

Filing an Ethics Complaint Against a Coworker

I recently took a call from a salesperson involved in a dispute with another salesperson from the same office. The dispute involved a procuring cause issue; the listing agent who initially met with the buyer and had volunteered to write the offer received an offer from the very same buyer written by that other salesperson. The listing agent made his displeasure known and ultimately the two were able to work out a deal where the listing agent's split would be substantially greater than what the selling agent would make.

Despite the agreement over the commission split, the situation got worse when the buyer submitted an outrageous Corrective Proposal in response to the home inspection. The home was to be sold for \$130,000 and the Corrective Proposal sought more than \$30,000 in repairs! This outraged the seller who decided to offer no concessions. This was communicated to the selling agent as a response to the Corrective Proposal. At the same time, the listing agent reminded the selling agent that the buyer had two days to respond to the seller's rejection of her Corrective Proposal.

Ultimately, the buyer accepted the property "as is." The selling agent, however, who was still rankled over the negotiated commission split, wrote an email to the manager and others in the office hierarchy that the listing salesperson acted in bad faith in not negotiating the Corrective Proposal and was a no-good-rotten-salesperson (liberally paraphrased!). The listing agent was so outraged by the entire course of conduct of this selling agent that he decided to file an ethics claim.

Unless barred by the broker/salesperson independent contractor agreement, a salesperson can file an ethics complaint against another salesperson in the same office. Thinking as an employer, I would be loathe to have my employees taking their disputes to an outside source for resolution. The problem in the example, however, was that the office manager and/or those above, did not take seriously the listing salesperson's complaint. The listing salesperson, however, felt so strongly about the conduct of the selling agent that he was not willing to let it go.

I remain convinced that the first place to take an in-house dispute is to your broker or office manager. Supervisors and owners should have the greatest desire to have in-house problems resolved and bad salespersons weeded from the lot. Salespersons and managers, you have an obligation to listen to those who bring problems to your attention. When you make no allowance for complaints, you are asking your salespeople to go to the Real Estate Commission or the local Board where an ethics complaint can be filed.

As a final note, I did implore the salesperson to prepare an ethics complaint which he should first share with his supervisor before filing it with the local Board of REALTORS®. Hopefully, this will attract the attention of management.

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