**S A M P L E**

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**Ethics Enforcement Toolkit**

**(includes letters to initiate arbitration)**

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This document contains samples of letters and forms that an association’s professional standards administrator would complete and send to parties involved in an ethics matter. These materials serve as an example of the communications that likely will occur between the association and the parties during the processing of an ethics case. Associations are free to use the sample letters included in this packet as a starting template for its cases locally.

The sample utilizes a fictitious fact scenario for demonstrating how letters, forms, and a detailed written decision should be written. Prior to using any of these sample forms or letters, administrators should revise them, as reason and circumstances dictate.

Also included in this chronological example of how a board/association receives, processes, and resolve an ethics complaint are sample letters to initiate the arbitration process.

**NOTE:** The sample forms and letters contained herein might not be applicable to every situation, and will require careful review and application.

To access this document on line, go to: <http://www.realtor.org/policy/sample-letters-to-simplify-administration-of-ethics-complaints>

\*This page was updated in March 2015 and was formerly *Sample Chronological Ethics Complaint Documentation Processing*.

Revised March 2017 dmn

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|  |  |
| --- | --- |
| Summary of Administrative Time Frames—Ethics Proceedings | |
|  |  |
| **Situation** | **Time Table** |
|  | |
|  | **Grievance** |
|  | |
| Complaint filed | 180 days . . . |
| Response required/# of days to submit | 15 days from request for response being transmitted if response solicited |
| Complainant's appeal to Directors | 20 days from transmittal of dismissal notice |
| Directors review | Next meeting |
|  |  |
|  | **Professional Standards** |
| Respondent provides response | 15 days from request for response being transmitted; staff transmits response to complainant within 5 days from receipt |
| Challenge forms | 10 days to challenge from date forms transmitted to parties |
| Panel named | 5 days after challenge forms are due |
| Hearing notice | 21 days in advance of hearing |
| Complaint/response to panel | Board option |
| Notice of witnesses and counsel | 15 days before hearing to Board and other party |
| Adjourned hearing | Not less than 15 days or more than 30 days from hearing (unless a “late” witness is allowed and then not less than 5 days from hearing) |
| Decision filed | Day of hearing, or no later than 48 hours after hearing |
| Transmit decision | 5 days after decision filed with staff, except if it is necessary obtain association counsel’s review |
|  |  |
|  | **Appeal** |
| Appeal filed | 20 days after decision transmitted |
| Preliminary review | Within 10 days after appeal transmitted to association |
| Amendment received | Within 10 days of notice |
| Appeal heard | Next/special meeting giving 10 days minimum notice, but not later than 30 days after receipt of appeal; Directors’ written decision transmitted to parties within 5 days of appeal hearing |
|  |  |

|  |  |
| --- | --- |
| Summary of Administrative Time Frames—Arbitration Proceedings | |
|  |  |
| **Situation** | **Time Table** |
|  | |
|  | **Grievance** |
|  | |
| Request filed | 180 days . . . |
| Response required/# of days to submit | 15 days from transmitting request to respondent if response solicited |
| Appeal dismissal to Directors | 20 days from transmitting dismissal notice |
| Appeal of mandatory/voluntary classification | 20 days from transmittal of decision |
|  |  |
|  | **Hearing** |
| Notification to respondent of request | 5 days from transmittal of Grievance Committee’s instruction |
| Response required | 15 days from transmitting request to respondent; staff transmits response to complainant within 5 days from receipt |
| Challenge forms | 10 days to challenge from date forms transmitted |
| Panel named | 15 days from transmitting challenge forms |
| Hearing notice | 21 days before hearing |
| Arbitration case to panel | Board option |
| Notice of witnesses and attorney | 15 days before hearing to Board and other party |
|  | **Procedural Review** |
| Request filed | 20 days from transmitting award |
| Preliminary review | Optional number of days |
| Amendment received | Within 10 days of notice |
| Review held by Directors | Next/special meeting giving not less than 10 days notice, but not later than thirty (30) days after receipt of the procedural review request; Directors’ written decision transmitted within 5 days from the procedural review hearing |
|  |  |

May 1

Mr. Ted Edwards

Green Realty

15 E. 1st Street

Morris, IN 66666

RE: Potential Ethics Complaint/Arbitration Request\*

Dear Mr. Edwards:

In response to our telephone conversation yesterday, enclosed as attachments, are copies of an ethics complaint form, the Code of Ethics and Standards of Practice, and an arbitration request form. A copy of the NATIONAL ASSOCIATION OF REALTORS®  *Code of Ethics and Arbitration Manual* which governs the policies of the Truly Fine Board of REALTORS®  with respect to all hearings may be obtained for a nominal fee by calling the board (or feel free to come in to the board to review our copy at any time, if you prefer) or you may go to the NATIONAL ASSOCIATION OF REALTORS® website: <http://store.realtor.org/product/being-realtor/code-ethics> and order your personal copy on-line.

As we discussed on the phone, we have an Ombudsman program available that could possibly assist you with your concerns. This service is offered to you at no cost. The Ombudsman will attempt to informally resolve your concerns through phone communication. As I explained, the Ombudsman’s role is primarily one of communication and conciliation, not adjudication. Ombudsmen do not determine whether ethics violations have occurred or who is entitled to compensation, rather they anticipate, identify, and resolve misunderstandings and disagreements before matters ripen into formally filed arbitration requests and possible charges of unethical conduct. The Ombudsman will be contacting you shortly. Thank you for your interest.

If you ultimately decide to file an ethics complaint, you will want to review the Code of Ethics. The Code is the standard by which the Grievance Committee of the Board reviews allegations of potential violations. The Articles in the Code of Ethics are the specific obligations that can subject the member to disciplinary action after a due process hearing. After carefully reading the Code, complete the ethics complaint form, including an explanation of why you believe a specific Article (or Articles) has been violated (e.g., "I feel that Article \_\_\_\_ was violated because. . . "). Any ethics complaint must cite an Article since that is the standard by which REALTORS®’conduct is judged; a Standard of Practice may only be cited in support of a charge that an Article was violated. You must also include the date you became aware there was a potential violation. Enclosed as an attachment, is Appendix X to Part Four, [Before You File an Ethics Complaint](http://www.realtor.org/code-of-ethics/brochure-before-you-file-an-ethics-complaint), *Code of Ethics and Arbitration Manual*, which you may find helpful should you pursue an ethics complaint.

If your broker decides to file an arbitration request to pursue a monetary claim arising out of a contractual dispute (or Standard of Practice 17-4) with another REALTOR®  principal, your broker must complete the arbitration request form, state the amount sought and the date the dispute arose. A non-principal cannot be party to an arbitration request, although you may attend the arbitration if you remain affiliated with your broker, maintain REALTOR®  or REALTOR-ASSOCIATE®  membership, and have a monetary interest in the outcome. Your broker must also include a clearly-written explanation of why your broker believes he or she is owed the money. Enclosed as an attachment, you will find a copy of Appendix II to Part Ten, Arbitration Guidelines, and an Arbitration Worksheet to assist your broker.

Mediation is another alternative available for solving monetary disputes. Please refer to the enclosed brochure if interested in mediation. Your broker need not request arbitration prior to mediation. If your broker chooses to pursue arbitration at any time, return the completed arbitration request form, along with any supporting evidence, and enclose an arbitration filing fee of $250.00.\*\* There is no charge to file an ethics complaint or mediation request.

When we receive an ethics complaint and/or an arbitration request, we will forward it to the Grievance Committee which will review the matter and decide if there are sufficient grounds for a hearing(s) by the Professional Standards Committee.

Please understand that requests for arbitration must be filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later (unless the board’s informal dispute resolution processes [e.g., ombudsmen or mediation] are initiated by the complainant). Ethics complaints must be filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction or event, whichever is later (unless the board’s informal dispute resolution processes [e.g., ombudsmen or mediation] are initiated by the complainant). These time frames noted above remain in effect regardless of whether there is criminal or civil litigation pending (or a matter pending before any state or federal regulatory or administrative agency or real estate licensing authority) arising out of the same facts and circumstances giving rise to the ethics complaint or arbitration request.

Please confirm via e-mail your receipt of this e-mail within the next 24 hours. Should we not receive your e-mail confirmation, an association staff member will contact you by telephone to confirm receipt, which will be noted in your file. If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212 or by e-mail to ssmith@trulyfinebor.com.

