

# S A M P L E

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## Chronological Documentation for Processing an Ethics Complaint

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**NOTE: The sample forms and letters contained herein might not be applicable to every situation.** Prior to using any of these sample forms or letters, administrators should revise them, as reason and circumstances dictate. This document features a chronological **example** of how a board/association receives, processes, and resolves an ethics complaint. It includes sample letters, forms, and a comprehensive, detailed written decision.

To access this document on line, go to:  
<http://www.realtor.org/mempolweb.nsf/pages/ethicschronologicaldocumentation>

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## Administrative Time Frames—Ethics Proceedings

Situation	Time Table
<b>Grievance</b>	
Complaint filed	180 days . . .
Response required/# of days to submit	Optional/15 days from complaint being mailed to the respondent if response solicited
Complainant's appeal to Directors	20 days from receipt of dismissal notice
Directors review	Next meeting
<b>Professional Standards</b>	
Respondent provides response	15 days from complaint being mailed
Challenge forms	10 days to challenge from date forms mailed
Panel named	15 days from mailing challenge forms
Hearing notice	21 days in advance of hearing
Complaint/response to panel	Board option
Notice of witnesses and counsel	15 days before hearing to Board and other party
Adjourned hearing	Not less than 15 days or more than 30 days from hearing
Decision filed	10 days after decision final
Transmit decision	5 business days after decision filed with staff
<b>Rehearing</b>	
Rehearing filed	20 days after decision mailed
Panel decision on rehearing request	Automatically denied 14 days from filing if not answered
If denied, party can appeal	10 days after denial
If granted, party can appeal	20 days after decision mailed
<b>Appeal</b>	
Appeal filed	20 days after decision mailed (or 10 days after rehearing request denied)
Preliminary review	Optional number of days
Amendment received	Within 10 days of notice
Appeal heard	Next/special meeting giving 10 days minimum notice

(Adopted 11/98)

## Administrative Time Frames—Arbitration Proceedings

Situation	Time Table
	<b>Grievance</b>
Request filed	180 days . . .
Response required/# of days to submit	Optional/15 days from mailing request to respondent if response solicited
Appeal dismissal to Directors	20 days from mailing dismissal notice
Appeal of mandatory/voluntary classification	20 days from receipt of decision
	<b>Hearing</b>
Notification to respondent of request	5 days from receipt of Grievance Committee's instruction
Response required	15 days from mailing request to respondent
Challenge forms	10 days to challenge from date forms mailed
Panel named	15 days from mailing challenge forms
Hearing notice	21 days before hearing
Arbitration case to panel	Board option
Notice of witnesses and attorney	15 days before hearing to Board and other party
	<b>Procedural review</b>
Request filed	20 days from mailing award
Preliminary review	Optional number of days
Amendment received	Within 10 days of notice
Review held by Directors	Next/special meeting giving not less than 10 days notice

May 1, 2007

Mr. Ted Edwards  
Green Realty  
15 E. 1<sup>st</sup> Street  
Morris, IN 66666

RE: Potential Ethics Complaint/Arbitration Request\*

Dear Mr. Edwards:

In response to our telephone conversation, enclosed is a copy of an ethics complaint form and an arbitration request form. A copy of the NATIONAL ASSOCIATION OF REALTORS® *Code of Ethics and Arbitration Manual* which governs the policies of the Truly Fine Board of REALTORS® with respect to all hearings may be obtained for a nominal fee by calling the board (or feel free to come in to the board to review our copy at any time, if you prefer) or REALTORS® may go to the NATIONAL ASSOCIATION OF REALTORS® website: <http://realtor.org/mempolweb.nsf/pages/ceam>.

Please note that we also have an Ombudsman program available that could possibly assist you with your ethical concerns. The Ombudsman will attempt to informally resolve your concerns through phone communication. The Ombudsman's role is primarily one of communication and conciliation, not adjudication. Ombudsmen do not determine whether ethics violations have occurred, rather they anticipate, identify, and resolve misunderstandings and disagreements before matters ripen into disputes and possible charges of unethical conduct. If you wish to take advantage of this free service, please advise.

If you wish to file an ethics complaint, you will want to review the Code of Ethics. The Code is the standard by which the Grievance Committee of the Board reviews allegations of potential violations. The Articles in the Code of Ethics are the specific obligations that can subject the member to disciplinary action after a due process hearing. After carefully reading the Code, complete the ethics complaint form, including an explanation of why you believe a specific Article (or Articles) has been violated (e.g., "I feel that Article \_\_\_ was violated because. . ."). Any ethics complaint must cite an Article since that is the standard by which REALTORS® conduct is judged; a Standard of Practice may only be cited in support of a charge that an Article was violated. You must also include the date you became aware there was a potential violation.

If your broker wishes to file an arbitration request to pursue a monetary claim arising out of a contractual dispute (or Standard of Practice 17-4) with another REALTOR® principal, your broker must complete the arbitration request form, state the amount sought and the date the dispute arose. A non-principal cannot be party to an arbitration request, although you may attend the arbitration if you remain affiliated with your broker, maintain REALTOR® or REALTOR-ASSOCIATE® membership, and have a monetary interest in the outcome. Your broker must also include a clearly-written explanation of why he or she believes he or she is owed the money.

