CALIFORNIA ASSOCIATION OF REALTORS®

GUIDE TO OPTIONAL PROFESSIONAL STANDARDS PROGRAMS 2026

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A. ETHICS CITATION PROGRAM

Pursuant to the motion passed by the C.A.R. Board of Directors in October 2021, an Ethics Citation program will now become a default program for local associations of REALTORS®. The citation schedule created by the local association does not need to include all of the violations listed on the C.A.R. Model Citation Schedule, but it must at least include Article 12 violations. Associations had until **December 31, 2022** to create an Ethics Citation program or have their Board of Directors pass a motion to opt out of the program.

With an Ethics Citation program, the Grievance Committee may implement a schedule of fines for certain Code of Ethics violations and direct staff to issue citations for the specified violations. The REALTOR® receiving the citation may either (1) complete specified training (at the option of the Association); (2) pay the amount specified on the citation; or (3) request a full hearing in accordance with the procedures set forth in Part One of this Manual. Such Code of Ethics violations shall only be from those authorized in the C.A.R. Model Citation Schedule. **Please refer to the "Ethics Citation" materials provided in this Section for more information.**

MOTION: That _____ Association of REALTORS® create an Ethics Citation program in accordance with C.A.R. policy.

Frequently Asked Questions About Ethics Citation Policy

Q 1. Why is a Citation Policy necessary when there are already procedures in place to deal with Code of Ethics violations?

A In 2005, a C.A.R. Business Practices Task Force was created and given the mission to review the current state of professional and ethical business practices of REALTORS® and to recommend programs to address any concerns. The Task Force discovered, in a survey of C.A.R. members, that many REALTORS® do not file ethics complaints, even for identifiable unethical conduct, because they felt that the procedure is too cumbersome and time consuming. The Task Force made a recommendation to the C.A.R. Professional Standards Committee that the Committee formulate and institute a procedure to expedite the prosecution of Code of Ethics violations. The Citation Policy is a result of that recommendation.

Q 2. What are some of the key advantages that the Citation Policy offers that current professional standards procedures do not?

A

- Time for process: if a citation is issued and paid by the violator, the entire process is completed in thirty (30) days or less. By contrast, the process for a professional standards hearing can take from sixty (60) to ninety (90) days or more.
- Association facilities: if a citation is issued and paid by the violator, no association facilities are used. By contrast, the process for a professional standards hearing, generally, requires one (1) or more hearings, all of which necessitate the use of association meeting rooms.
- Volunteer time: if a citation is issued and paid by the violator, no volunteers from the professional standards committee or board of directors are involved. By contrast, the normal process for a professional standards hearing requires the participation of three (3) or four (4) members of the professional standards committee and, if there is a request for review, three (3) or four (4) directors.
- Staff time and association resources: if a citation is issued and paid by the violator, a minimal amount of staff time and association resources are used. By contrast, the normal process for a professional standards hearing requires a great deal of staff time and association resources to prepare paperwork, coordinate a hearing panel and set hearing dates – not to mention what is involved to actually hold hearings at the association.

Q 3. If a citation is issued, can the member who receives the citation ask for a full professional standards hearing?

A Yes. When the violation is sent to the member, the violator is advised that he/she has the right to request a full due process hearing, rather than pay the citation fine.

Q 4. What happens if a violator ignores the citation?

If a violator fails to respond to a citation, a full professional standards hearing is processed, and all the normal procedures for a disciplinary complaint that are in the *California Code of Ethics and Arbitration Manual* ("Manual") are in effect.

Q 5. If the matter goes to hearing, is the hearing panel limited in the discipline that they can recommend.

A No. Any matter that goes to hearing is treated like a normal ethics complaint, the Grievance Committee may add additional violations and the hearing panel, if it finds a violation, can recommend any discipline it deems appropriate, in accordance with the Manual.

Q 6. If the member who receives a citation is a salesperson, is that person's Designated

Broker notified.

A Yes.

Q 7. Can a REALTOR® receive a Code of Ethics citation if he or she has received an MLS citation for the same event and conduct?

A No. It is the responsibility of the person receiving the Code of Ethics citation to demonstrate to the association that he/she has already paid a fine to the MLS for the same event and conduct.

Q 8. How does the association know what kinds of conduct are subject to a citation?

A C.A.R. has published a Model Citation Schedule ("Model Schedule") that lists all the conduct that is subject to citation.

Q 9. Is it mandatory for an association to adopt all the citations on the Model Schedule?

A No. The association can adopt all or fewer than all the citations on the Model Schedule – it's strictly up to the individual association to decide which citations they wish to adopt.

Q 10. Can the association adopt citations that are not on the Model Schedule?

A No. The only citations that may be adopted are those on the Model Schedule.

Q 11. How much is the fine for a citation?

A The amount of the fine is a matter of local option. C.A.R. does not suggest any dollar figures.

Q 12. Are there any alternatives to a fine for a citation?

A The association can require attendance at ethics training, as an alternative to a fine. Again, any training requirement is a matter of local option.

Q 13. Has the Citation Policy been approved by NAR?

A Yes.

Q 14. Is it mandatory for an association to adopt the Citation Policy?

A No. The Local Association's Board of Directors has the option to adopt the Citation Policy – or not. However, as of December 31, 2022, a local association must either adopt the Citation Policy or have its Board of Directors pass a motion opting out of the Citation Policy.

Q 15. Does NAR's Professional Liability Insurance cover the Citation Policy?

A Yes. The Citation Policy has been approved by NAR. Therefore, the association, its staff and volunteers are covered by NAR's insurance for any liability that may arise out of the Citation Policy.

C.A.R. Citation System for Code of Ethics Violations

I. Complaint alleging violation of the Code of Ethics is received by AOR and channeled through the Grievance Committee:

A. Decision whether conduct is subject to citation is made by Grievance Committee.

1. Assuming the allegations on the face of the complaint are true, is there a potential violation of the Code of Ethics?

2. Assuming there is a potential violation of the Code of Ethics, is the conduct the type that is prohibited by the Citation Schedule that has been adopted by the AOR, i.e. a citable offense?

a. If the violator has already received a citation for violation of an MLS rule, for the same event and conduct, it is not eligible for citation.

b. If a citable offense:

i. attached citation is sent to violator, with copy to DR.

ii. citations will be used for purpose of possibly increasing discipline at future ethics hearings.

c. If conduct is not eligible for citation, but possible violation of the Code of Ethics is alleged:

i. Grievance Committee has authority to amend complaint with additional alleged violations of Code of Ethics and/or MLS Rules.

ii. Matter will be sent forward for full ethics hearing.

iii. All hearings are held in accordance with the California Code of Ethics and Arbitration Manual ("Manual").

iv. if violation is found by hearing panel, that information can be used to possibly increase discipline at future ethics hearings.

d. If no possible violation is alleged, complaint will be dismissed.

i. Complainant has right to request Directors' Review.

