



The Ethics Complaint Process

General Information

- All real estate and appraisal licensees are not members of the REALTOR® Association. Only REALTOR® members of a REALTOR® Association are subject to the [National Association of REALTORS® Code of Ethics](#). When contacting us you must provide us with the name of the real estate or appraisal licensee so we can confirm membership.
- We must have the name of the individual filing the complaint. We cannot process any complaint received anonymously.
- The ethics complaint process can only determine whether the Code of Ethics has been violated, not whether the law or governmental regulations have been broken.
- REALTOR® Associations cannot award monetary damages to the complainant (e.g., other real estate licensees, tenants, prospective/current clients) for violations of the Code of Ethics.
- The primary emphasis of discipline for ethical violations is educational. Typical forms of discipline for Code of Ethics violations include mandatory attendance at educational courses, letters of warning, and/or monetary fines paid to the association. For more serious or repeat violations, a REALTOR's membership can be suspended or terminated. REALTOR® Associations cannot award monetary damages to the complainant for violations of the Code of Ethics.
- The CT REALTORS® (CTR) staff is not able to discuss whether or not we believe there may be a violation of the Code. Only a hearing panel can make that determination.

Before filing an Ethics Complaint

- Before filing a complaint, we strongly suggest speaking with the principal broker in the real estate company as first step. You can find that broker at [this link](#). Many disputes result from misunderstandings or miscommunication. An open and constructive discussion often resolves disputes, eliminating the need for further action.
- If speaking with the broker does not resolve your concern, CTR next offers informal dispute resolution such as **ombuds** and **mediation services**. Parties are often more satisfied with informal dispute resolution, as they are quicker, less costly, and can help repair damaged relationships.
- To start the informal dispute resolution process, click [here](#) to request an ombuds.

Filing an Ethics Complaint

- An ethics complaint must allege violations of one or more **Articles** of the Code of Ethics, not a Standard of Practice. Standards of Practice can be used to support an allegation in your narrative.
- **Narrative Description** – Complaints must include a narrative description of the circumstances that show how a REALTOR® may have violated the Code of Ethics.
- **Supporting Documentation** – Be sure to include any relevant documents that support your complaint. Please note if you later want to appeal a decision you will not have the opportunity to provide additional documents for consideration. Be complete at the outset.
- **180 Day Rule** - Ethics complaints must be filed within one hundred eighty (180) days after the alleged offense and facts relating to it could have been known by the complainant in the exercise of reasonable diligence or within 180 days after the conclusion of the transaction or event, whichever is later. The filing deadline may be extended if the parties use an informal dispute resolution process (e.g., ombuds and/or mediation services).
- If you are submitting a complaint more than 180 days after the close of a transaction, it's important to be clear in the narrative as to how you would not have known within 180 days with the exercise of reasonable diligence.

- **Citation Policy** – CTR has adopted a Citation Policy to handle certain ethics complaints. The Citation Policy is an alternative to conducting full ethics hearings. It includes a schedule of set fines and is only available with complaints that allege violations of certain Articles. If a complaint qualifies, the Grievance Tribunal may issue a Citation to the Respondent in lieu of holding a hearing. If the respondent accepts the Citation and pays the fine, the matter will be closed. If the respondent does not accept the Citation, a hearing will be scheduled. For more information, go to ctrealtors.com/citationpolicy
- **Filing an Ethics and Arbitration Complaint** – If an ethics complaint and request for arbitration are filed regarding the same event/transaction, the arbitration request will be heard first. The ethics complaint will be held in abeyance until after the arbitration hearing has been concluded.
- **Filing an Ethics Complaint related to Litigation or a Regulatory Proceeding** - In the event you have filed or plan to file litigation or a complaint with a regulatory body, your complaint filed with CTR is put in abeyance pending completion of all those other actions.

Grievance Tribunal Review

- After an ethics complaint is submitted, the complaint will be reviewed by a Grievance Tribunal. Their job is to determine if the allegations made in the complaint support a possible violation of the Code of Ethics. **The Grievance Tribunal does not decide if a violation occurred.** They only decide if the complaint should proceed to the next step, which is an ethics hearing.
- The Grievance Tribunal may dismiss a complaint if they determine the allegations do not support a possible violation of the Articles of the Code. Complainants may want to review the complaint to ensure it cites an Article appropriate to the allegations. Complaints have an opportunity to appeal a dismissal.
- If the Grievance Tribunal finds the allegations support the possibility of a violation, they will forward the complaint for hearing. The case will be heard before a hearing panel, which determines if a violation has occurred.
- The Grievance Tribunal's decision will be based on the allegations contained in the Ethics Complaint form and any documents attached to the complaint when the complaint is first submitted. Additional documents sent to CTR after initial submission of the complaint will not be considered by the Grievance Tribunal, however, they may still be used at a hearing, subject to the Hearing Officer's determination of relevancy.
- Should the complaint move forward, the respondent will then be notified of the complaint and the decision of the Grievance Tribunal. The respondent may then submit a reply and documentation to defend against the allegations.

