

CITATION SYSTEM

FOR CODE OF ETHICS VIOLATIONS
AND SENTRILOCK KEYBOX
SYSTEM VIOLATIONS

FAAR

FREDERICKSBURG AREA ASSOCIATION OF REALTORS®

REVISED 11/2020



How does it work?

A REALTOR® or member of the public files a complaint by completing a Complaint Form with potential violated Articles cited and attaching a narrative to describe the situation plus any documentation to defend the position.

If the Grievance Committee rules that the Articles cited are eligible for the Citation System, the Respondent will be notified. Once notified, the Respondent has 10 days to agree or not agree to participate in the Citation System. If the Respondent agrees, he/she pays a pre-set fine associated with that Article/lockbox violation and/or attend mandatory education.

Complaints coming from the other participating Associations are treated in the same way as outlined.

Sounds like a traffic ticket process!

The Citation System does operate much like getting a traffic ticket. The alleged offender may accept the ticket or fight the ticket in court. As a Respondent, electing the Citation System avoids an uncomfortable and often times consuming hearing process.

In this process, the Complainant invests less time, justice is still served, and the industry draws attention to unethical behavior.

Why does unprofessional behavior go unreported?

REALTORS® don't file Ethics Complaints against other REALTORS® for a variety of reasons

- Takes too much time *or*
- Hesitancy to sit through a long hearing with someone who might be involved in a future transaction

Often intervention of the broker can resolve an issue. FAAR also offers the Ombudsman Program where a trained member talks with the disagreeing parties and communicates the issue(s) of each party.

The Citation System is another tool to correct unprofessional behavior. It underscores professional courtesy, encourage awareness and adherence to the Code. FAAR participates with five other area Associations in the Citation System- Prince William, Dulles Area, Northern Virginia, Greater Piedmont, Blue Ridge Associations of REALTORS®.

**The unprofessional behavior of one REALTOR®
affects the reputation of all REALTORS®.**

Why should a Respondent choose the Citation System?

The best feature of this system is that a member can agree to pay a fine regarding the alleged misbehavior and avoid the hearing process. Of course, the Respondent retains the right to have the full hearing to defend his or her case.

With the Citation System, cases move quickly through the system without necessarily having to go through a lengthy hearing process and justice is still served.

The Citation System is for ethics complaints and infractions of the Rules and Regulations for the Sentrilock Keybox System for REALTOR® Members. Arbitration/mediation services are available through the normal processes.

The program only covers certain Articles of the Code- 1, 3, 4, 5, 6, 12, 14, 16. The fines range from \$500 to \$3000 depending on the number of previously issued citations.



Code of Ethics				
Article 1		1st	2nd	3rd
SOP 1-5	Failure to disclose dual representation and obtain informed consent from both parties	\$500 *	\$1,000**	\$3,000**
SOP 1-7	Failure to disclose written affirmation, as soon as practical, that an offer was presented, or that the seller/landlord waived the obligation to have the offer presented, upon written request of a cooperating broker submitting an offer	\$500 *	\$1,000**	\$3,000**
SOP 1-12	Failure to advise sellers/landlords of information specified in SOP 1-12 prior to entering into a listing contract	\$500 *	\$1,000**	\$3,000**
SOP 1-16	A listing broker accessing or using, or permitting or enabling others to access or use, a property listed or managed on terms other than those authorized by the owner or seller	\$500 *	\$1,000**	\$2,500**
Article 3				
SOP 3-2	As a listing broker, attempting to unilaterally modify the offered compensation with respect to a cooperative transaction after a Realtor® has submitted an offer to purchase or lease that property	\$500 *	\$1,000**	\$3,000**
SOP 3-4	Failure to disclose existence of a dual or variable rate commission	\$500 *	\$1,000**	\$3,000**
SOP 3-6	Failure to disclose existence of accepted offers to cooperating brokers	\$500 *	\$1,000**	\$3,000**
SOP 3-8	Misrepresenting the availability of access to show or inspect a listed property	\$500 *	\$1,000**	\$3,000**
SOP 3-9	A cooperating broker providing access to listed property on terms other than those established by the owner or the listing broker	\$1,000*	\$1,500**	\$2,500**
Article 4				
	Failure to disclose Realtor®'s interest in a property being bought or sold by the Realtor®	\$500 *	\$1,000**	\$3,000**
Article 5				
	Providing professional services without disclosing Realtors®'s present interest in the property	\$500 *	\$1,000**	\$3,000**
Article 6				
First Paragraph	Accepting any commission, rebate or profit on expenditures without client's knowledge or consent	\$500 *	\$1,000**	\$3,000**
Second Paragraph	Failure to disclose to a client or customer financial benefits or fees the Realtor® or the Realtor®'s firm received as a direct result of recommending real estate products or services	\$500 *	\$1,000**	\$3,000**
SOP 6-1	Failure to disclose Realtor®'s direct interest in an organization or business entity when recommending to a client or customer that they use the services of that organization or business entity	\$500 *	\$1,000**	\$3,000**