Mediation is another alternative available for solving monetary disputes. Please refer to the enclosed brochure if interested in mediation. Your broker need not request arbitration prior to mediation. If your broker chooses to pursue arbitration at any time, return the completed arbitration request form, along with any supporting evidence, enclose an arbitration filing fee of \$250.00.\*\* There is no charge to file an ethics complaint or mediation request.

When we receive an ethics complaint and/or an arbitration request, we will forward it to the Grievance Committee which will review the matter and decide if there are sufficient grounds for a hearing(s) by the Professional Standards Committee.

Please understand that requests for arbitration must be filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later (unless the board's informal dispute resolution processes [e.g., ombudsmen or mediation] are initiated by the complainant). Ethics complaints must be filed within one hundred eighty (180) days after the facts constituting the matter complained of was known, or could have been known, in the exercise of reasonable diligence (unless the board's informal dispute resolution processes [e.g., ombudsmen or mediation] are initiated by the complainant).

If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212.

Sincerely,

Suzie Smith  
Executive Vice President  
Truly Fine Board of REALTORS®

cc: George Collins (Ted Edward's broker)

\*Administrators must determine which sample letter is most appropriate to transmit to a potential complainant depending on whether the complainant is interested in pursuing both an ethics complaint and an arbitration request, just an ethics complaint, or just an arbitration request.

\*\* Please also note that the maximum arbitration filing fee is \$500 per party.

May 1, 2007

Mr. Ted Edwards  
Green Realty  
15 E. 1<sup>st</sup> Street  
Morris, IN 66666

RE: Potential Ethics Complaint

Dear Mr. Edwards:

In response to our telephone conversation, enclosed is a copy of an ethics complaint form. A copy of the NATIONAL ASSOCIATION OF REALTORS® *Code of Ethics and Arbitration Manual* which governs the policies of the Truly Fine Board of REALTORS® with respect to all hearings may be obtained for a nominal fee by calling the board (or feel free to come in to the board to review our copy at any time, if you prefer) or REALTORS® may go to the NATIONAL ASSOCIATION OF REALTORS® website: <http://realtor.org/mempolweb.nsf/pages/ceam>.

Please note that we also have an Ombudsman program available that could possibly assist you with your ethical concerns. The Ombudsman will attempt to informally resolve your concerns through phone communication. The Ombudsman's role is primarily one of communication and conciliation, not adjudication. Ombudsmen do not determine whether ethics violations have occurred, rather they anticipate, identify, and resolve misunderstandings and disagreements before matters ripen into disputes and possible charges of unethical conduct. If you wish to take advantage of this free service, please advise.

If you wish to file an ethics complaint, you will want to review the Code of Ethics. The Code is the standard by which the Grievance Committee of the Board reviews allegations of potential violations. The Articles in the Code of Ethics are the specific obligations that can subject the member to disciplinary action after a due process hearing. After carefully reading the Code, complete the ethics complaint form, including an explanation of why you believe a specific Article (or Articles) has been violated (e.g., "I feel that Article \_\_\_ was violated because. . ."). Any ethics complaint must cite an Article since that is the standard by which REALTORS® conduct is judged; a Standard of Practice may only be cited in support of a charge that an Article was violated. You must also include the date you became aware there was a potential violation.

When we receive an ethics complaint, we will forward it to the Grievance Committee which will review the matter and decide if there are sufficient grounds for a hearing by the Professional Standards Committee.

Please understand ethics complaints must be filed within one hundred eighty (180) days after the facts constituting the matter complained of was known, or could have been known, in the exercise of reasonable diligence (unless the board's informal dispute resolution processes [e.g., ombudsmen or mediation] are initiated by the complainant).

If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212.

Sincerely,

Suzie Smith  
Executive Vice President  
Truly Fine Board of REALTORS®

cc: George Collins (Ted Edward's broker)

May 1, 2007

Mr. Ted Edwards  
Green Realty  
15 E. 1<sup>st</sup> Street  
Morris, IN 66666

RE: Potential Arbitration Request

Dear Mr. Edwards:

In response to our telephone conversation, enclosed is a copy of an arbitration request form. A copy of the NATIONAL ASSOCIATION OF REALTORS® *Code of Ethics and Arbitration Manual* which governs the policies of the Truly Fine Board of REALTORS® with respect to all hearings may be obtained for a nominal fee by calling the board (or feel free to come in to the board to review our copy at any time, if you prefer) or REALTORS® may go to the NATIONAL ASSOCIATION OF REALTORS® website: <http://realtor.org/mempolweb.nsf/pages/ceam>.

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Mediation is another alternative available for solving monetary disputes. Please refer to the enclosed brochure if interested in mediation. Your broker need not request arbitration prior to mediation. If your broker chooses to pursue arbitration at any time, return the completed arbitration request form, along with any supporting evidence, enclose an arbitration filing fee of \$250.00.\* There is no charge to file an ethics complaint or mediation request.

When we receive an arbitration request, we will forward it to the Grievance Committee which will review the matter and decide if there are sufficient grounds for a hearing by the Professional Standards Committee.