Responding to an Ethics Complaint and the Expedited Process Option

- The Respondent receives a copy of the complaint if the Grievance Tribunal determines the complaint can move forward for a hearing. The respondent typically has two choices, a full hearing or an expedited process.
- Should the respondent select a full hearing, the respondent has 15 days to submit a reply with supporting documentation, if applicable, refuting the allegations. That response is then provided to the Complainant and will be at the hearing. If found in violation of the Code of Ethics the respondent is charged a \$500 administrative fee.
- Should the respondent select the expedited process, the respondent instead acknowledges the conduct described in the complaint and waives their right to a hearing. The respondent cannot submit documentation refuting the allegations but may add a mitigating circumstance should there be one. The hearing panel then meets without either party and makes a determination on a whether a violation occurred and if so, the recommended discipline. There is no administrative fee.

Before the hearing

- The parties will be given a list of potential hearing panel members prior to the hearing. Either party may file a written request for disqualification of any potential member of the hearing panel. The parties will be notified of the date, time, and place of the hearing at least twenty-one (21) days in advance. The notice will include a detailed outline of procedures that will be used during the hearing.
- Legal or REALTOR® Counsel – The parties may be accompanied by legal counsel or a REALTOR® acting as counsel, or both. Parties must send written notice of their intention to have counsel present to all other parties and to CTR at least fifteen (15) days before the hearing. Failure to provide timely notice may result in a continuance of the hearing. It is the responsibility of the parties to keep their counsel informed of all proceedings and documentation.
- Witnesses – It is the responsibility of each party to arrange for witnesses to be present at the hearing. Parties must send written notice of their intention to have witnesses to all other parties and to CTR at least fifteen (15) days before the hearing. Failure to provide timely notice may result in a waiver of the right to call the witness or a continuance of the hearing as determined by the Hearing Officer. The parties appearing at the hearing may be called as witnesses without advance notice.
- Parties are strongly encouraged to provide all documents and evidence they intend to introduce during the hearing as part of the initial complaint and response. Providing documents and evidence in advance expedites the hearing process and prevent costly unnecessary continuances.

Preparing for the hearing

- The Parties will receive an outline of the procedures that will be followed during the hearing. The parties should familiarize themselves with the hearing procedures. The parties will want to know about challenging potential panel members, their 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 evidence” defined as “...that measure or degree of proof which will produce a firm belief or conviction as to the allegations sought to be established.” Respondents are considered innocent unless proven to have violated the Code of Ethics.
- The parties should ensure that their witnesses and counsel will be available on the day of the hearing. Continuances are a privilege.
- The parties should ensure they have all the documents and other evidence needed to present their case.
- Parties should think about and organize their testimony and evidence before the hearing.

At the hearing

- The Hearing Panel chair will determine if the hearing is by zoom or in person.
- 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 determine whether the facts support a finding of an ethical violation.
- Hearing panels cannot conclude that an Article of the Code has been violated unless that Article(s) is specifically cited in the complaint.
- Keep the presentation concise, factual, and to the point. Parties should demonstrate what happened, or what should have happened but didn't.
- Hearing panels base their decisions on the evidence and testimony presented during the hearing. Hearing panels do not conduct research on their own. If a party has information relevant to the issue(s) under consideration, it is their responsibility to bring up the information during their presentation.

- Recognize that different people can witness the same event and have differing recollections about what they saw. It is up to the hearing panel to determine, in their view, what happened. All parties and witnesses take an oath or affirmation of truthfulness during the hearing.
- An ethics hearing is an adversarial process and is, to some degree, unavoidably confrontational. For the enforcement process to function properly, it is imperative all parties, witnesses, counsel, and panel members maintain appropriate decorum.

After the hearing

- The parties will receive a copy of the hearing panel's decision, review it carefully.
- The decision includes Findings of Facts, which are the conclusions of the panel members based on their reasoned assessment of all the evidence and testimony presented during the hearing. Findings of Fact are not appealable.
- If a party believes the hearing process was flawed to the extent they were denied a full and fair hearing, there are appellant procedures that can be invoked. The fact that a hearing panel found no violation is not appealable.
- The parties will be provided information regarding the procedures for appealing the decision after the hearing.