

Form #A-15

Checklist of Professional Standards Concerns for Elected Officers and Directors and for Executive Officers of Boards of REALTORS®

- (1) **Concern** for the obligation of the Board to enforce the Code of Ethics (see Article IV, Bylaws, NATIONAL ASSOCIATION OF REALTORS®).
- (2) **Concern** for the enhanced public image and credibility of REALTORS®, REALTOR-ASSOCIATE®, and the Board.
- (3) **Concern** for liability of the Board related to Code enforcement—minimal if correct; serious if done inaccurately or inappropriately.
- (4) **Concern** for sound procedures, due process, and fairness—every member entitled.
- (5) **Concern** that the Board’s professional standards procedures are substantively in compliance with National Association and State Association procedures—ensures coverage of Errors and Omissions Insurance.

(The National Association recommends adoption of the Code of Ethics and Arbitration Manual, as adapted to comply with state law.)
- (6) **Concern** for wise appointments to the Grievance Committee and Professional Standards Committee—mature, experienced, and knowledgeable individuals of judicious temperament.
 - (a) President-Elect—start to consider potential appointees early.
 - (b) Select best possible Chairperson.
 - (c) Select competent Committee Members.
- (7) **Concern** for Leadership’s Involvement—President’s personal commitment to Code awareness training programs and proper Code enforcement.
- (8) **Concern** for accountability of Grievance Committee and Professional Standards Committee Members.
- (9) **Concern** for distinguishing between “ethics” and “arbitration” cases.
- (10) **Concern** that ethics hearings serve their purposes—education of members and vindication of the Code.
- (11) **Concern** that arbitration be limited to “properly arbitrable matters.”
- (12) **Concern** that the Grievance Committee does not exceed its function of making preliminary reviews to determine proper disposition of ethics complaints and requests for arbitration.
- (13) **Concern** that Board Officers and staff not be given or assume responsibility beyond their proper role in professional standards matters.
- (14) **Concern** that ethics and arbitration matters be heard separately—arbitration first, then ethics.
- (15) **Concern** that the Board has access to legal counsel and that counsel’s involvement in professional standards proceedings or in reviewing professional standards decisions is routine.

- ❑ (16) **Concern** that the public is provided adequate information and assistance to fully understand what the Board can do and does do, and what the Board cannot do.
- ❑ (17) **Concern** that Board hearings are conducted in strict accordance with the professional standards procedures of the Board's bylaws.
- ❑ (18) **Concern** that professional standards procedures and proceedings are unbiased and conducted without fear or favor—ensure impartiality.
- ❑ (19) **Concern** that the parties are aware that an appeal remedy is always available in ethics matters.
- ❑ (20) **Concern** that the Board of Directors understands its role in professional standards matters.
 - (a) Ethics—appeal.
 - (b) Arbitration—no review or appeal, except in respect to alleged procedural irregularities resulting in deprivation of “due process.”
- ❑ (21) **Concern** for confidentiality of professional standards proceedings.
- ❑ (22) **Concern** for proper publication of decisions as specified in the Code of Ethics and Arbitration Manual — limited dissemination of findings.
- ❑ (23) **Concern** for matters that are currently being litigated.
 - (a) No ethics hearing while criminal litigation is pending on same matter.
 - (b) On the advice of Board legal counsel, an ethics hearing may proceed or may be held in abeyance if civil litigation or proceeding before state real estate licensing authority or other state or federal regulatory or administrative agency is pending on the same matter.
 - (c) Never hold an arbitration hearing when the arbitrable matter is the subject of litigation.
- ❑ (24) **Concern** for common sense—encourage resolution of disputes by mediation (reduces arbitration case load).
- ❑ (25) **Concern** for training—the National Association recommends that an Education Subcommittee of the Board's Professional Standards Committee be appointed and charged with providing a continuing education program for Board Members in Code of Ethics awareness, understanding, and procedures.
- ❑ (26) **Concern** for Code enforcement training—State and Board.
- ❑ (27) **Concern** for dealing promptly and fairly with complaints brought by the public.
- ❑ (28) **Concern** for liability of REALTORS® in dealing with the public.
- ❑ (29) **Concern** for changes in professional standards policies and procedures, in revisions of the Code, new or revised interpretations of the Code, and revised editions of training aids and National Association publications related to the Code and its enforcement.