Please understand that requests for arbitration must be filed within one hundred eighty (180) days after the closing of the transaction, if any, or within one hundred eighty (180) days after the facts constituting the arbitrable matter could have been known in the exercise of reasonable diligence, whichever is later (unless the board's informal dispute resolution processes [e.g., ombudsmen or mediation] are initiated by the complainant).

If you or your broker have any questions or concerns, feel free to contact me at 312-555-1212.

Sincerely,

Suzie Smith  
Executive Vice President  
Truly Fine Board of REALTORS®

cc: George Collins (Ted Edward's broker)

\* Please note that the maximum arbitration filing fee is \$500 per party.

June 10, 2007

Grievance Committee  
Truly Fine Board of REALTORS®  
410 East End  
Morris, IN 66666

RE: Ethics Complaint against Sam O'Connor

Dear Grievance Committee:

I am writing to report the unethical conduct of Sam O'Connor. My buyer-client, Brian Keller, went to Sam's open house at 124 Taylor Street. My client told Sam he was exclusively represented by me. Brian was also quite familiar with the house because a good friend of his used to own it, so I did not accompany him to the open house.

Brian told Sam he was interested in purchasing the property, but was going to talk to me about it. Sam told him there were several buyers interested and convinced him that he could lose the property if he went back to me. He did this by saying things such as, "You can go back and discuss this with Ted, or I can help you write a purchase contract now. It is your choice but, if it was me, I'd make an offer today." Brian was really interested in this property so he wrote the offer through Sam. But Sam took advantage of Brian by insinuating that he'd lose out if he wrote the offer through me. Not only was Sam unethical, but he cost me a commission. I am filing a request for arbitration, too.

Sam interfered with my client relationship and I'm charging him with violating Standard of Practice 16-13 of the Code of Ethics.

Sincerely,

Ted Edwards, REALTOR-ASSOCIATE®  
Green Realty

**Form #E-1**

Truly Fine Association of REALTORS®

**Board or State Association**

410 East End	Morris	IN	66666
<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>

**Ethics Complaint**

To the Grievance Committee of the Truly Fine Association of REALTORS®  
**Board or State Association**

Filed June 10, 2007

Ted Edwards

Sam O'Connor

**Complainant(s)**

**Respondent(s)**

Complainant(s) charge(s):

An alleged violation of Article(s) Standard of Practice 16-13 Code of Ethics or other membership duty as set forth in the bylaws of the Board in \_\_\_\_\_ (Article, Section) and alleges that the above charge(s) (is/are) supported by the attached statement, which is signed and dated by the complainant(s).

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 state real estate licensing authority or any other state or federal regulatory or administrative agency?

Yes  No

You may file an ethics complaint in any jurisdiction where a REALTOR® is a member or MLS Participant. Note that the REALTORS® Code of Ethics, Standard of Practice 14-1 provides, in relevant part, "REALTORS® shall not be subject to disciplinary proceeding in more than one Board of REALTORS® . . . with respect to alleged violations of the Code of Ethics relating to the same transaction or event."

Have you filed, or do you intend to file, a similar or related complaint with another Association(s) of REALTORS®?

Yes  No

If so, name of other

Association(s) \_\_\_\_\_

date(s) filed

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

**Complainant(s):**

Ted Edwards	444-212-1111	
<b>Type/Print Name</b>	<b>Phone</b>	<b>Signature</b>
Green Realty 15 E. First Street Morris, IN 66666		
<b>Address</b>		

June 17, 2007

Ted Edwards  
c/o Green Realty  
15 E. First Street  
Morris, In 66666

RE: Case No. 02-10 (E) Edwards vs. O'Connor

Dear Mr. Edwards:

We are in receipt of your ethics complaint with attached letter dated June 10, 2007.

However, prior to bringing the allegations to the attention of the Grievance Committee, it is necessary for you to clarify what Article(s) you are charging Mr. Edwards with having violated as a REALTOR® may only be disciplined if found in violation of an Article. As our previous correspondence attempted to explain, although the Standards of Practice serve to clarify ethical obligations, an ethics complaint must allege a violation of one or more Articles of the Code of Ethics.

Enclosed you will find a first amended ethics complaint form. If interested in pursuing an ethics complaint, please complete and return the executed form to our office and it will be attached to your previous submittal when provided to the Grievance Committee.

If you have any questions or concerns, do not hesitate to contact me.

Sincerely,

Suzie Smith  
Executive Vice President  
Truly Fine Board of REALTORS®

SAMPLE

**Form #E-1**

Truly Fine Association of REALTORS®

**Board or State Association**

410 East End	Morris	IN	66666
<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>

**Ethics Complaint – First Amended**

To the Grievance Committee of the Truly Fine Association of REALTORS®  
**Board or State Association**

Filed June 26, 2007

Ted Edwards

Sam O'Connor

**Complainant(s)**

**Respondent(s)**

Complainant(s) charge(s):

An alleged violation of Article(s) 16 the Code of Ethics or other membership duty as set forth in the bylaws of the Board in \_\_\_\_\_ (Article, Section) and alleges that the above charge(s) (is/are) supported by the attached statement, which is signed and dated by the complainant(s).

