

CASE NO. \_\_\_\_\_  
TYPE LICENSE \_\_\_\_\_  
\_\_\_\_\_  
LICENSE NO. \_\_\_\_\_  
DATE LICENSED \_\_\_\_\_  
\_\_\_\_\_  
OTHER LICENSES \_\_\_\_\_  
\_\_\_\_\_

STATE OF SOUTH DAKOTA  
SOUTH DAKOTA REAL ESTATE COMMISSION

In the matter of \_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ ) COMPLAINT  
Respondent(s) \_\_\_\_\_ )

\_\_\_\_\_ **Do Not Write Above This Line** \_\_\_\_\_

**INFORMATION**

The South Dakota Real Estate Commission regulates real estate licensees. If a licensee violates the statutes or rules established for licensees, the commission may take disciplinary action against that licensee. The South Dakota Real Estate Commission does not provide private legal advice or services either to licensees or to the public.

**INSTRUCTIONS**

**PLEASE TYPE OR PRINT CLEARLY IN PEN OR INK.** Complete all applicable sections of this form accurately to the best of your knowledge and information. Provide all information which you know or can discover with reasonable investigation. Please return completed form to the South Dakota Real Estate Commission, 221 West Capitol, Suite 101, Pierre, SD 57501.

**1. Complainant(s)**

Name(s): \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Telephone: (home) \_\_\_\_\_ (work) \_\_\_\_\_

Email Address (if more information is needed): \_\_\_\_\_

**2. Information about licensees named in the complaint**

a. Name: \_\_\_\_\_

License type, if known (check one) Broker \_\_\_\_\_ Salesperson \_\_\_\_\_

Other (please list) \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

b. Name: \_\_\_\_\_

License type, if known (check one) Broker \_\_\_\_\_ Salesperson \_\_\_\_\_

Other (please list) \_\_\_\_\_

Firm Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

**3. General information about complaint**

a. Type of real estate transaction (check one)

Sale/Purchase \_\_\_\_\_ Lease \_\_\_\_\_ Appraisal \_\_\_\_\_

Other (describe) \_\_\_\_\_

Date(s) of transaction(s): \_\_\_\_\_

b. Have you contacted the persons complained about and attempted to resolve this matter?

Yes \_\_\_\_\_ No \_\_\_\_\_

Persons and dates contacted are:

\_\_\_\_\_  
\_\_\_\_\_

Results: \_\_\_\_\_

\_\_\_\_\_

4. Have you retained an attorney to assist in resolving this or a related matter? Yes \_\_\_\_\_ No \_\_\_\_\_

Attorney's Name: \_\_\_\_\_

Attorney's Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

May we contact your attorney about this matter? Yes \_\_\_\_\_ No \_\_\_\_\_ (If you have answered "yes," please notify your attorney that you have done so.)

5. List the names of all other agencies and associations with whom you have or intend to file a complaint.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Have you gone to court if the complaint involves the same or related matters which are the subject of a civil lawsuit? Yes \_\_\_\_\_ No \_\_\_\_\_ If "yes," has it been completed? Yes \_\_\_\_\_ No \_\_\_\_\_

7. Have other complaints about this or related matters been filed with the Commission? (Check one)

Yes \_\_\_\_\_ No \_\_\_\_\_ Don't know \_\_\_\_\_

If yes, give details: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

8. Persons who were witness to the complained-about transaction(s) or who otherwise are likely to have first hand knowledge about the transaction(s):

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

Telephone \_\_\_\_\_

Present at transaction \_\_\_\_\_

Present at transaction \_\_\_\_\_

Saw documents \_\_\_\_\_

Saw documents \_\_\_\_\_

Other \_\_\_\_\_

Other \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name \_\_\_\_\_

Name \_\_\_\_\_

Address \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Telephone \_\_\_\_\_

Telephone \_\_\_\_\_

Present at transaction \_\_\_\_\_

Present at transaction \_\_\_\_\_

Saw documents \_\_\_\_\_

Saw documents \_\_\_\_\_

Other \_\_\_\_\_

Other \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. On separate sheets of paper, detail in concise terms the facts giving rise to your complaint. It is important that you explain what occurred as completely as possible so that the commission and its representatives can have a full understanding of the nature of your complaint. Be specific as to date, time and places. **Attach clear copies of ALL documents and papers which relate to the acts or occurrences complained of even though they may only indirectly relate to your complaint.**

10. A copy of your complaint will be served on the licensee(s) being complained against and an answer to the complaint is required to be filed 20 days after service. A copy of the answer will be mailed to you after its receipt by the Real Estate Commission.

11. *The Commission may not enforce, interpret, modify, rescind or cancel listing agreements, purchase and sale agreements or any other contract, order the return of earnest money or security deposits, award damages, settle real estate commission fee disputes or other wise settle claims.*

12. *The Commission holds its meetings in various locations across the State of South Dakota; however, the majority of the meetings are held in Pierre. If you are unwilling to testify or fail to appear if requested, the Commission may dismiss the complaint.*

Are you willing to appear under oath as a witness and be cross-examined concerning the allegations made in the complaint? Yes \_\_\_\_\_ No \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

I declare and affirm under the penalties of perjury that this complaint has been examined by me, and to the best of my knowledge and belief, is in all things true and correct.

\_\_\_\_\_  
Complainant

\_\_\_\_\_  
Complainant

### COMMISSION ACTION ON COMPLAINT

When the complaint and answer have been received, commission staff will conduct an investigation. The Real Estate Commission will review the complaint and determine appropriate action. You will be notified of any action or proposed action by the commission. Thank you.