



ARBITRATION COMPLAINTS General Instructions and Information

An arbitration request involves a dispute over entitlement to a monetary transaction (for example, commissions).

A customer, client or Broker in Charge can file an arbitration request. A non-Broker in Charge can also request arbitration with their current or former Broker in Charge.

Before you file an Arbitration Request, please keep the following in mind:

- Arbitration is NOT a disciplinary proceeding

Arbitration is a dispute over money. The end result of an Arbitration request will be the determination of the Hearing Panel as to who is entitled to the funds being disputed.

- There will **not** be damages awarded as a result of an Arbitration

Only the funds being disputed will be considered. A panel of the Association cannot award funds in addition to those being disputed.

- Submitting to an Arbitration is NOT always mandatory

MANDATORY Arbitration occurs when a dispute is between REALTORS® who are both Brokers in Charge OR between a Broker in Charge and their clients.

VOLUNTARY Arbitration occurs when a dispute is between REALTORS® in the same firm, a REALTOR® who is a Broker in Charge and a non-Broker in Charge.

- A complaint must be filed within 180 days after the closing of the transaction or within 180 days after the facts could have been known.

What you need to know to file an Arbitration Request.

- Complete and sign the Request for Arbitration form provided.
- Indicate the exact amount in the dispute.

- Attach an explanation of the circumstances surrounding the request. Please be as specific as possible; state exactly why you feel entitled to an award of some kind. **Do not include allegations of unethical conduct in your request for arbitration – if you feel the REALTOR® violated the Code of Ethics, please file an Ethics Complaint.**
- Attach copies of any and all pertinent documents, contracts, agreements, emails/correspondence, etc.
- Keep a copy of everything for your records.
- Include a \$300 filing deposit.
- **Complaints must be submitted to:**

**The Brunswick County Association of REALTORS®
101 Stone Chimney Road
Supply, NC 28462
ATTN: Professional Standards Administrator**

What happens next?

All complaints will be referred to BCAR's Executive Officer and/or Professional Standards Administrator and the Chairperson of the Grievance Committee. If the Grievance Committee finds the matter submitted to warrant a hearing, it will be referred to the Chairman of the Professional Standards Committee to arrange a hearing. If the matter submitted is not found to constitute a proper cause of action, it will be returned to you with the decision of the Grievance Committee, together with information advising you of the procedures by which the Grievance Committee's decision may be appealed to the Board of Directors.

If a hearing is scheduled, the respondent to the complaint will have 15 days to reply. The copy of the reply will be sent to the complainant. The date for hearing will be set and all parties will be notified of date and place of hearing at least 21 days in advance.

CASE NUMBER #



Form #A-1

Brunswick County Association of REALTORS®
101 Stone Chimney Road
Supply, NC 28462

Request and Agreement to Arbitrate

- (1) The undersigned, by becoming and remaining a member of the Brunswick County Association of REALTORS® (or Participant in its MLS), 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 the Association (or Participant in its MLS), or was a member of said Association 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 and/or firms you wish to name as respondents to this arbitration):

Form with fields for Name, Address, REALTOR® principal, and Firm.

(NOTE: Arbitration is generally conducted between REALTORS® (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 I and incorporated by reference into this application.
(5) I request and consent to arbitration through the Association 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 Association"), and I agree to abide by the arbitration award and to comply with it promptly.

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.

- (6) I enclose my check in the sum of \$300 for the arbitration filing deposit.*
(7) I understand that I may be represented by legal counsel, and that I should give written notice no less than fifteen (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 fifteen (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. The following REALTOR®

