



## ARIZONA REALTORS® ETHICS COMPLAINT PROCESS

The Arizona REALTORS® is responsible for enforcing the REALTOR® Code of Ethics. In so doing, the association does everything possible to ensure due process and provide honorable, impartial, and competent service to all parties involved. While more specific information can be found on the [Arizona REALTORS® website](#) and in the [Code of Ethics and Arbitration Manual](#), below is a high-level overview of what you can expect.

### BEFORE A HEARING

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Ethics complaints filed with the Arizona REALTORS® will first be reviewed by the Grievance Committee, which meets monthly. Their job is to review the complaint to determine if it was timely filed and if the allegations made, if taken as true, could support a violation of the Code of Ethics. If the Grievance Committee forwards the complaint for a hearing, that does not mean they have decided the Code of Ethics has been violated. Rather, it means they feel that if the alleged conduct is found to have occurred, a hearing panel may have reason to find a violation of the Code of Ethics. If the complaint is dismissed and not forwarded to a hearing, that dismissal can be appealed.

### RESPONDING TO AN ETHICS COMPLAINT

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If the Grievance Committee forwards the complaint, Respondent has an opportunity to waive the hearing by acknowledging the conduct alleged in the complaint and by agreeing to accept discipline. If the Respondent does not waive the right to a hearing, they must respond within twenty days from receipt of the Grievance Committee's decision to forward the complaint. A form will be provided to Respondent which asks them to admit or deny each of the allegations in the complaint and prompts them to provide a narrative of events, submit documents in support of their defense, and identify any witnesses.

### MEDIATION

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Mediation of an ethics complaint is highly encouraged. Mediation is a structured negotiation facilitated by a neutral third person mediator who assists the parties to clarify issues, find common ground, and hopefully arrive at a mutually agreeable resolution. If mediation is unsuccessful, the matter may move forward to a hearing. The details of the mediation are confidential and not shared with the hearing panel.

### PREPARING FOR THE HEARING

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Prior to the hearing, the parties will have an opportunity to strike any potential panelists that do not reasonably meet with their approval. All potential panelists will be screened by the association and panelists with a conflict of interest will not be selected to serve. In advance of the hearing the parties should familiarize themselves with their right to counsel and their ability to call witnesses and submit evidence. Witnesses and counsel must be available on the day of the hearing and their presence properly noticed at least fifteen days prior to the scheduled hearing.

### AT THE HEARING

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Complainant has the ultimate responsibility ("burden") of proving that the Code of Ethics has been violated. The standard of proof that must be met is "clear, strong and convincing," defined as "that measure or degree of proof which will produce a firm belief or conviction as to the allegations sought to be established."

The Complainant will first be provided an opportunity to present evidence and question any witnesses who have been properly noticed. After the Complainant's presentation, the Respondent may question the Complainant regarding the allegations and related testimony and evidence. Once the Respondent has finished, the panel members may also have questions for the Complainant. When questioning is complete, the Respondent will have an opportunity to state their case in the same manner as the Complainant. Finally, the Complainant will be provided an opportunity to question the Respondent and any witnesses, followed by the panel members, after which the parties will be given an opportunity to make their closing and final statements.

### THE DECISION

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In the days following the hearing, the parties will receive the hearing panel's decision. Findings of fact are the conclusions of impartial panel members based on their reasoned assessment of all the evidence and testimony. If a violation of the Code of Ethics is found, it is likely that the Respondent will be subject to discipline. The decision may therefore outline the nature of the discipline, the allotted time by which the Respondent must satisfy the discipline, and the consequences for non-compliance. Respondents must submit a \$300 administrative fee in all cases in which a violation of the Code of Ethics has been determined.

### RIGHT TO APPEAL

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Within twenty days of transmittal of the decision, the Complainant may file an appeal 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. Similarly, within twenty days of transmittal of the decision, the Respondent may file an appeal challenging the decision and/or recommendation for discipline. The Respondent's grounds for appeal are limited to: (i) a misapplication or misinterpretation of an Article(s) of the Code of Ethics; (ii) procedural deficiency or any lack of procedural due process; and (iii) the discipline recommended. No new evidence will be received (except such new evidence as may bear upon a claim of deprivation of due process) and any appeal must be accompanied with a deposit of \$500.