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 state real estate licensing authority or any other state or federal regulatory or administrative agency?

Yes  No

You may file an ethics complaint in any jurisdiction where a REALTOR® is a member or MLS Participant. Note that the REALTORS® Code of Ethics, Standard of Practice 14-1 provides, in relevant part, "REALTORS® shall not be subject to disciplinary proceeding in more than one Board of REALTORS® . . . with respect to alleged violations of the Code of Ethics relating to the same transaction or event."

Have you filed, or do you intend to file, a similar or related complaint with another Association(s) of REALTORS®?

Yes  No

If so, name of other

Association(s) \_\_\_\_\_

date(s) filed

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

**Complainant(s):**

Ted Edwards	444-212-1111	
<b>Type/Print Name</b>	<b>Phone</b>	<b>Signature</b>
Green Realty 15 E. First Street Morris, IN 66666		
<b>Address</b>		

July 7, 2007

George Collins  
c/o Skyway Realty  
Route 45  
Morris, IN 66666

RE: Case No. 02-10 (E) Edwards vs. O'Connor

Dear Mr. Collins:

An ethics complaint has been filed by Mr. Ted Edwards alleging a violation of Article 16 of the Code of Ethics against Mr. Sam O'Connor who our records indicate presently has his license with you. Enclosed is a complete copy of the complaint and a copy of the Code of Ethics.

So that you understand your rights and responsibilities as Mr. O'Connor's REALTOR® principal, you will want to review Section 13(d), Power to Take Disciplinary Action, *Code of Ethics and Arbitration* (Manual). A copy of Section 13 is enclosed. Should you or Mr. Edwards like to review the entire Manual, we have a copy for your review at our office. Alternatively, you and Mr. Edwards may purchase a copy of the Manual for a nominal fee by contacting our office or view the Manual without any charge by going to the website:  
<http://realtor.org/mempolweb.nsf/pages/ceam>.

Consistent with Section 13, we will keep you informed concerning this case. However, all future correspondence pertaining to the case will be sent to you and Mr. Edwards in one envelope. If you have any questions, please feel free to contact me.

Sincerely,

Suzie Smith  
Executive Vice President  
Truly Fine Board of REALTORS®

encl.

cc: Ted Edwards  
Sam O'Connor

**Form #E-1**

Truly Fine Association of REALTORS®

**Board or State Association**

410 East End	Morris	IN	66666
<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>

**Ethics Complaint – First Amended**

To the Grievance Committee of the Truly Fine Association of REALTORS®  
**Board or State Association**

Filed June 26, 2007

Ted Edwards

Sam O'Connor

**Complainant(s)**

**Respondent(s)**

Complainant(s) charge(s):

An alleged violation of Article(s) 16 the Code of Ethics or other membership duty as set forth in the bylaws of the Board in \_\_\_\_\_ (Article, Section) and alleges that the above charge(s) (is/are) supported by the attached statement, which is signed and dated by the complainant(s).

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 state real estate licensing authority or any other state or federal regulatory or administrative agency?

Yes  No

Have you filed, or do you intend to file, a similar or related complaint with another Association(s) of REALTORS®?

Yes  No

If so, name of other Association(s) \_\_\_\_\_ phone number \_\_\_\_\_

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

**Complainant(s):**

Ted Edwards	444-212-1111	
<b>Type/Print Name</b>	<b>Phone</b>	<b>Signature</b>

Green Realty 15 E. First Street Morris, IN 66666

**Address**

July 7, 2007

Sam O'Connor  
c/o Skyway Realty  
Route 45  
Morris, IN 66666

RE: Case No. 02-10 (E) Edwards vs. O'Connor

Dear Mr. O'Connor:

The Truly Fine Board of REALTORS® has received an ethics complaint from Mr. Ted Edwards charging you with an alleged violation of Article 16 of the Code of Ethics. A complete copy of the complaint and Code of Ethics are enclosed.

The Grievance Committee met June 28, 2007 and, after full and careful consideration, referred the ethics complaint alleging a violation of Article 16 to the Professional Standards Committee for hearing. A tentative ethics hearing date has been scheduled for Friday, August 27, 2007 at 9:00 a.m. Confirmation of the date, time, and place of the hearing will be forthcoming in the near future giving all parties at least 21 days advance notice. Postponements may be granted but only if there are extenuating circumstances (e.g. death in the immediate family).

We request that you submit a response to the complaint within fifteen (15) days from the date of this letter. Failure to submit a response may subject you to an allegation of having violated Article 14 of the Code.\*

Enclosed you, and by copy of this letter Mr. Edwards, will find Form #E-6, Notice of Right to Challenge Tribunal Members, and Form #E-7, Challenge to Qualifications by Parties to Ethics Proceedings. If either party has any challenges for cause, please return the forms within ten days from the date of this letter.

If you have any questions, feel free to contact me at 312-555-1212.

Sincerely,

Suzie Smith  
Executive Vice President  
Truly Fine Board of REALTORS®

encl.

cc: Ted Edwards  
George Collins

\*Administrators should be aware that responses may alternatively be solicited by the Grievance Committee. Amend correspondence as necessary.