Sincerely,

Suzie Smith

Executive Vice President

Truly Fine Board of REALTORS®

cc: George Collins (Ted Edward’s broker)

Attachment: [Code of Ethics and Standards of Practice](http://www.realtor.org/sites/default/files/policies/2016/2016-NAR-Code-of-Ethics.pdf)

[Form #E-1, Ethics Complaint](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-1-ethics-complaint)

[Form #A-1, Request and Agreement to Arbitrate](http://www.realtor.org/code-of-ethics-and-arbitration-manual/arbitration/form-a-1-request-and-agreement-to-arbitrate)

[Appendix X to Part Four, Before You File an Ethics Complaint](http://www.realtor.org/code-of-ethics/brochure-before-you-file-an-ethics-complaint), *Code of Ethics and Arbitration*

*Manual* [Mediation Brochure](http://www.realtor.org/sites/default/files/handouts-and-brochures/2013/brochure-mediation-for-brokers.pdf)

[Appendix ll to Part Ten, Arbitration Guidelines](http://www.realtor.org/code-of-ethics-and-arbitration-manual/arbitration/appendix-ii-to-part-ten-arbitration-guidelines), *Code of Ethics and Arbitration Manual*

[Appendix ll to Part Ten, Arbitration Worksheet](http://www.realtor.org/code-of-ethics/procuring-cause-arbitration-worksheet), *Code of Ethics and Arbitration Manual*

\*Professional Standards Administrators must determine which sample letter is most appropriate to transmit to a potential complainant depending on whether the complainant is interested in pursuing both an ethics complaint and an arbitration request, just an ethics complaint, or just an arbitration request.

\*\* Please also note that the maximum arbitration filing fee is $500 per party.

May 1

Mr. Ted Edwards

Green Realty

15 E. 1st Street

Morris, IN 66666

RE: Potential Ethics Complaint

Dear Mr. Edwards:

In response to our telephone conversation yesterday, enclosed as an attachment is a copy of an ethics complaint form and the Code of Ethics and Standards of Practice. A copy of the NATIONAL ASSOCIATION OF REALTORS®  *Code of Ethics and Arbitration Manual* which governs the policies of the Truly Fine Board of REALTORS®  with respect to all hearings may be obtained for a nominal fee by calling the board (or feel free to come in to the board to review our copy at any time, if you prefer) or you may go to the NATIONAL ASSOCIATION OF REALTORS® website: <http://store.realtor.org/product/being-realtor/code-ethics> and order your personal copy on-line.

As we discussed on the phone, we have an Ombudsman program available that could possibly assist you with your ethical concerns. This service is offered to you at no cost. The Ombudsman will attempt to informally resolve your concerns through phone communication. As I explained, the Ombudsman’s role is primarily one of communication and conciliation, not adjudication. Ombudsmen do not determine whether ethics violations have occurred or who is entitled to money, rather they anticipate, identify, and resolve misunderstandings and disagreements before matters ripen into formally filed arbitration requests and possible charges of unethical conduct. The Ombudsman will be contacting you shortly. Thank you for your interest.

If you ultimately decide to file an ethics complaint, you will want to review the Code of Ethics. The Code is the standard by which the Grievance Committee of the Board reviews allegations of potential violations. The Articles in the Code of Ethics are the specific obligations that can subject the member to disciplinary action after a due process hearing. After carefully reading the Code, complete the ethics complaint form, including an explanation of why you believe a specific Article (or Articles) has been violated (e.g., "I feel that Article \_\_\_\_ was violated because. . . "). Any ethics complaint must cite an Article since that is the standard by which REALTORS®’conduct is judged; a Standard of Practice may only be cited in support of a charge that an Article was violated. You must also include the date you became aware there was a potential violation. Enclosed as an attachment is Appendix X to Part Four, [Before You File an Ethics Complaint](http://www.realtor.org/code-of-ethics/brochure-before-you-file-an-ethics-complaint), *Code of Ethics and Arbitration Manual*, which you may find helpful should you pursue an ethics complaint. When we receive an ethics complaint, we will forward it to the Grievance Committee which will review the matter and decide if there are sufficient grounds for a hearing by the Professional Standards Committee.

Please understand ethics complaints must be filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction or event, whichever is later (unless the board’s informal dispute resolution processes [e.g., ombudsmen or mediation] are initiated by the complainant). This time frame noted above remains in effect regardless of whether there is criminal or civil litigation pending (or a matter pending before any state or federal regulatory or administrative agency or real estate licensing authority) arising out of the same facts and circumstances giving rise to the ethics complaint.

Please confirm via e-mail your receipt of this e-mail within the next 24 hours. Should we not receive your e-mail confirmation, an association staff member will contact you by telephone to confirm receipt, which will be noted in your file. If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212 or by e-mail to ssmith@trulyfinebor.com.

Sincerely,

Suzie Smith

Executive Vice President

Truly Fine Board of REALTORS®

Attachment: [Code of Ethics and Standards of Practice](http://www.realtor.org/sites/default/files/policies/2016/2016-NAR-Code-of-Ethics.pdf)

[Form #E-1, Ethics Complaint](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-1-ethics-complaint)

[Appendix X to Part Four, Before You File an Ethics Complaint, *Code of Ethics and Arbitration Manual*](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/part-4-appendix-x-before-you-file-an-ethics-complaint)

May 1

Mr. Ted Edwards

Green Realty

15 E. 1st Street

Morris, IN 66666

RE: Potential Arbitration Request

Dear Mr. Edwards:

In response to our telephone conversation yesterday, enclosed as an attachment, is a copy of an arbitration request form. A copy of the NATIONAL ASSOCIATION OF REALTORS® *Code of Ethics and Arbitration Manual* which governs the policies of the Truly Fine Board of REALTORS®  with respect to all hearings may be obtained for a nominal fee by calling the board (or feel free to come in to the board to review our copy at any time, if you prefer) or you may go to the NATIONAL ASSOCIATION OF REALTORS® website: <http://store.realtor.org/product/being-realtor/code-ethics> to order your personal copy on-line.

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If your broker decides to file an arbitration request to pursue a monetary claim arising out of a contractual dispute (or Standard of Practice 17-4) with another REALTOR*®* principal, your broker must complete the arbitration request form, state the amount sought and the date the dispute arose. A non-principal cannot be party to an arbitration request, although you may attend the arbitration if you remain affiliated with your broker, maintain REALTOR®  or REALTOR-ASSOCIATE® membership, and have a monetary interest in the outcome. Your broker must also include a clearly-written explanation of why your broker believes *he or* she is owed the money.Enclosed as an attachment, you will find a copy of Appendix II to Part Ten, Arbitration Guidelines, and an Arbitration Worksheet to assist your broker.

Mediation is another alternative available for solving monetary disputes. Please refer to the enclosed brochure if interested in mediation. Your broker need not request arbitration prior to mediation. If your broker chooses to pursue arbitration at any time, return the completed arbitration request form, along with any supporting evidence, and enclose an arbitration filing fee of $250.00.\* There is no charge to file the attached mediation request form.

When we receive an arbitration request, we will forward it to the Grievance Committee which will review the matter and decide if there are sufficient grounds for a hearing by the Professional Standards Committee.

Please understand that requests for arbitration must be filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later (unless the board’s informal dispute resolution processes [e.g., ombudsmen or mediation] are initiated by the complainant). This time frame noted above remains in effect regardless of whether there is criminal or civil litigation pending (or a matter pending before any state or federal regulatory or administrative agency or real estate licensing authority) arising out of the same facts and circumstances giving rise to the dispute.

Please confirm via e-mail your receipt of this e-mail within the next 24 hours. Should we not receive your e-mail confirmation, an association staff member will contact you by telephone to confirm receipt, which will be noted in your file. If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212 or by e-mail to ssmith@trulyfinebor.com.

Sincerely,

Suzie Smith

Executive Vice President

Truly Fine Board of REALTORS®

cc: George Collins (Ted Edward’s broker)

Attachment: [Mediation Brochure](http://www.realtor.org/sites/default/files/handouts-and-brochures/2013/brochure-mediation-for-brokers.pdf)  
 [Request for Mediation](http://www.realtor.org/code-of-ethics-and-arbitration-manual/mediation/request-for-mediation)

[Form #A-1, Request and Agreement to Arbitrate](http://www.realtor.org/code-of-ethics-and-arbitration-manual/arbitration/form-a-1-request-and-agreement-to-arbitrate)  
 [Appendix ll to Part Ten, Arbitration Guidelines](http://www.realtor.org/code-of-ethics-and-arbitration-manual/arbitration/appendix-ii-to-part-ten-arbitration-guidelines), *Code of Ethics and Arbitration Manual*

[Appendix ll to Part Ten, Arbitration Worksheet](http://www.realtor.org/code-of-ethics/procuring-cause-arbitration-worksheet), *Code of Ethics and Arbitration Manual*

\* Please note that the maximum arbitration filing fee is $500 per party.

