

## **GENERAL INSTRUCTIONS AND INFORMATION FOR FILING AND REPLYING TO ETHICS COMPLAINTS**

- (1) Complaints must be typewritten and submitted with a sufficient number of copies to enable the Association to provide one to each respondent plus one copy for the Association's records. Any reply must be typewritten and submitted with a sufficient number of copies to enable the Association to provide one to each complainant plus one copy for the Association's records. Additional copies of the complaint and reply should be furnished by the complainant and respondent as requested by the Professional Standards Administrator. If the complainant is a member of the public, extra copies of the complaint should not be requested.
- (2) Complaints will be referred to the Professional Standards Administrator, and by the Professional Standards Administrator to the Chairperson of the Grievance Committee. If the Grievance Committee finds the matter to constitute a proper cause of action, it will be referred to the Professional Standards Administrator to arrange a hearing; if not found to constitute a proper cause of action, it will be returned to the Complainant with the decision of the Grievance Committee, together with information advising the Complainant of the procedures by which the Grievance Committee's decision may be appealed by the Board of Directors.
- (3) If there is to be a hearing, respondent will have fifteen (15) days from when the request for response was transmitted, to reply. Copy of the reply will be sent to complainant, the Board President, and the Professional Standards Committee Chairperson. The date of the hearing will be set and all parties will be notified of the date and place of hearing at least twenty-one (21) days in advance.
- (4) If no reply is received from respondent within (15) days from when the request for response was transmitted, the date, time, and place of hearing will be set.
- (5) All parties may be represented by legal counsel, provided that notice of intention to be represented is transmitted to all other parties and to the Hearing Panel at least fifteen (15) days prior to the hearing. Failure to provide timely notice may result in a continuance of the hearing.
- (6) It is the responsibility of each party to arrange for his witnesses to be present at the hearing. All parties appearing at the hearing may be called as witnesses without advance notice.
- (7) Parties are strongly encouraged to provide any and all documents and evidence they intend to introduce during the hearing to the other party(ies) and to the association prior to the day of the hearing. Providing documents and evidence in advance can expedite the hearing process and prevent costly, unnecessary continuances. (Adopted 5/15)
- (8) Either party may file with the Professional Standards Administrator, within ten (10) days from the date the names of the members of the Professional Standards Committee are transmitted to the parties, a written request for disqualification of any potential member of the Hearing Panel for any of the following reasons:

- (a) is related by blood or marriage to the complainant, respondent, or a REALTOR® acting as counsel for either the complainant or respondent
  - (b) is an employer, partner, or employee, or in any way associated in business with the complainant, respondent, or a REALTOR® acting as counsel for either the complainant or respondent
  - (c) is a party to the hearing, or a party or a witness in another pending case involving complainant or respondent
  - (d) knows any reasons acceptable to the Hearing Panel or tribunal which may prevent him from rendering an impartial decision
- (9) The notice of hearing will contain names of members of the tribunal who will hear the case and should be accompanied by an “Outline of Procedure for and Ethics Hearing”. Parties’ requests for continuances shall only be granted when all parties mutually agree to a subsequent specified date, or when the hearing panel chair determines that denying the continuance would deny the requestor a fair hearing.
- (10) The parties shall not discuss the case with any member of the Hearing Panel or the Board of Directors at any time prior to announcement of a decision in the case.
- (11) No hearing will be held in the absence of a complainant. An ethics hearing may proceed in the absence of a respondent.