



NORTHEAST FLORIDA ASSOCIATION OF REALTORS

DISPUTE RESOLUTION OPTIONS

The Northeast Florida Association of REALTORS® ("NEFAR"), a professional trade association, offers its members and the public several dispute resolution options, regarding disagreements over the details of a real estate transaction. These services are: 1) utilizing our Ombudsman service; 2) filing an Ethics Complaint against a REALTOR®, for a possible violation of the Code of Ethics of the National Association of REALTORS and/or other membership duty; and/or, 3) filing a request for arbitration with a REALTOR®, for a commission/compensation dispute. The following is a brief overview of these three options:

OMBUDSMAN SERVICE:

Our trained Ombudsmen will: listen to the complainant's concerns; ascertain the complainant's desired outcome; explain possible avenues that might resolve the issue or reach the desired outcome; answer general questions and/or procedural questions; contact the potential respondent to explain the complainant's concerns and desired outcome; tries to bring resolution; reports back to the complainant; and, explains the complainant's right after the completion of the Ombudsman process.

To request an Ombudsman's service, please complete the [Ombudsman Request](#) form and submit it as directed at the bottom of the form.

THE ETHICS COMPLAINT PROCESS:

Every REALTOR takes an oath pledging to uphold NAR's Code of Ethics upon joining their local REALTOR association. NEFAR administers the Code of Ethics process for its REALTOR members. Anyone who believes that a REALTOR has exhibited unethical conduct that may violate the REALTOR Code of Ethics may file an Ethics Complaint against that REALTOR. Take a look at [Appendix X](#) that has valuable information to consider [Before You File an Ethics Complaint](#).

Filing an ethics complaint involves charging a REALTOR® with a violation of one or more Articles of the Code of Ethics of the National Association of REALTORS®. The process is quick, inexpensive, and handled by the Grievance and Professional Standards Committees of the Association. An ethics complaint must be filed within one hundred eighty (180) days of the time that the alleged offense and facts relating to it could have been known by the complainant in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction or event, whichever is later.

When a written complaint is received, it is reviewed by NEFAR's Grievance Committee to determine if, taken as true on their face, a hearing is warranted. The Grievance Committee makes only such preliminary evaluation as is necessary to make these decisions. If the Grievance Committee determines that a hearing is warranted, a copy of the Ethics Complaint will be provided to the Respondent/REALTOR so that they will have the opportunity to file a Reply.

A complaint includes a completed Ethics Complaint form (Form #E-1), a letter explaining the situation(s) with the citing of the corresponding Article(s) being charged, and any documentation that the complainant desires to have taken into consideration in support of the complaint allegation(s). (Please note, if you are a REALTOR® wishing to file an Ethics Complaint, you must include the original and 20 organized and collated copies of the complaint. If sufficient copies are not provided by a REALTOR® Complainant, copies will be made by the Association and you will be billed at a cost of .05¢ per page.)

The Respondent is given fifteen (15) days in which to either submit a reply in defense of the allegation(s), or to acknowledge the allegation(s) in the complaint and waive their right to a hearing (the "expedited process"). The Ethics Complaint and Reply will either be forwarded to the Professional Standards Committee for a full hearing, or, if the case qualifies for the expedited process, a panel of the Professional Standards Committee will meet in executive session (the parties do not attend) to determine whether the allegations in the complaint, as acknowledged and agreed to by the Respondent, support a violation of the Code of Ethics and to render a decision accordingly.

Please note that the mere act of sending the matter to the Professional Standards Committee for a hearing does not imply guilt or innocence. It means only that enough evidence exists to justify a hearing before a hearing panel. On the other hand, the Grievance Committee may dismiss a complaint if they conclude that the allegations, if taken as true, could not support a finding that the Code of Ethics has been violated.

If a hearing is warranted, it is the Complainant's responsibility to substantiate a violation of each Article cited against each named Respondent with clear, strong, and convincing proof.

