



NATIONAL REAL ESTATE
ETHICS DAY[®]
#NationalEthicsDay

REALTOR[®] CODE OF ETHICS CONVERSION USING THE CODE



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\$40
Million
Disbursed to
Families

44
States/Territories
Assisted

149
Disaster
Recoveries Funded

20,000+
Families
Helped

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*Thank you to our
Ethics Panel of Advisors*



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About the numbers:

To track your virtual participation,
some Associations may have asked
you to record the 9-number sequence.

The 9 numbers are placed in
yellow boxes at the bottom left of the screen
throughout this presentation.



##

Course Description

Understanding the Code of Ethics and its requirements makes us better REALTORS®. This course will walk REALTORS® through the articles of the Code with emphasis on the most misunderstood and/or are most violated. Bringing the very best presentation to our buyer and seller clients is our number one goal and following the Code can help you do that. This course provides REALTORS® with a reliable reference for guidance in dealing with complex situations in today's day to day practice of real estate. Students will learn how the Code of Ethics compares with the concept of general business ethics.



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The Code of Ethics

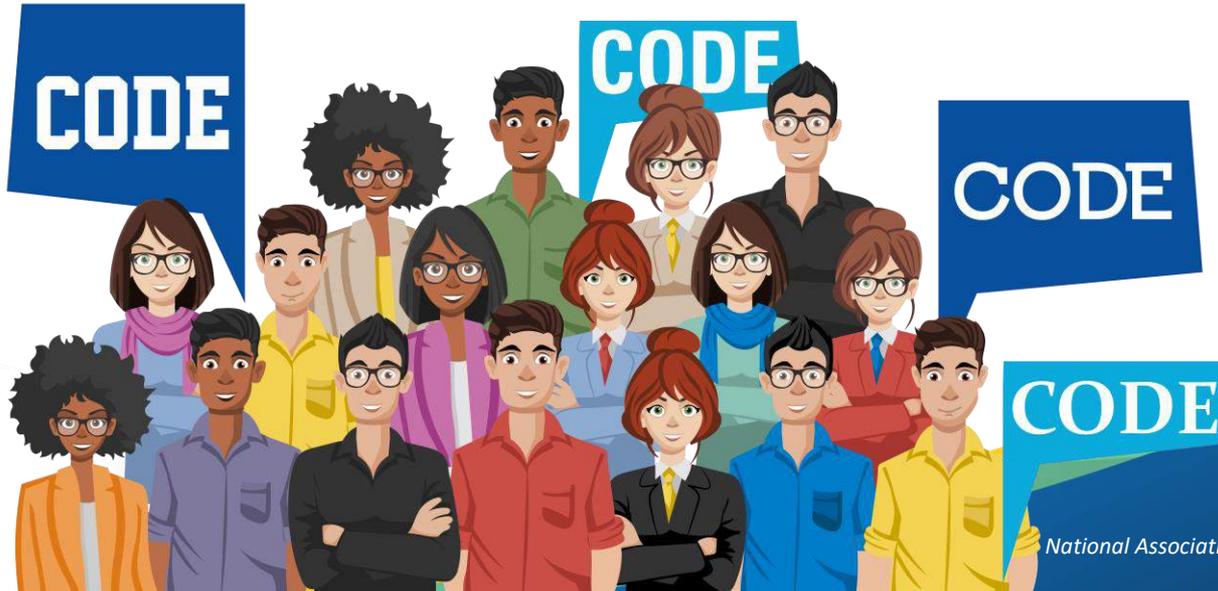
Our Promise of Professionalism

Code History

- Before 1900 – Real estate practitioners were not licensed resulting in speculation, exploitation, and disorder
 - *Caveat emptor* governed transactions
- 1908 – NAR was formed
- 1913 – The Code of Ethics was officially adopted
 - The standards focused on service to the public and a commitment to professionalism
 - "Duties to Clients" and "Duties to other brokers" was included

REALTORS® Share One Common Characteristic

- Regardless of real estate business specialty (such as appraisal, property management, etc.), **ALL REALTORS®** are bound by the Code of Ethics.





THE GOLDEN RULE

Do unto others
as you would have
them do unto you.



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CODE OF ETHICS

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Structure of the Code of Ethics

Three Sections:

- Duties to Clients and Customers
- Duties to the Public
- Duties to Other REALTORS®

<https://cdn.nar.realtor/sites/default/files/documents/2023-coe-standards-of-practice-2022-12-28.pdf>





UNDER ALL IS THE LAND



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Article 1

The Honest Messenger.

Protect and
promote your
client's interests,
but be honest
with ALL parties.

