

Step-by-Step for an Ethics Complaint

Step 1 – Contact the Professional Standards Administrator from Eastern Bergen County Board of Realtors.

- The administrator will forward you the proper paperwork.

Step 2 - Complete the ethics complaint form and provide a written explanation that includes the facts on which the alleged violation(s) is based, cite the appropriate Article(s) and include any other appropriate documentation. An ethics complaint must be filled, within 180 days after the violation. The code of ethics consists of seventeen (17) articles.

- Your complaint should include a narrative description of the situation that lead you to file a Code of Ethics complaint.
- Your complaint must cite one or more articles of the Code of Ethics that have been violated.

Step 3 – Once the ethics complaint has been received by the Professional Standards Administrator, the complaint is then forwarded to the Chairperson of the Grievance Committee.

- Your complaint will be reviewed by the Grievance Committee. Their job is to review the complaint to determine if the allegations made, will support a violation of the Article(s) cited in the complaint.
 - If the Grievance Committee dismisses your complaint, it means that there was not enough evidence to support your complaint.
 - If the Grievance Committee forwards your complaint for a hearing, it means that the committee felt that there may have been a violation.
 - If your complaint is dismissed, you can appeal that dismissal to the Board of Directors of Eastern Bergen County Board of Realtors.

Step 4 – The complaint is forwarded to the Respondent.

- The respondent has 15 days to send a reply to the complaint.

Step 5 - The complaint and respondent documentation is forwarded to the Professional Standards Committee Chairperson.

- The professional standards committee chair will appoint 3 members from the Professional Standards committee to be members of the hearing panel.
- The complainant and respondent will receive notification of the hearing panel.
 - The complainant and respondent have 10 days to challenge the panel members.
 - If there is a challenge, new panel members will need to be chosen.

Step 6 – Before the Hearing

- Once the ethics hearing date has been finalized, the notice of official hearing will be sent out to all parties.
- Additional documentation should be sent to the professional standards administrator 3 weeks prior the hearing.
 - All documentation will then be sent to all panel members.
 - The complainant documentation will be sent to the respondent.
 - The respondent documentation will be sent to the complainant.
- Notify the professional standards administrator of any witnesses and/or counsel scheduled to be at the hearing 3 weeks prior the hearing.

- The list of the complainant witnesses and/or counsel will be sent to the respondent and panel members.
- The list of the respondent witnesses and/or counsel will be sent to the complainant and panel members.
- Outline of the procedure of the ethics hearing is sent to the complainant and respondent.
- Board Attorney is notified and may attend hearing.

Step 7 – The Hearing

- The hearing will be recorded.
- Chairperson cites authority to hear case and explains reason for hearing.
- The arbitration request will be read into the record.
- The testimony of all parties and witnesses will be sworn or affirmed. All witnesses will be excused from the hearing except while testifying.
- Opening statement first by complainant and then by respondent, briefly explaining the party's basic position.
- The parties will be given an opportunity to present evidence and testimony on their behalf and they may call witnesses.
- The parties and their legal counsel will be afforded an opportunity to examine and cross-examine all witnesses and parties.
- The panel members may ask questions at any time during the proceedings.
- The Chairperson may exclude any question ruled to be irrelevant or argumentative.
- Each side may make a closing statement. The complainant will make the first closing statement and the respondent will make the final closing statement.
- Adjournment of hearing.
- The Hearing Panel will go into executive session to decide the case.

Step 8 – After the Hearing

- The professional standards administrator will mail the panel decision within 5 days.
- When you receive the panel decision, review it.
 - If you believe the panel decision was fair, you do not have to do anything.
 - If you believe the panel decision was unfair, you have 20 days to file an appeal and it must be in writing.