



Can a buyer's agent submit an offer directly to the seller?

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QUESTION: Four days ago, I submitted an offer on a property my client really wants to purchase. After hearing nothing from the listing agent, I emailed him this morning to get a status update. I instantly received an automated response indicating he is on vacation for another two weeks.

I seriously wonder if the listing agent has presented our offer to the seller at all. Can I simply submit my client's offer to the seller directly? I do not trust that the listing agent is doing his job.

ANSWER: No. Even though [Rule .0106](#) requires a broker to deliver an offer to their client within three days, that does not mean you can approach the seller without the listing agent's permission. [Article 16](#) of the REALTOR® Code of Ethics states that "REALTORS® shall not engage in any practice or take any action inconsistent with exclusive representation or exclusive brokerage relationship agreements that other REALTORS® have with clients." Standard of Practice 16-13 explains that this means "all dealings concerning property exclusively listed, or with buyer/tenants who are subject to an exclusive agreement *shall be carried on with the client's representative or broker, and not with the client*, except with the consent of the client's representative or broker or except where such dealings are initiated by the client."

Even though you cannot approach the seller personally, you may be able to solve this issue by:

1. Contacting the listing agent's BIC or firm and informing them of the problem;
2. Invoking your right to participate jointly with the listing agent in the presentation of your offer pursuant to the rules of your MLS; or
3. Requesting that the listing agent provide you an explanation for not presenting the offer under the rules of your MLS.

You should also know that beginning January 1st, 2019, amended Standard of Practice 1-7 will become effective and will require listing agents in situations like this to provide a written affirmation, upon request, stating that the offer has been submitted or waived by the seller. Regardless of how you decide to proceed in this matter, however, be sure to communicate in writing so that you will have a record of your efforts.

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