June 10

Grievance Committee

Truly Fine Board of REALTORS®

410 East End

Morris, IN 66666

RE: Ethics Complaint against Sam O’Connor

Dear Grievance Committee:

I am writing to report the unethical conduct of Sam O’Connor. My buyer-client, Brian Keller, went to Sam’s open house at 124 Taylor Street. On April 23, my client told Sam he was exclusively represented by me. Brian was also quite familiar with the house because a good friend of his used to own it, so I did not accompany him to the open house.

Brian told Sam he was interested in purchasing the property, but was going to talk to me about it. Sam told him there were several buyers interested and convinced him that he could lose the property if he went back to me. He did this by saying things such as, “You can go back and discuss this with Ted, or I can help you write a purchase contract now. It is your choice but, if it was me, I’d make an offer today.” Brian was really interested in this property so he wrote the offer through Sam, which I learned about two day later when I call Brian. But Sam took advantage of Brian by insinuating that he’d lose out if he wrote the offer through me. Not only was Sam unethical, but he cost me a commission. I am filing a request for arbitration, too.

Sam interfered with my client relationship and I’m charging him with violating Standard of Practice 16-13 of the Code of Ethics.

Sincerely,

Ted Edwards, REALTOR-ASSOCIATE®

Green Realty

**Form # E-1**

Truly Fine Association of REALTORS®   
 Board of State Association

410 East End Morris IN 66666

Address City State Zip

**Ethics Complaint**

To the **Grievance Committee** of the Truly Fine Association of REALTORS®

Board or State Association

Filed June 10 , 20

Ted Edwards Sam O’Connor

Complainant(s) Respondent(s)

Complainant(s) charge(s):

An alleged violation of Article(s) Standard of Practice 16-13 of the Code of Ethics and/or other membership duty as set forth in the bylaws of the Board in and alleges that the above charge(s) Article, Section

(is/are) supported by the attached statement, which is signed and dated by the complainant(s) and which explains

when the allege violation(s) occurred and, if a different date, when the complainant(s) first knew about the alleged violations.

This complaint is true and correct to the best knowledge and belief of the undersigned and is filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction, or event, whichever is later.

Date(s) alleged violation(s) took place: April 23

Date(s) you became aware of the facts on which the alleged violation(s) (is/are) based: April 25

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true.

Are the circumstances giving rise to this ethics complaint involved in civil or criminal litigation or in any proceeding before the state real estate licensing authority or any other state or federal regulatory or administrative agency?

Yes No

You may file an ethics complaint in any jurisdiction where a REALTOR® is a member or MLS participant. Note that the REALTORS® Code of Ethics, Standard of Practice 14-1 provides, in relevant part, “REALTORS® shall not be subject to disciplinary proceeding in more than one Board of REALTORS® . . . with respect to alleged violations of the Code of Ethics relating to the same transaction or event.”

Have you filed, or do you intend to file, a similar or related complaint with another Association(s) of REALTORS®?

Yes No

If so, name of other Association(s): Date(s) filed:

I understand that should the Grievance Committee dismiss this ethics complaint in part or in total, that I have twenty (20) days from transmittal of the dismissal notice to appeal the dismissal to the Board of Directors. Complainant(s):

Ted Edwards

Type/Print Name Signature

Type/Print Name Signature

Green Realty 15 E. First Street, Morris, IN 66666

Address

444-212-1111

Phone Email

June 15

Ted Edwards

c/o Green Realty

15 E. First Street

Morris, In 66666

RE: Case No. 02-10 (E) Edwards vs. O’Connor

Dear Mr. Edwards:

We are in receipt of your ethics complaint with attached letter dated June 10.

However, prior to bringing the allegations to the attention of the Grievance Committee, it is necessary for you to clarify what Article(s) you are charging Mr. Edwards with having violated as a REALTOR® may only be disciplined if found in violation of an Article. As our previous correspondence attempted to explain, although the Standards of Practice serve to clarify ethical obligations, an ethics complaint must allege a violation of one or more Articles of the Code of Ethics.

Enclosed as an attachment, you will find a first amended ethics complaint form. If interested in pursuing an ethics complaint, please complete and return the executed form to our office and it will be attached to your previous submittal when provided to the Grievance Committee.

You state in your June 10 correspondence that you are filing a request for arbitration. As my May 1 correspondence to you indicated, a REALTOR® non-principal is not able to invoke arbitration with another firm. Please consult with your REALTOR® principal. Only he can pursue a monetary claim as outlined in Article 17.

Please confirm via e-mail your receipt of this e-mail within the next 24 hours. Should we not receive your e-mail confirmation, an association staff member will contact you by telephone to confirm receipt, which will be noted in your file. If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212 or by e-mail to ssmith@trulyfinebor.com.

Sincerely,

Suzie Smith

Executive Vice President

Truly Fine Board of REALTORS®

Attachment: [Form #E-1, Ethics Complaint - First Amended](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-1-ethics-complaint)

**Form # E-1**

Truly Fine Association of REALTORS®

Board of State Association

410 East End Morris IN 66666

Address City State Zip

**Ethics Complaint**

To the **Grievance Committee** of the Truly Fine Association of REALTORS®

Board or State Association

Filed June 10 , 20

Ted Edwards Sam O’Connor

Complainant(s) Respondent(s)

Complainant(s) charge(s):

An alleged violation of Article(s) 16 of the Code of Ethics and/or other membership duty as set forth in the bylaws of the Board in and alleges that the above charge(s) Article, Section

(is/are) supported by the attached statement, which is signed and dated by the complainant(s) and which explains when the alleged violation(s) occurred and, if a different date, when the complainant(s) first knew about the alleged violations.

This complaint is true and correct to the best knowledge and belief of the undersigned and is filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction, or event, whichever is later.

Date(s) alleged violation(s) took place: April 23

Date(s) you became aware of the facts on which the alleged violation(s) (is/are) based: April 25

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true.  
Are the circumstances giving rise to this ethics complaint involved in civil or criminal litigation or in any proceeding before the state real estate licensing authority or any other state or federal regulatory or administrative agency?

Yes No

You may file an ethics complaint in any jurisdiction where a REALTOR® is a member or MLS participant. Note that the REALTORS® Code of Ethics, Standard of Practice 14-1 provides, in relevant part, “REALTORS® shall not be subject to disciplinary proceeding in more than one Board of REALTORS® . . . with respect to alleged violations of the Code of Ethics relating to the same transaction or event.”

Have you filed, or do you intend to file, a similar or related complaint with another Association(s) of REALTORS®?

Yes No

If so, name of other Association(s): Date(s) filed:

I understand that should the Grievance Committee dismiss this ethics complaint in part or in total, that I have twenty (20) days from transmittal of the dismissal notice to appeal the dismissal to the Board of Directors. Complainant(s):

Type/Print Name Signature

Type/Print Name Signature

Green Realty 15 E. First Street, Morris, IN 66666

Address

444-212-1111   
 Phone E-mail

July 7

John Reilly

c/o Skyway Realty

Route 45

Morris, IN 66666

RE: Case No. 02-10 (E) Edwards vs. O’Connor

Dear Mr. Reilly:

An ethics complaint has been filed by Mr. Ted Edwards alleging a violation of Article 16 of the Code of Ethics against Mr. Sam O’Connor who our records indicate presently has his license with you. Enclosed as attachments are copies of the complaint and the Code of Ethics and Standards of Practice.

So that you understand your rights and responsibilities as Mr. O’Connor’s REALTOR® principal, you will want to review [Section 13, Power to Take Disciplinary Action](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/part-2-section-13-power-to-take-disciplinary-action), *Code of Ethics and Arbitration* (Manual). A copy of Section 13 is attached for your convenience. Should you or Mr. Edwards like to review the entire Manual, we have a copy for your review at our office. Alternatively, you and Mr. Edwards may purchase a copy of the Manual for a nominal fee by contacting our office or view the Manual without any charge by going to the website: <http://store.realtor.org/product/being-realtor/code-ethics> . You may also purchase the manual on-line.

Consistent with Section 13, we will keep you informed concerning this case. All future correspondence pertaining to the case will be sent to you and Mr. Edwards by e-mail.

Please confirm via e-mail your receipt of this e-mail within the next 24 hours. Should we not receive your e-mail confirmation, an association staff member will contact you by telephone to confirm receipt, which will be noted in your file. If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212 or by e-mail to ssmith@trulyfinebor.com.