Standard of Practice 1-8

REALTORS[®], acting as agents or brokers of buyers/tenants, shall submit to buyers/tenants all offers and counter-offers until acceptance but have no obligation to continue to show properties to their clients after an offer has been accepted unless otherwise agreed in writing. Upon the written request of the listing broker who submits a counter-offer to the buyer's tenant's broker, the buyer's/tenant's broker shall provide, as soon as practical, a written affirmation to the listing broker stating that the counter-offer has been submitted to the buyers/tenants, or a written notification that the buyers/tenants have waived the obligation to have the counter-offer presented. REALTORS[®], acting as agents or brokers of buyers/tenants, shall recommend that buyers/tenants obtain the advice of legal counsel if there is a question as to whether a pre-existing contract has been terminated. *(Adopted 1/93, Amended 1/22)*

Case Study 1-1

- Seller A listed his house with REALTOR®B at \$137,900.
- REALTOR-Associate®C showed the house to buyers while representing REALTOR®B and told them he was pretty sure an offer of \$130,000 would be accepted.
- REALTOR®B said that Client A had already said he would make concession price to get a quick sale.
- REALTOR-Associate®C interpreted that concession to mean 10% less would be acceptable.

Guilty or Not Guilty?

GUILTY



Case Study 1-17

- Seller A decided to retire and sell his house. He contacted a number of brokers to discuss and was told to expect a sales price of \$150,000-\$158,000.
- Realtor® B said he could 'make a strong effort' at a listing price of \$168,000. He advertised the property, held it open, had several showings but received no offers.
- At the time of listing expiration, Realtor® B recommended lowering the price to \$158,900 as the market had slowed. An offer of \$150,000 was received and Realtor® B strongly suggested acceptance.
- Seller A accepted the offer and then filed a complaint that Realtor® B misled him as to market value.

Guilty or Not Guilty?

GUILTY





STANDARD OF PRACTICE 1-3

REALTORS[®], in attempting to secure a listing, shall not deliberately mislead the owner as to market value.



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Case Study 1-18

- Client A listed and sold a commercial property with REALTOR® B.
- After closing, Client A learned that his tax position would have been more favorable in a trade instead of sale.
- Client A filed a complaint against REALTOR® B for not advising against the sale for obligation to be informed regarding laws.
- REALTOR® B stated that he had advised Client A to contact an attorney, which the client did not do.

Guilty or Not Guilty?

NOT GUILTY



Case Study 1-5

- REALTOR®B listed Seller A's home. REALTOR®B advertised the house, showed it a few times to buyers who lost interest over the price, and discussed the listing in an office sales meeting where he advised that it may be overpriced.
- After 6 weeks and no contact from REALTOR®B, Seller A called the office anonymously and asked about his own listing for sale. The desk duty agent said 'we still have it listed but it is overpriced and we have others.'
- Seller A filed a complaint for failure to promote and protect the client best interest.

Guilty or Not Guilty?

GUILTY





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Article 2

Just the Facts, Ma'am.

Avoid exaggeration,
misrepresentation and
concealment of pertinent
facts. Do not reveal facts that
are confidential under the
scope of your agency
relationship.

Case Study 2-1

- REALTOR®A as property manager, offered a vacant house for rent to a prospective tenant, and presented it as good condition.
- Upon move-in, the tenant filed a complaint of misrepresentation for a clogged sewer line and a defective heater, claiming that REALTOR®A knew.

Guilty or Not Guilty?

NOT GUILTY



Case Study 2-6

- REALTOR®A was working with hesitant Buyer C, who was hesitant to write an offer due to concerns about job changes.
- REALTOR®A reassured Buyer C that if she bought the house, his office would guarantee their equity back within the next year, so Buyer C bought the house.
- Buyer C had a job transfer 6 months later and came to REALTOR®A to list the house. REALTOR®A advised Buyer C that the market had changed and the price would have to be reduced to attract a buyer.
- Buyer C filed a complaint of misrepresentation, exaggeration and failure to make good a commitment.

Guilty or Not Guilty?

GUILTY





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Article 3

Can't We All Get Along?

Cooperate with other
real estate professionals
to advance your client's
best interests.

Case Study 3-4

- Client H listed a small commercial property at a low price with REALTOR®J, with the stipulation that his list of prospective buyers be called first.
- Upon listing, REALTOR®F, who unsuccessfully interviewed for the listing, called REALTOR®J and asked to be acknowledged as cooperating broker. REALTOR®J told REALTOR®F that a buyer was considering and cooperation was not being invited.
- REALTOR®F complained to the Association, charging a failure to cooperate.

Guilty or Not Guilty?

