

You Owe It to Yourself & Society to Speak Up When Treated Unethically

Every four years every Realtor® must take a 4-hour refresher class on the Realtor Code of Ethics. I took my refresher class last week.

This week, coincidentally, a friend described how she was treated unethically eight years ago when she bought her current home without the benefit of having her own agent. She did nothing about it at the time except to commit to never doing business with that listing agent again.

I was reminded that before I was a Realtor, I suspected my own buyer's agent of lying to me, advising me to offer full price on a house because there was a competing offer. I believed her, but I got suspicious when, three years later, I bought another house using her, and she said the same thing. I did nothing about my suspicions, because I, too, didn't know what to do about it.

Now I know what to do, and I think you should, too.

In any profession, even one like mine with a strong code of ethics,

there are going to be practitioners who act unethically.

Realtors are bound by a code of ethics unmatched in any profession with which I'm familiar, But not all agents work for firms which require them to be members of a Realtor Association, and only Realtor mem-

bers are bound by their Code of Ethics. I have a link for the Code at www.JimSmithColumns.com, in case you'd like to read it.

The very first article of the Code says that even when a Realtor is an agent of one party in a transaction, he or she is obligated to treat all parties honestly. If you feel that a Realtor has not treated you honestly — either as a client or cus-

tomers — you can complain to that agent's Realtor Association as easily as writing a letter or sending an email.

If the agent with whom you're dealing is not a Realtor, then you have no such recourse. It's a good reason to know in advance that he or she is a Realtor. You can find out by clicking on "Find a Realtor" at www.ColoradoRealtors.com. You can find out whether he or she is even licensed to practice real estate at www.dora.state.co.us.

If the agent in question is not a Realtor — and also if he is — you can file a complaint with the Colorado Real Estate Commission, which has the power to suspend or revoke an agent's real estate license. I filed such a complaint against a broker once, because of what he attempted to perpetrate on my client.

Links for filing complaints with both the various Realtor Associations and the Real Estate Commission are

also posted at www.JimSmithColumns.com.

One of the most common forms of unethical behavior is the misrepresentation of one's level of success. Some agents will say they have sold far more properties than they have, or that they have a buyer for your house when they don't, or that your house is worth more than it really is, all to convince you to list your home with them. All these practices are violations of the Code of Ethics, and I encourage you to file a complaint.

I was told once that an agent who was competing for a listing told the seller that I had been charged with an ethics violation. She couldn't have known that, because results of ethics hearings

are confidential, and whether or not it was true — which it wasn't — it was unethical of her to say that.

Bottom line — if you feel that you were treated unfairly in any way by a Realtor, there was probably an ethics violation. If the agent in question was not a Realtor, you can't charge him/her with an ethics violation, but you can complain to the Colorado Real Estate Commission, which, like the Realtor Association, fully investigates every complaint.

The Commission and the Realtor Associations keeps us practitioners honest, but only to the extent that clients or colleagues who experience unethical behavior by a real estate licensee come forward and file a complaint.

REAL ESTATE TODAY



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