

# **NORTH SHORE – BARRINGTON ASSOCIATION OF REALTORS®**

**THE VOICE FOR REAL ESTATE ON THE NORTH SHORE AND BARRINGTON**

Name pending approval

NORTHBROOK OFFICE  
450 SKOKIE BLVD, BLD 1200  
NORTHBROOK, ILLINOIS 60062  
847-480-7177, FAX 847-480-7362  
<http://www.nsbar.org>



BARRINGTON OFFICE  
324 N HOUGH  
BARRINGTON, ILLINOIS 60010  
847-381-7827, FAX 847-381-7899  
<http://www.barringtonrealtor.com>

Dear:

In response to your telephone call concerning a member of the North Shore-Barrington Association of REALTORS®, the following should assist you in filing a formal complaint.

Ethics complaints are generally an alleged violation of the REALTOR® Code of Ethics or the Bylaws of the North Shore-Barrington Association of REALTORS®. Enclosed are Form #1 and NSBR Form K for filing a complaint with the Grievance Committee of the North Shore-Barrington Association of REALTORS®. Also enclosed is a copy of the Code of Ethics. Please select from the Code of Ethics the Article(s) you feel were violated, fill in the forms and return them to the Association office. Please include with this form any information that will substantiate the alleged violation of the Code of Ethics. "Standards of Practice" are interpretations of the Articles and should not be cited in the Complaint.

Please complete the enclosed forms and return them, along with a detailed letter of explanation, so that this matter can be formally presented to our Grievance Committee. Please present all evidence supporting your case, including copies of all contracts and correspondence.

An Ethics Complaint must be filed with the Board within one hundred eighty days after the matter could have been known. There is no fee for filing an Ethics Complaint. Once a complaint has been filed with the Board of REALTORS® a copy of that complaint, along with any papers, are sent to the Respondent (the other party). The respondent has 15 days to respond and whether they respond or not the case is given to the Grievance Committee for their recommendation as to whether a hearing should be held.

The Grievance Committee is similar to a grand jury. Its members cannot decide guilt or innocence; they only determine if there is enough information to proceed with the case and if the facts correlate with the Articles specified as allegedly violated. If the Grievance Committee decides to send it to a hearing, another committee takes over. The Grievance Committee could determine not to send the matter on for a hearing and in that case you can appeal their decision to the Board of Directors of the Association.

If the Grievance Committee dismisses the Complaint, you can appeal the decision to the Board of Directors within 20 days from your receipt of the Dismissal Notice.



If the Grievance Committee forwards your case to a formal hearing, the North Shore-Barrington Association of REALTORS® will not prosecute for you nor defend you. As Complainant, it is your responsibility to attend the Hearing and provide the necessary evidence and witnesses to support your claim.

If there is to be a formal hearing, all parties will be notified in writing of the date and time. Attorneys may be present (please notify us) and if witnesses are to be called, their names must be provided 10 days prior to the hearing. During the hearing both parties state their case and may ask questions of the other. The panel of five to seven may also ask questions. All discussion is to pertain to the specific articles addressed in the complaint. After all parties have presented their case the panel goes into executive session.

The panel can decide there is no violation of the specific articles. If the panel determines there has been a violation of one or more of the specified articles, they can fine the Respondent up to \$5,000 (which goes into the Board treasury), suspend, reprimand, expel, censure, or require that the Respondent take an ethics course.

The North Shore-Barrington Association of REALTORS® has adopted the Code of Ethics and Arbitration Manual of the National Association of REALTORS®. The procedures specify that the Board:

- (1) Cannot "try" a Board member as to any alleged violation of the state real estate license law or any other alleged violation of law.
- (2) Cannot suspend or terminate a license.
- (3) Cannot award money "damages".

If we do not hear from you in two weeks, we will assume that you do not wish to pursue this matter. If you should have any question regarding any of the above, please call me at 847-480-7177.

Sincerely,

North Shore-Barrington Association of REALTORS®

Terese (Terry) Penza, RCE, CAE  
President & Chief Operating Office





**NORTH SHORE-BARRINGTON ASSOCIATION OF REALTORS®**  
**450 Skokie Boulevard, Bldg. 1200, Northbrook, IL 60062**  
**324 North Hough Street, Barrington, IL 60010**

**Outline of Procedure for Ethics 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 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 or recorder present or may tape record the proceeding and, if transcribed, shall present a transcript 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 its judgment as to relevance.

Due process procedure: The hearing procedures will be:

- (1) Opening statement by Chairperson—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 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 Chairperson 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.

Findings in ethics hearing: The findings 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 procedures of Part Four, Sections 22 and 23 of the Code of Ethics and Arbitration Manual.

Use of counsel: A party may be represented in any ethics 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.

Be advised that all matters discussed are strictly confidential.  
(Revised 11/96)

**SANCTIONS**

*The Hearing Panel may issue the following sanctions for violations of the Code of Ethics:*

- *Letter of Warning*
- *Letter of Reprimand*
- *Requirement that the member attend the Ethics portion of the Board Indoctrination course or other appropriate course*
- *Fine not to exceed \$2,500*
- *Suspension from membership not to exceed one year*
- *Expulsion from membership with no reinstatement privileges for one to three years*
- *Fine paid (not to exceed \$2,500) in lieu of suspension or expulsion*