If a Respondent is found in violation of the Code of Ethics, they may receive one or more of the following disciplines: a letter of warning; a letter of reprimand; required attendance at an education course(s); a fine not to exceed \$15,000; probation, suspension, and/or expulsion of membership; and/or suspension or termination of MLS rights and privileges. Also, if found in violation of the Code of Ethics or other membership duty, a Respondent will be assessed an administrative processing fee of \$250. The Association may not award "damages" to a member or to a member of the public, and in

the case of an imposed fee and/or fine, the Association receives payment, not the aggrieved party. Other forms of discipline or recovery of monies are the purview of the court system.

If interested in filing an Ethics Complaint, please submit your filing to: Attn: Susan Rodehaver, Professional Standards Administrator, NEFAR, 7801 Deercreek Club Road, Jacksonville, FL 32256.

THE MEDIATION AND ARBITRATION PROCESSES:

Mediation is a voluntary process that is offered prior to, or in lieu of, a more formal arbitration, by which REALTORS® who are disputing a claim to a real estate commission or compensation, or REALTORS® and their clients or customers who have a dispute arising out of an agency relationship, can meet, and with the assistance of a Mediation Officer, attempt to resolve their differences and find an amicable resolution of their disagreement.

The parties to a mediation, as it is a voluntary submission, may withdraw from the process at any point prior to reaching an agreement. Any offers of settlement that were not accepted, or any suggested resolution proposed by the Mediation Officer that was not accepted, will not be introduced as evidence nor considered in any manner should the matter require arbitration by the Board's Professional Standards Committee. However, if the parties agree to a settlement of the dispute, and the settlement has been reduced to writing and has been signed by all of the parties, the matter is deemed resolved and cannot be the subject of a subsequent arbitration hearing. In the event either of the parties later fails to abide by the terms of the settlement, the matter may not be arbitrated, but should be judicially enforced.

Arbitration is a more formal process by which REALTORS® who are disputing a claim to a real estate commission or compensation, or REALTORS® and their clients or customers who have a dispute arising out of an agency relationship, may come to the Association and request an impartial panel of the Professional Standards Committee to hear the evidence and render a decision on who is entitled to the commission/compensation on the basis of evidence and testimony presented at an Arbitration Hearing. A Request and Agreement to Arbitrate ("Request") must be filed within one hundred eighty (180) 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.

The advantages of this system are many: it is inexpensive (a \$250 filing deposit is required from each party), private, and it is a judgement by one's peers. If you are a member of the Association, you will be required to provide an original and twenty (20) copies of the Request to arbitrate package (which consists of the

organized and collated supporting documentation with the Request and Agreement to Arbitrate form attached as the cover page), or copies will be run for you and you will be billed at .05¢ a page.

When the Association receives a Request to arbitrate, the opportunity to mediate is offered. If either party declines or the mediation is unsuccessful, the Request is reviewed by the NEFAR Grievance Committee to determine if the matter is properly arbitrable by NEFAR. If so, the parties are again offered an opportunity to mediate. If mediation is declined or unsuccessful mediation, the Respondent will be provided with a copy of the Request and will be required to file their Reply and Agreement to Arbitrate ("Reply"), along with their \$250 filing deposit, within fifteen (15) days, and the matter would be scheduled for arbitration before an arbitration hearing panel of the Professional Standards Committee.

If interested in filing for Mediation and/or Arbitration, please submit your filing to: Attn: Susan Rodehaver, Professional Standards Administrator, NEFAR, 7801 Deercreek Club Road, Jacksonville, FL 32256.

* * * * *

Either party involved in the ethics complaint process or the expedited process has the right to appeal the decision. The appeal is heard by the Board of Directors or a panel comprised of members of the Board of Directors. There is no appeal to an arbitration decision (except for denial of due process).

Ombudsmen, Mediation Officers, and members of hearing, arbitration, and appeal panels are chosen for their judicious temperament and expertise in the real estate profession.

For further information on the Ombudsman service, Ethics Complaint, Mediation, and/or Arbitration process, please contact Susan Rodehaver, Professional Standards Administrator, at (904) 394-9137.

