

# **Bullhead City / Mohave Valley Association of REALTORS®**

## **APPEAL & HEARING POLICY**

The following are the Appeal & Hearing Policies of the Bullhead City / Mohave Valley Association of REALTORS®, from henceforth known as the Association. As new policies are created, or existing ones are abolished or modified, they will be presented to the Board of Directors for review, approval or disapproval. These policies will then be modified accordingly.

This Policy applies only to violations of the Association Bylaws or Policies. REALTOR® Code of Ethics violations, License Law violations or any other violation outside the scope of the Association's governing documents do not apply to this Policy.

The individual to which a fine or disciplinary action was issued for a violation of the Association Bylaws or Policies shall henceforth be known as the Member.

### **Policy 1 – Fine or Disciplinary Action**

Upon violation of the Association Bylaws or Policies, the Member shall be issued a fine or disciplinary action as determined by the offense.

- (A)** The Association shall notice the Member of the offense and take immediate action for discipline as appropriate and as determined by the Bylaws and/or Policies.
  - (i)** Association staff upholds the Bylaws and Policies as set forth by the Board of Directors and are not at liberty to waive or forego disciplinary action.
- (B)** The Member issued a fine or disciplinary action for violation of the Association Bylaws or Policies may file an appeal or request for a hearing as outlined in this Policy Statement, using the Appeal & Hearing Policy Form included in this Policy Statement. Such request must be submitted in writing within two (2) business days of the violation notice.
  - (i)** Should the Member request a hearing without an appeal, the decision of the Hearing Panel shall be final and no appeals can be made.
  - (ii)** An Appeal or Hearing shall be scheduled in accordance with the request made by the Member on the Appeal & Hearing Policy Form.
- (C)** Upon decision from an Appeal or Hearing, fines and/or disciplinary action must be satisfied in accordance with the Association Bylaws and Policies.
- (D)** The Appeal and or Hearing process are not bound to rules of evidence as applicable in courts of law, but shall afford all parties an opportunity to be heard.
- (E)** By using the Appeal and or Hearing process the Member waives the right to bring an action against the Association in any court.

## **Bullhead City / Mohave Valley Association of REALTORS®**

### **Policy 2 – Appeal Procedure**

The Member may appeal the fine or disciplinary action issued. The Appeal Procedure is as follows:

- (A)** Upon receipt of the fine/disciplinary action notice, the Member may submit an Appeal in writing within two (2) business days from the date of the notice. The written appeal must include, at minimum, the following for consideration:
  - (i)** The current Appeal & Hearing Policy Form, contained within this Policy, completed in full along with initialed copies of each page of the current Appeal & Hearing Policy of the Association.
    - (a)** The initials of the Member on each page of this Policy is accepted as an understanding of the Policies and Procedures as stated. The Member is encouraged to request clarification on anything contained herein before submitting the document for consideration.
  - (ii)** Information to be considered with the Appeal.
- (B)** The Appeal will be addressed by the Executive Committee within two (2) business days of receipt of the appeal documentation.
  - (i)** Fines or disciplinary action assessed for the violation may be suspended until a decision is issued on the Appeal.
  - (ii)** The Executive Committee will review the information provided regarding the violation including, but not limited to: the information which ensued the violation, relevant violations or complaints against the member within the last twelve months, relevant notices or warnings issued to the violating member within the last twelve months, and the information provided by the Member.
    - (a)** The Member may appear in person to address the Executive Committee prior to their decision on the Appeal.
  - (iii)** The Executive Committee may uphold, reduce or waive the fine or disciplinary action but may not increase the fine or severity of the disciplinary action.
  - (iv)** The decision of the Executive Committee shall take affect and be noticed to the Member following the meeting.
- (C)** Upon receipt of the outcome of the Appeal, the Member may request a Hearing.

# **Bullhead City / Mohave Valley Association of REALTORS®**

## **Policy 3 – Hearing Procedure**

The Member may request a Hearing for the fine or disciplinary action issued. The Member is afforded the opportunity to call on individuals to speak on their behalf regarding the issue at hand. Such individuals shall henceforth be known as Witnesses. The Hearing Procedure is as follows:

