



ETHICS COMPLAINT PROCESS

(please read thoroughly)

The guidelines in this document are from the Code of Ethics and Arbitration Manual of the National Association of REALTORS® and have been compiled to give the complainant an overview of the process when submitting an ethics complaint. The Code of Ethics and Arbitration Manual contains complete information relevant to ethics complaint procedures, and is available for your review or purchase at the office of the REALTORS® Association of Maui ("RAM") if you wish to review the process in greater detail.

An ethics complaint may be filed when a member of the public or a member of the RAM ("complainant") believes that a member of the RAM ("respondent") has violated an Article or Articles of the Code of Ethics of the National Association of REALTORS®. An ethics complaint must be filed with the RAM within one hundred eighty (180) days of the time that the alleged offense and facts relating to it could have been known by the complainant in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction, whichever is later. (S.19).

When an ethics complaint and an arbitration request are filed at the same time arising out of the same facts and circumstances, the arbitration hearing shall be held first and the ethics hearing shall be conducted by a different hearing panel after the conclusion of the arbitration hearing. (SoPSP.35)

NOTE: Damages are never awarded to a complainant in an ethics complaint, nor are any other monetary awards (such as attorney fees, etc.).

1. ETHICS COMPLAINT FORM. The complainant must complete a "RAM Ethics Complaint" form (refer to form for requirements and restrictions) and submit it to the Professional Standards Administrator of the RAM. Complainant must include a typed statement that gives an overview of the situation in chronological order, indicating the nature of the controversy, and include one-sided copies of all pertinent, supporting documents. Complainant should be thorough – this is the opportunity for the complainant to state his or her case. (Complainant should retain a copy of all documents for reference.)

The complainant must determine what Article was allegedly violated. If it is believed that more than one Article has been violated, each Article MUST BE addressed INDIVIDUALLY with specific reasons given for the alleged violation of each Article. If a member of the public is uncertain as to what Article(s) was violated, a Grievance Committee member can assist the complainant in preparing the complaint in proper form. However, the Grievance Committee member providing this procedural assistance does not become the complainant's advocate and, further, should not participate in the Grievance Committee's evaluation or determination of the complaint. (S.19a; App. V to Part Four.5)

The REALTOR® (principal) is not automatically joined as a respondent in an ethics complaint filed against another REALTOR® (non-principal) licensed with the REALTOR® (principal). The REALTOR® (principal) may be joined as a respondent by action of the complainant, by review of the Grievance Committee, or by determination of the hearing panel prior to commencement of the hearing based upon the facts of the complaint. (S.13d)

2. INITIAL REVIEW OF AN ETHICS COMPLAINT BY GRIEVANCE COMMITTEE CHAIRPERSON. Upon receipt of an ethics complaint, the Grievance Committee Chairperson shall review the written complaint and any supporting documents submitted by the complainant. The Chairperson may assign one or more members of the Grievance Committee to review the complaint and to make any necessary evaluation.
3. ETHICS COMPLAINT FORWARDED TO RESPONDENT. A copy of the ethics complaint, as submitted by the complainant, is forwarded to the respondent for informational purposes only. The Association neither requires nor accepts a response to the complaint from the respondent prior to review by the Grievance Committee.

4. GRIEVANCE COMMITTEE'S REVIEW OF AN ETHICS COMPLAINT. The Grievance Committee meets within approximately thirty (30) days following the initial review by the Grievance Committee Chairperson or assigned reviewer. The function of the Grievance Committee is to make only such preliminary review and evaluation of the complaint as are required to determine whether the complaint warrants further consideration by a hearing panel of the Professional Standards Committee. The Grievance Committee does not conduct hearings and does not determine if a violation of the Code of Ethics has occurred. The Grievance Committee makes its determination as to whether to: (1) dismiss the complaint as unworthy of further consideration; (2) refer it back to the complainant as appropriate for arbitration rather than disciplinary action; or, (3) refer it back to the Professional Standards Administrator to schedule for a hearing before a hearing panel of the Professional Standards Committee. (S.20a) In reviewing an ethics complaint, the Grievance Committee considers the following:

a. Is the ethics complaint acceptable in form as received by the Committee? If not in proper form, the Chairperson may request that the Professional Standards Administrator contact the complainant to advise that the complaint must be submitted in proper form.

