

**SOUTHEAST PENNSYLVANIA
REGIONAL PROFESSIONAL STANDARDS
CHESTER COUNTY ASSOCIATION OF REALTORS®
DELAWARE VALLEY REALTOR® ASSOCIATION
GREATER PHILADELPHIA ASSOCIATION OF REALTORS®**

PREPARING FOR AN ETHICS HEARING

The hearing preparation really begins when a complaint is filed. In an ethics complaint, it is the complainant's responsibility to create the burden of proof. The complaint must cite Articles of the Code of Ethics that allegedly have been violated. There must be some evidence in the complaint that supports the violation. There must be enough facts to convince the Grievance Committee that the complaint merits being forwarded to a hearing.

In an ethics hearing, the complainant must introduce enough evidence to make a clear, strong and convincing argument that the respondent is in violation of an Article of the Code of Ethics.

The complainant should write the complaint in straight forward language such as "REALTOR® X violated Article 16 ("A REALTOR® should not take any action inconsistent with the agency of another REALTOR") by ...(doing whatever he/she did that implies a violation of the Article.)

Once the complaint has been forwarded to a hearing by the Grievance Committee and the appointed day arrives, it is **your day in court**. How do you prepare for the hearing?

1. You must have your complaint in order. Have all paperwork numbered as Exhibits #1, 2, 3, etc. Have everything you need at the hearing. Don't expect that you can produce this evidence at a later date. This is your only chance to present evidence.
2. Cite the Article of the Code and how the Article was violated. Explain in your own words what happened and why the facts support a violation of the Code. If you must, write your complaint and read your complaint, along with any evidence, into the record.
If you are represented by an attorney, have him/her lead you through the complaint by asking you questions concerning the complaint with the end result of the questioning being why the evidence indicates that a violation of the Code occurred. Don't speculate—just present factual statements. Don't get off the subject and don't get ethics issues mixed up with arbitration issues during the hearing. Be sure your attorney knows the difference.
3. Present witnesses that can support your complaint. You (or your attorney) should ask witnesses questions or they should have a statement prepared and know what they are going to say at the hearing. Don't expect the panel to ask questions of you or your witnesses that prove your allegations. Keep all evidence germane to the Article(s) cited in the complaint.
4. Know that this hearing will not be governed by the rules of evidence used in a courtroom. Hearsay is permissible. The panel will only give it as much weight as they feel it deserves. Know that any letters from witnesses will only be given whatever importance the panel places on them since they cannot be cross-examined.
5. Be prepared to be cross-examined by the Respondent (or his/her attorney) concerning statements you make in your testimony.

6. If you are the Respondent, you must prepare a defense. You must state why your actions should not be considered a violation of the Code of Ethics. An attorney may represent you.
7. The respondent should follow the same steps as the Complainant.
8. After both the Complainant and the Respondent state their cases and cross-examination is complete; the panel may have other questions.
9. The next step is to give a closing statement. Prepare a closing statement by writing out what you intend to say. Repeat how the respondent's actions indicate a violation of the Code.
10. The Respondent will obviously prepare a closing statement that supports a "not in violation" decision.