

CALIFORNIA ASSOCIATION OF REALTORS®

# DISCIPLINARY FORMS
# 2026

**Prepared by the**
**CALIFORNIA ASSOCIATION OF REALTORS®**
**Corporate Legal Department**
**915 L Street, #1460**
**Sacramento, CA 95814**

# DISCIPLINARY FORMS
# TABLE OF CONTENTS


*Grievance Committee Review Checklist*.....G-1
*Grievance Committee Report*.....G-2
*Notice of Availability of Review of Grievance Committee's Decision*.....G-3
*Request for Review of Grievance Committee's Decision*.....G-4
*Action of Directors Upon Request of Review of Grievance Committee's Decision*.....G-5
*Complaint*.....D-1
*Notice to Respondent*.....D-2
*Notice to Respondent (EA)*.....D-2A
*Response*.....D-3
*Notice of Right to Challenge Panel Members and Availability For Hearing*.....D-4
*Reasons for Challenge - Panel Member*.....D-5
*Notice of Hearing*.....D-6
*Certificate of Qualification - Panel Member*.....D-7
*Outline of Procedure for Hearing*.....D-8
*Acknowledgment of Receipt of Outline of Procedure*.....D-9
*Other Action of Hearing Panel*.....D-10
*Decision and Findings of Fact*.....D-11
*Recommendations of Hearing Panel*.....D-12
*Notice of Availability of Rehearing and Review*.....D-13
*Request for Duplication of Tape Recording*.....D-14
*Guidance for Disciplining Designated REALTORS® and Brokers*.....D-15
*Disposition of Citation Reconsideration*.....D-16
*Request for Review*.....D-17
*Notice of Request for Review*.....D-18
*Reply to Request*.....D-19
*Notice of Review Hearing*.....D-20
*Action Upon Review*.....D-21
*Action if no Request for Review*.....D-22
*Request for Ethics Advocate*.....D-23
*Ethics Advocate Acceptance*.....D-23A
*Ethics Advocate Communication Preference*.....D-23B
*Submission of Photo for Discipline Publication*.....D-24
*Agreement for Hearing by Two Panelists*.....D-25
*Notice of Additional Attendees for Hearing*.....D-26
*Roles of Professional Standards Volunteers*.....D-27
*Standard of Practice 10-5 Guidelines*.....D-28

# GRIEVANCE COMMITTEE CHECKLIST

## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

This checklist is designed to assist the Grievance Committee when reviewing disciplinary complaints filed with the Association. While this checklist covers many issues that commonly arise when reviewing complaints, it is not meant to be exhaustive of all the factors the Grievance Committee may need to consider when reviewing a complaint. Before any Grievance Committee member participates in the review of a complaint, the Chairperson should make sure that each member is qualified to participate in the review and that each member signs Form D-7, which certifies that there is no reason for his or her disqualification.

**Note:** The function of the Grievance Committee is to make a preliminary review and evaluation of the complaint to determine whether the complaint warrants a hearing for further consideration by the Professional Standards Committee. The Grievance Committee does not conduct outside investigations or hearings nor does it determine guilt or innocence. Instead, the Grievance Committee assumes the facts stated are true and screens out any complaints that are frivolous or that otherwise fail to support an alleged violation of an association and/or MLS duty.

**Check List of Major Considerations**

- ☐ Are the persons named in the complaint members of the Association and/or participants/subscribers of the Association's MLS? The Association does not have jurisdiction to process complaints against nonmembers.
- ☐ Is the complaint in proper form? Is it submitted on Form D-1? Does it include an exhibit which describes in sufficient detail the conduct that occurred and how that conduct violated the cited association and/or MLS duties? If not, the complaint should be returned to the complainant(s) with directions to resubmit it accordingly.
- ☐ Assuming the facts alleged are true, does the conduct violate the Code of Ethics, MLS rule(s), and or membership duties cited by the complainant? If not, the complaint should be dismissed. If so, the complaint should be forwarded for hearing before the Professional Standards Committee.
- ☐ Should any Articles, MLS rules, or membership duties be DELETED?
- ☐ Should any Articles, MLS rules, or membership duties be ADDED?
- ☐ Should additional respondents be named? Should the designated REALTOR® or the MLS participant be named, if not already? Note: If the Grievance Committee adds additional respondents and the complainant does not agree the Grievance Committee will have to join as a co-complainant and proceed against such respondents.
- ☐ Should any respondents be dismissed from the complaint?
- ☐ Are there any other complaints involving the same set of facts and circumstances with the Association? If so, should this complaint be combined with the other complaints?
- ☐ Does this complaint qualify for a Citation?

Copyright ©2022 CALIFORNIA ASSOCIATION OF REALTORS®

# GRIEVANCE COMMITTEE REPORT

## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

The Grievance Committee met and considered the above-referenced matter on _____.
(insert date)

- ☐ The complaint was filed by the complainants named above.
- ☐ The complaint was initiated and filed by the Grievance Committee.
- ☐ The Board of Directors instructed the Grievance Committee to investigate the matter.
- ☐ The complaint was referred back to the Grievance Committee after being withdrawn by the complainant.

**Disposition of Complaint**

Upon review, the decision of the Grievance Committee is to:

- ☐ Refer the complaint as filed for a hearing before the Professional Standards Committee.
- ☐ Refer for the complaint for a hearing with the following amendments:
- ☐ Add Article(s): _____ MLS rule(s): _____ Membership Duty: _____

  **NOTE: Grievance Committee must attach a description of the facts upon which any additional Code of Ethics Article, MLS Rule, or Membership Duty allegations are based.**
- ☐ Delete Article(s): _____ MLS rules(s):_____ Membership Duty: _____
- ☐ ADD the following respondent(s): _____
- ☐ DELETE the following respondent(s): _____
- ☐ Dismiss the complaint.
- ☐ Refer the complaint for mediation and/or arbitration.

_____, Presiding Officer
Signature

_____
Type or Print Name

Copyright© 2024 CALIFORNIA ASSOCIATION OF REALTORS®

## NOTICE OF AVAILABILITY OF REVIEW OF GRIEVANCE COMMITTEE DECISION

## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

You have the right to request a review of the Grievance Committee's decision by the Association's Board of Directors, or an appointed review Panel, if the Grievance Committee decided:

1) To dismiss the complaint;

2) To delete an alleged violation of an Article, MLS rule, or membership duty from the complaint; or

3) To delete a respondent from the complaint.

If you wish to exercise this right, you must file your request in writing with the Association within ten (10) calendar days from the date indicated below. Attached is Form G-4 for this purpose.

Please note that in considering a request for review of the Grievance Committee's decision, the Board of Directors or appointed review Panel, will consider the documentation submitted with the complaint to the Grievance Committee, along with any additional statement you may wish to submit that explains why you disagree with the Grievance Committee's decision. Also, no hearing will be scheduled for this limited review and you do not have the right to be present at the review.

Any decision by the Board of Directors to affirm to the Grievance Committee's decision shall be considered final.

Date:_____

Copyright© 2022 CALIFORNIA ASSOCIATION OF REALTORS®

# REQUEST FOR REVIEW OF
# GRIEVANCE COMMITTEE'S DECISION

## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

To the Board of Directors or appointed review Panel:

1. In the above referenced matter, the Grievance Committee decided to:

   ☐ Dismiss the complaint

   ☐ Delete Article(s) _____ of the Code of Ethics and/or Section(s) _____ of the MLS Rules and/or other membership duty (specify): _____
   _____

   ☐ Delete the following respondent(s) from the complaint:_____

2. I (we) feel the Grievance Committee erred in its decision as specified above. Accordingly, I request a review of the Grievance Committee's decision.

