



PROFESSIONAL STANDARDS COMPLAINT PROCESS

What is the first thing that happens after I have lodged a complaint with the Board?

The REALTOR® concerned will be asked to provide a written response to the allegations contained in your complaint within 14 days. The REALTOR®'s Managing Broker will also be asked to provide any relevant comments. The responses from both are reviewed by the Professional Standards Committee. This Committee can take one of the following actions: Refer the matter to a Researcher; issue a letter of caution or warning to the REALTOR® and/or the REALTOR®'s Managing Broker; determine that no further action is required and provide a response to you; or if the complaint is considered to be of a particularly serious nature or does not fall within the Board's jurisdiction, an immediate Hearing may be ordered or the matter referred to the Real Estate Council of BC, the licensing body of REALTORS®.

What happens during an investigation?

The Researcher will delve into and clarify the issues in more detail by formally interviewing you, the REALTOR®, the REALTOR®'s Managing Broker and any other witnesses that have relevant information. He/she compiles a report and makes recommendations to the Professional Standards Committee. Based on the report and recommendations, the Professional Standards Committee has the authority to: authorize the file to be closed and inform the parties; order further investigation into the matter; order a formal Hearing; issue a letter of caution or warning to the REALTOR® and/or the REALTOR®'s Managing Broker.

Tell me more about the formal Hearing:

A Hearing is a fresh examination of the complaint in a formal setting where the complainant, the REALTOR and any witnesses give testimony under oath. A reporter is present to record a transcript of the proceedings. The Hearing Panel is comprised of three experienced Members of the South Okanagan Real Estate Board, and a non-voting Chairperson who guides the proceedings. The Panel is provided in advance with background material on the complaint, but is not informed as to any of the findings of the Researcher. If you as the complainant are unable or uncomfortable attending the Hearing, you may submit your testimony via sworn affidavit. After hearing testimony from all the parties concerned and ensuring that everyone has had a full opportunity to be heard, the Hearing Panel adjourns to consider the matter.

The Panel has two options:

- 1) It can make a finding of no wrongdoing on the part of the REALTOR®. In this instance, you and the REALTOR® would be duly informed and the matter would be considered closed.
- 2) It can find that the REALTOR® has breached one or more Articles of the Standards of Business Practice, or the Code of Ethics, or the Boards Bylaws/Regulations and can specify a penalty or penalties such as: maximum fine of \$10,000, requirement to take educational courses, or referral to the Real Estate Council of BC.

Note: A REALTOR® may, at any time prior to the commencement of a Hearing ordered, tender a conditional admission of a violation and consent to a specific disciplinary action. This is called a Consent Order, and some Members choose to settle the matter through this process.

If the Hearing Panel makes a finding of a breach, what happens next?

The REALTOR® is duly informed and is given 21 days to respond to the two options open to him/her:

- 1) Accept the finding and any penalty specified by the Hearing Panel. If the REALTOR® chooses this option, you would be duly informed and the matter would then be considered closed.
- 2) Reject the findings and request a review of the Hearing Panel proceedings by an Appeal Panel – although this option is available to the REALTOR® it is rarely exercised.

What is the Appeal Panel?

The Appeal Panel is comprised of not less than five experienced Members of the South Okanagan Real Estate Board, two of whom must be Directors or past Directors including a Chairperson, who shall be the President for the time being of the Board or a Director nominated by the President, who would review the transcript of the Hearing Panel proceedings. The Appeal Panel would first determine after a review of the transcript if an Appeal Hearing will be held. If an Appeal Hearing is ordered, then new evidence may be allowed to be presented at the discretion of the Appeal Panel. The Appeal Panel may uphold the penalties imposed by the Professional Standards Hearing, reverse them, impose new penalties in their place, or order a new Hearing to be conducted within 10 days. You and the REALTOR® would be duly informed of their decision and the matter would be considered closed.