B. If conduct is a citable offense, upon receipt of citation, violator has 10 days to elect one of the following options:

1. Pay the fine (amount is local discretion).

2. Ethics Training (local option) – if this is chosen, violator will pay a fine (amount determined by local) and, at option of local, all or part will be refunded upon proof of completion.

3. Elect full Ethics hearing to contest citation.

a. If hearing is elected, complaint is returned to Grievance Committee for further scrutiny and possible amendment with additional alleged violations of Code of Ethics and/or MLS Rules.

b. All hearings are held in accordance with the Manual.

i. If anonymous complaint, Grievance Committee is complainant;

ii. If identified complainant, he/she has full due process rights afforded under the procedures approved by NAR for disciplinary hearings.

c. Violator will have a full due process hearing where hearing panel, made up of members of the Professional Standards Committee, has the following options:

i. Dismiss the citation and complaint.

ii. Uphold the citation and corresponding fine.

iii. Amend complaint by adding additional violations, as supported by the evidence.

iv. Increase the discipline, including any allowable sanction.

d. If violation is found by hearing panel, that information can be used to possibly increase discipline at future ethics hearings.

e. The results of hearings can be appealed to the Board of Directors, as set forth in the Manual.

C. Failure to respond to citation within 10 days results in a warning letter (model attached) that the matter will be forwarded for full Ethics hearing if no response is received within 10 more days.

D. Failure to respond to citation within 20 days from date of citation automatically results in full Ethics hearing, which opens up the possibility of any allowable sanction(s) determined by the hearing panel, including greater fine and possible suspension or expulsion from membership.

E. If ethics training is elected, violation is kept in file only for purpose of keeping track of number of citations and the time frames in which they were given the information is not used to possibly increase discipline at a future ethics hearing.

1. Ethics training can only be elected once in any three (3) year period.

2. Only three (3) citations may be issued to a violator within a three (3) year period.

a. When number of citations limit is reached, no further citation can be issued to that violator - all alleged violations must go to full due process hearing.

F. Where an actual complainant reports the citable behavior (as opposed to an anonymous complaint or citation initiated by the Grievance Committee) notification of the action taken by the Grievance Committee would be given to the complainant (model attached).

G. C.A.R. has published the attached Model Citation Schedule.

1. Local options:

a. Which citable offenses are adopted (local may adopt fewer than the entire list of citations, but may not add citable offenses).

b. Amount of fine for citable offense.

i. Fines cannot exceed maximum allowable by N.A.R.

ii. Locals may adopt, at their option, accelerated fines f or multiple violations (i.e. the fine for a second offense is greater than for the first offense).

c. Whether ethics training can be taken by the violator as an alternative to paying the fine.

d. Maximum limit of citations issued to a violator within a three (3) year period not to exceed C.A.R. limit of three.

C.A.R. Model Citation Schedule

(Revised 2026)

☐ **Article 1**: Failure on the part of a listing broker to provide written affirmation that an offer was presented, or written notification that the seller/landlord has waived the obligation to have the offer presented, upon written request of a cooperating broker submitting an offer	$
☐ Failure on the party of the buyer's/tenant's broker to provide written affirmation that a counter-offer was presented, or written notification that the buyer/tenant has waived the obligation to have the counter-offer presented, upon written request of a listing broker submitting a counter-offer	$
☐ **Article 3**: Unilaterally modifying offered compensation after being made aware of a signed offer	$
☐ Delaying or withholding delivery of a buyer's/tenant's offer	$
☐ Failure to disclose existence of accepted offers to cooperating brokers.	$
☐ **Article 6**: Accepting any commission, rebate or profit on expenditures without client's knowledge or consent.	$
☐ **Article 12:** Failure to present a true picture in real estate communications and advertising.	
☐ Failure to disclose professional status in advertising and other representations.	$
☐ Failure to disclose compensation from 3rd party for services provided free to a client.	$
☐ Failure to make reasonable efforts to ensure that information on web sites is current and correct.	$
☐ Failure to display name of firm and state of licensure in a reasonable and apparent manner.	$

☐ Failure to present a true picture in advertising and representations to the public, including misleading images, internet content, URLs and domain names.	$
☐ Failure to disclose intent to share or sell consumer information gathered via internet.	$
☐ Using or registering domain name or URL that presents less than a true picture.	$
☐ Using a professional designation, certification or other credential to which they are not legitimately entitled.	$
☐ Failure to disclose status as both owner/landlord and REALTOR® or licensee when advertising property in which REALTOR® has ownership interest.	$
☐ Falsely claiming to have "sold" property.	$
☐ Registration or use of deceptive URL or domain name.	$
☐ **Article 14**: Failure to cooperate in any professional standards proceeding or investigation.	$
☐ **Article 16:** Placement of for sale/lease sign on property without permission of seller/landlord.	

Note: The Association may adopt all or some of the above citations; however, no additional citations may be added.

The Association, at its option, may impose an escalating fine schedule for repeat citations and also may impose a training requirement as an alternative to payment of a fine for any of the citable offenses adopted.

The amount of fine for any citation is at the option of the Association, but may not exceed the maximum fine allowed by NAR for violation of the Code of Ethics.

NOTICE TO RESPONDENT OF CITATION
_____ ASSOCIATION OF REALTORS®

_____ vs._____ Case No. _____
Complainant(s) Respondent

To:_____
Respondent

Attached to this notice is a copy of a citation schedule. On the citation list, you will find a box marked that indicates the violation of which you are accused and the amount of the fine. Also enclosed is a copy of the complaint that was filed in support of this citation. The complaint alleges violation of the Code of Ethics. The complaint was reviewed by the Grievance Committee or its Anonymous Complaint Subcommittee, which issued the citation. Notification of this citation is being sent to your Designated REALTOR®.

Please choose one of the following options by marking the appropriate box and return this form to the Association no later than ten (10) calendar days from the date specified below.

Failure to return this form within the allotted time could result in a full Ethics Hearing in accordance with the *California Code of Ethics and Arbitration Manual*.

- ☐ I agree to the citation and my check for $_____ is enclosed.
- ☐ I would like to attend an ethics training. My check for $ (to be determined by local) is enclosed. If I supply_____ Association of REALTORS® with proof of ethics training completion, $ (to be determined by local) will be refunded to me.
- ☐ I deny any wrongdoing and wish to have a full Ethics Hearing.

If you have chosen any option other than agreement to the citation, you will be notified of the appropriate next steps.

