

Englewood Area Board of Realtors

Arbitration Inquiry

In response to your request for filing arbitration, enclosed is Form A-2. Arbitration is a means of resolving a monetary dispute arising out of a real estate transaction that the parties have been unable to resolve themselves. Realtors®, who are principal brokers, can file for arbitration against another principal broker.

Complete Form A-2 and attach a written narrative explaining the circumstances of the transaction and include any evidence or documents that you think are pertinent to support your case. Please send us:

- Original, plus five (5) copies of Form A-2 and supporting documentation.

When your Request for Arbitration is returned to us, the Professional Standards Administration will ask you if you are willing to mediate the dispute with one of the Board's approved Mediators. If Mediation is declined or an agreement can't be reached by the parties involved, the case will be reviewed by the Grievance Committee at their next scheduled meeting. Our Grievance Committee determines whether or not sufficient evidence exists to arbitrate the matter and whether the request is filed within the 180-day time frame of when the facts could have reasonably been known, or when the transaction on the subject property closed, whichever is later.

Thank you for allowing the Englewood Area Board of REALTORS® to review your request. If you have any questions, please contact Dianne Clark, Chief Executive Officer at 941-208-5546, or by email at dclark@eabor.net.

Request and Agreement to Arbitrate (Non-Member)

1. The undersigned agrees and wants to submit to arbitration before a Hearing Panel of the Englewood Area Board of REALTORS® with the understanding that the arbitration will be conducted pursuant to the *Code of Ethics and Arbitration Manual* of the Association (or alternatively, “in accordance with the professional standards procedures set forth in the Association’s Bylaws). The undersigned acknowledges having had the opportunity to review the Association’s procedures or having been provided with a copy of the procedures.
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 said Association of REALTORS® 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 and (list all persons you wish to name as Respondents to this arbitration.) 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.):*

	,	
Name		Address
	,	
Name		Address
Firm		Address

4. There is due, unpaid, and owing to me (or I retain) from the above-name persons the sum of \$_____. My claim is predicated upon the statement attached, marked Exhibit "1" and incorporated by reference into this application.

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 to 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. The undersigned confirms that execution of this Agreement is wholly voluntary and, pursuant to this Agreement, agrees and promises to abide absolutely by the award of the Hearing Panel. In the event of adverse decision, I agree to , within (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 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 \$500.00 for the arbitration filing fee.
7. I understand that I may be represented by legal counsel, and that I should give written notice no less than 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.

Each party must provide a list of the names of witnesses he/she intends to call at the hearing to the Association and to all other parties not less than 15 days prior to the hearing. Each party shall arrange for his/her witnesses to be present at the time and place designated for the hearing. All parties appearing at the Hearing may be called as witnesses without advanced notice.

8. 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 180 days after the closing of the transaction, if any, or 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: _____

*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.

- 9. 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 Association of Directors.
- 10. Are the circumstances giving rise to this arbitration request the subject of civil litigation? _____ Yes _____ No
- 11. 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.
- 12. Agreements to arbitrate are irrevocable except as otherwise provided under state law.

COMPLAINANT(S):

Name Type/Print	Signature of Complainant	Date
Address	Email	
Telephone		

Name Type/Print	Signature of Complainant	Date
Address	Email	
Telephone		