



You have indicated that you would like to file an ethics complaint with the Elko County Association of REALTORS®. Please review the enclosed Code of Ethics. The Code is the standard by which the Grievance Committee of the Association will review allegations of potential violations. The Articles in the Code of Ethics are specific obligations, the violations of which can subject the member to disciplinary action after a due process hearing.

After carefully reading the Code, complete the ethics complaint form, including an explanation of why you believe a specific Article has been violated (i.e., "I feel Article 1 was violated because..."). An ethics complaint must cite an Article since that is the standard by which REALTORS®' conduct is judged. A Standard of Practice may only be cited in support of a charge that an Article was violated. You must also include the date you became aware there was a potential violation. 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.

Please include any documentation that supports the allegation(s) including but not limited to,

- | | |
|--|-------------------------|
| Duties Owed | Amendment |
| Buyer Brokerage Agreement | Inspections |
| Exclusive Right to Sell | Appraisal |
| Offer and Acceptance Agreement | Closing Disclosure |
| Counter Offer | Commission Instructions |
| Counter to Counter Offer | |
| Addendum | |
| Emails and correspondence related to the incident or transaction | |
| Any and all other documents related to the incident or transaction | |

The information you send me will be forwarded to our Grievance Committee for review to determine if there are sufficient grounds for a hearing by the Professional Standards Committee. If such a hearing takes place, you will be asked to attend. You should be aware, however, that the Association is prohibited from awarding monetary damages in the event that your ethics complaint is upheld.

If you have any questions, please do not hesitate to contact me. Let me assure you that your efforts in bringing this matter to the attention of the Association are appreciated.

Sincerely,

Denise Taylor,
Executive Administrator



ELKO COUNTY ASSOCIATION OF REALTORS

Elko County Association of REALTORS®

557 W. Silver Street, Ste. #201A,

Elko, NV 89801

Phone 775-738-2395

Email: ecar@frontiernet.net

ETHICS COMPLAINT GENERAL INFORMATION

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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.

Please keep in mind the following important points regarding an 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 you are dealing with is not a REALTOR®, your only recourse may be through the Nevada Real Estate Division or through the courts.
2. Our investigators will only investigate a potential Code of Ethics Violation. They will not investigate real estate laws or regulations. Real estate laws and regulations can only be investigated through the Nevada Real Estate Division or through the courts.
3. Should the investigators determine you have presented enough documentation to support a potential ethics violation there will be a hearing scheduled. It is required for you to attend in order to present your case, evidence and witnesses for the Hearing Panel to come to a fully informed decision.
4. Should there be a violation, discipline for REALTORS® violating the Code of Ethics can range between a "Letter of Warning", mandatory education courses, fines and could include suspension of membership should the actions warrant it. The Association cannot award "punitive damages" for violations and CANNOT revoke a real estate license.

Your Time is Valuable

We understand your time is valuable and an ethics proceeding may take more time than you originally planned. As such, prior to proceeding with an Ethics Complainant, we will assign you an Ombudsman. An Ombudsman is a neutral third-party, trained, member of the Association who will work with you and the agent on possible solutions to resolve the issues quickly and to your satisfaction.

ECAR

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If an Ombudsman is unable to help you resolve the issue, we will assign you a Third Party Assistant (TPA) to review your ethics complaint. Their role is to determine the Ethics Complaint forms are filled out correctly, appropriate Code of Ethics Articles are cited and all documentation that is needed is included with your complaint. **Please note:** A TPA is NOT an advocate on your behalf. Their **only** role is to review your complaint to determine the forms are completed correctly, documentation is provided and the Code of Ethics Articles are cited.

What Happens Next

After you have filed your complaint, we will assign an investigator. If, after review of your complaint, and taken at face value, a potential ethics violation has occurred, your complaint will be forwarded to a hearing before a Professional Standards Hearing Panel.

