



MIBOR Publication Policy

Preamble

Pursuant to the authority granted by the National Association of REALTORS® (Policy Statement 45), MIBOR adopts this Publication Policy (the “Policy”). The intent of this Policy is to increase awareness of and adherence to the Code of Ethics and to promote professionalism by, between and amongst MIBOR’s REALTOR® members. This Policy is intended to educate members by sharing real examples of code of ethics violations, to increase awareness of the Professional Standards processes, and to serve as an enhancement to sanctions in appropriate cases.

Policy

MIBOR REALTOR® Association’s Publication Policy, effective July 1, 2019 (the “Effective Date”), outlines the policies and procedures for the publication of the names of Code of Ethics violators.

- I. Publication, as described in this policy, will occur after the Board of Directors ratifies any violation described in paragraphs I(a) or I(b) below, subject to the provisions of I(c) and I(d) and in accordance with the rest of this policy.
 - a. Any violation where discipline of the individual member includes any of the following sanctions:
 1. Letter of Reprimand
 2. Fine of \$1000 or more
 3. Suspension, and/or
 4. Expulsion.
 - b. A second violation of the Code of Ethics within three (3) years.
 - c. Any additional consequences or sanctions set forth in an ethics decision or established by the Board of Directors for a Respondent’s noncompliance with the original sanctions imposed (“Noncompliance Sanctions”) shall not be considered as the basis of publication under Section I.(a), unless those Noncompliance Sanctions are imposed as the result of the Respondent’s failure to timely comply with the original sanction(s). Further, the imposition of such Noncompliance Sanctions shall not be construed as a second violation under Section I.(b).
 - d. Any sanction held in abeyance pursuant to probation (as that term is defined in the NAR’s *Code of Ethics and Arbitration Manual* (the “Manual”), shall not trigger publication under Section I(b) of this Policy. However, if the terms of probation are violated and the sanction is no longer held in abeyance, the violation may be published pursuant to Section I(a) as of the date the sanction is imposed. Holding sanctions in abeyance pursuant to probation shall not limit publication pursuant to Section I(b).

- II. The issuance of an ethics citation is not included in this policy nor may it be considered as a first violation for publication pursuant to Section I(b). However, citation complaints resulting in an ethics hearing (whether converted by the Grievance Committee or upon a Respondent's request for hearing), shall be subject to this Publication Policy.
- III. Publication will only be made after ratification of Decision by the MIBOR Board of Directors.
- IV. Violations may only be published or disseminated online or electronically in a manner which is restricted to MIBOR REALTOR® members only.
- V. Prior to publication, board counsel will review the decision, discipline, and information to be published.
- VI. The following information may be published by MIBOR:
 - a. The name of the member found in violation. If the member's name is similar to another member's name, the real estate license number may be included in the publication.
 - b. The Article(s) of the Code of Ethics that was violated.
 - c. A description of the violation (with all names redacted, except for the violator).
 - d. The discipline imposed.
 - e. Date of ratification of the decision.
- VII. The name of the brokerage the violator is affiliated with will not be published.
- VIII. MIBOR shall make all reasonable efforts to ensure that the published information will be consistent and uniform.
- IX. At least one (1) of the violations must be based on conduct which occurred after the Effective Date of this publication policy.
- X. Access to published violations is authorized for MIBOR REALTOR® members only. Any MIBOR member who discloses, reproduces, provides access to (including sharing log-in credentials), or otherwise disseminates any information published under this policy to anyone who is not authorized to access the information is in violation of Article 14 of the Code of Ethics which could result in disciplinary sanctions as provided in the Manual (up to and including a fine of up to \$15,000 and expulsion).
- XI. Published violations will be removed after three (3) years from the ratification of the violation.
- XII. Because the information published is limited and does not provide all the material facts, evidence and details relied on by the hearing panel for the finding of a violation or in the determination of the sanctions, published violations and the corresponding sanction(s) may not be construed as having precedential value. Future violations and sanctions shall be determined only as provided in the Manual.