

General Instructions and Information for Filing an Ethics Complaint or Response

1. An Ethics Complaint **must be filed with the Greater Boston Real Estate Board within 180 days** of the occurrence of the alleged unethical conduct by the REALTOR® Member(s), or within 180 days from which the facts complained of could have been known in the exercise of reasonable diligence.
2. The Complaint must include a factual statement alleging the conduct which the REALTOR® Member allegedly engaged in and must make specific allegations as to which Articles of the Code of Ethics were violated. **The burden of proof in ethics hearings is at all times on the complainants.**
3. The Complaint must be typewritten and the Ethics Complaint Coversheet (Form E#1) must be signed by the Complainant(s). **The original Complaint and ten collated and stapled copies should be forwarded to the Professional Standards Committee** of the Greater Boston Real Estate Board, 11 Beacon Street, First Floor, Boston, MA 02108. There is no fee for filing an Ethics Complaint.
4. Upon receipt, the Complaint will be forwarded to the Grievance Committee of the Greater Boston Real Estate Board and reviewed to determine whether the Complaint should move forward to a Hearing. The Grievance Committee functions much like a grand jury, to determine which cases should move forward to a Hearing and also whether the Complaint is in the proper format or if additional information is needed and whether the correct Articles of the Code of Ethics are cited. The Grievance Committee may add or delete Articles where appropriate. Dismissal of a particular Article or of the Complaint may be appealed to a panel of the Board of Directors requesting that the original complaint be forwarded to a Hearing Panel as filed. The Grievance Committee may find that there is a basis for a Hearing and report that a Hearing may be scheduled, seek clarification from the parties or dismiss the Complaint. **Any party aggrieved by the decision of the Grievance Committee may file an appeal with the President of the Greater Boston Real Estate Board within 20 days of notice of the decision.**
5. If the Grievance Committee Determines that the Complaint has stated facts that as alleged, if true, could constitute a violation of one or more Articles of the Code of Ethics, then the Committee will recommend that Complaint should move forward to a Hearing.
6. The Greater Boston Real Estate Board will serve the Respondent with a copy of the Ethics Complaint along with official Notice that they have been named as a Respondent in an Ethics Complaint.
7. **Upon Receipt of Notice of an Ethics Complaint, the Respondent will have 15 (fifteen) days from their receipt of Notice to make a written reply.** A copy of the Reply will be forwarded to the Complainant and the parties will be given at least 21 days notice as to the time and place of the Ethics Hearing.
8. If no reply is received from the Respondent within fifteen days from service of Notice of Complaint, a Hearing may still be scheduled with notice to both parties. The Hearing Panel may accept a late filing in their discretion, however there is no obligation to accept any late filings. If the Respondent additionally fails or refuses to attend the Hearing, all charges may be taken as true, by default and the Panel may sanction the Member in their discretion.
9. Both the Complainant and Respondent will be served with a Notice of Right to Challenge Tribunal Members (Forms #6 and 7) and will be given the opportunity to challenge or object to appointment of Members of the Professional Standards Committee prior to their appointment.
10. The Complainant and Respondent will each be served with an Official Notice of Hearing indicating the names of the Panel Members appointed to serve on the Ethics Hearing Panel and the date, time and place of the Hearing. **The Parties will be given at least 21 days notice prior to the Hearing.** The Hearings are generally scheduled on Tuesdays, Wednesdays or Thursdays at either 10:00 AM or 1:00 PM and will be scheduled by the Board.

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11. Either party to the action may be represented by legal counsel. **The party must give written notice no less than 15 days before the hearing of the name, address and phone number of their attorney to all parties and the Board.** Failure to provide this notice may result in a continuance of the hearing, if the Hearing Panel determines that the rights of the other party(ies) require representation.
12. It is the responsibility of each party to arrange for witnesses to be present at the time and place designated for hearing. **Each party must provide a list of the names of witnesses he intends to call at the hearing to the Board and to all other parties not less than 15 days prior to the hearing.** Each party shall arrange for his witnesses to be present at the time and place designated for the hearing. Witnesses are permitted to testify and be cross-examined, however they are only allowed to be present for their testimony and may not sit through the Hearing.
13. An Official Notice of Hearing will contain the names of the members of the Tribunal who will hear the case and will be accompanied by an *Outline of Procedure*. **Either party may file with the Secretary of the Professional Standards Committee, not less than ten days prior to the date of hearing, a written request for disqualification of any member for any of the following reasons:**
 - a. Is related by blood or marriage (to the fourth degree) to either Complainant or Respondent.
 - b. Is an employer, partner or employee or in any way associated in business with either Complainant or Respondent.
 - c. Is a party.
 - d. Knows of any reason acceptable to the Hearing Panel which may prevent him/her from rendering an impartial decision.
14. The parties shall not discuss the case with any member of the hearing panel or the Board of Directors at any time prior to announcement of a decision of the case.
15. A Respondent may not be required to testify in a disciplinary proceeding, but may do so if he/she desires.
16. Both parties should be present in person at the hearing. Failure to appear may result in adverse decision by default. In the case of a Realtor® Member, the refusal to appear may also result in the filing of an Ethics Complaint by the Board for failure to comply with Article 14 of the NAR Code of Ethics.

Documentation to file with the Complaint

It is common for Grievance Committee and Hearing Panel Members to request specific information as part of a complaint and response. Therefore, you are encouraged to include copies of the following documentation, if available:

Agency Disclosure forms	Show Slips
Offers to Purchase	MLS Sheet
Purchase and Sales Agreements	Phone Logs
Deposit Checks	Open House Logs

Please do not submit original documents to the Board as part of your Complaint. Although Parties are encouraged to bring original documents to a Hearing for examination by the Hearing Panel, the Board will not accept liability for the safekeeping of any original documents.