

4.11.1.4 Professional Standards Procedures
Addendum to Code of Ethics & Arbitration Manual

Ethics

1. Subject to the agreement of the Complainant, an ethics complaint may be processed under the expedited procedures as outlined in Section 20 Items j - q.
2. The Association shall, and any party may, at his own expense, have a court reporter or recorder present at the hearing, or may tape record the proceeding, and, if transcribed, shall present a copy to the Chief Executive Officer. The Association's tape recording or transcription shall be considered the official record of the proceeding. Copies of any official recording may be requested in writing up to the date of affirmation at the Board of Directors.
 - a. The cost of a duplicating a tape shall be \$37.50 per tape.
 - b. Parties requesting a duplicate of the tape must agree in writing that they understand that the tapes may be used only for the purpose of appeals and rehearing. Further, if a party purchases a copy of the official record and subsequently has it transcribed, at his own expense, the party must provide a copy of the transcript to the Association at no cost.
 - c. Tapes of proceedings shall be destroyed one year following affirmation of the decision by the Board of Directors or upon compliance with the sanction imposed whichever is later, provided there is no threat of litigation by the parties against the Association.
3. The Association shall not impose an administrative processing fee against respondents found in violation of the Code of Ethics.
4. Hearing panels of ethics complaints shall be provided with the complaint and response not less than 15 days prior to the scheduled hearing.
5. The Association shall publish quarterly a Code of Ethics activity report in a similar ~~the~~ format ~~of~~ as Form #E-17 of the *Code of Ethics and Arbitration Manual*. In accordance with Section 23(n) of the *Code of Ethics and Arbitration Manual*, if a respondent is found in violation of the Code of Ethics a second time within three years, the respondent's name, the fact that the respondent has been found in violation of the Code of Ethics, the Article(s) violated, and the discipline imposed will be published in the Association electronic newsletter. Such publication shall not include the name of the firm the respondent is (or was) licensed or affiliated with. In cases, where the violator's name is similar to another member's name, the violator's license number or office address (or both) may also be published. (Implementation effective 1/1/2000).
6. Those members of the Board of Directors eligible to affirm ethics decisions shall be provided with a copy of the decision with any reference to the parties, ~~or~~ subject property, or panel members removed.
7. As deemed necessary and at the discretion of the Chief Executive Officer, should either party be represented by counsel at an ethics hearing, Association counsel shall also be present at the hearing.

Arbitration

1. Mediation is offered as a service of the Association. In the event mediation is unsuccessful, and the parties chose to arbitrate the dispute, the mediation fees paid by the parties shall be applied toward the deposit required for arbitration. (Reference Policy 4.11.1.5 Mediation)
2. The Reno/Sparks Association of REALTORS® shall provide voluntary arbitration circumstances described in Part Ten – Arbitration of Disputes, Section 44 Duty and Privilege to Arbitration (4), (5), and (6) of the *Code of Ethics and Arbitration Manual*.
3. Arbitration shall not proceed unless a signed Response and Agreement to Arbitrate form and deposit has been received from the respondent. Requests for

Arbitration and subsequent Response and Agreement to Arbitrate must be accompanied by a \$100 filing fee from the claimant and the respondent. The deposits of the parties shall be used to cover the costs of the arbitration as it may be required. Any portion not used specifically to cover the cost of arbitration shall go into the general operating fund of the Association.

4. Hearing panels of arbitration requests shall be provided with the complaint and response not less than 15 days prior to the scheduled hearing.
5. In accordance with Section 53(b), if a procedural review is not requested within 20 days of the arbitration panel's decision, the award becomes final and binding upon the parties. The award shall be in accordance with the arbitration panel's decision and shall be directly disbursed between the parties.
6. Part Eleven – Inter-board Arbitration Procedures
 - a. In the event of an inter-board (intra-state) arbitration, the Request for Arbitration shall be accompanied by a deposit of \$100.00
 - b. In the event of an inter-board (inter-state) arbitration, the Request for Arbitration shall be accompanied by a deposit of \$250.00
 - c. Within five days after the inter-board arbitration panel has been formed, the Chief Executive Officer shall send a copy of the arbitration request to the respondent, informing the respondent that he may file a written response with the Chief Executive Officer.
7. As deemed necessary and at the discretion of the Chief Executive Officer, should either party be represented by counsel at an arbitration hearing, Association counsel shall also be present at the hearing.

Mediation in disputes REALTOR® to REALTOR®

1. Mediation of arbitration disputes shall be offered as a service of the Association.
2. It shall not be necessary for a Request for Arbitration to be filed in order to initiate mediation. In the event mediation is unsuccessful, the parties may at their option file a Request for Arbitration.
3. Upon receipt of a Request for Arbitration, initiation of mediation proceedings shall be at the instigation of the Chief Executive Officer who will inquire whether the parties desire to participate in mediation prior to review by the Grievance Committee in accordance with Appendix VI, Part Ten Option 2 of the Code of Ethics and Arbitration Manual.

Appeals

1. In accordance with Statement of Professional Standards Policy #33, a panel three (3) members of the Board of Directors shall be appointed by the President in all instances where an appeal is called for in accordance with the *Code of Ethics and Arbitration Manual*.
2. In accordance with Section 25 and 50, if the Board of Directors has reason to believe that the imposition of a proposed sanction will become the basis of litigation and a claim for damages, it will specify that the discipline become effective upon entry of the final judgment of a court of competent jurisdiction in a suit by the Board of declaratory relief declaring that the discipline proposed violates no rights of the member.
3. The fee for filing an appeal of ethics decision or arbitration procedural review shall be \$100.00.

Approved by Bylaws & Policy: 8/26/08

Approved by Board of Directors: 8/28/08