



Reno/Sparks Association of REALTORS®

5650 Riggins Court
Suite 200
Reno, NV 89502

Phone: (775) 823-8800
Fax: (775) 823-8805
www.rsar.net
info@rsar.net

The following information is to request an Arbitration proceeding against a member of the Association. In order to process your request, it is necessary that you complete the forms included.

If you wish to pursue the Arbitration, please review the Request and Agreement to Arbitrate form carefully. Sign and return it along with a statement of the circumstances which brought about the dispute and a **\$100 filing fee**. Also included is a copy of that section of the *Code of Ethics and Arbitration Manual* which outlines the procedures for the conduct of an arbitration hearing. The information you send will be forwarded to our Grievance Committee for its review and recommendation as to whether the dispute is arbitrable under the guidelines of the *Code of Ethics and Arbitration Manual*. If the committee determines that the dispute meets the criteria, a hearing will be scheduled and you would be asked to attend. Any finding by an arbitration hearing panel will be binding upon both parties.

Please include any documentation that supports your request for Arbitration including but not limited to,

Duties Owed	Amendment
Buyer Brokerage Agreement	Inspections
Exclusive Right to Sell	Appraisal
Offer and Acceptance Agreement	Closing Disclosure
Counter Offer	Commission Instructions
Counter to Counter Offer	
Addendum	
Emails and correspondence related to the incident or transaction	
Any and all other documents related to the incident or transaction	

If you have any questions, please do not hesitate to contact me or April Miller. Let me assure you that your efforts in bringing this matter to the attention of the Association are appreciated.

Sincerely,

April LaBrie, CAE, RCE, e-Pro
Executive Administrator

Enclosure



Vision: We envision the Reno/Sparks Association of REALTORS® to be viewed as the premium REALTOR® organization delivering highly valued knowledge and benefits to our customer - the REALTOR® Community.

Mission: To proactively enhance our members' opportunity to be successful real estate professionals by providing superior advocacy, programs, products, and services.

General Instructions and Information for Filing ARBITRATION REQUESTS

1. Arbitration requests must be typewritten or printed clearly and **filed within one hundred eighty (180) days** after closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.
2. Arbitration requests will be referred by the Professional Standards Administrator to the Chairperson of the Grievance Committee. The Grievance Committee may decide as follows:
 - a. The matter constitutes a mandatory arbitration situation
 - b. The matter constitute a voluntary situation
 - c. The matter is not appropriate for arbitration by the Association

If found not to constitute a proper cause of action, it will be returned. Any action by the Grievance Committee dismissing a request for arbitration may be appealed to the Board of Directors within twenty (20) days from receipt of the dismissal notice.

3. If the Grievance Committee determines the matter is arbitrable, mediation will be provided. If all parties agree, the Association will appoint a mediator to meet with the parties to attempt to help them resolve the dispute. If the parties cannot mutually settle the dispute, the mediator will make a recommendation. If the recommended settlement is signed and accepted by the parties, the matter is concluded. If either party rejects the proposed resolution, the mediation procedure will be concluded and the matter will proceed to arbitration.
4. Each party to an arbitration dispute must sign an Arbitration Agreement and deposit the sum of \$100.00 with the Executive Officer along with the Arbitration Agreement.
5. If there is to be a hearing, Respondent will have fifteen (15) days after service of copy of arbitration request to reply. Copy of the reply will be sent to the Complainant. The date for hearing will be set and all parties will be notified of the date and place of the hearing at least twenty-one (21) days in advance.
6. Either party to the action may be represented by legal counsel provided that notice of intention to be so represented is transmitted in writing to the other party and to the Association Office at least fifteen (15) days prior to the date of hearing.
7. It is the responsibility of each party to arrange for witnesses to be present at the hearing. Notice of witnesses must be transmitted in writing to the other party and to the Association Office at least ten (10) days prior to the date of hearing.
8. Any party may file with the Professional Standards Administrator a written request for disqualification of a member of a tribunal, for any of the following reasons:
 - (a) is related by blood or marriage to either complainant or respondent.
 - (b) is an employer, partner, employee, or in any way associated in business with either complainant or respondent.
 - (c) is a party to the hearing, or a party or witness in any other pending case involving any party to this hearing.
 - (d) knows of any reason acceptable to the Hearing Panel that may prevent him from rendering an impartial judgment.
9. The notice of hearing will contain the names of members of the tribunal, "Outline of Procedure for Arbitration Hearing and Arbitration Guidelines.
10. The parties shall not discuss the case with any member of the Hearing Panel or the Board of Directors at any time prior to final action by the Board of Directors.
11. No hearing will be held in the absence of a Complainant. An arbitration hearing may proceed in the absence of the Respondent.

