

RULE 11: Ethics Advocate procedure/availability

- (1) Any party may be represented by legal counsel or by a REALTOR® (or both) at any ethics hearing. If the Association has adopted the Ethics Advocate (EA) program, a sub-committee of the Professional Standards Committee, comprised of REALTORS®, will be specially trained to represent parties during the disciplinary process. The role of legal counsel or EA may include preparation for hearing, including the preparation of forms and assembly of evidence; representation at the hearing, including the making of opening and closing statements on behalf of the party represented at the hearing, examining and cross examining witnesses, and introducing affidavits, documents and other relevant evidence, and representation at any rehearing's or review hearings, but does not include testifying as a witness. In the event the parties do not give fifteen (15) days' notice of their intention to have legal counsel or EA representation to the Association and all other parties, the hearing may be continued, and the party giving late notice may be assessed a continuance fee.
- (2) The complainant may request the assistance of an EA, by submitting a Request for Ethics Advocate packet (Forms E-2, E-2a & E-2b) to the Association. The EA is authorized to help the complainant draft the Complaint (Form E-1) and other forms required for the disciplinary process. In addition, the EA may represent the complainant at the hearing in a role similar to legal counsel, at the option of the complainant.
- (3) If the complainant returns the completed Request for Ethics Advocate (Form E-2), Ethics Advocate Acceptance (Form E-2a) and Ethics Advocate Communication Preference (Form E-2b), an EA is chosen from the those not challenged by the complainant, and the EA contacts the complainant before any further steps are taken. Thereafter, the complaint is processed in the normal manner.
- (4) The respondent may also request the assistance of an EA, by submitting the Request for Ethics Advocate packet (Forms E-2, E-2a & E-2b) to the Association. The EA is authorized to help the respondent draft the Response and other forms required for the disciplinary process. In addition, the EA may represent the respondent at the hearing in a role similar to legal counsel, at the option of the respondent.
- (5) If the respondent returns the completed Request for Ethics Advocate (Form E-2), Ethics Advocate Acceptance (Form E-2a) and Ethics Advocate Communication Preference (Form E-2b), an EA is chosen from the those not challenged by the respondent, and the EA contacts the respondent before any further steps are taken. Thereafter, the complaint is processed in the normal manner.

PLEASE NOTE: EVEN THOUGH THE EA PERFORMS A ROLE SIMILAR TO LEGAL COUNSEL, THE EA IS NOT AN ATTORNEY AND IS NOT ALLOWED TO PRACTICE LAW.

See CODE Section 18(a) and 28(b); ETHICS-MAN Sections F(2)