WASHINGTON COUNTY BOARD OF REALTORS®

# WHAT YOU NEED TO KNOW ABOUT THE ETHICS COMPLAINT PROCESS

**PURPOSE AND BACKGROUND.** The Washington County Board of Realtors® (WCBR) is responsible for promoting and enforcing the Realtor® Code of Ethics and the Bylaws of the Board, both of which are designed to uphold high standards of professional conduct. The Code of Ethics imposes duties that go beyond legal requirements, and these standards—alongside the Board's Bylaws—apply only to licensed real estate professionals who choose to become Realtors®.

Many disputes among real estate professionals—and between professionals and the public—result from miscommunication or lack of understanding. If you have a concern about a Realtor®, we strongly encourage you to first engage in direct communication with the individual involved or with the principal broker of their firm. Often, a candid and respectful conversation can resolve concerns without the need for further action.

If your concerns remain unresolved, the Washington County Board of Realtors® offers informal dispute resolution options, such as ombudsman services or mediation, which are designed to assist consumers before pursuing formal ethics proceedings.

Should you still believe a violation of the Code of Ethics and/or the Bylaws may have occurred, you may consider filing an official ethics complaint.

**KEY CONSIDERATIONS.**

- Only **Realtors® and Realtor-Associates** are bound by the **Code of Ethics and the Bylaws** of the Board. If the individual involved is not a Realtor®, you may need to contact the **Utah Division of Real Estate** or seek redress through the **legal system**.
- The Board does **not determine violations of law**. Our role is to evaluate whether the **Code of Ethics and/or Bylaws** have been violated. Legal matters are handled by regulatory bodies or courts.
- Disciplinary action taken by the Board is focused on **education and corrective conduct**. Sanctions may include mandatory ethics training, reprimand, fines, or suspension or termination of Realtor® membership in accordance with the Bylaws.
- The Board cannot **award monetary damages, impose punitive sanctions**, or **affect a member's real estate license**.

**FILING AN ETHICS COMPLAINT.** To initiate the ethics complaint process, please keep the following in mind:

- Ethics complaints must be filed with the Board within 180 calendar days of the date the complainant knew—or reasonably should have known—of the alleged conduct. This deadline may be paused if informal resolution processes are utilized.
- Complaints must be written and include a clear narrative of the events in question.

- You must cite specific Articles of the Code of Ethics and/or provisions of the Board's Bylaws that you believe were violated. Hearing Panels will only consider Articles or Bylaws explicitly identified in the complaint.
- The Board's Grievance Committee is available to provide guidance in preparing your complaint correctly and completely.

**BEFORE THE HEARING.** Once your complaint is submitted:

- The Grievance Committee will review it to determine if the alleged conduct—if taken as true—may represent a possible violation of the Code of Ethics and/or Bylaws.
- If the Committee dismisses your complaint, it means they believe the facts alleged would not support a finding of a violation under the Code or Bylaws.
- If the Committee forwards the complaint to a hearing, it means they believe a possible violation exists and warrants review by a Professional Standards Hearing Panel.
- Dismissals may be appealed to the Board of Directors, per the procedures outlined in the National Association of Realtors® *Code of Ethics and Arbitration Manual*

**PREPARING FOR THE HEARING.**

- If your complaint is referred to a hearing, you will receive the official hearing procedures from the Professional Standards Administrator. This document outlines your rights—such as the ability to be represented by counsel, call witnesses, and present evidence. Please review all materials carefully to ensure you are fully prepared for the hearing process.
- As the complainant, you bear the burden of proof, which must meet the standard of clear, strong, and convincing evidence.
- Organize your materials in advance. Ensure all documents and witnesses are available and prepared. Hearings are scheduled firmly, and continuances are not automatically granted.

**DURING THE HEARING.**

- The Hearing Panel will consist of impartial Realtors® trained to review ethics and Bylaws violations. Their role is to determine whether the facts support a violation of the Code of Ethics and/or the Bylaws.
- Only the specific Articles and/or Bylaws cited in your complaint will be considered.
- Keep your presentation factual, concise, and professional. Avoid emotional appeals or personal attacks. Your goal is to present a clear account of what occurred and how it relates to the specific Articles or Bylaw provisions.
    - At the start of the hearing, the Chairperson will explain the reason for the hearing. All parties, witnesses, and counsel will be introduced, and anyone intending to testify will be sworn in. Witnesses will be excused from the room except while testifying.
    - The hearing will then proceed in the following order: both parties may make opening statements, beginning with the complainant and then the respondent, each briefly explaining their position.
    - After opening statements, each side will have the opportunity to present testimony, witnesses, and evidence in support of their position. This is your opportunity to fully present your case, so please come prepared. Parties and their counsel may examine and cross-examine witnesses and the opposing party at specified time. Panel members may

also ask questions after testimony and cross-examination are complete. The Chairperson reserves the right to exclude any question deemed irrelevant, repetitive, or argumentative.

- Following each party's presentation, both sides will have an opportunity to present rebuttal testimony or evidence addressing matters raised during the opposing party's case. Rebuttal is intended to respond to information presented during the hearing and is not an opportunity to introduce entirely new issues or allegations.
- Once all testimony and rebuttal evidence have been presented, each side will be permitted to make a closing statement, with the complainant proceeding first and the respondent closing last. The Chairperson will then adjourn the hearing, and the Hearing Panel will move into executive session to deliberate and render its decision.

**AFTER THE HEARING.**

- The Panel's decision will include Findings of Fact, Findings of fact are the conclusions of impartial panel members based on their reasoned assessment of all of the evidence and testimony presented during the hearing. Findings of fact are not appealable.
- If you believe there was a procedural error or failure of due process, you may file an appeal. Disagreement with the outcome is not sufficient grounds for appeal.
- Rehearings may be granted only when new evidence arises that:
  1. Could not have been discovered before the hearing, and
  2. Would likely have affected the outcome.

Appeals by respondents may be based on:

- Misapplication of the Code or Bylaws,
- Procedural deficiencies,
- The severity of the discipline imposed.

Appeals by complainants are limited to issues of due process or fairness in the hearing process.

**CONCLUSION.** Ethics complaints are a vital part of maintaining the integrity of the real estate profession. However, many issues can be resolved informally and amicably. We encourage open communication and use of dispute resolution options before pursuing formal action.

If you choose to move forward, the Washington County Board of Realtors® is here to support you through a confidential, fair, and structured process grounded in the Code of Ethics and the Bylaws of the Board.

For questions or assistance, please contact:

**Washington County Board of Realtors®**
Email: programs@washingtoncountyrealtors.com
Phone: 435-628-7374