

ORDER
No. 181, dated 4.5.2022

**ON THE APPROVAL OF DETAILED RULES FOR THE PROCEDURE OF THE
DISCIPLINARY INVESTIGATION OF REAL ESTATE INTERMEDIARY AND THE
COMPLAINT FORM**

Pursuant to Article 102, paragraph 4, of the Constitution; Article 7, paragraph 2, of Law No. 8678, dated 14.5.2001, "On the Organization and Functioning of the Ministry of Justice", as amended, and Article 23, paragraph 4, of Law No. 9/2022, "On the profession of real estate intermediary", I hereby

ORDER:

1. The approval of detailed rules for the disciplinary investigation procedure of real estate intermediary and the complaint form, according to Annex 1, attached and integral part of this order.

2. The disciplinary investigation against the intermediary shall be initiated *ex officio* or upon complaint, based on information from which reasonable suspicions arise regarding the commission of a disciplinary violation during the exercise of the intermediary activity.

3. The investigation shall be conducted for actions or inactions of the real estate intermediary for which there are reasonable suspicions that they are contrary to the law or that constitute inappropriate professional services, contrary to the applicable legislation or the Code of Professional Ethics.

4. The Minister shall initiate an investigation upon his initiative, based on substantial data on facts resulting from reliable sources, on the basis of which there is a reasonable suspicion that the violation may have been committed by the intermediary. Information obtained from the media or from anonymous complainants may serve as evidence to initiate an investigation, especially if there are met the criteria provided for in paragraph 7, letters "c", "ç", and "d".

5. The Minister shall review complaints submitted by any natural or legal person, except those submitted anonymously. The complainant may request confidentiality, but the request for confidentiality must be expressly specified by the individual in writing. The complaint shall be submitted in person, by mail or electronically.

6. The withdrawal of the complaint shall not result in the archiving of the complaint if the Minister considers that the allegation has sufficient grounds for conducting an investigation upon his initiative, nor shall it result in the closure of an investigation that has been initiated.

7. The complaint shall be accepted if it meets the following requirements:

a) it is submitted in writing and contains at least the required data of the complaint form;
b) it does not contain abusive elements, is not a repeated complaint and does not appear unfounded;
c) it addresses the conduct of the intermediary, who was certified at the time of the alleged violation;

c) it addresses the conduct of the intermediary which, if proven to have been committed, constitutes disciplinary violation provided for by law;

d) it refers to facts that occurred within the statute of limitation period for disciplinary investigation.

8. After the initial examination of the complaint, the Minister, in relation to the alleged violation, within 3 months from the receipt of the complaint, decides:

a) the verification of the complaint;
b) the initiation of the investigation, when the complaint is in accordance with paragraph 7 of this order;
c) archiving the complaint, in the event that the requirements of paragraph 7 of this order are not met.

9. If the complaint is unclear, the Minister shall verify whether there are sufficient facts to justify the initiation of an investigation. The Minister shall request the complainant to submit additional documents or provide explanations regarding the circumstances in which the alleged violation occurred. In the opposite case, when there are insufficient facts to justify the initiation of an investigation, the complaint shall be archived.

10. The order to initiate a disciplinary investigation or to archive the complaint shall be notified to the complainant and the real estate intermediary against whom the investigation is conducted, within 3 working days from the entry into force of the order under this paragraph.

11. The real estate intermediary has the right to get acquainted with the investigation file to the extent that does not violate the secrecy of the investigation upon submission of his request.

12. The Minister, through the responsible structure, may request from the real estate intermediary, information, documents or any evidence that is necessary for the investigation.

13. If during the investigation, reasonable suspicions arise that another violation may have occurred, the Minister shall order the extension or change of the scope of the investigation and shall notify the real estate intermediary regarding this change in the investigation process against him.

14. The Minister shall order the merger of investigations, in cases where s/he establishes that the complaints or investigations initiated refer to the same facts or the same intermediary.

15. The Minister shall decide to suspend the disciplinary investigation when a criminal investigation or a judicial process is underway, in which one of the parties is the intermediary and the suspected violation is related to the same facts, for which a decision will be taken. The disciplinary investigation shall be suspended until a final decision is taken. The suspension of the investigation shall interrupt the statute of limitation periods. Even if the court decision is in favor of the intermediary, it shall not prevent the Minister from conducting the investigation in determining disciplinary liability.

16. Due to the complexity of the case, the Minister may extend the investigation period, provided for in paragraph 19 of this order, in accordance with the provisions of the Code of Administrative Procedures. This decision shall be notified to the complainant and/or the intermediary.

17. The Minister may reopen the investigation, in the event of new evidence emerging, after the expiration of the deadlines provided for in paragraphs 8 or 19 of this order, on the basis of reasonable grounds. This decision shall be notified to the complainant and the real estate intermediary.

18. The Minister shall decide to close the investigation if it is proven that the allegations are unfounded or the evidence administered and the results of the investigation conclude:

- a) the evidence is insufficient to prove the commission of a disciplinary offence;
- b) the case has been the subject of a previous investigation that has been closed or for which a final decision has been issued, within the framework of a disciplinary proceeding, except in cases where new facts or evidence are presented;
- c) the case is time-barred at the time the investigation was initiated;
- ç) the real estate intermediary has passed away.

19. The Minister, within 60 days from the date of the decision, to initiate a disciplinary investigation, shall submit to the Disciplinary Commission the investigation report together with the investigation file for the initiation of disciplinary proceedings, otherwise he shall decide to close the investigation. This decision shall be notified to the real estate intermediary and the complainant at the same time.

20. The responsible structure in the Ministry of Justice and the real estate intermediary shall be charged with the implementation of this order.

21. The Archives-Protocol Sector shall be charged with taking measures for the communication of this order.

This order becomes immediately effective and shall be published in the Official Gazette.

MINISTER OF JUSTICE
Ulsi Manja

ANNEX NO. 1
COMPLAINT FORM FOR REAL ESTATE INTERMEDIARY

**Sending a complaint electronically, by mail or in person requires attaching a copy of the identification document.*

Identity of complainant
First Name:
Last Name:
Address:
City:
Telephone:
<i>Email:</i>

Identification of the individual against which the complaint is addressed:
Real estate intermediary /real estate brokerage office:

Provide information on the alleged violations including dates and a description of the actions or inactions:

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Documents attached to the complaint:

1. _____
2. _____
3. _____
4. _____
5. _____

Request for confidentiality, according to paragraph 3, article 24, of law no. 9/2022, “On the profession of real estate intermediary”:

	I request confidentiality.
	I do not request confidentiality.

(Date) _____

(Signature) _____

**The complainant must sign at the end of the complaint form. The information in this form and the ID data will be processed in accordance with Law No. 9887/2008, “On the Protection of Personal Data”.*