Dated: _____

_____
Signature
_____, Association Executive or Authorized Designee
Type or Print

Please return this completed form and any check (payable to the Association) to:

_____ASSOCIATION OF REALTORS®

Attn:_____

Address_____

City, State, Zip_____

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Sample Letter: Disposition of Disciplinary Complaint (Citation)

ASSOCIATION LETTERHEAD

Complainant
Address
City, State Zip Code

Re: **Disposition of Disciplinary Complaint**

Dear :

This serves to notify you that the Grievance Committee has reviewed your complaint and issued a citation to the person(s) you named as respondent(s) for violation of the Code of Ethics. In addition, a copy of your complaint has also been forwarded to the respondent(s).

For your information, respondent(s) has options, which may include payment of a fine, ethics training or a full Ethics Hearing, in accordance with the *California Code of Ethics and Arbitration Manual,* where he or she may deny any wrongdoing. If an Ethics Hearing is requested by respondent(s), you will be notified, so that you may prepare for and present your case to the hearing panel.

If you have any further questions about the procedures being used to process your complaint, please refer to the *California Code of Ethics and Arbitration Manual* or feel free to call me at (insert phone number).

Sincerely,

Association Executive/Association Staff

Sample Letter: Notice of Possible Hearing (Citation)

ASSOCIATION LETTERHEAD

Date

Respondent
Address
City, State Zip Code

Re: **Notice of possible Ethics Hearing**
Re: (insert Case Name/No.)

Dear :

On (date)_____, we sent you the attached citation. The ten (10) day deadline for you to respond has lapsed.

If you do not respond to the enclosed citation by (date 10 days in future), this matter will be processed for a hearing in accordance with the *California Code of Ethics and Arbitration Manual*.

If you have any further questions about the procedures being used to process this matter, please refer to the *California Code of Ethics and Arbitration Manual* or feel free to call me at (insert phone number).

Sincerely,

Association Executive/Association Staff

cc: DR Not Named as Respondent w/enclosures

B. ANONYMOUS COMPLAINTS PROGRAM

Pursuant to the motion passed by the C.A.R. Board of Directors in October 2021, an Anonymous Complaints program will now become a default program for local associations of REALTORS®. The Anonymous Complaints program must at least include all violations covered by the Association's Ethics Citation Program (if the Association has adopted an Ethics Citation Program). Associations had until **December 31, 2022** to create an Anonymous Complaints Program or have their Board of Directors pass a motion to opt out of the program.

Keep in mind that pursuant to NAR policy, anonymous complaints for any allegations except for those covered in the association's ethics citation policy are prohibited. Therefore, if an Association does not have an ethics citation policy, it cannot accept anonymous complaints. If an Association decides to accept anonymous complaints, a Subcommittee of the Grievance Committee shall review and may investigate an anonymous complaint and 1) dismiss the complaint as unworthy of further consideration; 2) notify the respondent of the complaint and give an opportunity to correct; or 3) refer the complaint to the Professional Standards Committee for hearing. If the Subcommittee, on behalf of the Grievance Committee, refers the matter for hearing, the Grievance Committee shall be the complainant and one of the members of the Subcommittee shall represent the Grievance Committee at the hearing. **More information about an Anonymous Complaints Subcommittee that has been excerpted from the Disciplinary Implementation Guidelines is provided on the next page.**

MOTION: That _____ Association of REALTORS® create an Anonymous Complaints Subcommittee of the Grievance Committee in accordance with C.A.R. policy.

SUBCOMMITTEE FOR ANONYMOUS COMPLAINTS

An Association's Board of Directors can decide whether or not to accept anonymous complaints. Keep in mind that pursuant to NAR policy, anonymous complaints for any allegations except for those covered in the association's ethics citation policy are prohibited. Therefore, if an Association does not have an ethics citation policy, it cannot accept anonymous complaints. If the Association does decide to accept anonymous complaints, an Anonymous Complaints Subcommittee of the Grievance Committee should be created. Members of the Subcommittee are appointed by the Grievance Chair, for a one-year term. Members of the Subcommittee must sign an agreement not to file any anonymous complaints for the year they are on the Subcommittee. When an anonymous complaint is received, the Grievance Chair assigns it to three impartial members of the Subcommittee. These Subcommittee members have the ability to investigate a complaint before making their decision and are given authority to act for the Grievance Committee. In order to send a complaint to hearing "you must be able to touch it, hear it and see it."

Options for the Subcommittee are:
1) dismiss the complaint as unworthy of further consideration;
2) notify the respondent of the complaint and give an opportunity to correct;
3) refer the complaint to the Professional Standards Committee for hearing;
4) issue an ethics citation.

If the Subcommittee, on behalf of the Grievance Committee, refers the matter for hearing, the Grievance Committee shall be the complainant and one of the members of the Subcommittee shall represent the Grievance Committee at the hearing.

C. ETHICS ADVOCATE PROGRAM

Pursuant to the motion passed by the C.A.R. Board of Directors in October 2021, an Ethics Advocate Program will now become a default program for local associations of REALTORS®. Associations had until **December 31, 2022** to create an Ethics Advocate Program or have their Board of Directors pass a motion to opt out of the program.

Statewide training for Ethics Advocates (EAs) is conducted by C.A.R. via Zoom webinar, usually around May/June of each year. C.A.R. has created a statewide list of EAs that are available to assist parties on a statewide basis. The list is available on the "AE Resources" page of the C.A.R. website. If your Association does create an EA program, C.A.R. recommends training at least some of your local volunteers to be EAs and only relying on the statewide list when local EAs do not have capacity to assist parties.

If the Association adopts an EA program, a subcommittee of the Professional Standards Committee, comprised of REALTORS®, will be specially trained to represent parties during the disciplinary process. The role of an EA may include preparation or hearing, including the preparation of forms and assembly of evidence; representation at the hearing, including the making of opening and closing statements on behalf of the party represented at the hearing, examining and cross-examining witnesses, and introducing affidavits, documents and other relevant evidence, and representation at any review hearings, but does not include testifying as a witness. There is no cost to a party for use of an EA. **Please refer to the "Ethics Advocate" materials provided in this Section for more information.**

MOTION: That _____ Association of REALTORS® create an Ethics Advocate Subcommittee of the Professional Standards Committee in accordance with C.A.R. policy.

ETHICS ADVOCATE BASIC INFORMATION

Any party may be represented by legal counsel or by a REALTOR® (or both) at any ethics hearing, including reviews, even where the hearing will occur in the party's absence. If the Association has adopted the Ethics Advocate (EA) program, professional standards volunteers will be specially trained to represent parties during the disciplinary process. The role of legal counsel or EA may include preparation for hearing, including the preparation of forms and assembly of evidence; representation at the hearing, including the making of opening and closing statements on behalf of the party represented at the hearing, examining and cross-examining witnesses, and introducing affidavits, documents and other relevant evidence, and representation at any review hearings, but does not include testifying as a witness. In the event the parties do not give fifteen (15) days notice of their intention to have legal counsel or EA representation to the Association and all other parties, the hearing may be continued, and the party giving late notice may be assessed a continuance fee.

