

General Instructions and Information for Filing and Replying to Ethics Complaints and Arbitration Requests

- (1) Arbitration requests (A-1) must be completed, signed and dated for submission to the Association Office. Please include any relevant supporting documentation and a typed synopsis of the transaction for Grievance Committee review.
- (2) Complaints and arbitration requests will be referred to the Professional Standards Administrator. If the Grievance Committee finds the matter to constitute a proper cause of action, it will be referred to the Professional Standards Administrator to arrange a hearing; if not found to constitute a proper cause of action, it will be returned to the complainant with the decision of the Grievance Committee together with information advising the complainant of the procedures by which the Grievance Committee's decision may be appealed to the Board of Directors.
- (3) If there is to be a hearing, respondent will have fifteen (15) days after service of copy of the complaint/arbitration requests to make reply to it. Copy of reply will be sent to complainant, the Professional Standards Administrator, and the Professional Standards Committee Chairperson. The date for hearing will be set and all parties will be notified of the date and place of hearing at least twenty-one (21) days in advance.
- (4) If no reply is received from respondent within fifteen (15) days from service of copy of the ethics complaint, date and place of hearing will be set and the charges may be taken as true. If no response is filed to the arbitration request within the time allotted, the Grievance Committee shall make its determination as to whether an arbitration hearing should be scheduled based upon the information set forth in the request for arbitration. Complainant and Professional Standards Committee Chairperson will be advised that no reply has been filed.
- (5)
 - a. All parties may be represented by legal counsel. If a party is not represented by counsel as a result of their own action or inaction, and a continuance has been previously granted by the Hearing Panel based upon the party's failure to obtain counsel, then the Hearing Panel may decide to proceed forward with the hearing.
 - b. Each party may, if necessary, compel attendance of witnesses or offer the testimony of witnesses through depositions pursuant to and as permitted by applicable Michigan Law and court rule.
- (6) It is the responsibility of each party to arrange for their witnesses to be present at the hearing.
- (7) Either party may file with the Secretary, within ten (10) days from the date the names of the members of the Professional Standards Committee are mailed to the parties, a written request for disqualification of any potential member of the Hearing Panel for any of the following reasons:

- (a) Is related by blood or marriage to either complainant or respondent.
 - (b) Is an employer, partner, or employee, or in any way associated in business with either complainant or respondent.
 - (c) Knows any reasons acceptable to the Hearing Panel or tribunal, which may prevent him from rendering an impartial decision.
- (8) The notice of hearing will contain names of members of the tribunal who will hear the case and should be accompanied by an “Outline for Procedure for Ethics of Arbitration Hearing.”
- (9) The parties shall not discuss the case with any member of the Hearing Panel or the Board of Directors at any time prior to announcement of a decision in the case.
- (10) No hearing will be held in the absence of a complainant. An ethics hearing may proceed in the absence of a respondent. An arbitration hearing may (depending on state law and the option selected by the Association) proceed in the absence of the respondent.