Note: If deemed appropriate by the Chairperson, a member of the Grievance Committee (or the Professional Standards Administrator) may be assigned to contact the complainant and to provide procedural assistance to amend the complaint or resubmit a new complaint in proper form and with proper content. The Grievance Committee member providing such assistance shall ensure that only procedural assistance is provided to the complainant, and that the complainant understands that the member is not representing the complainant.

b. Are all necessary parties named in the complaint?

c. Was the complaint filed within one hundred eighty (180) days of the time that the alleged offense and facts relating to it could have been known by the complainant in the exercise of reasonable diligence?

d. Is the respondent named in the complaint a member of the Association, and was the respondent a member of any Association at the time of the alleged offense?

e. Is litigation or any government agency investigation or other action pending related to the same transaction? (S.13e & S.19.B.5)

- If criminal litigation is pending related to the same transaction, the Grievance Committee shall cease its considerations and instruct the Professional Standards Administrator to hold the file pending until such time as the criminal litigation is concluded. A report shall be made to the Association President.

- If civil litigation is pending related to the same transaction, the Grievance Committee shall instruct the Professional Standards Administrator to have Association legal counsel review the complaint filed and advise if any hearing should proceed (presuming the matter would otherwise warrant a hearing). The complaint may, at the discretion of the Board of Directors, proceed to a hearing before a hearing panel of the Association's Professional Standards Committee. Association legal counsel should be consulted and the following factors shall be taken into consideration in determining whether the matter should proceed to a hearing or should be held in abeyance pending the conclusion of civil litigation or a proceeding before the state real estate licensing authority or any other state or federal regulatory or administrative agency. Legal counsel shall consider the following:

- 1) Similarity of factors giving rise to pending litigation or regulatory or administrative proceeding and the ethics complaint;
- 2) Degree to which resolution of the pending civil litigation or regulatory or administrative proceeding could make consideration of the ethics complaint unnecessary;
- 3) Degree to which pending litigation or regulatory or administrative proceeding would delay prompt disposition of the ethics complaint;
- 4) The nature of the alleged violation and the extent to which it could impact on cooperation with other Association Members;
- 5) The assurance of Association legal counsel that consideration of an ethics complaint would not deprive the respondent of due process.

f. Is there any reason to conclude that the Association would be unable to provide an impartial hearing panel?

- g. Are the specific Articles cited in the complaint appropriate in light of the facts provided? Should additional Articles be cited? Should certain Standards of Practice be cited in support of the Articles charged? Are any inappropriate Articles cited?
 - h. If the facts alleged in the complaint were taken as true on their face, is it possible that a violation of the Code of Ethics occurred?
5. ETHICS COMPLAINT REFERRED TO HEARING. If all relevant questions have been answered to the satisfaction of the Grievance Committee, and the facts given appear to indicate a possible violation of the Code of Ethics, the Grievance Committee shall refer the complaint to the Professional Standards Committee for a hearing by an ethics hearing panel. (S.19.B) Notification of the Grievance Committee's findings will be forwarded to the complainant and the respondent within approximately two (2) weeks of the Grievance Committee meeting.

Note: The Grievance Committee should use all reasonable efforts to ensure that all ethics complaints arising out of the same transaction or event are consolidated and scheduled for hearing in a single hearing. Respondents to ethics complaints do not have the right to a separate hearing unless they can demonstrate that consolidation of complaints would prevent them from receiving a fair hearing. (SoPSP.34)

6. RESPONSE IS REQUIRED. If the Grievance Committee finds the matter properly subject to an ethics hearing, the Respondent will be required to complete a Response to Professional Standards Committee form and return the written response and all supporting documents to the Association within fifteen (15) days from the date of mailing to respondent. Failure to respond may subject the respondent to a charge of having violated Article 14 for failing to submit pertinent facts to an appropriate tribunal. (S.19.B.8 & 20a) The respondent should be thorough – this is the respondent's opportunity to state his or her case.
7. RESPONSE TO COMPLAINANT. A copy of the response and supporting documents will be mailed to the complainant within two (2) weeks of receipt by the Association.
8. IF RESPONDENT IS INVOLVED IN PENDING LITIGATION OR OTHER COMPLAINT PROCEEDING. In the event the respondent named in any complaint alleging a violation of the Code of Ethics is involved in any criminal or civil litigation or in any government agency investigation or other action pending arising out of the same facts and circumstances giving rise to the complaint alleging unethical conduct, the procedures outlined in #4.e above will be followed prior to any further action being taken.
9. DISMISSAL OF COMPLAINT, DELETION OR ADDITION OF ARTICLE(S), INAPPROPRIATE ARTICLE(S) CITED, AMENDMENT OF COMPLAINT.