THERE IS NO COST TO A PARTY FOR USE OF AN EA!

The complainant may request the assistance of an EA, by submitting a Request for Ethics Advocate packet (Forms D-23, D-23A & D-23B) to the Association. The EA is authorized to help the complainant draft the Complaint (Form D-1) and other forms required for the disciplinary process. In addition, the EA may represent the complainant at the hearing in a role similar to legal counsel, at the option of the complainant.

If the complainant returns the completed Request for Ethics Advocate (Form D-23), Ethics Advocate Acceptance (Form 23-A) and Ethics Advocate Communication Preference (Form D-23B), an EA is chosen from the those not challenged by the complainant, and the EA contacts the complainant before any further steps are taken. Thereafter, the complaint is processed in the normal manner.

The respondent may also request the assistance of an EA, by submitting the Request for Ethics Advocate packet (Forms D-23, D-23A & D-23B) to the Association. The EA is authorized to help the respondent draft the Response (Form D-3) and other forms required for the disciplinary process. In addition, the EA may represent the respondent at the hearing in a role similar to legal counsel, at the option of the respondent.

If the respondent returns the completed Request for Ethics Advocate (Form D-23), Ethics Advocate Acceptance (Form 23-A) and Ethics Advocate Communication Preference (Form D-23B), an EA is chosen from the those not challenged by the respondent, and the EA contacts the respondent before any further steps are taken. Thereafter, the complaint is processed in the normal manner.

PLEASE NOTE: EVEN THOUGH THE EA PERFORMS A ROLE SIMILAR TO LEGAL COUNSEL, THE EA IS NOT AN ATTORNEY AND IS NOT ALLOWED TO PRACTICE LAW.

REQUEST FOR ETHICS ADVOCATE
_____ ASSOCIATION OF REALTORS®

If you desire assistance with the disciplinary process, the Association can provide you with an Ethics Advocate ("EA"). The EA will help you complete the required forms, if you wish. In addition, at your option, the EA can represent you at any hearings that may be held in connection with your case and assist you through the hearing procedures. Please note: You will still be required to attend any hearings. If you wish to be assisted by an EA, please complete and submit this form. **If you do not wish to be contacted by an EA, there is no need to return this form.**

☐ I wish to be represented by an EA and have completed my Form D-23A "Ethics Advocate Acceptance."
I have also completed and enclosed Communication Preference (Form 23B).

Following is my full contact information:

Name

Address

City, State, Zip

Phone (____)

Email

Date: _____

_____
(Type/Print Your Name)

_____
(Signature)

Please return to:

_____ASSOCIATION OF REALTORS®

Attn:

Address

City, State, Zip

Phone (____)

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ETHICS ADVOCATE ACCEPTANCE
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

Right to Challenge Ethics Advocates

You are requesting the assistance of an Ethics Advocate ("EA") for the above-referenced matter. You may challenge any potential EA. The EA chosen to assist you will be one of those listed below whom you do not challenge. Challenges must be in writing and submitted prior to the assignment of an EA to assist you. The following persons listed below or on the attached list are eligible to serve as EAs for the hearing and may be selected to serve as your EA. Please check the appropriate box below.

_____

_____

_____

☐ I have no objection to the any of the above EAs.

☐ I object to one or more EAs and have included a list setting forth the names of the EA(s) to whom I object.

Hold Harmless

I hereby release, discharge and hold harmless (Association of REALTORS®) and the EA from and against any and all claims, actions, damages, liabilities, losses, costs or expenses that I now have or may hereafter have arising out of the assistance of an EA in connection with the above-referenced Case. I further expressly agree that the foregoing release is intended to be as broad and inclusive as permitted by the laws of the state of California and that if any portion thereof is held invalid, it is agreed that the remainder of the release shall, notwithstanding, continue in full force and effect.

By signing below you warrant that you understand and agree to the above Hold Harmless Agreement.

Dated: _____

_____
Party's Signature

_____
Party's Name (Type or Print)

If you do not sign the Hold Harmless Agreement above, no EA will be assigned to assist you.

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D-23A

ETHICS ADVOCATE
COMMUNICATION PREFERENCE
_____ASSOCIATION OF REALTORS®

(Please complete a separate form for each party)

Name: _____

Address: _____

_____

Home Phone: _____

Best hours to call: _____

Work Phone: _____

Do not contact work _____ Hours to call: _____

Fax: _____

Cell Phone: _____ Hours to call: _____

Email: _____

I request that written notifications be:

_____ Mailed to home address

_____ E-mailed

Signed Dated

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D-23B

Sample Letter: Request for Disciplinary Complaint (EA)

ASSOCIATION LETTERHEAD

Date

Name
Address
City, State Zip Code

Re: **Request for Disciplinary Complaint**

Dear:

As you requested, please find enclosed the following information to assist you in filing a disciplinary complaint with the [*insert name of association*]:

(1) Complaint Form (Form D-1) and Instructions
(2) Request for Ethics Advocate (Form D-23)
(3) Ethics Advocate Acceptance (Form D-23A)
(4) EA Communication Preference (Form D-23B)
(5) The _____ (insert current year) National Association of REALTORS® Code of Ethics
(6) The Association's MLS Rules and Regulations
(7) A copy of the *California Code of Ethics and Arbitration Manual*

If you desire assistance with completion of the Complaint Form (Form D-1), enclosed you will find the names of several Ethics Advocates ("EA") (Form D-23A). The EA will help you complete the disciplinary complaint and other required forms. In addition, at your option, the EA can represent you at any hearings that may be held in connection with this case and assist you through the hearing procedures. **There is no cost for the use of an EA.** If you wish the assistance of an EA, please complete and return:

Request for Ethics Advocate (Form D-23)
Ethics Advocate Acceptance (Form D-23A)
EA Communication Preference (Form D-23B)

Please Note: In order to use the services of an EA, you must agree to hold the Association harmless and waive any claim for liability against the Association or the EA for the conduct of the EA in assisting you.

If you do not wish the assistance of an EA, there is no need to return Forms D-23, D-23A and D-23B.

Please be advised that in order for a complaint to be considered filed timely with the Association, the complaint must be filed within one hundred and eighty (180) calendar days after the facts constituting the alleged wrongful conduct occurred. **You must file within the time limit, even if you are assisted by an EA.** Also, you may want to become familiar with the *California Code of Ethics and Arbitration Manual* as this is the set of rules that is used to process complaints filed with the Association. Finally, since the Association is not a governmental entity, it does not have authority to take action regarding the licensing status of its members.

If you have any questions regarding the filing of your complaint or the information enclosed, please feel free to call me at [*insert phone number*].

Sincerely,

Association Executive/Association Staff Member
Enclosures

NOTICE TO RESPONDENT
DISCIPLINARY HEARING (EA)
_____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

To:_____
Respondent(s)

Attached to this notice is a copy of a disciplinary complaint filed with this Association which names you as a respondent. The complaint alleges violations of the Code of Ethics, MLS rules or other membership and MLS duties. The complaint was reviewed by the Grievance Committee and referred for hearing before a panel of the Professional Standards Committee.

