



CITATION PROGRAM

PROGRAM OUTLINE
PROGRAM GUIDELINES
CITATION SCHEDULE

1. A Complainant contacts The Royal Palm Coast Realtor® Association. The call is logged and processed through the normal Ethics process which includes offering the Ombudsman Program.
2. The Ombudsman Program fails to resolve the complaint.
3. Complainant wishes to move forward with a Code of Ethics violation case.
4. Complainant is directed to our website to complete a Grievance package.
5. Completed Grievance package is received by staff.
6. Staff submits the timely filed Complaint with all ancillary materials to be processed at the next available Grievance Committee meeting.
7. The sitting Grievance Committee determines that there may be a possible Violation of the Code of Ethics. The Grievance Committee can add or remove Respondents and Articles. If changes or additions are made, the parties are so notified. Respondents are contacted via USPS Certified, Return Receipt mail and directed to a secure area on our website to complete their response timely, or the Respondent is advised that they need to answer the additional alleged Article Violations added by the Grievance Committee. These responses are then returned to the Grievance Committee for their final action to either forward the case for a formal hearing, or to dismiss the case. The case is deemed eligible to be forwarded for a Professional Standards hearing.
8. Staff and the Professional Standards Chairman review the Articles which have been deemed by the Grievance Committee to be a possible Violation and, based on the strict guidelines as set forth by NAR, determines if this case may qualify for The Citation Program. Care MUST be given to assure that the case has ONLY violations of Articles which qualify.
NOTE: If there are both qualifying and non-qualifying Article violations, the case is forwarded to the Professional Standards Chairman to convene a hearing panel as soon as possible after the Complainant and Respondent have returned their challenge forms timely.
9. The case is deemed eligible for the Citation Program.
10. Complainant and Respondent are given the list of potential Professional Standards Hearing Panel members and may challenge timely any member with specific and due reason. This information is given with the packages to the Professional Standards Chairman who will immediately appoint a three (3) member Professional Standards Tribunal from the available members of the Professional Standards Committee.
11. **The professional standards tribunal may review one or multiple cases during a session. Care should be taken to rotate all non-challenged members on and off citation tribunals.**
NOTE: If a Professional Standards Committee member has participated in a Tribunal they are disqualified from then sitting on a formal Professional Standards Hearing Panel for the same case to prevent any perceived predetermination of guilt or innocence of the charges set forth in the Complaint.
12. The Citation Tribunal convenes as soon as possible and elects a Tribunal Chairman for this case or cases.
13. The Citation Tribunal reviews the case and the history of the Respondent vis-a-vis the Citation Program and previous Ethics violations to determine if the case is eligible for the Citation Program.
14. The designated Chairman of the Citation Tribunal (with staff assistance) writes the Citation letter to the Respondent AND their designated broker offering the Citation Program (the details of which correspond to the Citation Guidelines and history of like Code of Ethics Violations or lack thereof to the Respondent.)

16. **Scenario 1:** The Respondent accepts the Citation within the required time frame of fifteen (15) days. FAILURE OF THE RESPONDENT TO RESPOND TIMELY TO THE CITATION IS AN AUTOMATIC DEFAULT AS THE FINAL DECISION. There are NO EXCEPTIONS or POSTPONEMENTS considered. The Citation given may be appealed to the Board of Directors as outlined in the Bylaws and/or Policy and Procedure Manual of The Royal Palm Coast Realtor® Association.
17. The Chairman of the Citation Tribunal (with staff assistance) advises the Complainant in writing that their case has proceeded through the Grievance Committee process to Professional Standards Committee. They are also advised that their case qualifies for the Citation Program and that a Citation Tribunal has convened. The Fine & Education for the Violation has been determined and the Respondent has been so advised. They are further told that the Respondent has accepted the terms of the Citation. However, should the Respondent fail to perform timely the Complainant is further advised that the case may become a formal Professional Standards Hearing and, if so, they will be contacted regarding the hearing date/time/place.
18. **Scenario 2:** The Respondent rejects the Citation within the required time frame of fifteen (15) days & requests a formal Professional Standards Hearing.
19. The Professional Standards Chairman (with staff) reviews the case, the challenge form received from both parties in this case, the Citation Tribunal members and then selects a Professional Standards Hearing Panel and sets the soonest available hearing date according to the process as set forth in the National Association of REALTORS® Code of Ethics and Arbitration Manual.
20. If the Complainant is Anonymous the Professional Standards Committee becomes the named Complainant and the Professional Standards Chairman reserves then:
 - a) Amend the case to ADD alleged violations of the COE to the case or
 - b) Dismiss the case rather than convening a formal hearing panelWith either decision the Respondent and their designated broker will be advised in writing Certified, Return Receipt requested of the conditions of the complaint.

