



PROFESSIONAL STANDARDS



This list of Frequently Asked Questions may assist you prior to filing a complaint

1. When is a Real Estate Agent a REALTOR®?

A real estate agent is a REALTOR® when they become a member of the NATIONAL ASSOCIATION OF REALTORS® (NAR). The term REALTOR® can only be used by a real estate agent, who through their membership in NAR, subscribes to a strict Code of Ethics.

A real estate agent who is licensed by the Arizona Department of Real Estate may not be a REALTOR® as there is no requirement to join the NATIONAL ASSOCIATION OF REALTORS® in order to promote or sell real estate.

TRANSACTIONAL ISSUES:

2. What can my REALTOR® do if the other REALTOR® in a transaction is not communicating with them?

If your REALTOR® has been unsuccessful in their efforts to communicate with another REALTOR®, your REALTOR®'s broker may contact the other REALTOR®'s broker to open the lines of communication.

A broker is a designated REALTOR® who supervises REALTORS®, and has the ultimate responsibility for their agent's actions.

3. Can I find out if anyone else placed an offer on the property I want to purchase?

Only with their seller's approval can REALTORS® disclose the existence of offers on the property.

4. If a competing offer was accepted on a property I have an offer on, can I find out what the accepted price was?

The information becomes available to the public the day a sale is recorded. You can check with the county in which the sale was recorded for the selling price.

5. What is dual agency?

When one broker either individually, or two salespeople working for the same broker, represent both the buyer and seller in a real estate transaction.

Ethics Complaint Form



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6. Why did the seller get my earnest money?

If the funds were being held at a title or escrow company, and the terms of the contract were not met within the provisions of the contract, the title or escrow company made a decision to release the earnest money in accordance to the contract provisions.

AAR offers mediation through the Dispute Resolution System (DRS) between a Seller and a Buyer if one party is disputing the return of an earnest deposit and information may be found at [BuyerSellerDisputePkt](#). You may also consider consulting legal counsel. Attorneys may be located through the State Bar at <http://www.azbar.org>

7. The appliances were at the property when the seller accepted my offer. After close of escrow when I took possession, the appliances were gone.

Contact your REALTOR® to determine if the seller is responsible to replace the appliances. In general, appliances are personal property and as such, must be written into the contract, except built ins or as indicated in lines 30-39, and possibly lines 41-44 of the AAR Residential Resale Purchase Contract, February, 2011, if they are to be part of the purchase of the property.

If the appliances were to be included in the sale of a property, determine if the property was vandalized, you may need to file a police report.

If the appliances were to have remained with the property, and so indicated contractually, the parties may mediate their dispute or consider consulting legal counsel.

LEASE AND PROPERTY MANAGEMENT ISSUES:

A copy of the Arizona Landlord & Tenant Act may be found at: www.az.gov

8. Who is responsible to refund my security deposits?

The executed lease agreement indicates if a property management firm has control over the deposits or the landlord personally. The responsible party indicated in the lease, is therefore the person to contact regarding any possible refunds. Referencing the AAR Residential Lease Agreement, February 2008, lines 59-81, addresses deposits and refunds.

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9. Why is my cleaning or security deposit refund less than what I paid?

If the lease agreement provided for carpets to be cleaned by the tenant at lease termination, as an example, and the tenant moved out without having the carpets cleaned, the property manager or landlord may withhold money to have the service performed in accordance with the lease agreement. Certain deposits are indicated as refundable on your lease agreement while other deposits are indicated as non-refundable, for instance a pet deposit. The AAR Residential Lease Agreement, February 2008, lines 59-69 sets forth refundable and non-refundable deposits.

COMPLAINTS: REAL ESTATE AGENT ISSUES

10. I want to file a complaint because the REALTOR® 1) won't return my phone calls, 2) is rude when speaking to me, and/or 3) won't answer my questions.

