

**GENERAL INSTRUCTIONS AND INFORMATION FOR FILING
AND REPLYING TO COMPLAINTS**

1. Complaints must be typewritten and include specific articles of the Code of Ethics that are believed to be in violation. **Complaints and all materials accompanying must be submitted with four (4) copies** to enable the Board to provide one to each Respondent, the members of the Grievance Committee and one copy for the Board's records. Any reply must be typewritten and submitted with four (4) copies. Additional copies of the complaint and reply should be furnished by the Complainant and Respondent as requested by the Secretary. If the Complainant is a member of the public, extra copies of the complaint should not be requested.
2. Complaints will be referred to the Board Secretary (or Executive Officer); and by the Secretary to the Chairman of the Grievance Committee. If the Grievance Committee finds the matter to constitute a proper cause of action, it will be referred to the Board Secretary to arrange a hearing; if not found to constitute a proper cause of action, it will be returned to the Complainant with the decision of the Grievance Committee together with information advising the Complainant of the procedures by which the Grievance Committee's decision may be appealed to the Board of Directors.
3. Respondent will have fifteen (15) days after service of copy of complaint to make reply to it. If there is to be a hearing, copy of reply will be sent to Complainant, the Board President, and the Professional Standards Committee Chairman. The date for hearing will be set and all parties will be notified of the date and place of hearing at least twenty-one (21) days in advance.
4. If no reply is received from Respondent within fifteen (15) days from service of copy of the complaint, date and place of hearing will be set and the charges may be taken as true, by default. Complainant, the Board President and Professional Standards Committee Chairman will be advised that no reply has been filed.
5. All parties may be represented by legal counsel provided that notice of intention to be represented is transmitted to all other parties and to the Hearing Panel at least fifteen (15) days prior to the hearing by the party intending to have counsel present. Failure to provide timely notice may result in a continuance of the hearing.
6. It is the responsibility of each party to arrange for their witnesses to be present at the hearing. Notice of intention to have witnesses present at the hearing must be presented to all other parties and to the Hearing Panel at least fifteen (15) days prior to the hearing by the party intending to have witnesses present. Failure to provide timely notice may result in a continuance of the hearing.
7. The notice of hearing will contain the names of members of the tribunal who will hear the case and should be accompanied by an "Outline of Procedure for Ethics or Arbitration Hearing." Either party may file with the Secretary, not less than fifteen (15) days prior to date of hearing, written request for disqualification of any member for any of the following reasons:
 - A. Is related by blood or marriage to either Complainant or Respondent.
 - B. Is an employer, partner, or employee, or in any way associated in business with either Complainant or Respondent.
 - C. Is a party to the hearing, or a party or a witness in another pending case involving Complainant or Respondent.
 - D. Knows any reason acceptable to the Hearing Panel or tribunal which may prevent him from rendering an impartial decision.
8. The parties shall not discuss the case with any member of the Hearing Panel or the Board of Directors at any time prior to announcement of a decision in the case.
9. Both parties should be present in person at the hearing. Failure to appear can result in adverse decision by default.

NORTH OAKLAND COUNTY BOARD OF REALTORS®

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REQUEST AND AGREEMENT FOR ARBITRATION

- 1. The undersigned, by becoming and remaining a member of the North Oakland County Board of REALTORS® has previously consented to arbitration through the Board under its Rules and Regulations.
- 2. I am informed that each person named below is a member in good standing of the North Oakland County Board of REALTORS® or was a member of said Board of REALTORS® at the time the dispute arose.
- 3. A dispute arising out of the real estate business as defined by Article 17 of the Code of Ethics exists between me (or my firm) and (list all persons you wish to name as Respondents to this arbitration)

Name, Principal Broker

Address

Name, Principal

Address

Firm

Address

NOTE: Arbitration is generally conducted between REALTORS® (principals) or between firms comprised of REALTOR® principals.) Naming a REALTOR® (principal) as respondent enables the complainant to know who will participate in the hearing from the respondent's firm; naming a firm may increase the likelihood of collecting any resulting award.)*

- 4. There is due, unpaid and owing to me (or I retain) from the above named persons the sum of \$_____ My claim is predicated upon the statement attached, marked Exhibit '1' and incorporated by reference into this application.
- 5. I request and consent to arbitration through the Board in accordance with its CODE OF ETHICS AND ARBITRATION MANUAL (alternatively, "in accordance with the professional standards procedures set forth in the Bylaws of the Board"), and I agree to abide by the arbitration award and, if I am the non-prevailing party, to, within ten (10) days following transmittal of the award, either (1) pay the award to the party(ies) named in the award or (2) deposit the funds with the Professional Standards Administrator to be held in an escrow or trust account maintained for this purpose. Failure to satisfy the award or to deposit the funds in the escrow or trust account within this time period may be considered a violation of a membership duty and may subject the member to disciplinary action at the discretion of the Board of Directors consistent with Section 53, The Award, Code of Ethics and Arbitration manual.

