

ETHICS COMPLAINT PROCESS	
NAR Code of Ethics and Arbitration Manual	
Step #	Process Step
1	Initiating an Ethics Complaint (EC): Complainant completes Form E-1 and attaches narrative of alleged violations (must cite violated Articles and provide proof of violation). EC must be filed within 180 days of the conclusion of the transaction or the date party became aware of alleged ethics violation. Letter acknowledging receipt of EC will be sent to Complainant.
2	PS Administrator and Grievance Committee (GC) Chair Review of Complaint
2a	EC ready to forward to GC for next scheduled meeting. Note: Cases pending litigation or NMREC review are forwarded to Board Legal Counsel (LC) prior to forwarding to GC so that LC can determine whether Board should continue with review or place in abeyance.
2b	Additional information is needed/requested.
2c	GC member is assigned to assist non-member Complainants in preparing a proper complaint.
3	GC Review/Decision: GC Chair summarizes case to GC; GC discusses, hears motions and votes on case.
3a	Forward to Professional Standards (PS) as is. Results of GC report form will be sent to Complainant with appeal form. Notice of EC will be sent to Respondent. When reply is received, it is forwarded to Complainant. Outline of hearing procedure and challenge forms and disclosure of LC/witnesses are sent to parties, return of documents requested within 10 days.
3b/3c	Forward to PS as amended or dismiss EC. GC Report Form is sent to Complainant with Appeal form. Complainant has 20 days to appeal dismissal of EC or the dismissal/addition of Articles in EC. Note: If an article is added and the Complainant does not agree with the addition, the GC may file its own complaint citing articles/individuals. Both complaints will be heard simultaneously by the same panel.
3d	Place in abeyance (if advised by Board's LC or pending hearing on arbitration matter)
4	Appeal of GC Determination
4a	Appeal Filed. Board of Directors (Executive Committee or a minimum of five Directors or a quorum of Directors, whichever is less) reviews EC, GC Report Form, and appeal request, and decides whether to uphold dismissal, or reverse and send to PS for hearing. If GC's decision to dismiss is upheld, Board's decision is final, and Complainant is notified. File is destroyed one year after decision final. If GC's decision is reversed, the Complainant is notified, and the case is forwarded to PS for a hearing. Notice of EC will be sent to Respondent. When reply is received, it is forwarded to Complainant. Outline of hearing procedure and challenge forms and disclosure of LC/witnesses are sent to parties, return of documents requested within 10 days.
4b	No appeal filed. Case dismissed. Complainant notified. File destroyed one year after appeal period ended.
5	Prehearing Scheduled: Parties, PS Chair, and Hearing Panel (HP) Chair attend; Board's LC attends if either of the parties are represented by LC. (Everyone should bring their calendars.) Parties are asked if litigation pertaining to the matter is pending; if it is, the case is placed in abeyance. Hearing procedures are discussed; procedural questions are answered; any remaining paperwork is completed; and hearing date is scheduled. Twenty-one days' notice of hearing is provided to parties; new copies of EC, Reply, all supporting documentation, disclosures on witnesses/LC, and the outline of hearing procedure is forwarded to the parties with the hearing notice. The case documentation is sent to the HP members at least seven (7) days prior to the hearing.
6	Hearing Scheduled: HP members sign Certificate of Qualification. Hearing is conducted per the Ethics Hearing Procedures and the Chair's Procedural Guide: Conduct of an Ethics Hearing. HP goes into Executive Session to make a decision whether there is clear, strong, and convincing evidence of a violation of some or all of the cited Code of Ethics Articles. The decision of the HP shall be made by simple majority vote, in writing, and must contain findings of fact, a conclusion as to alleged ethics violations, and a statement of disciplinary action recommended, if any. Decision reviewed by Board's LC.
7	Decision Transmitted: HP's decision with appeal form is mailed to parties. Parties have 20 days to file a petition (letter) with the HP for a new hearing. Parties have 20 days to file an appeal with the Board.

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8	Request for New Hearing/Appeal
8a	One of the parties files a petition to the HP requesting a new hearing based on discovery of new evidence. Petition must be in writing and include a summary of the new evidence; a statement of what the new evidence is intended to show and how it might affect the HP's decision; and an explanation of why evidence wasn't discovered/produced at time of hearing. HP makes a decision on petition within two weeks of its receipt. If petition is granted, a new hearing is scheduled (go back to Step 6).
8b	One of the parties files an appeal request on the basis of one or more of the following: (1) misapplication of Article; (2) procedural deficiency/lack of due process; or (3) recommended discipline.
9	Appeal Period
9a	No appeal filed: Case is scheduled for ratification at Board's next Executive Committee meeting (go to Step 10 for Board's action).
9b	Appeal Filed (with required \$100 appeal filing fee): A Special Hearing is scheduled. Parties are provided ten days' notice of appeal hearing, notice of right to challenge Tribunal members, and disclosure of LC; return of documents requested within five days. Appeal hearing follows Chair's Procedural Guide: Conduct of an Appeal Hearing (Ethics). Tribunal goes into Executive Session to make final decision.
10	Action of the Board (Tribunal Panel): Adopt verbatim; adopt, but the recommendation for discipline to be modified; remand to the original HP for further consideration of the discipline recommended; remand to PS for a new hearing by a different HP based on perceived procedural deficiency(ies); or reverse and dismiss EC because the findings of fact do not support a possible violation of the Code of Ethics. Tribunal also decides whether Appeal Deposit is returned to Appellant or retained by the Board.
11	Decision Transmitted: Notification of Board's decision along with original Decision Form and copy of Request for Appeal is sent to parties, original HP Chair, and Board's LC. Any letters of warnings or reprimands are prepared and signed by Board's Chair, and then forwarded to Respondent(s). Adverse decision is filed in Member's file. PS file is destroyed one year after the decision is final.
	The NAR Code of Ethics and Arbitration Manual is the source material for the Ethics Complaint Flow Chart and Process Matrix. This checklist should not be used as the official authority regarding the process.
	Updated: 5/12/09