Sincerely,

Suzie Smith

Executive Vice President

Truly Fine Board of REALTORS®

cc: Ted Edwards (complainant)

Sam O’Connor (respondent)

Attachment: Ethics complaint submitted by complainant

[Code of Ethics and Standards of Practice](http://www.realtor.org/sites/default/files/policies/2016/2016-NAR-Code-of-Ethics.pdf)

[Part Two, Section 13, Power to Take Disciplinary Action](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/part-2-section-13-power-to-take-disciplinary-action)

**Form # E-1**

Truly Fine Association of REALTORS®

Board or State Association

410 East End Morris IN 66666

Address City State Zip

**Ethics Complaint**

To the **Grievance Committee** of the Truly Fine Board of REALTORS®

Board or State Association

Filed June 10 , 20

Ted Edwards Sam O’Connor

Complainant(s) Respondent(s)

Complainant(s) charge(s):

An alleged violation of Article(s) 16 of the Code of Ethics and/or other membership duty as set forth in the bylaws of the Board in and alleges that the above charge(s)

Article, Section

(is/are) supported by the attached statement, which is signed and dated by the complainant(s) and which explains when

the alleged violation(s) occurred and, if a different date, when the complainant(s) first knew about the alleged violations.

This complaint is true and correct to the best knowledge and belief of the undersigned and is filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction, or event, whichever is later.

Date(s) alleged violation(s) took place: April 23

Date(s) you became aware of the facts on which the alleged violation(s) (is/are) based: April 25

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true.

Are the circumstances giving rise to this ethics complaint involved in civil or criminal litigation or in any proceeding before the state real estate licensing authority or any other state or federal regulatory or administrative agency?

Yes No

You may file an ethics complaint in any jurisdiction where a REALTOR® is a member or MLS participant. Note that the REALTORS® Code of Ethics, Standard of Practice 14-1 provides, in relevant part, “REALTORS® shall not be subject to disciplinary proceeding in more than one Board of REALTORS® . . . with respect to alleged violations of the Code of Ethics relating to the same transaction or event.”

Have you filed, or do you intend to file, a similar or related complaint with another Association(s) of REALTORS®?

Yes No

If so, name of other Association(s): Date(s) filed:

I understand that should the Grievance Committee dismiss this ethics complaint in part or in total, that I have twenty (20) days from transmittal of the dismissal notice to appeal the dismissal to the Board of Directors. Complainant(s):

Ted Edwards

Type/Print Name Signature

Type/Print Name Signature

Green Realty 15 E. First Street, Morris, IN 66666

Address

444-212-1111

Phone Email

July 7

Sam O’Connor

c/o Skyway Realty

Route 45

Morris, IN 66666

RE: Case No. 02-10 (E) Edwards vs. O’Connor

Dear Mr. O’Connor:

The Truly Fine Board of REALTORS® has received an ethics complaint from Mr. Ted Edwards charging you with an alleged violation of Article 16 of the Code of Ethics. A complete copy of the complaint and Code of Ethics are enclosed.

The Grievance Committee met June 28 and, after full and careful consideration, referred the ethics complaint alleging a violation of Article 16 to the Professional Standards Committee for hearing. A tentative ethics hearing date has been scheduled for Friday, August 27 at 9:00 a.m. Confirmation of the date, time, and place of the hearing will be forthcoming in the near future giving all parties at least 21 days advance notice. Postponements may be granted but only if there are extenuating circumstances (e.g., death in the immediate family).

We request that you submit a response to the complaint within fifteen (15) days from transmittal of this correspondence. Failure to submit a response may subject you to an allegation of having violated Article 14 of the Code.\*

Enclosed as an attachment, you, and by copy of this letter Mr. Edwards, will find Form #E-6, Notice of Right to Challenge Tribunal Members, and Form #E-7, Challenge to Qualifications by Parties to Ethics Proceedings. If either party has any challenges for cause, please return the forms within ten days from transmittal of this correspondence. If there are no challenges, the forms need not be returned.

Please confirm via e-mail your receipt of this e-mail within the next 24 hours. Should we not receive your e-mail confirmation, an association staff member will contact you by telephone to confirm receipt, which will be noted in your file. If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212 or by e-mail to ssmith@trulyfinebor.com.

Sincerely,

Suzie Smith

Executive Vice President

Truly Fine Board of REALTORS®

cc: Ted Edwards (complainant)

John Reilly (respondent’s broker)

Attachment: Ethics complaint from Ted Edwards  
 [Code of Ethics and Standards of Practice](http://www.realtor.org/sites/default/files/policies/2016/2016-NAR-Code-of-Ethics.pdf)

[Form #E-2, Notice to Respondent (Ethics)](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-2-notice-to-respondent)

[Form #E-6, Notice of Right to Challenge Tribunal Members](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-6-notice-of-right-to-challenge-tribunal-members)

[Form #E-7, Challenge to Qualifications by Parties to Ethics Proceedings](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-7-challenge-to-qualification-by-parties-to-ethics-proceeding)

\* Professional Standards Administrators should be aware that responses may alternatively be solicited by the Grievance Committee if the information the Grievance Committee is seeking cannot be obtained from the complainant. Amend correspondence as necessary.

**Form #E-2**

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| Truly Fine Board of REALTORS® |
| **Board or State Association** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 410 East End |  | Morris |  | IN |  | 66666 |
| Address |  | City |  | State |  | Zip |

**Notice to Respondent (Ethics)**

In the case of Edwards vs. O'Connor

To Sam O'Connor (respondent).

Attached hereto is a copy of a complaint which names you as respondent, as filed with this Board and referred to a

Hearing Panel for hearing as a matter of an alleged violation of Article(s) 16 of the Code of Ethics or other membership duty as set forth in the bylaws of the Board.

Please be advised that, under the bylaws of the Board, you have fifteen (15) days from the transmittal of this request to transmit a response to, or file your reply at, the office of the Board at the address above.

Your reply must be typewritten, with original and 10 copies for this office, and must be signed and dated.

Respectfully submitted,

Suzie Smith

Type/Print Signature, Executive Vice President

Truly Fine Board of REALTORS®

Board or State Association

Date: July 7

**Form #E-6**

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| Truly Fine Board of REALTORS® |
| **Board or State Association** |

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| --- | --- | --- | --- | --- | --- | --- |
| 410 East End |  | Morris |  | IN |  | 66666 |
| Address |  | City |  | State |  | Zip |

**Notice of Right to Challenge Tribunal Members\***

Notice is given herewith to parties in the matter of Edwards vs. O’Connor, an ethics proceeding, that a party has a right to challenge the qualifications of any individual who may be appointed to serve on a Hearing Panel or the Board of Directors. A list of such individuals is provided below. If you wish to challenge the qualifications of any of the individuals listed who may be appointed to sit on the Tribunal, please indicate by checking the appropriate blank, and return this form or a copy of same with a letter (or enclosed Form #E-7, if preferred) to the (Professional Standards Committee Chairperson) (Executive Officer) explaining your reason (“cause”) for challenge. If your reason is deemed sufficient to support your challenge, the individual challenged will not be appointed to the Tribunal. Pursuant to Section 2, Qualification for Tribunal, challenges must be filed with the Board not later than ten (10) days after the date the list of names is transmitted.

      Andrew Johnson Challenge: Yes       No

      Janice Green Challenge: Yes       No

      George Watson Challenge: Yes       No

      Marie Black Challenge: Yes       No

      Sam Grey Challenge: Yes       No

      Teresa Lyman Challenge: Yes       No

      Richard Waters Challenge: Yes       No

      Amanda White Challenge: Yes       No

      Ed Jackson Challenge: Yes       No

      Lara Williams Challenge: Yes       No

Harold Blue Challenge: Yes       No

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| Party’s Name (Type/Print) |  | Party’s Signature | Date |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| Party’s Name (Type/Print) |  | Party’s Signature | Date |

*\*Members of ethics Hearing Panels or the Board of Directors. Does not include members of a Grievance Committee. See Section 2, Qualifications for Tribunal,* Code of Ethics and Arbitration Manual*.*

**Form #E-7**

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| Truly Fine Board of REALTORS® |
| Board or State Association |

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| --- | --- | --- | --- | --- | --- | --- |
| 410 East End |  | Morris |  | IN |  | 66666 |
| Address |  | City |  | State |  | Zip |

**Challenge to Qualifications by Parties to Ethics Proceeding**

I (we), as party to the matter in Edwards vs. O’Connor, hereby challenge the qualification of the following named individual(s) who may be appointed as a member(s) of the Tribunal\* for the following reasons. (NOTE: Unsubstantiated challenges will be disregarded.)\*\*

