

# Texas Association of REALTORS®

Dear Party:

The arbitration process is the procedure by which a complainant may seek monetary damages. We recommend that you first contact the Broker to see if you can resolve your issue. If you are unsatisfied with the results of that call, you may seek arbitration services with our association by following the steps outlined below.

If you wish to seek money damages, you must submit the following:

- the attached appropriate arbitration request from (A-1 for REALTOR® members and A-2 for non-REALTOR® members), signed and dated;
- a written summary of the facts;
- any supporting documentation; and
- non-refundable filing fee of \$300 made payable to the Texas Association of REALTORS®.

If you are a REALTOR®, the arbitration request must be filed by the Designated REALTOR® of your firm and, if your claim is against another REALTOR®, the Designated REALTOR® of the respondent's firm must be named as respondent.

Also, please note that the amount of your arbitration request may not include punitive damages, the filing fee or attorney's fees.

If this matter is determined appropriate for a hearing, you will be responsible for presenting your case to the hearing panel. This means that you will be responsible for presenting testimony, documentation, and any witnesses necessary to support your case. Note that an arbitration request must be proven by a preponderance of the evidence.

If this transaction is also involved in civil or criminal litigation or proceedings before the Texas Real Estate Commission or any other state or federal regulatory or administrative agency, it is our procedure to hold your arbitration request in abeyance until such proceedings have been resolved. Therefore, it is your responsibility to inform us of any pending litigation and the final disposition of the litigation.

If it is possible to see both money damages and disciplinary action with regard to the same circumstances. If you decide to file both an arbitration request and an ethics complaint, the arbitration request will be considered first.

## PLEASE NOTE:

All Arbitration Requests are filed with the Texas Association of REALTORS®. Ethics Violations are filed with the Austin Board of REALTORS®.

Please note that we also have an Ombudsman program available that could possibly assist you with your monetary dispute. The ombudsman will attempt to informally resolve your concerns through phone communication. The Ombudsman's role is primarily one of communication and conciliation, not adjudication. Ombudsmen do not determine who is right or wrong, rather they anticipate, identify, and attempt to resolve misunderstandings and monetary disagreements before matters ripen into arbitrable issues or possible charges of unethical conduct. If you wish to take advantage of this free service, please call us at 800.873.9155.