

CITATION POLICY

Initial Review by Grievance Committee and Citation Panel

- I. When the Tallahassee Board of REALTORS® (“TBR”) Grievance Committee receives a written ethics complaint, it will review the complaint consistent with Part Three, Sections 19 and 20 of the current NAR Code of Ethics and Arbitration Manual (“CEAM”). The Grievance Committee may add or delete articles or respondents at this stage in the proceedings consistent with the procedures set forth in the CEAM.
- II. If the Grievance Committee determines that the complaint should be forwarded for a hearing, the Grievance Committee will forward the complaint to TBR’s Professional Standards Administrator to determine if the complaint includes alleged violations covered by TBR’s Citation Schedule; i.e., if there is a “citable offense.”
 - a. If the complaint does not include alleged violations included in TBR’s Citation Schedule, or if the complaint includes some alleged violations covered by TBR’s Citation Schedule and some alleged violations that are not, the complaint shall be referred to TBR’s Professional Standards Committee for a hearing consistent with the policies and procedures set forth in the CEAM for an ethics hearing.
 - b. If the complaint includes only alleged violations included in TBR’s Citation Schedule, TBR’s Professional Standards Administrator will issue a citation and impose discipline consistent with TBR’s Citation Schedule. In the event TBR’s Professional Standards Administrator determines the conduct described in the complaint is sufficiently egregious to warrant a hearing, rather than a citation, the complaint shall be referred to TBR’s Professional Standards Committee for an ethics hearing consistent with the policies and procedures set forth in the CEAM.
 - c. When an ethics complaint, and an arbitration request, arising out of the same facts and circumstances are filed at the same time, the arbitration hearing shall be held first, and the citation(s) issued or ethics hearing held after the conclusion of the arbitration hearing consistent with Professional Standards Policy Statement #35, Separation of Ethics Complaint and Arbitration Request found in the CEAM.

Issuance of Citations

- I. Citations will be emailed to respondents. A copy of the citation shall also be emailed to the REALTOR® principal of respondents’ office. If a respondent changes firms before or after the complaint is filed but before the citation is issued, both the former and current REALTOR® principal of the applicable respondent will receive a copy of the citation.
 - a. TBR’s Professional Standards Administrator will prepare a written summary of the complaint and the summary will be included with the citation to give the respondent sufficient information to understand the basis of the citation.
 - b. TBR’s Citation Policy and Schedule of Fines shall include the consistent practice of allowing the identity of the complainant, and the complaint itself, to be kept confidential and unavailable to the respondent. The complainant shall be advised

when filing a complaint that his/her identity will not remain confidential should a hearing be required before TBR's Professional Standards Committee.

- II. The respondent will have a period of twenty (20) days after TBR's transmittal of the citation to request a full due process hearing on the complaint (the "Hearing Request Period").
 - a. If the respondent does not reply within ten (10) days after TBR's transmittal of the citation, a notice shall be issued to the respondent reminding the respondent of the deadline for requesting a hearing.
 - b. If the respondent accepts the citation in writing, or if the respondent does not request a hearing prior to the expiration of the Hearing Request Period, this shall be deemed to be a final resolution of the complaint, which shall not be appealable or subject to any further review. A citation which has been accepted by the respondent, or a citation for which the respondent does not request a hearing prior to the expiration of the Hearing Request Period, shall be referred to herein as an "Accepted Citation."
 - c. With respect to any Accepted Citation, payment must be received by TBR from the respondent no later than five (5) days after the earlier to occur of the following: (1) the date TBR receives written acceptance of the citation by the respondent or (2) the expiration of the Hearing Request Period.
 - i. The case will be deemed to be closed upon receipt of payment, and written notice will be provided to the complainant that an Accepted Citation has been issued and paid.
 - ii. A respondent's failure to pay the citation amount within the time specified in subsection II(c) above, will result in the automatic suspension of TBR membership, including all membership rights and privileges and denial of all TBR services, with no action required by the Board of Directors until the citation has been paid. Additionally, failure to pay the citation amount within five (5) days will result in the automatic termination of MLS until such time as the citation is paid, with no action required by the Board of Directors.
 - d. If the respondent requests a hearing within the Hearing Request Period, the complaint shall be referred to the Professional Standards Committee for a hearing. The complainant who initially filed the complaint shall be given the option to proceed as the complainant for the purposes of the hearing and will be afforded all due process rights provided for in the CEAM. Should the complainant be a member of the public who refuses or is unable to participate in the hearing, or should the complainant be a REALTOR® member who refuses or is unable to participate in the hearing, the provisions of Part Four, Section 21(f)(3) in the CEAM shall apply.

