



Ethics Citation Policy
Citation Policy and Schedule of Fines
Professional Standards Work Group Recommendations to Board of Directors
Approved October 26, 2023 – Implementation Date January 1, 2024

The Wisconsin REALTORS® Association provides Professional Standards enforcement procedures for the WRA at-large members and the following local Boards/Associations:

- Central Wisconsin Board of REALTORS®
- Door County Board of REALTORS®
- Jefferson County Board of REALTORS®
- La Crosse Area REALTORS® Association
- Lake Superior Area REALTORS®
- Lakes Area REALTORS® Association
- Lakeshore REALTORS® Association
- Manitowoc County Board of REALTORS®
- Northwoods Association of REALTORS®
- REALTORS® Association of Northeast Wisconsin
- REALTORS® Association of Northwestern Wisconsin
- REALTORS® Association of South Central Wisconsin
- Rock Green REALTORS® Association
- Southshore REALTORS® Association
- Western Wisconsin REALTORS® Association

The following Ethics Citation Program is applicable to the at-large members and the members of the local Boards/Associations participating in the Statewide Professional Standards Enforcement Agreement.

Citation Panel

WRA Citation Panels will be composed of members of the Statewide Professional Standards Committee. A Citation Panel will be composed of three (3) individuals who are simultaneously serving on a Grievance Panel who will review complaints to determine eligibility for the citation program and the appropriate citations.

Citation Process

Ethics Complaints received by the association will be forwarded to a Grievance Panel for review consistent with the NAR Code of Ethics and Arbitration Manual Policies and Procedures.

Complaints must be filed within one hundred eighty (180) days after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence or within one hundred eighty (180) days after the conclusion of the transaction or event, whichever is later.

Initial Review by Grievance Panel and Citation Panel

- I. When a Grievance Panel receives a written ethics complaint, it will review the complaint consistent with Sections 19 and 20 of the current NAR *Code of Ethics and Arbitration Manual*. The Grievance Panel may add or delete articles or respondents at this stage in the proceedings.
- II. If the Grievance Panel determines that the complaint should be forwarded for a hearing, the Grievance Panel will then act as the Association's Citation Panel to determine if it includes allegations covered by the Citation Schedule, i.e., if it is a "citable offense".
 - A. If the complaint does not include alleged violations included in the Citation Schedule, or it includes some covered by the Citation Schedule and some that are not, the complaint shall be referred to the Professional Standards Committee for hearing consistent with the policies and procedures set forth in the *Code of Ethics and Arbitration Manual* for ethics hearings.
 - B. If the complaint includes *only* allegations of violations included in the Citation Schedule, the Citation Panel will issue a citation and impose discipline consistent with the association's Citation Schedule. In the event the members of the Citation Panel determine the conduct described in the complaint is sufficiently egregious to warrant a hearing rather than a citation, the complaint shall be referred to the Professional Standards Committee for hearing consistent with the policies and procedures set forth in the *Code of Ethics and Arbitration Manual* for ethics hearings.
 - C. When an ethics complaint and an arbitration request arising out of the same facts and circumstances are filed at the same time, the arbitration hearing shall be held first, and the citation(s) issued or ethics hearing held after the conclusion of the arbitration hearing consistent with Professional Standards Policy Statement #35, Separation of Ethics Complaint and Arbitration Request, *Code of Ethics and Arbitration Manual*.

Issuance of Citations

- I. Citations will be sent to respondents. A copy of the citation shall also be sent to the REALTOR® principal of respondents' office. If the respondent changes firms before or after the complaint is filed but before the citation is issued, both the former and current REALTOR® principal will receive a copy of the citation.
 - A. The Citation Panel will prepare a written summary of the complaint and the summary will be included with the citation to give the respondent sufficient information to understand the basis of the citation.

