

COMPLAINT FORM

This form may be used to file a complaint against individuals or companies who may have violated the Alabama Real Estate License Law [Chapter 27 of Title 34 of the *Code of Alabama* 1975, as amended] or the Rules and Regulations of the Alabama Real Estate Commission. The completed form will be reviewed by the Commission's Legal Division and the matter will be investigated to determine whether it falls within the Commission's jurisdiction.

Complete the form online and print it for submission or print the form and complete it in black or blue ink. The form may be returned to the Commission by mail to 1201 Carmichael Way, Montgomery, AL 36106 or fax to 334-270-9118. You may also scan the form and email it to arec@arec.alabama.gov. Please complete the form accurately and include any supporting documents.

You are able to file a complaint anonymously by checking one of the two boxes listed below; however, if you are making a complaint and you are not willing to be a witness or assist in the investigation if needed, then the Commission is severely limited. It is possible (even if there is a violation that should go before the Commission and/or potentially end in a sanction) that our investigators may not be able to collect enough independent information to make a case with sufficient probable cause to proceed to a hearing.

Complainant's Name _____

Address _____

City _____ State _____ Zip _____

Home Phone _____ Work Phone _____ Mobile Phone _____

Email Address _____ Real Estate License # (if licensed) _____

- I would like to remain anonymous and did not include my contact information above for any further communication. *I understand this option may limit the Commission in presenting its case.*
- I would like to remain anonymous for the purpose of any hearing and am not willing to testify. However, I have provided my contact information above in case the Commission has any further questions regarding the complaint or to assist in their investigation. *I understand this option may limit the Commission in presenting its case.*

PART I

I wish to file this Complaint with the Alabama Real Estate Commission regarding acts or omissions of the individuals or companies listed in Part II below. I believe such acts or omissions are, or may be, in violation of the Alabama Real Estate License Law or the Rules and Regulations of the Alabama Real Estate Commission.

PART II

GENERAL INFORMATION

The incidents upon which this Affidavit is based occurred in the county or counties of _____

The full names of those who I believe may have acted in violation of the Real Estate License Law or Commission Rule or Regulation are:

NAME/COMPANY

EMPLOYED BY

| | |
|--|--|
| | |
| | |
| | |
| | |

PART III

Please indicate which section(s) of License Law has been violated. Check the box next to the violation.

I am alleging the above listed agent(s) did the following in violation of the Alabama Code Section 34-27-36(a):

- (2) Engaged in misrepresentation or dishonest or fraudulent acts when selling, buying, trading, or renting real property of his or her own or of a spouse or child or parent.
- (3) Made a material misrepresentation or failed to disclose to a potential purchaser or lessee any latent structural defect or any other defect known to the licensee. Latent structural defects and other defects do not refer to trivial or insignificant defects but refer to those defects that would be a significant factor to a reasonable and prudent person in making a decision to purchase or lease.
- (4) Made a false promise of a character likely to influence, persuade, or induce any person to enter into any contract or agreement.
- (5) Pursued a continued and flagrant course of misrepresentation or made false promises through agents or salespersons or any medium of advertising or otherwise.
- (6) Published or caused to be published an advertisement which deceived, or which was likely to deceive the public, or which in any manner tended to create a misleading impression or failed to identify the person causing the advertisement to be placed as a licensed broker or salesperson.
- (7) Acted for more than one party in a transaction without the knowledge and consent in writing of all parties for whom he or she acted.

- (8)a. Failed, within a reasonable time, to properly account for or remit money coming into his or her possession which belongs to others, or commingled money belonging to others with his or her own funds.
- b. Failed to deposit and account for at all times all funds belonging to, or being held for others, in a separate federally insured account or accounts in a financial institution located in Alabama.
- c. Failed to keep for at least 3 years a complete record of funds belonging to others showing to whom the money belongs, date deposited, date of withdrawal, and other pertinent information.
- (9) Placed a sign on a property offering it for sale, lease, or rent without the consent of the owner.
- (10) Failed to voluntarily furnish a copy of each listing, contract, lease, and other document to each party executing the document with reasonable promptness.
- (11) Paid a profit, compensation, commission, or fee to, or divided any profit, compensation, commission, or fee with, someone other than a licensee or multiple listing service. This subdivision shall not prevent an associate broker or salesperson from owning any lawfully constituted business organization, including, but not limited to, a corporation or limited liability company or limited liability corporation, for the purpose of receiving payments contemplated in this subsection. The business organization shall not be required to be licensed under this chapter, and shall not engage in any other activity requiring a real estate license.
- (12) Paid or received a rebate from a person in a real estate transaction.
- (13) Induced a party to a contract to break the contract for the purpose of substituting a new contract, where the substitution is motivated by the personal gain of the licensee.
- (14) The licensee is a salesperson or associate broker and they accepted a commission or other valuable consideration for performing an act for which a license is required from a person other than his or her qualifying broker.
- (15) They are a qualifying broker or company and allowed a salesperson or associate broker licensed under them to advertise as a real estate agent without the name or trade name of the qualifying broker or company appearing prominently on the advertising; or
- the licensee is a salesperson or associate broker and advertised as a real estate agent without the name or trade name of the qualifying broker or company under whom the salesperson or associate broker is licensed appearing prominently on the advertising.
- (17) Established an association, by employment or otherwise, with an unlicensed person who is expected or required to act as a licensee, or aiding, abetting, or conspiring with a person to circumvent the requirements of this chapter.
- (18) Failed to disclose to an owner the licensee's intention to acquire, directly or indirectly, an interest in property which he or she or his or her associates have been employed to sell.
- (19) Violated or disregarded a provision of this chapter or any rule, regulation, or order of the commission. Specifically, _____
- (20) They are a broker that accepted a "net listing" agreement for sale of real property or any interest therein. A "net listing" is one that stipulates a net price to be received by the owner with the excess due to be received by the broker as his or her commission.
- (21) Misrepresented or failed to disclose to a lender, guaranteeing agency, or an interested party, the true terms of a sale of real estate.