NOT GUILTY



Case Study 3-8

- REALTOR®A submitted an offer on REALTOR®B's listing at full price with mortgage contingency.
- REALTOR®B delivered rejection to REALTOR®A and explained that seller had accepted another offer by one of REALTOR®B's sales associates.
- REALTOR®A saw the seller at a dinner party, who said there was nothing personal in the decision, but he saved money in his 'special agreement' with REALTOR®B for a lower commission if the listing sold in-office.
- REALTOR®A filed a complaint that the special agreement was undisclosed.

Guilty or Not Guilty?

GUILTY



Case Study 3-13

- REALTOR®A listed Seller B's house at \$1,000,000 and listed in MLS.
- REALTOR®C's buyers submitted an offer for \$900,000. REALTOR®A presented to Seller B and offered to reduce commission by 1% since the price was lower than asking. Seller B agreed to accept the offer at the lower commission.
- REALTOR®A called REALTOR®C and asked if they could split the commission reduction between them. REALTOR®C agreed.
- After closing, REALTOR®C filed a complaint that the commission was being unilaterally modified in regard to a transaction after submitted offer.

Guilty or Not Guilty?

NOT GUILTY



Pathways to Professionalism

- Respect for the Public
- Respect for Property
- Respect for Peers



Professionalism in Real Estate Practice – available for download at <https://store.realtor.org>

I'm proud to announce that I've earned the **Commitment to Excellence endorsement from The NATIONAL ASSOCIATION of REALTORS®**, reflecting my dedication to practicing business at the highest professional standards!



John Smaby
2019 President, NATIONAL ASSOCIATION OF REALTORS®



Bob Goldberg
CEO, NATIONAL ASSOCIATION OF REALTORS®



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Article 4

Secret Secrets Are No Fun.

When buying or selling,
make your position
in the transaction or
interest known.

Case Study 4-3

- REALTOR® A listed Client B's house.
- REALTOR® A advised Client B to accept an offer from Buyer C at less than listed price.
- Client B later filed a complaint against REALTOR® A for failure to disclose that Buyer C was REALTOR® A's father-in-law.
- REALTOR® A defended his actions by stating that a father-in-law is not a member of the immediate family, and that two other offers which had been presented were both lower than Buyer C's offer.

Guilty or Not Guilty?

GUILTY



Case Study 4-4

- REALTOR®B, a sales associate in REALTOR®A's office, listed a house and subsequently convinced the seller to accept \$60,000 below list price.
- After closing, the seller filed a complaint, charging REALTOR®B with a violation for selling the property to his mother without disclosure. REALTOR®A, as broker, was named as an additional respondent.
- REALTOR®B said he did nothing wrong and the seller would have accepted that price for any buyer. REALTOR®A stated that REALTOR®B is a 1099 who had completed firm training on COE and professionalism.

Guilty or Not Guilty?

GUILTY



NOT
GUILTY





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Article 5

Tell 'Em How You Feel.

Disclose present or
contemplated interest in any
property to all parties.

Case Study 5-1

- Buyer and Seller negotiating an apartment building and could not agree on price.
- Each engaged separate REALTORS® for valuation and agreed to move forward at the average.
- Post-closing, seller learned that buyer's REALTOR® was engaged as property manager on the subject property and also managed other properties for same buyer.
- Seller accused buyer's REALTOR® of establishing lower value than market to benefit buyer and the management relationship.

Guilty or Not Guilty?

GUILTY







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Article 6

Side-dealing?

Avoid side deals without your
client's informed consent.

Case Study 6-1

- REALTOR®A managed Owner B's office building.
- REALTOR®A as property manager bought janitorial supplies at wholesale and billed them to Owner B at retail on his statements.
- REALTOR®A defended the practice as being billed at the prices Owner B was paying prior to REALTOR®A as PM.

Guilty or Not Guilty?

GUILTY





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Article 7

Who's Paying Whom?

Accept compensation
from only one party, except
with full disclosure and
informed consent.

Case Study 7-1

- Buyer A engaged REALTOR®B to find a property meeting his specs.
- REALTOR®B listed Seller C's property, which met Buyer A's needs except for price.
- Seller C agreed to sell to Buyer A and REALTOR®B collected a buyer fee and seller fee.
- Seller C learned after closing that REALTOR®B was paid by the buyer and that he had convinced him to take a lower price.
- REALTOR®B said he had accepted Buyer A as client before Seller C and the price was fair.

Guilty or Not Guilty?

GUILTY





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Article 8

No Money Under The Mattress.

Keep the funds of clients and
customers in escrow.