Ombudsman Request

Date: _____

Name of Complainant: _____

Firm (if any): _____

Address: _____

Preferred phone for contact: _____

Best time to contact you: _____

Role in transaction: _____
(Buyer, Seller, Agent, Broker)

Subject property (if any): _____

Name of Respondent: _____

Firm (if any): _____

Address: _____

Phone: _____

Role in transaction: _____
(Buyer, Seller, Agent, Broker)

What issue would you like the Ombudsman to resolve?*

(Attach additional form, if necessary.)

Return to: Susan Rodehaver, Professional Standards Administrator
Northeast Florida Association of REALTORS ("NEFAR")
7801 Deercreek Club Road, Jacksonville, FL 32256
... or ...
E-mail to: Susan Rodehaver, NEFAR's Professional
Standards Administrator, at susanr@nefar.org

*All information on this form is confidential. NEFAR will destroy this form and any other documents and materials pertaining to this matter at the conclusion of the ombudsman services.

Appendix X to Part Four

Before You File an Ethics Complaint

Background

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, mis-communication, 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 discussing matters with your real estate professional or a principal broker in that firm, you are still not satisfied, you may want to contact the local Board or Association of Realtors®.

In addition to processing formal ethics complaints against its Realtor® members, many boards and associations offer informal dispute resolving processes (e.g., ombudsman, mediation, etc.). Often parties are more satisfied with informal dispute resolution processes, as they are quicker, less costly, and often help repair damaged relationships. *(Revised 11/15)*

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. Additional examples of authorized discipline are a letter of reprimand and appropriate fines. For serious or repeated violations, a Realtor®S membership can be suspended or terminated. Boards and Associations of Realtors® cannot require Realtors® to pay money to parties filing ethics complaints; cannot award "punitive damages" for violations of the Code of Ethics; and cannot suspend or revoke a real estate professional's license. *(Revised 11/15)*
- 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.

Filing an Ethics Complaint

The local Board or Association of Realtors® can provide you with information on the procedures for filing an ethics complaint. Here are some general principles to keep in mind.

- Ethics complaints must be filed with the local Board or Association of Realtors® within one hundred eighty (180) days from the time a complainant knew (or reasonably should have known) that potentially unethical conduct took place or within one hundred eighty (180) days after the conclusion of the transaction or event, whichever is later (unless the Board's informal dispute resolution processes are invoked, in which case the filing deadline will momentarily be suspended).
- The Realtors® Code of Ethics consists of seventeen (17) Articles. The duties imposed by many of the Articles are explained and illustrated through accompanying Standards of Practice or case interpretations.
- Your complaint should include a narrative description of the circumstances that lead you to believe the Code of Ethics may have been violated.
- Your complaint must cite one or more of the seventeen (17) Articles of the Code of Ethics which may have been violated. Hearing Panels decide whether the Articles expressly cited in complaints were violated—not whether Standards of Practice or case interpretations were violated.
- The local Board or Associations of Realtors®' Grievance Committee may provide technical assistance in preparing a complaint in proper form and with proper content.

Before the Hearing

- Your complaint will be reviewed by the local Board or Association's Grievance Committee. Their job is to review complaints to determine if the allegations made, if taken as true, might support a violation of the Article(s) cited in the complaint.
- If the Grievance Committee dismisses your complaint, it does not mean they do not believe you. Rather, it means that they do not feel that your allegations would support a Hearing Panel's conclusion that the Article(s) cited in your complaint had been violated. You may want to review your complaint to see if you cited an Article appropriate to your allegations.
- If the Grievance Committee forwards your complaint for hearing, that does not mean they have decided the Code of Ethics has been violated. Rather, it means they feel that if what you allege in your complaint is found to have occurred by the Hearing Panel, that panel may have reason to find that a violation of the Code of Ethics occurred.
- If your complaint is dismissed as not requiring a hearing, you can appeal that dismissal to the Board of Directors of the local Board or Association of Realtors®.