If you desire assistance with completion of the Response Form (Form D-3), enclosed you will find the names of several Ethics Advocates ("EA") (Form D-23A). The EA will help you complete the disciplinary response and other required forms. In addition, at your option, the EA can represent you at any hearings that may be held in connection with this case and assist you through the hearing procedures. **There is no cost for the use of an EA.** If you wish the assistance of an EA, please complete and return:

Request for Ethics Advocate (Form D-23)
Ethics Advocate Acceptance (Form D-23A)
EA Communication Preference (Form D-23B)

Please Note: In order to use the services of an EA, you must agree to hold the Association harmless and waive any claim for liability against the Association or the EA for the conduct of the EA in assisting you. If you refuse to hold the Association harmless, no EA will be able to assist you. Additionally, if you use the services of an EA, you will still be required to attend any hearings that take place.

If you do not wish the assistance of an EA, there is no need to return Forms D-23, D-23A and D-23B.

The Complainant _____has _____ has not elected the assistance of an EA, at this time.

This matter will be processed by the Association in accordance with the rules and procedures of the Association. Please be advised that the proceedings regarding this matter must be kept confidential and that you have an obligation to maintain and protect this confidentiality. Under these rules, you have fifteen (15) calendar days from the date specified below in which to mail or file a written response to this complaint with the Association. Attached is a blank response Form D-3 for your use.

If you intend to file a written response, please include one (1) original and _____ copies for the other parties and the hearing Panel.

Dated: _____

_____
Signature
_____, Association Executive or Authorized Designee
(Type or Print)

Please mail or file response to:
ASSOCIATION OF REALTORS®
Attn: _____
Address _____
City, State, Zip_____

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D-2A

D. ETHICS MEDIATION PROGRAM

Ethics Mediation is a process designed to resolve disciplinary disputes without the need for a formal hearing. It is similar to other forms of mediation in that it is (a) voluntary for the parties; (b) involves a mediator conducting a mediation conference where the parties attempt to reach a settlement; and (c) if the parties sign a settlement agreement, no hearing is conducted.

Ethics Mediation is a process that may be adopted at the discretion of boards and associations. It will not become a default program in 2023.

If an Association decides to adopt an Ethics Mediation Program, it will be required to adopt all of the NAR procedures (either verbatim or as amended locally) by action of the local board of directors. **All NAR materials related to Ethics Mediation are provided in this Section.**

MOTION: That _____ Association of REALTORS® create an Ethics Mediation Program in accordance with NAR policy.

NAR CODE OF ETHICS AND ARBITRATION MANUAL
Part 4, Appendix XI — Ethics Mediation

Adoption of ethics mediation procedures

Ethics mediation is a process that may be adopted at the discretion of boards and associations. Ethics mediation will require adoption of these procedures (either verbatim or as amended locally) by action of the local board of directors (or as otherwise provided in the local bylaws).

Appointment of mediators

The chair of the Professional Standards Committee and/or the Board President will select one or more ethics mediators to act on behalf of the committee. Mediators should be thoroughly familiar with the Code of Ethics, state real estate regulations, and current real estate practice.

Complaints that may be mediated

Complaints brought by the public or by other REALTORS® may be mediated under these procedures. Complaints brought by the Grievance Committee and complaints alleging a violation of the public trust (as defined in Article IV, Section 2 of the NAR Bylaws) may not be mediated.

Initiation of ethics mediation procedures

The ethics mediation process can be initiated in two ways. First, through filing a written ethics complaint. Second, through a personal, telephone, or written inquiry or complaint generally alleging potentially unethical conduct but which (a) is not filed on the appropriate form or (b) is not specific as to which Article(s) may have been violated.

Where a written ethics complaint in the appropriate form is received, it will be reviewed by the Grievance Committee so a determination can be made whether a possible violation may have occurred or, alternatively, whether the complaint should be dismissed as not requiring a hearing. Where an informal inquiry or general letter of complaint that does not allege a potential violation of the public trust is received, it will not be reviewed by the Grievance Committee, but will be referred to an ethics mediator.

Participation in ethics mediation is voluntary

Persons inquiring about the process for filing ethics complaints will be advised that ethics mediation is available as an alternative to a formal ethics hearing provided that all parties agree to participate, and also be advised they may decline or withdraw from mediation and have their complaint considered at a formal ethics hearing. Similarly, REALTORS® complained about have the right to decline or withdraw from mediation and to have complaints against them considered at a formal ethics hearing.

Referral of complaints to the mediator

When either a written ethics complaint in the appropriate form is reviewed by the Grievance Committee and the Grievance Committee concludes that a hearing is warranted, or when a general letter of inquiry or complaint is received, and the matter(s) complained of do not involve a possible violation of the "public trust", the materials received will be referred to the ethics mediator who will contact the parties to schedule a meeting at a mutually agreeable time. "Public trust" refers to misappropriation of client or customer funds or property, discrimination against the protected classes under the Code of Ethics, or fraud. (Revised 11/20)

During the mediation session the mediator will encourage all parties to openly and candidly discuss all issues and concerns giving rise to the inquiry or complaint, and to develop a resolution acceptable to all of the parties. In the event the mediator concludes that a potential violation of the public trust

may have occurred, the mediation process shall be immediately terminated, and the parties shall be advised of their right to pursue a formal ethics complaint; to pursue a complaint with any appropriate governmental or regulatory body; to pursue litigation; or to pursue any other available remedy.

Nature of the mediated resolution

The mediator and the parties have considerable latitude in fashioning a mutually acceptable resolution. Resolutions can include, but are not limited to, payment of disputed funds, repairs or restoration of property, written or oral apology, or acknowledgement of a violation of the Code of Ethics. In cases where a REALTOR® acknowledges that the Code has been violated, that admission may be sufficient to resolve the matter or, alternatively, the parties may agree that discipline should be imposed. The discipline may, at the agreement of all parties, include any of the forms of discipline established in the Code of Ethics and Arbitration Manual and may also include payment of monies to the complainant or to a third party. Also, the parties may agree that the complainant will withdraw a complaint or agree not to file a formal, written ethics complaint in return for the respondent's action or acknowledgement. Again, any discipline imposed must be agreed to by all of the parties.

Referrals to the Grievance Committee or to state regulatory bodies

Ethics mediators cannot refer concerns they have regarding the conduct of any party to mediation to the Grievance Committee, to the state real estate licensing authority or to any other regulatory body. This prohibition is intended to ensure impartiality and avoid the possible appearance of bias. Mediators are, however, authorized to refer concerns that the public trust may have been violated to the Grievance Committee.