Case Study 8-2

- REALTOR® A as listing broker for Seller B sold a house to Buyer C, who made a substantial deposit subject to mortgage approval.
- REALTOR® A assisted Buyer C in lender recommendations, and Buyer C received mortgage commitment. However, shortly after, Buyer C changed his mind and agreed to forfeit deposit.
- REALTOR® A promised to send Seller B a portion of the forfeited deposit as specified in the listing agreement. Seller B did not receive the funds and filed a complaint.

Guilty or Not Guilty?

GUILTY





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Article 9

If It Ain't In Writing...

Assure, whenever possible,
that transactional details
are in writing.



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Article 10

What You Do For One, You Do For All.

FAIR HOUSING FOR ALL



Before the Fair Housing Act

- 1789 The Fifth Amendment to the Constitution, the right to property
- 1857 The Dred Scott Decision, U.S. Supreme Court declares that African-Americans could not be citizens and led to fight White Citizens were bound to respect
- 1853 Emancipation Proclamation, that all persons held or slaves within the rebelious states are, and hereafter shall be free
- 1865 Thirteenth Amendment to the Constitution, abolishes slavery in the U.S.
- 1866 Civil Rights Act, declares that all citizens shall have the same rights as White citizens to work, contract and transact real estate
- 1868 Fourteenth Amendment to the Constitution declares that all persons born in the U.S. are citizens and all citizens are guaranteed equal protection of the law
- 1870 Freedmen's Bureau, established in 1860 were shut down
- 1896 Plessy v. Ferguson, U.S. Supreme Court rules that "separate but equal" is legal
- 1908 founding of the National Association of Real Estate Brokers, later the National Association of REALTORS, who allowed only men to be members African-Americans and women from membership
- 1916-1917 The Great Migration, African-American migration north to take advantage of industrial employment
- 1917 Buchanan v. Warley, U.S. Supreme Court outlawing zoning based on race, Emergency of racially restrictive covenants
- 1924 Code of Ethics states that a REALTOR should never be instrumental in introducing into a neighborhood a character of property or occupants members of any race or national or ethnic origin whose admission will cause the ordinary to properly value in that neighborhood
- 1926 Griggs v. Huddley, U.S. Supreme Court rejected a legal challenge to racially restrictive covenants
- 1934 National Housing Act and Residential Security Moas had the result of denying financing in older urban areas and predominantly African-American neighborhoods
- 1943 Government town housing project in New York opened to unemployment with the exclusion of African-American residents
- 1947 African-American real estate brokers from the National Association of Real Estate Brokers with the mission of "openness in housing"
- 1948 Shelley v. Kraemer, U.S. Supreme Court ends enforcement of racially restrictive covenants
- 1950 National Committee Against Discrimination in Housing formed
- 1956 Interstate Highway Act paved way for urban highways often used to segregate separate White and African-American communities
- 1957 New York City becomes the first city to ban discrimination in private housing
- 1958 Colorado becomes the first state to ban discrimination in private housing. In 1963, across states led laws against public and private market housing discrimination
- 1962 President Kennedy bans discrimination in housing funded by the federal government
- 1963 California Rumford Act bans all housing discrimination in publicly owned housing and in all housing in buildings of five units or more
- 1967 U.S. Supreme Court rules that a referendum, supported by the real estate industry, to repeal the Rumford Act violated the Civil Rights Act of 1960
- 1967 National Committee Against Discrimination in Housing continues to work to decrease fair housing discrimination treatment

1968 Fair Housing Act



History

- **1789:** Private Property Rights
- **1866:** The Civil Rights Act of 1866
- **1917:** Racial Zoning Outlawed
- **1948:** Restrictive Deed Covenants Not Enforceable
- **1968:** Fair Housing Act
- **1975:** Voluntary Affirmative Marketing Agreement

<https://www.nar.realtor/fair-housing-act/fair-housing-makes-us-stronger-commemorating-50-years-of-the-fair-housing-act/fair-housing-and-property-rights-a-history>

Article 10

REALTORS® shall not deny equal professional services to any person for reasons of race, color, religion, sex, **disability**, familial status, national origin, sexual orientation, or gender identity. REALTORS® shall not be parties to any plan or agreement to discriminate against a person or persons on the basis of race, color, religion, sex, **disability**, familial status, national origin, sexual orientation, or gender identity. *(Amended 1/23)*

REALTORS®, in their real estate employment practices, shall not discriminate against any person or persons on the basis of race, color, religion, sex, **disability**, familial status, national origin, sexual orientation, or gender identity. *(Amended 1/23)*



F-R-E-S-H C-O-R-N

Equal Oppportunity in Housing

F Familial Status

R Race

E Equal

S Sex

H Handicap Status

C Color

O Opportunity

R Religion

N Nationality



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Case Study 10-3

- REALTOR® A was contacted by Prospect C, a female head of household, who wanted to buy a home in the \$240,000-\$270,000 range with 3 bedrooms and near schools and playgrounds. REALTOR® A proceeded to show Prospect C a number of homes but they were not of interest to her.
- After expressing no interest in the houses presented, Prospect C filed a complaint that REALTOR A had failed to provide equal professional service because she was a woman.