Article 12				
	Failure to present a true picture in real estate communications and advertising	\$500 *	\$1,000**	\$3,000**
	Failure to disclose status as a real estate professional in advertising or other real estate communications (A)	\$500 *	\$1,000**	\$3,000**
SOP 12-1	Failure to provide all terms governing the availability of a "free" product or service in an advertisement or other representation	\$500 *	\$1,000**	\$3,000**
SOP 12-4	Failure to disclose name of firm in advertisement for listed property or for real estate services (A)	\$1,000*	\$1,500**	\$2,500**
SOP 12-5	Advertisement offering to sell/lease property without the authority of the owner or the listing broker (A)	\$500 *	\$1,000**	\$3,000**
SOP 12-6	Failing to disclose status as both owner/landlord and Realtor® or licensee when advertising property in which Realtor® has ownership interest (A)	\$500 *	\$1,000**	\$3,000**
SOP 12-7	Claiming to have "sold" a property when not the listing broker or cooperating broker	\$1,000*	\$1,500**	\$2,500**
SOP 12-8	Failure to take corrective action when it becomes apparent that information on a Realtors® website is no longer current or accurate	\$500 *	\$1,000**	\$3,000**
SOP 12-9	Failure to disclose firm name and state of licensure on Realtor®, Realtor® firm and/or Realtor® firm affiliated non-member licensee websites (A)	\$500 *	\$1,000**	\$3,000**
SOP 12-10	Misleading consumers through deceptive framing, manipulating content, deceptively diverting internet traffic, presenting other's content without attribution or permission, or using misleading images	\$1,000*	\$1,500**	\$2,500**
SOP 12-12	Registering or using of deceptive URL or domain name	\$500 *	\$1,000**	\$3,000**
SOP 12-13	Representing that the Realtor® has a designation, certification, or other credential they are not entitled to use (A)	\$500 *	\$1,000**	\$3,000**
Article 14				
	Failure to cooperate in any professional standards proceeding	\$1,000*	\$1,500**	\$2,500**
Article 16				
SOP 16-16	Use terms of an offer to modify listing broker's offer of compensation or conditioning submission of an offer on additional compensation from the listing broker	\$1,000*	\$1,500**	\$2,500**
SOP 16-19	Placement of for sale sign/lease on property without permission of landlord/seller	\$500*	\$1,000**	\$3,000**

* Citation halved if Respondent elects to complete educational session

** Citation owed, and Respondent is required to complete educational session

(A) Complaint eligible for anonymous filing

Regional Rules and Regulations for Lockbox Systems

Section IV		1st	2nd	3rd
C	Shall remove Lockbox within 48 hours of settlement	\$500*	\$1,000**	\$3,000**
F	Shall keep Key in Holder's possession or in a safe place at all times	\$500 *	\$1,000**	\$3,000**
G	Shall not allow Holder's PIN to be attached to Key	\$500*	\$1,000**	\$3,000**
H	Shall not disclose or provide PIN with to any third party	\$500*	\$1,000**	\$3,000**
I/J	Shall not assign, transfer, pledge, duplicate or lend Key to any third party	\$1,000*	\$1,500**	\$2,500**
K	Shall not duplicate, lend, or permit the property key to be used by any third party	\$1,000*	\$1,500**	\$2,500**
L	Shall not allow anyone who has been admitted to the property by Holder to remain in the property after Holder has left the property without consent of the property owner(s)	\$1,000*	\$1,500**	\$2,500**
M	Shall close and lock any windows or doors opened or unlocked by Holder or by anyone admitted by Holder prior to leaving the property	\$1,000*	\$1,500**	\$2,500**
N	Shall ensure that the property key is replaced in Lockbox and Lockbox is properly closed	\$1,000*	\$1,500**	\$2,500**
P	Shall not issue or use CBS Code to access property without written permission of property owner(s)	\$1,000*	\$1,500**	\$2,500**
Q	Shall only issue or distribute One Day Code to licensed agents, brokers, inspectors, contractors or the property owner(s) and with only written permission from the property owner(s)	\$1,000*	\$1,500**	\$2,500**

* Citation halved if Respondent elects to complete educational session

** Citation owed, and Respondent is required to complete educational session

(A) Complaint eligible for anonymous filing

This Citation Schedule summarizes official rules and regulations found in the Code of Ethics and SentiLock Rules. Users should refer to the identified article/standard of practice in the Code of Ethics and/or section of the SentiLock Rules for a full understanding of the conduct subject to citation herein.