Panel Member Challenged: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reason:

Panel Member Challenged: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reason:

Panel Member Challenged: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reason:

|  |  |  |
| --- | --- | --- |
| Type/Print Name of Party: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
|  |  |  |
| Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  | Date: |
|  |  |  |
| Type/Print Name of Party: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
|  |  |  |
| Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  | Date: |
|  |  |  |
| Type/Print Name of Party: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
|  |  |  |
| Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  | Date: |

*\*Members of ethics Hearing Panels or the Board of Directors.*

*\*\*Use additional pages as required to list additional challenges to the qualifications of individuals who have been or may be selected to serve as member(s) of a Tribunal in an ethics proceeding to which you are a party.*

**Form #E-3**

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| --- |
| Truly Find Board of REALTORS® |
| Board or State Association |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 410 East End |  | Morris |  | IN |  | 66666 |
| Address |  | City |  | State |  | Zip |

**Reply (Ethics)**

To the Professional Standards Committee of the

|  |
| --- |
| Truly Fine Board of REALTORS® |
| Board or State Association |

Filed July 12 ,20

|  |  |  |
| --- | --- | --- |
| Ted Edwards |  | Sam O’Connor |
| Complainant(s) |  | Respondent(s) |
|  |  |  |

in a matter of alleged violation of the Code of Ethics or other membership duty as set forth in the bylaws of this Board.

Respondent(s) replies and substantiates such reply by the following facts and/or attached statement:

This is true and correct to the best knowledge and belief of the undersigned. I (we) declare that to the best of my (our) knowledge and belief, the statements contained in this Reply are true and correct.

I understand that, if found in violation of the Code of Ethics or other membership duty, a respondent will be assessed an administrative processing fee of $500.00.\*

Respondent(s):

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sam O’Connor |  | 444-212-2222 |  |  |
| Type/Print Name |  | Phone |  | Signature |
| Skyway Realty, Route 45, Morris, IN 66666 | | | | |
| Address | | | | |
|  |  |  |  |  |
| Type/Print Name |  | Phone |  | Signature |
|  | | | | |
| Address | | | | |
|  |  |  |  |  |
| Type/Print Name |  | Phone |  | Signature |
|  | | | | |
| Address | | | | |

*\*Professional Standards Administrators should only access this fee if the Board of Directors has adopted policy so directing. Administrative processing fees cannot exceed $500.*

July 12

Ms. Suzie Smith

Truly Fine Board of REALTORS®

410 East End

Morris, IN 66666

RE: Response to Ethics Complaint

Dear Ms. Smith:

Ted Edwards does not know what he is talking about. Brian Keller came to my open house and I told him that I would be happy to show him through the home and answer any questions. I made it clear, though, that I represented the seller and could not represent Brian’s interests.

Brian was familiar with the house because it was previously owned by a close, personal friend. He also knew that we had a number of buyers looking at the property that day; I told Brian the truth – I was not going to lie to him. Besides, Standard of Practice 16-13 authorizes me to work with Brian even though he is another REALTOR®’s client if Brian was the one to contact me first. He is the one who asked me to write the offer – I made it clear that he had a choice.

I represented the seller and I had an interested buyer wanting to make an offer. Of course I wrote the offer - - I had to look out for my seller’s best interests. If Ted wanted the sale, he should have come with Brian to the open house.

Sincerely,

Sam O’Connor, REALTOR® (non-principal)

Skyway Realty

July 17

Ted Edwards Sam O’Connor

c/o Green Realty c/o Skyway Realty

15 E. 1st Street Route 45

Morris, IN 66666 Morris, IN 66666

RE: Case 02-10 (E)

Edwards vs. O’Connor

Dear Mr. Edwards and Mr. O’Connor

This letter will serve as confirmation of the 9:00 a.m., Friday, August 27 hearing date regarding Article 16 of the Code of Ethics.

The above proceeding will be held at the office of the Truly Fine Board of REALTORS®, 410 East End, Morris, IN, 66666, in the main conference room.

Enclosed as an attachment, you will find the Notice of Hearing and a copy of the procedures to be followed (Form #E-9). Mr. Edwards, you will also find enclosed as an attachment, Mr. O’Connor’s response.

To facilitate the hearing and avoid delays, all parties are requested to forward a copy of all exhibits they intend to introduce at the hearing, and notice of representation by legal counsel (if applicable) no later than fifteen (15) days prior to the scheduled hearing date. If a party has previously submitted a document as an exhibit in connection with prior correspondence, it is not necessary to submit the same document again.

All parties are requested to bring their entire file regarding this matter to the hearing. This will facilitate the hearing and avoid delays in the event that additional documentation is needed.

The Board would also like to direct your attention to Section 5 of the *Code of Ethics and Arbitration Manual* which addresses witnesses. You are responsible to submit in writing to the board and all other parties the names of any witnesses you intend to call at the hearing no later than fifteen (15) days prior to the scheduled hearing date. If you will be represented by an attorney and/or REALTOR® counsel, you are responsible for submitting counsel’s name, address and telephone number no later than fifteen (15) days prior to the hearing.

Please confirm via e-mail your receipt of this e-mail within the next 24 hours. Should we not receive your e-mail confirmation, an association staff member will contact you by telephone to confirm receipt, which will be noted in your file. If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212 or by e-mail to ssmith@trulyfinebor.com.

Sincerely,

Suzie Smith

Executive Vice President,

Truly Find Board of REALTORS®

cc: John Reilly (respondent’s broker)

Hearing Panel

Attachment: Respondent’s Response

[Form #E-8, Official Notice of Hearing (Ethics)](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-8-official-notice-of-hearing)

[Form #E-9, Outline of Procedure for Ethics Hearing](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-9-outline-of-procedure-for-ethics-hearing)

***Note to Professional Standards Administrator***: When scheduling an arbitration hearing, staff should be sure to send the parties Appendix II to Part Ten, Arbitration Guidelines and Arbitration Worksheet, *Code of Ethics and Arbitration Manual*, if you have not already done so.

**Form #E-8**

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| --- |
| Truly Fine Board of REALTORS® |

Board or State Association

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 410 East End |  | Morris |  | IN |  | 66666 |
| Address |  | City |  | State |  | Zip |
|  |  |  |  |  |  |  |

**Official Notice of Hearing (Ethics)**

|  |  |  |
| --- | --- | --- |
| In the case of Ted Edwards | vs. | Sam O’Connor |
| Complainant |  | Respondent |

Above parties are hereby notified:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| (1) The Chairperson of the Hearing Panel has designated | Friday |  | August 27 , |  | 20 |
|  | Day |  | Month |  | Year |
| 9:00 a.m. at the Board office in the main conference room |  |  |  |  |  |
| Time Place of Hearing |  |  |  |  |  |

as the time for hearing the above case, which is a hearing concerning alleged violation of Article(s) 16 of the Code of Ethics or other membership duty as set forth in the bylaws of the Board in

|  |  |
| --- | --- |
|  |  |
| Article | Section |

(2) You are hereby notified to appear at the time and place so designated.\* Although testimony provided in person before a Hearing Panel is preferred, parties and witnesses to ethics hearings may be permitted to participate in hearings by teleconference or videoconference at the discretion of the Hearing Panel Chair.

(3) The members of the Hearing Panel appointed to hear the case are:

Janice Green (chairperson) George Watson

Amanda White Marie Black

Harold Blue Sam Grey (alternate)

(4) 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.

(5) Either party may be represented by counsel, and each party is requested to provide written notice of an intention to have counsel present 15 days before the hearing to the Board and the other party including counsel’s name, address, and phone number. Failure to provide this notice will not invalidate a party’s right to representation, but may result in a continuance of the hearing if the Hearing Panel determines that the rights of any other party require representation by counsel.

(6) Each party must provide a list of the names of the witnesses he intends to call at the hearing to the Board and to all other parties not less than 15 days prior to the hearing. Each party shall arrange for his witnesses to be present at the time and place designated for the hearing. This includes REALTOR® principals consistent with Section 13(d), *Code of Ethics and Arbitration Manual*. All parties appearing at a hearing may be called as a witness without advance notice.

(7) The parties shall not discuss the case with any member of the Hearing Panel or the Board of Directors prior to the hearing or after hearing and prior to announcement of the decision.

(8) The Board of Directors has adopted a policy to assess an administrative processing fee of 500\*\* should a respondent be found in violation of the Code of Ethics or other membership duty.