Refusal to comply with agreed upon discipline

Failure or refusal of a respondent to comply with the terms of any mutually agreed on resolution shall entitle the complaining party to resubmit the original complaint or, where a formal complaint in the appropriate form had not been filed, to file an ethics complaint. The time the matter was originally brought to the board or association's attention shall be considered the filing date for purposes of determining whether an ethics complaint is timely filed.

Associations will continue to process filed ethics complaints until withdrawn by the complainant. (Revised 05/15)

Confidentiality of mediation process

The allegations, discussions, and decisions rendered in ethics mediation proceedings are confidential and shall not be reported or published by the board, 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.

Agreement to Mediate (Ethics)

The undersigned agree to submit their dispute to mediation in accordance with the *California Code of Ethics and Arbitration Manual* and the policy and procedures of _____ (Board or Association of REALTORS®)

As a party to the mediation process, I understand and agree as follows:

The ethics complaint filed has been sent forward for a hearing by the Grievance Committee. Prior to the ethics hearing being held the parties may mediate their dispute.

Parties to mediation may withdraw from the process at any point prior to reaching an agreement. If the parties fail to reach an agreement, the matter will be forwarded to the Professional Standards Committee for an ethics hearing, as set forth in the *California Code of Ethics and Arbitration Manual*.

The parties acknowledge that the mediator is not providing legal representation, legal advice, or legal services, and that the parties are advised of their right to be represented by counsel at the mediation conference and also of their right to obtain independent legal advice before signing any final settlement agreement.

Any offers of settlement that were not accepted or any suggested resolution proposed by the Mediation Officer that was not accepted will not be introduced as evidence nor considered by the ethics hearing panel, should the matter proceed to a hearing. The parties, and/or their own attorneys, will reduce any settlement to writing and the settlement agreement must be signed by all the parties. The Respondent's failure or refusal to comply with the terms of any mutually agreed resolution shall entitle the Complainant to request that a formal ethics hearing be scheduled.

Views expressed or suggestions made by a party with respect to a possible settlement of the dispute, proposals made or views expressed by the Mediator, or the response of any party thereto shall not be introduced as evidence at any ethics hearing. Neither _____(Board or Association) nor the Mediation Officer shall be compelled to disclose or to testify in any proceeding as to information disclosed or representations made in the course of the mediation or communication to the Mediator in confidence. Neither the Mediation Officer, _____(Board or Association) nor the National Association of Realtors® nor any of its Member Boards shall be deemed "necessary parties" in any judicial proceedings relating to mediation under this Agreement. The parties acknowledge that the mediation proceedings will not be recorded and that weapons of any type are prohibited.

The undersigned understand that the allegations, discussions, and decisions rendered in the ethics mediation proceeding are confidential and shall not be reported by any party to the mediation under any circumstances, except as those established in the *California Code of Ethics and Arbitration Manual.*

The undersigned understand that if the complaint is withdrawn as part of any settlement agreement, the complaint and response 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.

Are the circumstances giving rise to this request for Mediation the subject of 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 ____

If yes, where else has a complaint been filed? _____

By my signature on this Agreement to Mediate, I acknowledge my rights and agree to the terms of the mediation procedures as stated above. I hereby affirm that I have the authority to enter into and sign a binding written agreement to settle this dispute.

Name (Type/Print)	Signature	Date
Name (Type/Print)	Signature	Date

Board or State Association

Address	City	State	Zip

Ethics Mediation Resolution Agreement

The undersigned, pursuant to the ethics mediation guidelines incorporated into the professional standards procedures, _____ Board or State Association have participated in and agree to the following resolution:

_____

_____

_____

_____

_____

_____

_____

The undersigned agree to be bound by the above resolution and waive any and all future rights to file an ethics complaint, litigate the matter, or pursue a complaint in any other forum. If an ethics complaint has been filed, the complainant agrees to withdraw that complaint and not to pursue a complaint in any other forum. We further hold the _____ (Board or State Association) harmless, acknowledge that we were advised of our right to attorney representation at the mediation and attorney review of the Resolution Agreement, and expressly waive any and all liability of the _____ (Board or State Association) or claim that we have against the _____ (Board or State Association) arising out of the manner in which the _____ (Board or State Association) conducted the ethics mediation, or the resolution of the dispute reached as a result of the _____'s (Board or State Association) ethics mediation procedures. Further, if this resolution agreement is judicially enforced, the non-complying party agrees to reimburse the other party for court costs and reasonable attorney's fees.

_____

Name (Type/Print) Signature Date

_____

Name (Type/Print) Signature Date

As Mediation Officer of the_____ (Board or State Association), I do attest that I was present during the ethics mediation process and that the above resolution agreement was voluntarily entered into by the parties to the dispute.

_____

Name (Type/Print) Signature Date

(*Adopted 5/16*)

E. MULTI-ASSOCIATION PROFESSIONAL STANDARDS PROGRAM AND SHARED PANELISTS

An Association may agree with other associations to establish multi-association professional standards programs, in which case the members of a Panel may include members from the participating associations. Additionally, an Association may agree with other associations to share its Grievance Committee and Professional Standards Committee members and Board of Directors on reviews, in which case the members of a Panel may include members from the reciprocating association's respective Grievance Committee, Professional Standards Committee, and Board of Directors.

C.A.R. is willing to assist Associations if they wish to set up one of these programs. Please contact us if you are interested in having us set up a conference call with other Associations in your region to discuss this.

MOTION: That _____ Association of REALTORS® create a multi-association professional standards program with _____ Association of REALTORS®, in accordance with C.A.R. policy.

OR

MOTION: That _____ Association of REALTORS® shall share its Grievance Committee members, Professional Standards Committee members, and Board of Directors members with _____ Association of REALTORS®, in accordance with C.A.R. policy.

F. MANDATORY MEDIATION

Article 17 of the Code of Ethics permits Associations to require their members to mediate disputes before submitting them to arbitration. If an Association adopts this policy, all REALTOR® vs. REALTOR® disputes which are required to be submitted to arbitration pursuant to Article 17 will need to be sent to mediation before the complaint is forwarding for an arbitration hearing.

If you are interested in a Mandatory Mediation program, please contact C.A.R. We can get you in touch with other local associations that have already adopted the program so that you can gather information regarding the program's effectiveness and implementation.

MOTION: That _____ Association of REALTORS® make mediation mandatory, for contractual and non-contractual disputes specified in Standard of Practice 17-4 of the Code of Ethics, between REALTORS® associated with different firms arising out of their relationship as REALTORS®.