Any action by the Grievance Committee dismissing the complaint as unworthy of further consideration may be appealed by the complainant to the Board of Directors within twenty (20) days from receipt of dismissal notice. (S.20c)

If the complaint asserts multiple allegations of unethical conduct and the Grievance Committee determines that one or more of the allegations would not, under any circumstances, constitute a violation, that portion of the complaint may be dismissed while the balance of the complaint is forwarded for a hearing before a hearing panel of the Professional Standards Committee. However, the complainant has the right to appeal the dismissal to the Board of Directors.

If the Grievance Committee dismisses the complaint, the notice of dismissal shall specify the reasons for dismissing and the complainant may appeal the dismissal to the Board of Directors within twenty (20) days from receipt of the dismissal notice using Form #E-22, Appeal of Grievance Committee Dismissal of Ethics Complaint. The complaint and any attachments to the complaint cannot be revised, modified, or supplemented. The complainant may, however, explain in writing why the complainant disagrees with the Grievance Committee's conclusion that the complaint should be dismissed. If the Grievance Committee deletes an Article or Articles from an ethics complaint, the complainant may also appeal to the Board of Directors using Form #E-22, Appeal of Grievance Committee Dismissal of Ethics Complaint. The Directors (or a panel of Directors or the Executive Committee) shall consider only the information and documents considered by the Grievance Committee, together with the complainant's rationale for challenging the dismissal and render its decision, which shall be final. The parties are not present at the meeting at which the appeal is considered.

If the Grievance Committee believes that the respondent's alleged conduct may be the basis for a violation but that an inappropriate Article(s) has been cited, the Grievance Committee may amend the complaint by deleting any inappropriate Article(s) and/or by adding any appropriate Article(s) and/or respondent(s) to the complaint. If the complainant disagrees with the deletion of an Article(s) from the complaint, the complainant may appeal to the Board of Directors requesting that the original complaint be forwarded to a hearing panel as filed. If the Grievance Committee determines that an Article(s) or an additional respondent(s) should be added to the complaint and the complainant will not agree to the addition, the Grievance Committee may file its own complaint and both complaints will be heard simultaneously by the same hearing panel. (S.20d)

10. ETHICS HEARING IS SCHEDULED. If the Grievance Committee refers the ethics complaint to a Professional Standards hearing, the complainant and respondent will appear before a hearing panel of the RAM. 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 of the scheduled hearing date. (S.7)
11. CONFIDENTIALITY. The parties are reminded that they shall not discuss the case with any member of a hearing panel or the Board of Directors of the RAM prior to the hearing or after the hearing and prior to or after the announcement of the decision. The allegations, findings, and decisions rendered in ethics and arbitration hearings are confidential and should not be reported or published by the Association, any member of a tribunal, or any party under any circumstances except those established in the *Code of Ethics and Arbitration Manual* of the National Association as from time-to-time amended. (SofPSP.19)

Pursuant to Article 14, Standard of Practice 14-2, "REALTORS[®]" shall not make any unauthorized disclosure or dissemination of the allegations, findings, or decision developed in connection with an ethics hearing or appeal or in connection with an arbitration hearing or procedural review.

12. SELECTION OF HEARING PANEL. The hearing panel consists of at least three (3), and not more than five (5), panel members of the Professional Standards and Arbitration Committee, and may have one (1) alternate panel member. The parties will receive a list of the potential panel members prior to the hearing and have the right to challenge any of the individuals. No more than one person licensed with any firm, partnership, or corporation may serve on the same tribunal. A person shall automatically be disqualified as a member of a tribunal (hearing panel or Board of Directors) in any ethics case in which the person is:
 - a. related by blood or marriage to either complainant, respondent, or a REALTOR[®] acting as a counsel for either the complainant or respondent;
 - b. is an employer, partner, or employee, or in any way associated in business with either complainant, respondent, or a REALTOR[®] acting as counsel for the complainant or respondent;
 - c. a party to the hearing, or a party or witness in any pending case involving a party to the hearing;
 - d. objected to by a party due to factors that would prevent a tribunal member from rendering an impartial, unbiased and knowledgeable decision. If the reason is deemed sufficient to support your challenge, the individual challenged will not be appointed to the panel. (S.2b/f)

