



Mediation

the winning solution for resolving disputes

Even REALTORS® who are committed to high standards of conduct occasionally have honest business disputes with other professionals, clients, or customers.

Mediation is a win-win for REALTORS® and disputing parties.

The Cheyenne Board of REALTORS® provides Mediation as a preliminary, **voluntary alternative** to alleged violations of the Code of Ethics brought by the public or by other REALTORS®.

The Mediation Process.

Once a complaint has been received at the board office, an offer to mediate the dispute will be offered.

If Mediation is agreed upon by both parties, the selection of the Mediator (a member of the Wyoming Association of REALTORS® who has been trained as a Mediator and is knowledgeable about the Code of Ethics) will be agreed upon by both parties.

The Mediator will contact both parties directly to set an acceptable time and location for the Mediation Conference.

The Mediation Conference clarifies misunderstandings because parties come together and talk. The conference is not a fact-finding conference. The Mediator will encourage both parties to openly discuss all issues and concerns giving rise to the complaint. Parties need not prepare exhibits or extensive documentation, however, if documentation will clarify an issue it may be used.

During the Mediation Conference either party may withdraw from the conference and have the complaint considered at a formal ethics hearing.

The Mediator and parties have considerable latitude in fashioning a resolution and the **resolution shall be agreed upon by all parties.** Resolutions can include, but are not limited to, written or oral apologies or acknowledgement of a violation of the Code of Ethics, discipline as established in the Code of Ethics and Arbitration Manual, agreement not to file a formal, written ethics complaint, or agreement that there was no violation.

Mediation -

- is purely voluntary.
- is a confidential settlement process
- is not a fact-finding conference
- improves poor communication.
- clarifies misunderstandings
- maintains and improves relationships.
- can be quicker, easier, and more amicable than a formal hearing
- gives the parties involved more control over the results.

If you have a dispute to Mediate please complete the enclosed form and return to:

Lisa Tabke, Association Executive
500 E 18th Street
Cheyenne, WY 82001



Request and Agreement to Mediate

In the matter of _____ vs _____
Complainant Respondent

I am requesting mediation with the above-named disputant. I believe the respondent named above has violated one or more of the National Association of REALTORS® Code of Ethics. My claim is predicated upon the statement, attached, marked Exhibit I and incorporated into this application.

The undersigned agree to submit this dispute to mediation in accordance with the mediation guidelines, as set forth in the *Code of Ethics and Arbitration Manual* of the Cheyenne Board of REALTORS®.

Any Agreement signed by the parties, pursuant to the mediation conference, shall be binding.

As a party to the mediation process I understand and agree as follows:

- Both parties must agree to mediate the dispute.
- Parties to mediation may withdraw from the process at any point prior to reaching an agreement.
- Parties to mediation that do not reach an agreement shall be free to pursue a formal ethics hearing in accordance with the guidelines set forth in the *Code of Ethics and Arbitration Manual* of the NATIONAL ASSOCIATION OF REALTORS®.
- The parties acknowledge that the Mediator is not providing legal representation, legal advice, or legal services.
- Any offers of settlement that were not accepted or any suggested resolution proposed by the Mediator that was not accepted will not be introduced as evidence nor considered in any manner should the matter require a hearing by the Board's Professional Standards Committee.
- However, if the parties agree to a settlement of the dispute, and the settlement is reduced to writing and has been signed by all of the parties, the matter shall be considered resolved, and shall not be the subject of a subsequent Ethics hearing.
- Failure or refusal of a respondent to comply with the terms of any mutually agreed on resolution shall entitle the complaining party to resubmit the original complaint or, where a formal complaint in the appropriate form had not been filed, to file an ethics complaint. The time the matter was originally brought to the board of association's attention shall be considered the filing date for purposes of determining whether an ethics complaint is timely filed.
- No aspect of this mediation conference shall be relied upon or introduced as evidence in any ethics hearing, judicial, or other proceeding, including, but not limited to: views expressed or suggestions made by a party with respect to a possible settlement of the dispute; admissions made in the course of the mediation; proposals made or views expressed by the Mediator or the response of any party thereto.
- No privilege shall be affected by disclosures made in the course of mediation.
- Disclosure of any records, reports, or other documents received or prepared by the Board or Mediator shall not be compelled.

