Form #E-9

Greater Lehigh Valley REALTORS®

Board or State Association

10 S. Commerce Way	Bethlehem	PA	18017
Address	City	State	Zip

Outline of Procedure for Ethics Hearing
(To be Transmitted in Advance to Both Parties)

Remote Testimony: Although testimony provided in person before a Hearing Panel is preferred, parties and witnesses to ethics hearings may be permitted to participate in hearings by teleconference or videoconference at the discretion of the Hearing Panel Chair.

Postponement of hearing: Postponement may be granted if there are extenuating circumstances. Requests for postponement must be made in writing. Permission can be given by the Chairperson. All parties shall be advised of the date of the rescheduled hearing.

Recording the hearing: The Board shall, and any party (may/may not), at the party's expense, have a court reporter or recorder present or may record the proceeding and, if transcribed, shall present a transcript to the Secretary. If the Board utilizes a court reporter in lieu of recording, the parties may not be prohibited from making their own recording.

Method and objective of procedure: The Hearing Panel shall not be bound by the rules of evidence applicable in courts of law, but shall afford all parties a full opportunity to be heard, present witnesses, and offer evidence, subject to its judgment as to relevance.

Parties are strongly encouraged to provide any and all documents and evidence they intend to introduce during the hearing to other party(ies) and to the association prior to the day of the hearing. Providing documents and evidence in advance can expedite the hearing process and prevent costly, unnecessary continuances.

Due process procedure: The hearing procedures will be:

(1) Chairperson cites authority to hear case and explains reason for hearing.
(2) The complaint will be read into the record.
(3) The testimony of all parties and witnesses will be sworn or affirmed. All witnesses will be excused from the hearing except while testifying.
(4) Opening statements, first by complainant, then by respondent, briefly explaining party's basic position.
(5) The parties will be given an opportunity to present evidence and testimony on their behalf and they may call witnesses.
(6) The parties and their counsel will be afforded an opportunity to examine and cross-examine all witnesses and parties.
(7) The panel members may ask questions at any time during the proceedings.
(8) The Chairperson may exclude any question ruled to be irrelevant or argumentative.
(9) Each side may make a closing statement. The complainant will make the first closing statement and the respondent will make the final closing statement.
(10) Adjournment of hearing.
(11) The Hearing Panel will go into executive session to decide the case.

Findings in ethics hearing: The findings and recommendation for discipline, if any, shall be reduced to writing by the Hearing Panel and submitted to the Board of Directors in accordance with the procedures of **Part Four**, Sections 22 and 23 of the Code of Ethics and Arbitration Manual.

Use of counsel: A party may be represented in any ethics hearing by legal counsel or by a REALTOR® of their choosing (or both). However, parties may not refuse to directly respond to requests for information or questions addressed to them by members of the panel except on grounds of self-incrimination, or on other grounds deemed by the panel to be appropriate. In this connection, the panel need not accept the statements of counsel as being the statements of counsel's client if the panel desires direct testimony. Parties shall be held responsible for the conduct of their counsel. Any effort by counsel to harass, intimidate, coerce, or confuse the panel members or any party to the proceedings, or any action by counsel which is viewed by the panel as disruptive of the proceedings, shall be grounds for exclusion of counsel. The decision to exclude counsel for any of the foregoing reasons shall be the result of a majority vote of the members of the panel and shall be nonappealable. In the event counsel is excluded, the hearing shall be postponed to a date certain not less than fifteen (15) nor more than thirty (30) days from date of adjournment to enable the party to obtain alternate counsel provided, however, that such postponement shall not be authorized if it appears to members of the panel that the action of counsel has been undertaken by counsel to obtain a postponement or delay of the hearing.

Be advised that all matters discussed are strictly confidential. *(Revised 11/15)*