

**REALTORS® Association of Northeast Wisconsin  
W6124 Aerotech Drive; Appleton, WI 54914  
920.739.9108**

**Outline of Procedure for Ethics Hearing  
(To be Mailed in Advance to Both Parties)**

**Postponement of hearing:** Postponement may be granted if there are extenuating circumstances. Requests for postponement must be made in writing. Permission can be given by the Chairperson. All parties shall be advised of the date of the rescheduled hearing.

**Recording the hearing:** The Board shall, and any party may at the party's expense, have a court reporter or recorder present or may record the proceeding and, if transcribed, shall present a transcript to the Secretary. If the Board utilizes a court reporter in lieu of recording, the parties may not be prohibited from making their own recording.

**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 all parties a full opportunity to be heard, present witnesses, and offer evidence, subject to its judgment as to relevance.

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

- (1) Opening statement by Chairperson—cite authority to hear case and explain reason for hearing.
- (2) The complaint will be read into the record.
- (3) The testimony of all parties and witnesses will be sworn or affirmed. All witnesses will be excused from the hearing except while testifying.
- (4) The parties will be given an opportunity to present evidence and testimony on their behalf and they may call witnesses.
- (5) The parties and their counsel will be afforded an opportunity to examine and cross-examine all witnesses and parties.
- (6) The panel members may ask questions at any time during the proceedings.
- (7) The Chairperson may exclude any question ruled to be irrelevant or argumentative.
- (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.

**Findings in ethics hearing:** The findings and recommendation for discipline, if any, shall be reduced to writing by the Hearing Panel and submitted to the Board of Directors in accordance with the procedures of **Part Four**, Sections 22 and 23 of the Code of Ethics and Arbitration Manual.

**Use of 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 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 the 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 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.

Be advised that all matters discussed are strictly confidential.

(Revised 11/2010)

(See Reverse for Sanctions/Discipline)

**Sanctions/Discipline:**

- Disciplinary action may consist only of one or more of the following:
- Letter of Warning with a copy to be placed in member's file;
- Letter of Reprimand with a copy to be placed in member's file;
- Requirement that member attend the ethics portion of the Board Indoctrination Course or other appropriate course or seminar specified by the Hearing Panel which the member could reasonably attend taking into consideration cost, location and duration;
- Appropriate and reasonable fine not to exceed \$5000.
- 
- Member placed on probation for a stated period of time not less than thirty (30) days nor more than one (1) year;
- Membership suspended for a stated period of time not less than thirty (30) days nor more than one (1) year, with automatic reinstatement of membership in good standing at the end of the specified period of suspension;
- Expulsion from membership with no reinstatement privilege for a specified period of one (1) to three (3) years, with reinstatement of membership to be by application only after the specified period of expulsion, on the merits of the application at the time received;
- At the option of the Board of Directors, an assessment in lieu of suspension, with the assessment not to exceed \$5000. This option may be utilized only once in any three-year period.