

PART SIX – SPECIMEN FORMS

The Manual refers to certain forms used in connection with ethics proceedings conducted under it. Following are specimens of such forms.

They should not be used until they are first reviewed by Board counsel to assure that they conform to state law and to any special requirements established by the Board. (NOTE: The State Association may wish to have State Association legal counsel review the contents of the Manual, including the Specimen Forms, to adapt it to comply with state law, and to recommend adoption of the amended Manual by all local Boards within the state.) The Specimen Forms are intended to provide a format and may require further adaptation and modification by the local Board prior to implementation and use. For example, Form #E-11, Decision of the Ethics Hearing Panel of the Professional Standards Committee, should include adequate space for a comprehensive statement of the “Findings of Fact” and the “Decision and Recommendation for Disciplinary Action.”

After such review and modification as necessary, the local Board or State Association may add to the forms the appropriate identification data of the Board and reproduce them in quantities desired by the Board.

General Instructions and Information for Filing and Replying to Ethics Complaints

- (1) Complaints must be submitted with a sufficient number of copies (5 copies) to enable the Board to provide one to each respondent plus one copy for the Board’s records. Any reply must be typewritten and submitted with a sufficient number of copies to enable the Board to provide one to each complainant plus one copy for the Board’s records. Additional copies of the complaint and reply should be furnished by the complainant and respondent as requested by the Secretary. 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 Board Secretary (or Executive Officer), and by the Secretary 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 Board Secretary 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 to the Board of Directors.
- (3) If there is to be a hearing, respondent will have fifteen (15) days after service of copy of the complaint to reply. Copy of the reply will be sent to complainant, the Board President, and the Professional Standards Committee Chairperson. The date for 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 fifteen (15) days from service of copy of the Ethics Complaint, date, time, and place of hearing will be set.
- (5) All parties may be represented by 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.
- (7) Either party may file with the Secretary, within ten (10) days from the date the names of the members of the Professional Standards Committee are mailed 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
- (8) 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 Ethics Hearing.”
- (9) 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.
- (10) No hearing will be held in the absence of a complainant. An ethics hearing may proceed in the absence of a respondent.

(Revised 4/96)