

Understanding the Ethics & Arbitration Process

Professional Standards (Ethics, Arbitration & Mediation)

Ethics Complaint

Boards and Associations of Realtors® 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 Realtors®.

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 a principal broker in the firm. Open, constructive discussion often resolves questions or differences, eliminating the need for further action.

If, after taking these steps, you still feel you have a grievance, you may want to consider filing an ethics complaint. You will want to keep in mind that . . .

- Only Realtors® and Realtor-Associate®s are subject to the Code of Ethics of the National Association of Realtors®.
- If the real estate professional (or their broker) you are dealing with is not a Realtor®, your only recourse may be the state real estate licensing authority or the courts.
- Boards and Associations of Realtors® determine whether the Code of Ethics has been violated, not whether the law or real estate regulations have been broken. Those decisions can only be made by the licensing authorities or the courts.
- Boards of Realtors® can discipline Realtors® for violating the Code of Ethics. Typical forms of discipline include attendance at courses and seminars designed to increase Realtors®' understanding of the ethical duties or other responsibilities of real estate professionals. Realtors® may also be reprimanded, fined, or their membership can be suspended or terminated for serious or repeated violations. **Boards and Associations of Realtors® cannot require Realtors® to pay money to parties filing ethics complaints; can-not award “punitive damages” for violations of the Code of Ethics; and cannot suspend or revoke a real estate professional’s license.**
- The primary emphasis of discipline for ethical lapses is educational, to create a heightened awareness of and appreciation for the duties the Code imposes. At the same time, more severe forms of discipline, including fines and suspension and termination of membership may be imposed for serious or repeated violations.

Please click on the link to access the Ethics Complaint Process:

<http://www.garealtor.com/LawEthics/StatewideProfessionalStandards/StepsforFilinganEthicsComplaint/tabid/259/Default.aspx>

Please contact Christina Chow, Director of Legal Affairs at 678-597-4128 or cchow@garealtor.com if you have any questions or to confirm that the Real Estate Professional you have a complaint against is a REALTOR® member that the Georgia Association of REALTORS® has jurisdiction over.

Arbitration Requests

Arbitration, a form of alternative dispute resolution (ADR), is a legal technique for the resolution of disputes outside the courts. The parties to a dispute refer it to one or more persons (the "arbitrators", "arbiters," or "arbitral tribunal"), whose decision (the "award") they agree to be bound. It is a settlement technique in which a third party reviews the case and imposes a decision that is legally binding for both sides.

A Request for Arbitration must be filed: 1) after the real estate transaction giving rise to the dispute has been completed; 2) within six months after the facts constituting the Arbitration matter could have been known in the exercise of reasonable diligence; 3) by the broker of a real estate agency.

Mediation vs. Arbitration

Watch NAR's one-minute video, which provides a brief summary of the benefits of mediation.
<http://www.realtor.org/videos/mediation-demonstration/benefits-of-meditation-overview>

Please click on the link to access the Arbitration Process:

<http://www.garealtor.com/LawEthics/StatewideProfessionalStandards/StepsforFilinganArbitrationRequest/tabid/262/Default.aspx>

To find out more about the Ethics and Arbitration process from the National Association of REALTORS®, please click [NAR Professional Standards](#).

Please contact Christina Chow, Director of Legal Affairs at 678-597-4128 or cchow@garealtor.com if you have any questions about the Ethics and/or Arbitration process.