- B. The complaint itself and the identity of the complainant will be kept confidential and unavailable to the respondent. The complainant shall be advised when filing a complaint that their identity will not remain confidential should the respondent request a hearing.
- II. The respondent will have twenty (20) days from transmission of the citation to request a full due process hearing on the complaint.
- A. If the respondent does not reply within ten (10) days of transmission of the citation, a notice shall be transmitted to the respondent reminding the respondent of the deadline for requesting a hearing.
 - B. If the respondent accepts the citation, or if the respondent does not request a hearing within twenty (20) days of transmission of the citation, this shall be deemed to be a final resolution of the complaint, which shall not be appealable or subject to any further review.
 - C. If the respondent accepts the citation, or if the respondent does not request a hearing within twenty (20) days of transmission of the citation, payment must be received by the association no later than 5 days after the date of acceptance or time period to request a hearing has elapsed.
 - 1. The case will be deemed to be closed upon receipt of payment, and notice will be provided to the complainant on the status of their complaint including the citation issued and the amount of the fine.
 - 2. Failure to pay the citation amount within 5 days after the date of acceptance or after the time period to request a hearing has expired will result in the automatic suspension of membership until the citation has been paid.
 - 3. If the discipline includes education, failure to provide proof of completion of the sanctioned class(es) within 30 days after the time period to request a hearing has expired will result in the automatic suspension of membership until the citation has been complied with in full.
 - D. If the respondent requests a hearing within the time specified, the complaint shall be referred for hearing. The complainant who initially filed the complaint shall be given the option to proceed as the complainant for the purposes of the hearing, and will be afforded all due process rights provided for in the *Code of Ethics and Arbitration Manual*. Should the complainant be a member of the public who refuses or is unable to participate in the hearing, or should the complainant be a REALTOR[®] member who refuses or is unable to participate in the hearing, the provisions of Section 21(f)(3) in the NAR *Code of Ethics and Arbitration Manual* shall apply.

Limitations

- I. Any REALTOR® is limited in the number and type of citations that he/she may receive, according to the following rules:
 - A. No more than two (2) citations will be issued to a member within a consecutive twelve (12) month period, starting on the date the first complaint was filed, at the same association.
 - B. No more than three (3) citations will be issued to a member within a consecutive thirty-six (36) month period, starting on the date the first complaint was filed, at the same association.
 - C. No additional citations are permitted where the cumulative fine for the citations issued would be more than \$5,000 in any three (3) year period at the same association.
 - D. WRA has adopted an escalating fine schedule for repeat citations. The citation panel may only consider the past citations for the particular conduct alleged in the complaint.
- II. The fact that a respondent has previously been issued a citation for any violation – whether or not it was paid – shall not be admissible in any ethics or arbitration hearing, including a hearing to consider a complaint where the respondent rejected a citation and requested a hearing. A hearing panel may consider citations previously issued to the respondent for the purpose of determining appropriate discipline as provided in Subsection IV below.
- III. Citations will not be considered in any publication of violations should such rules be adopted by the association.
- IV. Where a hearing panel finds a violation of the Code of Ethics after a hearing, it may consider past citations in determining an appropriate sanction only if the citation was issued for the same violation at issue in the hearing. By way of example, if a citation was issued for failure to disclose a dual or variable rate commission under Standard of Practice 3-4, that citation could not be considered if a hearing panel later found a violation of Article 3 on some other grounds. Hearing panels will not be informed of past citations for other violations.
- V. Association staff will track the number of citations issued, the number of citations paid, and the violations for which citations were issued. This information may be provided in the aggregate to the Board of Directors, but will not include details about the complaints, nor identify the complainants or respondents.
- VI. The allegations, discussions and decisions made in the citation process are confidential and shall not be reported or published by the board, any member of a tribunal, or any party under any circumstances except those established in Limitations, Sections III and V

of this policy and the *Code of Ethics and Arbitration Manual* of the National Association as from time to time amended.

