

# CITATION FAQ FOR THE RESPONDENT

*(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).*

## **I RECEIVED A CITATION FINE. WHAT DOES IT MEAN?**

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 did not assist the complainant in determining what specific documentation they should include nor did we make requests for documentation.

## **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.

## **WHAT HAPPENS WHEN THE GRIEVANCE COMMITTEE REVIEWS A CITATION COMPLAINT?**

If the Grievance Committee finds that the citation complaint included clear, strong and convincing evidence that a violation has occurred, they will issue a fine. The 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 complaint 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 it to an ethics complaint. 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.

## **HOW MUCH IS THE FINE?**

The first citation violation is \$250. A second citation violation is \$750. A third citation violation is \$1,500. If a fourth citation complaint is filed within three (3) years, it is automatically converted to an ethics complaint.

## WHAT HAPPENS IF I REQUEST 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 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.