

Code of Ethics Complaint Checklist

Dear Complainant, thank you for downloading the North Oakland County Board of Realtors Complaint Packet. The difference between a real estate agent and a Realtor® is that our Realtor® members must adhere to a strict Code of Ethics, thus we have our own Grievance process. Please return Form #E-1 Complaint Form and the Article Form (*Complaint form and Article form attached on website*)

When formulating an Ethics Complaint, please follow the instructions below:

Be sure to use the appropriate version of the Realtor® Code. For example, if the alleged violation occurred in 2022, use the 2022 version of the Code. If the alleged violation occurred in 2023, use the 2023 version of the Code and so on (*Code of Ethics attached on website page*).

Refer to specific Article(s) of the Code (not a standard of Practice).

Do not leave any questions blank on the Ethics Form.

Sign and date the Ethics Complaint Form.

On the Article(s) Form, please jot down why you chose this/these Article(s)

Attach a type-written summary of what transpired leading up to your Complaint.

Attach other evidence (i.e. copies of listings/sales contract, lease agreements, correspondence, photos, emails, text messages and/or other pertinent materials etc..). **PLEASE NOTE:** If your complaint is received without the above information, it may be returned to you for completion. It is imperative that the Grievance Committee receive this information to be able to make a determination for your complaint.

Do not use staples, office index tables, professional binding, 3 ring binders, or 2 sided copies when formulating your Complaint.

When emailing the Complaint, please put the whole Complaint in its entirety in one (1) pdf format.

Submit your complaint to Tonya Wilder, Executive Assistant, NOCBOR 4400 W. Walton Blvd, Waterford, MI 48329 or tonya@nocbor.com

Any person, whether a member or not, having reason to believe that a Realtor® is guilty of a violation of the Realtor® Code of Ethics, may file an Ethics Complaint. Ethics Complaints must be filed with North Oakland County Board of Realtors® (NOCBOR) within 180 days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within 180 days after the conclusion of the transaction, whichever is later. It is important to note that, when a Realtor® is charged with a violation of the Code of Ethics with NOCBOR, the complaining party does not recover damages, either actual or punitive, nor can a Realtors® real estate license with the State of Michigan be suspended or terminated.

Should a Realtor® be found guilty of violating one or more Articles of the Code, possible sanctions could include a Letter of Warning, a Letter of Reprimand, a fine up to \$15,000.00 payable to NOCBOR, required attendance at an education seminar, probation, suspension from NOCBOR and/or expulsion from NOCBOR. NOCBOR is not empowered to force a Realtor® to pay damages of any kind.

Once a Complaint is received, it will be presented to NOCBOR Grievance Committee for its review and determination at the next available meeting. On or about 5 business days following the Grievance Committee's review, you will be notified of their decision.

For a detailed summary of what happens before, during, and after an Ethics Complaint is filed, please review the Before You File An Ethics Complaint Article. *(attached on web site page)*

Important: you must be present for the hearing. The hearing panel will not make a decision solely on written material. If a Complaint is forwarded for a hearing, the complainant(s) have the ultimate burden of providing clear, strong, and convincing evidence that the Code was violated. The National Association of Realtors® defines clear, strong convincing as that measures a degree of proof which will produce a firm belief or conviction as to the allegations sought to be established.

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 Professional Standards Administrator. 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 Professional Standards Administrator; and by the Professional Standards Administrator 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 Professional Standards Administrator 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, 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 when the request for response was transmitted, the date, time, and place of hearing will be set.

5.
 - a. *All parties may be represented by legal counsel. If a party is not represented by counsel as a result of their own action or inaction, and a continuance has been previously granted by the Hearing panel based upon the party's failure to obtain counsel, then the Hearing panel may decide to proceed forward with the hearing.*
 - b. *Each party may if necessary, compel attendance of witnesses or offer the testimony of witnesses through depositions pursuant to and as permitted by applicable Michigan Law and court rule.*
6. It is the responsibility of each party to arrange for their witnesses to be present at the hearing. All parties appearing at a hearing may be called as a witness without advance notice.
7. Parties are strongly encouraged to provide any and all documents and evidence they intend to introduce during the hearing to the other party(ies) and to the association prior to the day of the hearing. Providing documents and evidence in advance can expedite the hearing process and prevent costly, unnecessary continuances.
8. Either party may file with the Professional Standards Administrator, within ten (10) days from the date the names of the members of the Professional Standards Committee are transmitted to the parties, a written request for the disqualification of any potential member of the Hearing Panel for any of the following reasons:
 - A. Is related by blood or marriage to either Complainant, Respondent, or Realtor® acting as counsel for either the complainant or respondent.
 - B. Is an employer, partner, or employee, or in any way associated in business with either Complainant, Respondent or a Realtor® acting as counsel for either the 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.
9. The notice of hearing will contain names of members of the tribunal who will hear the case and should be accompanied by an "Outline of Procedure for Ethics Hearing." Parties' requests for continuances shall only be granted when all parties mutually agree to a subsequent specified date, or when the hearing panel chair determines that denying the continuance would deny the requestor a fair hearing.
10. 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.
11. No hearing will be held in the absence of the Complainant. An Ethics hearing may proceed in the absence of a respondent.

Interpretations of the Code of Ethics

Preface

Article 1

Protect and Promote Your Client's Interests, but be Honest with All Parties

Article 2

Avoid Exaggeration, Misrepresentation, and Concealment of Pertinent Facts.
Do Not Reveal Facts that are Confidential Under the Scope of Your Agency Relationship

Article 3

Cooperate with Other Real Estate Professionals to Advance Client's Best Interests

Article 4

When Buying or Selling, Make Your Position in the Transaction or Interest Known

Article 5

Disclose Present or Contemplated Interest in Any Property to All Parties

Article 6

Avoid Side Deals without Client's Informed Consent

Article 7

Accept Compensation from Only One Party, Except with Full Disclosure and Informed Consent

Article 8

Keep the Funds of Clients and Customers in Escrow

Article 9

Assure, Whenever Possible, that Transactional Details are in Writing

Article 10

Provide Equal Service to All Clients and Customers

Article 11

Be Knowledgeable and Competent in the Fields of Practice in Which You Ordinarily Engage.
Obtain Assistance or Disclose Lack of Experience if Necessary

Article 12

Present a True Picture in Your Advertising and Other Public Representations

Article 13

Do Not Engage in the Unauthorized Practice of Law

Article 14

Be a Willing Participant in Code Enforcement Procedures

Article 15

Ensure that Your Comments about Other Real Estate Professionals are Truthful,
and Not Misleading

Article 16

Respect the Exclusive Representation or Exclusive Brokerage Relationship
Agreements that Other REALTORS® have with their Clients

Article 17

Arbitrate Contractual and Specific Non-Contractual Disputes with Other
REALTORS® and with Your Clients