Respectfully submitted,

Suzie Smith July 31

Type/Print Signature, Executive Vice President Date

\**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 requester a fair hearing.*

\*\**Board of Directors must adopt a policy to assess this fee uniformly and consistently, prior to it being assessed. Fee may not exceed $500.*

**Form #E-9**

Board or State Association

Address City State Zip

**Outline of Procedure for Ethics Hearing**

**(To be Transmitted in Advance to Both Parties)**

**Remote testimony:** Although testimony provided in person before a Hearing Panel is preferred, parties and witnesses to ethics hearings may be permitted to participate in hearings by teleconference or videoconference at the discretion of the Hearing Panel Chair.

**Postponement of hearing:** Postponement may be granted if there are extenuating circumstances. 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. Requests for postponement must be made in writing. Permission can be given by the Chairperson. All parties shall be advised of the date of the rescheduled hearing.

**Recording the hearing:** The Board shall have a court reporter present at the hearing or shall record the proceeding. Any party may, at the Board’s discretion, record the proceeding or utilize a court reporter at their own expense. If a party utilizes a court reporter and orders a transcript, a copy of the transcription shall be made at the party’s expense and presented to the Professional Standards Administrator. If the Board utilizes a court reporter in lieu of recording, the parties may not be prohibited from making their own recording. Videotaping is not permitted except with the advance express consent of the parties and the panelists.  Copies of any recording or transcription are to be used only for the purpose of appeals or procedural reviews. Appeals and limited procedural reviews shall not be recorded by the Board or the parties. (*Revised 5/16*)

**Method and objective of procedure:** The Hearing Panel shall not be bound by the rules of evidence applicable in courts of law, but shall afford all parties a full opportunity to be heard, present witnesses, and offer evidence, subject to its judgment as to relevance.

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.

**Due process procedure:** The hearing procedures will be:

1. Chairperson cites authority to hear case and explains reason for hearing.
2. The complaint will be read into the record.
3. The testimony of all parties and witnesses will be sworn or affirmed. All witnesses will be excused from the hearing except while

testifying.

1. Opening statements, first by complainant, then by respondent, briefly explaining party’s basic position.
2. The parties will be given an opportunity to present evidence and testimony on their behalf and they may call witnesses. All parties appearing at the hearing may be called as witnesses without advance notice.
3. The parties and their counsel will be afforded an opportunity to examine and cross-examine all witnesses and parties.
4. The panel members may ask questions at any time during the proceedings.
5. The Chairperson may exclude any question ruled to be irrelevant or argumentative.

(9) Each side may make a closing statement. The complainant will make the first closing statement and the respondent will make the final closing statement.

1. Adjournment of hearing.
2. The Hearing Panel will go into executive session to decide the case.

**Findings in ethics hearing:** The findings and recommendation for discipline, if any, shall be reduced to writing by the Hearing Panel and submitted to the Board of Directors in accordance with the procedures of **Part Four,** Sections 22 and 23 of the *Code of Ethics and Arbitration Manual.*

**Use of counsel:** A party may be represented in any ethics hearing by legal counsel or by a Realtor® of their choosing (or both). However, parties may not refuse to directly respond to requests for information or questions addressed to them by members of the panel except on grounds of self-incrimination, or on other grounds deemed by the panel to be appropriate. In this connection, the panel need not accept the statements of counsel as being the statements of counsel’s client if the panel desires direct testimony. Parties shall be held responsible for the conduct of their counsel. Any effort by counsel to harass, intimidate, coerce, or confuse the panel members or any party to the proceedings, or any action by counsel which is viewed by the panel as disruptive of the proceedings, shall be grounds for exclusion of counsel. The decision to exclude counsel for any of the foregoing reasons shall be the result of a majority vote of the members of the panel and shall be nonappealable. In the event counsel is excluded, the hearing shall be postponed to a date certain not less than fifteen (15) nor more than thirty (30) days from date of adjournment to enable the party to obtain alternate counsel provided, however, that such postponement shall not be authorized if it appears to members of the panel that the action of counsel has been undertaken by counsel to obtain a postponement or delay of the hearing.

Be advised that all matters discussed are strictly confidential.

*(Revised 5/16)* *Code of Ethics and Arbitration Manual*

September 1

Mr. Ted Edwards Mr. Sam O’Connor

c/o Green Realty c/o Skyway Realty

15 E. 1st Street Route 45

Morris, IN 66666 Morris, IN 66666

RE: Case No. 02-10 (E)

Edwards vs. O’Connor

Dear Mr. Edwards and Mr. O’Connor:

Attached, you will find the Decision of the Ethics Hearing Panel of the Professional Standards Committee.

This decision will become final twenty (20) days after the decision is transmitted (September 1st) absent an appeal. If you choose to appeal, please review the respective paragraphs at the end of the decision applicable to you. If you choose to appeal, attached for your convenience is the request for appeal form. Please note that any appeal must be accompanied by a $250 appeal deposit. \*

Please confirm via e-mail your receipt of this e-mail within the next 24 hours. Should we not receive your e-mail confirmation, an association staff member will contact you by telephone to confirm receipt, which will be noted in your file. If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212 or by e-mail to ssmith@trulyfinebor.com.

Sincerely,

Suzie Smith

Executive Vice President,

Truly Fine Board of REALTORS®

cc: John Reilly (respondent’s broker)

Attachment: [Form #E-11, Decision of Ethics Hearing Panel of the Professional Standards Committee](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-11-decision-of-ethics-hearing-panel)  
 [Form #E-13, Request for Appeal (Ethics)](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-13-request-for-appeal)

\**Appeal deposit cannot exceed $500*.

**Form #E-11**

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| Truly Fine Board of REALTORS® |
| Board or State Association |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 410 East End |  | Morris |  | IN |  | 66666 |
| Address |  | City |  | State |  | Zip |

**Decision of Ethics Hearing Panel**

**of the Professional Standards Committee**

Filed August 27

|  |  |  |
| --- | --- | --- |
| Ted Edwards |  | Sam O’Connor |
| Complainant(s) |  | Respondent(s) |

**Findings of Fact**: The hearing panel finds the following facts in support of its conclusion regarding the alleged violations of the Code of Ethics:

Sam O’Connor was the listing agent for property located at 123 Taylor Street. Brian Keller, a potential purchaser, attended an open house at 123 Taylor Street at which time Sam O’Connor disclosed he represented the seller. Brian Keller advised Sam O’Connor that he was exclusively represented by Ted Edwards and stated that although he was interested in purchasing the property, he intended to discuss the purchase with Ted, his buyer broker. Sam told Brian there were several buyers interested in the property and led Brian to believe he might lose the property if he did not make an offer right away. Sam offered to write the offer even though he knew Brian was exclusively represented by Ted. Although it might well have been true that the property might have sold quickly, the hearing panel finds that Mr. O’Connor induced the buyer to write the offer through him by emphasizing that the property might sell quickly. The panel finds that Mr. O’Connor’s conduct emphasizing the property might sell quickly, coupled with his offer to prepare the purchase contract for Brian, constituted an initiation of dealings on the property by Mr. O’Connor (not Mr. Keller).

**Conclusions of the Hearing Panel**: We, the members of the Hearing Panel in the above-stated case, find the Respondent(s) (**in violation**) (not in violation) of Article(s) 16 of the Code of Ethics.

**Prior Violations, if Any**: None.

**Recommendation for Disciplinary Action**: We recommend to the Board of Directors the following action:

That Mr. O’Connor receive a letter of reprimand subsequent to the Board of Directors taking final action. That he also take and successfully complete a course of instruction in the REALTORS® Code of Ethics course which is three hours long and offered by the Truly Fine Board of REALTORS® four times annually (once each quarter). The same course is also offered by the ABC and XYZ Board of REALTORS®. The course is next offered at the Truly Fine Board office at 9:00 a.m. on September 25 and December 19. This course must be completed within six months of receipt of the Board of Director’s confirmation of this decision and written verification from the sponsoring facility or instructor must be submitted within 30 days from completion of the course if Mr. O’Connor takes the REALTOR®’s Code of Ethics course offered at either The ABC Board of REALTORS® or the XYZ Board of REALTORS®. A fine of $500, to be paid within 30 days from receipt of the Board of Directors’ confirmation of the decision, must also be remitted.

**Rationale for Discipline, if Any, if Violation Found** (e.g., previous violations): If the Respondent fails to complete any of the above sanctions within the time allowed, the Respondent will automatically be suspended from membership including all membership rights and privileges and denial of all Board services with no further action required by the Board of Directors until such time as the Respondent completes said sanction or sanctions. In addition, if the sanctions are not complied with within the time specified, the respondent’s MLS access and use will be terminated until such time as he fulfills the sanction(s).