- (A)** Upon receipt of the fine/disciplinary action notice or the decision of an Appeal, the Member may submit a request for a Hearing in writing. The written request must be received by the Association within two (2) business days of the date of the notice or within 24 hours of the decision of an Appeal and include, at minimum, the following for consideration:
  - (i)** The current Appeal & Hearing Policy Form, contained within this Policy, completed in full along with initialed copies of each page of the current Appeal & Hearing Policy of the Association.
    - (a)** The initials of the Member on each page of this Policy is accepted as an understanding of the Policies and Procedures as stated. The Member is encouraged to request clarification on anything contained herein before submitting the document for consideration.
  - (ii)** Information to be considered with the Hearing, including the names, titles and written statements of Witnesses. Witnesses requested to speak after the initial request has been submitted must be noticed, with written statements from such Witnesses, to the Association at least seven (7) days before the Hearing.
- (B)** The Hearing will be scheduled within ten (10) days of receipt of the request for Hearing.
  - (i)** Fines or disciplinary action assessed for the violation may be suspended until a decision is issued at the Hearing except in the circumstance in which an Appeal decision had already been issued, in which case the Appeal decision is in effect until a Hearing decision is rendered; however, under no circumstance will the fine or disciplinary action be suspended for more than ten (10) days from receipt of the request for Hearing unless a Hearing Panel decision determines otherwise.
- (C)** The Hearing Panel will consist of five (5) REALTOR® Members of the Association, not currently licensed with the same company as the Member, selected as following:
  - (i)** Two (2) current Officers of the Board of Directors
  - (ii)** Two (2) Past Presidents from the last ten (10) years
  - (iii)** One (1) previous REALTOR® of the Year award recipient from the last five (5) years

## **Bullhead City / Mohave Valley Association of REALTORS®**

- (D)** The Hearing Panel will be provided with all relevant documentation seven (7) days prior to the Hearing.
- (ii)** The information provided regarding the violation may include: the information which ensued the violation, relevant violations or complaints against the member within the last twelve months, relevant notices or warnings issued to the violating member within the last twelve months, and the information provided by the Member.
- (E)** The Hearing:
- (i)** The Hearing Panel may deliberate for 15 minutes.
- (ii)** The Member is provided an opportunity to make a statement to the Hearing Panel.
- (iii)** Witness Statements: No more than one Witness may be present in the room at a time. The Member shall not be present during the statement and questioning of any Witness. After the Witness makes a statement, the Hearing Panel may ask questions. This will continue until all Witnesses have been addressed.
- (iv)** The Hearing Panel may ask questions of the Member. The Hearing Panel may readdress any Witness, therefore Witnesses are required to remain available until a decision is rendered.
- (v)** The Member may make a final statement to the Hearing Panel.
- (vi)** The Hearing Panel deliberates until a decision is made.
- (a)** The Hearing Panel may uphold, reduce or waive the fine or disciplinary action but may not increase the fine or severity of the disciplinary action as originally charged.
- (b)** The decision of the Hearing Panel is final and shall take affect and be noticed to the Member following the Hearing.
- (F)** Failure to Appear: If the Member fails to appear for the hearing, the Hearing Panel will automatically defer to the fine or disciplinary action initially assessed or, if an Appeal was done, the decision of the Appeal.

**Bullhead City / Mohave Valley Association of REALTORS®**

**APPEAL & HEARING POLICY FORM**

*Complete this form in full, initial each page of this Policy and remit all documents to the Association for consideration.*

*This form and supporting documents must be submitted to the Association within two (2) business days of your violation notice.*

Your Name: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Email Address: \_\_\_\_\_

Company Name: \_\_\_\_\_

~~~~~

Violation: \_\_\_\_\_

Date of Violation Notice: \_\_\_\_\_

Request for (check ONE):

**Appeal** to the Board of Directors

**Hearing** (forego Appeal or have already received an Appeal decision – *the Hearing Panel decision will be final with no recourse*)

If you selected **Appeal**:

1. I am attaching \_\_\_\_\_ (#) of pages of documentation to consider in my Appeal.
2. I (WOULD or WOULD NOT – *circle one*) like to appear in front of the Board of Directors for my Appeal.

If you selected **Hearing**:

1. I am attaching \_\_\_\_\_ (#) of pages of documentation to consider for my Hearing.

**Bullhead City / Mohave Valley Association of REALTORS®**

2. Please list the individuals you would like to invite to speak on your behalf (Witnesses) regarding this violation at the Hearing. *Note: Written statements from each individual listed below must be submitted with this request for Hearing.*

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

Name: \_\_\_\_\_ Relationship: \_\_\_\_\_

**Appeal or Hearing** - Comments/Supporting Information (Attach additional sheets if necessary):

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

*You will be notified once your documentation has been received by the Association. If you do not receive a response within 48 hours of submitting your information, please contact the Association Office to confirm receipt.*

---

Association Office Use: Received By: \_\_\_\_\_ Date: \_\_\_\_\_