

## MINNESOTA ASSOCIATION OF REALTORS®

5750 Lincoln Drive  
Edina, Minnesota 55436-1697

**Outline of Procedure for Ethics Hearing****(To be transmitted in advance to both parties)**

**Remote Testimony:** Although testimony provided in person before a Hearing Panel is preferred, parties and witnesses to ethics hearings may be permitted to participate in hearings by teleconference or videoconference at the discretion of the Hearing Panel Chair.

**Postponement of hearing:** A postponement may be granted if there are extenuating circumstances. Parties' requests for continuances shall only be granted when all parties mutually agree to a subsequent specified date, or when the hearing panel chair determines that denying the continuance would deny the requestor a fair hearing. Requests for postponement must be made in writing and will be decided by the Chair. All parties shall be advised of a new hearing date if the hearing is rescheduled by Form #E-8A Official Notice of Rescheduled Ethics Hearing.

**Recording the hearing:** The Association shall record the proceeding. Any party may, at the Association's discretion, record the proceeding or utilize a court reporter at their own expense. If a party utilizes a court reporter and orders a transcript, a copy of the transcription shall be made at the party's expense and presented to the Professional Standards Administrator. Videotaping is not permitted except with the advance express consent of the parties and the panelists. Copies of any recording or transcription are to be used only for the purpose of appeals or procedural reviews. Appeals and limited procedural reviews shall not be recorded by the Association or the parties. (Revised 5/16)

**Method and objective of procedure:** The Hearing Panel shall not be bound by the rules of evidence applicable in courts of law, but shall afford parties a full and fair opportunity to be heard, present witnesses, and offer evidence, subject to its judgment as to relevance.

**Evidence:** Parties are strongly encouraged to provide the Association with any and all documents and evidence they intend to introduce during the hearing at least **seven (7) days prior** to the day of the hearing. Providing documents and evidence in advance can expedite the hearing process and prevent costly, unnecessary continuances and insures your documents will be accepted. Please see Part Four, Section 21 of the NAR Code of Ethics and Arbitration Manual as adapted by the Minnesota REALTORS® for further details regarding submission of documents and evidence.

**Due process procedure:** The hearing procedures will be:

1. Opening statement by Chairperson – Chairperson cites authority to hear case and explains reason for hearing.
2. The complaint will be read into the record.
3. The testimony of all parties and witnesses will be affirmed. All witnesses will be excused from the hearing except while testifying.
4. The complainant will be given an opportunity to present testimony, evidence, and call witnesses on their behalf. All parties appearing at the hearing may be called as witnesses without advance notice.
  - Respondent will be given an opportunity to cross examine the complainant and witnesses.
  - Panel may question the complainant and witnesses.
5. The respondent will be given an opportunity to present testimony, evidence, and call witnesses on their behalf. All parties appearing at the hearing may be called as witnesses without advance notice.
  - Complainant will be given an opportunity to cross examine the respondent and witnesses.
  - Panel may question the respondent and witnesses.
6. The panel members will have the opportunity to ask additional questions prior to closing statements by the parties.
7. The Chairperson may exclude any questions ruled to be irrelevant or argumentative. Any testimony relating to the character or general reputation of either party shall not be permitted unless the Hearing Panel finds that such testimony has a direct bearing on the case.
8. Each side may make a closing statement. The complainant will make the first closing statement and the respondent will make the final closing statement.
9. Adjournment of hearing.
10. The Hearing Panel will go into executive session to decide the case.

**Finding in ethics hearing:** The findings and recommendation for discipline, if any, shall be reduced to writing by the Hearing Panel and submitted to a Ratification Panel in accordance with the procedure in Part Four, Sections 22 and 23 of the Manual, unless otherwise appealed.

**Use of legal counsel:** A party may be represented in any ethics hearing by legal counsel or by a REALTOR® of their choosing (or both). However, parties may not refuse to directly respond to requests for information or questions addressed to them by members of the panel except on the grounds of self-incrimination, or on other grounds deemed by the panel to be appropriate. In this connection, the panel need not accept the statements of counsel as being the statements of counsel's client if the panel desires direct testimony. Parties shall be held responsible for the conduct of their counsel. Any effort by counsel to harass, intimidate, coerce, or confuse the panel members or any party to the proceedings, or any action by counsel which is viewed by the panel as disruptive of the proceedings, shall be grounds for exclusion of counsel. The decision to exclude counsel for any of the foregoing reasons shall be a result of a majority vote of the members of the panel and shall be nonappealable. In the event counsel is excluded, the hearing shall be postponed to a date certain not less than fifteen (15) nor more than thirty (30) days from the date of adjournment to enable the party to obtain alternate counsel provided, however, that such postponement shall not be authorized if it appears to members of the panel that the action of counsel has been undertaken by counsel to obtain a postponement or delay of the hearing.

**Confidential:** Be advised all matters discussed are strictly confidential.