

FACTORS CONSIDERED BY AN ARIBTRATION PANEL IN DETERMINING PROCURING CAUSE

The arbitrators **SHALL** consider as a part of the whole course of conduct of the parties, the authorization for a faithful exercise of agency or sub-agency on behalf of the client, as well as fairness to all parties to the transaction including the client, customer, and the REALTORS® involved. The arbitrators may wish to consider, but in no way be limited to, the following type of questions or factors:

****Who is the listing agent?**

****Was there a written listing agreement between the property owner and the listing agent? Were both of the parties to the dispute authorized to act as agent of the principal or subagent of the listing broker?**

****Who first introduced the customer to the property and how was such introduction made?**

****Did the first or original introductions to the property actually originate an uninterrupted series of events leading to the sale (or objective of the transaction), or was the series of events originated by the first introduction to the property **hindered or terminated at any point for cause such as abandonment or estrangement of the customer by the agent or subagent?****

****Was there a faithful exercise of agency or sub-agency on the part of the individual making the first introduction of the property to the customer, or conversely, was there fault or deficiency on the part of the agent or subagent either in the interest of the client or in fairness to the customer?**

****How did the second agent enter the transaction?**

****Was the second agent or subagent to enter the transaction aware of the prior introduction and/or negotiation on the property with the customer by the first agent or subagent?**

****If the second agent or subagent was aware of prior introduction of the property with the customer by the first agent or subagent, what did he do to serve the interest of the client and yet be fair to all parties, avoiding action inconsistent with the agency of the other agent or subagent?**

****Was the entry of the second agent into the transaction an intrusion upon agency or was it innocent exercise of agency or sub-agency in the interest of the client and pursuit of the customer?**

****Did the second agent or subagent, by the second introduction, start a second or separate series of events, which were not dependent upon the first introduction and/or negotiation on the property, with said second introduction and series of events flowing there from, leading to the successful transaction?**

The preceding questions or factors are typical of, but not all inclusive of the questions or facts to be considered by a panel conducting a procuring cause hearing.