



Filing an Arbitration Request

If you wish to file an arbitration request to pursue a **monetary claim arising out of a contractual dispute (or Standard of Practice 17-4) with another REALTOR -principal**, you must: complete the following arbitration request forms (MO A-1 and MO A-2), state the amount sought, and state the date the dispute arose. **A non-principal cannot be party to an arbitration request**, although they may attend the arbitration if they remain affiliated with their broker, maintain REALTOR or REALTOR-ASSOCIATE membership, and have a monetary interest in the outcome. **You must also include a clearly-written explanation of why you believe you are owed the money.**

Should you choose to pursue arbitration, return the completed arbitration request forms, along with any supporting evidence, as well as an **arbitration filing fee of \$250.00***. All of these must be included in order for your request to be processed.

When we receive an arbitration request, we will first notify all involved parties of the dispute and give them the opportunity to mediate the dispute with the assistance of a Missouri REALTORS® trained mediator. If the parties do not agree to mediate the dispute (or the mediation is unsuccessful), we will forward it to the Missouri REALTORS® Grievance Committee, which will review the matter and decide if there are sufficient grounds for a hearing by the Missouri REALTORS® Arbitration Committee. If the Grievance Committee decides there are sufficient grounds for hearing, the parties will be given another opportunity to mediate the dispute with the assistance of a Missouri REALTORS® trained mediator. If the parties do not agree to mediate for a second time (or the mediation is unsuccessful), the matter will be scheduled for hearing by the Missouri REALTORS® Arbitration Committee.

Mediation is only available once an arbitration petition has been filed. If the filing party wishes to pursue mediation immediately, please complete a Request for Mediation form, and return it along with your completed A-1 Arbitration Petition, explanation of the situation, and supporting documents. Parties to an arbitration which is successfully resolved via mediation will be refunded their \$250.00 deposits (otherwise only the prevailing party is due a refund of their \$250.00 deposit). Please refer to the NAR Mediation flyer if you are interested in mediation.

Please understand that requests for arbitration must be filed **within one hundred eighty (180) days** after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later (unless the board's informal dispute resolution process [e.g., mediation] is initiated by the complainant).

Direct arbitration requests to: **Missouri REALTORS®, Attn: Professional Standards, 2005 W. Broadway, Suite 210, Columbia, MO 65203.**

If you have any questions, call 800-305-5825, x1220 or email robert@morealtor.com.

*\$250.00 is the filing fee for requests handled through the Missouri REALTORS® Professional Standards process. Local board filing fees vary. Please contact the local association with which you are filing to ascertain the amount of the arbitration filing fee.



Form #MO A-1: PETITION AND AGREEMENT TO ARBITRATE

To: *Statewide Grievance Committee, Missouri REALTORS®*

Enc: *Affidavit, MO A-2*

SUBPOENA POWER. In an arbitration proceeding, the Panel shall have the right to issue or cause to be issued subpoenas for the attendance of witnesses, subpoenas duces tecum for the production of books, records, documents and other evidence, and shall have the power to administer oaths. Subpoenas issued may be served by a member of the Panel or their designee, and may be enforced by a party or the arbitrators by application to the court as provided in Section 435.380 RSMo. Note: Board may be required to pay mileage costs and witness fees for subpoenaed persons.

Return original to the Missouri REALTORS®, 2005 W. Broadway, Suite 210, Columbia, MO 65203. Give full names and addresses. Type or write clearly in dark ink. State facts briefly and clearly. Furnish copies of all documents pertaining to Petition.

Statewide Grievance Committee:

1. The undersigned, by becoming and remaining a member of the _____ Board/Association of REALTORS® (or participating in its MLS) has previously consented to arbitration through the Board under its Rules and Regulations.
2. I am informed that each person named below is a member in good standing of the Board (or participant in its MLS), or was a member of said Board of REALTORS® at the time the dispute arose.
3. A dispute arising out of the real estate business as defined by Article 17 of the Code of Ethics exists between me and *[list all persons you wish to name as Respondents to this arbitration]*:

Name of REALTOR® principal	Address
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Name of REALTOR® principal	Address
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Firm	Address
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(NOTE: Arbitration is generally conducted between REALTORS® (principals) or between firms comprised of REALTOR® principals. Naming a REALTOR® [principal] as a respondent enables the complainant to know who will participate in the hearing from the respondents firm; naming a firm may increase the likelihood of collecting any resulting award.)

4. I request and consent to arbitration through Missouri REALTORS® Statewide Arbitration Committee according to the *Code of Ethics and Arbitration Manual* of the National Association of REALTORS®, the *Missouri Supplement of the Statewide Process* and the Missouri Uniform Arbitration Act (RSMo 435) and agree to abide by the arbitration award and to comply with it promptly.
5. This dispute concerns a transaction involving a contract for sale of real property in _____ County, Missouri, the details of which transaction are set forth herein below.
Address of the property in the transaction giving rise to this arbitration request:

6. There is due, unpaid and owing to me (or I retain) from the above-named person(s) the sum of \$ _____ and, therefore, this is the amount in dispute. My claim is predicated upon the statements set forth below.

Form #MO A-1 (CONTINUED)

7. Enclosed is my check in the sum of \$ 250 for the arbitration filing fee.
8. This request for arbitration is filed within 180 days after the closing of the transaction, if any, or within 180 days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later.
9. I understand that I may be represented by legal counsel, and that I should give written notice no less than 15 (fifteen) days before the hearing of the name, address and phone number of my counsel(s) to all parties and the Statewide Arbitration Committee. Failure to provide this notice may result in a continuance of the hearing, if the Hearing Panel determines that the rights of the other party(ies) require representation.
10. In addition, I understand that I must provide a list of the names of witnesses I intend to call at the hearing to the Statewide Arbitration Committee and to all other parties not less than 15(fifteen) days prior to the hearing, and that I am responsible for arranging for my witnesses to be present at the time and place designated for the hearing. The following Realtor® nonprincipal (or Realtor-Associate® nonprincipal) affiliated with my firm has a financial interest in the outcome of the proceeding and has the right to be present throughout the hearing:

Name

All parties appearing at a hearing may be called as a witness without advance notice.

11. I declare that the circumstances giving rise to this arbitration petition ☐ are ☐ are not the subject of civil litigation.
12. I understand that I will have an opportunity to review the arbitrators chosen to serve on the Arbitration Panel. I also agree to abide by and perform the decision, award, orders, and judgment that may be made by virtue of this submission.
13. Attached, and incorporated in this petition by reference, is a brief statement of the transaction, explaining my claim to commission, including pertinent facts and information concerning the times, places, persons, and incidents relevant to this petition and any efforts to resolve the dispute cited therein, excluding offers of settlement.
The sale/lease closed on: _____
14. Attached, and incorporated in this petition by reference, is the required sworn Affidavit.

THIS CONTRACT CONTAINS A BINDING ARBITRATION PROVISION, WHICH MAY BE ENFORCED BY THE PARTIES.

Petitioner(s)

Signature of REALTOR® principal

Signature of REALTOR® principal

Name (type or print)

Name (type or print)

Street address

Name of Firm

Firm Address

Phone: () _____

Email: _____

Phone: () _____

Email: _____

