

## General Instructions and Information for Filing and Replying to Arbitration Requests

1. Arbitration Requests must be typewritten and submitted to the Board. Any reply must be typewritten and submitted to the Board to provide one to each complainant plus one copy for the Board's records (unless you submit it by email). Additional copies of the Arbitration Request and reply should be furnished by the complainant and respondent as requested by the Secretary.
2. Arbitration Requests will be referred to the Board Secretary (or Executive Officer), and by the Secretary to the Chairperson of the Grievance Committee. If the Grievance Committee finds the matter to constitute a proper cause of action, it will be referred to the Board Secretary to arrange a hearing; if not found to constitute a proper cause of action, it will be returned to the complainant with the decision of the Grievance Committee, together with information advising the complainant of the procedures by which the Grievance Committee's decision may be appealed to the Board of Directors.
3. If there is to be a hearing, respondent will have fifteen (15) days after transmittal of copy of the Arbitration Request to reply. Copy of reply will be sent to complainant and the Professional Standards Committee Chairperson. The date for hearing will be set and all parties will be notified of the date and place of hearing at least twenty-one (21) days in advance.
4. If no response is filed to the Arbitration Request within the time allotted, the Grievance Committee shall make its determination as to whether an arbitration hearing should be scheduled based upon the information set forth in the request. Complainant and the Professional Standards Committee Chairperson will be advised that no reply has been filed.
5. All parties may be represented by legal counsel, provided that notice of intention to be represented is transmitted to all other parties and to the Hearing Panel at least fifteen (15) days prior to the hearing. Failure to provide timely notice may result in a continuance of the hearing.
6. It is the responsibility of each party to arrange for his witnesses to be present at the hearing.
7. Either party may file with the Secretary, within Ten (10) days from the date the names of the members of the Professional Standards Committee are transmitted to the parties, a written request for disqualification of any potential member of the Hearing Panel for any of the following reasons:
  - (a) Is related by blood or marriage to either complainant or respondent.
  - (b) Is an employer, partner, or employee, or in any way associated in business with either complainant or respondent.
  - (c) Is a party to the hearing, or a party or a witness in another pending case involving complainant or respondent.
  - (d) Knows any reasons acceptable to the Hearing Panel or tribunal which may prevent him from rendering an impartial decision.
8. The notice of hearing will contain names of members of the tribunal who will hear the case and should be accompanied by an "Outline of Procedure for Arbitration Hearing."
9. The parties shall not discuss the case with any member of the Hearing Panel or the Board of Directors at any time prior to announcement of a decision in the case.
10. No hearing will be held in the absence of a complainant. An arbitration hearing may proceed in the absence of the respondent.

**Form #A-2**

Idaho Association of REALTORS®

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10116 W. Overland	Boise,	ID	83709
Address	City	State	Zip

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**Request and Agreement to Arbitrate (non-member)**

- (1) The undersigned agrees and wants to submit to arbitration before a Hearing Panel of the Idaho Association of REALTORS® with the understanding that the arbitration will be conducted pursuant to the Code of Ethics and Arbitration Manual of the National Association of REALTORS®. The undersigned acknowledges having had the opportunity to review the Board'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 Board (or Participant in its MLS), or was a member of said Board 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 (or my firm) and (list all persons and/or firms you wish to name as respondents to this arbitration):

**Respondent(s):**

_____	REALTOR® principal	_____
Name		Address
_____	REALTOR® principal	_____
Name		Address
_____		_____
Name of Firm		Address

- (4) 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.

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) I request and consent to arbitration through the Board in accordance with its *Code of Ethics and Arbitration Manual* (alternatively, "in accordance with the professional standards procedures set forth in the bylaws of the Board"). 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.

- (6) I enclose my check in the sum of **\$ 300.00** for the arbitration filing deposit.\*

(7) I understand that I may be represented by legal 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 Board. 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 intends to call at the hearing to the Board and to all other parties 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.

(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 one hundred eighty (180) days after the 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.

Date(s) alleged dispute took place \_\_\_\_\_

(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 Board 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.

**Complainant(s):**

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Name	Signature	Date
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Address	Telephone
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Name	Signature	Date
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Address	Telephone
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\* In cases where arbitration is requested in the name of a firm comprised of REALTORS® (principals), the request must be signed by at least one of the REALTOR® principals of the firm as a cocomplainant.

\*Not to exceed \$500