

## Why Should A Respondent Elect To Use The “CITATION POLICY”?

**For “Respondents”, electing the Citation Policy avoids an often time-consuming and uncomfortable Hearing Process. Due -Process rights are still protected since Respondents may elect to NOT proceed with a full hearing, and instead use the Citation Policy. This Policy conforms to the same rules of confidentiality as the Ethics Hearing Process.**

**“Complainant(s)”, (assuming the complaint is eligible for the Citation Policy), may remain anonymous, and there may be less time involved, yet justice will be served, thereby protecting the industry from unethical behaviors. However, if the Respondent elects to have an Ethics Hearing in lieu of paying the Citation Fine, the Complainant(s) will no longer be able to remain anonymous, and required to attend the Hearing.**

## Are All Ethics Complaints Eligible For A Citation?

**NO. The Citation Policy is limited to certain aspects of the Articles listed in this brochure. The charges must also be substantiated with written or other documented evidence. For example: “A photograph of a sign that violates Article 12 of the Code of Ethics.”**

### Article 1:

**SOP 1-5:** Failure to fully disclose and obtain consent from both parties when representing both the seller/landlord and buyer/tenant in the same transaction. \$ 500.00 \*

**SOP 1-6:** Failure to submit offers and counter offers objectively and as quickly as possible. \$ 250.00 \*

**SOP 1-12:** Failure to advise sellers/landlords of information specified in Standards of Practice 1-12 prior to entering into a listing contract. \$ 150.00 \*\*

**SOP 1-13:** Failure to advise buyers/tenants of information specified in Standard of Practice 1-13 prior to entering into a buyer/tenant agreement. \$ 150.00 \*\*

**SOP 1-16:** Accessing or using, or allowing others to access or use, a property managed or listed on terms other than those authorized by the owner or seller. \$ 500.00 \*

### Article 3:

**SOP 3-2:** Failure to communicate a change in compensation for cooperative services prior to the time that REALTOR® submits an offer to purchase/lease the property. \$ 500.00 \*

**SOP 3-2:** As a listing broker, attempting to unilaterally modify the offered compensation with respect to a cooperative transaction after a REALTOR® has submitted an offer to purchase or lease that property. \$ 500.00 \*

**SOP 3-4:** Failure to disclose to cooperating brokers existence of differential that would result in dual or variable rate commission arrangement if sale/ lease results through efforts of seller/landlord. \$ 500.00 \*

**SOP 3-6:** Failure to disclose existence of accepted offers, including offers with unresolved contingencies, to cooperating brokers. \$ 250.00 \*

**SOP 3-8:** Misrepresenting the availability of access to show or inspect a listed property. \$ 250.00 \*

**SOP 3-9:** Providing access to listed property on terms other than those established by the owner or the listing broker. \$ 500.00 \*

### Article 4: (Second Sentence)

Failure to disclose REALTOR®S ownership or other interest in writing to the purchaser or their representative. \$ 500.00 \*

**Article 5:** (Limited to present interest, not contemplated) Providing professional services without disclosing REALTOR®S present interest in property. \$ 500.00 \*

### Article 6:

(First Paragraph)

Accepting any commission, rebate, or profit on expenditures without client's knowledge or consent. \$ 500.00 \*

(Second Paragraph)

Failure to disclose to a client or customer REALTOR®S financial benefits or fees received as a direct result of recommending real estate products or services. \$ 150.00 \*

**SOP 6-1:** Failure to disclose REALTOR®S direct interest in an organization or business entity when recommending to a client or customer that they use the services of that organization or business entity. \$ 250.00 \*

### Article 12:

Failure to present a true picture in real estate communications and advertising. \$ 150.00 \*

Failure to disclose status as real estate professional in advertising and other representations. \$ 150.00 \*

**SOP 12-1:** Failure to provide all terms governing availability of a “free” product or service in an advertisement or other representation. \$ 150.00 \*

**SOP 12-2:** Failure to disclose potential to obtain a benefit from third party when REALTOR® represents their services as “free” or without cost. \$ 150.00 \*

**SOP 12-3:** Failure to exercise care and candor when communicating the terms and conditions of premiums, prizes, merchandise discounts or other inducements to list, sell, purchase, or lease. \$ 150.00 \*

**SOP 12-4:** Advertising property for sale/lease without authority of owner or listing broker. \$ 500.00 \*

**SOP 12-5:** Failure to disclose name of firm in advertisement for listed property. \$ 250.00 \*

**SOP 12-6:** Failure to disclose status as both owner/ landlord and REALTOR® or licensee when advertising property in which REALTOR® has ownership interest. \$ 500.00 \*

**SOP 12-7:** Falsely claiming to have “sold” property. \$ 250.00 \*

**SOP 12-8:** Failure to take corrective action when it becomes apparent that information on a REALTOR®S website is no longer current or accurate. \$ 150.00 \*

**SOP 12-9:** Failure to disclose firm name and state of licensure on REALTOR® firm website. \$ 150.00 \*

**SOP 12-10:** Misleading consumers through deceptive framing, manipulating content, deceptively diverting Internet traffic, or presenting other's content without attribution or permission. \$1000.00 \*

**SOP 12-12:** Registering or using deceptive URL or domain name. \$1000.00 \*

**SOP 12-13:** Representing that the REALTOR® has a designation, certification, or other credential they are not entitled to use. \$ 250.00 \*

### Article 14:

Failure to cooperate in a professional standards proceeding or investigation in circumstances when cooperation has been demanded by the association and association has advised REALTOR® failure to cooperate could result in an allegation of a violation of Article 14. \$ 500.00 \*

### Article 16:

**SOP 16-16:** Conditioning submission of a buyer's offer on additional compensation from a listing broker. \$ 500.00 \*

**SOP 16-19:** Placing for sale/lease sign on property without permission from seller/landlord. \$ 250.00 \*

\* IN ADDITION to fine, must complete code of Ethics Training at an Association Office or Online within SIX (6) Months.

\*\* IN LIEU of fine, complete Code of Ethics Training at an Association Office or Online within SIX (6) Months.