Form #E-2

Truly Fine Board of REALTORS®

Board or State Association

410 East End

Address

Morris

City

IN

State

66666

Zip

**Notice to Respondent (Ethics)**

In the case of Edwards vs. O'Connor

To Sam O'Connor (respondent).

Attached hereto is a copy of a complaint which names you as respondent, as filed with this Board and referred to a Hearing Panel for hearing as a matter of an alleged violation of Article(s) 16 of the Code of Ethics or other membership duty as set forth in the bylaws of the Board.

Please be advised that, under the bylaws of the Board, you have fifteen (15) days from the date of this mailing in which to mail or file your reply at the office of the Board at the address above.

Your reply must be typewritten, with original and 10 copies for this office, and must be signed and dated.

Respectfully submitted,

Suzie Smith

Type/Print

Executive Vice President

Signature

Truly Fine Board of REALTORS®

Board or State Association

Dated: July 7, 2007

(Revised 11/96)



**Form #E-7**

Truly Fine Board of REALTORS®

**Board or State Association**

410 East End  
**Address**

Morris  
**City**

IN  
**State**

66666  
**Zip**

**Challenge to Qualifications by Parties to Ethics Proceeding**

I (we), as party to the matter in Edwards vs. O'Connor, hereby challenge the qualification of the following named individual(s) who may be appointed as a member(s) of the Tribunal\* for the following reasons. (NOTE: Unsubstantiated challenges will be disregarded.)\*\*

Panel Member Challenged: \_\_\_\_\_

Reason:

Panel Member Challenged: \_\_\_\_\_

Reason:

Panel Member Challenged: \_\_\_\_\_

Reason:

Type/Print Name of Party: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Type/Print Name of Party: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Type/Print Name of Party: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

*\*Members of ethics Hearing Panels or the Board of Directors.*

*\*\*Use additional pages as required to list additional challenges to the qualifications of individuals who have been or may be selected to serve as member(s) of a Tribunal in an ethics proceeding to which you are a party.*

**Form #E-3**

Truly Fine Board of REALTORS®

**Board or State Association**

410 East End	Morris	IN	66666
<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>

**Reply (Ethics)**

To the Professional Standards Committee of the

Truly Fine Board of REALTORS®

Board or State Association

Filed July 12, 2007

Ted Edwards

**Complainant(s)**

Sam O'Connor

**Respondent(s)**

in a matter of alleged violation of the Code of Ethics or other membership duty as set forth in the bylaws of this Board.

Respondent(s) replies and substantiates such reply by the following facts and/or attached statement:

This is true and correct to the best knowledge and belief of the undersigned. I (we) declare that to the best of my (our) knowledge and belief, the statements contained in this Reply are true and correct.

I understand that, if found in violation of the Code of Ethics or other membership duty, a respondent will be assessed an administrative processing fee of \$500.00.

Respondent(s):

Sam O'Connor	444-212-2222	
Type/Print Name	Phone	Signature
Skyway Realty, Route 45, Morris, IN 66666		
Address		
Type/Print Name	Phone	Signature
Address		
Type/Print Name	Phone	Signature
Address		

July 12, 2007

Ms. Suzie Smith  
Truly Fine Board of REALTORS®  
410 East End  
Morris, IN 66666

RE: Response to Ethics Complaint

Dear Ms. Smith:

Ted Edwards does not know what he is talking about. Brian Keller came to my open house and I told him that I would be happy to show him through the home and answer any questions. I made it clear, though, that I represented the seller and could not represent Brian's interests.

Brian was familiar with the house because it was previously owned by a close, personal friend. He also knew that we had a number of buyers looking at the property that day; I told Brian the truth – I was not going to lie to him. Besides, Standard of Practice 16-13 authorizes me to work with Brian even though he is another REALTOR®'s client if Brian was the one to contact me first. He is the one who asked me to write the offer – I made it clear that he had a choice.

I represented the seller and I had an interested buyer wanting to make an offer. Of course I wrote the offer - - I had to look out for my seller's best interests. If Ted wanted the sale, he should have come with Brian to the open house.

Sincerely,

Sam O'Connor, REALTOR® (non-principal)  
Skyway Realty

August 5, 2007

Ted Edwards  
c/o Green Realty  
15 E. 1<sup>st</sup> Street  
Morris, IN 66666

Sam O'Connor  
c/o Skyway Realty  
Route 45  
Morris, IN 66666

RE: Case 02-10 (E)  
Edwards vs. O'Connor

Dear Mr. Edwards and Mr. O'Connor

This letter will serve as confirmation of the 9:00 a.m., Friday, August 27, 2007, hearing date regarding Article 16 of the Code of Ethics.

The above proceeding will be held at the office of the Truly Fine Board of REALTORS®, 410 East End, Morris, IN, 66666, in the main conference room.

Enclosed you will find the Notice of Hearing and a copy of the procedures to be followed. Mr. Edwards, you will also find enclosed Mr. O'Connor's response.