Mediation

You and the agent will be offered an opportunity to mediate the issue first. Mediation will be conducted by a third-party neutral mediator that can help you and the agent come to a resolution. Should the mediation be unsuccessful we will continue with the Professional Standards Hearing.

Professional Standards Hearing

A Professional Standards Hearing will be scheduled between you and the Respondent before a Hearing Panel. The Panel Members are comprised of unpaid volunteers giving their time as an act of public service. Their objective is to be fair, unbiased, and impartial; to determine, based on the evidence and testimony presented to them, what actually occurred; and then to determine whether the facts as they find them support a finding that the Article(s) charged have been violated.

Please keep in mind the following important points regarding a Professional Standards Hearing:

1. The burden of proof is on you. Keep your presentation concise, factual, and to the point. Your task is to demonstrate what happened (or what should have happened but did not), and how the facts support a violation of the Article(s) charged in the complaint. If you have information relevant to the issue(s) under consideration, be sure to bring it up during your presentation.
2. The Hearing Panel will pay careful attention to what you say and how you say it. An implausible account does not become more believable through repetition or through volume.
3. You are involved in an adversarial process that is, to some degree, unavoidably confrontational. Many violations of the Code of Ethics result from misunderstanding or lack of awareness of ethical duties by otherwise well-meaning, responsible real estate professionals. An ethics complaint has potential to be viewed as an attack on a respondent's integrity and professionalism. For the enforcement process to function properly, it is imperative for all parties, witnesses, and panel members to maintain appropriate decorum.

After the Hearing

After the Hearing, you will receive the decision of the Hearing Panel. Please, review it carefully. If you believe the hearing process was seriously flawed to the extent that you were denied a full and fair hearing, you have the ability to appeal. The fact that a Hearing Panel found no violation is not appealable.

Date Received (to be completed by staff): _____

ETHICS COMPLAINT Form

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

Elko County Association of REALTORS®
557 W. Silver Street, Ste. #201A,
Elko, NV 89801

Complainant Name(s): _____

Respondent Name and Office(s): _____

who is the (check one):

- Buyer Seller Owner Tenant
- Listing Agent Selling Agent Property Mgr.

who is the (check one):

- Buyer Seller Owner Tenant
- Listing Agent Selling Agent Property Mgr.

An alleged violation of the following Article(s) of the Code of Ethics:

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

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

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

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

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

or other membership duty as set forth in the **“Bylaws of the Association,”** Bylaws Article _____ ~~is~~ (if applicable),

is(are) supported by the attached Narrative Summary, which is signed and dated and which explains when the alleged violation of each Article of the Code of Ethics occurred and, if a different date, when the Complainant(s) first knew about the alleged violations.

Date alleged violations took place: _____

Date you became aware of the facts on which the alleged violation(s) is based: _____

I/We declare that to the best of my/our knowledge and belief, the allegations in this complaint are true and correct 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 eight (180) days after the conclusion of the transaction, or event, which ever is later.

Are the circumstances giving rise to this ethics complaint involved in civil or criminal litigation or in any proceeding before the state real estate licensing authority or any other state or federal regulatory or administrative agency?

- Yes No

You may file an ethics complaint in any jurisdiction where a REALTOR® is a member. Note that the REALTORS® Code of Ethics, Standard of Practice 14-1 provides, in relevant part, “REALTORS® shall not be subject to disciplinary proceeding in more than one Association of REALTORS® with respect to alleged violations of the Code of Ethics relating to the same transaction or event.”

Have you filed, or do you intend to file, a similar or related complaint with another Association(s) of REALTORS®?

- Yes No

If so, name of other Association(s): _____ Date(s) filed: _____

I (we) understand that should the Grievance Committee dismiss this ethics complaint in part or in total, that I have twenty (20) days from transmittal of the dismissal notice to appeal the dismissal to the Board of Directors.

COMPLAINANT(S)

(Type/Print)

(Signature)

(Type/Print)

(Signature)

ADDRESS: _____

CITY, STATE, ZIP _____

PHONE # _____

EMAIL _____

