



Citation Policy

Ethics Citation Program

I. Preliminary Procedures / Initial Review by Grievance Review Panel

- A.** Information about the Ethics Citation program, including the Citation Schedule, will be posted on the Minnesota REALTORS® website and provided as part of the information to potential complainants who are considering filing complaints through the Minnesota REALTORS® Professional Standards Program.
- B.** When a complaint is submitted, Association staff shall make a preliminary review of the complaint consistent with the policies and procedures set forth in the NAR Code of Ethics and Arbitration Manual as adapted by the Minnesota Association of REALTORS® (COEAM). The Professional Standards Administrator will also review the citation history of the respondent to determine eligibility for the Citation program. No anonymous complaints will be accepted. A copy of the complaint shall be forwarded to the respondent and the respondent's REALTOR® principal (e.g. DR, office manager) upon its submission to the Association. A Grievance Review Panel shall be appointed to review the complaint consistent with the policies and procedures set forth in the COEAM. The Professional Standards Administrator shall try to ensure that the Grievance Review Panel members reviewing the matter include members that have a high level of experience in hearing professional standards cases. If, after reviewing the Complaint, the Grievance Review Panel determines that there is or are timely complaint(s) made against one or more respondents that are potential violations of the Code of Ethics, then the Grievance Review Panel will be informed by the Professional Standards Administrator whether the respondent is eligible for the Citation program. If the respondent is not eligible to receive a citation, the complaint will be forwarded to a Hearing Panel of the Professional Standards Committee for hearing. If the respondent is eligible to receive a citation, then the Grievance Review Panel shall consider whether each issue raised qualifies for the Citation program as follows:

- 1.** 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, then the Grievance Review Panel shall refer the complaint to the Professional Standards Committee for hearing consistent with the policies and procedures set forth in in the COEAM.

If the Grievance Review panel adds an article making the complain ineligible for Citation and requiring the complaint to proceed to a hearing, but the Complainant does not accept the amendment within the ten (10) day period allowed in this COEAM, then the unamended complaint shall stand and the Citation shall be issued.

- 2.** If the complaint includes *only* allegations of violations included in the Citation Schedule, the Grievance Review Panel will proceed under subsection C., below.

3. If the complaint includes allegations against more than one respondent, the complaint is only eligible for Citation if all respondents have only citation eligible allegations charged against them and both respondents are eligible to receive a citation.
- C. If the complaint includes *only* allegations covered by the Citation Schedule, the Grievance Review Panel will review the information presented in the complaint and, taking all information in the complaint as true, determine if there is potential violation of the Code of Ethics. If the Grievance Review Panel eliminates Articles or allegations which are not subject to the Citation Schedule and all that remains of the complaint are citation eligible allegations, the Grievance Review Panel can issue a citation subject to the appeal of the Complainant. However, if a complaint that included only allegations covered by the Citation Schedule is amended by the Grievance Review Panel by adding Articles that are not covered by the Citation Schedule, then the Grievance Review Panel shall wait for Complainant's affirmation that Complainant will agree to amend the complaint. If the Complainant is not willing to agree to add the Articles or allegations to the complaint, the matter will proceed as a citation offense subject to the complaint's eligibility. If the Complainant agrees to add the Articles or allegations to the complaint, the Grievance Review Panel shall refer the matter to a hearing before the Professional Standards Committee in accordance with the procedures in the COEAM.
1. If the Grievance Review Panel determines there is a potential violation which is outlined in the Citation Schedule, it will issue a citation and impose discipline consistent with the Association's Citation Schedule pursuant to Section II, below, or;
 2. If the Grievance Review Panel determines there is a potential violation of the Code of Ethics which is outlined in the Citation Schedule, and further determines that the allegations are sufficiently egregious (e.g. public trust issues or serious harm caused) to warrant a hearing rather than a citation, the Grievance Review Panel shall refer the complaint to the Professional Standards Committee for hearing consistent with policies and procedures set forth in the COEAM, despite the complaint's applicability to the Citation process. This determination to forward to a hearing rather than issuing a citation on the matter is not subject to appeal by either complainant or respondent.

II. Issuance of Citations

- A. The Grievance Review Panel's Report form shall include a written summary of the complaint, prepared by the Professional Standards Administrator, providing the respondent sufficient information to understand the basis of the citation. The Grievance Review Panel's Report form shall be sent to the complainant, respondent and respondent's REALTOR® principal. The issued citation shall be sent to the respondent, and copy shall be sent to the respondent's REALTOR® principal. 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 Grievance Review Panel's Report form and the citation.
- B. The respondent will have twenty (20) days from transmission of the citation to request a full due process hearing on the complaint.
1. If the respondent does not reply with ten (10) days of transmission of the citation, a notice shall be issued to the respondent reminding the respondent of the deadline for requesting a hearing.
 2. If the respondent accepts the citation, or if the respondent does not request a hearing within twenty (20) days of transmission of the citation, this shall be deemed an

acknowledgement of the of the conduct alleged in the complaint and an agreement to accept the discipline imposed. This will be a final resolution of the complaint, which shall not be appealable or subject to any further review.