3. I understand that the Board of Directors or appointed review Panel will base their decision only on the documentation I submitted to the Grievance Committee with my complaint and any additional written statement I may wish to submit, explaining why I disagree with the Grievance Committee's decision. I also understand that I do not have the right to be present during the review. I further understand that a decision by the Board of Directors or review Panel to affirm the decision of the Grievance Committee is final.

Dated: _____ at _____, California.

| | |
|---|---|
| _____ | _____ |
| Signature | Signature |
| _____ | _____ |
| Name (Type or Print) | Name (Type or Print) |
| _____ | _____ |
| Street Address | Street Address |
| _____ | _____ |
| City, State, Zip | City, State, Zip |
| _____ | _____ |
| Phone | Phone |

Copyright© 2022 CALIFORNIA ASSOCIATION OF REALTORS®

## GRIEVANCE COMMITTEE'S DECISION

## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

In response to a request by one or more of the complainants, the decision of the Grievance Committee in the above referenced disciplinary matter was considered by the Board of Directors or appointed review Panel on _____, 20____. Upon consideration:

☐ The decision of the Grievance Committee to dismiss the complaint is:

☐ Affirmed.

☐ Overturned. The complaint is forwarded for hearing.

☐ Overturned. The complaint is forwarded for hearing, except that the following shall be deleted:

Articles _____ of the Code of Ethics;
Sections _____ of the MLS rules; and/or
other membership duty: _____

☐ The decision of the Grievance Committee to delete:

Articles _____ of the Code of Ethics; and/or
Sections _____ of the MLS rules; and/or
other membership duty is (specify) _____; and/or
The following respondent:_____

☐ Affirmed. The complaint is forwarded for hearing as amended by the Grievance Committee

☐ Overturned. The complaint is forwarded for hearing.

Dated: _____

By: _____
Signature

_____, President or Presiding Officer
Type or Print Name and Title

Copyright© 2022 CALIFORNIA ASSOCIATION OF REALTORS®

# DISCIPLINARY COMPLAINT
# _____ ASSOCIATION OF REALTORS®

For Association Use Only
Case No. _____
Complaint Received: _____, 20_____

**1.** I (we), the undersigned complainant(s), hereby allege that the following persons have engaged in conduct subject to disciplinary action by the Association:

**RESPONDENT(S):**

(1)_____
Name (Type or Print)_____

Firm _____

DRE Number _____

_____
Street Address

_____
City, State, Zip

(2)_____
Name (Type or Print)_____

Firm _____

DRE Number _____

_____
Street Address

_____
City, State, Zip

**RESPONDENT(S):**

(3)_____
Name of Manager (Type or Print)_____

Firm _____

DRE Number _____

_____
Street Address

_____
City, State, Zip

(4)_____
Name (Type or Print)_____

Firm _____

DRE Number _____

_____
Street Address

_____
City, State, Zip

2. The above named respondent (s) have violated the following: **(Note: You may also choose not to select any of the options below and instead allow the Grievance Committee to decide the proper allegations.)**
Code of Ethics violations:

- ☐ Article 1: REALTORS® owe a fiduciary duty to their clients.
- ☐ Article 2: REALTORS® must avoid concealment of pertinent facts.
- ☐ Article 3: REALTORS® must cooperate with other brokers.
- ☐ Article 4: REALTORS® must disclose any interest they have in a property they are buying or selling.
- ☐ Article 5: REALTORS® must disclose any contemplated interest they have in property for which they are providing professional services.
- ☐ Article 6: REALTORS® cannot accept profit on expenditures made for their client or recommendations to their client without disclosure.
- ☐ Article 7: REALTORS® must disclose and obtain consent to accept compensation from more than one party.
- ☐ Article 8: REALTORS® must keep a trust account for clients' funds.

☐ Article 9: REALTORS® must ensure that all agreements are in writing and clear.

☐ Article 10: REALTORS® must not discriminate in their business on the basis of race, color, religion, sex, disability, familial status, national origin, sexual orientation, or gender identity.

☐ Article 11: REALTORS® must provide competent service.

☐ Article 12: REALTORS® must be honest in their real estate communications and present a true picture in advertising.

☐ Article 13: REALTORS® must not engage in the unauthorized practice of law.

☐ Article 14: REALTORS® must cooperate in professional standards proceedings.

☐ Article 15: REALTORS® must not knowingly or recklessly make false or misleading statements about competitors.

☐ Article 16: REALTORS® must not interfere with the exclusive representation agreements of other REALTORS®.

☐ Article 17; REALTORS® must arbitrate contractual disputes and certain non-contractual disputes arising out of the real estate business.

☐ Section(s) _____ of the MLS Rules and Regulations

☐ Other membership duty as set forth in the bylaws of the Association (specify):

3. The facts and circumstances supporting the above allegation(s) are detailed in the attached statement marked "Exhibit 1," which is hereby incorporated by reference and made part of this complaint.

4. I am informed that the named respondent(s) are current REALTOR® members of the Association and/or participants/subscribers in the MLS or that the property at issue is located within the jurisdiction of this Association.

5. Date of knowledge of alleged misconduct is _____. Date of the closing or conclusion of the transaction, if applicable is _____. This complaint, meeting all filing requirements, must be filed within 180 calendar days after the alleged offense and facts relating to it could have been known by the complainant in the exercise of reasonable diligence or one hundred eighty (180) days after the conclusion of the transaction, or event, whichever is later.

6. Are the circumstances giving rise to this complaint, or the respondents in this case, involved in a civil or criminal proceeding or in any proceeding before a governmental agency?
YES_____ NO_____ If you answered yes, please attach a written statement of explanation.

7. Have you filed, or do you plan to file a similar or related complaint with another Association of REALTORS®?
YES_____ NO_____ If you answered yes, please attach a written statement of explanation.

8. I understand there will be a recording of any full disciplinary hearing. I understand that the recording is subject to the rules of confidentiality and is made solely for the purpose of a Review by the Association Board of Directors, if one is requested.

9. I will be represented by an attorney, whose name, address, telephone number, and email address are:

_____

_____

_____

10. I agree to abide by the rules and procedures used by this Association to conduct disciplinary hearings. I understand that the proceedings regarding this matter will be kept confidential and that I have an obligation to maintain and protect this confidentiality.

**Under the penalties of perjury, I declare that to the best of my knowledge and belief my allegations in this complaint are true and correct.**

**Dated: _____ at _____, California**

**COMPLAINANT(S):**

(1)_____
Signature

_____
Name (Type or Print)

_____
DRE Number (if applicable)

_____
Firm (if applicable)

_____
Street Address

_____
City, State, Zip

_____
Phone email

**COMPLAINANT(S):**

(3)_____
Signature

_____
Name (Type or Print)

_____
DRE Number (if applicable)

_____
Firm (if applicable)

_____
Street Address

_____
City, State, Zip

_____
Phone email

(2)_____
Signature

_____
Name (Type or Print)

_____
DRE Number (if applicable)

_____
Firm (if applicable)

_____
Street Address

_____
City, State, Zip

_____
Phone email

(4)_____
Signature

_____
Name (Type or Print)

_____
DRE Number (if applicable)

_____
Firm (if applicable)

_____
Street Address

_____
City, State, Zip

_____
Phone email

Copyright© 2025 CALIFORNIA ASSOCIATION OF REALTORS®

## NOTICE TO RESPONDENT
## DISCIPLINARY HEARING

## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

To:_____
Respondent(s)

Attached to this notice is a copy of a disciplinary complaint filed with this Association which names you as a respondent. The complaint alleges violations of the Code of Ethics, MLS rules or other membership and MLS duties. The complaint was reviewed by the Grievance Committee and referred for hearing before a panel of the Professional Standards Committee.

This matter will be processed by the Association in accordance with the rules and procedures of the Association. Please be advised that the proceedings regarding this matter must be kept confidential and that you have an obligation to maintain and protect this confidentiality. Under these rules, you have fifteen (15) calendar days from the date below in which to mail or file a written response to this complaint with the Association. Attached is a blank response Form D-3 for your use.