13. COMPLAINT WITHDRAWN.

Complainant may withdraw their complaint at any time prior to the start of an ethics hearing. If a complaint is withdrawn by the complainant after the Grievance Committee determines the complaint requires a hearing, it will be referred back to the Grievance Committee to determine whether a potential violation of the public trust (as defined in Article IV, Section 2 of the National Association's Bylaws) may have occurred. Only where the Grievance Committee determines a potential violation of the public trust may have occurred may the Grievance Committee proceed as the complainant. A complaint so withdrawn shall not be deemed a final determination on the merits. (S.21e)

14. COMPLAINT AMENDED PRIOR TO HEARING. At any time prior to the hearing of the complaint, the complainant may file an amended complaint with the Professional Standards Administrator. If an amended complaint is filed prior to the hearing, the respondent shall be notified, given a copy, and provided the opportunity to file an amended response. The hearing panel may disallow the amended complaint, in which case the matter shall be continued to a new date for hearing on the original complaint. (S.21-f.1)

15. COMPLAINT AMENDED DURING THE HEARING. At any time during the hearing, the complaint may be amended either by the complainant or upon motion of the hearing panel. In such event, the hearing, with the concurrence of the respondent, may proceed uninterrupted or be reconvened on a date not less than fifteen (15) days or more than thirty (30) days from adjournment. If the respondent knowingly waives his or her right to the adjournment, the record should reflect the fact that the respondent was aware of the right to an adjournment but chose to proceed. (S.21-f.2)
16. COMPLAINANT UNABLE TO ATTEND HEARING. In the event that the complaint scheduled for a hearing is from a member of the public who refuses, or is unable, to attend the hearing, the complaint shall be referred back to the Grievance Committee. If the Grievance Committee determines that there is sufficient information for a hearing panel to consider (i.e., that there is clear, strong, and convincing proof), the complaint shall be amended to name the Grievance Committee as complainant and the hearing shall be continued to a new date. The respondent shall be provided with a copy of the amended complaint in such cases. (S.21-f.3)
17. RESPONDENT'S FAILURE TO ATTEND HEARING. In the event that the respondent fails to appear at a duly noticed hearing without first obtaining a continuance or adjournment, the hearing panel may proceed with the hearing in the respondent's absence and shall reach its decision based on the evidence made available at the hearing. (S.21g)
18. RIGHT OF COUNSEL TO APPEAR. Every party may be represented by legal counsel or by a REALTOR® of their choosing (or both). The role of counsel (whether legal or REALTOR®) includes the making of opening and closing statements on behalf of the party represented, examining and cross-examining witnesses, and introducing affidavits, documents, and other admissible relevant evidence, but does not include testifying as a witness unless the panel determines such testimony is essential to ensure due process. REALTORS® providing such representation are cautioned to avoid the unauthorized practice of law. The Association and all other parties must be given at least fifteen (15) days notice prior to the hearing. In the event parties do not provide this information within the time specified, the panel shall take all steps, including continuance of the matter, if necessary, to guarantee the rights of all parties to representation by counsel. (S.4) Each party is responsible for the expenses of his or her respective counsel. (S.21h)
19. WITNESSES. Every party may have witnesses present at the hearing, and the tribunal may summon its own witnesses. All witnesses will be excused from the hearing after completion of their testimony and cross-examination. Any party who intends to call witnesses at the hearing must provide the Association and all other parties with the names of these witnesses at least fifteen (15) days prior to the hearing. Failure to provide this information within the time specified will constitute a waiver of the right to call those witnesses at the hearing, unless the other party agrees to allow their testimony. In any case where all of the names of witnesses a party intends to call at the hearing have not been provided within the time specified, if the hearing panel believes that the testimony of that witness(es) is essential to ensure due process, their testimony may be permitted provided the other party has the right to request that the hearing be recessed and continued to a date certain, not less than five (5) business days later. (S.5) Each party is responsible for the expenses of expert witnesses he or she calls. (S.21h)
20. HEARING PROCEDURES. At the hearing, every party has the right to present any witnesses, to submit any evidence pertinent to the case, and to cross-examine witnesses. Every party will be given ample opportunity to state their case, uninterrupted. Each party will have an opportunity to question the other party, and may present a closing statement. The hearing panel has the right to interrupt at any time to clarify a point of a party. Before permitting testimony relating to the character or general reputation of anyone, the hearing panel shall satisfy itself that the testimony has a direct bearing on the case at issue. Attorneys may speak on behalf of a party, but the panel still has the right to question a party directly. If your case is referred to a hearing, you will receive written, detailed procedures that are followed during the hearing.