Citation Schedule of Fines

	Applicable Article and Standard of Practice	Fine	Ethics Training required in addition to fine
Article 1			
Failure to submit offers and counter-offers objectively and as quickly as possible	Article 1, supported by Standard of Practice 1-6	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Failure on the part of a listing broker to provide, as soon as practical, written affirmation that an offer was presented or written notification that the seller/landlord has waived the obligation to have the offer presented, upon written request of a cooperating broker submitting an offer	Article 1, supported by Standard of Practice 1-7	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Failure on the part of a buyer's/tenant's broker to provide, as soon as practical, a written affirmation to the listing broker stating that the counter-offer has been submitted to the buyers/tenants, or a written notification that the buyers/tenants have waived the obligation to have the counter-offer presented	Article 1, supported by Standard of Practice 1-8	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Article 3			
Failing to disclose existence of accepted offers, including offers with unresolved contingencies, to cooperating brokers	Article 3, supported by Standard of Practice 3-6	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Misrepresenting the availability of access to show or inspect a listed property	Article 3, supported by Standard of Practice 3-8	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must

			be provided. No CE credits for education.
Providing access to listed property on terms other than those established by the owner or the seller	Article 3, supported by Standard of Practice 3-9	1 st Citation \$1,000 2 nd Citation \$2,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd Citation. Proof of completion must be provided. No CE credits for education.
Article 4			
Failing to disclose REALTOR®'s ownership or other interest in writing to the purchaser or their representative	Article 4 (second sentence)	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Article 6			
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	Article 6, supported by Standard of Practice 6-1	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Article 12			
Failing to present a true picture in real estate communications and advertising	Article 12	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Failing to disclose status as real estate professional in advertising and other representations	Article 12	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Representing brokerage services to a client or customer as free or available at no cost when the REALTOR® receives compensation from any source for those services	Article 12, supported by Standard of Practice 12-1	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations.

			Proof of completion must be provided. No CE credits for education.
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	Article 12, supported by Standard of Practice 12-3	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Advertising property for sale/lease without authority of owner or listing broker	Article 12, supported by Standard of Practice 12-4	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Failing to disclose name of firm in advertisement for listed property	Article 12, supported by Standard of Practice 12-5	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Failing to disclose status as both owner/landlord and REALTOR® or licensee when advertising property in which REALTOR® has ownership interest	Article 12, supported by Standard of Practice 12-6	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Falsely claiming to have “sold” property	Article 12, supported by Standard of Practice 12-7	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Failure to take corrective action when it becomes apparent that information on a REALTOR®’s website is no longer current or accurate	Article 12, supported by second sentence of Standard of Practice 12-8	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2 nd and 3 rd Citations. Proof of completion must be provided. No CE credits for education.
Failure to disclose firm name and state of licensure on REALTOR® firm website	Article 12, supported by Standard of Practice 12-9	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within

			30 days will be added to the 2nd and 3rd Citations. Proof of completion must be provided. No CE credits for education.
Misleading consumers through deceptive framing, manipulating content, deceptively diverting internet traffic, presenting other's content without attribution or permission, or using misleading images	Article 12, supported by Standard of Practice 12-10	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2nd and 3rd Citations. Proof of completion must be provided. No CE credits for education.
Registering or using of deceptive URL or domain name	Article 12, supported by Standard of Practice 12-12	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2nd and 3rd Citations. Proof of completion must be provided. No CE credits for education.
Representing that the REALTOR [®] has a designation, certification, or other credential they are not entitled to use	Article 12, supported by Standard of Practice 12-13	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2nd and 3rd Citations. Proof of completion must be provided. No CE credits for education.
Article 16			
Conditioning submission of a buyer's offer on additional compensation from a listing broker	Article 16, supported by Standard of Practice 16-16	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2nd and 3rd Citations. Proof of completion must be provided. No CE credits for education.
Placing for sale/lease sign on property without permission of seller/landlord	Article 16, supported by Standard of Practice 16-19	1 st Citation \$250 2 nd Citation \$500 3 rd Citation \$1,000	Completion of NAR Code of Ethics course or other course as determined by the Citation Panel within 30 days will be added to the 2nd and 3rd Citations. Proof of completion must be provided. No CE credits for education.