If you intend to file a written response, please include one (1) original and _____ copies for the other parties and the hearing Panel.

Dated: _____

_____
Signature
_____, Association Executive or Authorized Designee
Type or Print

Please mail or file response to:

_____ASSOCIATION OF REALTORS®

Attn: _____

Address _____

City, State, Zip_____

Copyright© 2019 CALIFORNIA ASSOCIATION OF REALTORS®

# NOTICE TO RESPONDENT
# DISCIPLINARY HEARING (EA)
# _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

To:_____
Respondent(s)

Attached to this notice is a copy of a disciplinary complaint filed with this Association which names you as a respondent. The complaint alleges violations of the Code of Ethics, MLS rules or other membership and MLS duties. The complaint was reviewed by the Grievance Committee and referred for hearing before a panel of the Professional Standards Committee.

**If you desire assistance with completion of the Response Form (Form D-3),** enclosed you will find the names of several Ethics Advocates ("EA") (Form D-23A). The EA will help you complete the disciplinary response and other required forms. In addition, at your option, the EA can represent you at any hearings that may be held in connection with this case and assist you through the hearing procedures. **There is no cost for the use of an EA.** If you wish the assistance of an EA, please complete and return:

Request for Ethics Advocate (Form D-23)
Ethics Advocate Acceptance (Form D-23A)
EA Communication Preference (Form D-23B)

**Please Note: In order to use the services of an EA, you must agree to hold the Association harmless and waive any claim for liability against the Association or the EA for the conduct of the EA in assisting you.** If you refuse to hold the Association harmless, no EA will be able to assist you. Additionally, if you use the services of an EA, you will still be required to attend any hearings that take place.

If you do not wish the assistance of an EA, there is no need to return Forms D-23, D-23A and D-23B.

The Complainant _____has _____ has not elected the assistance of an EA, at this time.

This matter will be processed by the Association in accordance with the rules and procedures of the Association. Please be advised that the proceedings regarding this matter must be kept confidential and that you have an obligation to maintain and protect this confidentiality. Under these rules, you have fifteen (15) calendar days from the date specified below in which to mail or file a written response to this complaint with the Association. Attached is a blank response Form D-3 for your use.

If you intend to file a written response, please include one (1) original and _____ copies for the other parties and the hearing Panel.

Dated: _____

_____
Signature
_____, Association Executive or Authorized Designee
(Type or Print)

Please mail or file response to:
ASSOCIATION OF REALTORS®
Attn: _____
Address _____
City, State, Zip_____

Copyright© 2019 CALIFORNIA ASSOCIATION OF REALTORS®

**D-2A**

## RESPONSE DISCIPLINARY HEARING

## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

1. I (we), the undersigned respondent(s), respond to the complaint and substantiate my response as set forth in the attached statement marked "Exhibit A," which is hereby incorporated by reference and made part of this response.
2. I understand there will be a recording of the disciplinary hearing. I understand that I may purchase a copy of the recording solely for the purpose of requesting a review of the hearing decision by the Association's Board of Directors.
3. I understand that the proceedings regarding this matter will be kept confidential and that I have an obligation to maintain and protect this confidentiality. I understand that C.A.R. will publish my name, photo, and the decision rendered only if I am found in violation and I am disciplined with a Letter of Reprimand, Fine, Suspension, or Expulsion. If I receive such discipline for a violation, I understand that I am required to submit a photo and grant permission for its publication. I also understand that the Association may publish my name, photo, and the decision rendered pursuant to its publication policy.
4. I understand that I must abide by the rules and procedures used by the Association to conduct disciplinary hearings, a copy of which has been provided to me for my review and use.
5. I understand that if I am found in violation, in addition to any discipline that may be imposed, I may be subject to an administrative processing fee of _____.
6. I hereby affirm that the facts and circumstances and the parties in this matter are not related to any pending civil litigation matter or criminal investigation, including proceeding before a governmental regulatory agency. If I am unable to make this affirmation, I have attached a written statement describing the pending matter on a separate sheet of paper and have included it with this response.
7. I will be represented by an attorney, whose name, address, telephone number, and email address are:

   _____

   _____

   _____
8. Under the penalties of perjury, I declare that to the best of my knowledge and belief that my statements in this response are true and correct.

Dated: _____ at _____, California

**RESPONDENT(S):**

_____
Signature

_____
Name (Type or Print)

_____
Name of Firm

_____
Street Address

_____
City, State, Zip

_____
Phone email

**RESPONDENT(S):**

_____
Signature

_____
Name (Type or Print)

_____
Name of Firm

_____
Street Address

_____
City, State, Zip

_____
Phone email

Copyright© 2019 CALIFORNIA ASSOCIATION OF REALTORS®

# NOTICE OF RIGHT TO CHALLENGE PANEL MEMBER AND AVAILABILITY FOR HEARING DISCIPLINARY ACTION
# _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

**Right to Challenge Panel Members**

All parties to this matter have the right to challenge any potential hearing Panel member for this matter. Challenges must be in writing, state the alleged basis for the challenge and be submitted within the time frame indicated below. The following persons listed below or on the attached list are eligible to serve as Panel members for the hearing and may be selected to serve on the Panel. Please check the appropriate box below.

_____

_____

_____

☐ I have no objection to the any of the above Panel members.

☐ I object to one or more Panel members and have included Form D-5 detailing the basis for the challenge.

**Availability for Hearing**

The hearing for the above referenced matter will be set between _____ and _____. Please indicate below the dates during this time period on which you would **NOT** be available for the hearing. The hearing will be set on a date that all parties have indicated is available. Once the hearing date is set, it will not be rescheduled unless a party requests a continuance, can demonstrate good cause for the continuance, and all parties can agree to a new hearing date. The Association will only consider continuance requests that are in writing and include the appropriate fees.

I WILL **NOT** BE AVAILABLE ON THE FOLLOWING DATES:

_____

**Consent Deemed**

If this form is not returned within ten (10) calendar days of the date it was mailed, it will be deemed that you consent to any of the named Panel members or any of the dates within the above mentioned time frame. Once the hearing date is set, it will not be rescheduled unless the person requesting a new date files a written request for a continuance and can demonstrate good cause for granting the continuance. The Association will not consider continuance requests for rescheduling if they are not in writing and set forth the reasons for the request.

Dated: _____

_____
Party's Signature

_____
Party's Name (Type or Print)

Copyright© 2018 CALIFORNIA ASSOCIATION OF REALTORS®

# REASONS FOR CHALLENGE
# QUALIFICATION OF HEARING PANEL MEMBER DISCIPLINARY ACTION
# _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

I (we), as party to the matter referenced above, hereby challenge the qualification of the following named individual(s) as a Panel member(s) for the following reason(s). I understand that all challenges must be for cause.

Panel Member Challenged: _____

Reason(s):_____

_____

_____

Panel Member Challenged: _____

Reason(s):_____

_____

_____

Panel Member Challenged: _____

Reason(s):_____

_____

_____

*Use additional pages as required to list additional challenges and/or reasons for the challenge.

Dated: _____

_____
Party's Signature

_____
Party's Name (Type or Print)

Copyright© 2015 CALIFORNIA ASSOCIATION OF REALTORS®

# NOTICE OF HEARING DISCIPLINARY ACTION
# _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

All parties are hereby notified that the hearing for the above referenced matter has been scheduled for:

Date: _____

Time: _____

Location: _____

Address: _____

The appointed Panel members in this case are:

_____, PRESIDING OFFICER

_____, PANEL MEMBER

_____, PANEL MEMBER

_____, ALTERNATE PANEL MEMBER

Any party may be represented by legal counsel and/or a REALTOR® at the hearing. If a party intends to be represented, the party must give written notice to the other parties and the hearing Panel at least fifteen (15) calendar days before the hearing. The notice must include the name, address and phone number of the representative. Failure to provide notice as required does not invalidate a party's right to be represented, but may result in the hearing Panel granting a continuance to allow the other parties the ability to seek and obtain representation. If a continuance is granted due to a failure to give timely notice of representation, a continuance fee will be assessed to the party failing to give notice.

