

## **Outline of Procedure for Ethics Hearing Michigan REALTORS®**

**Remote Testimony:** Although testimony provided in person before a Hearing Panel is preferred, parties and witnesses to arbitration hearings may be permitted to participate in hearings by teleconference or videoconference at the discretion of the Hearing Panel Chair.

**Postponement of Hearing:** Postponement may be granted if there are extenuating circumstances. Parties' requests for continuances shall only be granted when all parties mutually agree to a subsequent specified date, or when the hearing panel chair determines that denying the continuance would deny the requestor a fair hearing. Requests for postponement must be made in writing. Permission can be given by the Chairperson. All parties shall be advised of the date of the rescheduled hearing.

**Recording the Hearing:** The Board shall, and any party (may/may not), at the party's expense, have a court reporter present or may record the proceeding, and, if transcribed, shall furnish a copy to the Secretary. If the Board utilizes a court reporter in lieu of tape recording, the parties may not be prohibited from making their own tape recording.

**Method and 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 the judgment as to relevance.

**Due Process Procedure:** The hearing procedure will be:

1. Chairperson cites authority to hear case and explain reason for hearing.
2. The complaint will be read into the record or the parties may stipulate to its placement in 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. Opening statements, first by complainant, then by respondent, briefly explaining the party's basic position.
5. The parties will be given an opportunity to present evidence and testimony in their behalf and they may call witnesses. All parties appearing at the hearing may be called as witnesses without advance notice.
6. The parties and their legal counsel will be afforded an opportunity to examine and cross-examine all witnesses and parties.
7. The panel members may ask questions at any time during the proceedings.
8. The Chairperson may exclude any question ruled to be irrelevant or argumentative.
9. Each side may make a closing statement. The complainant will make the first closing statement and the respondent will make the final closing statement.
10. Adjournment of Hearing.
11. The Hearing Panel will go into executive session to decide the case.

**Findings 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 23 of the Code of Ethics and Arbitration Manual.

**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, no party may refuse to directly respond to requests for information or questions addressed to him 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 his 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 not be tolerated by the panel. Counsel may be excluded on the ground of gross incompetence, physical incapacity or contumacious conduct. For purposes of this paragraph, "contumacious conduct" shall mean any willful act, omission, or statement which actually obstructs the proceedings by impairing the authority or impeding the functioning of the panel.*

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