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Texas Association of REALTORS® Handles Code of Ethics Complaints

The [Texas Real Estate Commission](#) (TREC) and the [Texas Association of Realtors](#) (TAR) have different regulations to which they must adhere when handling complaints about license holders.

TREC is the licensing entity in Texas for all real estate professionals, including real estate sales agents, brokers, and real estate inspectors. Established by the Texas legislature, TREC has statutory duties. TREC handles complaints lodged against any professional real estate license holder and has the power to take disciplinary actions against a real estate license, such as suspension, revocation, or imposition of administrative penalties.

All real estate professionals in Texas must be licensed by TREC. TAR is not a state agency or regulatory body – rather it is a professional membership association. Over 107,000 Texas realtors are members, making it the [largest professional membership association in Texas](#).

Joining the Texas Association of Realtors is optional. All licensed real estate agents and brokers who join TAR are required by the association to follow the Code of Ethics.

Texas Association of REALTORS® Code of Ethics

The Code of Ethics outlines a real estate professional's obligations to clients, colleagues, and the general public. Anyone who believes a realtor or broker has violated the Code of Ethics may file a complaint with TAR.

TAR processes over 600 member and consumer [complaints](#) annually. The Association provides arbitration and ombudsman services statewide, but only

addresses complaints made against members of the association. Roughly 60 percent of the complaints TAR receives are resolved through the Ombudsman Program.

Handling Code of Ethics Complaints

When a real estate transaction gets derailed, those involved may feel somehow wronged. In such instances, an individual may file a Code of Ethics complaint with TAR against the real estate professional involved in the transaction. A person who files a complaint must demonstrate that the actions of the real estate professional violated TAR's professional Code of Ethics.

A TAR hearing panel determines whether the Code has been violated. It cannot determine whether the law or a real estate regulation was broken. Only the Texas Real Estate Commission and certain other governmental agencies have the authority to make determinations regarding alleged violations of Texas law or real estate regulations.

The following is a basic overview of how the [Code of Ethics complaint process](#) works:

- Arbitration is offered to resolve complaints dealing with an alleged monetary dispute related to a real estate transaction involving at least one member of TAR.
- Ethics complaints dealing with an alleged violation of TAR's Code of Ethics are sent to the Ombudsman.
 - The Ombudsman service is offered to informally resolve complaints involving monetary disputes or Code of Ethics violations.
 - If the issue is resolved then the matter is closed.
- If the Ombudsman service is unsuccessful or declined:
 - Formal Mediation is offered.
 - If Mediation is unsuccessful or declined, the complaint is sent to a three-member grievance tribunal. This group determines whether to proceed through the process or dismiss the complaint.
- Grievance Tribunal decides if the complaint meets the criteria for a citation (which only applies to certain Code of Ethics Violations). If so, then a citation is offered to the responded.
 - Respondent Accepts Citation: The responded must take the Code of Ethics training and is fined \$300 for the first offense; \$600 for the second offense; and \$900 for the third offense. The respondent must also show proof that he or she has corrected the violation.
 - Once the appropriate actions are completed, the complaint is closed.
- Grievance Tribunal decides the complaint should be forwarded to hearing, then formal mediation is offered.
- If formal mediation is unsuccessful or declined, then the complaint is sent to the Professional Standards Hearing Panel process. This process can take six or more months to complete.

While TAR cannot revoke an individual's real estate license, it can discipline its members by mandating additional education courses. For serious or repeat violations of the Code of Ethics, TAR may impose more severe forms of discipline, like fines, suspension, or membership termination.

Further, a disgruntled individual willing to file a complaint with the Texas Association of Realtors may also file a complaint with the Texas Real Estate Commission. If you are facing a complaint for a Code of Ethics violation with TAR, you may also be facing a complaint filed with TREC.

Defending Your Professional Real Estate License

If you are under investigation by the Texas Real Estate Commission, we can help. Talk to an experienced attorney who understands all aspects of a real estate license complaint case. The lawyers at [BERTOLINO LLP](#) know how to carefully research every potential complaint. We know where to look for evidence and how to use that information to build a successful legal strategy.

[Our Firm](#) believes that immediately consulting an experienced professional license defense attorney to review allegations of misconduct helps ensure the most favorable outcome in your case. [Our results](#) speak for themselves.

Our law firm helps professionals, like you, keep their licenses when those licenses are under attack by a state agency or board.

[BERTOLINO LLP](#) proudly represents licensed professionals across the entire State of Texas. To best serve our clients we have offices in Austin, Houston, and San Antonio. If you are facing disciplinary action from a professional licensing board or state agency, come meet with us to learn about how we can help you with your licensing issue.

[Contact us](#) today or call (800) 210-0126 to schedule a case evaluation. Follow BERTOLINO LLP on [Facebook](#)!

View free videos & subscribe to our [YouTube channel](#)!

Get a copy of Tony R. Bertolino's #1 Bestselling book [When Your License is Under Attack: A Survival Guide for Texas Professionals](#) in hardcover or for Kindle [here](#).

Hallmark Achievements - August 2018

Texas Medical Board v. D.T.

Our Client, D.T., M.D., faced a complaint filed by a former client, which alleged that she had delayed notifying a patient that a biopsy had revealed skin cancer and delayed scheduling surgery. Another doctor had completed a biopsy and failed to notify D.T. and never followed up to ascertain the results. D.T. found out about the biopsy when the patient called months later to inquire about results. The person responsible for scheduling surgeries made an error in the computer system and indicated that an appointment had been set, when it had not. We submitted a written rebuttal, conveying to the Board that D.T. was not even aware that a biopsy had been done on the patient, let alone that cancer had been discovered. The Board dismissed the complaint and took no disciplinary action against D.T.'s license.

Texas Board of Public Accountancy v. T.D.H.

Our Client, T.D.H., CPA, was working as an accountant for a friend's business. That friend paid business reimbursements to TDH based on verbal agreements, but no written record was ever kept of those agreements. When a business dispute resulted in T.D.H. resigning from his friend's business, that friend filed a complaint against T.D.H., alleging T.D.H. had been obtaining reimbursements pursuant to fraud.

We filed a written response, explaining that the complaint was false and filed for revenge based on T.D.H. resigning, and secured a dismissal.

Bertolino Team Highlights



Keeping licensed professionals informed with complimentary and valuable information via our website is another way that Bertolino LLP continues to give back to the state of Texas and beyond. Pictured here is Tony R. Bertolino recently giving his time to the State Bar of Texas for a live webcast titled When Your Law License is Under Attack: Survival Guidance for Texas Attorneys. The webcast was also recorded and is available in the State Bar's CLE library archives for any licensed Texas attorney to access at any time.

"Our law firm helps professionals, like you, keep their licenses when those licenses are under attack by a state agency or board."

-Tony R. Bertolino, Managing Partner