

## **Sunflower Association of REALTORS® Citation Policy**

### **Recommendations:**

1. As an option for the Grievance Tribunal, an ethics complaint may be eligible for the citation program if there is an alleged violation, identified under the Model Citation Schedule of Articles 1, 3, 4, 5, 6, 12, and/or 16, provided the complaint does not also include articles which are not included in the citation program (i.e. Articles 2, 7, 8, 9, 10, 11, 13, 14, 15 or 17).
2. If after the grievance tribunal has reviewed a complaint and determined there is a possible violation of the Code of Ethics and that the complaint meets the requirements of the citation program, the citation may be sent to the respondent, with a copy to the respondent broker.
  - 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 hearing panel consistent with policies and procedures set forth in the Code of Ethics and Arbitration Manual for ethics hearings.
3. The respondent will have 20 calendar days from receipt of the citation to elect to accept the citation and timely abide by the sanctions outlined in the citation. If the respondent does not accept the citation, the complaint will go to hearing in accordance with the procedures as outlined in NAR's Code of Ethics and Arbitration Manual.
4. If the respondent elects to accept the citation but fails to abide by the sanctions, the respondent's local association shall follow its bylaw provisions for enforcement.
5. Sanctions under the Citation Program are as follows: \*(The offense sanctions apply when the same respondent is named in the complaint not necessarily the same article)\*

**First Offense** – Fine of \$300.00\* to be paid within 30 days of citation date, and completion of the NAR online Quadrennial Ethics Training course within 30 days of the citation date.

**Second Offense** – Fine of \$600.00\* to be paid within 30 days of citation date.

**Third Offense** – Fine of \$900.00\* to be paid within 30 days of citation date.

**\*If Respondent receives education for their first offense, the 2<sup>nd</sup> offense within the same year, will result in an automatic fine.\***

6. If a citation is issued, an explanation of the violation will be included in the letter to the respondent.

## **Anonymous Complaints**

Anonymous complaints will be considered under the citation program for alleged violations of Articles 1, 3, 4, 5, 6, 12, 14 and/or 16 providing the complainant has provided sufficient documentation giving evidence of the alleged violation.

An anonymous complaint must include the following:

1. Full name of Respondent
2. Date of incident
3. Completed #E-1 form that will also be provided to the respondent
4. The Complainant will be advised that **their identity will not remain confidential** should the respondent request a hearing.

## **Limitations**

1. No more than two (2) citations will be issued to a member within a consecutive twelve (12) month period, starting on the date the first complaint was filed, at the same association.
2. A respondent will be eligible to receive only three (3) citations within a 36-month period. After 3 citations have been issued and another complaint is filed within a thirty-six (36) month period, and forwarded to a hearing by the Grievance Tribunal the complaint will automatically go to a hearing and will not be eligible for the Citation Program.
3. The citations are to remain in the respondent's file indefinitely and will be available to the hearing panel at any future ethics hearings as well as in the Citation Program for use in progressive sanctions guidelines
4. No additional citations are permitted where the cumulative fine for the citations issued would be more than **\$1800** (not to exceed \$5,000) in any three (3) year period at the same association.

## **Steps for Sunflower Citation System for Code of Ethics Violations**

A. Complaint alleging violation of the Code of ethics is received by the Sunflower Association of REALTORS®, Inc. and channeled through a Grievance Tribunal:

1. Decision whether conduct is subject to citation is made by the Grievance Committee.
2. If so, consider whether the complaint supports a potential violation of the Code of Ethics with clear, strong and convincing evidential documentation.
  - (a.) If the respondent has been found in violation of an MLS rule, for the same event and/or conduct, then the action is not eligible for further citation.

(b.) If a complaint is filed against the same respondent within the 60-day citation timeline, alleging the same violation, the complaint will not be considered by the Grievance Tribunal

(c.) If a citable offense:

- a. Citation letter is sent to respondent, with copy to Designated REALTOR®
- b. Citations can be used in consideration for determining discipline at future ethics hearings.

3. If not eligible for a citation, but potential violation of the Code of Ethics is alleged, the complaint will be processed in accordance with the *National Code of Ethics and Arbitration Manual*

**B.** If citation is issued and upon receipt of the citation, the respondent has 20 calendar days to elect one of the following options:

1. Accept the fine. **Payment must be received and required education completed, no later than 30 days after the date of acceptance or after the time period to request a hearing has expired.** If applicable, in accordance with the sanctions as defined in the citation letter and correct the violation with 60 days from receipt of citation notice.

a. The case will be deemed to be closed upon receipt of payment and notice of completion of education. Notice will be provided to the complainant that a citation has been issued and paid

b. Failure to pay the citation amount and/or provide proof of completion of education within 30 days, but in any instance no more than five (5) 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.

2. Elect full ethics hearing to contest the citation and the hearing will be held in accordance with the *National Code of Ethics and Arbitration Manual*

a. Respondent will be afforded a full due process hearing under the procedures approved by NAR for a disciplinary hearing.

b. The hearing panel will have the following options:

i. Dismiss the citation complaint

ii. Uphold the citation and corresponding fine

iii. Amend the complaint by adding additional articles, as supported by the evidence

iv. Increase or decrease the discipline as allowed in the *NAR Code of Ethics and Arbitration Manual*

c. Any respondent found in violation will be assessed a \$250 administrative processing fee.

d. The results of the hearings can be appealed to the SAR Board of Directors per SAR Statements of Professional Standards

C. Failure to respond to the citation within 20 calendar days from the receipt of the citation will automatically result in a full Ethics Hearing which opens up the possibility of an allowable sanction(s) determined by the hearing panel, including greater fine and possible suspension or expulsion from membership.

D. If the complaint is not anonymous notification of the Grievance Tribunal's action will be given to the complainant.

E. SAR has published a model citation fine schedule that does not exceed maximum allowable by NAR.