KNOXVILLE AREA ASSOCIATION OF REALTORS®
PROFESSIONAL STANDARDS PROCEDURES

FILING AN ETHICS COMPLAINT

Who can file an Ethics Complaint ?

- A REALTOR® Members
- A Member of the Public

Preparing an Ethics Complaint

- Ethics Complaints must be filed on an Official Complaint Form, complete with all required information
- The correct Respondent(s) must be named
- The correct facts must be stated (leave out “emotion”)
- Attach a detailed explanation of the complaint in date order sequence
- Collect and arrange evidence to support the complaint
- Attach all the exhibits to be viewed by the Respondent
- Additional exhibits may be presented to the Panel at the Hearing
- Arrange everything in logical order

Preparing a Response to an Ethics Complaint

- A Response to an Ethics Complaint must be filed on an Official Response Form, complete with all required information
- Keep the response to the facts alleged in the complaint (leave out “emotion”)
- Follow the Complaint’s allegations
- Attach a detailed explanation of the response to the complaint’s allegation in date order sequence
- Collect and arrange evidence to support the response
- Attach all the exhibits to be viewed by the Complainant
- Additional exhibits and evidence may be presented to the Panel at the Hearing
- Arrange everything in logical order

Review of the Ethics Complaint by the Association

- The Professional Standards Secretary will review the Complaint to determine if
  - the Complaint is complete
  - the correct parties are named
  - the Respondent is a REALTOR® member or was at the time of the alleged offense
  - the time limit has expired (180 Day Rule)
  - the format is proper
  - Ethics Articles are listed
  - the Complaint should be forwarded to the Respondent for a reply
  - litigation or TREC action is pending related to the same transaction
- The Professional Standards Secretary will forward the Complaint to the Grievance Committee upon receipt of the Respondent’s Reply and forward a copy of the Respondent’s Reply to the Complainant

Review of the Ethics Complaint by the Grievance Committee

- The Grievance Chairman will review the Complaint to determine
  - which Committee Members should not participate because of Conflicts of Interests;
  - if a Committee Member should be designated to contact the Complainant if procedural assistance is needed;
  - if all the necessary parties are named
- The Grievance Committee will review the Complaint to determine if the facts stated in the Complaint
  - relate to the Code Articles listed
  - appear to indicate a possible violation of the Code of Ethics
  - warrant a Professional Standards Hearing
  - warrant a dismissal
- The Professional Standards Secretary will forward the actions of the Grievance Committee to the parties involved

KNOXVILLE AREA ASSOCIATION OF REALTORS®

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The Ethics Hearing Process

The Pre-Hearing

• The Professional Standards Secretary and the Association Executive make the pre-hearing preparation and
- select the hearing panel
- arrange a Hearing Date and Time with the Hearing Panel Chairman
- give proper Notices to all parties involved
- prepare copies of documents for all parties involved

The Hearing

• The Association Executive will
- make the proper room arrangements
- operate the recording equipment
- be present to ensure the procedural conduct of the Hearing
- make certain the Chairman and Panel are prepared
• The Hearing Panel and Chairman will meet immediately prior to the Hearing to
- review the Professional Standards Rules and Procedures
- sign the “Qualification Form”
- assure that there are no potential conflicts that would prevent an "impartial panel”
- review the documents and materials provided
• The Parties are responsible to
- be on time
- be prepared
- know the process and procedures
- review all documents
- bring prepared witnesses
- bring counsel of choice
- show respect for the Hearing Panel
- be responsible for your conduct and the conduct of your counsel and witnesses
- bring any additional evidence and exhibits
- know the elements of your case
- read the applicable Articles and Standards of Practice
- plan question in advance with a particular objective in mind
- be formal, precise and respectful
• The Association is responsible for Due Process in all Professional Standards Hearings and must ensure that:
- the proper procedure are followed as per the Code of Ethics and Arbitration Manual
- proper notification has been given to all Parties
- all Parties know the nature of the matter to be heard
- Respondents have been provided an opportunity to prepare a defense
- all Parties have been informed of their right to call witnesses
- all Parties have been given an opportunity to have witnesses
- all Parties have the opportunity to present evidence
- all Parties have the opportunity to cross examine the other Parties’ witnesses
- all Parties have been informed of their right to have counsel (Legal or a fellow Realtor®)
- all Parties have been provided an impartial Hearing Panel
- the proceedings are electronically recorded
• The Panel Chairman will
- call the Hearing to Order and Read the Official Opening Statement
- allow each party to present his case

- be the keeper of the exhibits
- rule on the admissibility of evidence

• The Complaint will
- state his case
- call his witnesses
- present his evidence and exhibits
- be cross examined by the Respondent and Hearing Panel
- be provided an opportunity to make a closing statement

• The Respondent will
- state his case
- call his witnesses
- present his evidence and exhibits
- be cross examined by the Respondent and Hearing Panel
- be provided an opportunity to make a closing statement

• The Hearing Panel will, after hearing the presentations of both the Complaint and Respondent
- adjourn to an executive session to reach their findings of fact and make a decision using "clear, strong and convincing" as the standard of proof
- upon reaching their findings of fact, declare in a decision, if a violation has occurred
- if a violations has occurred, set any disciplines from the following approved sanctions:

1. Letter of Warning
2. Letter of Reprimand
3. Educational Course Work
4. Fine
5. Probation
6. Suspension
7. Expulsion
8. Suspension or termination of MLS rights

• The Association will
- give notice of the hearing Panel's decision to all parties
- provide a process for an appeal of the decision
- provide a process to "reconsider the hearing"
- forward requests for reconsiders and appeals to the Board of Directors
- assist the Board of Directors in conducting requests for reconsider and appeals
- file any Declaratory Judgements
- give final notice to all parties

The Knoxville Area Association of REALTORS®

609 Weisgarber Road, Knoxville, Tennessee 37919

Ethics Complaint

To the Grievance Committee

A. Complainant (Person filing complaint)

1. Name _____
(Last) (First) (Middle)

2. Residence _____
(Street / Apt.No. / Suite No.) (City / Zip Code)

3. Business Address_____
(Street / Suite No.) (City / Zip Code)

4. Business Phone #_____ **5. Home Phone #**_____ **6. Fax Phone #**_____

B. Respondent(s) [Party or Parties Complained Against]

1. Name of Respondent(s

a. _____
(Last) (First) (Middle)

b. _____
(Last) (First) (Middle)

c. _____
(Last) (First) (Middle)

2. Business Address of Respondents

a. _____
(Firm Name) (Address / Zip)

b. _____
(Firm Name) (Address / Zip)

C. Complaint Charges: An alleged Violation of Article(s) _____ of the Code of Ethics or other membership duty as set forth in the By-Laws of the Association in Article(s) _____ Section(s)_____, and alleges that the above charges are supported by the attached typewritten statement, which is signed and dated by the complainant(s). [State chronological order of events as they happened, action desired by the Association, include all pertinent documents, contracts, etc.]

This complaint is true and correct to the best knowledge and belief of the undersigned and is filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence.

I (we) declare that to the best of my (our) knowledge and belief, my (our) allegations in this complaint are true.

Are the circumstances giving rise to this Ethics Complaint involved in Civil or Criminal Litigation or in any proceeding before the Tennessee Real Estate Commission or any other State or Federal regulatory or administrative agency? _____Yes _____No

I understand that should the Grievance Committee dismiss this ethics complaint in part or in total, that I have twenty (20) days from my receipt of the dismissal notice to appeal the dismissal to the Board of Directors.

Filed _____ **Signed**_____
(Month & Day & Year) (Complainant)