

# South Broward Board of REALTORS<sup>®</sup>, Inc.

701 Promenade Drive, Pembroke Pines, FL 33026

## Potential Arbitration Complaint

Enclosed are the necessary documents required to file an Arbitration complaint. You will also find instructions and an overview of the complaint process. The following documents are enclosed:

1. Instructions for filing a complaint
2. Request and Agreement to Arbitrate Form #A-1
3. Checklist
4. Request for Mediation Form #M-1

Please review the instructions carefully. A complaint that is not filed within the proper time frame or a form that is not filled in properly could delay your request. Please ensure that your *detailed statement explaining your claim* is included in the returned package to the Board.

An Arbitration complaint must be filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.

You may want to consider **Mediation** as a means of settling your dispute. We have qualified Mediation Officers available, at no fee, to mediate real estate business disputes. Participation is voluntary. Should mediation fail to arrive at a satisfactory agreement, then both parties are free to pursue arbitration. If you choose to pursue mediation please complete the enclosed Request for Mediation form.

If you have any questions, please contact me at (954) 431-5300.

William "Bill" Valdez  
Executive Vice President  
South Broward Board of Realtors<sup>®</sup>  
701 Promenade Drive #101  
Pembroke Pines, FL 33026  
Office: (954) 431-5300 ext 203  
Fax: (954) 431-2313

# South Broward Board of REALTORS<sup>®</sup>, Inc.

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## Instructions for Filing a Complaint

An Arbitration complaint deals with real estate business disputes. The appropriate complaint form(s) are enclosed for your convenience and must be completed and submitted to the Board, if you intend to file a complaint.

An Arbitration complaint must be filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.

You also have the opportunity to **Mediate** an arbitrable dispute, if you don't desire to go through the arbitration process. Mediation is voluntary and both parties must agree to mediation. If a satisfactory agreement cannot be reached through mediation, then both parties will be required to arbitrate the dispute.

### **Request and Agreement to Arbitrate**

If you wish to file an arbitration dispute, you must complete the enclosed Request and Agreement to Arbitrate form. You must also include a typewritten detailed statement explaining your claim. There is a filing fee of \$50.00, which must be included with your request form, made out to South Broward Board of REALTORS<sup>®</sup>.

Requests for arbitration must be filed within one hundred eighty (180) days after the closing of the transaction or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.

*Please attach your statement to the Request and Agreement to Arbitrate complaint form. Include copies of any supporting documents, i.e. contracts, listing agreements, etc.*

### **3. Request for Mediation**

Mediation is an alternative to arbitration that is available for solving monetary disputes. Participation in the Mediation Process is entirely voluntary and is an attempt to bring the disputing parties together in an informal setting to resolve their differences. Mediation allows the parties to decide the final outcome whereas in arbitration the final outcome is decided by the panel members. If the parties cannot come to a resolution then they are free to file for arbitration of the dispute.

If you have any questions, please call the Professional Standards Coordinator at 954-431-5300.

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## Arbitration Complaint Process

**Complaint** A written complaint is filed within one hundred eighty (180) days by a Broker (Principal) against a Broker (Principal) member of a Board of REALTORS<sup>®</sup>, Inc.

**Receipt of Complaint** The Executive Officer/Professional Standards Coordinator acknowledges receipt of complaint and sends a copy of the complaint to the Respondent, and to the Chairperson of the Grievance Committee.

**Grievance Committee** The Chairperson evaluates the complaint, and may ask complainant for clarification, if necessary. Requests distribution of complaint to Grievance Committee. Requests Executive Officer/Professional Standards Coordinator to schedule meeting of Grievance Committee. Committee evaluates the complaint.

**Complaint Evaluation** The Grievance Committee evaluates complaint and determines if it should be:

- dismissed;
- recommended to a Professional Standards Hearing Panel for a hearing or;
- returned to the complainant for additional information or clarification.

