

by Ilyce\_Glink

Q: I have serious fraud complaint against a real estate agent who represented me as a buyer. I cannot afford the \$10,000 initial fee to sue her and the local Board of Realtor's Ethics Committee is beyond useless, saying this is a two-year process and I should contact an attorney. I'd like to know if there have been other complaints to establish a pattern that would add weight to my case. The Board of Realtor's Ethics' Committee refuses to give me a list of realty companies this agent previously worked for. The state licensing Web site only goes back 5 years and shows five or six charges of serious fraud brought against her. A Google search indicates that she has a tax lien and a major lawsuit and a recent bankruptcy. The Realtor Board's site shows none of these things; she has a clean slate with them. How do I get the Board of Realtors to cooperate and give me a list of this agent's prior employers? The brokerage firm she's associated with is sympathetic and has promised I will get my money back. But it's been a year now and I believe they're trying to stall me until it's too late to complain to the Real Estate Commission in Hawaii. Any ideas other than to hire a lawyer? I'm out \$100,000.

A: You haven't indicated why you are owed money or what happened. But if you're right, and a fraud has been perpetrated against you, you do have a number of options. Your first choice is to hire an attorney. We know you don't want to hire an attorney, but you should consult one anyway. It won't cost you \$10,000 to get some basic advice on the situation, and you'll need an experienced attorney to help you and perhaps negotiate a settlement. Litigation is expensive, if it comes to that. But better you spend the money with an attorney and get as much of your money back as possible than see it all vanish. Another option would be to file a complaint against the agent with the state agency that regulates the licensing of real estate salespeople in Hawaii. That office may have a system in place for your complaint against the broker. However, the state agency may be under no obligation to follow up on your complaint. In some states, some enforcement offices are quite backlogged and are unable to follow up on all complaints filed. You can also file a complaint with the attorney general's office in Hawaii and with the Better Business Bureau. Finally, some Realtor firms and organizations have their own internal complaint officers who can investigate your complaint and assist you. But, as you've discovered, they may not always work swiftly, nor do they necessarily look out for a consumer's best interests first. The National Association of Realtors, based in Chicago, has an Ethics division and you can file a complaint, but the organization has little it can apply in the way of pressure other than canceling the offending agent's membership. All of this leads back to the original suggestion that you might have to hire an attorney to represent you in this matter. Some states have statutes that would allow you to recover your attorney's fees in case you win against the broker. You won't know whether you should proceed against the broker and sue her until you've hired a competent lawyer with experience litigating real estate cases against brokers. © 2007 by Ilyce R. Glink and Samuel J. Tamkin. Distributed by Tribune Media Services.