The decision, findings of fact, and recommendation(s) preceding were rendered by an ethics Hearing Panel comprising the following members whose signatures are affixed below. The hearing took place on August 27.

|  |  |  |
| --- | --- | --- |
| Janice Green, Chairperson |  | George Watson, Member |
| Type/Print Name |  | Type/Print Name |
|  |  |  |
| Signature |  | Signature |
| Amanda White, Member |  | Marie Black, Member |
| Type/Print Name |  | Type/Print Name |
|  |  |  |
| Signature |  | Signature |
| Harold Blue, Member |  |  |
| Type/Print Name |  | Type/Print Name |
|  |  |  |
| Signature |  | Signature |

**Notice**: This decision is not final and is subject to certain rights of both the complainant and the respondent.

**Complainant’s Rights**: Within twenty (20) days of transmittal of this notification, the complainant may file an appeal with the President for a hearing before the Directors based only upon an allegation of procedural deficiencies or other lack of procedural due process that may have deprived the complainant of a fair hearing. A transcript or summary of the hearing shall be presented to the Directors by the Chairperson of the Hearing Panel, and the parties and their counsel may be heard to correct the summary or the transcript. No new evidence will be received (except such new evidence as may bear upon a claim of deprivation of due process), and the appeal will be decided on the transcript or summary. Any appeal must be accompanied with a deposit of $250. \*

**Respondent’s Rights**:  Within twenty (20) days of transmittal of this notification the respondent may file an appeal with the President for a hearing before the Directors challenging the decision and/or recommendation for discipline. The respondent’s bases for appeal are limited to (1) a misapplication or misinterpretation of an Article(s) of the Code of Ethics, (2) procedural deficiency or any lack of procedural due process, and (3) the discipline recommended by the Hearing Panel. A transcript or summary of the hearing shall be presented to the Directors by the Chairperson of the Hearing Panel, and the parties and their counsel may be heard to correct the summary or transcript. No new evidence will be received (except such new evidence as may bear upon a claim of deprivation of due process), and the appeal will be decided on the transcript or summary. Any appeal must be accompanied with a deposit of $250. \*

**Final Action by Directors**: Both the complainant and respondent will be notified upon final action of the Directors.

NOTE TO HEARING PANEL: Respondents may only be found in violation of the Articles they have been formally charged with having violated. If the respondent is found in violation , the Hearing Panel will consider all records of previous violations and sanctions imposed, whether by the current or by any other Association, when determining discipline and the rationale for the current action can be provided to the parties and the Directors as part of the decision. The Hearing Panel’s consideration will include whether prior disciplinary matters involve discipline that was held in abeyance and that will be triggered by a subsequent violation (including the matter currently under consideration by the Hearing Panel).

Hearing Panels that find a matter not timely filed should transmit their decision via correspondence (not Form #E-11, Decision of Ethics Hearing Panel of the Professional Standards Committee). Appellants appealing a Hearing Panel’s dismissal should use Form #E-22, Appeal of Grievance Committee (or Hearing Panel) Dismissal of Ethics Complaint.

\* *Appeal deposits cannot exceed $500*.

*(Revised 11/16)*

September 17

President Jerry Jones

c/o Truly Fine Board of REALTORS®

410 East End

Morris, IN 66666

RE: Case No. 02-10 (E) Appeal

Edwards vs. O’Connor

Dear President Jones:

The hearing panel misinterpreted Article 16! The buyers initiated contact with me at the open house, asking **me** to write their offer. The hearing panel obviously has no idea what Standard of Practice 16-13 means. I didn’t solicit the buyer’s business; the buyer walked into my open house.

I’m also appealing the severity of the discipline. It is obvious this panel had it in for me given the severity of the discipline. A letter of reprimand, an additional course and $500 fine is excessive.

Please correct this injustice.

Sincerely,

Sam O’Connor

Skyway Realty

**Form #E-13**

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| --- |
| Truly Fine Board of REALTORS® |
| Board or State Association |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 410 East End |  | Morris |  | IN |  | 66666 |
| Address |  | City |  | State |  | Zip |

**Request for Appeal (Ethics)**

|  |
| --- |
| To the President of the Truly Fine Board of REALTORS® |
| Board or State Association |

|  |  |  |
| --- | --- | --- |
| In the case of: Edwards | vs. | O’Connor |
| Complainant |  | Respondent |

|  |
| --- |
| I (we), Ted Edwards, do hereby request an appeal before the Board of Directors of the   Truly Fine Board of REALTORS® |
| Board or State Association |

My (our) appeal is based on the following:

Check one or more and set forth in reasonable detail (narrative) the facts and evidence which support the bases cited. Attach narrative to Appeal Form. Complainant may only appeal on procedural deficiency or lack of due process.

 Misapplication or misinterpretation of an Article(s) of the Code of Ethics

 Procedural deficiency or any lack of procedural due process

 The discipline recommended by the Hearing Panel

The Request for Appeal Form must be accompanied by a deposit in the amount of $250\* made payable to the

|  |
| --- |
| Truly Fine Board of REALTORS® |
| Board or State Association |

NOTE #1: If the decision of the Hearing Panel is ratified, the deposit will be retained by the Association. If the appeal is upheld, the deposit will be returned to the appellant. If the decision of the Hearing Panel is modified, disposition of the deposit will be determined by the Directors considering the appeal.

NOTE #2: Only those facts and issues raised in this written request will be considered by the Board of Directors at the appeal hearing.

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| Dated: | September 17 | |  |  | |  |
| Name (Type/Print): | | Sam O’Connor |  | Name (Type/Print) | |  |
| Signature: |  | |  | Signature |  | |
| Address | Skyway Realty | |  | Address |  | |
|  | Route 45, Morris, IN 66666 | |  |  |  | |
| Phone: | 444-212-2222 | |  | Phone: |  | |

*\*Not to exceed $500.*

September 18

Ted Edwards

c/o Green Realty

15 E. 1st Street

Morris, IN 66666

RE: Case No. 02-10 (E)

Edwards vs. O’Connor

Dear Mr. Edwards:

Enclosed as an attachment, you will find a copy of Mr. O’Connor’s appeal in the above-referenced case.

By copy of this letter, both parties will find enclosed as an attachment, Form #E-6, Notice of Right to Challenge Tribunal Members, and Form #E-7, Challenge to Qualifications by Parties to Ethics Proceeding. The appeal hearing has tentatively been scheduled for 1:00 p.m., Tuesday, October 12 at the board offices.

You are not required to attend this appeal, but you have the opportunity to be present and speak to the bases for appeal if you choose.

Confirmation of the appeal date will be forthcoming in the immediate future, giving not less than ten days’ notice.

Please confirm via e-mail your receipt of this e-mail within the next 24 hours. Should we not receive your e-mail confirmation, an association staff member will contact you by telephone to confirm receipt, which will be noted in your file. If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212 or by e-mail to ssmith@trulyfinebor.com.

Sincerely,

Suzie Smith

Executive Vice President,

Truly Fine Board of REALTORS®

cc: Sam O’Connor (respondent)

John Reilly (respondent’s broker)

Janice Green, Hearing Panel Chair

Attachment: Respondent’s Request for Appeal

[Form #E-6, Notice of Right to Challenge Tribunal Members](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-6-notice-of-right-to-challenge-tribunal-members)

[Form #E-7, Challenge to Qualifications by Parties to Ethics Proceedings](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-7-challenge-to-qualification-by-parties-to-ethics-proceeding)

**Form #E-6**

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| --- |
| Truly Fine Board of REALTORS® |
| Board or State Association |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 410 East End |  | Morris |  | IN |  | 66666 |
| Address |  | City |  | State |  | Zip |

**Notice of Right to Challenge Tribunal Members\***

Notice is given herewith to parties in the matter of Edwards vs. O’Connor, an ethics proceeding, that a party has a right to challenge the qualifications of any individual who may be appointed to serve on a Hearing Panel or the Board of Directors. A list of such individuals is provided below. If you wish to challenge the qualifications of any of the individuals listed who may be appointed to sit on the Tribunal, please indicate by checking the appropriate blank, and return this form or a copy of same with a letter (or enclosed Form #E-7, if preferred) to the (Professional Standards Committee Chairperson) (Executive Officer) explaining your reason (“cause”) for challenge. If your reason is deemed sufficient to support your challenge, the individual challenged will not be appointed to the Tribunal. Pursuant to Section 2, Qualification for Tribunal, challenges must be filed with the Board not later than ten (10) days after the date the list of names is transmitted.

