

How to File an Anonymous Complaint

(Important Instructions, please read before completing “Anonymous Complaint Questionnaire”

A Grievance Subcommittee has been created in response to the results of a survey conducted by the California Association of REALTORS® (CAR). That survey found that while over 60% of California REALTORS® have experienced a negative interaction with another REALTOR® during a transaction, only 4% of the responding REALTORS® filed an ethics complaint with the Grievance Committee. When REALTORS® were asked why they had not filed a complaint regarding this unethical behavior their answers were varied. Many REALTORS® responded that they were concerned about being retaliated against if they did file the complaint. Others responded that they were unable to allow for the time it took to file a complaint and follow it through the required procedures.

Based upon these troubling results, CAR felt it was time to develop a complaint procedure which would encourage the filing of valid complaints while limiting the involvement of the reporting party. The idea is that if the reporting party is ensured that their involvement will be minimal the likelihood that heretofore unreported complaints will get filed is greater. Most important to the REALTOR® Associations and their members is the ability to ensure a higher standard of practice among all members.

These findings led to the creation of the Grievance Subcommittee whose sole purpose is to evaluate and investigate anonymous complaints. This notice is intended to explain how to file an anonymous complaint and the initial procedures that will be followed by the Grievance Subcommittee upon receipt of the anonymous complaint. The Grievance Subcommittee has several additional options available to it regarding responding to a report, which the Grievance Committee does not. Those options make the process more flexible and may decrease the delays that have become part of the process of handling complaints filed through the Grievance Committee. Please note that this process is new. It will take evaluation and periodic modification to get to the desired results.

How to File an Anonymous Complaint:

There are several ways to file an anonymous complaint. The reporting party can download a PDF File below “Anonymous Complaint Questionnaire” or the reporting party can call the Grievance Subcommittee’s intake hotline at (714) 245-5525. The operator of the hotline will fill out the anonymous questionnaire form based upon the information they obtain from the reporting party. The reporting party will not be asked to provide their name or any other personal information. The reporting party will be asked to provide as much information as they have available regarding the allegations, including such matters as:

- 1) Is the party being reported a REALTOR® or a participant/subscriber in the MLS;
- 2) Date the reporting party learned of the alleged misconduct;
- 3) If there are any civil or criminal proceedings pending which involve the same set of circumstances;
- 4) Whether the reporting party has filed or plans to file a similar complaint with another Association;

- 5) Details of circumstances which created the complaint; and
- 6) If there are any sources of evidence which the Grievance Subcommittee could use to substantiate the reporting party's allegations.

Processing the Anonymous Complaint:

After the anonymous disciplinary questionnaire is received by the Grievance Subcommittee, a panel, usually consisting of three members, will be appointed to review the report. The panel is chosen based upon a set of pre-established criteria to avoid bias and ensure due process. A member of the Grievance Subcommittee will not be allowed to participate on the panel reviewing an anonymous report if any of the following factors exist:

- (A) A panel member is connected with the same firm, business, partnership or corporation of another panel member or a party;
- (B) A panel member is related by blood or marriage to any party;
- (C) A panel member is an employer, partner, employee, or in any way associated in business with any party; or
- (D) A panel member is a potential party to the hearing.

Once the panel has been chosen, it will review the information received from the reporting party. It is at this stage that some major differences between the Grievance Subcommittee and the Grievance Committee are most obvious. The panel weighs several factors when it reviews anonymous reports. One of the most important of these is whether or not the facts reported can be proven with the information submitted and/or obtained during the investigation conducted by the panel. Unlike traditional ethics complaints, the reporting party cannot be counted on to provide testimonial evidence so the panel must consider the likelihood of being able to prove the allegations(s) without that link. It is expected that most of the anonymous complaints will be filed regarding actions that the panelists can "see, touch or feel." This basically means that the panel must be able to prove the allegations with tangible evidence. For example, if a reporting party provides a link to an offending webpage within the questionnaire form, the panelists can simply review the webpage and print the evidence that an ethics violation may, in fact, exist. If the panelists find that they need information above and beyond that which the reporting party provided they can conduct their own investigation.

Another innovative power the Grievance Subcommittee possesses is the ability to contact the party that was reported (a.k.a. the Respondent) prior to filing a formal complaint and starting a hearing proceeding. The Respondent can take several courses of action when he or she is contacted by the panel. The Respondent can fix the violation to the panel's satisfaction or the Respondent can refuse to take the action requested by the panel. If the Respondent refuses to remedy the violation the panel may, if it feels it has adequate evidence to proceed, file an ethics complaint. At this point one of the panelists will be appointed as the complainant and will present the complaint at the Professional Standards hearing.

Expected Outcome of the Anonymous Complaint Process:

The Association is going to organize all of the information received by the Grievance Subcommittee including the final outcomes. This data will allow the Association to see where more education would benefit the members which, in the end, will allow the members to better serve their clients. An expected outcome of this new program is the reestablishment of good rapport among REALTORS® based upon higher standards of practice. Above and beyond the conveniences the Anonymous Complaint creates for the reporting party, it also provides another self-policing process so that the Association can emphasize professionalism. Most importantly, this program will allow members to feel more secure in their dealings with other REALTORS® because more violations will be remedied.