

Professional Standards

1. ACTION ITEM

That C.A.R. make a formal request to NAR to revise Standard of Practice 11-4 of the Code of Ethics to state that a REALTOR®'s duty to provide competent service includes the duty to comply with real estate related health orders and regulations.

2. ACTION ITEM

That C.A.R. add guidelines developed by the Designated REALTOR® (“DR”) and Broker Discipline work group to the California Code of Ethics and Arbitration Manual to clarify, for professional standards volunteers and parties in disciplinary cases, the criteria for when it is appropriate to discipline a Designated REALTOR® or broker based on the actions of their salesperson. The Guidelines will state that a DR and/or broker can be found in violation of the Code of Ethics based on the actions of their salesperson if: (a) their salesperson’s violation stems from the DR’s and/or broker’s failure to establish a system to adequately supervise agents and to monitor salespersons’ compliance with the Code of Ethics; or (b) a salesperson’s potential violation of the Code of Ethics is brought to the attention of the broker and/or DR, but the broker and/or DR does not take reasonable steps to remediate the violation. The Guidelines will also state that a DR and/or broker should not be found in violation of the Code of Ethics if: (c) the salesperson’s actions were contrary to the broker’s and/or DR’s established policies; and (d) the salesperson’s actions could not have been prevented by the broker’s and/or DR’s reasonable supervision of the agent.

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3. ACTION ITEM

That C.A.R. amend the California Code of Ethics and Arbitration Manual to modify the procedures for handling MLS citation challenges. The new procedure will provide the option for a respondent challenging an MLS citation to request an administrative review of the citation by a panel of the local association's Professional Standards Committee. The respondent may submit a written request for an administrative review if there is a factual dispute regarding the alleged violation(s) or a contention that there was a violation of procedural due process by the MLS. The decision to uphold or overturn the citation will be made by the administrative review panel solely on the basis of based on the initial complaint and the written information submitted by the respondent. The respondent agrees that the decision of the administrative review panel is final and that they will not be able to request a formal hearing and/or Director's Review based on the decision of the panel.

4. ACTION ITEM

That C.A.R. amend the C.A.R. Interboard Arbitration Rules to allow C.A.R. to require parties to Interboard Arbitrations to participate in virtual hearings.