



GUIDE TO FILING AN ARBITRATION REQUEST

Who can file an arbitration request?

An **Arbitration Request** may be filed by:

- Realtors® who are principal brokers
- Realtors® who are not principals, provided their principal broker joins in the request
- Clients or customers of the Realtor®

Is your complaint Ethics or Arbitration?

Ethics - charges that a Realtor® has violated an Article(s) of the National Association of Realtors® Code of Ethics.

Arbitration - a dispute arising out of a real estate transaction, usually a commission dispute.

If your situation concerns both ethics and arbitration, they will be handled separately. Arbitration cases are always processed first. Only when the arbitration is completed, will the ethics complaint be considered.

Filing an arbitration request

1. Complete and sign this Request and Agreement to Arbitrate form, indicating the Realtor® in question as Respondent.
2. Indicate the amount in dispute.
3. Include an explanation of the situation. State why you feel you are entitled to an award of some kind. Do not include allegations of unethical violations. They must be handled separately as an ethics complaint.
4. Attach copies of any and all pertinent documents such as listing agreements, purchase and sale agreements, closing statements, addendums, etc. If you have notarized statements from witnesses, include those also.
5. Send all these items to the Columbia County Board of Realtors® at the address listed above along with the arbitration deposit of \$250.00.

Arbitration is not a disciplinary proceeding nor does it award damages. Be aware that not every situation may be arbitrated by the Board. There are conditions and limitations to be considered, which will be explained to you as the process continues. Remember, if you think the Realtor(s)® in your situation has also violated the Code of Ethics, you must complete an ethics complaint form.

The Process

Professional standards services are contracted out to the Portland Metropolitan Association of Realtors®. There are two (2) committees that handle complaints. The Grievance Committee reviews the cases first and the Professional Standards Committee provides the panel to hear the complaints and render a decision.

The Grievance Committee reviews arbitration requests and may decide as follows:

- forward the case for a hearing as a properly arbitrable matter
- dismiss the case if:
 1. the amount requested is not within CCBR policy guidelines of \$1,000.00 minimum
 2. the complaint does not involve a properly arbitrable matter
 3. the complaint is a voluntary arbitration and one of the parties refuses to sign the arbitration agreement
 4. the complaint is from a Realtor® and was not signed by a Realtor® principal
 5. the issues involved are too technical or too legally complex for peer judgment
 6. the complaint was filed more that 180 days after the facts constituting the matter could have been known in the exercise of reasonable diligence

In the event your case is forwarded on to hearing

- the respondent will be notified and an agreement to arbitration will be requested, along with a \$250.00 deposit
- all parties will be sent a list of the Professional Standards Committee, along with a form to challenge any of the members serving on the hearing panel
- all parties will be given 21 days notice of the hearing date
- an Outline of Procedures will be included in materials you receive prior to the hearing

The function of the Professional Standards Committee is to hold ethics and arbitration hearings. These hearings provide an opportunity for the Complainant and the Respondent to explain “his/her side of the story” by presenting testimony and witnesses, if any. Once all the facts have been presented, the Hearing Panel will determine how the dispute should be settled.

Please note that all parties will be required to attend the hearing and present their case to the hearing panel.

What CCBR can and cannot do

In *Arbitration* cases the Board:

- ***can*** - arbitrate certain money disputes, and ***must*** in some situations
- ***cannot*** - award damages
- ***cannot*** - award more than the amount in dispute

A Realtor® Board does have limitations to its authority. We cannot try a member for violation of the law or any alleged violations of the law. We cannot suspend or terminate a real estate license. The Real Estate Agency has jurisdiction over real estate licenses and should be contacted for violations of the law at 503-378-4170.

You will be informed by the Board office about each step of the process as it occurs. Please contact CCBR at 503-459-2154, if you are interested in participating in voluntary mediation of this dispute. CCBR can provide you with information about the informal mediation process that is offered to its members.

Columbia County Board of Realtors®
150 SW Harrison, Suite 200, Portland, OR 97201

MEMBER - REQUEST AND AGREEMENT TO ARBITRATE

1. The undersigned, by becoming and remaining a member of the Columbia County Board of Realtors® (or Participant in its RMLS™), has previously consented to arbitration through the Association under its Rules and Regulations.

2. I am informed that each person named below is a member in good standing of CCBR (or Participant in RMLS™), or was a CCBR member 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 and (or my firm) and (list all persons and/or firms you wish to name as Respondents to this arbitration):

Name, Realtor® principal Address

Name, Realtor® principal Address

Firm Address

(NOTE: Arbitration is generally conducted between Realtor® Principals or between firms comprised of Realtor® Principals.)

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 to comply with it promptly. In 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.

6. I enclose my check in the sum of \$250.00 for the arbitration filing fee.

7. I understand that I may be represented by counsel, and that I should give written notice no less than 15 days before the hearing of the name, address and phone number of my attorney to all parties and the Association. Failure to provide this notice may result in a continuance of the hearing, if the Hearing Panel determines that the rights of the other party(ies) require representation. Each party must provide a list of the names of witnesses he intends to call at the hearing to the Association and to all other parties not less than 15 days prior to the hearing. Each party shall arrange for his witnesses to be present at the time and place designated for the hearing.

8. 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 one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.

9. 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 the receipt 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.

10. Are the circumstances giving rise to this arbitration request the subject of civil litigation? _____ Yes, _____ No.

11. 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, seller, or landlord and any amount credited or paid to a party to the transaction at the direction of the respondent.

12. Address of the property in the transaction giving rise to this arbitration request:

13. The sale/lease closed on: _____

COMPLAINANT(S):

Signature of Realtor® principal

Signature of Realtor® principal

Name (Type or Print)

Name (Type or Print)

Street Address

Street Address

City State Zip Code

City State Zip Code

Phone

Phone

Name of Firm

Address