



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).
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 Boulevard, Suite 200, Walnut Creek, CA 94596; Attn. Pam Moitoza.

HOW TO REQUEST AN ETHICS ADVOCATE

The Contra Costa Association of REALTORS® has adopted the California Association of REALTORS® Ethics Advocate program which provides “Ethics Advocates” to assist in the process of filing ethics complaints.

Ethics Advocates are specially trained and very knowledgeable Professional Standards REALTOR® members who know the Code of Ethics and MLS rules, and can assist you in determining if the facts and circumstances of your situation would be a potential violation of one or more rules.

At first contact with the Association’s Professional Standards Coordinator you will be offered the services of an Ethics Advocate. After signing waiver of liability forms, your assigned EA will step through the process with you, assisting in the completion of the forms, the preparation of the evidence and exhibits to support your complaint, and the filing of the complaint with the Association. You can request your EA to accompany you to the hearing, and even speak on your behalf.

Ethics advocates can only assist in cases that are considered “disciplinary” in nature; they cannot assist with arbitrable matters – which would result in money awards.

Ethics Advocates are not attorneys and cannot practice law. They are not going to take over your case, but as experienced Professional Standards members, they know the process and can provide valuable assistance to make the entire process easier for all the parties.

CCAR has implemented several programs that are designed to upgrade professionalism, streamline the process, and to eliminate unethical practices. To request an Ethics Advocate contact Pam Moitoza, CCAR Professional Standards Coordinator at pam@ccartoday.com or 925.295.9220.