

## ***Enforcement and Compliance***

### **Publication of Orders**

All formal enforcement actions taken against licensees or developers are a matter of public record and may be published in the Department's bulletin or on website.

### **Reviewing Files**

If you wish to review a file, contact the Custodian of Records at (602) 771-7760 to make an appointment.



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Governor

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Commissioner

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**Arizona Department of Real Estate**

**"Promoting Mutual Respect"**

***The Investigation  
Process***

# Preventing Harm through Education and Outreach

This pamphlet contains a brief description of the process the Department follows when it has received a complaint. All Investigative and enforcement matters, including administrative hearings, are conducted pursuant to provisions of the Arizona Revised Statutes (A.R.S.) and the Arizona Administrative Code (A.A.C.)

## **Complaint Process**

The Department must determine two things:

- Does the complaint or information relate to possible violations of real estate laws or rules?
- Are the individuals and/or entities involved, under the Department's jurisdiction?

Examples include:

1. Licensees-real estate, cemetery, membership camping salespersons, brokers, real estate schools, instructors (including business entities such as partnerships, corporations, and limited liability companies) which hold or should hold licenses.
2. Those who have applied for a license;
3. Persons or businesses selling or leasing subdivided or unsubdivided lands, timeshare intervals, cemetery property or membership camping contracts.

## **Communication**

The first step in resolving complaints is communication. We encourage you to talk to the licensee or developer, and to the licensee's designated broker. You may be able to resolve the matter more quickly.

You may also contact the Arizona Association of

REALTORS® if the licensee is a member of AAR. These members subscribe to a "Code of Ethics" that is a higher standard of conduct than imposed by law. AAR will refer complaints to the Department if they believe real estate laws have been violated.

## **Mediation**

Mediation is an inexpensive alternative to filing a civil lawsuit. Mediation provides an opportunity to find a solution which satisfies both parties. The Attorney General's Office ([www.azag.gov](http://www.azag.gov)) or AAR are available to provide mediation services. Other resources may be available in your community.

## **Investigation**

A.R.S. §32-2108 requires that complaints be filed in writing and signed by the complainant. The complaint must allege conduct which violates real estate laws or rules. A complaint form is available on our website: [www.azre.gov](http://www.azre.gov)

- You must include your full name and address as well as that of the person against whom the complaint is made (respondent).
- The complaint should be clear and concise, stating in detail the facts surrounding the incident, including:
  1. Time and place of occurrence(s);
  2. Who was involved or present;
  3. What activities occurred which you believe to be illegal; and,
  4. The names, addresses and telephone numbers of any witnesses.

Attach legible copies of all transaction documents and related correspondence.

The respondent will be provided a copy of the complaint and must provide a written response.

All relevant documentation and must be provided. If additional documents or statements are needed, the Department will request or subpoena them.

## **Resolution**

If the Department determines that the respondent has violated a real estate law or Commissioner's Rules, The Commissioner may take any one or a combination of actions, which may include:

- Letter of Concern
- Negotiate settlement by means of a Consent Order
- Refer the case to the Attorney General
- Revocation of license
- Suspension of license
- Civil penalty
- A provisional license, or
- Buyer Rescission

If the individual or entity does not comply with the Order, the Commissioner may pursue further enforcement actions.

## **Appeal**

The parties may appeal the decision if certain procedural requirements are not followed. For further information visit the Department's website for the Appeal Process.