G. "FAST TRACK" DISCIPLINE PROCESS

NAR has created an optional "fast track" process for the receipt, consideration and resolution of ethics complaints. If an association chooses to adopt the "fast track" process, it must be used for all ethics complaints received by the Association. **Please refer to the "Fast Track Procedure" materials in this Section for more information.**

MOTION: That _____ Association of REALTORS® adopt the Fast Track procedures for disciplinary hearings in accordance with C.A.R. policy

"FAST TRACK" ETHICS PROCEDURE

NAR has created an optional "fast track" process for the receipt, consideration and resolution of ethics complaints. Any local association may choose to adopt the "fast track" hearing process described in this document. If an association chooses to adopt the "fast track" process, **it must be used for all ethics complaints received by the association**. The deadlines applicable for the "fast track" process are described below, and in all other respects the "fast track" process shall be conducted in accordance with the procedures set forth in the *California Code of Ethics and Arbitration Manual*.

(1) The Grievance Committee shall review each complaint within ten (10) calendar days of receipt of the complaint by the Association.

(2) The Association Executive shall designate the date, time and place of the hearing and shall notify the parties and hearing Panel in writing (Form D-6) no later than five (5) calendar days after the Grievance Committee decision to forward the complaint for a hearing is final.

(3) The date of the hearing shall be no later than forty-five (45) calendar days after the Grievance Committee decision is final.

(4) The respondent shall submit a Response to the Association within ten (10) calendar days after the request for response has been transmitted to the respondent.

(5) A copy of the Response shall be provided to the complainant within five (5) calendar days after the Association receives the Response from the respondent.

(6) The parties must submit Form D-4 and Form D-5 no later than five (5) calendar days after the date these forms have been transmitted to the parties.

(7) The hearing Panel may recess the hearing from time to time as necessary and, on request of a party or upon the Panel's own motion, may postpone the hearing for not more than fifteen (15) calendar days, unless otherwise agreed to by the parties.

(8) Within ten (10) calendar days after the hearing Panel's decision has been transmitted to the parties, any party may file a request in writing for a review of the hearing Panel's decision by the Board of Directors or appointed review Panel of the Board of Directors.

(9) A request for review shall be reviewed by the Association Executive to determine whether the request complies with the filing requirements within five (5) calendar days after the request has been transmitted to the Association.

(10) If the Association Executive determines that the request for review fails to meet the filing requirements, the request shall be returned to the party and the party shall be given five (5) calendar days to amend the request to comply with the appropriate requirements.

(11) The Association Executive shall designate the date of the review hearing, which shall be no later than twenty (20) calendar days after the date of the Association's receipt of the request for review. Each party shall be given at least ten (10) calendar days prior notice of the review hearing.

(12) If no request for review is filed, the Board of Directors shall take final action on the hearing Panel's recommendation no later than twenty (20) calendar days after the date the hearing Panel's decision is transmitted to the parties.

H. BEST PRACTICES FOR GRIEVANCE COMMITTEES

Many C.A.R. members have expressed concerns about the quality of Grievance Committee decision-making based on a lack of preparation and training for some volunteers. Additionally, there is a belief among many members that the current disciplinary process sometimes leads to unsubstantiated and frivolous complaints being sent forward for a hearing by the Grievance Committee. In response to these concerns, at the January 2022 C.A.R. Professional Standards Committee meeting, a motion was passed to create a work group of Professional Standards Committee members to explore ideas and develop recommendations to present to the full committee at the fall Professional Standards Committee meeting.

Ultimately, the work group decided that the best course of action was to create a list of "best practices" that would be distributed to local associations and posted on the C.A.R. website. The work group's opinion was that encouraging adoption of the best practices would help improve the quality of Grievance Committee decision-making statewide and reduce frivolous cases from being sent to hearings, but that making these proposals best practices rather than mandates would help accommodate local differences. The list of best practices is included on the next page. **Please remember that this is a list of suggested practices and not mandates. Local Associations are free to make modifications to any of these suggested practices if they choose to do so.** Also, please note that as of January 1, 2023, the C.A.R. components of the last two items on the list have not yet been completed.

List of Best Practices for Grievance Committees

- Local associations are strongly encouraged to institute more stringent requirements for volunteers to become members of the Grievance Committee. This could include requiring volunteers to spend 1 year observing Grievance Committee meetings prior to the volunteer becoming a voting member of Grievance Committee. Additionally, local associations could institute more training requirements for Grievance Committee membership beyond the basic training for volunteers provided by C.A.R., including but not limited to Code of Ethics classes and webinars and NAR's Fairhaven Fair Housing Simulation.
- Local associations are strongly encouraged to create a program that provides mentors to new Grievance Committee members. These mentors might be more experienced Grievance Committee members, Professional Standards Committee members, volunteers from other associations, or C.A.R. Ethics Advocates. The length of the mentorship would be at the discretion of each local association, but around 1 year is recommended.
- Local associations are strongly encouraged to expose the Grievance Committee and the professional standards process to new members by including an explanation during mandatory orientation. Grievance Committee members, Professional Standards Ambassadors, or other volunteers should make time to give short presentations on the subject during orientations.
- Local associations are strongly encouraged to include education as a part of Grievance Committee meetings. Include time during meetings (after the Committee has finished reviewing cases) to focus on improving members' knowledge base regarding the Code of Ethics and the professional standards process.
- Professional Standards Administrators should strongly recommend that complainants speak with a volunteer (whether an ombudsman or an Ethics Advocate) before they file a formal complaint. Local associations could choose to make this an opt-out process whereby a volunteer is automatically assigned to speak to each complainant and would contact them unless the complainant refuses to speak with them.
- C.A.R. will create a template that directs complainants on how to complete the narrative of the accusation (i.e., Exhibit 1 to the D-1 form) that the Grievance Committee uses to review the complaint. This will also include a checklist identifying potential supporting documents or witnesses, along with the purpose for including each of these documents and/or witnesses with the complaint. Once these materials are complete and available on the C.A.R. website, local associations will be strongly encouraged to include them in the packet of materials provided to complainants before they file the complaint.
- Pursuant to the proposals passed by the C.A.R. Board of Directors in October 2021 based on the recommendations of the Disciplinary Complaint Filing Alternatives Work Group, C.A.R. will create new videos and written materials explaining the disciplinary process that can be provided to parties involved in disciplinary cases. Once these materials are available on the C.A.R. website, local association will be strongly encouraged to provide them to complainants and respondents at the beginning of the process.

I. COMPLAINT AND RESPONSE EXHIBIT TEMPLATES

The following templates were created by a team of experienced C.A.R. Professional Standards Committee members to assist Grievance Committees and Professional Standards Hearing Panels by promoting more organized submissions of evidence by complainants and respondents.

Inclusion of these Exhibit 1 templates with the D-1 or D-3 forms provided to the parties is **optional** for local associations in 2024. For any local associations that choose to include these templates, C.A.R. would appreciate feedback so that C.A.R. can determine whether to encourage wider adoption in 2025 and beyond.