- (22) Failed to inform the buyer or seller at the time an offer was presented that he or she will be expected to pay certain closing costs and the approximate amount of those costs.
- (23)a. Entered a plea of guilty or nolo contendere to, or was found guilty of or convicted of a felony or a crime involving moral turpitude.
- b. They had a final money judgment rendered against them which resulted from an act or omission occurring in the pursuit of his or her real estate business or involved the goodwill of an existing real estate business.
- (24) Offered free lots or conducted lotteries for the purpose of influencing a party to purchase or lease real estate.
- (25) Failed to include a fixed date of expiration in a written listing agreement or failed to leave a copy of the agreement with the principal.
- (26) Conduct which constitutes or demonstrates dishonest dealings, bad faith, or untrustworthiness.
- (27) Acted negligently or incompetently in performing an act for which a person is required to hold a real estate license.
- (30) Failed without cause to surrender to the rightful owner, on demand, a document or instrument coming into his or her possession.
- (31) They are a qualifying broker or company and failed to keep in their files copies of all contracts, leases, listings, and other records pertinent to real estate transactions for a period of three years.

I am alleging the above listed agent(s) did the following in violation of the Alabama Code Section 34-27-31:

- (j) is a licensee and failed to notify the commission within 10 days after notice to him or her of the institution of any criminal prosecution against him or her, or
- is a licensee and failed to notify the commission within 10 days after notice to him or her of the institution of a civil summons and complaint against him or her and the subject matter of the civil complaint involved a real estate transaction or involved the goodwill of an existing real estate business.
- (k) is a licensee and failed to notify the commission within 10 days after he or she received notice that a criminal verdict had been rendered against him or her, or
- is a licensee and failed to notify the commission within 10 days after he or she received notice that a criminal action pending against him or her had been dismissed, or
- is a licensee and failed to notify the commission within 10 days after he or she received notice that a civil action in which he or she was a defendant and which involved a real estate transaction or the goodwill of a real estate business had resulted in a judgment or been dismissed.

I am alleging the above listed agent(s) failed to do the following in violation of Alabama Code Section 34-27- 84:

- (1) To provide brokerage services to all parties to the transaction honestly and in good faith.
- (2) To exercise reasonable skill and care in providing brokerage services to all parties.

- (3) To keep confidential any information given to the licensee in confidence, or any information obtained by the licensee that the licensee knows a reasonable individual would want to keep confidential, unless disclosure of this information is required by law, violates a fiduciary duty to a client, becomes public knowledge, or is authorized by the party in writing.
 - (4) To account for all property coming into the possession of the licensee that belongs to any party to the real estate transaction.
 - (5) To present all written offers in a timely and truthful manner when assisting a party in the negotiation of a real estate transaction.
 - (6) To act on behalf of the licensee or his or her immediate family, or on behalf of any other individual, organization, or business entity in which the licensee has a personal interest only with prior timely written disclosure of this interest to all parties to the transaction.
- or**
- (b) A licensee provided requested information which affected a transaction to a party who requested the information, where disclosure of the information was prohibited by law or in this article.
 - (c) A licensee/broker accepted an agreement to list an owner's property for sale and the broker or his or her licensee did not at a minimum,
 - accept delivery of and present to the consumer all offers, counteroffers, and addenda
 - to assist the consumer in negotiating offers, counteroffers, and addenda, and
 - to answer the consumer's questions relating to the transaction.

The complete Alabama License Law may be accessed [here](#).

DESCRIPTION OF THE INCIDENT(S) UPON WHICH THIS COMPLAINT IS BASED

In the space provided below, briefly describe the acts or omissions which you believe to be in violation of the Alabama Real Estate License Law or Commission Rules and Regulations, and the circumstances surrounding the acts and omissions. The back of the form may be used if additional space is needed.

If you refer to any documents or other supportive evidence in your description, we request that you attach a copy of any such evidence, if possible. Some examples of documents are contract forms, listing agreements, estimated net sheets, or any other documents you feel would help us understand your problem.

Date _____

Signature _____

Check box if anonymous.