Each party shall be responsible for the attendance of his or her witnesses at the hearing.

Exchange of evidence prior to the hearing is not mandatory. However, parties are strongly encouraged to do so to avoid unnecessary continuances or delays.

The parties shall not discuss or attempt to discuss the case with any hearing Panel member except during the hearing.

Dated: _____

Signature_____,

_____, Association Executive or authorized designee
Type/Print Name

Copyright© 2020 CALIFORNIA ASSOCIATION OF REALTORS®

## CERTIFICATE OF QUALIFICATION DISCIPLINARY ACTION
## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

**REASONS FOR DISQUALIFICATION:**

A member of a Panel is automatically disqualified from serving on the hearing Panel for this case for any of the following reasons:

(A) there is more than one Panel member connected with the same firm, business, partnership or corporation;
(B) a Panel member is related by blood or marriage to any party;
(C) a Panel member is an employer, partner, employee, or in any way associated in business with any party; or
(D) a Panel member is a party to the hearing.

In addition, a member of a hearing Panel must disqualify his or herself if there are facts and circumstances which might create a reasonable impression that the member is biased or incapable of serving impartially on the matter.

We, the undersigned members of a hearing Panel, do hereby certify that (1) we are not disqualified from serving on the Panel for any of the reasons stated herein, and (2) we know of no other reason that a reasonable objective third-party would believe would prevent us from rendering an impartial decision in this matter.

Dated: _____

_____ _____

_____ _____

_____ _____

_____ _____

_____ _____

Copyright© 2015 CALIFORNIA ASSOCIATION OF REALTORS®

# OUTLINE OF PROCEDURE FOR HEARING FOR DISCIPLINARY ACTION
# _____ ASSOCIATION OF REALTORS®

In accordance with the rules and procedures used by the Association for disciplinary hearings, a Presiding Officer has been selected for the hearing. The Presiding Officer is responsible for conducting the hearing and maintaining its proper decorum. The Presiding Officer can require any procedures for the hearing that are not inconsistent with the Association's rules and procedures for disciplinary matters. Although testimony provided in person before a Hearing Panel is preferred, parties and witnesses to disciplinary hearings may be permitted to participate in hearings by teleconference or videoconference at the discretion of the Hearing Panel Chair.

If the parties have objections or suggestions regarding the procedure to be used for the hearing, they should be made at the commencement of the hearing and the Presiding Officer will rule thereon. Otherwise, the general hearing procedures will be as follows:

1. Each party will be given the opportunity of making an opening statement. If the respondent wishes to wait until conclusion of the complainant's evidence, that will be permitted.
2. Prior to the giving of testimony, all parties and witnesses will be sworn by the Presiding Officer.
3. All parties may present any documents, evidence, or give such testimony they feel is relevant and applicable to the matter being heard. Any objections regarding relevance or appropriateness will be determined by the Presiding Officer. Parties are encouraged to provide any and all documents and evidence they intend to introduce during the hearing to the other party(ies) and to the Association prior to the day of the hearing. Providing documents and evidence in advance can expedite the hearing process and prevent costly, unnecessary continuances.
4. No testimony will be allowed relating to the character or general reputation of anyone, unless such testimony has a direct bearing on the matter being heard.
5. At the conclusion of a party's witness testifying, the other parties will be given an opportunity to cross-examine the witness.
6. Witnesses may only be present during the hearing while testifying and will be excused from the hearing room after giving testimony.
7. Members of the hearing Panel may question the parties and their witnesses at any time during the hearing.
8. Upon completion of the presentation of evidence and testimony, each party will be given an opportunity to make a closing statement. Usually, the complainant will be first followed by the respondent.
9. The hearing will be recorded by the Association. Copies of the recording will be made available to the parties for purchase but only for the purpose of filing a review with the Association's Board of Directors. **Parties may not record the hearing.**
10. The hearing and decision is confidential. All parties to the hearing have an obligation to maintain and protect this confidentiality.
11. At any time during the hearing, the complaint may be amended either by the complainant or upon motion of the hearing Panel. The hearing Panel may disallow the requested amendment and proceed to hear the original complaint. If the amended complaint is allowed, the amended complaint shall be filed in writing, signed by the complainant or by the Presiding Officer, a copy given to the respondent, and a continuance granted if requested by a party.

The foregoing is not intended to prevent other procedures from being used for the hearing that are otherwise consistent with the Association's rules and procedures and acceptable to the hearing Panel. All parties and their attorneys are reminded that the hearing Panel is not bound by formal rules of evidence as may be applied in a court of law. As such, the hearing Panel has broad discretion regarding the evidence and testimony it will allow to be presented. The primary goal of the hearing Panel is to hear all relevant facts and circumstances regarding the matter in order to make a decision that is fair to all parties

Copyright© 2024 CALIFORNIA ASSOCIATION OF REALTORS®

## ACKNOWLEDGMENT OF RECEIPT OF OUTLINE OF PROCEDURE DISCIPLINARY ACTION
## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

I acknowledge having received a written statement containing the outline of procedures for the above referenced disciplinary matter.

☐ I have read the Outline of Procedure, understand it and have no objection to it.

☐ I have read the Outline of Procedure, understand it and object to it. I request the following changes or additions [please indicate if changes are requested by complainant(s) or respondent(s)]:

_____

_____

_____

_____

_____
(Use additional pages if necessary)

Dated: _____

**COMPLAINANT(S):**

_____
Signature

_____
Name (Type or Print)

_____
Signature

_____
Name (Type or Print)

IF APPLICABLE

_____
Representative for Complainant(s)

**RESPONDENT(S):**

_____
Signature

_____
Name (Type or Print)

_____
Signature

_____
Name (Type or Print)

_____
Representative for Respondent(s)

Copyright© 2018 CALIFORNIA ASSOCIATION OF REALTORS®

## OTHER ACTION OF HEARING PANEL DISCIPLINARY ACTION
## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

In the above referenced disciplinary matter, we, the hearing Panel:

- ☐ Dismiss the complaint due to the complainant's failure to appear.
- ☐ Dismiss the complaint due to finding that the complaint was not timely filed.
- ☐ Refer the complaint back to the Grievance Committee due to the complainant's failure to appear.
- ☐ Refer the complaint back to the Grievance Committee due to the complainant's decision to withdraw the complaint.
- ☐ Dismiss the complaint due to complainant's decision to withdraw the complaint.
- ☐ Grant a continuance of the hearing. The hearing will reconvene on _____, 20____, at _____, ___.m.

We have not made a determination on the merits of the above case.

Dated: _____

Signed: _____, PRESIDING OFFICER

_____, PANEL MEMBER

_____, PANEL MEMBER

Copyright© 2021 CALIFORNIA ASSOCIATION OF REALTORS®

# DECISION AND FINDINGS OF FACT DISCIPLINARY ACTION
# _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent

## Please complete a separate form for each named Respondent

**Decision**

We, the hearing Panel, were duly appointed to hear and determine the disciplinary complaint in the above referenced matter.