COMPLAINANT: EXHIBIT 1, Template Overview

INTRODUCTION:

Clear and concise submissions aid both the Complainant, Respondent, and the Professional Standards members alike. This template package has been created with two goals in mind:

1) Ensure that the Complainant's allegations receive full attention and weight and are not potentially diluted or missed due to disorganized, complex, or voluminous submissions.
2) In a respect for their time, to help each of the potentially reviewing groups quickly identify the pertinent arguments and evidence as necessary to complete their part of the process:
    a. *Grievance Committee:* Reviews packet to ensure that alleged actions potentially violate the NAR Code of Ethics, MLS Rules, and Membership Duties so that resources are not spent on allegations that, even if true, would not result in discipline.
    b. *Professional Standards Hearing Panel:* Manages the actual hearing, weighs testimony and evidence, publishes Findings of Fact, and in the case of violations assigns discipline.
    c. *Appeals Panel:* If the Findings and Discipline are appealed, this group from the Board of Directors reviews for Misapplication or Misinterpretation of an Article or Rule, Lack of Procedural Due Process, or Unwarranted Discipline.

Additional benefits of this template include potentially serving as a roadmap for your hearing presentation and enabling the hearing panelists to come prepared with critical questions that may clarify the issues.

IMPLEMENTATION:

In the following pages, you will find the following 3 sections:

I) Overview of Events – Intended for the Complainant to tell the story of what happened from their perspective and the opportunity to provide context to the alleged violations.
II) Alleged Violating Actions – Focuses only on the specific alleged actions that would constitute potential violations of the NAR Code of Ethics, MLS Rules, and Membership Duties. These should be clear and specific.
III) Supporting Evidence – References the specific attached proof or future testimony that relates to the Alleged Violating Actions.

Please note that a sample submission has been included to help you complete your packet. If the organization or intent of this template is unclear, an Ombudsman or Ethics Advocate may be available from the local Board or Association to help you with your submission.

COMPLAINANT: EXHIBIT 1, Section I

OVERVIEW OF EVENTS (COMPLAINANT): In your own words, tell what happened. This is your opportunity to give context to the overall submission. Make sure to reference all parties involved (i.e. Agent, Broker, Team Members, etc.) and a timeline of events. If more space is needed, please use additional copies of this page. Alternatively, you may use any free-form write-up and label the top as "Exhibit 1, Section I".

COMPLAINANT: EXHIBIT 1, Section XXXVI

ALLEGED VIOLATING ACTIONS (COMPLAINANT): These are the specific actions alleged along with which Articles of the NAR Code of Ethics, MLS Rules, or Membership Duties those actions violate. Note that the Grievance Committee may make additions or deletions to this section during their review.

Item	Article, MLS Rule, or Membership Duty Violated	Specific Alleged Action that Violates the Code of Ethics Article, MLS Rule, or Membership Duty	Office Use (Leave Blank)
A			
B			
C			
D			
E			
F			
G			
H			
J			
K			
L			
M			
N			
P			
Q			
R			
S			
T			
U			

COMPLAINANT: EXHIBIT 1, Section XXXVII

SUPPORTING EVIDENCE (COMPLAINANT): This table is used to identify which specific evidence will be used in the hearing to support the Complainants ALLEGED VIOLATING ACTIONS in Section II. Enter the pre-printed "Item" from Section II to tie your supporting evidence to specific ALLEGED VIOLATING ACTIONS. Your "Reference" should specify exactly what and where in the supporting submitted evidence a reviewer will find the pertinent information. In the case of a witness who will give live testimony, reference "Witness testimony" and their name(s) under "How It Applies". Each ALLEGED VIOLATING ACTION should have at least one entry in the table below. In the case where a specific piece of evidence or testimony will support multiple ALLEGED VIOLATING ACTIONS, enter all reference "Items" from Section II in the first column as appropriate. If necessary for space, make multiple copies of this section.

Item(s)	Reference to Evidence	How It Applies

RESPONDENT: EXHIBIT A, Template Overview

INTRODUCTION:

Clear and concise submissions aid both the Complainant, Respondent, and the Professional Standards members alike. This template package has been created with two goals in mind:

1) Ensure that the Respondent's responses receive full attention and weight and are not potentially diluted or missed due to disorganized, complex, or voluminous submissions.
2) In a respect for their time, to help each of the potentially reviewing groups quickly identify the pertinent arguments and evidence as necessary to complete their part of the process:
    a. *Grievance Committee:* Reviews packet to ensure that alleged actions potentially violate the NAR Code of Ethics, MLS Rules, and Membership Duties so that resources are not spent on allegations that, even if true, would not result in discipline.
    b. *Professional Standards Hearing Panel:* Manages the actual hearing, weighs testimony and evidence, publishes Findings of Fact, and in the case of violations assigns discipline.
    c. *Appeals Panel:* If the Findings and Discipline are appealed, this group from the Board of Directors reviews for Misapplication or Misinterpretation of an Article or Rule, Lack of Procedural Due Process, or Unwarranted Discipline.

Additional benefits of this template include potentially serving as a roadmap for your hearing presentation and enabling the hearing panelists to come prepared with critical questions that may clarify the issues.

IMPLEMENTATION:

In the following pages, you will find the following 2 sections:

I) Overview of Events – Intended for the Respondent to tell the story of what happened from their perspective and the opportunity to provide context to the alleged violations.
II) Supporting Evidence – References the specific attached proof or future testimony that relates to the Alleged Violating Actions.

Please note that a sample submission has been included to help you complete your packet. If the organization or intent of this template is unclear, an Ombudsman or Ethics Advocate may be available from the local Board or Association to help you with your submission.

RESPONDENT: EXHIBIT 1, Section I

OVERVIEW OF EVENTS (RESPONDENT): In your own words, tell what happened. This is your opportunity to give context to the overall submission. Make sure to reference all parties involved (i.e. Agent, Broker, Team Members, etc.) and a timeline of events. If more space is needed, please use additional copies of this page. Alternatively, you may use any free-form write-up and label the top as "Exhibit A, Section I".

RESPONDENT: EXHIBIT A, Section II

SUPPORTING EVIDENCE (RESPONDENT): This table is used to identify which specific evidence will be used in the hearing to support responses to the ALLEGED VIOLATING ACTIONS. Enter the pre-printed "Item" from Complainant's Exhibit 1, Section II to tie your supporting evidence to specific ALLEGED VIOLATING ACTIONS. Your "Reference" should specify exactly what and where in the supporting submitted evidence a reviewer will find the pertinent information. In the case of a witness who will give live testimony, reference "Witness testimony" and their name(s) under "How It Applies". Each ALLEGED VIOLATING ACTION should have at least one entry in the table below. In the case where a specific piece of evidence or testimony will support responses to multiple ALLEGED VIOLATING ACTIONS, enter all reference "Items" from Section II in the first column as appropriate. If necessary for space, make multiple copies of this section.

Item(s)	Reference to Evidence	How It Applies