

Case #2: Making False or Misleading Statements

Fact Pattern: The basis for the decision is the conclusion of the Hearing Panel as to the following summary of the facts:

The complainant testified that the Respondent was in violation of Article 15 of The Code of Ethics. The complainant stated that they believe the respondent made untruthful statements about them to their Manager and Broker.

The respondent filed their response in advance with the hearing panel and stated they did not believe there was any merit to the complaint filed by the complainant. They chose not to attend the hearing in person but to allow their written statement to be their response.

The complainant stated they received a call about a property they had listed. They returned the call, but stated they were in an area with limited coverage and might not be able to get back in touch with the respondent immediately. The next day they received several text messages inquiring about details of the transaction. They replied to the respondent with answers to the questions. Later the complainant received a text from the respondent saying "too busy to do your job?". The respondent testified that the text messages continued and continued to get worse from the respondent. The complainant testified that the respondent violated Article 15 when they sent an e-mail to their broker stating that the complainant had been uncooperative, failed to answer questions about the property and was not doing their job.

The complainant also testified that the Respondent stated that this was a pattern of behavior with the complainant. The complainant presented exhibits of their dealings with other individuals the respondent's firm that contradicted this claim. They also submitted exhibits of the Respondent's postings on social media about other REALTORS® and their business practices.

The complainant stated in closing that the respondent is in violation of Article 15 by making false statements about the complainant and their business practices to other individuals.

Conclusions: The Hearing Panel in the above-stated case, found that the Respondent were in violation of:

1. Article 15 of the Code of Ethics - as the Respondent was found to have knowingly make false and misleading statements about other real estate professionals, and

their business practices. Multiple examples were provided to the panel as evidence.

Recommendation for Disciplinary Action: We recommend the following to the Board of Directors as Disciplinary Action;

1. A letter of warning, with a copy to be placed in the REALTOR® file;
2. A fine of \$2,000
3. Attendance at an in-person Code of Ethics course within ninety (90) days;