Upon notice by the Professional Standards Administrator, the parties shall, with diligence, present to the panelists in writing such statements and proof which they deem necessary to support their positions. Proof may be submitted in the form of affidavits or otherwise. The hearing panel may require that statements be verified by affidavits or that accuracy or authenticity of any documents or other papers submitted be verified by affidavit. At the hearing, the panelists shall receive any further written statements, documents, or other papers, shall hear oral testimony and determine what personal appearances shall be made by the parties, and shall regulate the holding of hearings. The hearing panel may receive and consider any evidence they deem material and proper, including evidence of experts (parties should be aware that evidence submitted at a hearing may not be accepted into evidence by the hearing panel). (S.21.h) It is highly recommended that all documents be presented prior to the hearing so that all parties have the time to review said documents.

21. TRANSMITTING DEVICES. Cellular phones, two-way radios and other transmitting devices may not be operated during ethics hearings, arbitration hearings, appeal hearings, and procedural review hearings absent specific, advance authorization from the panel chair. (*SofPSP.55*)

22. "REMOTE" TESTIMONY. The policies and procedures established in the National Association's Code of Ethics and Arbitration Manual contemplate that except in extreme circumstances parties and their witnesses will participate in ethics and arbitration hearings in the physical presence of hearing panels and the respective parties.

"Extreme circumstances" in which parties and witnesses to ethics and arbitration hearings may be permitted to participate in those hearings by teleconference or videoconference at the discretion of the hearing panel chair are defined as circumstances where (1) postponement or rescheduling of the hearing to permit their participation is not feasible and (2) failure to accept such testimony or permit such participation would deny a party a fair hearing.

The costs of "remote" testimony shall be the responsibility of the party requesting the opportunity to participate or offer testimony by teleconference or videoconference.

Counsel is permitted to participate in ethics or arbitration hearings only in the physical presence of hearing panels. (*SofPSP.56*)

23. BURDENS AND STANDARDS OF PROOF IN ETHICS HEARING. In any ethics hearing or other hearing convened to consider alleged violations of membership duties, the ultimate burden of proving that the Code of Ethics or other membership duty has been violated, is at all times on complainants.

"Clear, strong, and convincing" shall be the standard of proof by which alleged violations of all membership duties, including violations of the Code of Ethics, are determined. Clear, strong, and convincing shall be defined as that measure or degree of proof which will produce a firm belief or conviction as to the allegations sought to be established. (*SofPSP.26*)

24. RECORDING THE HEARING. All hearings are recorded by the RAM; and are considered the official record of the proceeding; however, recordings may not be used by either party for anything other than an appeal or rehearing (Associations shall prohibit parties from recording appeals or limited procedural review proceedings). Any party to a hearing has the right to obtain a copy of the Association's official tape recording (prior to the appeal deadline) subject to payment of the Association's duplication costs, and any duplication will be conducted under the supervision of the Association. A party may record the hearing; but if transcribed, a copy must be given to RAM (the proceedings will not be interrupted in the event a party has any recording difficulties). All documents pertaining to the case, as well as any recordings, are destroyed after the Board of Directors affirms the decision of the hearing panel. (*S.6*)

25. DECISION OF THE HEARING PANEL. The decision of the hearing panel shall be by a simple majority vote and in writing. Under no circumstances can the Association award money "damages" in an ethics proceeding. The decision shall be filed with the Professional Standards Administrator within ten (10) days after the hearing panel's decision is final. The hearing panel's decision shall be considered final only when it is in writing and signed by members of the panel following their personal review and review by legal counsel. The Professional Standards Administrator shall transmit a copy of the decision to the complainant and respondent within five (5) business days after receiving the hearing panel's decision in writing, except that reasonable delay shall not invalidate the Association's procedures nor the decision. In the event the respondent is found in violation, the hearing panel may, at its discretion, consider all records of previous violations and sanctions imposed. (*S.22.a,b*)

If a party is found in violation of the Code of Ethics, the panel may impose only one or more of the following disciplinary actions:

- a. Letter of Warning with copy to be placed in member's file;
- b. Letter of Reprimand with copy to be placed in member's file;
- c. Requirement that member attend the ethics portion of the Association Indoctrination Course or other appropriate course or seminar specified by the hearing panel which the respondent could reasonably attend taking into consideration cost, location, and duration;

- d. Appropriate and reasonable fine not to exceed \$5,000;

The following guidelines may be used:

- \$ 200 – 1 violation.
- \$ 500 – 2 violations.
- \$1,000 – 3+ violations.
- \$1,500 – second offense, not necessarily the same Article(s).
- \$2,500 – blatant violation or second offense.

