

PROFESSIONAL Standards Update-- **Establishing Procedure to be Followed in Handling Complaints**

A Board of REALTORS® received a complaint from REALTOR® A's client charging REALTOR® A with a violation of Article 1 of the Code of Ethics. The complaint was referred to the Chairperson of the Board's Grievance Committee, who sent a copy of it to REALTOR® A with a request that he respond and provide a specific document about the matter to the Grievance Committee for its preliminary review.

REALTOR® A responded with a denial of the charge, and a statement that he would appear at any hearing on the appointed date and would, at that time, present all pertinent facts. He went on to indicate that on the advice of legal counsel he was unwilling to place the requested document in the hands of the Grievance Committee in advance of any hearing.

The Grievance Committee then initiated its own complaint charging REALTOR® A with a violation of Article 14 for refusing to place the requested document before a proper tribunal.

A hearing of the Grievance Committee's complaint was held before a Hearing Panel of the Professional Standards Committee. At the hearing, REALTOR® A again stated that it was his intention to respond specifically and factually to the charge of violating Article 1 if the complaint came before an ethics Hearing Panel and at that time he would submit all pertinent facts, including the document in question.

It was the conclusion of the Hearing Panel that REALTOR® A's defense against the charge of violating Article 14 was not valid; and that the Grievance Committee could require advance submission of specific documents to the Grievance Committee based on the Board's professional standards procedures which authorized the Grievance Committee to request specific documents to enable the Grievance Committee to make determinations whether complaints warranted hearing. The panel found REALTOR® A in violation of Article 14 and directed him to give the requested documentation to the Grievance Committee in connection with its review of the charge of violating Article 1.