



MEMORANDUM

TO: Complainant

FR: Raymond Joseph
CEO and Executive Vice President

RE: Ethics Complaint

Enclosed please find the materials necessary to file an ethics complaint against a member of West Virginia Association of REALTORS®. If you wish to file an ethics complaint, please review the enclosed Code of Ethics of the National Association of REALTORS®. While the West Virginia Association of REALTORS® is not the licensing body for Real Estate Agents in West Virginia, the Articles in the Code of Ethics are specific obligations that can subject the member to disciplinary action after a due process hearing.

After carefully reading the Code and the enclosed information packet, complete the ethics complaint form, including an explanation of why you believe a specific Article (or Articles) has been violated (see enclosed sample complaint forms). Any ethics complaint must cite an Article or Articles. A Standard of Practice may only be cited in support of a charge that an Article was violated. You must include the date you became aware there was a potential violation. The Code is the standard by which our Grievance Committee reviews the allegations of potential violations.

Please understand ethics complaints must be filed within one hundred eighty (180) days after the facts constituting the matter complained of was known, or could have been known in the exercise of reasonable diligence.

You may add additional materials to the complaint form. Please submit three copies of the complaint in its entirety. When we receive an ethics complaint, we will forward it to the Grievance Committee which will review the matter and decide if there are sufficient grounds for a hearing by the Professional Standards Committee.

Thank you.

Before You File an Ethics Complaint

Background

Boards and associations of REALTORS® are responsible for enforcing the REALTORS® Code of Ethics. The Code of Ethics imposes duties above and in addition to those imposed by law or regulation which apply only to real estate professionals who choose to become REALTORS®.

Many difficulties between real estate professionals (whether REALTORS® or not) result from misunderstanding, miscommunication, or lack of adequate communication. If you have a problem with a real estate professional, you may want to speak with them or with a principal broker in the firm. Open, constructive discussion often resolves questions or differences, eliminating the need for further action.

If, after discussing matters with your real estate professional or a principal broker in that firm, you are still not satisfied, you may want to contact the local board or association of REALTORS®. Many boards and associations have informal dispute resolving processes available to consumers (e.g. ombudsmen, mediation, etc.).

If, after taking these steps, you still feel you have a grievance, you may want to consider filing an ethics complaint. You will want to keep in mind that . . .

- Only REALTORS® and REALTOR-ASSOCIATE®s are subject to the Code of Ethics of the National Association of REALTORS®.
- If the real estate professional (or their broker) you are dealing with is not a REALTOR®, your only recourse may be the state real estate licensing authority or the courts.
- Boards and associations of REALTORS® determine whether the Code of Ethics has been violated, not whether the law or real estate regulations have been broken. Those decisions can only be made by the licensing authorities or the courts.
- Boards of REALTORS® can discipline REALTORS® for violating the Code of Ethics. Typical forms of discipline include attendance at courses and seminars designed to increase REALTORS®' understanding of the ethical duties or other responsibilities of real estate professionals. REALTORS® may also be reprimanded, fined, or their membership can be suspended or terminated for serious or repeated violations. Boards and associations of REALTORS® cannot require REALTORS® to pay money to parties filing ethics complaints; cannot award "punitive damages" for violations of the Code of Ethics; and cannot suspend or revoke a real estate professional's license.
- The primary emphasis of discipline for ethical lapses is educational, to create a heightened awareness of and appreciation for the duties the Code imposes. At the same time, more severe forms of discipline, including fines and suspension and termination of membership may be imposed for serious or repeated violations.

Filing an ethics complaint

The local board or association of REALTORS® can provide you with information on the procedures for filing an ethics complaint. Here are some general principles to keep in mind.

- Ethics complaints must be filed with the local board or association of REALTORS® within one hundred eighty (180) days from the time a complainant knew (or reasonably should have known) that potentially unethical conduct took place (unless the Board's informal dispute resolution processes are invoked in which case the filing deadline will momentarily be suspended).
- The REALTORS® Code of Ethics consists of seventeen (17) Articles. The duties imposed by many of the Articles are explained and illustrated through accompanying Standards of Practice or case interpretations.