Appendix A – Citation Policy & Schedule

A Complaint alleging a violation of the Code of Ethics and Standards of Practice of the National Association of Realtors® (the “Code of Ethics”) or the Regional Rules and Regulations for the SentiLock Lockbox System (the “SentiLock Rules”) is received by FAAR and channeled through the Grievance Committee:

1. The Complaint is forwarded to the Respondent and the Grievance Committee. The Grievance Committee will review the Complaint and decide whether the conduct is subject to citation:

A. Assuming the allegations on the face of the complaint are true, is there a potential violation of the Code of Ethics or SentiLock Rules?

B. Assuming there is a potential violation of the Code of Ethics or SentiLock Rules, is the conduct a citable offense under FAAR’s Citation Schedule?

1) If a citable offense, the Grievance Committee may vote to issue a citation. If a citation is issued, the Complaint and the citation are sent to the Respondent, with a copy sent to their Designated Realtor and Office Manager.

2) Citations are not used for the purpose of possibly increasing discipline at a future, unrelated ethics hearing.

3) If the total citation amount for the citable offense(s) exceeds \$3,000.00 under the Citation Schedule, or the Complaint alleges exceptionally egregious misconduct, the Grievance Committee may, in its sole discretion, forward the matter for an ethics hearing according to the NAR Code of Ethics and Arbitration Manual (the “CEAM”).

C. If conduct is not eligible for citation, but a possible violation of the Code of Ethics or SentiLock Rules is alleged, the matter will be sent forward for an ethics hearing according to the CEAM. The Grievance Committee has authority to amend the complaint with additional alleged violations of the Code of Ethics, SentiLock Rules and/or the Bylaws of NVAR.

D. If the Grievance Committee finds that the allegations do not represent a possible violation of the Code of Ethics or SentiLock Rules, the Complaint will be dismissed and subject to the procedures set forth in the CEAM.

2. In the event the Grievance Committee found the conduct to be a citable offense, the Respondent has twenty (20) days upon receipt of the citation to elect one of the following options:

A. Pay the assessed fine.

B. If the Respondent is required to attend an ethics class as a part of their citation, the Respondent must complete the required ethics class within the time frame set forth.

C. Contest the citation and elect to proceed to a hearing in accordance with the CEAM. If the Respondent elects to proceed to a hearing, Professional Standards Administrator may, in their sole discretion, return the Complaint to the Grievance Committee for further scrutiny and possible amendment according to the procedures set for by the CEAM.

3. The citation will be kept in the Respondent’s file only for purposes of keeping track of the number of citations received by the Respondent within a three (3) year period and shall not be used to possibly increase discipline at a future, unrelated ethics hearing. Following a hearing where a hearing panel finds a violation of the Code of Ethics, the panel may consider past citations in determining an appropriate sanction only if the citation was issued for the same violation at issue in the hearing. Only three (3) citations in a three (3) year period may be issued to the same Respondent. When the number of citations limit is reached, no further citation can be issued to that Respondent and all alleged violations must go through the procedures established by the CEAM.

4. Failure to respond to the citation within twenty (20) days of transmission will result in the matter being forwarded to a Professional Standards hearing.

5. Citations:

A. The attached Citation Schedule has been adopted by FAAR. (FAAR may adopt fewer than the number of citations listed in the NAR Model Citation Policy but may not add citable offenses which are not included in the NAR Model Citation Policy).

B. Amount of fine for citable offense:

1) Fines do not exceed the maximum allowable by the CEAM unless the fines are assessed pursuant to the SentiLock Rules.

2) FAAR has adopted optional ethics training as an alternative to paying a portion of the fine for the first citable offense.

3) FAAR has adopted graduated fines and mandatory ethics training for multiple citable offenses.

4) The Administrative Fee for the Citation Policy is \$150.00.



FAAR

To file a complaint email Pat Breme at
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540.373.7711