**Returned to Complainant** If the complaint is returned to the complainant for new evidence or clarification then additional information/evidence received can be further evaluated by the Grievance Committee.

**Hearing** Professional Standards Chairperson appoints three or five members (+ 2 alternates) of the Professional Standards Committee to serve as the Hearing Panel. Hearing is held for the parties, and counsel, if any. The Hearing Panel hears testimony and examines evidence from both parties.

**Note: If you have difficulty understanding the English language and require an interpreter then it is your responsibility to have one present at the hearing.**

**After the Hearing** The panel in Executive Session makes determination based upon evidence with recommendation as to award, if any.

**Hearing Panel Decision** The Board Counsel reviews the hearing procedure, evidence and written hearing panel decision as to rights of the parties and conformance to accepted procedures and points of law.

**After the Board's attorney's review, the decision is transmitted to all parties**

**Procedural Review** A request for Procedural Review and rehearing by panel can be granted based upon lack of due process which might keep one or both parties from a fair and impartial decision. If appeal is filed, the Board of Directors will hold hearing as to all evidence as submitted to panel. The Board of Directors may adopt the panel decision or direct a new hearing. If no appeal is filed, the decision is final.

**Final Decision** Director's final decision is transmitted to all parties.

# South Broward Board of REALTORS<sup>®</sup>, Inc.

701 Promenade Drive, Pembroke Pines, FL 33026

The following checklist is designed to assist you in providing the proper documentation when filing an Ethics Complaint or Requesting Arbitration with the South Broward Board of Realtors<sup>®</sup>. Be sure to include all applicable documentation to support your claim.

*(Check one or more if included with your complaint package)*

- \_\_\_\_\_ Listing Agreement(s)
  - \_\_\_\_\_ Profile Sheet(s)
  - \_\_\_\_\_ Disclosure Forms
  - \_\_\_\_\_ Contract for Sale & Purchase
  - \_\_\_\_\_ Addendum
  - \_\_\_\_\_ Warrantees/Guarantees
  - \_\_\_\_\_ Copies of Checks
  - \_\_\_\_\_ Inspection Reports
  - \_\_\_\_\_ Walk-through Forms
  - \_\_\_\_\_ Advertisements
  - \_\_\_\_\_ Rental Listing Agreement
  - \_\_\_\_\_ Lease
  - \_\_\_\_\_ Conditional/Unconditional Withdrawal
  - \_\_\_\_\_ Bills/Invoices (water, electric, etc.)
  - \_\_\_\_\_ Correspondence
  - \_\_\_\_\_ Closing Statement
  - \_\_\_\_\_ Fax Confirmation(s)
  - \_\_\_\_\_ MLS Full Printout
  - \_\_\_\_\_ Other Documentation: \_\_\_\_\_
- 

\_\_\_\_\_  
Complainant's Name

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Date

**\*\*Please return this form with your complaint package.**

**SOUTH BROWARD BOARD OF REALTORS®**  
701 Promenade Dr., Suite 101, Pembroke Pines, Florida 33026

**Request and Agreement to Arbitrate**

- (1) The undersigned, by becoming and remaining a member of the **South Broward Board of Realtors®** (or Participant in its MLS), has previously consented to arbitration through the Board under its rules and regulations.
- (2) I am informed that each person named below is a member in good standing of the Board (or Participant in its MLS), or was a member of said Board 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):\*

Name	Address
Name	Address
Firm	Address

(NOTE: Arbitration is generally conducted between Realtors® [principals] or between firms comprised of Realtor® principals. Naming a Realtors® [principal] as respondent enables the complainant to know who will participate in the hearing from the respondent's firm; naming a firm may increase the likelihood of collecting any resulting award.)

- (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, and incorporated by reference into this application. The disputed funds are currently held by\_\_\_\_\_.

Parties are strongly encouraged to provide any and all documents and evidence they intend to introduce during the hearing to the other party(ies) and to the association prior to the day of the hearing. Providing documents and evidence in advance can expedite the hearing process and prevent costly, unnecessary continuances.

