

## Offer Presentation

### **Is a real estate licensee obligated to present all offers to a seller?**

REALTORS® report that sometimes, especially in high demand markets where buyers outnumber sellers, listing agents try to “double-end” a deal, representing both seller and buyer. When this happens, agents representing buyers often suspect that their client’s offers are not being presented to the seller. There are implications to such conduct.

NAR Code of Ethics: Article 1, Standards of Practice 1-6 and 1-7 require REALTORS® to submit offers objectively and *as quickly as possible*, even after another offer has been accepted.

Model MLS Rule 9.5 requires listing broker members of the MLS to submit to the seller all offers until closing, unless instructed otherwise by the seller.

Model MLS Rules 9.4 require a listing broker to present the offer *as soon as possible* or provide the cooperating broker a satisfactory reason for not doing so.

Model MLS Rule 9.6 give the cooperating broker the right to participate in the presentation of the offer, unless the seller gives contrary written instructions.

Business and Professions Code, Sections 10176 and 10177 provide for potential disciplinary action against a real estate licensee who makes a substantial misrepresentation or engaged in dishonest dealing or was negligent or incompetent.

Common law of fiduciary duty obligates a real estate licensee to not place their own interests ahead of their client and failing to present offers would likely fall into that category of prohibited conduct.

### **What can a REALTOR® do who suspects their offer is not being presented?**

Document the date, time and method used to deliver the offer to the listing agent. Document efforts to follow-up on the status of the offer.

Send C.A.R. Sample Letter titled, Demand that Offer be Presented to Seller, to the listing agent.

Discuss with client the possibility of the agent or client going direct to the seller with the offer.