To facilitate the hearing and avoid delays, all parties are requested to forward a copy of all exhibits they intend to introduce at the hearing, and notice of representation by legal counsel (if applicable) no later than fifteen (15) days prior to the scheduled hearing date. If a party has previously submitted a document as an exhibit in connection with prior correspondence, it is not necessary to submit the same document again.

All parties are requested to bring their entire file regarding this matter to the hearing. This will facilitate the hearing and avoid delays in the event that additional documentation is needed.

The Board would also like to direct your attention to Section 5 of the *Code of Ethics and Arbitration Manual* which addresses witnesses. You are responsible to submit in writing to the board and all other parties the names of any witnesses you intend to call at the hearing no later than fifteen (15) days prior to the scheduled hearing date.

If you have any questions, feel free to contact me at 732-3000 ext. 718.

Sincerely,

Suzie Smith  
Executive Vice President,  
Truly Find Board of REALTORS®

encl.

cc: George Collins  
Hearing Panel



September 4, 2007

Mr. Ted Edwards  
c/o Green Realty  
15 E. 1<sup>st</sup> Street  
Morris, IN 66666

Mr. Sam O'Connor  
c/o Skyway Realty  
Route 45  
Morris, IN 66666

RE: Case No. 02-10 (E)  
Edwards vs. O'Connor

Dear Mr. Edwards and Mr. O'Connor:

Enclosed you will find the Decision of the Ethics Hearing Panel of the Professional Standards Committee.

This decision will become final twenty days after the decision is mailed (September 4<sup>th</sup>) absent an appeal. If you choose to appeal, please review the respective paragraphs at the end of the decision applicable to you and contact the board for the request for appeal form.

Sincerely,

Suzie Smith  
Executive Vice President,  
Truly Fine Board of REALTORS®

cc: George Collins

SAMPLE

Truly Fine Board of REALTORS®

Board or State Association

410 East End	Morris	IN	66666
<b>Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>

Decision of Ethics Hearing Panel of the Professional Standards Committee

Filed August 27, 2007

Ted Edwards

Sam O'Connor

Complainant(s)

Respondent(s)

Findings of Fact: The basis for our decision is the conclusion of the Hearing Panel as to the following facts (use additional pages if required):

~~Sam O'Connor was the listing agent for property located at 123 Taylor Street. Brian Keller, a potential purchaser, attended an open house at 123 Taylor Street at which time Sam O'Connor disclosed he represented the seller. Brian Keller advised Sam O'Connor that he was exclusively represented by Ted Edwards and stated that although he was interested in purchasing the property, he intended to discuss the purchase with Ted, his buyer broker. Sam told Brian there were several buyers interested in the property and led Brian to believe he might lose the property if he did not make an offer right away. Sam offered to write the offer even though he knew Brian was exclusively represented by Ted. Although it might well have been true that the property might have sold quickly, the hearing panel finds that Mr. O'Connor induced the buyer to write the offer through him by emphasizing that the property might sell quickly. The panel finds that Mr. O'Connor's conduct emphasizing the property might sell quickly, coupled with his offer to prepare the purchase contract for Brian, constituted an initiation of dealings on the property by Mr. O'Connor (not Mr. Keller).~~

Conclusions of the Hearing Panel: We, the members of the Hearing Panel in the above-stated case, find the Respondent(s) **(in violation)** (not in violation) of Article(s) 16 of the Code of Ethics.

Recommendation for Disciplinary Action: We recommend to the Board of Directors the following action: That Mr. O'Connor receive a letter of reprimand subsequent to the Board of Directors taking final action. That he also take and successfully complete a course of instruction in the REALTORS® Code of Ethics course which is three hours long and offered by the Truly Fine Board of REALTORS® four times annually (once each quarter). The same course is also offered by the ABC and XYZ Board of REALTORS®. The course is next offered at the Truly Fine Board office at 9:00 a.m. on September 25 and December 19. This course must be completed within six months of receipt of the Board of Director's confirmation of this decision and written verification from the sponsoring facility or instructor must be submitted within 30 days from completion of the course if Mr. O'Connor takes the REALTOR®'s Code of Ethics course offered at either The ABC Board of REALTORS® or the XYZ Board of REALTORS®. A fine of \$500, to be paid within 30 days from receipt of the Board of Directors' confirmation of the decision, must also be remitted. If the Respondent fails to complete any of the above sanctions within the time allowed, the Respondent will automatically be suspended from membership including all membership rights and privileges and denial of all Board services, including access to MLS, with no further action required by the Board of Directors until such time as the Respondent completes said sanction or sanctions.

The decision, findings of fact, and recommendation(s) preceding were rendered by an ethics Hearing Panel comprising the following members whose signatures are affixed below. The hearing took place on July 28, 2007.

Janice Green, Chairperson <b>Type/Print Name</b>	George Watson, Member <b>Type/Print Name</b>
<b>Signature</b>	<b>Signature</b>
Amanda White, Member <b>Type/Print Name</b>	Marie Black, Member <b>Type/Print Name</b>
<b>Signature</b>	<b>Signature</b>
Harold Blue, Member <b>Type/Print Name</b>	<b>Type/Print Name</b>
<b>Signature</b>	<b>Signature</b>

Notice: This decision is not final and is subject to certain rights of both the complainant and the respondent.

