



ARBITRATION

Below are general instructions for filing a request for arbitration.

1. Requests and replies must be typewritten.
2. Requests will be referred to the Chief Executive Officer and will then be forwarded 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 Chief Executive Officer to arrange a hearing. If the Grievance Committee finds the matter to not constitute a proper cause of action, it will be returned to the complainant with the decision of the Grievance Committee and information advising the complainant of the procedures by which the Grievance Committee's decision may be appealed to the Board of Directors.

Please contact SIBR for further assistance:
618-277-1980
1124 Hartman Lane, Suite 120
Shiloh, IL 62221



**Illinois Realtors®
522 South 5th Street
Springfield, Illinois 62701
217/529-2600**

Response and Agreement to Arbitrate

To the Professional Standards Committee:

Complainant

Respondent

- (1) The undersigned, by becoming and remaining a member of the Board of Realtors® (or Participant in its MLS), has previously consented to arbitration through the Board under its rules and regulations.
- (2) I am a member of the _____ Board/Association of Realtors® or Participant in its MLS (or was a member of the Board/Association at the time the dispute arose).
- (3) I acknowledge the existence of a dispute arising out of the real estate business as defined in Article 17 of the Code of Ethics and deny any indebtedness as claimed.
- (4) My denial is predicated upon the statement attached marked Exhibit A, which is hereby incorporated by reference into this response.

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) (Complete if applicable) Affirmatively, I claim that a monetary dispute arising out of the real estate business exists between the parties wherein there is due to me the sum of \$ _____. My claim is predicated upon the statement attached, marked Exhibit B, which is hereby incorporated by reference into this response.
- (6) I consent to arbitration through the Board in accordance with its *Code of Ethics and Arbitration Manual*. 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 named in the award or (2) deposit funds with the Professional Standards Coordinator 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 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 33, 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.

- (7) I enclose my check in the sum of \$250.00 for the arbitration filing fee deposit.
- (8) I understand that I may be represented by legal counsel, and that I should give written notice no less than fifteen (15) days prior to 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 require representation.
- (9) Each party must provide a list of the names of witnesses he intends to call at the hearing to the Association 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. The following Realtor® non principal (Realtor®-Associate non principal) affiliated with my firm has a financial interest in the outcome of the proceeding and has the right to be present throughout the hearing:

- (10) All parties appearing at a hearing may be called as a witness without advance notice.
- (11) I declare that the information provided with this response is true and correct to the best of my knowledge and belief.
- (12) If either party to an arbitration request believes that the Grievance Committee has in incorrectly classified the issues presented to 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 using Form A-20. Only those materials that the Grievance Committee had at the time of its determination along with the party's rationale challenging the Grievance Committee's decision may be considered with the appeal by the Board of Directors. I understand that should I contend this matter is not arbitrable, I have an opportunity to petition the arbitration Hearing Panel to dismiss the arbitration request.
- (13) 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.
- (14) To be completed where arbitration is between two (or more) cooperating brokers pursuant to

Standard of Practice 17-4 (1) or (2); The compensation paid to me or to my firm by the listing broker, seller, or landlord, and any amount credited or paid to any party to the transaction at my direction is \$ _____ (amount of compensation paid to me or my firm by the listing broker, seller, or landlord) and \$ _____ (paid or credited to any party at my direction).

Respondent

Name (Type/Print)	Signature of Realtor® Principal	Date
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Address	Telephone
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Email Address



REQUEST AND AGREEMENT TO ARBITRATE

1. The undersigned, by becoming and remaining a member of the Southwestern Illinois Board of REALTORS® or participant in MARIS, has previously consented to arbitration through the Association under its rules and regulations.
2. I am informed that each person named below is a member in good standing of the Southwestern Illinois Board of REALTORS® or participant in MARIS or was a member of said Association 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 name (type/print)

Address

Respondent's name (type/print)

Address

Firm

Address

4. There is money due, unpaid, and owed to me from the above-named person(s) in the sum of \$_____. My claim is predicated upon the statement attached, marked Exhibit I, and incorporated by reference into this application.
5. I request and consent to arbitration through the Southwestern Illinois Board of REALTORS® in accordance with its Code of Ethics and Arbitration Manual (alternatively, "in accordance with the professional standards procedures set forth in the bylaws by the Association"), and I agree to abide by the arbitration award and to comply with it promptly. In the event that I do not comply with the arbitration award and it is necessary for any party to this arbitration to obtain judiciary 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 \$250 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 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 parties require representation.

Each party must provide to the Association and to all other parties a list of the names of witnesses that he/she intends to call at the hearing no 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.

The following REALTOR® non-principal (or REALTOR® association non-principal) affiliated with my firm has a financial interest in the outcome of the proceeding and has the right to be present throughout 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 180 days after the closing of the transaction or within 180 days after the facts constituting the arbitratable matter have been known in the exercise of reasonable diligence, whichever is later.
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 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

COMPLAINANTS:

Name (type/print)	Signature	Date
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Address

Name (type/print)	Signature	Date
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Address

Name of firm

Address

* Not to exceed \$500

Note: 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 co-complainant.