ADMINISTRATIVE PROCESSING OVERVIEW – CITATION RECONSIDERATION

Case No._____,

_____		_____
	VS.	
_____		_____
Complainants		**Respondents**

This checklist is intended for use in conjunction with processing a citation reconsideration under the rules and procedures of the *California Code of Ethics and Arbitration Manual*. The references for this checklist can be found in Section 8 of the *California Code of Ethics and Arbitration Manual.* This checklist may be reproduced and used to help process citation reconsiderations.

Notes:

The preferred method for serving notices in the disciplinary procedure is email, as set forth in Section 13 of the *Manual*.

ACTION
Request for a Citation Reconsideration ☐ Professional Standards Administrators will receive a request for a citation consideration from the MLS after the MLS has issued an MLS citation and the citation recipient is challenging the citation. ☐ From the MLS, the Administrator should receive: (i) the original citation from the MLS and supporting evidence; and (ii) the request for citation reconsideration from the respondent with an explanation for why reconsideration is being requested. ☐ The request for citation reconsideration must clearly state the specific ground(s) for the request and include all facts, timelines and/or reasons for the request. The qualifying grounds for a request for citation reconsideration are one or more of the following: (i) factual dispute regarding the alleged violation(s), such as misapplication of the MLS Rule(s) cited or how the MLS Rule that was cited is not appropriate; or (ii) contention that there was a violation of procedural due process by the MLS. ☐ If the proper grounds for requesting a citation reconsideration are not met, the request for citation reconsideration should be returned to the citation recipient. The citation recipient is then given seven (7) calendar days to amend the request for citation reconsideration to meet the appropriate requirements. ☐ If the appropriate grounds still are not met after seven (7) calendar days, the request for citation reconsideration will be denied and the fine will be due to the MLS within seven calendar days from the date of the notice of denial.
Citation Reconsideration Panel ☐ Select a citation reconsideration Panel comprised of not less than three (3) nor more than five (5) REALTORS® from the Association's Professional Standards Committee or MLS Committee (at the Association's option). ☐ Coordinate with the panel to schedule the citation reconsideration. **NOTE: Since this is not a hearing, the respondent is not invited and not notified.** ☐ Prepare a copy of the materials for each Panelist: (i) original MLS citation and supporting documentation; (ii) request for citation reconsideration from the respondent with a written explanation for the basis of the reconsideration; and (iii) the MLS Rules. ☐ Prepare Form D-16 *Disposition of Citation Reconsideration,* which will be filled out and signed by the Presiding Officer.

Notice of Final Decision

- ☐ After the citation reconsideration has taken place, obtain the completed D-16 Form from the Presiding Officer.
- ☐ Send the D-16 form along with a cover letter to the respondent within fifteen (15) days after the Panel has rendered its decision.
- ☐ If the decision is to uphold the citation, the cover letter should indicate that the fine and the administrative processing fee are due within seven (7) calendar days from the date the decision has been sent to the respondent. The cover letter **must indicate the dollar amount of the administrative processing fee**. (*Note: Each Association should determine the dollar amount of the administrative processing fee it wishes to charge for citation reconsiderations, which cannot exceed $500.)*
- ☐ The cover letter should also reiterate that the decision of the Panel is not subject to further review.
- ☐ A copy of the decision and cover letter should be forwarded to the MLS that issued the original citation.