Limitations

- I. There are no limitations to fines accumulated by a REALTOR® and multiple violations of any citable Standard of Practice (SOP) are considered a repeated offense and will be fined accordingly.
- II. The fact that a respondent has previously been issued a citation for any violation – whether or not it was paid – shall not be admissible in any ethics or arbitration hearing, including a hearing to consider a complaint where the respondent rejected a citation and requested a hearing. A hearing panel may consider citations previously issued to the respondent for the purpose of determining appropriate discipline as provided in the Citation Schedule below.
- III. Citations will not be considered in any publication of violations should such rules be adopted by the Association.
- IV. Where a hearing panel finds a violation of the Code of Ethics after a hearing, it may consider past citations in determining an appropriate sanction only if the citation was issued for the same violation at issue in the hearing. Hearing panels will not be informed of past citations for other violations
- V. An Association Professional Standards Administrator will track the number of citations issued, the number of citations paid, and the violations for which citations were issued. This information may be provided in the aggregate to the Board of Directors annually, but will not include details about the complaints, nor identify the complainants or respondents.

CITATION SCHEDULE		
\$250 - first violation	\$500 - second violation	\$1,000 - third violation

Along with fine, all violations will require completion of a Code of Ethics course in person within 90 days of citation.

ARTICLE 1
SOP 1-6: Failure to submit offers and counteroffers objectively and as quickly as possible
SOP 1-16: Accessing or using or allowing others to access or use a property managed or listed on terms other than those authorized by the owner or seller
ARTICLE 3
SOP 3-2: Failure to communicate a change in compensation for cooperative services prior to the time that REALTOR® submits an offer to purchase/lease the property
SOP 3-2: As a listing broker, attempting to unilaterally modify the offered compensation with respect to a cooperative transaction after a REALTOR® has submitted an offer to purchase or lease that property
SOP 3-4: Failing to disclose existence of dual or variable rate commission arrangements
SOP 3-4: Failure to disclose to cooperating brokers differential that would result in dual or variable rate commission arrangement if sale/lease results through efforts of seller/landlord

SOP 3-6: Failing to disclose existence of accepted offers, including offers with unresolved contingencies, to cooperating brokers
SOP 3-8: Misrepresenting the availability of access to show or inspect a listed property
SOP 3-9: Providing access to listed property on terms other than those established by the owner or the listing broker
ARTICLE 4
Failing to disclose REALTOR®'s ownership or other interest in writing to the purchaser or their representative
ARTICLE 5
Providing professional services without disclosing REALTOR®'s present interest in property (limited to present interest, not contemplated)
ARTICLE 6
Accepting any commission, rebate, or profit on expenditures without client's knowledge or consent
Failure to disclose to a client or customer REALTOR®'s financial benefits or fees received as a direct result of recommending real estate products or services
SOP 6-1: Failure to disclose REALTOR®'s direct interest in an organization or business entity when recommending to a client or customer that they use the services of that organization or business entity
ARTICLE 12
Failing to present a true picture in real estate communications and advertising
Failing to disclose status as real estate professional in advertising and other representations
SOP 12-1: Failure to provide all terms governing availability of a "free" product or service in an advertisement or other representation
SOP 12-4: Advertising property for sale/lease without authority of owner or listing broker
SOP 12-5: Failing to disclose name of firm in advertisement for listed property
SOP 12-6: Failing to disclose status as both owner/landlord and REALTOR® or licensee when advertising property in which REALTOR® has ownership interest
SOP 12-7: Falsely claiming to have "sold" property
SOP 12-8: Failure to take corrective action when it becomes apparent that information on a REALTOR®'s website is no longer current or accurate
SOP 12-9: Failure to disclose firm name and state of licensure on REALTOR® firm website
SOP 12-10: Misleading consumers through deceptive framing, manipulating content, deceptively diverting internet traffic, or presenting other's content without attribution or permission
SOP 12-12: Registering or using of deceptive URL or domain name
SOP 12-13: Representing that the REALTOR® has a designation, certification, or other credential they are not entitled to use
ARTICLE 16
SOP 16-19: Placing for sale/lease sign on property without permission of seller/landlord