Complainant's Rights: Within 20 days of this notification, the complainant may request a rehearing by the original Hearing Panel. This request shall be directed to the Hearing Panel and the Hearing Panel shall consider the request. The granting of this request for rehearing will be based only upon the complainant obtaining new evidence which could not have been discovered with reasonable diligence and produced at the original hearing. If no rehearing is requested, or within 10 days after denial of a petition for rehearing, the complainant may, with in 20 days of this notification, file an appeal with the President for a hearing before the Directors based only upon an allegation of procedural deficiencies or other lack of procedural due process that may have deprived the complainant of a fair hearing. A transcript or summary of the hearing shall be presented to the Directors by the Chairperson of the Hearing Panel, and the parties and their counsel may be heard to correct the summary or the transcript. No new evidence will be received (except such new evidence as may bear upon a claim of deprivation of due process), and the appeal will be decided on the transcript or summary.

Respondent's Rights: Within 20 days of this notification, the respondent may request a rehearing by the original Hearing Panel. This request shall be directed to the Hearing Panel and the Hearing Panel shall consider the request. The granting of this request for rehearing will be based only upon the respondent obtaining new evidence which could not have been discovered with reasonable diligence and produced at the original hearing. If no rehearing is requested, or within 10 days after denial of a petition for rehearing, the respondent may, within 20 days of this notification, file an appeal with the President for a hearing before the Directors challenging the decision and/or recommendation for discipline. A transcript or summary of the hearing shall be presented to the Directors by the Chairperson of the Hearing Panel, and the parties and their counsel may be heard to correct the summary or transcript. No new evidence will be received (except such new evidence as may bear upon a claim of deprivation of due process), and the appeal will be decided on the transcript or summary.

Final Action by Directors: Both the complainant and respondent will be notified upon final action of the Directors.

September 20, 2007

President Jerry Jones  
c/o Truly Fine Board of REALTORS®  
410 East End  
Morris, IN 66666

RE: Case No. 02-10 (E) Appeal  
Edwards vs. O'Connor

Dear President Jones:

The hearing panel misinterpreted Article 16 in that they found me in violation of Article 16 even though the buyers initiated contact with me at the open house, asking me to write their offer. The hearing panel obviously has no idea what Standard of Practice 16-13 means! I didn't solicit the buyer's business; the buyer walked into my open house!

I'm also appealing the severity of the discipline. It is obvious this panel had it in for me given the severity of the discipline.

Please correct this misjustice.

Sincerely,

Sam O'Connor  
Skyway Realty



(Revised 11/98)

*\*Not to exceed \$500.*

SAMPLE

October 5, 2007

Ted Edwards  
c/o Green Realty  
15 E. 1<sup>st</sup> Street  
Morris, IN 66666

RE: Case No. 02-10 (E)  
Edwards vs. O'Connor

Dear Mr. Edwards:

Enclosed you will find a copy of Mr. O'Connor's appeal in the above-referenced case.

By copy of this letter, both parties will find enclosed Form #E-6, Notice of Right to Challenge Tribunal Members, and Form #E-7, Challenge to Qualifications by Parties to Ethics Proceeding. The appeal hearing has tentatively been scheduled for 1:00 p.m., Tuesday, October 30 at the board offices.

You are not required to attend this appeal, but you have the opportunity to be present and speak to the appeal if you choose.

Confirmation of the appeal date will be forthcoming in the immediate future, giving not less than ten days notice.

Sincerely,

Suzie Smith  
Executive Vice President,  
Truly Fine Board of REALTORS®

cc: Sam O'Connor  
George Collins  
Janice Green, Hearing Panel Chair

SAMPLE



**Form #E-7**

Truly Fine Board of REALTORS®

**Board or State Association**

410 East End  
**Address**

Morris  
**City**

IN  
**State**

66666  
**Zip**

**Challenge to Qualifications by Parties to Ethics Proceeding**

I (we), as party to the matter in Edwards vs. O'Connor, hereby challenge the qualification of the following named individual(s) who may be appointed as a member(s) of the Tribunal\* for the following reasons. (NOTE: Unsubstantiated challenges will be disregarded.)\*\*

Panel Member Challenged: \_\_\_\_\_

Reason:

Panel Member Challenged: \_\_\_\_\_

Reason:

Panel Member Challenged: \_\_\_\_\_

Reason:

Type/Print Name of Party: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Type/Print Name of Party: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Type/Print Name of Party: \_\_\_\_\_

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

*\*Members of ethics Hearing Panels or the Board of Directors.*

*\*\*Use additional pages as required to list additional challenges to the qualifications of individuals who have been or may be selected to serve as member(s) of a Tribunal in an ethics proceeding to which you are a party.*

October 15, 2007

Mr. Ted Edwards  
c/o Green Realty  
15 E. 1<sup>st</sup> Street  
Morris, IN 66666

Mr. Sam O'Connor  
c/o Skyway Realty  
Route 45  
Morris, IN 66666

RE: Case No. 02-10 (E)  
Edwards vs. O'Connor

Dear Mr. Edwards and Mr. O'Connor:

Enclosed both parties will find the Official Notice of Appeal Hearing (Ethics) and the procedures to be followed during the appeal hearing at 1:00 p.m. on October 30 at the board offices.