Preparing for the Hearing

- Familiarize yourself with the hearing procedures that will be followed. In particular you will want to know about challenging potential panel members, your right to counsel, calling witnesses, and the burdens and standards of proof that apply.
- Complainants have the ultimate responsibility (“burden”) of proving that the Code of Ethics has been violated. The standard of proof that must be met is “clear, strong and convincing,” defined as “. . . that measure or degree of proof which will produce a firm belief or conviction as to the allegations sought to be established.” Consistent with American jurisprudence, respondents are considered innocent unless proven to have violated the Code of Ethics.
- Be sure that your witnesses and counsel will be available on the day of the hearing. Continuances are a privilege—not a right.
- Be sure you have all the documents and other evidence you need to present your case.
- Organize your presentation in advance. Know what you are going to say and be prepared to demonstrate what happened and how you believe the Code of Ethics was violated.

At the Hearing

- Appreciate that panel members are 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.
- Hearing Panels cannot conclude that an Article of the Code has been violated unless that Article(s) is specifically cited in the complaint.
- 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.
- Hearing Panels base their decisions on the evidence and testimony presented during the hearing. If you have information relevant to the issue(s) under consideration, be sure to bring it up during your presentation.
- Recognize that different people can witness the same event and have differing recollections about what they saw. The fact that a respondent or their witness recalls things differently does not mean they are not telling the truth as they recall events. It is up to the Hearing Panel, in the findings of fact that will be part of their decision, to determine what actually happened.
- 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.
- 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

- When you receive the Hearing Panel’s decision, review it carefully.
 - Findings of fact are the conclusions of impartial panel members based on their reasoned assessment of all of the evidence and testimony presented during the hearing. Findings of fact are not appealable.
 - If you believe the hearing process was seriously flawed to the extent you were denied a full and fair hearing, there are appellate procedures that can be invoked. The fact that a Hearing Panel found no violation is not appealable.
 - Refer to the procedures used by the local Board or Association of Realtors® for detailed information on the bases and time limits for appealing decisions. (*Revised 11/14*)
- Appeals brought by ethics respondents must be based on:
- (a) a perceived misapplication or misinterpretation of one or more Articles of the Code of Ethics,
 - (b) a procedural deficiency or failure of due process, or
 - (c) the nature or gravity of the discipline proposed by the Hearing Panel.
- Appeals brought by ethics complainants are limited to procedural deficiencies or failure of due process that may have prevented a full and fair hearing.

Conclusion

- Many ethics complaints result from misunderstanding or a failure in communication. Before filing an ethics complaint, make reasonable efforts to communicate with your real estate professional or a principal broker in the firm. If these efforts are not fruitful, the local Board or Association of Realtors® can share options for dispute resolution, including the procedures and forms necessary to file an ethics complaint. (*Revised 11/15*)



NORTHEAST FLORIDA
ASSOCIATION OF REALTORS

FROM: The NEFAR Grievance Committee

Enclosed are an Ethics Complaint form and a copy of the Code of Ethics of the National Association of Realtors®. In formulating your complaint, you must make sure that you refer to specific Articles of the Code of Ethics so that our Grievance Committee can determine whether or not sufficient evidence exists to warrant the holding of a Professional Standards hearing. Ethics Complaints must be filed within one hundred eighty (180) days of the time that the alleged offense and facts relating to it could have been known by the complainant in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction or event, whichever is later.

Please submit your complaint in writing, taking time to examine your complaint in view of the Code of Ethics, explaining specific situations and referencing each situation to a specific Article, and fill in the Ethics Complaint form, citing which specific Articles you feel have been violated. If you need assistance interpreting the Code, or in formulating your complaint in terms of specific Articles of the Code of Ethics, please contact us so that we can refer you to a member of our Grievance Committee that can assist you. If you have any documentation pertinent to your complaint (i.e. listing agreement, purchase and sale agreement, appraisal, home inspection report, etc.), please send those as well. If supporting documentation is not provided, it may not be possible for the Grievance Committee to render a timely decision.

Further -- and this is important -- please understand that when a REALTOR® is charged with a violation of the Code of Ethics, the complaining party may not recover damages, either actual or punitive. Should a REALTOR® be found guilty of a violation of one or more articles of the Code of Ethics, they may receive a letter of warning or reprimand, a fine of up to \$15,000, an administrative fee of \$250, required attendance of educational courses and/or seminars, suspension of membership, or termination of membership. The Association of REALTORS® is not empowered to force a REALTOR® to pay damages of any kind.