Guilty or Not Guilty?

NOT GUILTY



Case Study 10-2

- REALTOR®B began working with Prospect C, a married veteran with 2 kids who was moving into the city for a new teaching job at the high school
- REALTOR®B showed Prospect C houses in neighborhoods near the school.
- Prospect C met Prospect D at a faculty meeting, Prospect D also moving to the city for a new teaching positions, also a married veteran with 2 kids.
- Prospect C gave REALTOR®B's name to Prospect D as being knowledgeable about the market and VA financing.
- REALTOR®B showed houses to Prospect D in the same price range, but different neighborhoods. Prospect D asked about closer houses but REALTOR®B said he had no knowledge of additional homes for which Prospect D could qualify. Prospect D was black.
- Prospect D and Prospect C compared houses they had seen, and upon that knowledge Prospect D filed a complaint of discrimination.

Guilty or Not Guilty?

GUILTY



Case Study 10-4

- REALTOR®A listed a property in a new subdivision. Seller X requested no MLS listing, no 'For Sale' sign, and no online advertising. Seller X told REALTOR®A that he wanted the sale handled 'quietly', with new purchasers being people who would 'fit into the neighborhood.'
- REALTOR®A did a mailing to the neighborhood, inviting them to 'play a part in the decision of who your next neighbor will be.'
- REALTOR®B filed a complaint after seeing the marketing letter which had been sent to his mother, a new resident of the subdivision.

Guilty or Not Guilty?

GUILTY





**WE WANT
ALL BUYERS
TO KNOW
ABOUT
YOUR HOME**



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Case Study 10-6

- In social media discussions, REALTOR®A made the following comments: “I think Black people bring out the worst in us”; “we always knew n----- were violent. They are not Christian”; and described Black protestors as “animals trying to reclaim their territory”.
- A consumer took screenshots of the comments, including REALTOR®A’s name, and filed a complaint.
- REALTOR®A confirmed she had, in fact, posted the statements, but denied that making the statements interfered in her ability to provide equal professional services to anyone because of their race.

Guilty or Not Guilty?

GUILTY



Case Study 10-7

- REALTOR®A was a registered member of Political Party Y, and routinely engaged in political discussions on social media and in private conversations. REALTOR®A's conversations and social media posts often included insulting, intimidating, and hostile statements about members of Political Party Z, including aggressively insulting their intelligence, implying they were unpatriotic, and telling them that if they disagreed, they should leave the country.
- REALTOR®B witnessed numerous instances where REALTOR®A harassed others on the basis of their membership in Political Party Z and believed that REALTOR®A was using harassing speech. He filed an ethics complaint with the local Association of REALTORS®.
 - ***Guilty or Not Guilty?***

NOT
GUILTY



Case Study 10-9

- REALTOR® A was a preacher in his local church, and stated before a group of congregants, “Lesbians and Homosexuals are murderers according to the scriptures.”
- One of the congregants filed an ethics complaint that REALTOR® A’s statement
- REALTOR® A testified that his statement was based on his interpretation of the Biblical scripture, and that his teachings were designed to help his congregants understand the true teachings of God.

Guilty or Not Guilty?

GUILTY



Case Study 10-10

- REALTOR® A leads a weekly Bible study group in the evenings. During one such study group, REALTOR® A led the group in a discussion of Biblical passages concerning homosexuality, referencing several differing interpretations of said passages. At one point during the discussion, REALTOR® A stated, “Some have said these verses clearly prohibit and condemn same-sex relationships.” An attendee of the group found this to be inappropriate and filed an ethics complaint.
- REALTOR® A confirmed that the complainant had quoted him correctly but argued that he presents all sides of Biblical interpretation for historical context, and that he is careful to leave any personal opinions out of the study group, as evidenced by his use of “some have said.”

Guilty or Not Guilty?

NOT
GUILTY



Case Study 10-11 (*NEW!*)

- When searching real estate listings on a brokerage website, a potential homebuyer noticed a listing with the Confederate flag prominently displayed in the property photos.
- At the hearing, the complainant testified that she felt threatened by the display of the Confederate flag and took it to mean that she would not be welcome in the home or the neighborhood if she were to make an offer on the property.
- The listing broker testified that he should not be held responsible for what is displayed in a client's home and could not offer an explanation for his client's motives in displaying the Confederate flag.