These three issues may not directly relate to the NATIONAL ASSOCIATION OF REALTORS® Code of Ethics (Code). The Arizona Association of REALTORS® may still be able to assist you. Consider allowing a REALTOR® Ombudsman to contact you and perhaps the REALTOR® to try and open the door to communication. A REALTOR® Ombudsman may also describe customary practices to help you better understand a real estate transaction.

Stop for a minute. Think about the relationship to see if there is a failure to perform as described in the Code. If you notice the Code actually relates to the REALTORS® failure to perform, consider filing for mediation or filing a formal complaint.

A copy of the NATIONAL ASSOCIATION OF REALTORS® Code of Ethics may be found at: [REALTOR Code of Ethics](#)

11. What is the difference between the Arizona Association of REALTORS® function and that of the Arizona Department of Real Estate?

The Arizona Association of REALTORS® (AAR) is a member trade association at: [AAR Website](#)

- AAR reviews and considers a member's behavior (ethics) to determine if there is a violation to the REALTOR® Code of Ethics.

The Arizona Department of Real Estate is a State of Arizona regulatory agency. They may be contacted at: [Arizona Department of Real Estate](#)

- Investigates violations of the real estate law (statutes and Commissioner's Rules) by licensed real estate brokers and salespeople.

[Ethics Complaint Form](#)



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Dispute Services Provided: [Resolve Disputes](#)

- The Arizona Association of REALTORS® – Ethics Complaints – Mediation Requests
 - REALTOR® and Client
 - REALTOR® and REALTOR®
- The Arizona Association of REALTORS® - Commission disputes between REALTORS®
- The Arizona Association of REALTORS® - Buyer Seller Dispute Resolution

Better Business Bureau: www.bbb.org

- Attempts to resolved disputes between members and their customers
- **Civil Rights/Consumer Protection:** Attorney General Office: www.azag.gov/
- Criminal actions (trespassing, assault, theft, etc.): Contact your local law enforcement agency.

Financial Concerns:

- Small Claims, Civil, or Superior Courts
- The Arizona Department of Financial Institutions regulates Escrow and Mortgage Companies in Arizona including loan and interest rate issues. <http://azdfi.gov/>

Home Owner Association Issues:

- Homeowner Association Dispute Process: HOA@dfbls.az.gov 480 331-6632
- Homeowners Association (HOA) violations: we suggest that you seek legal counsel. Visit: [The Arizona Bar Association](#)

Insurance:

- Homeowner's Insurance Institutions in Arizona: <http://www.id.state.az.us/consumermore.html>

Construction/Contractor Issues:

- The Arizona Registrar of Contractors has jurisdiction concerning construction defects. <http://www.azroc.gov/>

Ethics Complaint Form

PROFESSIONAL STANDARDS ETHICS COMPLAINT PROCESS



The pre-printed portion of this form has been drafted by the Arizona Association of REALTORS®. Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made as to the legal validity, adequacy and/or effects of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.



CODE OF ETHICS ENFORCEMENT

1. Once an individual becomes licensed by the Arizona Department of Real Estate, that individual may become a REALTOR® by joining the Arizona Association of REALTORS® (AAR), which is a private trade association. AAR members agree to abide by the NATIONAL ASSOCIATION OF REALTORS® (NAR) Code of Ethics and thereby enhance the public and professional image of themselves and all other REALTORS®.
2. The enforcement of the NAR Code of Ethics is achieved through an ethics complaint process.
3. The NAR **Code of Ethics and Arbitration Manual** (CEAM) sets forth the rules and procedures related to REALTOR® Code of Ethics complaints.
4. The CEAM may be purchased through a local REALTOR® association, AAR, NAR or is available online at
 - <http://www.realtor.org>

LICENSING COMPLAINTS OR MONETARY CLAIMS

5. AAR has no jurisdiction over an individual's Arizona real estate license. To file a licensing complaint, contact the Arizona Department of Real Estate
 - <http://www.azre.gov/Inv/Inv.aspx>.
6. AAR Ethics Hearing Panels cannot award money or other damages. If you are seeking money or other relief, consider AAR Mediation
 - Ethics: <http://www.aaronline.com/Disputes/Mediation.aspx>
 - Arbitration: <http://www.aaronline.com/Disputes/Arbitration.aspx>
 - Seek legal counsel: <http://www.azbar.org>

