



41 Notre Dame Lane
Utica, NY 13502-4817
(315) 724-5159 Fax (315) 724-1201

NOTICE TO COMPLAINANT

If you feel you have been wronged or damaged by a member of the Mohawk Valley Association of REALTORS®, you have several courses of action.

First there are 2 types of complaints:

- If your allegations concern a member's professional ethics, please review the enclosed copy of the Code of Ethics. Then, complete the enclosed Complaint Form and cite the Article (and/or Standard of Practice) you feel may have been violated. Substantiate the alleged violation(s) with a written statement of events, attach this to the Complaint Form and return them to the address above.
- If your allegations concern a claim for money or damages, please notify the Mohawk Valley Association of REALTORS® that you seek arbitration with a Board Member.

Complaints can be handled in several different ways, if in choosing one you feel that you haven't received a fair and complete remedy of the complaint then you can move to one of the other options such as,

1. Your complaint can be fielded by one of our Ombudsman. Ombudsman can field and respond to a variety of inquiries and complaints, including general questions about real estate practice, transaction details, ethical practice and enforcement issues. Where an Ombudsman believes that a failure of communication is the basis for a question or complaint, the ombudsman can arrange a meeting of the parties and to facilitate a mutually acceptable resolution.
2. In a request for arbitration the parties will be offered mediation prior to the request for arbitration being reviewed by the Association's Grievance Committee. If mediation is unsuccessful, the request will be submitted to the Association's Grievance Committee for review. Mediation is the preferred method of resolution by the National Association of REALTORS®, because it is quicker and fair to both the prevailing and non-prevailing parties.
3. If previous measures aren't successful or unwanted, then an ethics complaint can go to a formal Professional Standards Hearing and a claim for money can go to a formal Arbitration Hearing.
4. If your allegations concern a violation of the Real Estate Law (Article 12-A), Public trust or any other State or local statute, you should contact your attorney or the Secretary of State, Department of State, Real Estate Division. If it is found during the course of a complaint that a Public trust issue has been found, the parties will be notified to pursue the complaint with any appropriate governmental or regulatory body; to pursue litigation; or to pursue any other available remedy.



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The Mohawk Valley Association of REALTORS® staff cannot provide legal advice or comment on your allegations. MVAR is happy to answer any questions you may have about the Association of REALTORS®.

Once forms are completed and returned, MVAR will advise the chairman of the Grievance Committee. The Grievance Committee will review the complaint and make its decision based on the documentation provided. They may also ask for further information or clarification.

The Grievance Committee makes one of three determinations:

- 1) To dismiss the complaint as unworthy of further consideration
- 2) To refer it back to Complainant as appropriate for arbitration rather than disciplinary action, or
- 3) To refer it to the Executive Officer to arrange a hearing by a Panel of the Professional Standards Committee, which you will be asked to attend.

If you have any questions, please feel free to contact our office.

Laura Cook

Laura Cook
Association Executive & Professional Standards Administrator

"Opening doors since 1915"



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Ethics Complaint

To the Grievance Committee of the Mohawk Valley Association of REALTORS® Inc.

Filed: _____, 20____

Complainant(s)

Respondent(s)

Complainant(s) charge(s):

An alleged violation of Article(s) _____ of the Code of Ethics or other membership duty as set forth in the Bylaws of the Board in _____ and alleges
(Article, Section)

that the above charge(s) (is/are) supported by the attached statement, which is signed and dated by the complainant(s) and explains when the alleged violation(s) occurred and, if a different date, when the complainant(s) first knew about the alleged violations.

This complaint is true and correct to the best knowledge and belief of the undersigned 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 or event, whichever is later.

Date(s) alleged Violation(s) took place: _____

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

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true.

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 or MLS participant. 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 Board of REALTORS®....with respect to alleged violations of the Code of Ethics relating to the same transaction or event."



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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 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 to appeal the dismissal to the Board of Directors.

Complainant(s):

(Type/Print)

(Signature)

(Type/Print)

(Signature)

(Type/Print)

(Signature)

Street Address

City

State

Zip Code

Phone

E Mail