- e. Member placed on probation for a stated period of time not less than thirty (30) days nor more than one (1) year;

- f. Membership of individual suspended for a stated period not less than thirty (30) days nor more than one (1) year, with automatic reinstatement of membership in good standing at the end of the specified period of suspension (decision should be written clearly articulating all intended consequences, including denial of MLS participatory or access privileges). The Directors may order suspension unconditionally, or they may, at their discretion, give the disciplined member the option of paying to the Association, within such time as the Directors shall designate, an assessment in an amount fixed by the Directors, which may not exceed \$2,500 and which can be utilized only once in any three (3) year period, in lieu of accepting suspension. But, if the conduct for which suspension is ordered consists of failure to submit a dispute to arbitration, the Directors may not permit the disciplined member to avoid suspension without submitting to the arbitration in addition to paying the assessment, unless in the meanwhile the dispute has been submitted to a court of law without any objection by any party that it should be arbitrated; * **

*\$5,000 is the maximum fine that may be assessed regardless of the number of Articles of the Code of Ethics that a member is determined to have violated in any given hearing. It is noted that a "reasonable and appropriate" fine may vary from \$1 to \$5,000 and should relate to the gravity of the offense and objective of the proposed sanction.

- g. Expulsion of individual from membership with no reinstatement privilege for a specified period of one (1) to three (3) years, with reinstatement of membership to be by application only after the specified period of expulsion, on the merits of the application at the time received;

- h. Suspension or termination of MLS rights and privileges may also be utilized. Suspension of MLS services may be no less than thirty (30) days nor more than one (1) year; termination of MLS services shall be for a stated period of one (1) to three (3) years;

- i. REALTORS® who participate in MLS or otherwise access MLS information through any Board or Association in which they do not hold membership are subject to the Code of Ethics in that Board or Association on the same terms and conditions as Association members. Discipline that may be imposed may be the same as but shall not exceed the discipline that may be imposed on members. Associations entering into regional or reciprocal MLS agreements are encouraged to include provisions requiring signatory Associations to respect, to the extent feasible, decisions rendered by other Associations involving suspension or expulsion from membership or from MLS.

26. ADMINISTRATIVE PROCESSING FEE. In addition to any discipline imposed, an administrative processing fee of \$250 will be assessed against respondents found in violation of the Code of Ethics or other membership duties which may be in addition to, and not part of, any sanction that may be imposed. (S.14)

NOTE: Damages are never awarded to a complainant in an ethics complaint, nor are any other monetary awards (such as attorney fees, etc.).

27. RIGHT TO A REHEARING. Within twenty (20) days after the hearing panel's decision has been transmitted to the respondent and the complainant, the complainant or the respondent may petition the hearing panel for a rehearing, solely on the grounds of newly discovered material evidence which the petitioner could not, with reasonable diligence, have discovered and produced at the original hearing. The petition must be in writing. (S.22c) (The party to the hearing requesting a rehearing must contact the RAM Professional Standards Administrator for guidelines to be followed.)

A petition not granted within two (2) weeks is considered automatically denied. No more than one (1) petition for rehearing may be filed in the case by each party. (S.22d)

28. FILING AN APPEAL. Within twenty (20) days after the hearing panel's final decision has been rendered if no petition has been filed, or within ten (10) days after denial of a petition for rehearing, the complainant or respondent may file an appeal with the President for a hearing before the Directors (or a panel thereof). The complainant may appeal based only on alleged procedural deficiencies or other lack of procedural due process that may have deprived the complainant of the opportunity for a full and fair hearing. The respondent may appeal the decision and/or recommendation for discipline on the basis of 1) misapplication or misinterpretation of an Article(s) of the Code of Ethics of the National Association of REALTORS[®], 2) procedural deficiency or any lack of procedural due process, or 3) the discipline recommended by the hearing panel. (S.23 & SofPSP.26 & form E13)

All appeals must be in writing and must be accompanied by a deposit of \$250. The appeal should clearly indicate the bases on which the hearing panel's decision and/or recommendation for discipline is being challenged. (S.23c) (The party requesting an appeal must contact the RAM Professional Standards Administrator for guidelines to be followed.)

These guidelines are to assist you in understanding the process that is followed by the REALTORS[®] Association of Maui when an ethics complaint is filed. If you have any questions, please call the Professional Standards Administrator at 808-270-4600. (This synopsis is consistent with the policies of the National Association of REALTORS[®])
