

CITATION FAQ FOR THE COMPLAINANT

(This document is for information purposes only. Please review MIBOR's Citation Policy and NAR's Code of Ethics and Arbitration Manual for further details).

WHAT SHOULD I INCLUDE WITH MY COMPLAINT FORM?

A citation complaint addresses specific events in the Code of Ethics and requires clear, strong and convincing evidence to be included with the complaint form, in addition to a narrative explaining the violation. You, as the complainant, will have the burden of proving to the Grievance Committee that a violation has occurred. A citation complaint differs from an ethics complaint in this regard. Where an ethics complaint must only contain allegations of a violation, a citation complaint must contain enough evidence to prove the violation alleged.

MIBOR staff cannot assist you in determining what specific documentation you should include nor can they make requests for documentation on your behalf.

WHAT IS EVIDENCE?

Evidence can include documents, emails, screenshots of text messages, photos, audio or video recordings, written statements, or testimony from parties and witnesses.

CAN I SUBMIT ADDITIONAL EVIDENCE?

Yes, but it needs to be submitted before the Grievance Committee reviews the complaint.

CAN A CITATION COMPLAINT BE FILED ANONYMOUSLY?

Yes, however, the anonymous complainant will not know the outcome of the complaint.

WHAT HAPPENS AFTER I FILE A COMPLAINT?

If the Grievance Committee finds that the complaint is timely and that a violation has been proven, they will issue a fine. Their decision is sent to the parties or the respondent if filed anonymously. The respondent is notified of the citation complaint and the fine. The respondent can agree to the citation and pay the fine or request a full ethics hearing to defend themselves against the allegation.

The Grievance Committee can dismiss a citation complaint if clear, strong and convincing evidence is not included to support issuing a fine.

If the allegations in a citation complaint rise to the level of an ethics complaint, the Grievance Committee can convert a citation complaint to an ethics complaint. See ethics complaint resource for additional information on an ethics hearing. Often this occurs when a citation complaint contains allegations of conduct that could be a violation of the Code of Ethics, but does not contain clear, strong and convincing evidence proving the alleged conduct took place.

IS THE RESPONDENT NOTIFIED A CITATION COMPLAINT WAS FILED IF THE GRIEVANCE COMMITTEE DISMISSES IT?

No.

HOW MUCH IS THE FINE?

The first citation violation is \$150. A second citation violation is \$250. A third citation violation is \$500. If a fourth citation complaint is filed within three (3) years, it is automatically converted to an ethics complaint.

WHAT HAPPENS IF THE RESPONDENT REQUESTS A HEARING?

If the citation complaint is filed anonymously a member of the Grievance Committee will become the complainant at a hearing.

If not filed anonymously, the complainant can proceed as the complainant or, if declined, a member of the Grievance Committee will become the complainant at a hearing.

If the hearing panel determines a violation took place, the hearing panel is not required to impose the fine issued with the citation. A hearing panel may recommend any discipline authorized by NAR's Code of Ethics and Arbitration Manual. In addition, a respondent found in violation by a hearing panel shall automatically be required to pay an administrative fee authorized by MIBOR's board of directors (currently, that fee is \$250.00). No administrative fee is imposed if the hearing panel finds no violation.

If the citation complaint is forwarded for a hearing see "Complaint Resource" for additional information.