

Elko County Association of REALTORS®
557 W Silver Street, STE 201A
Elko, NV 89801
Phone 775-738-2395 Fax 775-753-632

ANONYMOUS ETHICS COMPLAINT GENERAL INFORMATION

All REALTOR® Associations 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 REALTOR®.

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 the 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 their broker, you are still not satisfied, please contact us at 775-738-2395 or ecar@frontiernet.net and we will help you start the ethics process.

If you would like to request an Ombudsman to help resolve a dispute **before** filing an ethics complaint, please contact us at 775-738-2395 or ecar@frontiernet.net. If you wish to remain entirely anonymous, please read below:

Please keep in mind the following important points regarding an Anonymous Ethics Complaint:

1. Only members of the National Association of REALTORS® are subject to the Code of Ethics of the National Association of REALTORS®. If the agent or broker identified in the complaint is not a REALTOR®, your only recourse may be through the Nevada Real Estate Division or through the courts.
2. Only articles listed under the "Citable Offenses" are eligible for anonymous complaints. Identified articles under "Citable Offenses" are Articles 1, 3, 4, 5, 6, 12, 14 and 16. If your complaint includes other articles, it may **NOT** be submitted anonymously.
3. Please provide any and all supporting documents of a violation (i.e. date stamped copy or photo of advertising).
4. Should the investigators determine you have **presented clear, strong and convincing** documentation to support a citable offense it will be forwarded to the Citation Panel.
5. Because this process is anonymous, you will not be notified of the results of the complaint.

Citation Panel Committee

If the Grievance Committee determines that you have provided **clear, strong and convincing evidence** of a violation of a "Citable Article" it, will be referred to a Citation Panel. The Citation Panel will issue citations based on an escalating fine structure. If the Respondent has exceeded three offenses of the SAME Code of Ethics Article, the complaint will go before a full Professional Standards Hearing with the Citation Panel acting as the Complainant. We want to remind you, because this process is anonymous, you will not be notified of the results.

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**Citable Articles of the Code of Ethics
(Page 1 of 2)**

Below are the National Association of REALTORS® Code of Ethics Articles and Standards of Practice that are eligible for filing an Anonymous Ethics Complaint. Ethics complaints received citing any of the following articles must be substantiated by clear, strong and convincing documentation. If the complaint cites more than the articles listed below, it is no longer eligible for an Anonymous Ethics Complaint and a standard Ethics Complaint will need to be submitted.

Standards of Practice

Article 1

- a) **Standard of Practice 1-5 Failure to fully disclose and obtain consent from both parties when representing both the seller/landlord and buyer/tenant in the same transaction**
- b) **Standard of Practice 1-6 Failure to submit offers and counter-offers objectively and as quickly as possible**
- c) **Standard of Practice 1-7 Failure on the part of a listing broker to provide, as soon as practical, written affirmation that an offer was presented or written notification that the seller/landlord has waived the obligation to have the offer presented, upon written request of a cooperating broker submitting an offer**
- d) Standard of Practice 1-12 Failure to advise sellers/landlords of information specified in Standard of Practice 1-12 prior to entering into a listing contract
- e) Standard of Practice 1-13- Failure to advise buyers/tenants of information Standard of Practice 1-13 prior to entering into a buyer/tenant agreement
- f) Standard of Practice 1-16 - Accessing or using, or allowing others to access or use, a property managed or listed on terms other than those authorized by the owner or seller

Article 3

- a) **Standard of Practice 3-2** Failure to communicate a change in compensation for cooperative services prior to the time that REALTOR® submits an offer to purchase/lease the property
- b) **Standard of Practice 3-2** As a listing broker, attempting to unilaterally modify the offered compensation with respect to a cooperative transaction after a REALTOR® has submitted an offer to purchase or lease the property.
- c) **Standard of Practice 3-4** Failure to disclose existence of dual or variable rate commission arrangements
- d) **Standard of Practice 3-4** Failure to disclose to cooperating brokers differential that would result in dual or variable rate commission arrangement if sale/lease results through efforts of seller/landlord
- e) **Standard of Practice 3-6** Failing to disclose existence of accepted offer, including offers with unresolved contingencies, to cooperating brokers.
- f) **Standard of Practice 3-8** Misrepresenting the availability of access to show or inspect a listed property
- g) **Standard of Practice 3-9** Providing access to listed property on terms other than those established by the owner or the listing broker

