

Appendix 12A, © California Association of REALTORS®

FINDINGS OF FACT GUIDELINES

What does the rule say?

- 1) Article 12 states in part: *“Realtors® shall be honest and truthful in their real estate communications and shall present a true picture in their advertising, marketing, and other representations...”*
- 2) Standard of Practice 12-7 states in part: *“Only Realtors® who participated in the transaction as the listing broker or cooperating broker (selling broker) may claim to have “sold” the property...”*

Who were the parties- what were their roles?

- 3) REALTOR® A, the Complainant, was the listing agent for the subject property.
- 4) REALTOR® B, is the Respondent in this action.

What are the relevant facts of the case?

- 5) After escrow closed, REALTOR® B advertised on his website and on a mailer that he "sold" the property.
- 6) Complainant presented the closing statement and MLS printout from the subject property transaction proving that REALTOR® C, represented the buyer.
- 7) REALTOR® B did not participate in the transaction in any manner whatsoever and was unable to demonstrate any connection to the subject property.

What is the decision of the panel?

- 8) Based on evidence reviewed and testimony received, the panel finds REALTOR® B violated Article 12 of the Code of Ethics as defined and further supported by Standard of Practice 12-7 by advertising that he “sold” the subject property.

Review what is written

When the Complainant & Respondent read the Findings of Fact, will they understand why the panel made their decision?

When the Directors read the Findings of Fact without any other info from the file, will they have enough information to ratify the discipline recommendation?