- (5) I request and consent to arbitration through the Board in accordance with its *Code of Ethics and Arbitration Manual* (alternatively, (1) "in accordance with the professional standards procedures set forth in the bylaws of the Board"). I agree to abide by the arbitration award and, if I am the non-prevailing party, to, within ten (10) days following transmittal of the award, either (1) pay the award to the party(ies) named in the award or (2) deposit the funds with the Professional Standards Administrator to be held in an escrow or trust account maintained for this purpose. Failure to satisfy the award or to deposit the funds in the escrow or trust account within this time period may be considered a violation of a membership duty and may subject the member to disciplinary action at the discretion of the Board of Directors consistent with Section 53, The Award, *Code of Ethics and Arbitration Manual*.

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.

- (2) I enclose my check in the sum of **\$50.00** for the arbitration filing deposit.\*\*
- (3) 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 Board. 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.

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\*Complainants may name one or more Realtor® principals or a firm comprised of Realtor® principals as respondent(s). Or, complainants may name Realtor® principals and firms as respondents.

\*\*Not to exceed \$500.

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(4) Each party must provide a list of the names of witnesses he intends to call at the hearing to the Board 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® nonprincipal (or Realtor® -associate® nonprincipal) affiliated with my firm has a financial interest in the outcome of the proceeding and may be called as a witness, and has the right to be present throughout the hearing:

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All parties appearing at a hearing may be called as a witness without advance notice.

(5) I declare that this application and the allegations contained herein are true and correct to the best of my knowledge and belief and this request for arbitration is filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.

Date(s) alleged dispute took place \_\_\_\_\_

(6) If either party to an arbitration request believes that the Grievance Committee has incorrectly classified the issue presented in the request (i.e., mandatory or voluntary), the party has twenty (20) days from the date of transmittal of the Grievance Committee's decision to file a written appeal of the decision. Only those materials that the Grievance Committee had at the time of its determination may be considered with the appeal by the Board of Directors.

(7) Are the circumstances giving rise to this arbitration request the subject of civil litigation? \_\_\_\_\_ Yes \_\_\_\_\_ No

(8) Important note related to arbitration conducted pursuant to Standard of Practice 17-4 (1) or (2): Where arbitration is conducted between two (or more) cooperating brokers pursuant to Standard of Practice 17-4 (1) or (2), the amount in dispute and the amount of any potential resulting award is limited to the amount paid to the respondent by the listing broker, seller, or landlord and any amount credited or paid to a party to the transaction at the direction of the respondent.

(9) Address of the property in the transaction giving rise to this arbitration request:

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(10) The sale/lease closed on: \_\_\_\_\_

(11) Agreements to arbitrate are irrevocable except as otherwise provided under state law.

**Complainant(s):**

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Name (Type/Print) Signature of Realtor® Principal Date

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Address

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Telephone Email

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Name (Type/Print) Signature of Realtor® Principal Date

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Address

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Name of Firm\* Address

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Telephone Email

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\*In cases where arbitration is requested in the name of a firm comprised of Realtors® (principals), the request must be signed by at least one of the Realtor® principals of the firm as a co-complainant.

# SOUTH BROWARD BOARD OF REALTORS®, INC.

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## Request for Mediation

In the matter of \_\_\_\_\_ vs. \_\_\_\_\_  
Complainant Respondent

I am requesting mediation with the above-named disputant prior to a hearing of this dispute by the Professional Standards Committee of the Board/Association. There is due, unpaid, and owing to me (or I retain) from the above-named person the sum of \$\_\_\_\_\_. My claim is predicated upon the statement attached, marked Exhibit I and incorporated by reference into this application. I have not, as of this date, requested arbitration of this dispute before this or any other Board/Association of REALTORS®.

\_\_\_\_\_  
Signature of REALTOR® Principal/Authorized Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name (Type or Print)

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Address

City

State

Zip