On _____, _____, 20 _____, at_____
(day of the week) (date) (year) (time)

_____.
(place and address of hearing)

We convened a hearing and proceeded to hear the evidence, proofs, and arguments of the parties to this complaint. Having heard such evidence, proofs, and arguments, we hereby find that the named respondent: _____is:

- ☐ in violation of Article(s) _____ of the Code of Ethics;
- ☐ not in violation of Article(s) of the Code of Ethics.
- ☐ in violation of Section(s) _____ of the MLS Rules and Regulations;
- ☐ not in violation of Section(s) _____of the MLS Rules and Regulations.
- ☐ in violation of membership duty
  _____
- ☐ not in violation of membership duty
  _____

**Findings of Fact**

Our decision is based on the following Findings of Fact (or attached sheet):

Copyright© 2018 CALIFORNIA ASSOCIATION OF REALTORS®

## RECOMMENDATIONS OF HEARING PANEL DISCIPLINARY ACTION
## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent

**Please complete a separate form for each named Respondent**

Based on the decision and findings of fact (Form D-11) rendered by the undersigned hearing Panel, which are attached hereto and incorporated by reference to these recommendations, we the hearing Panel make the following recommendations to the Board of Directors for discipline.

☐ **No discipline recommended**. (if decision was no violation(s)).

☐ **Warning**. Place a Letter of Warning in Member/Participant/Subscriber file for _____ (length of time – at least three (3) years).

☐ **Reprimand***. Place a Letter of Reprimand in member/participant/subscriber file for _____ (length of time - at least three (3) years).

☐ **Fine***. Fine in the amount of: $_____ (fine may not exceed $15,000 for Code of Ethics violations or for MLS Rules violation) payable to the Association or MLS within _____ calendar days. **Failure to pay fine within this time shall automatically result in the suspension of membership and/or MLS until the fine is paid. Resignation prior to paying fine shall result in immediate suspension.**

☐ **Education**. Require attendance and completion of an appropriate course(s) within _____ calendar days. The course(s) required is:

- ☐ C.A.R. Online Ethics Class: "Real Cases: Transactions and Violations" (1 hour Code of Ethics overview)
- ☐ C.A.R. Online Ethics Class: "REALTOR® Code of Ethics - Spotlight on Articles 1, 2, and 3" (approx. 2.5 hours)
- ☐ C.A.R. Online Ethics Class: "REALTOR® Code of Ethics - Spotlight on Articles 10, 11, and 12" (approx. 2.5 hours)
- ☐ Other (specify) _____.

**Failure to attend or complete such course(s) within this time shall automatically result in the suspension of membership and/or MLS until the education is completed. Resignation prior to completing education shall result in immediate suspension.**

☐ **Cease and Refrain.** Require respondent to cease and refrain from the following activities for _____ (length of time not to exceed three (3) years). (Note: A cease and refrain order can require the removal of already-existing content from an online source owned and/or controlled by the respondent.)
Activities:

_____

**Failure to abide by the Cease and Refrain order shall automatically result in:** _____ (select discipline to be applied).
*(Note: Panel may include a separate attachment to fully explain the terms & conditions of the Cease and Refrain order.)*

☐ **Suspension***. Suspend all ☐ Association membership ☐ MLS participation rights and privileges for _____. (Suspension must be for a minimum of 30 calendar days and may not exceed one (1) year)

☐ **Expulsion***. Expel member/participant/subscriber from the ☐ Association ☐ MLS for _____. (Expulsion must be for a minimum of one (1) year and may not exceed three (3) years)

☐ **Refer matter to the California Department of Real Estate or other government agency.** (specify):_____

***Discipline subject to publication if the respondent violated the Code of Ethics or Membership Duties. The Respondent's name, photograph, and a summary of the ethics violation(s) will be published by the California Association of REALTORS® ("C.A.R.") and may be published by the local Association pursuant to Section 38 of the *Manual*. If the Panel's recommendation is adopted by the Directors or modified so that it still includes this type of discipline, the Respondent must provide to C.A.R. and the Association and authorize C.A.R. and the Association to publish a current, accurate photo at least the size and quality of a passport photo within ten (10) calendar days after adoption. Failure to submit the photo and a completed Form D-24 within this time shall automatically result in the suspension of membership until the photo and a completed Form D-24 have been submitted, and the discipline summary will still be published. Resignation prior to submitting the photo and a completed Form D-24 shall result in immediate suspension, and the discipline summary will still be published. If the respondent's only violations were MLS Rule violations, the discipline is not subject to publication.**

Dated: _____

_____, PRESIDING OFFICER
Signature

_____, PANEL MEMBER
Signature

_____, PANEL MEMBER
Signature

Copyright© 2024 CALIFORNIA ASSOCIATION OF REALTORS®

# NOTICE OF AVAILABILITY OF REVIEW OF DISCIPLINARY ACTION

The parties to a disciplinary decision have the right to request a review of the hearing Panel's decision by the Board of Directors. This right is intended to protect parties and afford due process. This right is not intended to assist parties in delaying or avoiding discipline. As such, parties should only exercise this right when legitimate grounds exist for the request.

## *REQUEST FOR REVIEW*

Within twenty (20) calendar days after the hearing Panel's decision has been sent to the parties, any party may file a request for a review of the hearing Panel's decision by the Board of Directors or appointed review Panel of the Board of Directors. **The only bases for review are: (1) misapplication or misinterpretation of a membership or MLS duty; (2) procedural deficiency or any lack of procedural due process; and (3) unwarranted discipline.** Below is an explanation of each basis for review:

- **Misapplication or misinterpretation of a membership or MLS duty:** The party requesting the review must explain why the hearing panel did not appropriately apply the Code of Ethics, MLS Rules, or membership duties to the facts stated in the Findings of Fact. The party requesting the review cannot challenge the underlying facts or attempt to reargue the case.
- **Procedural deficiency or lack of procedural due process:** The party requesting the review must explain why their due process rights were violated during the hearing process. Due process consists of: (1) the right to a full and fair hearing; (2) the right to an unbiased panel; (3) the right of a party to know the charges against them; (4) the right of a party to have the opportunity to defend themselves; and (5) the right of a party to have legal counsel during the hearing.
- **Unwarranted discipline:** The party requesting the review must explain why the discipline recommended by the hearing panel is unfair or unjust given the description of the violation in the Findings of Fact. The party requesting the review cannot challenge the underlying facts or attempt to reargue the case.

A request for review must be in writing (Form D-17) and must clearly indicate the bases on which the challenge is being made and contain facts and supporting evidence in reasonable detail to support the challenge. Upon receipt of a properly filed request for review, copies will be sent to the other parties and they will have an opportunity to respond to the request. The Association will then schedule a hearing before the Board of Directors to consider the request. All parties shall have the right to attend and be present at this hearing. The Presiding Officer from the original hearing Panel will also be present to give a summary of the case and answer any questions of the parties and the Directors. Each party will then be given an opportunity to present his or her reasons why the hearing Panel's decision and recommended discipline should or should not be followed. No new evidence regarding the merits of the case will be received.

The Board of Directors must adopt the decision of the hearing Panel unless the party requesting the review demonstrates one of the grounds for review exists. Depending on the grounds, the Board of Directors may (1) dismiss the matter; (2) impose alternative discipline that does not exceed that recommended by the hearing Panel; (3) refer the decision back to the hearing Panel with recommended modifications; or (4) refer the matter for a new hearing.

## *NO REQUEST FOR REVIEW*

If no request for review is filed, the Board of Directors will adopt the hearing Panel's decision and recommendations, unless there is a patent deficiency on the face of the decision, in which case, the decision and recommended discipline may be modified. In the event this occurs, the parties will be duly notified of the change.

## *FINAL ACTION BY THE BOARD OF DIRECTORS*

The decision and recommended discipline of the hearing Panel will be effective upon final action by the Board of Directors. If a request for review is filed but the review is denied by the Board of Directors, this constitutes final action.

Copyright© 2021 CALIFORNIA ASSOCIATION OF REALTORS®

# REQUEST FOR DUPLICATION OF RECORDING
# DISCIPLINARY ACTION
# _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

Hearing date: _____

1. As a named party and for the purpose of filing a request for review by the Board of Directors or appointed review Panel or a reply to a request for review, I request duplicate copies of the recording for the above referenced disciplinary hearing.