Please return this form along with the typed Narrative Summary(s) and all supporting documents to:

Reno/Sparks Association of REALTORS®
5650 Riggins Court, Ste. #200, Reno, NV 89502
Phone: 775-823-8800 Fax: 775-823-8805

REQUEST AND AGREEMENT TO ARBITRATE
(page 1 of 2)

Yes, I am a member of the Reno/Sparks Association of REALTORS®. I request and consent to arbitration through the Association in accordance with the professional standards procedures set forth in the bylaws of the Association. I agree to abide by the arbitration award and, if I am the non-prevailing party, to, within ten (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. Failure to satisfy the award or to deposit the funds in the escrow or trust account within this time period may be considered a violation of a membership duty and may subject the member to disciplinary action at the discretion of the Board of Directors 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.

No, I am not a member of the Reno/Sparks Association of REALTORS®. I, by my signature below, agree and want to submit to arbitration before a Hearing Panel of the Reno/Sparks Association of REALTORS® with the understanding that the arbitration will be conducted in accordance with the professional standards procedures set forth in the Association’s bylaws. I acknowledge having had the opportunity to review the Association’s procedures or having been provided with a copy of the procedures.

1. 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.

2. A dispute arising out of the real estate business as defined by Article 17 of the Code of Ethics exists between me (or my firm) and the following Respondents (list all persons you wish to name as Respondent to this arbitration.):

Broker Name (Required)

Company Name

Additional Agent(s)

Address

Additional Agent(s)

Phone

3. There is due, unpaid and owing to me (or I retain) from the above named persons the sum of \$_____. My claim is predicated upon the statement attached, marked “Exhibit I” and incorporated by reference into this application. The disputed funds are currently held by _____.

Parties are strongly encouraged to provide any and all documents and evidence they intend to introduce during the hearing 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.

4. I enclosed my check in the sum of \$100.00 for the arbitration filing fee.

5. I understand that I may be represented by counsel, and that I should give written notice no less than fifteen (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 party(ies) require representation.

REQUEST AND AGREEMENT TO ARBITRATE
(page 2 of 2)

6. Each party must provide a list of the names of witnesses he intends to call at the hearing to all the parties and the Association not less than fifteen (15) days prior to the hearing. Each party shall arrange for his witnesses to be present at the time and place designated for the hearing.

(REALTOR® Members only: The following REALTOR® nonprincipal (or REALTOR® Associate nonprincipal) affiliated with my firm has a financial interest in the outcome of the proceeding and may be called as a witness, and has the right to be present through the hearing: _____.)

7. 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 with one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts consisting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later. Date(s) alleged dispute took place: _.

8. 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 the 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 Board of Directors.

9. Are the circumstances giving rise to this arbitration the subject of civil litigation? Yes No

10. 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

11. Address of the property in the transaction giving rise to this arbitration request:

12. The sale/lease closed on: _____

13. Agreements to arbitrate are irrevocable except as otherwise provided under state law.

COMPLAINANT(S):

(Type/Print Broker Name Required)

(Broker Signature Required)

(Type/Print Agent Name)

(Signature)

ADDRESS: _____

CITY, STATE, ZIP _____

PHONE # _____

EMAIL _____