Guilty or Not Guilty?

GUILTY



Does Fair Housing Stop at Protected Classes?

Expanded definition of the public trust:

- The "public trust", as used in this context, refers to demonstrated misappropriation of client or customer funds or property, ~~willful~~ discrimination against the protected classes under the Code of Ethics, or fraud ~~resulting in substantial economic harm~~.
- Expanded definition includes all discrimination against the protected classes under Article 10 and all fraud.



SELLER INTAKE SHEET

Date: _____ Lead Generator: _____

Assigned to: _____ Status: A B C Diamond _____

Referral Fee? Y / N To Whom?: _____ %: _____ Phone: _____

Prospect: _____ DecisionMaker #2: _____

Address: _____

City: _____ State: _____

How do you prefer to be contacted?: Call / Text / Email Preferred number to text _____

Home Phone: _____ Work: _____

Cell Phone: _____ DecisionMaker #2 Cell: _____

Email (What email do you check?): _____

Is the property address the same as your mailing address? Y / N _____

If NO, _____

How long have you owned your home? _____ Why are you selling? _____

Moving to? _____ When do you need to be there? _____

Need Agent? Y / N Provided contact info for: _____

Bedrooms: _____ # Baths: _____ Age: _____ Style: _____

Subdivision: _____ Garage: _____

Square feet: _____ Lot size: _____ Septic: Y / N _____

Special features: _____

Updates last few years? Y / N If YES, what? _____

Rate your house 1-10 _____ What would be an acceptable selling price to _____

What do you owe? (1st) _____ (2nd) _____

What kind of loan did you use when you purchased this property? _____ Conventional _____

*Have you refinanced since you purchased? Y / N If YES, request copy of _____

How did you hear about us? _____

What are three things you are looking for in a Realtor*? _____

1) _____ 2) _____ 3) _____

Have you or are you going to talk with any other agents? Y / N _____

Would you prefer to visit at your home or via Zoom? Home / Zoom Date/Time _____

ALTOS: _____ LISTING LEADS: _____ KVCORE: _____ NARRPR: _____

Post visit: Phone call _____ Personal Note _____ 2 week check up call _____

APPT: _____ HANDBOOK EMAIL: _____ DOCUMENTS: _____ RPD: _____



BUYER INTAKE SHEET

Date: _____ Lead Generator: _____

Assigned to: _____ Status: A B C Diamond: Y / N Upgrd if needed _____

Referral Fee? Y / N To Whom?: _____ %: _____ Phone: _____

Prospect: _____ DecisionMaker #2: _____

Address: _____

City: _____ State: _____ Zip: _____

How do you prefer to be contacted?: Call / Text / Email Preferred number to text to: _____

Home Phone: _____ Work: _____

Cell Phone: _____ DecisionMaker #2 Cell: _____

Email (What email do you check?): _____

Own? Y / N Rent? Y / N Lease up: _____ Rent amount: \$ _____

If own... Is house on market? Y / N Have to sell first? Y / N _____

Working with an agent? Y / N How long looking? _____

Motivation level: 1 2 3 4 5 _____

Best time to look: AM Afternoon PM Weekend _____

Price range: _____ When to move? _____

Desired areas: _____

Bedroom(s) _____ # Bath(s) _____ Garage? Y / N _____

Special requests: _____

INITIAL CONSULTATION Date: _____ Time: _____ Agent: _____

Will you be paying cash, or will you need to obtain financing? _____

Are you interested in down payment assistance programs? Y / N _____

Lender? Y / N If YES, company: _____

Contact: _____ Phone: _____

Approved amount? _____ Type: _____

If no, may we have a preferred lender call? Y / N Referred to: _____

ACTION: Send Buyer Book? Y / N Relo Package? Y / N DATE NEEDED: _____

COMPLETED BY: _____

Intake

Same questions.
EVERY time.

Welcome to FAIRHAVEN

Use your fair housing knowledge to
navigate challenging real estate scenarios
in Fairhaven.*

Launch



TIME TO COMPLETE
60-100 minutes

*Fairhaven is a fictional town and does not represent or simulate a specific neighborhood, town, organization, or place. Any similarity to an actual place is purely coincidental.

Need help or have a question? Reach out to fairhaven@nar.realtor

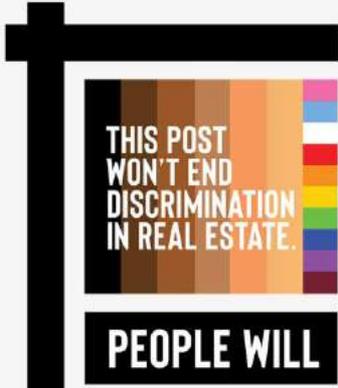




HOUSING DISCRIMINATION? NOT IN OUR HOUSE.

