



CONTRA COSTA ASSOCIATION OF REALTORS®
INSTRUCTIONS FOR FILING A DISCIPLINARY PROCEEDING

This will acknowledge your request for information as to the procedure to follow in filing an alleged unethical conduct complaint against a member of the Contra Costa Association of REALTORS®. Enclosed is a (D-1) complaint form, along with the procedures.

A complaint of unethical conduct deals with alleged violations of the National Association of REALTORS® Code of Ethics. This Code of Ethics has been adopted by the Contra Costa Association of REALTORS®, therefore, a violation of any Article of the Code of Ethics by an Association member could result in disciplinary action against a member which might affect the individual's membership in this organization. Additionally, the complaint may deal with alleged violations of the Contra Costa Association of REALTORS® Multiple Listing Service Rules and Regulations. **A complaint must be filed within one hundred and eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence.**

In filing your complaint, we request that you fill out the enclosed (D-1) form and follow the procedure outlined below when preparing your statement, per the enclosed form, to be marked "Exhibit 1."

1. In the opening paragraph of your statement of complaint, please state the name of the Contra Costa Association of REALTORS® member that you are filing against, give the name of the firm the member was/is affiliated with, and the address of the property involved.
2. State the facts upon which your allegation is based. In other words, provide any information that supports your position that the specific Article or Section you cited has been violated, and **relate your statements to the corresponding articles.**
3. **PLEASE** include legible photocopies of **ALL** documents pertinent to the transaction (i.e., deposit receipts, listing agreements, correspondence, inspection reports, contracts, etc.) Failure to do so may cause a delay in the Grievance Committee's ability to review your complaint in a timely manner. **REMEMBER THAT THE BURDEN OF PROOF LIES WITH THE COMPLAINANT.**
4. We request that your (D-1) form and "Exhibit 1" be legible, and that you enclose your originals along with **eight (8)** complete copies of your complaint (each set should include D-1 form, "Exhibit 1", and documentation), as well as email an electronic copy of the complaint to pam@ccartoday.com
5. We request that you return the Request for Ethics Advocate Form (D-23) indicating if you wish or do not wish the assistance of an Ethics Advocate. If you do wish assistance, please see below requirements.
6. Mail your complaint material to the Contra Costa Association of REALTORS®, 1870 Olympic Blvd. Suite 200, Walnut Creek, CA 94596; Attn. Pam Martin.

How to Request an Ethics Advocates

Any party may be represented by legal counsel or by a REALTOR® (or both) at any ethics hearing, including reviews, even where the hearing will occur in the party's absence. If the Association has adopted the Ethics Advocate (EA) program, a sub-committee of the Professional Standards Committee, comprised of REALTORS®, will be specially trained to represent parties during the disciplinary process. The role of legal counsel or EA may include preparation for hearing, including the preparation of forms and assembly of evidence; representation at the hearing, including the making of opening and closing statements on behalf of the party represented at the hearing, examining and cross examining witnesses, and introducing affidavits, documents and other relevant evidence, and representation at any review hearings, but does not include testifying as a witness. In the event the parties do not give fifteen (15) days' notice of their intention to have legal counsel or EA representation to the Association and all other parties, the hearing may be continued, and the party giving late notice may be assessed a continuance fee.

If you desire assistance with completion of the Complaint Form (Form D-1), enclosed you will find the names of several Ethics Advocates ("EA") (Form D-23A). The EA will help you complete the disciplinary complaint and other required forms.

In addition, at your option, the EA can represent you at any hearings that may be held in connection with this case and assist you through the hearing procedures. If you wish the assistance of an EA, please complete the enclosed Forms D-23, D-23A and D23B and return them to the above address.

Please Note: In order to use the services of an EA, you must agree to hold the Association harmless and waive any claim for liability against the Association or the EA for the conduct of the EA in assisting you.

If you have any questions after reviewing this information, please do not hesitate to contact the Professional Standards/Arbitrations Department at (925) 295-9220.