2. I understand that duplicate recordings will not be made available if the time period to request a review has lapsed. I further understand that the recordings are to be used solely for preparing a request for review or a reply to a request for review, and any other use of the recordings is a violation of the rules and procedures used by the Association and my agreement to abide by these rules. If the Association determines my request for duplicate recordings is for any purpose other than as agreed upon herein, I understand that the Association may refuse to provide duplicate recordings for me as requested.

3. Upon receiving notice of the review Panel's decision, I agree to destroy any duplicates of the recordings, and any copies made thereto, that I may receive as a result of this request. I also understand that the Association will destroy the recordings once this disciplinary matter becomes final with the Association.

4. A duplication fee of _____ is required with this request. I have enclosed payment for such duplication fee. I understand and agree that no duplicate recordings will be made or released by the Association without payment of the duplication fee herein.

Dated: _____

_____
Signature

_____
(Print or Type Name)

Copyright© 2016 CALIFORNIA ASSOCIATION OF REALTORS®

## GUIDANCE FOR DISCIPLINING DESIGNATED REALTORS® AND BROKERS

## _____ ASSOCIATION OF REALTORS®

**NOTE: This form should be provided to Grievance Committee panels and Professional Standards Committee Hearing panels in disciplinary cases.**

According to Section 2725 of the California Regulations of the Real Estate Commissioner, a broker must exercise reasonable supervision over the activities of his or her salespersons. Reasonable supervision includes, as appropriate, the establishment of policies, rules, procedures and systems to review, oversee, inspect and manage: (a) Transactions requiring a real estate license; (b) Documents which may have a material effect upon the rights or obligations of a party to the transaction; (c) Filing, storage and maintenance of such documents; (d) The handling of trust funds; (e) Advertising of any service for which a license is required; (f) Familiarizing salespersons with the requirements of federal and state laws relating to the prohibition of discrimination; and (g) Regular and consistent reports of licensed activities of salespersons.

A broker must establish a system for monitoring compliance with such policies, rules, procedures and systems. A broker may use the services of brokers and salespersons to assist in administering the provisions of this section so long as the broker does not relinquish overall responsibility for supervision of the acts of salespersons licensed to the broker.

Based on the requirements for broker supervision under California law, C.A.R. recommends that disciplinary hearing panels at local associations in California use similar criteria when determining whether a Designated REALTOR® ("DR") and/or broker should be found in violation of the Code of Ethics due to the actions of a salesperson licensed with the DR and/or broker.

A DR and/or broker **can** be found in violation of the Code of Ethics if:
- their salesperson's violation stems from the DR's and/or broker's failure to establish a system to adequately supervise agents and to monitor salespersons' compliance with the Code of Ethics; or
- a salesperson's potential violation of the Code of Ethics is brought to the attention of the broker and/or DR, but the broker and/or DR does not take reasonable steps to remediate the violation.

A DR and/or broker **should not** be found in violation of the Code of Ethics if:
- (1) the salesperson's actions were contrary to the broker's and/or DR's established policies; and
- (2) the salesperson's actions could not have been prevented by the broker's and/or DR's reasonable supervision of the agent.

Copyright© 2021 CALIFORNIA ASSOCIATION OF REALTORS®

## DISPOSITION OF CITATION RECONSIDERATION

## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

In response to a request by the respondent, the decision of the MLS to issue a citation in the above-referenced matter was reviewed by the citation reconsideration Panel on _____, 20____. Upon consideration:

- ☐ The decision of the MLS to issue the citation is upheld. Respondent must pay the original citation fine, plus an administrative processing fee in an amount determined by the Association, within seven (7) calendar days after the respondent is sent notice of this decision. **Failure to pay both the fine and the administrative processing fee by the deadline will result in suspension of the respondent's MLS services.**

- ☐ The Panel has determined that no violation of the MLS Rule(s) cited by the MLS has occurred. As a result, the citation fine is withdrawn, and no administrative processing fee will be due.

- ☐ The Panel has determined that the MLS committed a violation of procedural due process. As a result:

  - ☐ The citation fine is withdrawn, and no administrative processing fee will be due; **OR**

  - ☐ The case will be returned to the MLS to correct the due process violation, and no administrative processing fee will be due.

**The decision of the citation reconsideration Panel is final, and the respondent will not be able to request a formal hearing and/or Director's Review based on the decision of the citation reconsideration Panel.**

Dated: _____

By: _____
Signature

_____, Presiding Officer
Type or Print Name and Title

Copyright© 2021 CALIFORNIA ASSOCIATION OF REALTORS®

# REQUEST FOR REVIEW DISCIPLINARY ACTION
# _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

Hearing date: _____

To the Board of Directors or appointed Director's Review Panel:

1. In the above referenced disciplinary matter, the hearing Panel made the attached decision and recommended discipline (attach D-11 and D-12). I (we) feel the decision and/or discipline recommended was in error and request a review.

2. I (we) understand that a request for review may be filed based solely on the following three grounds: (1) misapplication or misinterpretation of the Code of Ethics, MLS rule, or membership duty; (2) procedural deficiencies or lack of due process; or (3) unwarranted discipline recommended by the hearing Panel. I understand that no new evidence will be received by the Board of Directors or appointed Director's Review Panel. Accordingly, the basis for this request for review is/are (check all that are applicable):

   q Misapplication or misinterpretation of the Code of Ethics, MLS rule, or membership duty.

   q Procedural deficiencies or lack of due process.

   q Unwarranted discipline recommended by the hearing Panel.

3. I understand that I have a right to legal counsel and/or a REALTOR® representative at the review hearing.

4. The above request is supported by the attached statement, marked "Exhibit A," which is incorporated by reference and made part of this request.

5. In accordance with this Association's policies and procedures, I have enclosed the requisite $_____deposit.

6. Under the penalties of perjury, I declare to the best of my knowledge and belief that the statement contained in this request are true and correct.

Date _____ at _____, California

_____ _____
Signature Signature

_____ _____
Name (Type or Print) Name (Type or Print)

Copyright© 2025 CALIFORNIA ASSOCIATION OF REALTORS®

# NOTICE OF REQUEST FOR REVIEW DISCIPLINARY ACTION
# _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

TO_____:

This is to inform you that _____ has filed a request for review of the above referenced disciplinary matter. Attached is a copy of the request.

Please be advised that you have fifteen (15) calendar days from the date specified below in which to mail or file your reply with the Association at the address below. Form D-19 is also enclosed for your use in replying.

Your reply must be in writing, with one (1) original and _____ copies.

Dated: _____

_____
Signature

_____, Association Executive or Authorized Designee
Type/Print Name

Mail or file response to:

_____ASSOCIATION OF REALTORS®

Attn:_____

Address _____

City, State, Zip_____

Copyright© 2015 CALIFORNIA ASSOCIATION OF REALTORS®

## REPLY TO REQUEST FOR REVIEW DISCIPLINARY ACTION
## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

To the Board of Directors or appointed Director's Review Panel:

1. I (we), the undersigned, reply to the request for review and substantiate such reply in the attached statement, marked "Exhibit A," which is incorporated by reference and made part of this reply.

2. Under the penalties of perjury, I declare that to the best of my knowledge and belief, the statements contained in this Reply are true and correct.

Dated: _____ at _____, California

_____ _____
Signature Signature

_____ _____
Name (Type or Print) Name (Type or Print)

Copyright© 2015 CALIFORNIA ASSOCIATION OF REALTORS®

## NOTICE OF REVIEW HEARING DISCIPLINARY ACTION
## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

All parties are hereby notified that the hearing for the above referenced matter has been scheduled for:

Date: _____

Time: _____

Location: _____

You are hereby notified to appear at the time and place so designated.