As soon as the complaint is fully completed and returned to the Association, it will be placed before the Grievance Committee. You will be notified as to the actions and recommendations of the Committee. Should there be a hearing scheduled before a Professional Standards Hearing Panel, you will be notified well in advance, in order that you may be represented by counsel, if you wish, and in order that you may call whatever witnesses you desire.

Thank you for your cooperation, and thank you, too, for bringing this matter to the attention of the Association.

Enclosures

NORTHEAST FLORIDA ASSOCIATION OF REALTORS®, INC.
7801 Deercreek Club Road, Jacksonville, Florida 32256

Ethics Complaint

To the Grievance Committee of the Northeast Florida Association of REALTORS®, Inc.

Filed _____, 2019

Complainant(s)	Respondent(s)

Complainant(s) charge(s):

An alleged violation of Article(s) _____ of the Code of Ethics and/or other membership duty as set forth in the Bylaws of the Association, in Article VII, Sections 1 through 3, and alleges that the above charge(s) (is/are) supported by the attached statement, which is signed and dated by the complainant(s) and which 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 (DBPR/FREC) or any other state or federal regulatory or administrative agency? Yes No

If so, date(s) filed: _____ and Case number(s): _____

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."

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 notice to appeal the dismissal to the Board of Directors.

COMPLAINANT(S):

Type/Print Name	Signature
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Type/Print Name	Signature
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Address

Phone	E-mail
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Are you willing and able to attend an ethics hearing at our office, should one be scheduled? Yes No

Northeast Florida Association of REALTORS[®], Inc.

(Board of Association)

7801 Deercreek Club Road, Jacksonville, Florida 32256

(Address)

(City)

(State)

(Zip)

Request and Agreement to Arbitrate

1. The undersigned, by becoming and remaining a member of the Northeast Florida Association of REALTORS[®], Inc. (the Association) (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 the Association 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) _____, REALTOR[®] principal (Address) _____

(Name) _____, REALTOR[®] principal (Address) _____

(Firm) _____ (Address) _____

(NOTE: Arbitration is generally conducted between REALTORS[®] [principals] or between firms comprised of REALTOR[®] principals. Naming a REALTOR [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, marked I 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 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 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"). 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 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.

6. I enclose my check in the sum of \$ 250.00 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.

Complainant(s) must complete and sign the back/next page of this form.

* 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

8. 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® non-principal affiliated with my firm has a financial interest in the outcome of the proceeding and may be called as a witness, has the right to be present throughout the hearing: _____.

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

9. 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: _____

10. 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 receipt 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.

11. Are the circumstances giving rise to this arbitration request the subject of civil litigation? Yes No

12. 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.

13. Address of the property in the transaction giving rise to this arbitration request:

14. The sale/lease closed on: _____

15. Agreements to arbitrate are irrevocable except as otherwise provided under state law.

Complainant(s) :

Name (Type/Print) _____ Signature of REALTOR® principal _____ Date _____

Address _____

Telephone _____ Email _____

Name (Type/Print) _____ Signature of REALTOR® principal _____ Date _____

Address _____

Telephone _____ Email _____

Name of Firm* _____ Address _____

*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. (Revised 11/15)



NORTHEAST FLORIDA
ASSOCIATION OF REALTORS

Would Like To Mediate Before Grievance

PLEASE EXECUTE AND RETURN THIS FORM

For your information:

Upon receipt of an arbitration request, mediation services are hereby offered to disputants, **prior** to the review of the arbitration request by the Grievance Committee, except where any party requests that the Grievance Committee determine whether an arbitrable issue exists between the named parties and whether the parties would be required to arbitrate.

The Northeast Florida Association of REALTORS ("NEFAR") makes the following inquiry:

Are you willing to participate in a voluntary mediation, **prior** to the Grievance Committee's determination as to whether or not the Request* is arbitrable by NEFAR and mandatory or voluntary in nature?

Yes or No

Printed name Signature Date

Note: You will again be offered an opportunity to voluntarily mediate, after the Grievance Committee reviews the Request*, if the Grievance Committee determines that an arbitrable issue exists.

* Request and Agreement to Arbitrate (Form #A-1 or Form #A-2)