

How To Obtain the Assistance from an Ethics Advocate

How The Ethics Advocate (EA) Program Is Initially Designed:

The EA will assist and may advocate for a party in a disciplinary hearing. **The EA is a specially trained member of the Professional Standards Committee, not an attorney.** The Chair of the Professional Standards Committee has appointed members of the Committee to form an EA Subcommittee. Each EA is appointed for a one year term during which time they cannot serve as a hearing panelist for any professional standards matter.

When a respondent or complainant (“Requesting Party”) has chosen to use an EA, the EA can offer assistance in completing the complaint, preparing for the hearing, responding to the complaint, represent that party at any hearings and assist with all hearing procedures. In order to use the services of an EA, the Requesting Party must agree in writing to hold _____ and the EA harmless and waive any claim of liability against _____ or the EA for the conduct of the EA in assisting them.

How a Complainant Can Obtain Assistance From an Ethics Advocate:

If a complainant wishes to have the assistance of an EA, that person must fill out a “Request for Ethics Advocate” (Form D-23). Three persons from the EA Subcommittee will be selected by the Chair of the Professional Standards Committee. The complainant may challenge the recommended EAs by following the directions on the “Ethics Advocate Acceptance” (Form D-23A). When this form is given to the Requesting Party it will contain a list of three potential EAs. Upon receipt of the three options, the Requesting Party may either not object to any of the EAs or object and include a written statement describing the basis of a challenge to one or more of the EAs. The Chair will consider the response and then choose the most appropriate EA to assist this particular complainant.

The Requesting Party is required to fill out the “Ethics Advocate Communication Preference” (Form D-23B). This will serve as notice to the EA of the complainant’s preferred method of communication. This form is to ensure that both the EA and the complainant are clear as to how communication will be established and sustained throughout the process.

How a Respondent Can Obtain Assistance From an Ethics Advocate:

The respondent will receive the “Notice to Respondent” which informs him or her that a complaint has been filed which names them as the respondent. The complaint is attached to the notice, along with Form D-23A which lists several EAs which may be assigned to the respondent. The respondent must then decide if he or she wants an EA’s assistance. If not, the respondent does not fill out the required forms and responds to the notice in the manner prescribed by the rules. If the respondent would like to obtain an EA’s assistance, then he or she follows the same procedures the complainant does, and fills out Form D-23, Form D-23A or Form D-23B as specified above. The respondent has fifteen calendar days to file a written response to the complaint so it will be necessary in order to avoid delays to act quickly to obtain an EA in order to allow the EA time to assist the respondent in drafting his or her response. If the respondent files their response without the EA’s assistance, the EA can still help the respondent prepare for the hearing, at the hearing, and/or for assistance understanding and complying with the hearing procedures.

How An Ethics Advocate May Assist Prior To The Hearing:

The EAs may help the Requesting Party at all stages of the process. The EA is trained to prepare complaints and responses, including the narrative and the exhibits. In terms of the complaint, the narrative is a detailed and sometimes lengthy, written description of what the complainant is reporting was done to him or her by the respondent. It often includes exhibits. The help of an EA may reduce the stress felt by the complainant when preparing the complaint. The same is true for the respondent in drafting their response to the allegations set forth in the complaint.

The EA can also advise the Requesting Party regarding the merits of the complaint or response and possible resolution. The EA may be able to clarify facts and determine if additional respondents must be named. The EA will assist the Requesting Party prepare and gather the evidence which is needed to support their contentions.

How An Ethics Advocate May Assist During a Hearing:

Due to the EA's experience as a REALTOR®, the EA will be able to help the party they are assisting with the simple and complicated portions of the hearing. The EA knows what the appropriate attire is for the proceedings. The EA will be able to coach the Requesting Party about the type of questions to ask and which points to develop during the hearing. The EA can help the Requesting Party understand which evidence is most helpful or damaging and how to use both types appropriately. The EA can question the witnesses or can assist the Requesting Party with that task. Ultimately, the EA is there to help the Requesting Party with any portion of the hearing the Requesting Party may not feel comfortable handling alone. The Requesting Party has the option of retaining an attorney to represent him or her as well as obtaining the services of the EA. The act of hiring an attorney to represent them in the dispute does not annul that person's ability to utilize an EA as well. Article 13 of the NAR Code of Ethics prohibits REALTORS® from practicing law without a license.

Locating The Necessary Forms:

The required forms will be provided when a complaint packet is requested or when the packet is sent to the respondent after a complaint has been filed.

If a party seeking to use the assistance of an EA has any questions, please contact _____, Professional Standards Coordinator at _____.