The appointed review Panel members in this case are:

_____ _____

_____ _____

_____ _____

Any party may be represented by legal counsel or a REALTOR® at the hearing. If a party intends to be represented, the party must give written notice to the other parties and the hearing Panel at least fifteen (15) calendar days before the hearing. The notice must include the name, address and phone number of the representative. Failure to provide notice as required does not invalidate a party's right to be represented, but may result in the hearing Panel granting a continuance to allow the other parties the ability to seek and obtain representation. If a continuance is granted due to a failure to give timely notice of representation, a continuance fee will be assessed to the party failing to give notice.

The parties shall not discuss or attempt to discuss the case with any hearing Panel member except during the hearing.

Dated:_____

_____
Signature

_____, Association Executive or Authorized Designee
Type/Print

Copyright© 2015 CALIFORNIA ASSOCIATION OF REALTORS®

# ACTION UPON REVIEW DISCIPLINARY HEARING
# _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

The hearing Panel's decision, findings of fact, and recommended discipline as well as the request for review and replies thereto (if any) in the above referenced case came before the Board of Directors or appointed Directors' Review Panel on _____, 20____. After hearing the evidence, proofs, and arguments of the parties present, the review Panel makes the following decision:

☐ adopt the decision and recommendation of the hearing Panel. If the hearing Panel has recommended a Letter of Reprimand, Fine, Suspension, or Expulsion, the member must submit to C.A.R. and the Association a photo with a completed Form D-24 within ten (10) calendar days after the date the decision was adopted by the Directors. The photo must be current, accurate, and at least the size and quality of a passport photo. Failure to submit the photo and a completed Form D-24 within this time shall automatically result in the suspension of membership until the photo and a completed Form D-24 has been submitted, and the discipline summary will still be published.

☐ dismiss the matter because the findings of fact do not support the decision

☐ modify the recommended discipline as indicated below. If the modified discipline includes a Letter of Reprimand, Fine, Suspension, or Expulsion, the member must submit to C.A.R. and the Association a photo with a completed Form D-24 within ten (10) calendar days after the date the decision was adopted by the Directors. The photo must be current, accurate, and at least the size and quality of a passport photo. Failure to submit the photo and a completed Form D-24 within this time shall automatically result in the suspension of membership until the photo and a completed Form D-24 has been submitted, and the discipline summary will still be published.

☐ refer the matter back for a new hearing before the ☐ same ☐ different hearing Panel

☐ other as indicated below

**Modifications:**

_____

Reasons for modification:_____

**Other:** _____

**Disposition of Deposit**

☐ Not to be returned

☐ To be returned to party requesting review

Dated: _____

By: _____
Signature
_____, President or Presiding Officer
Type/Print Name and Title

Copyright© 2016 CALIFORNIA ASSOCIATION OF REALTORS®

## ACTION IF NO REQUEST FOR REVIEW DISCIPLINARY HEARING
## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

The hearing Panel's decision, findings of fact and recommended discipline in the above referenced disciplinary matter came before the Directors or appointed review Panel on _____, 20____, and was considered by the Panel. The recommendation of the hearing Panel is hereby:

☐ Adopted. If the hearing Panel has recommended a Letter of Reprimand, Fine, Suspension, or Expulsion, the member must submit to C.A.R. and the Association a photo with a completed Form D-24 within ten (10) calendar days after the date the decision was adopted by the Directors. The photo must be current, accurate, and at least the size and quality of a passport photo. Failure to submit the photo and a completed Form D-24 within this time shall automatically result in the suspension of membership until the photo and a completed Form-D24 has been submitted, and the discipline summary will still be published.

☐ Adopted, with the following modifications to dismiss the following violations and/or decrease the discipline recommended by the hearing panel:
_____
_____
_____

☐ Referred back to the hearing Panel for modification(s) to increase discipline as recommended below:_____
_____
_____

☐ Not adopted, and the entire matter is hereby dismissed.

The action of the review Panel was adopted by the Directors _____, 20 ____.

Dated: _____

By _____
Signature

_____, President or Presiding Officer
Type/Print Name

Copyright© 2024 CALIFORNIA ASSOCIATION OF REALTORS®

# REQUEST FOR ETHICS ADVOCATE

## _____ ASSOCIATION OF REALTORS®

If you desire assistance with the disciplinary process, the Association can provide you with an Ethics Advocate ("EA"). The EA will help you complete the required forms, if you wish. In addition, at your option, the EA can represent you at any hearings that may be held in connection with your case and assist you through the hearing procedures. Please note: You will still be required to attend any hearings. If you wish to be assisted by an EA, please complete and submit this form. **If you do not wish to be contacted by an EA, there is no need to return this form.**

☐ I wish to be represented by an EA and have completed my Form D-23A "Ethics Advocate Acceptance."
I have also completed and enclosed Communication Preference (Form 23B).

Following is my full contact information:

Name

Address

City, State, Zip

Phone (____)

Email

Date: _____

_____
(Type/Print Your Name)

_____
(Signature)

Please return to:

_____ASSOCIATION OF REALTORS®

Attn:

Address

City, State, Zip

Phone (____)

Copyright © 2019 CALIFORNIA ASSOCIATION OF REALTORS®

# ETHICS ADVOCATE ACCEPTANCE
# _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

**Right to Challenge Ethics Advocates**

You are requesting the assistance of an Ethics Advocate ("EA") for the above-referenced matter. You may challenge any potential EA. The EA chosen to assist you will be one of those listed below whom you do not challenge. Challenges must be in writing and submitted prior to the assignment of an EA to assist you. The following persons listed below or on the attached list are eligible to serve as EAs for the hearing and may be selected to serve as your EA. Please check the appropriate box below.

_____

_____

_____

☐ I have no objection to the any of the above EAs.

☐ I object to one or more EAs and have included a list setting forth the names of the EA(s) to whom I object.

**Hold Harmless**

I hereby release, discharge and hold harmless (Association of REALTORS®) and the EA from and against any and all claims, actions, damages, liabilities, losses, costs or expenses that I now have or may hereafter have arising out of the assistance of an EA in connection with the above-referenced Case. I further expressly agree that the foregoing release is intended to be as broad and inclusive as permitted by the laws of the state of California and that if any portion thereof is held invalid, it is agreed that the remainder of the release shall, notwithstanding, continue in full force and effect.

**By signing below you warrant that you understand and agree to the above Hold Harmless Agreement.**

Dated: _____

_____
Party's Signature

_____
Party's Name (Type or Print)

**If you do not sign the Hold Harmless Agreement above, no EA will be assigned to assist you.**

Copyright© 2015 CALIFORNIA ASSOCIATION OF REALTORS®

**ETHICS ADVOCATE**
**COMMUNICATION PREFERENCE**
**_____ASSOCIATION OF REALTORS®**

(Please complete a separate form for each party)

Name: _____

Address: _____

_____

Home Phone: _____

Best hours to call: _____

Work Phone: _____

Do not contact work _____ Hours to call: _____

Fax: _____

Cell Phone: _____ Hours to call: _____

Email: _____

I request that written notifications be:

_____ Mailed to home address

_____ E-mailed

Signed Dated

Copyright© 2015 CALIFORNIA ASSOCIATION OF REALTORS®

## SUBMISSION OF PHOTO FOR DISCIPLINE PUBLICATION
## _____ ASSOCIATION OF REALTORS®

You have been disciplined by your local Association in a manner that requires publication to other C.A.R. members by the California Association of REALTORS® ("C.A.R."). Such publication will include your name, your photograph, and a summary of your ethics violation(s). Pursuant to C.A.R.'s publication policy as set forth in Section 38 of the California Code of Ethics and Arbitration Manual, you must provide to C.A.R. and the Association a current, accurate photo at least the size and quality of a passport photo and authorization to publish within ten (10) calendar days after final adoption of the discipline by the Directors. **Failure to submit the photo along with a completed Form D-24 within this time shall automatically result in the suspension of your membership until the photo and a completed Form D-24 have been submitted, and the discipline summary will still be published. Resignation prior to submitting the photo and a completed Form D-24 shall result in immediate suspension and will still result in publication of the discipline summary.**

By signing below, you represent and warrant that the photo you are submitting is a current and accurate photo of yourself and that you are the copyright owner of the photo or have the right to license the photo to C.A.R. and the Association. You hereby agree to indemnify C.A.R., the Association, and their affiliates, and their respective directors, officers, members, employees, agents, licensees, shareholders and subcontractors from and against any and all claims, losses, damages, liabilities and expenses, including reasonable attorneys' fees, court costs and other legal expenses, which it or they may suffer or incur in connection with any claim that the submitted photo infringes upon any third party's copyright or other intellectual property or proprietary right. You acknowledge that the Association or C.A.R. may request that you send a different photo if the Association or C.A.R., in its sole discretion, determines that the original photo you have submitted does not meet C.A.R.'s requirements. You also hereby grant to C.A.R. and the Association a perpetual, royalty-free license to reproduce and display any photo you have submitted to C.A.R. and the Association in any and all media available to members.

