

## **Inter-Association Arbitration Agreement**

### Authority:

The authority for the utilization of the inter-association arbitration shall be established by this agreement and approved by the Board of Directors of the Greater Tampa, Pinellas Suncoast, West Pasco, Manatee County, Sarasota, Venice, Englewood, Port Charlotte-Punta Gorda-Northport and Hernando County Boards/Associations of Realtors.

### Purpose:

The purpose of this Agreement is to provide the procedures for the Grievance and the Professional Standards Committee when an inter-association arbitration is filed or heard by any of the above associations. The Agreement supplements or in some cases replaces the procedures outlined in Part 11 of the National Association of Realtors Code of Ethics and Arbitration Manual (The Manual).

### Procedure:

A Realtor principal seeking arbitration against another Realtor principal or firm in the participating MLSs will file the proper forms in the association where he/she holds either primary or secondary membership or is an MLS participant. The fee for a party to file arbitration is set by the local association; however, the maximum fee established by NAR is \$500 per party. Both parties could be responsible for the total cost of conducting the arbitration including administrative costs, attorney's fees and travel expenses for the panel members. If the hosting board's policy requires an attorney be present at all arbitration proceedings, the cost of the attorney may be equally split between the two parties to the arbitration.

The Grievance Committees of both associations must review the request and deem it mandatory arbitration before the case can proceed to hearing. The respondent's association must notify the complainant's association that the issue is mandatory arbitration before a hearing will be scheduled.

If one association determines the issue is not subject to mandatory arbitration, the complainant has the right to appeal this classification to the Board of Directors within 20 days of the mailing of the Grievance Committee's decision. The associations will not conduct voluntary interboard arbitrations; however, the parties will be encouraged to participate in mediation. If the request is deemed arbitrable by both associations, the parties will be given the opportunity to mediate the dispute.

### Hearing Location:

The hearing will be conducted at the board/association whose jurisdictional boundaries cover the property involved in the disputed transaction or at a mutually agreed upon location in the event that both parties are from different boards/associations from where the property is located.

### Administration:

The administration of the hearing will be handled by the AE/staff where the property is located or the selection of the administrator can be made by mutual agreement of the parties. The administrator will determine the “neutral” association based on geography. Before a hearing is scheduled, the parties will be given a list of all members of the professional standards committee in each of the three associations (Complainant’s association, respondent’s association and the neutral association). The parties will have an opportunity to challenge any member based on the criteria established in the Code of Ethics and Arbitration Manual. From those not challenged, the AE will select a panel comprised of: two members of the complainant’s association, two members of the respondent’s association, one member from the neutral association. (This member must be a Realtor principal) Alternatively, the make-up of the panel could be three members one from each of the participating associations provided that both parties to the arbitration agree. The panel member of the neutral association will serve as chairman. The hosting association will determine if an attorney will be present for the panel and from which association the attorney will be from. The legal fees for the attorney will be divided equally between the two parties. All procedures, not outlined above, will be conducted in accordance with the Code of Ethics and Arbitration Manual.

### Hearing Procedures:

The arbitration hearing will be conducted in accordance with the National Association of Realtors Code of Ethics and Arbitration Manual and Florida Statute 682, commonly called the Florida Arbitration Code. The deposits will be retained for the cost of the hearing and each party will be equally responsible for any additional costs.

### Procedural Review:

Following the hearing and the issuing of the award, either party may file a request for procedural review as outlined in the Manual by submitting the proper forms and paying a \$250 deposit, which will be used to defray the cost of the procedural review. The request for the procedural review will be filed with the administrator of the host association. If a request for a procedural review is made, a list of members of the Board of Directors of the complainant’s, respondents and the neutral association will be sent to both parties for the opportunity to challenge. From those not challenged, the AE will select a panel of five directors who will hear the review according to the procedures of the Code of Ethics and Arbitration Manual. The decision of the procedural review panel is final and binding.