

PROFESSIONAL STANDARDS

ARBITRATION

CONCERNED WITH MONEY ISSUES ONLY

Arbitrations decide, as a question of law, who is entitled to money in a commission dispute. An arbitration is conducted in a manner consistent with State law and respects an individual's due process rights. Arbitrations do not impose punishment.

MEDIATION

- \$250 Filing Fee
- Dispute usually resolved within 2 months

WHAT IS MEDIATION?

Mediation is a dispute resolution process where a mediator works with you and the other parties to facilitate a mutually acceptable resolution of your dispute.

In comparison to arbitration, mediation is usually less adversarial and less formal and the parties are more directly involved in the decision making process to resolve their dispute.

RESOLVED

Both parties come to an agreement. Case Closed

UNRESOLVED

Dispute is not resolved. Arbitration may be sought. **\$500 filing fee applies.**

ARBITRATION

- \$500 Filing Fee
- Dispute may take 3-4 months to resolve
- Panel rules 100% in favor of one party

WHAT IS ARBITRATION?

Once arbitration has been filed against an MLS subscriber or OCAR REALTOR® member, and is accepted, the complaint goes to the Professional Standards Committee.

Here, arbitrators decide who is entitled the money, based upon the evidence presented. This involves a formal hearing with witnesses (attorneys may be present).

NO ADDITIONAL REVIEW

No request for review? Decision is final and binding.

REVIEW REQUESTED

If unsatisfied with the decision of the Professional Standards Committee, parties are entitled to a request for review from OCAR's Board of Directors. **\$500 filing fee applies.**

ETHICS COMPLAINTS

VIOLATIONS OF THE RULES AND PUNISHMENT

An ethics hearing only involves punishment for violation of the rules (either REALTOR® Code of Ethics or the MLS Rules and Regulations).

Ethics Complaints never involve the payment of money to the complainant, nor do they award damages to "injured parties." Any fine that is imposed, is paid directly to OCAR.

WHAT HAPPENS?

Once a complaint has been filed against an OCAR REALTOR® or MLS Subscriber, the Grievance Committee determines if a Professional Standards Hearing should be held, or if the complaint should be dismissed as insufficient.

The Grievance Committee *does not* decide guilt or innocence, but takes a complaint on its face value.

If so, the complaint goes to the Professional Standards Committee for review.

COMPLAINT DISMISSED

No request for review?
FINAL

If unsatisfied with the decision of the Grievance Committee, party is entitled to a request for review from OCAR's Board of Directors.

SUBMIT FOR HEARING

The Professional Standards Committee panel hears evidence, questions witnesses and makes a two-tiered decision:

- 1) Was there a violation?
- 2) If so, the committee determines appropriate disciplinary action.

NO ADDITIONAL REVIEW

No request for review? OCAR's Board of Directors ratify.

REVIEW REQUESTED

Parties have 20 days to request review. OCAR's Board of Directors review.

"Arbitration" and "Ethics Complaints" are two separate complaints and cannot crossover.