Please understand that discussions will be limited to the bases raised on the written appeal request.

If you have any questions, do not hesitate to contact me.

Sincerely,

Suzie Smith  
Executive Vice President  
Truly Fine Board of REALTORS®

cc: George Collins

SAMPLE

Truly Fine Board of REALTORS®

Board or State Association

410 East End	Morris	IN	66666
Address	City	State	Zip

Official Notice of Appeal Hearing (Ethics)

In the case of: Ted Edwards	vs.	Sam O'Connor
Complainant		Respondent

Above parties are hereby notified:

(1) Sam O'Connor has appealed the decision of the Hearing Panel in the above-cited case, based on  
 Appellant  
 misapplication of the Code of Ethics, procedural deficiency, and severity of discipline.  
 Indicate Basis(es) for Appeal

A copy of the Request for Appeal, together with its supporting documentation, is attached.

(2) The Board of Directors will meet on Monday Oct. 30 2007, 1:00 P.M.  
 Day Month Year Time

at the board office in the main conference room of the Truly Fine Board of REALTORS® to hear the appeal.  
 Place of Hearing

(3) The members of the Board of Directors who will hear the appeal are:

Lucy Lane, Chairperson	Bob Bacard
Candy Carlisle	Doug Donahue
Tom Tucker	

(If more space is needed, attach list of other Directors who will hear the appeal.)

(4) Either party may be represented by counsel, and each party is required to give the Board and the other party written notice of an intention to have counsel present 15 days before the hearing. Failure to provide this notice will not invalidate a party's right to representation, but may result in a continuance of the hearing if the Appeal Tribunal determines that the rights of any other party require representation by counsel.

(5) Either party may file with the Secretary not less than 15 days prior to the date of the appeal written request for disqualification from the appeal hearing of any member of the Board of Directors for the following reasons:

- (a) is related by blood or marriage to the complainant, respondent, or a REALTOR® acting as counsel for either the complainant or respondent
- (b) is an employer, partner, or employee or in any way associated in business with the complainant, respondent, or a REALTOR® acting as counsel for either the complainant or respondent
- (c) is a party to the hearing



October 30, 2007

Mr. Sam O'Connor  
c/o Skyway Realty  
Route 45  
Morris, IN 66666

RE: Case No. 02-10 (E)  
Edwards vs. O'Connor

Dear Mr. O'Connor:

The panel of the Board of Directors met, as you are aware, October 30<sup>th</sup> to consider your appeal. After full and careful consideration, it is the decision of the appeal panel to adopt the decision of the hearing panel and recommendation for discipline verbatim finding you in violation of Article 16 of the Code of Ethics. The director's decision is enclosed.

Pursuant to the director's decision, this letter is to be considered an Official Letter of Reprimand, advising of a lack of professional conduct as determined by a due process hearing.

You are also to take and successfully complete a course of instruction in the REALTORS® Code of Ethics course within six (6) months from the above-referenced date. Verification of your attendance must be submitted within 30 days from your completion of the course. You must also remit a \$500 fine within 30 days from the above referenced date. Finally, as stated in the Official Notice of Hearing, all respondents found in violation of the Code of Ethics must remit a \$500 administrative processing fee; that too should be remitted within 30 days from the above referenced date.

For your convenience, enclosed you will find another copy of the hearing panel's decision to familiarize yourself with the dates of the training and the names of other boards offering the ethics course.

With the exception of the outstanding discipline and administrative fee, this case is considered closed.

Sincerely,

Suzie Smith  
Executive Vice President  
Truly Fine Board of REALTORS®

cc: Ted Edwards  
George Collins

**Form #E-12**

**Action of the Board of Directors (Ethics Hearing)**

The decision of the Hearing Panel in the matter of Ted Edwards vs. Sam O'Connor  
Complainant Respondent

dated August 27, 2007 (copy of the Hearing Panel's decision attached), appealed by Sam O'Connor  
Appellant

was considered by the Board of Directors on October 30, 2007.  
A copy of Mr. O'Connor's appeal alleging a misapplication of the Code, procedural deficiency  
and the discipline being too severe is attached.

Appellant

Indicate Basis(es) for Appeal

The Hearing Panel's decision and recommendation for disciplinary action, if any, in the above-referenced case is hereby (check one):

adopted verbatim  adopted, but the recommendation for discipline is modified as follows:

- remanded to the Hearing Panel for further consideration of the discipline recommended
- remanded to the Professional Standards Committee for a new hearing by a different Hearing Panel based on perceived procedural deficiency(ies)
- rejected and the matter is dismissed

Reason(s) for modification/remand/rejection of the Hearing Panel's decision:

Disposition of Appeal Deposit (if any):

- to be returned to Appellant
- to be retained by the Board

The action of the Board of Directors was adopted on October 30, 2007, by resolution.

For the Board of Directors:

Suzie Smith  
Type/Print

\_\_\_\_\_  
Signature Executive Vice President