



REALTOR® Association of Pioneer Valley, Inc.
The Western New England Center for Real Estate Services
221 Industry Avenue
Springfield, Massachusetts 01104-3246

To Whom It May Concern:

Pursuant to your request, please find enclosed a copy of the Code of Ethics of the National Association of REALTORS®, an Ethics Complaint Form, General Instructions and Information for Filing and Replying to Complaints, and an Outline of Procedure for Ethics or Arbitration Hearing. If you feel that a member of the REALTOR® Association of Pioneer Valley, Inc. has violated one or more of the Articles of the Code, and would like to file a formal complaint, review the materials enclosed and return completed to the address above.

To file a formal complaint you must complete the Complaint Form and return it along with an explanation of how the REALTOR® violated the specific Article(s) to which you have made reference(s).

As soon as we receive your official complaint, it will be given appropriate attention.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Ben Scranton', written in a cursive style.

Ben Scranton, RCE, e-PRO
Chief Executive Officer

Enclosures

REALTOR® Association of Pioneer Valley, Inc.
221 Industry Avenue · Springfield, Massachusetts 01104

GENERAL INSTRUCTIONS AND INFORMATION
FOR FILING AND REPLYING TO COMPLAINTS

- 1) Complaints and replies must be typewritten.
- 2) In completing the Complaint Form, specify the Member(s) name(s) and the Article(s) you feel the Member violated. When naming a Standard of Practice, the Article for that Standard of Practice must also be named.
- 3) Complaints will be referred to the Secretary/Professional Standards.
- 4) A copy of the complaint is sent to the Grievance Committee Chairman and caseworker for investigation. The Grievance Committee will review the complaint at their next meeting. If the Grievance Committee finds the matter to constitute a proper cause of action, it will be submitted to the Secretary to arrange a hearing; if not found to constitute a proper cause of action, it will be returned to the complainant with the decision of the Grievance Committee together with information advising the Complainant of the procedures by which the Grievance Committee's decision may be appealed to the Board of Directors.
- 5) Copies of the complaint will be sent to the respondent for a reply. Respondent will have 15 days after service of copy of complaint to make reply to it. Copy of the reply is then sent to the complainant.
- 6) If there is to be a hearing, the date for the hearing will be set and all parties will be notified of the date and place of the hearing at least 21 days in advance.
- 7) Every party may be represented by legal counsel. In the event a party does not give fifteen (15) days notice of the intention to have counsel, the panel shall take all steps, including continuance of the matter if necessary, to guarantee the rights of all parties to representation by counsel.
- 8) It is the responsibility of each party to arrange for their witnesses to be present at the hearing.
- 9) The notice of hearing will contain the names of members of the tribunal who will hear the case and should be accompanied by an "Outline of Procedure for Ethics or Arbitration Hearing". Either party may file with the Secretary, not less than 15 days prior to the date of the hearing, written request for disqualification from the hearing any member for any of the following reasons:
 - a) Is related by blood or marriage to either Complainant or Respondent.
 - b) Is an employer, partner, employee, or in any way associated in business with either Complainant or Respondent.
 - c) Is a party to the hearing, or a party or witness in another pending case involving the Complainant or Respondent?
 - d) Knows any reason acceptable to the Hearing Panel, which may prevent him from rendering an impartial decision.
- 10) The parties shall not discuss the case with any member of the Hearing Panel or the Board of Directors at any time prior to the announcement of a decision in the case.
- 11) Both parties should be present in person at the Hearing. Failure to appear can result in adverse decision by default.

OUTLINE OF PROCEDURE FOR ETHICS OR ARBITRATION HEARING (To be mailed in Advance to Both Parties)

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 Chairman. All parties shall be advised of the date of the rescheduled hearing.

RECORDING THE HEARING: The Association shall, and any party may, at the party's expense, have a court reporter present, or may tape record the proceeding, and if transcribed, shall present a transcript to the Secretary.

METHOD & 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.

DUE PROCESS PROCEDURE: The Hearing procedures will be:

1. Opening statement by Chairman-Cite authority to hear case and explain 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. The parties will be given an opportunity to present evidence and testimony on their behalf and they may call witnesses.
5. The parties and their legal counsel will be afforded an opportunity to examine and cross-examine all witnesses and parties.
6. The Panel Members may ask questions at any time during the proceedings.
7. The Chairman may exclude any question ruled to be irrelevant or argumentative.
8. Each side may make a closing statement. The complainant will make the first closing statement and the respondent will make the final closing statement.
9. Adjournment of hearing.
10. The Hearing Panel will go into executive session to decide the case.

FINDING IN ETHICS HEARING: The finding 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 procedure of PART FOUR, Section 24 of the Ethics and Arbitration Manual of the Association.

AWARD IN ARBITRATION HEARING: The decision of the Hearing Panel in an arbitration proceeding shall be reduced to writing setting forth only the amount of the award by the Panel and a copy shall be furnished to each of the parties to the arbitration. A copy shall be filed with the Secretary of the Association.

USE OF LEGAL COUNSEL: A party may be represented in any 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.