In the event I do not comply with the arbitration award and it is necessary for any party to this arbitration to obtain judicial confirmation and enforcement of the arbitration award against me, I agree to pay the party obtaining such confirmation the costs and reasonable attorney's fees incurred in obtaining such confirmation and enforcement. In the event I do not comply with the arbitration award and it is necessary for any party to this arbitration to obtain judicial confirmation and enforcement of the arbitration award against me, I agree to pay the party obtaining such confirmation costs and reasonable attorney's fees incurred in obtaining such confirmation and enforcement of the arbitration award against me, I agree to pay the party obtaining such confirmation the costs and reasonable attorney's fee incurred in obtaining such confirmation and enforcement.
- 6. I enclose my check in the sum of \$200.00 for the arbitration filing fee.
- 7. I understand that I may be represented by counsel, and that I am requested to give written notice of my intention to have counsel present fifteen (15) days before the hearing to the Board and the other party, including legal counsel's name, address and phone number. Failure to provide this notice will not invalidate my right to legal representation, however, upon the request of any other party, a continuance of the hearing may be granted if the hearing panel determines that the rights of any other party require representation by legal counsel.
- 8. The Complainant must provide a list of witnesses he/she intends to call at the hearing and copies of exhibits to the Board and to the other party not less than fifteen (15) days before the hearing. The Respondent must provide a list of witnesses he/she intends to call at the hearing and copies of exhibits to the Board and to the other party not less than seven (7) days prior to the hearing. Each party shall arrange for his witnesses to be present at the time and place designated for the hearing. The following REALTOR® non principal affiliated with my firm has a financial interest in the outcome of the proceeding and may be called as a witness and has the right to be present throughout the hearing:_____. *All parties appearing at a hearing may be called as witnesses without advance notice.*
- 9. *Failure to provide a list of witnesses and copies of exhibits within the time specified will constitute a waiver of the right to call those witnesses or use exhibits at the hearing, unless the Chairperson agrees to allow their testimony or use of exhibits.*

10. I declare that this application and the allegations contained herein are true and correct to the best of **my** knowledge and belief and this request for arbitration is filed within 180 days after the closing of the transaction, if any, or within 180 days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later. Date(s) alleged dispute took place _____.
11. Are the circumstances giving rise to this arbitration request the subject of civil litigation? _____ Yes _____ No.
12. *This shall be deemed an arbitration agreement within the meaning of the Revised Judicature Act, section 5001, et seq; MSA 27a.5001 et seq; MCLA 600.5001 et seq; and Michigan Court Rule 3.602 and the undersigned agree that such judgment may be entered in any circuit court upon the award.*
13. If either party to an Arbitration Request believes that the Grievance Committee has incorrectly classified the issue presented in the request (i.e. mandatory or voluntary), the party has 20 days from the date of transmittal of the Grievance Committee's decision to file a written appeal of the decision. Only those materials that the Grievance Committee had at the time of its determination may be considered with the appeal by the Board of Directors.
14. Important note related to arbitration conducted pursuant to Standard of Practice 17-4 (1) or (2): Where arbitration is conducted between two (or more) cooperating brokers pursuant to Standard of Practice 17-4 (1) or (2), the amount in dispute and the amount of any potential resulting award is limited to the amount paid to the respondent by the listing broker and any amount credited or paid to a party to the transaction at the direction of the respondent.
15. Address of the property in the transaction giving rise to this arbitration request:

 Address, City, State, Zip
16. The sale/lease closed on: _____
 Date
17. Agreements to arbitrate are irrevocable.
- Dated: _____ at _____

COMPLAINANT(S)

 Name of REALTOR® Principal (Broker)

 Name of Firm

 Address

 Date

 Signature of REALTOR® Principal (Broker)

 Telephone number

 City, State, Zip

 e-mail:

In cases where arbitration is requested in the name of a firm comprised of REALTOR® (principals), the request must be signed by at least one of the REALTOR® principals of the firm as a co-complainant.

"Complainants may name one or more REALTOR® principals or a firm comprised of REALTOR® principals as respondent(s). Or, complainants may name REALTOR® principals and firms as respondents.

NOCBOR does offer Mediation prior to Arbitration, for details visit www.nocbor.com or call the board office at 248-674-4080.