



Professional Standards: Fees and Policies (Nov 2020)

MAR will hold professional standards hearings virtually or in-person. The decision as to how each hearing will be held is the decision of the MAR Professional Standards Chair, or co-chairs, and the Association Executive. (July 9, 2020)

1) Arbitration:

<u>Filing Fee</u> (complainant)	\$500**
<u>Filing Fee</u> (respondent)	\$500***
<u>Procedural Review Fee</u>	\$500
<u>Case Continuance Fee</u>	\$250
<u>Duplication of Recording</u>	\$75.00
<u>Additional Continuance Fee</u>	\$100.00 each time
<u>Show Cause Fee</u> (Assessed against Respondent)	\$500.00

**If settled at mediation up to \$250 may be refunded to Complainant

***C.A.R. recently allowed for Respondents to be charged a filing fee.

The prevailing party would be entitled to a refund of their filing fee (either the Complainant or the Respondent).

2) Disciplinary Complaint / Ethics:

<u>Filing Fee</u>	\$0
<u>Administrative Fee for Ethics Violations</u>	\$500

If found in violation of the Code of Ethics or other membership duties. Will be in addition to any discipline, including fines, and shall not be considered part of any disciplinary sanction imposed.

<u>Duplication of Recording</u>	\$ 75.00
<u>Request for Review</u>	\$500.00
<u>Administrative Processing Fee (Per Respondent)</u>	\$500.00
<u>Continuance Fee</u>	\$150.00
<u>Additional Continuance Fee</u>	\$100.00 each time

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Motion of the Board, approved November 18, 2009

Associations may, as a matter of local discretion, adopt procedures authorizing the publication of the names of ethics violators. Publication can only occur after a second violation occurs within three (3) years and publication can only be made in an official communications vehicle. Where the vehicle is electronic or Internet-based, access must be limited to Association members. Names would be posted on MAR's website for members after log-in, and would remain there for one year.

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C.A.R. To Publish Names of Code of Ethics Violators

In an effort to make ethics violations and the disciplinary process more transparent, starting August 1, 2014, C.A.R. will be publishing the names – and the other information listed below – of members who are found in violation of the Code of Ethics.

If a member is found in violation of the Code, and the discipline is anything other than a letter of warning or stand-alone education, the following information will be published by C.A.R.:

1. The name and photo of the member found in violation. If the member's name is similar to another member's, their real estate license number and/or office address may also be included in the publication;
2. A list of the Articles of the Code of Ethics that were violated and possibly the applicable standards of practice;
3. A brief factual synopsis of the matter, with the names of other parties removed;
4. The discipline imposed;
5. The effective date and duration of discipline imposed; and
6. The hearing Panel's rationale for the discipline imposed, if applicable.

The name of the real estate firm will not be published. The name of the responsible broker will be published, only if the broker was also named and found in violation. This information will be published on the members-only section of car.org and local

associations will be free to republish the information in their local members-only publications. Local associations will begin requiring respondents named in an ethics complaint to submit a photo at the time of filing a response to the complaint, or allow their picture to be taken before the hearing begins.

Panelists on Grievance Committee, Ethics and Arbitration hearings can be comprised of member volunteers, from MAR and/or other local associations who have been suitably trained. (July 9, 2020)

NOTICE TO MEMBERS OF C.A.R. REVIEW OF SUSPENSIONS AND EXPULSIONS

NAR Professional Standards Committee approved a motion to allow California to adopt a procedure for implementation of a pilot program (until Dec 21, 2019) so that a suspension or expulsion that is imposed by a local A.O.R. for violation of the Code of Ethics shall be reported to C.A.R. to be reviewed by a panel of state directors, and possibly imposed on a state-wide basis.

M.A.R. is participating in this program, effective October 17, 2012.

If you are suspended or expelled by your local association as a result of conduct that is in violation of the Code of Ethics, your association will file with C.A.R. a Suspension/Expulsion Report, which names you as respondent. The Report will be reviewed by C.A.R. and referred for hearing before a panel of three (3) C.A.R. Directors, to determine whether the suspension or expulsion should be imposed on a statewide basis.

You will be given an opportunity to file a written statement explaining why you believe the suspension or expulsion should not be imposed on a statewide basis.

There will be no hearing for you to attend with C.A.R. A panel of C.A.R. Directors, in a closed session, will consider the documents submitted by your local association, along with your written response, and will determine whether to impose your suspension or expulsion on a statewide basis.

The decision made by the Directors at such a hearing does not disturb the findings or recommended discipline of the local Association that initially imposed the discipline, but only determines whether or not there is a state-wide imposition of the same discipline. A decision by C.A.R. to impose the suspension or expulsion state-wide shall be disseminated to all participating associations in the state.

M.A.R. Citation Schedule

(November 18, 2009)

(b) The Grievance Committee, subject to approval of the Board of Directors, may implement a schedule of fines for certain Code of Ethics violations and direct staff to issue citations for the specified Code of Ethics violations and implement a procedure whereby the REALTOR® receiving the citation may either (1) complete specified training (at the option of the Association); (2) pay the amount specified on the citation; or (3) request a full hearing in accordance with the procedures set forth in Part One of this Manual. Such Code of Ethics violations shall only be from those authorized in the C.A.R. Model Citation Schedule.

M.A.R. Citation Schedule

	<u>1st</u>	<u>2nd</u>	<u>3rd</u>	<u>4th</u>
Article 3: Attempt to change offer of compensation after being made aware of signed offer to purchase	\$5,000			
Failure to disclose existence of dual or variable rate commission	\$2,500	\$5,000		
Failure to disclose existence of accepted offers to cooperating brokers	\$2,500	\$5,000		
Article 4: Failure to disclose REALTOR® interest in property being bought or sold.	\$5,000			
Article 5: Providing professional service without disclosing interest in property	\$5,000			
Article 6: Accepting any commission, rebate or profit on expenditures without client's knowledge or consent	\$2,500	\$5,000		
Article 12: Failure to present a true picture in real estate communications and advertising.	\$500	\$1,000	\$5,000	
Failure to disclose professional status in advertising and other representations	\$500	\$1,000	\$5,000	
Failure to disclose compensation from 3 rd party for services provided free to a client				(NOT INCLUDED IN THIS POLICY)

Advertisement offering to sell/lease property without authority of owner or listing broker	\$5,000			
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Failure to disclose name of firm in advertisement for listed property	\$500	\$1,000	\$5,000	
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Failure to disclose status as both owner/landlord and REALTOR® or licensee when advertising property in which REALTOR® has ownership interest	\$500	\$1,000	\$2,500	\$5,000
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Falsely claiming to have “sold” property	\$2,500	\$5,000		
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Registration or use of deceptive URL or domain name	\$500	\$1,000	\$2,500	\$5,000
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Article 14: Failure to cooperate in any professional standards proceeding or investigation	\$1,000	\$2,500	\$5,000	
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Article 16: Use of terms of an offer to modify listing broker’s offer of compensation	\$2,500	\$5,000		
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Placement of for sale/lease sign on property without permission of seller/landlord	\$500	\$1,000	\$5,000	
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