General Policy Guidelines:

- I. An Ethics Complaint alleged under Articles 3, 4, 5, 6, 12, 14 and or 16 are eligible for the Citation Program provided the Ethics Complaint does NOT also include alleged violations of Articles 1, 2, 7, 8, 9, 10, 11, 13, 15 and/or 17.
- II. If the Professional Standards Tribunal has reviewed the complaint and determined that there is a possible violation of the Code of Ethics and that the complaint does meet the requirements as set forth for the Citation Program, the Citation may then be sent to the Respondent via Certified Letter.
- III. Return Receipt Requested with a complete copy sent in the same manner to the Respondent's Broker. The Respondent shall have 15 days from receipt of the Citation -date counted from the date the Return Receipt is signed - to elect to Accept the Citation and timely abide by the sanctions as outlined in the Citation completely (there are no exceptions or requests to abide by part of the sanction.) If in that same 15 day period the Respondent a) fails to respond or b) rejects the Citation in full, the Code of Ethics complaint shall move forward to a hearing in accordance with the Policy and Procedures of the NAR Code of Ethics and Arbitration Manual.
- IV. If the Respondent elects to accept the Citation in full but then fails to perform and abide by the sanctions as outlined The Royal Palm Coast Realtor® Association shall follow its bylaw provisions for enforcement.

General Citation Financial Guidelines:

The amount of the FINE shall be the same regardless of whether one (1) article or several have been cited in the original complaint (i.e. there shall be NO INCREASE in the amount fined because more than one Article has been cited.

FIRST OFFENSE: \$300.00 TO BE PAID IN FULL to The Royal Palm Coast Realtor® Association AND the completion of the NAR online Ethics Training Course [regardless of whether the Respondent has or has not already completed any NAR Ethics courses) within seven (7) days of the Respondents agreement to accept the Citation, proof of which is the printed completion certificate generated by the NAR website.

SECOND OFFENSE: \$600.00 TO BE PAID IN FULL to The Royal Palm Coast Realtor® Association AND the completion of GRI Professional Standards module (online or in classroom) [regardless of whether the Respondent has or has not already completed the GRI Professional Standards course at any time) within seven (7) days of the Respondents agreement to accept the Citation, proof of which is the printed completion receipt generated by the course provider.

THIRD OFFENSE: \$900.00 TO BE PAID IN FULL to The Royal Palm Coast Realtor® Association AND the completion of the NAR online Ethics Training Course [regardless of whether the Respondent has or has not already completed any NAR Ethics courses) AND the completion of GRI Professional Standards module (online or in classroom) [regardless of whether the Respondent has or has not already completed the GRI Professional Standards course at any time) within seven (7) days of the Respondents agreement to accept the Citation, proof of which is the printed completion certificate generated by the NAR website and the printed completion receipt generated by the course provider.

ALL VIOLATIONS WHICH CAN BE, SHALL BE CORRECTED and the proof of which is a written explanation by the Respondent accompanied by any material proof as applicable (i.e. MLS corrected; print ad revised etc.) within 7 days of the return receipt requested Certified letter of notification from The Royal Palm Coast Realtor® Association.

