



## **Professional Standards Policy**

**As of January 1, 2019**

### **CHAIRPERSON SELECTION**

The Professional Standards Committee Chairperson and the Grievance Committee Chairperson will be selected by the MCAR President. The Chairpersons will be asked if they will accept the position.

### **NUMBER OF COMMITTEE MEMBERS**

The minimum number of the total Grievance Committee members will be 12.  
The minimum number of the total Professional Standards members will be 12.

### **NUMBER OF GRIEVANCE COMMITTEE MEMBERS ON CASES**

The Ethics Grievance Committee per complaint will be composed of three (3) members.  
The Arbitration Grievance Committee per complaint will be composed of three (3) members.

### **GRIEVANCE COMMITTEE DECISIONS**

The Grievance Committee will discuss cases via conference call. It was suggested the new members of the committee meet with the committee Chairperson at the beginning of the year.

The Grievance Committee is expected to make a decision within seven (7) days whether the matter warrants a hearing – Ethics or Arbitration.

### **NUMBER OF COPIES REQUIRED BY PARTIES**

The number of copies required when filing an Ethics Complaint or Ethics Reply; Arbitration Request or Arbitration Response are six (6) copies from the party.

A Respondent is required to submit a Reply (in Ethics) or a Response (in Arbitration) within fourteen (14) days from the date of the mailing.

### **MEDIATION**

MCAR will offer voluntary mediation.  
MCAR will not offer mandatory mediation in Arbitration disputes.

### **FILING FEES**

The filing fee is \$250 to file an Arbitration Request and Interboard Arbitration Request.  
The filing fee is \$250 to file an Arbitration Response and Interboard Arbitration Response.

MCAR will retain the fees in an Interboard Arbitration and the cost will not be split between Associations involved.

MCAR will not deposit Arbitration filing fees until the hearing takes place or deems necessary.

The filing fee will be returned to both parties if they mediate prior to commencement of the hearing. (Revised May 2017)

If the parties mediate during the hearing, prior to adjournment, the parties will receive 50% of their filing fee or \$125. (Added May 2017)

The filing fee will be returned to the prevailing party of the Arbitration Hearing. If there is a split Arbitration Award, the parties will receive half of their filing fee or \$125.

There will be a \$150 filing fee required to file for Arbitration Procedural Review. If the review panel rules in favor of the party filing the review, the fee will be returned. (Revised Nov. 2015)

There will be a \$150 filing fee required if a party files an Appeal of an Ethics Decision. If the appeal panel rules in favor of the party filing the appeal, the fee will be returned. (Revised Nov. 2015)

A \$100 fee will be imposed on respondents in Ethics Decisions if found in violation of the code.

#### **OFFERING VOLUNTARY ARBITRATION**

MCAR will offer voluntary arbitration.

#### **RESPONSE FOR GRIEVANCE COMMITTEE**

The Arbitration Request or Ethics Complaint will be forwarded to the Grievance Committee when received by MCAR. A Response will not be required to be filed by the Respondent prior to the Grievance Committee's decision.

#### **NO RESPONSE RECEIVED FOR ARBITRATION**

If the Respondent fails to submit the signed Response form and filing fee, the Arbitration may be conducted in the absence of the Respondent.

#### **NUMBER OF PANEL MEMBERS**

The Ethics Hearing Panel is to be composed of three (3) members.

The Arbitration Panel is to be composed of five (5) members.

An Interboard Arbitration Panel will be composed of three (3) members.

An Ethics Appeal Panel is to be composed of five (5) members.

## **POSTPONEMENT OF HEARING REQUESTS**

The Hearing Panel Chair, in Arbitration or Ethics, will rule on postponement requests.

## **BOARD ATTORNEY AT HEARINGS**

The Board Attorney will be present at Arbitration and Ethics hearings if one of the parties is represented by an attorney or counsel.

## **COMPLAINT AND RESPONSE TO HEARING PANEL**

The complaint and response in Arbitration and Ethics will be provided to the panel 21 days prior to the hearing with the hearing notice.

## **RECORDING HEARINGS**

MCAR hearings are mechanically recorded. If a party requests a copy of the audio tape, the duplication fee is to be \$25 per copy. MCAR will not have a court reporter present at their hearings.

Parties may not record hearings. They may have their own court reporter at their own expense.

## **ALTERNATES PRESENT AT HEARINGS**

In addition to the Arbitration and Ethics Hearing Panel members, an alternate will attend the hearings, giving preference to new committee members, in case a panel member can't make the hearing at the last minute or needs to leave.

## **ETHICS DECISIONS BROUGHT BEFORE THE BOARD OF DIRECTORS**

Ethics decisions presented to the Directors for ratification will not contain the names of the parties.

## **PUBLISHING THE NAMES OF CODE OF ETHICS VIOLATORS**

MCAR will not publish the names of Code of Ethics violators.

## **\*NEW FOR 2019\***

### **EXPEDITED ETHICS**

MCAR adopted expedited ethics administration procedures.

### **PANEL OR FULL BOARD OF DIRECTORS**

The full Board of Directors will review, ratify or dismiss the decision of the Ethics Hearing Panel at their next regular Directors meeting.

The full Board of Directors will review any allegation that a member has refused to arbitrate.

A panel of Board of Directors will serve as Procedural Review Tribunal to review request for Procedural Review.

The full Board of Directors will decide to take disciplinary action against a member (membership duty, a member convicted of a felony or crime, violation imposed by licensing authority or violation of fair housing law).

The full Board of Directors will decide if discipline becomes effective upon entry of final judgment.

#### **NON-PREVAILING PARTY PAYMENT OF ARBITRATION AWARD**

The non-prevailing party of arbitration is to deposit the award funds within 10 days of the award being disseminated to be held in the Association escrow account.

It is recommended to the Board of Directors if an arbitration award is not paid to the other party or deposited in the Association escrow account within the 10 days, the member will be suspended until they pay the full amount of the award. (Revised Nov. 2015)

#### **OMBUDSMAN**

The Ombudsman Service program is available to the public as well as to members. The Ombudsman will first contact the broker and then follow up with the agent, if necessary. (Revised Sept. 2015) The communications are strictly verbal.

#### **\*NEW FOR 2019\***

#### **VOTING ON POLICY CHANGES**

The committee members must be physically present to vote at any meeting when Professional Standards policy changes are up for approval.

*Revised 1/1/2019*