Please submit your photo, along with a completed copy of this form, to:

(i) the _____ Association of REALTORS®, and
(ii) to C.A.R. at the following email address: **ethics@car.org** with a copy to the Association

**Your photograph must be submitted by: _____.**
(10 calendar days after adoption)

Name: _____

Address: _____

_____

Date: _____

_____
(Signature)

Copyright© 2015 CALIFORNIA ASSOCIATION OF REALTORS®

## AGREEMENT FOR HEARING BY TWO PANELISTS
## _____ ASSOCIATION OF REALTORS®

Case No. _____

_____ vs._____
Complainant(s) Respondent(s)

_____ vs._____
Complainant(s) Respondent(s)

We, the undersigned parties, hereby agree that the disciplinary hearing on _____, 20____ will be conducted by only two (2) panelists.

**COMPLAINANT(S):**

_____
Signature

_____
Name (Type or Print)

_____
Signature

_____
Name (Type or Print)

**RESPONDENT(S):**

_____
Signature

_____
Name (Type or Print)

_____
Signature

_____
Name (Type or Print)

Copyright© 2016 CALIFORNIA ASSOCIATION OF REALTORS®

**NOTICE OF ADDITIONAL ATTENDEES FOR HEARING DISCIPLINE**
**_____ ASSOCIATION OF REALTORS®**

Case No. _____

_____ vs. _____
Complainant(s) Respondent(s)

This notice is to inform the Association and all parties that the following additional attendees will appear at the hearing of the above-referenced case.

As per Association policies and procedures, this notice has been timely submitted to the Association no later than fifteen (15) days prior to the hearing, and the Association will forward it to all parties.

**ETHICS ADVOCATE:**

**Name:**

**LEGAL COUNSEL:**

**Name:**

**Firm**:

**Address:**

**Email:**

**Phone Number:**

**WITNESS(ES):**

**Name:**

**Name:**

**INTERPRETER/TRANSLATOR:**

**Name:**

**Language:**

Dated: _____

_____
Party's Signature

_____
Party's Name (Type/Print)

Copyright © 2020 CALIFORNIA ASSOCIATION OF REALTORS®

## ROLES OF PROFESSIONAL STANDARDS VOLUNTEERS

There are three groups that enforce professional standards for the local association of REALTORS®. This form explains the role of each of these groups.

### THE GRIEVANCE COMMITTEE

The Grievance Committee's function is to:

- Review the complaint for a possible citation for violation of the Code of Ethics, if the association has adopted the Citation Policy;
- Review the complaint to insure the proper articles and sections are cited based on the alleged facts; and
- Screen complaints in order to prevent abuse and harassment through frivolous or unwarranted complaints filed for harassment purposes.

The Grievance Committee considers allegations of unethical conduct but does not determine guilt or innocence. If the Grievance Committee forwards a complaint for a hearing, it does not mean the volunteers on the committee believe the respondent is guilty. It only means that the complaint contains allegations that, if proven at a hearing, would be grounds for a violation.

### THE PROFESSIONAL STANDARDS COMMITTEE

The members of the Professional Standards Committee serve as panel members for disciplinary hearings. They are supposed to ensure that the hearing is conducted according to the procedures outlined in the *Manual* and that both sides are given the opportunity to fully present all relevant evidence. After the hearing, the members of the hearing panel will determine: (i) whether the respondent has committed any violations that were alleged in the complaint; and (ii) if the respondent has committed violations, what disciplinary action will be recommended to the Board of Directors.

### THE BOARD OF DIRECTORS

The Board of Directors serve as the review body for the association’s disciplinary process. Members of the Board of Directors:

- Upon the request of a complainant, review the decision of the Grievance Committee to dismiss a complaint or delete allegations from a complaint;
- Ratify the decision of the hearing panel if no party requests a review of the hearing; and
- Serve as panelists at a review hearing if a party requests a review of the hearing panel’s decision.

The Board of Directors does not conduct rehearings. Any review hearing is solely limited to a discussion of the permitted grounds for review that are outlined in the Request for Review. Once the Board of Directors makes a decision in a disciplinary case, it is considered final and binding. The California Association of REALTORS® has no authority to review or overturn the decisions of local association Boards of Directors.

Copyright© 2022 CALIFORNIA ASSOCIATION OF REALTORS®

## STANDARD OF PRACTICE 10-5 GUIDELINES

This is a guide for parties in disciplinary cases and professional standards volunteers who are applying Standard of Practice 10-5 of the Code of Ethics. Standard of Practice 10-5 was revised as of June 5, 2025 to state:

> REALTORS®, in their capacity as real estate professionals, in association with their real estate businesses, or in their real estate-related activities, shall not harass any person or persons based on race, color, religion, sex, disability, familial status, national origin, sexual orientation, or gender identity.
>
> As used in this Code of Ethics, harassment is unwelcome behavior directed at an individual or group based on one or more of the above protected characteristics where the purpose or effect of the behavior is to create a hostile, abusive, or intimidating environment which adversely affects their ability to access equal professional services or employment opportunities. (Adopted and effective November 13, 2020, Amended 1/23, Amended and effective June 5, 2025)

Please keep the following items in mind when evaluating a case involving Standard of Practice 10-5:

- Standard of Practice 10-5 only applies when REALTORS® are acting **in their capacity as real estate professionals, in association with their real estate businesses, or in their real estate-related activities.** Harassment that occurs outside of these parameters is not covered by the Code of Ethics.
    - Case Interpretation #10-6 holds that harassing statements made by a REALTOR® on a personal social media account can be considered as the REALTOR® "acting in their capacity as a real estate professional" if the REALTOR® "frequently posted comments using her personal account inviting users to contact her for real estate services, referencing her brokerage name and website link" and the REALTOR® "customarily cross-posted listings on the same social media account where the alleged harassing comments were made." This is true even if the harassing statements themselves were not real-estate related.
    - Case Interpretation #10-10 holds that a REALTOR® was *not* acting in their capacity as a real estate professional when they made statements during a religious study group and the REALTOR® ensured that their profession as a real estate agent was not apparent in any way while participating in the group.
- Standard of Practice 10-5 only applies when REALTORS® engage in harassment **based on the protected categories listed in Article 10**.
    - Case Interpretation #10-7 holds that harassing speech made on the basis of someone's political affiliation does not violate Article 10.
- Standard of Practice 10-5 defines harassment as "unwelcome behavior directed at an individual or group based on one or more of the above protected characteristics where the **purpose or effect of the behavior is to create a hostile, abusive, or intimidating environment** which adversely affects their ability to access equal professional services or employment opportunities."
    - Case Interpretation #10-11 holds that posting a listing photo that includes a Confederate flag can be considered harassment under the Standard of Practice 10-5 criteria.

Copyright© 2026 CALIFORNIA ASSOCIATION OF REALTORS®