SUBMISSION OF AN ETHICS COMPLAINT

7. A fillable version of the Ethics Complaint Form is attached and is located at:
 - <http://www.aaronline.com/wp-content/uploads/2013/01/EthicsComplaint102312.pdf>
8. Date, sign, and complete the entire Ethics Complaint Form before submitting. **Incomplete Forms may slow the process.**
9. If the same complaint has been filed with a regulatory agency or filed in court, include a copy of such complaint and related material.
10. Include all relevant documents, etc.
11. Complete a Notice of Witness/Counsel Form if applicable
 - <http://www.aaronline.com/wp-content/uploads/2013/01/NoticeOfWitness.pdf>

PROFESSIONAL STANDARDS ETHICS COMPLAINT FORM



The pre-printed portion of this form has been drafted by the Arizona Association of REALTORS®. Any change in the pre-printed language of this form must be made in a prominent manner. No representations are made as to the legal validity, adequacy and/or effects of any provision, including tax consequences thereof. If you desire legal, tax or other professional advice, please consult your attorney, tax advisor or professional consultant.



Please type and complete the following to assist AAR in processing your ethics complaint.

Date/Time _____

TO THE GRIEVANCE COMMITTEE OF THE ARIZONA ASSOCIATION OF REALTORS®

Complainant(s) allege(s) a violation of the Code of Ethics or other membership duty as set forth in the Bylaws of the Association, which (is/are) supported by the information contained herein and any attached signed and dated statement.

1. PARTIES – Complainants Name(s) of the party(ies) filing the complaint [Complainant(s)]

1a. COMPLAINANT #1

1. **Complainant Name #1:** _____

If Applicable:

Affiliated Firm Name: _____

Principal Broker Name: _____

Will your principal broker join you in this complaint? ☐ Yes ☐ No
If yes, please ask your broker to sign line 37 of Section 9

2. **Send case correspondence to Email Address:** _____

3. **Mailing Address:** _____

4. **Fax:** _____ 5. **Phone:** _____

1b. COMPLAINANT #2

6. **Complainant Name #2:** _____

If Applicable:

Affiliated Firm Name: _____

Principal Broker Name: _____

Will your principal broker join you in this complaint? ☐ Yes ☐ No
If yes, please ask your broker to sign line 37 of Section 9

7. **Send case correspondence to Email Address:** _____

8. **Mailing Address:** _____

9. **Fax:** _____ 10. **Phone:** _____

If you are requesting that case correspondence be sent to more than one address, please list the additional contact information on a separate page, and attach the page(s) to this form.

NOTE: AAR will send all correspondence relating to this complaint to the address above. You must notify AAR in writing of any change in your contact information.

1. PARTIES – Respondents Names of the person(s) against whom you are filing the complaint [Respondent(s)]

1e. RESPONDENT#1

11. Respondent Name #1: _____

12. Affiliated Firm Name (if applicable): _____

1f. RESPONDENT #2

13. Respondent Name #2: _____

14. Affiliated Firm Name (if applicable): _____

More than one respondent can be named in the complaint if involved in the same transaction. If you are naming more than two respondents, please list the additional respondents and their affiliated firm names on a separate page and attach the page(s) to this form.

1c. 15. ☐ Yes ☐ No The Respondent(s) is/are a member(s) of the AAR

2. DATE OF EVENT

2a. 16. _____ (mo/day/yr) is the date the alleged violation or the conclusion of the transaction.

17. ☐ Yes ☐ No The complaint is being 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, whichever is later.

3. RELATED COMPLAINTS

3a. 18. ☐ Yes ☐ No The same complaint has been filed at **another REALTOR® Association.**

19. If yes, which one? _____ Date Filed: _____

Note: 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."

