

North San Diego County REALTORS® Code of Ethics Citation System

- 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 (See Citation Schedule).
 2. Ethics Training – if this is chosen, violator will pay a fine and 50% of fine 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.
 - ci. If violation is found by hearing panel, that information can be used to possibly increase discipline at future ethics hearings.
 - cii. The results of hearings can be appealed to the Board of Directors, as set forth in the Manual.
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- C. Failure to respond to citation within 10 days results in a warning letter 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).