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THAT'S WHO WE REALTOR®



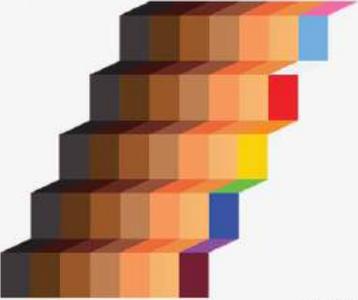
THIS POST WON'T END DISCRIMINATION IN REAL ESTATE.

PEOPLE WILL

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THAT'S WHO WE REALTOR®

**WE'RE REALTORS®
1.4 MILLION STRONG,
STEPPING UP FOR
WHAT'S RIGHT.**



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www.nar.realtor/thats-who-we-r/fair-housing-assets



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Article 11

Learn and Ask Before You Proclaim.

Be knowledgeable and competent in the fields of practice in which you ordinarily engage. Obtain assistance or disclose lack of experience if necessary.

Case Study 11-2

- REALTOR® A was asked by Client B to appraise a large residential home.
- REALTOR® A reached out to other REALTORS® in the area for information concerning values in the area.
- REALTOR® C filed a complaint that REALTOR® A had failed to acknowledge this assistance in his report.
- REALTOR® A protested that he frequently made general requests to others and did not consider it to constitute formal assistance.

Guilty or Not Guilty?

NOT GUILTY



Case Study 11-4

- REALTOR® A was asked by Client B to appraise an office building.
- REALTOR® A disclosed that he had never appraised an office building.
- Client B stated that they had confidence in REALTOR® A and notwithstanding the lack of experience, wanted his appraisal.
- REALTOR® C complained that REALTOR® A had violated COE by taking the appraisal outside of expertise.

Guilty or Not Guilty?

NOT GUILTY





STAY IN YOUR LANE



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ETHICS DAY[®]

#NationalEthicsDay

Article 12

How Old IS That Picture?

Present a true picture
in your advertising and other
public representations.

Standard of Practice 12-11

REALTORS® must not represent that their brokerage services to a client or customer are free or available at no cost to their clients, unless the REALTOR® will receive no financial compensation from any source for those services. ***(Amended 1/22)***

Case Study 12-11

- REALTOR® A purchased a banner ad on his local newspaper's website and included photos of homes he had sold as cooperating agent..
- Three complaints were filed that the claim of 'sold' was false and misleading since none of the properties had been listed by REALTOR® A.
- REALTOR® A responded that while the properties had been listed with other brokers, he had been the 'selling' broker and was entitled to advertise his role.

Guilty or Not Guilty?

NOT GUILTY



Case Study 12-19

- REALTOR®A was looking for investment properties while on vacation, and found a dilapidated 'for sale' sign on a lot. He looked online to find the lot and discovered it on REALTOR®Z's website.
- REALTOR®Z said the listing had expired when REALTOR®A called for info.
- REALTOR®A sought out REALTOR®X hoping to find info, and found that REALTOR®X was now the exclusive listing agent.
- REALTOR®A filed a complaint of not presenting a true picture and of advertising without authority.

Guilty or Not Guilty?

GUILTY





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Article 13

You're Not An Attorney (Unless You Are).

Do not engage in the
unauthorized practice of law.

Case Study 13-1

- Client A was headed to China on business and wanted REALTOR® B to prepare a power of attorney for his wife while he was gone, 'just in case.'
- A member of the Grievance Committee at the local REALTOR® Association found out and filed a complaint with the Pro Standards Committee.
- REALTOR® B said he knew the POA was essentially for real estate and his preparation was rendering real estate-not legal-services.

Guilty or Not Guilty?

GUILTY



Case Study 13-3

- REALTOR® A, agent for Client B, received an offer on a 25 acre property from Customer C. Client B countered above asking price to Customer C.
- Customer C became upset and indicated intent to call an attorney to force Client B to sell at the listing price. REALTOR® A advised Customer C that litigation could be lengthy and expensive, and the sale could not be enforced. Customer C moved forward at the higher price.
- Customer C filed a complaint that REALTOR® A provided bad advice with his persuasive personality and therefore he did not consult an attorney.

Guilty or Not Guilty?

GUILTY





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Article 14

Go To Time-Out.

Be a willing participant
in Code enforcement
procedures.