20. ☐ Yes ☐ No The same complaint has been filed with **a regulatory agency.**
[for example, the Arizona Department of Real Estate (ADRE)]

21. If yes, **Attach a copy of the regulatory agency complaint and related material.** Date Filed: _____

22. ☐ Yes ☐ No The same complaint has been filed **in court.**

23. If yes, **Attach a copy of the complaint and related material.** Date Filed: _____

4. COMPLAINT ALLEGATIONS

4a. 24. What was your role in the situation?: ☐ buyer ☐ seller ☐ tenant ☐ landlord ☐ another REALTOR®
☐ buyer's agent ☐ seller's agent ☐ other _____

4b. 25. What was the Respondent's role?: ☐ buyer ☐ seller ☐ tenant ☐ landlord ☐ property manager
☐ another REALTOR® ☐ buyer's agent ☐ seller's agent ☐ other _____

4c. 26. Did the situation result in a closed transaction? ☐ Yes ☐ No

27. If yes, **when did it close escrow?** **Close of Escrow Date:** _____

5. CODE OF ETHICS ARTICLES ALLEGED

[*The Preamble & the Standards of Practice are not applicable but may be referenced in the explanation]

5a. 28. I believe that Respondent _____ violated Article _____ * of the NAR Code of Ethics because:

29. I believe that Respondent _____ violated Article _____ * of the NAR Code of Ethics because:

30. I believe that Respondent _____ violated Article _____ * of the NAR Code of Ethics because:

31. I believe that Respondent _____ violated Article _____ * of the NAR Code of Ethics because:

32. I believe that Respondent _____ violated Article _____ * of the NAR Code of Ethics because:

33. I believe that Respondent _____ violated Article _____ * of the NAR Code of Ethics because:

If you are naming additional Respondents or Articles, please list the allegations on a separate page and attach to this form.

6. NARRATIVE

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true.

A narrative is a story or an account of the sequence of events in the order in which they happened. Any narrative should be **TYPEWRITTEN** in a simple, concise, clearly-stated format so that someone unfamiliar with the situation can understand the series of events and how those events relate to the alleged Code of Ethics violation(s). A narrative should include all important dates, reference any relevant supporting documents, and identify any witnesses.

34. **A narrative is attached?** ☐ Yes ☐ No

7. SUPPORTING DOCUMENTATION AND EVIDENCE

Supporting documentation and evidence includes any relevant contracts, agreements, correspondence, or other papers that support the claim of an alleged Code of Ethics violation(s). If you are submitting supporting documentation/evidence, block out sensitive information such as social security number(s), driver license numbers(s), bank detail, birth dates, and employment information. Attach complete and accurate copies and indicate to which allegation the documentation relates. Please submit pertinent documentation/evidence only. Parties are encouraged to limit their submittals to 100 pages or less and acknowledge that it is the party's obligation to direct a hearing panel's attention to relevant information.

35. **Supporting documentation and evidence is attached?** ☐ Yes ☐ No

8. ACKNOWLEDGEMENT

I (we) acknowledge that all relevant information pertaining to the Code of Ethics allegations should be included in this complaint. The Grievance Committee will review the complaint to determine if the allegations made, if taken as true, may support an Ethics violation. If the allegations support a potential Ethics violation, the complaint will be forwarded for a hearing. If the Grievance Committee determines that the allegations do not support an Ethics violation even if true, the Committee will dismiss the complaint. If the complaint is dismissed, no additional information can be submitted, but you will have twenty (20) days from receipt of the dismissal notice to appeal the dismissal. AAR will notify you of the Grievance Committee's determination.

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true.

9. COMPLAINANT(S)

36. _____
TYPE/PRINT SIGNATURE

37. _____
TYPE/PRINT SIGNATURE

Submit the original complaint with five identical copies and send to:

Attn: Ethics
Arizona Association of REALTORS®
255 East Osborn Road, Suite 200
Phoenix, AZ 85012