- 3.** If the Respondent accepts the citation, or if the respondent does not request a hearing within twenty (20) days of transmission of the citation, payment of the issued fine must be received by the Minnesota REALTORS® no later than five (5) days after the time-period to request a hearing has expired. Proof of completion of any sanctioned class(es) must be received by the Minnesota REALTORS® no later than thirty (30) days after the time-period to request a hearing has expired. All continuing education classes required to be completed under the Citation Schedule must be approved by the Minnesota Department of Commerce.
 - a.** The case will be closed upon receipt of payment and proof of completion of the sanctioned class(es), and notice will be provided to the complainant that the citation(s) has been issued and paid in full.
 - b.** Failure to pay the citation amount within five (5) days after the time-period to request a hearing has expired or failure to provide proof of completion of the sanctioned class(es) within thirty (30) days after the time period to request a hearing has expired will result in the automatic suspension of membership including membership and/or MLS services until the citation has been paid in full or the proof of course completion has been submitted.
- C.** If the respondent requests a hearing within the time specified, the Professional Standards Administrator will inform the complainant of the hearing request and refer the matter for hearing before a Hearing Panel of the Professional Standards Committee as prescribed in the COEAM. 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 COEAM shall apply.
- D.** Issued Citations may not be appealed, however, a respondent may appeal the deadline to accept the Citation or request a hearing solely on the basis that the Association failed to transmit, or timely transmit, the Citation, to the respondent. The appeal process will follow the appeal process for a Grievance Review Appeal. *(See Section 19 C of the COEAM.)*

III. Limitations

- A.** Any REALTOR® is limited in the number and type of citations that he/she may receive, according to the following rules:
 - 1.** Each filed complaint is considered one (1) citation even if multiple offenses are named in the same complaint. One (1) citation may consist of multiple fines and or Continuing Education requirements. Therefore, a second offense would require the submission of a new complaint as would a subsequent third offense.
 - 2.** No more than two (2) citations will be issued to a member within a consecutive twelve (12) month period, starting with the date the first complaint was filed.
 - 3.** No more than three (3) citations will be issued to a member within a consecutive thirty-six (36) month period, starting on the date the first complaint was filed.

4. No additional citations are permitted where the cumulative fine for the citations issued would be more than \$5,000 in any three (3) year period.
 5. The Minnesota REALTORS® has adopted an escalating fine and education schedule as specified in the Citation Schedule. The Grievance Review Panel may only consider the past citations for the particular conduct alleged in the complaint.
- B. Should an individual respondent reach the limitations in subsection A above, any further complaints received will be processed consistent with the policies and procedures set forth in the COEAM without the opportunity to participate in the Citation program.
 - C. The fact that a respondent has previously been issued a citation for any violation, whether or not it was paid or the education completed, 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 G below.
 - D. Publishing the names of citation violators can occur after a second citation occurs within three (3) years in accordance with the publishing procedures prescribed in the COEAM.
 - E. Citation sanctions will remain with the respondent's membership file indefinitely.
 - F. Citations will not be considered in any publication of violations should such rules be adopted by the Association.
 - G. Where a hearing Panel has found a violation of the Code of Ethics after a hearing, it may consider past citations in determining an appropriate sanction. Hearing Panels will be informed of past citations for all other past violations within the three-year lookback period.
 - H. The Professional Standards Administrator 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.

IV. Citation Schedule

- A. The following Articles of the Code of Ethics and specified Standards of Practices (SOP) are covered by the Ethics Citation program. Please see attached Citation Schedule for further details.
 1. Article 1: Limited to SOP 1-5, 1-7 (2nd sentence only) and 1-16
 2. Article 3: Limited to SOP 3-2, 3-4 and 3-9
 3. Article 4: Including SOP 4-1
 4. Article 5
 5. Article 6: Including SOP 6-1
 6. Article 12: Including SOP 12-1, 12-2, 12-3, 12-4, 12-5, 12-6, 12-7, 12-8, 12-9, 12-10, 12-12, 12-13
 7. Article 14
 8. Article 16: Limited to SOP 16-16 and 16-19

B. The Citation Schedule specifies the fines and required continuing education classes for initial and repeat violations of the Articles and Standards of Practices covered by the Citation program. All Citations will include a Letter of Reprimand to be placed in the membership file of the Respondent for a term of three years.