Code Enforcement

- Every association is responsible for enforcing the Code.
- This includes providing mediation and conducting ethics and arbitration hearings.
- Only REALTORS® and REALTOR-ASSOCIATES® are subject to the Code.
- An association where someone holds membership **or** gains MLS access has jurisdiction to process ethics complaints and arbitration requests filed against that individual.
- Associations do **not** determine violations of law and regulation.

Case Study 14-2

- REALTOR® A was charged with a violation of the Code.
- Complainants formally presented charges and REALTOR® A was questioned.
- REALTOR® A pled the Fifth Amendment.

Guilty or Not Guilty?

GUILTY





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Article 15

If You Don't Have Something Nice To Say...



Ensure that your comments
about other real estate
professionals are truthful
and not misleading.

Case Study 15-2

- REALTOR®Z and Homeowner X were chatting on the golf course and Homeowner X asked REALTOR®Z to list his home. REALTOR®Z said 'no, I only represent buyers.'
- Homeowner X asked about REALTOR®A. REALTOR®Z said that REALTOR®A did not cooperate with other brokers and would not get a strong offer.
- Homeowner X's wife talked to REALTOR®A's wife and shared the comments.
- REALTOR®A filed a complaint of false and misleading statements.

Guilty or Not Guilty?

GUILTY





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Article 16

Check For the Ring.

Respect the exclusive representation or exclusive brokerage relationship agreements that other REALTORS® have with their clients.

Case Study 16-7

- Client X listed her house with REALTOR®A under a 90 day exclusive listing. Client X was disappointed with no results and told REALTOR®A that she may seek another agency upon expiration.
- Client X expressed dissatisfaction to her friend, who suggested REALTOR®B.
- REALTOR®B contacted REALTOR®A to inquire about nature and status of the listing. REALTOR®A responded that the listing was his and refused to discuss further.
- REALTOR®B contacted Client X and offered to discuss listing upon termination of the listing. REALTOR®B then listed the property after it expired.

Guilty or Not Guilty?

NOT GUILTY



Case Study 16-9

- REALTOR®A designed an advertising campaign for newspaper and billboards around the city stating: 'Attention: All homeowners whose properties are for sale. Do you want results? If so, call REALTOR®A. He has a new marketing program that gets results.'
- REALTOR®A received a number of calls from homeowners currently listed with other REALTORS®. Those REALTORS® filed complaints for failing to respect exclusive agency.
- REALTOR®A defended his campaign by saying it was mass media and not directed at any particular owner and was not an attempt to induce owners to breach existing listings.

Guilty or Not Guilty?

NOT GUILTY



Case Study 16-22

- REALTOR®A met Buyer C at an open house for her listing. Buyer C was not interested in the house, but REALTOR®A suggested her upcoming listing as a possibility.
- REALTOR®A offered to show the unlisted house to Buyer C, who preferred to have her own agent show it to her. REALTOR®A said that it would be sold prior to MLS and that Buyer C would miss out on the house. Buyer C then wrote an offer and closed on the house.
- REALTOR®B filed a complaint of interference with agency relationship.
- REALTOR®A's defense was that she did not know the agency agreement was exclusive.

Guilty or Not Guilty?

GUILTY





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Article 17

Arbitration

Arbitrate contractual and
specific non-contractual
disputes with other
REALTORS[®] and with
your clients.

Case Study 17-7

- REALTOR®A filed a request for arbitration with REALTOR®B in a dispute over cooperative commission. The Grievance Committee referred it to an arbitration hearing panel.
- Shortly after, REALTOR®B was notified that REALTOR®A had filed a complaint with the state Real Estate Commission.
- REALTOR®B then filed an ethics complaint for filing a complaint with the REC while the same issue was being handled by the association.

Case or No Case?

NO CASE



RPAC

is the member

BENEFIT

that benefits

THE PUBLIC.

Competition in Real Estate

REALTORS® are mostly small business owners who work to ensure buyers and sellers have the greatest access, transparency and choice through independent, local broker marketplaces that level the playing field for all types and sizes of brokerages.

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Competition.Realtor



Type

- Book (5)
- Brochure (9)
- Brochure Package Of 100 (1)
- Guide (5)
- Multimedia (1)
- Other (4)
- Report (1)

Rating

Author

- Leigh Brown (1)
- NAR (22)

Other

Price

Min.

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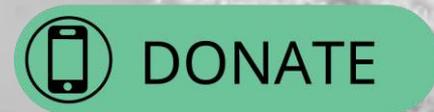


Feedback

Live by the code. A collection of materials to help you conduct business with a moral fairness and equality for all.

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Text TEAMRRF to 71777

Ask your questions live at:

www.facebook.com/NationalCodeofEthicsDay

*Thank you to our
Ethics Panel of Advisors*



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Leigh
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