OUTLINE OF PROCEDURE FOR HEARING FOR DISCIPLINARY ACTION
_____ ASSOCIATION OF REALTORS®

In accordance with the rules and procedures used by the Association for disciplinary hearings, a Presiding Officer has been selected for the hearing. The Presiding Officer is responsible for conducting the hearing and maintaining its proper decorum. The Presiding Officer can require any procedures for the hearing that are not inconsistent with the Association's rules and procedures for disciplinary matters. Although testimony provided in person before a Hearing Panel is preferred, parties and witnesses to disciplinary hearings may be permitted to participate in hearings by teleconference or videoconference at the discretion of the Hearing Panel Chair.

If the parties have objections or suggestions regarding the procedure to be used for the hearing, they should be made at the commencement of the hearing and the Presiding Officer will rule thereon. Otherwise, the general hearing procedures will be as follows:

1. Each party will be given the opportunity of making an opening statement. If the respondent wishes to wait until conclusion of the complainant's evidence, that will be permitted.
2. Prior to the giving of testimony, all parties and witnesses will be sworn by the Presiding Officer.
3. All parties may present any documents, evidence, or give such testimony they feel is relevant and applicable to the matter being heard. Any objections regarding relevance or appropriateness will be determined by the Presiding Officer. Parties are 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.
4. No testimony will be allowed relating to the character or general reputation of anyone, unless such testimony has a direct bearing on the matter being heard.
5. At the conclusion of a party's witness testifying, the other parties will be given an opportunity to cross-examine the witness.
6. Witnesses may only be present during the hearing while testifying and will be excused from the hearing room after giving testimony.
7. Members of the hearing Panel may question the parties and their witnesses at any time during the hearing.
8. Upon completion of the presentation of evidence and testimony, each party will be given an opportunity to make a closing statement. Usually, the complainant will be first followed by the respondent.
9. The hearing will be recorded by the Association. Copies of the recording will be made available to the parties for purchase but only for the purpose of filing a review with the Association's Board of Directors. **Parties may not record the hearing.**
10. The hearing and decision is confidential. All parties to the hearing have an obligation to maintain and protect this confidentiality.
11. At any time during the hearing, the complaint may be amended either by the complainant or upon motion of the hearing Panel. The hearing Panel may disallow the requested amendment and proceed to hear the original complaint. If the amended complaint is allowed, the amended complaint shall be filed in writing, signed by the complainant or by the Presiding Officer, a copy given to the respondent, and a continuance granted if requested by a party.

The foregoing is not intended to prevent other procedures from being used for the hearing that are otherwise consistent with the Association's rules and procedures and acceptable to the hearing Panel. All parties and their attorneys are reminded that the hearing Panel is not bound by formal rules of evidence as may be applied in a court of law. As such, the hearing Panel has broad discretion regarding the evidence and testimony it will allow to be presented. The primary goal of the hearing Panel is to hear all relevant facts and circumstances regarding the matter in order to make a decision that is fair to all parties

Copyright© 2024 CALIFORNIA ASSOCIATION OF REALTORS®