hearing)
- Decision of the Procedural Review Hearing Tribunal (Arbitration)

The policy specifically **prohibits** the use of email for the following:

- Submitting an ethics complaint and/or supporting documents
- Submitting a request for arbitration and/or supporting documents
- Filing a response,
- Filing an appeal or requests for procedural review

The privilege of using email for an ethics complaint or request for arbitration **requires** that the intended recipient acknowledge receipt of any and all email from the Association, pertaining to the ethics or arbitration matter, within 24 hours of receipt by return email. Should the intended recipient fail to acknowledge receipt within 24 hours, the Association at its sole discretion may refuse to deliver or receive future notices via email.

Should a party choose to use email to notify the other party and the association of the attendance of witnesses or counsel, that party is responsible for proving timely receipt.

I have read and understand the email policy and **AGREE** to accept delivery via email for subsequent notices related to this complaint.

PRINT

SIGNATURE

DATE

EMAIL ADDRESS (PRINT CLEARLY)

-OR-

I have read and understand the email policy and **DECLINE** delivery via email for subsequent notices related to this complaint.

PRINT

SIGNATURE

DATE