

WRA Ethics Citation Policy

Citation Panel

WRA Citation Panels will be composed of members of the Statewide Professional Standards Committee. A Citation Panel will be composed of three individuals who are simultaneously serving on a Grievance Panel who will review complaints to determine eligibility for the citation program and the appropriate citations.

Citation Process

Ethics complaints received by the association will be forwarded to a Grievance Panel for review consistent with the Code of Ethics and Arbitration Manual policies and procedures. Complaints must be filed within 180 days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within 180 days after the conclusion of the transaction or event, whichever is later.

Initial Review by Grievance Panel and Citation Panel

- I. When a Grievance Panel receives a written ethics complaint, it will review the complaint consistent with Sections 19 and 20 of the current Code of Ethics and Arbitration Manual. The Grievance Panel may add or delete articles or respondents at this stage in the proceedings.
- II. If the Grievance Panel determines that the complaint should be forwarded for a hearing, the Grievance Panel will then act as the association's Citation Panel to determine if it includes allegations covered by the Citation Schedule, for example, if it is a "citable offense."
 - A. If the complaint does not include alleged violations included in the Citation Schedule, or it includes some covered by the Citation Schedule and some that are not, the complaint shall be referred to the Professional Standards Committee for a hearing consistent with the policies and procedures set forth in the Code of Ethics and Arbitration Manual for ethics hearings.
 - B. If the complaint includes only allegations of violations included in the Citation Schedule, the Citation Panel will issue a citation and impose discipline consistent with the association's Citation Schedule. In the event the members of the Citation Panel determine the conduct described in the complaint is sufficiently egregious to warrant a hearing rather than a citation, the complaint shall be referred to the Professional Standards Committee for a hearing consistent with the policies and procedures set forth in the Code of Ethics and Arbitration Manual for ethics hearings.
 - C. When an ethics complaint and an arbitration request arising out of the same facts and circumstances are filed at the same time, the arbitration hearing shall be held first, and the citation(s) issued or ethics hearing held after the conclusion of the arbitration hearing consistent with Professional Standards Policy Statement #35, Separation of Ethics Complaint and Arbitration Request, Code of Ethics and Arbitration Manual.

Issuance of Citations

- I. Citations will be sent to respondents. A copy of the citation shall also be sent to the REALTOR® principal of the respondent's office. If the respondent changes firms before or after the complaint is filed but before the citation is issued, both the former and current

REALTOR® principal will receive a copy of the citation.

- A. The Citation Panel will prepare a written summary of the complaint, and the summary will be included with the citation to give the respondent sufficient information to understand the basis of the citation.
 - B. The complaint itself and the identity of the complainant will be kept confidential and unavailable to the respondent. The complainant shall be advised when filing a complaint that their identity will not remain confidential should the respondent request a hearing.
- II. The respondent will have 20 days from transmission of the citation to request a full due process hearing on the complaint.
- A. If the respondent accepts the citation, or if the respondent does not request a hearing within 20 days of transmission of the citation, this shall be deemed to be a final resolution of the complaint, which shall not be appealable or subject to any further review.
 - B. If the respondent accepts the citation, or if the respondent does not request a hearing within 20 days of transmission of the citation, payment must be received by the association no later than five days after the date of acceptance or time period to request a hearing has elapsed.
 - 1. The case will be deemed to be closed upon receipt of payment, and notice will be provided to the complainant on the status of their complaint, including the citation issued and the amount of the fine.
 - 2. Failure to pay the citation amount within five days after the date of acceptance or after the time period to request a hearing has expired will result in the automatic suspension of membership until the citation has been paid.
 - 3. If the discipline includes education, failure to provide proof of completion of the sanctioned class(es) within 30 days after the time period to request a hearing has expired will result in the automatic suspension of membership until the citation has been complied with in full.
 - C. If the respondent requests a hearing within the time specified, the complaint shall be referred for a hearing. The complainant who initially filed the complaint shall be given the option to proceed as the complainant for the purposes of the hearing and will be afforded all due process rights provided for in the Code of Ethics and Arbitration Manual. Should the complainant be a member of the public who refuses or is unable to participate in the hearing, or should the complainant be a REALTOR® member who refuses or is unable to participate in the hearing, the provisions of Section 21(f)(3) in the Code of Ethics and Arbitration Manual shall apply.

Limitations

- I. Any REALTOR® is limited in the number and type of citations that they may receive, according to the following rules:
 - A. No more than two citations will be issued to a member within a consecutive 12-month period, starting on the date the first complaint was filed, at the same association.
 - B. No more than three citations will be issued to a member within a consecutive 36-month period, starting on the date the first complaint was filed, at the same association.
 - C. No additional citations are permitted where the cumulative fine for the citations issued would be more than \$5,000 in any three-year period at the same association. The WRA has adopted an escalating fine schedule for repeat citations. The citation panel may only consider the past citations for the particular conduct alleged in the complaint.
- II. The fact that a respondent has previously been issued a citation for any violation — whether or not it was paid — shall not be admissible in any ethics or arbitration hearing,

including a hearing to consider a complaint where the respondent rejected a citation and requested a hearing. A hearing panel may consider citations previously issued to the respondent for the purpose of determining appropriate discipline as provided in Subsection IV below.

- III. Citations will not be considered in any publication of violations should such rules be adopted by the association.
- IV. Where a hearing panel finds a violation of the Code of Ethics after a hearing, it may consider past citations in determining an appropriate sanction only if the citation was issued for the same violation at issue in the hearing. Hearing panels will not be informed of past citations for other violations.
- V. Association staff will track the number of citations issued, the number of citations paid, and the violations for which citations were issued. This information may be provided in the aggregate to the board of directors but will not include details about the complaints, nor identify the complainants or respondents.
- VI. The allegations, discussions and decisions made in the citation process are confidential and shall not be reported or published by the board, any member of a tribunal, or any party under any circumstances except those established in Limitations, Sections III and V of this policy and the Code of Ethics and Arbitration Manual of the National Association of REALTORS® as from time to time amended.