      Lucy Lane Challenge: Yes       No

      Alice Barton Challenge: Yes       No

      Candy Carlisle Challenge: Yes       No

      Mary Dawn Challenge: Yes       No

      Tom Tucker Challenge: Yes       No

      Lisa Martin Challenge: Yes       No

      Bob Bacard Challenge: Yes       No

      Amy Jones Challenge: Yes       No

      Doug Donahue Challenge: Yes       No

      Lara Williams Challenge: Yes      No

Howard Smith Challenge: Yes      No

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| Party’s Name (Type/Print) |  | Party’s Signature | Date |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  |  |  |
| Party’s Name (Type/Print) |  | Party’s Signature | Date |

*\*Members of ethics Hearing Panels or the Board of Directors. Does not include members of a Grievance Committee. See Section 2, Qualifications for Tribunal,* Code of Ethics and Arbitration Manual*.*

**Form #E-7**

|  |
| --- |
| Truly Fine Board of REALTORS® |
| Board or State Association |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
| 410 East End |  | Morris |  | IN |  | 66666 |
| Address |  | City |  | State |  | Zip |

**Challenge to Qualifications by Parties to Ethics Proceeding**

I (we), as party to the matter in Edwards vs. O’Connor,

hereby challenge the qualification of the following named individual(s) who may be appointed as a member(s) of the Tribunal\* for the following reasons. (NOTE: Unsubstantiated challenges will be disregarded.)\*\*

Panel Member Challenged: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reason:

Panel Member Challenged: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reason:

Panel Member Challenged: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reason:

|  |  |  |
| --- | --- | --- |
| Type/Print Name of Party: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
|  |  |  |
| Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  | Date: |
|  |  |  |
| Type/Print Name of Party: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
|  |  |  |
| Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  | Date: |
|  |  |  |
| Type/Print Name of Party: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
|  |  |  |
| Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  | Date: |

*\*Members of ethics Hearing Panels or the Board of Directors.*

*\*\*Use additional pages as required to list additional challenges to the qualifications of individuals who have been or may be selected to serve as member(s) of a Tribunal in an ethics proceeding to which you are a party.*

September 29

Mr. Ted Edwards Mr. Sam O’Connor

c/o Green Realty c/o Skyway Realty

15 E. 1st Street Route 45

Morris, IN 66666 Morris, IN 66666

RE: Case No. 02-10 (E)

Edwards vs. O’Connor

Dear Mr. Edwards and Mr. O’Connor:

Enclosed as an attachment, both parties will find the Official Notice of Appeal Hearing (Ethics) and the procedures to be followed during the appeal hearing at 1:00 p.m. on October 12 at the board offices.

Please understand that discussions will be limited to the bases raised on the written appeal request.

Please confirm via e-mail your receipt of this e-mail within the next 24 hours. Should we not receive your e-mail confirmation, an association staff member will contact you by telephone to confirm receipt, which will be noted in your file. If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212 or by e-mail to ssmith@trulyfinebor.com.

Sincerely,

Suzie Smith

Executive Vice President

Truly Fine Board of REALTORS®

cc: John Reilly (respondent’s broker)

Attachment: [Form #E-14, Official Notice of Appeal Hearing (Ethics)](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-14-official-notice-of-appeal-hearing)

[Appeal Hearing Procedures](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/part-5-chairperson-s-procedural-guide-conduct-of-an-appeal-hearing-ethics)

**Form #E-14**

Board or State Association

Address City State Zip

**Official Notice of Appeal Hearing (Ethics)**

In the case of Ted Edward vs. Sam O’Connor

Complainant Respondent

Above parties are hereby notified:

1. Sam O’Connor has appealed the decision of the Hearing Panel in the above-cited

Appellant

based on

misapplication of the Code of Ethics, procedural deficiency, and severity of discipline.

Indicate Basis(es) for Appeal

A copy of the Request for Appeal, together with its supporting documentation, is attached.

1. The Board of Directors will meet on 12 October , 20 , a.m. or 1:00 p.m.

Day Month

at the board office in the main conference room of the Truly Fine Board of REALTORS® to hear the appeal. Place of Hearing

1. The members of the Board of Directors who will hear the appeal are:

(If more space is needed, attach list of other Directors who will hear the appeal.)

1. Either party may be represented by counsel, and each party is required to give the Board and the other party written notice of an intention to have counsel present fifteen (15) days before the hearing. Failure to provide this notice will not invalidate a party’s right to representation, but may result in a continuance of the hearing if the Appeal Tribunal determines that the rights of any other party require representation by counsel.
2. Either party may file with the Professional Standards Administrator, no later than ten (10) days after the date challenge forms were transmitted, a written request for disqualification from the appeal hearing of any member of the Board of Directors for the following reasons:
   1. is related by blood or marriage to the complainant, respondent, or a REALTORS® acting as counsel for either the complainant or respondent
   2. is an employer, partner, or employee or in any way associated in business with the complainant, respondent, or a REALTORS® acting as counsel for either the complainant or respondent
   3. is a party to the hearing
   4. knows of any reason that may prevent the member from rendering an impartial judgment
   5. has served as a member of the Grievance Committee initially reviewing the ethics complaint or as a member of the professional standards Hearing Panel which reached the decision currently on appeal

(6) The parties shall not discuss the case with any member of the Hearing Panel or Board of Directors prior to the appeal hearing or after the appeal hearing and prior to announcement of the decision of the Directors.

Respectfully submitted,

Suzie Smith September 29

Type/Print Signature, Executive Vice President Date

Truly Board of REALTORS®

Board or State Association

October 16

Mr. Sam O’Connor

c/o Skyway Realty

Route 45

Morris, IN 66666

RE: Case No. 02-10 (E)

Edwards vs. O’Connor

Dear Mr. O’Connor:

The panel of the Board of Directors met, as you are aware, October 12th to consider your appeal. After full and careful consideration, it is the decision of the appeal panel to adopt the decision of the hearing panel and recommendation for discipline verbatim finding you in violation of Article 16 of the Code of Ethics. The director’s decision is enclosed as an attachment.

Pursuant to the director’s decision, this letter is to be considered an Official Letter of Reprimand, advising of a lack of professional conduct as determined by a due process hearing.

You are also to take and successfully complete a course of instruction in the REALTORS® Code of Ethics course within six (6) months from the above-referenced date. Verification of your attendance must be submitted within 30 days from your completion of the course. You must also remit a $500 fine within 30 days from the above referenced date. Finally, as stated in the Official Notice of Hearing, all respondents found in violation of the Code of Ethics must remit a $500 administrative processing fee; that too should be remitted within 30 days from the above referenced date.

For your convenience, enclosed as an attachment, you will find another copy of the hearing panel’s decision to familiarize yourself with the dates of the training and the names of other boards offering the ethics course.

With the exception of the outstanding discipline and administrative fee, this case in considered closed. Please confirm via e-mail your receipt of this e-mail within the next 24 hours. Should we not receive your e-mail confirmation, an association staff member will contact you by telephone to confirm receipt, which will be noted in your file. If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212 or by e-mail to ssmith@trulyfinebor.com.

Sincerely,

Suzie Smith

Executive Vice President

Truly Fine Board of REALTORS®

cc: Ted Edwards

John Reilly (respondent’s broker)

[Attachment: Form #E-12, Action of the Board of Directors (Ethics Hearing)](http://www.realtor.org/code-of-ethics-and-arbitration-manual/ethics/form-e-12-action-of-the-board-of-directors)

Hearing Panel decision

**Form #E-12**

**Action of the Board of Directors (Ethics Hearing)**

|  |
| --- |
| The decision of the Hearing Panel in the matter of Ted Edwards vs. Sam O’Connor |
| Complainant Respondent |
|  |
| dated August 27 (copy of the Hearing Panel’s decision attached), appealed by Sam O’Connor, and was  Appellant  considered by the Board of Directors on October 12. |
|  |

A copy of Mr. O’Connor appeal alleging a misapplication of the Code, procedural deficiency and

Appellant Indicate Basis(es) for Appeal

the discipline being too severe is attached.

The Hearing Panel’s decision and recommendation for disciplinary action, if any, in the above-referenced case is hereby (check one):

 adopted verbatim  adopted, but the recommendation for discipline is modified as

follows:

remanded to the Hearing Panel for further consideration of the discipline recommended

remanded to the Professional Standards Committee for a new hearing by a different Hearing Panel based on perceived procedural deficiency(ies)

 rejected and the matter is dismissed

Reason(s) for modification/remand/rejection of the Hearing Panel’s decision:

Disposition of Appeal Deposit (if any):

 to be returned to Appellant

 to be retained by the Board

The action of the Board of Directors was adopted on October 12 by resolution.

For the Board of Directors:

Suzie Smith

Type/Print Signature, Executive Vice President Date