- A. A Respondent shall not be eligible for more than three (3) Citations within a thirty-six (36) month period. After three (3) Citations have been issued AND another complaint is filed within the thirty-six (36) month period for any Article of the Code of Ethics violation, the complaint is forwarded directly to a grievance hearing by the Professional Standards Committee and is not deemed eligible for the Citation Program.
- B. All Citations shall remain in the Respondent's file at The Royal Palm Coast Realtor® Association for the duration of the Respondent's membership plus five (5) years and shall be made available to hearing panels at this and any other NAR Association for any future ethics hearings as well as for use in the Citation Program for progressive sanctions guidelines.
- C. If additional complaints are filed against the same Respondent within the 7 day Citation timeline, alleging the SAME VIOLATION, the complaint will not be considered for the Professional Standards Tribunal. Rather it will be forwarded immediately to grievance without being eligible for the citation process.
- D. Any complaint forwarded to the Respondent as a Citation or dismissal shall include a letter of explanation signed by the Professional Standards Chairman.

Anonymous Complaints:

Anonymous complaints WILL also be considered under the Citation Program for alleged violations of Articles 3, 4, 5, 6, 12, 14 and/or 16 PROVIDED the Complainant has submitted sufficient documentation as evidence of the alleged violation. NOTE: ANONYMOUS COMPLAINTS as those where the complainant does not provide his/her identity and NO ATTEMPT by staff shall be made to secure or guess the identity.

The exact same procedures as outlined above are to be followed for the Anonymous complainant with the exception that the Professional Standards Tribunal shall make the determination as to whether there is sufficient evidential documentation to support the alleged violation(s).

- A. In the event the Respondent does not elect to accept the Citation then a designee of the Tribunal (named by the Professional Standards Chairman) will be named as the Complainant and present the case at a formal Professional Standards Hearing.
- B. If the Professional Standards Tribunal determines there is insufficient evidential documentation, the Tribunal may elect to dismiss the anonymous complaint
- C. The Professional Standards Staff, Chief Executive officer or other staff acting under condition of confidentiality has the authority to take additional steps to gather more information on an Anonymous Complaint ONLY (i.e. Facebook, Web sites etc.) for the Professional Standards Tribunal to make an informed decision.

Article 3:

- A. Failure to disclose existence of dual or variable rate commission. (SOP 3-4)
- B. Failure to disclose existence of accepted offers to any Broker seeking cooperation. (SOP 3-6)

Article 4:

- Failure to disclose REALTOR® interest in property being bought or sold.

Article 5:

- Providing professional service without disclosing interest in property.

Article 6:

- Accepting any commission, rebate, or profit of expenditures without client's knowledge or consent.

Article 12:

- A. Failure to present a true picture in Real Estate communications and advertising.
- B. Failure to disclose professional status in advertising and other representations.
- C. Failure to disclose compensation from 3rd party for services provided free to a client. (SOP 12-2)
- D. Advertisement offering to sell/lease property without authority of owner or listing broker. (SOP 12-4)
- E. Failure to disclose name of firm in advertisement of real estate services or listed property in any medium. (SOP 12-5)
- F. Failure to disclose status as both owner/landlord and REALTOR® or licensee when advertising property in which REALTOR® has ownership interest. (SOP 12-6)
- G. Falsely claiming to have "sold" property. (SOP 12-7)
- H. Registration or use of deceptive URL or domain name. (12-12)

Article 14

- Failure to cooperate in any professional standards proceeding or investigation requested by Association.

Article 16:

- A. Use of terms of an offer to modify listing broker's offer of compensation. (SOP 16-16)
- B. Placement of for sale/lease sign on property without permission of seller/landlord. (SOP 16-19)

Sanctions under the Citation Program are as follows:

First Offense - Fine of \$300.00* to be paid within 7 days of citation date.

Second Offense - Fine of \$600.00* to be paid within 7 days of citation date.

Third Offense - Fine of \$900.00* to be paid within 7 days of citation date.

*The fine will be the same whether one or several Articles have been cited on the complaint. The fines for the citations may not exceed the maximum fine allowed by NAR for violations of the Code of Ethics. Corrections to violation(s) must be furnished to ASSOCIATION within 7 days of receipt of citation.