

After the Hearing

- When you receive the Hearing Panel's decision, review it carefully.
- Findings of fact are the conclusions of impartial panel members based on their reasoned assessment of all of the evidence and testimony presented during the hearing. Findings of fact are not able to be appealed.
- If you believe the hearing process was seriously flawed to the extent you were denied a full and fair hearing, there are appellate procedures that can be invoked. The fact that a Hearing Panel found no violation is not appealable.
- Refer to the procedures used by the local Board or Association of REALTORS® for detailed information on the bases and time limits for appealing decisions or requesting a rehearing. A rehearing is generally granted only when newly discovered evidence comes to light

(a) which could not reasonably have been discovered and produced at the original hearing and

(b) which might have had a bearing on the Hearing Panel's decision.

Appeals brought by ethics respondents must be based on;

(a) a perceived misapplication or misinterpretation of one or more Articles of the Code of Ethics,

(b) a procedural deficiency or failure of due process, or

(c) the nature or gravity of the discipline proposed by the Hearing Panel.

Appeals brought by ethics complainants are limited to procedural deficiencies or failure of due process that may have prevented a full and fair hearing.

Conclusion

- Many ethics complaints result from misunderstanding or a failure in communication. Before filing an ethics complaint, make reasonable efforts to communicate with your real estate professional or a principal broker in the firm. If these efforts are not fruitful, the local Board or Association of REALTORS® can give you the procedures and forms necessary to file an ethics complaint.