Article 4

Failing to disclose REALTOR®'s ownership or other interest in writing to the purchaser or their representative

Article 5

Providing professional services without disclosing REALTOR®'s present interest in property

Article 6

- a) Accepting any commission, rebate, or profit on expenditures without client's knowledge or consent
- b) Failure to disclose to a client or customer REALTOR®'s financial benefits or fees received as a direct result of recommending real estate products or services
- c) Failure to disclose REALTOR®'s direct interest in an organization or business entity when recommending to a client or customer that they use the services of that organization or business

Article 12

- a) Failing to present a true picture in real estate communications and advertising
- b) Failing to disclose status as real estate professionals in advertising and other representations **Standard of Practice 12-1** - Failure to provide all terms governing availability of a "free" product or service in an advertisement or other representation
- c) **Standard of Practice 12-2** - Failure to disclose potential to obtain a benefit from third party when REALTOR® represents their services as "free" or without cost
- d) **Standard of Practice 12-3** - Failure to exercise care and candor when communicating the terms and conditions of premiums, prizes, merchandise discounts or other inducements to list, sell, purchase, or lease
- e) **Standard of Practice 12-4** - Advertising property for sale/lease without authority of owner or listing broker
- f) **Standard of Practice 12-5** - Failing to disclose name of firm in advertisement for listed property
- g) **Standard of Practice 12-6** - Failing to disclose status as both owner/landlord and REALTOR® or licensee when advertising property in which REALTOR® has ownership interest
- h) **Standard of Practice 12-7** - Falsely claiming to have "sold" property
- i) **Standard of Practice 12-8** - Failure to take corrective action when it becomes apparent that information on a REALTOR®'s website is no longer current or accurate
- j) **Standard of Practice 12-9** - Failure to disclose firm name and state of licensure on REALTOR® firm website
- k) **Standard of Practice 12-10** - Misleading consumers through deceptive framing, manipulating content, deceptively diverting internet traffic, or presenting other's content without attribution or permission **Standard of Practice 12-12** - Registering or using of deceptive URL or domain name
- l) **Standard of Practice 12-13** - Representing that the REALTOR® has a designation, certificate, or other credential they are not entitled to use

Article 14

Failing to cooperate in a professional standards proceeding or investigation in circumstances when cooperation has been demanded by the Association and the Association has advised the REALTOR® that failure to cooperate could result in an allegation of a violation of Article 14

Article 16

- a) **Standard of Practice 16-16** - Conditioning submission of a buyer's offer on additional compensation from a listing broker
- b) **Standard of Practice 16-19** - Placing for sale/lease sign on property without permission of seller/landlord

If you have questions on the articles or would like to have an Ombudsman assigned please contact the Elko County Association of REALTORS® at 775-753-2395 or ecar@frontiernet.net and we would be happy to assist you.

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ANONYMOUS ETHICS COMPLAINT

Received Date (to be completed by staff): _____

Respondent Name: _____

Company Name: _____

Broker Name: _____

Address: _____

Please list the violated article(s) by the REALTOR® and attach Narrative Summary with supporting documentation.

Only citable article(s) will be investigated as anonymous complaints.

Article _____ Standard(s) of Practice _____ (if applicable)

Article _____ Standard(s) of Practice _____ (if applicable)

Article _____ Standard(s) of Practice _____ (if applicable)

Article _____ Standard(s) of Practice _____ (if applicable)

Article _____ Standard(s) of Practice _____ (if applicable)

Article _____ Standard(s) of Practice _____ (if applicable)

The Anonymous Complainant(s) alleges that the above charge(s) (is/are) supported by the attached Narrative Summary and supporting documentation.

This Complaint is true and correct to the best knowledge and belief of the Complainant 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, which ever is later.

Please return this form along with the Narrative Summary(s) and all supporting documents to:

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