

REALTORS[®] of South Central Kansas

CITATION PROGRAM

FOR CODE OF ETHICS VIOLATIONS

RSCK's ongoing effort to increase professionalism in the marketplace for our membership, streamline the ethics hearing process and protect the interests of the general public.

Filing an ethics complaint against a REALTOR[®] is a time-consuming process. With the Citation System, Respondents can elect to avoid the lengthy hearing process when a REALTOR[®] or a member of the public files a complaint against them.



HOW THE CITATION SYSTEM WORKS

An ethics complaint is filed in the customary manner by a REALTOR[®] or member of the public.

The Grievance Committee reviews the complaint and if deemed there is a possible violation, the complaint will then go to the Citation Panel.

The Citation Panel review the complaint in order to determine if the Articles cited are covered in the Citation Schedule.

The respondent will be notified of the citation being issued and may elect to pay the fine or request an ethics hearing. A requirement to attend an ethics course may also be included with the fine.

Fine amounts and when attendance of an ethics course is required is predetermined.

WHY ELECT TO USE THIS SYSTEM?

❖ **For Respondents**, electing the Citation Program avoids an uncomfortable and often time-consuming hearing process while still respecting their due process rights since they may elect NOT to use the Citation System and proceed with a full hearing. The Citation Program is as confidential as a hearing.

❖ **For Complainants**, there may be less time involved, yet justice will still be served, thereby protecting the industry from unethical behavior. However, if the Respondent elect to have a hearing, the Complainant would need to be prepared to attend.



Questions?

Contact Cindi Ferguson, RCE, e-PRO[®] at 316-263-3167 or cindi@wichita-realtors.com

Code of Ethics Violations for Citation Program

Article 1

- SOP 1-5:** Failure to fully disclose and obtain consent from both parties when representing both parties in the same transaction
- SOP 1-6:** Failure to submit offers and counter-offers objectively and as quickly as possible
- SOP 1-16:** Accessing or using or allowing others to access or use a property managed or listed on terms other than those authorized by the owner or seller

Article 3

- SOP 3-2:** Failure to communicate a change in compensation for cooperative services prior to the time that REALTOR® submits an offer to purchase/lease the property
- 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
- SOP 3-4:** Failing to disclose existence of dual or variable rate commission arrangements
- SOP 3-4:** Failure to disclose to cooperating brokers differential that would result in dual or variable rate commission arrangement if sale/lease results through efforts of seller/landlord
- SOP 3-6:** Failing to disclose existence of accepted offers, including offers with unresolved contingencies, to cooperating brokers
- SOP 3-8:** Misrepresenting the availability of access to show or inspect a listed property
- SOP 3-9:** Providing access to listed property on terms other than those established by the owner or the listing broker

- Article 4** Failing to disclose REALTOR®'s ownership or other interest in writing to the purchaser or their representative

- Article 5** Providing professional services without disclosing REALTOR®'s present interest in property (limited to present interest, not contemplated)

- Article 6** Accepting any commission, rebate, or profit on expenditures without client's knowledge or consent
Failure to disclose to a client or customer REALTOR®'s financial benefits or fees received as a direct result of recommending real estate products or services

- 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

- Article 12** Failing to present a true picture in real estate communications and advertising
Failing to disclose status as real estate professional in advertising and other representations

- SOP 12-1:** Failure to provide all terms governing availability of a "free" product or service in an advertisement or other representation
- SOP 12-2:** Failure to disclose potential to obtain a benefit from third party when REALTOR® represents their services as "free" or without cost
- SOP 12-3:** Failure to exercise care and candor when communicating the terms and conditions of premiums, prizes, merchandise discounts or other inducements to list, sell, purchase, or lease
- SOP 12-4:** Advertising property for sale/lease without authority of owner or listing broker
- SOP 12-5:** Failing to disclose name of firm in advertisement for listed property
- SOP 12-6:** Failing to disclose status as both owner/landlord and REALTOR® or licensee when advertising property in which REALTOR® has ownership interest
- SOP 12-7:** Falsely claiming to have "sold" property
- SOP 12-8:** Failure to take corrective action when it becomes apparent that information on a REALTOR®'s website is no longer current or accurate
- SOP 12-9:** Failure to disclose firm name and state of licensure on REALTOR® firm website
- SOP 12-10:** Misleading consumers through deceptive framing, manipulating content, deceptively diverting internet traffic, or presenting other's content without attribution or permission
- SOP 12-12:** Registering or using of deceptive URL or domain name
- SOP 12-13:** Representing that the REALTOR® has a designation, certification, or other credential they are not entitled to use

Article 16

- SOP 16-16:** Conditioning submission of a buyer's offer on additional compensation from a listing broker
- SOP 16-19:** Placing for sale/lease sign on property without permission of seller/landlord



Citation Schedule of Fines

First violation ___\$250

Second violation___\$500

Third violation ___\$1,000

Code of Ethics course is required along with the fine on some, but not all of the Articles and SOPs stated above.