

General Instructions for Filing an Ethics Complaint

1. Complaints must be typewritten and submitted with a sufficient number of copies to enable the Board to provide one to each respondent plus one copy for the Board's records. Any reply must be typewritten and submitted with a sufficient number of copies to enable the Board to provide one to each complainant plus one copy for the Board's records. Additional copies of the complaint and reply should be furnished by the complainant and respondent as requested by the Secretary. If the complainant is a member of the public, extra copies of the complaint should not be requested.
2. Complaints will be referred to the Board Secretary (or Executive Officer); and by the Secretary to the Chairman of the Grievance Committee. If the Grievance Committee finds the matter to constitute a proper cause of action, it will be referred to the Board Secretary 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 to make reply to it. Copy of reply will be sent to complainant, the Board President, and the Professional Standards Hearing Panel. 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 complaint, date and place of hearing will be set and the charges may be taken as true, by default. Complainant, the Board President and Professional Standards Committee Chairman will be advised that no reply has been filed.
5. All parties may be represented by legal counsel provided that notice of intention to be represented is transmitted to all other parties and to the Hearing Panel at least 15 days prior to the hearing. Failure to provide timely notice may result in a continuance of the hearing.
6. It is the responsibility of each party to arrange for their witnesses to be present at the hearing.
7. Hearings will be tape recorded by the staff secretary and copies made available to the Complainant and/or the Respondent, at their own expense, upon request. No other recording devices will be allowed in the hearing room.
8. The notice of hearing will contain the names of members of the tribunal who will hear the case and should be accompanied by an "Outline of Procedure for Ethics or Arbitration Hearing". Either party may file with the Secretary, not less than ten (10) days prior to date of hearing, written request for disqualification of any member 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. Is a party to the hearing, or a party or a witness in another pending case involving complainant or respondent.
 - d. Knows any reason acceptable to the Hearing Panel or tribunal which may prevent him from rendering an impartial decision.
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. Both parties should be present in person at the hearing.
11. No hearing will be held in the absence of a complainant unless the complaint is from a member of the public who refuses or is unable to attend the hearing. The complaint will then be referred back to the Grievance Committee. If the Grievance Committee determines that there is sufficient information for a Hearing Panel to consider (i.e., that there is clear, strong, and convincing proof), the complaint shall be amended to name the Grievance Committee as complainant and the hearing shall be continued to a new date. An ethics hearing may proceed in the absence of a respondent.
12. In addition to any discipline imposed by the hearing panel, the Board will impose an administrative fee of \$200 against respondents found in violation of the Code of Ethics or other membership duties. This fee will be in

addition to, not part of, any disciplinary sanction imposed. In the case of multiple respondents being found in violation of the code, the fee will be imposed against each guilty respondent. (COEAM-2005p37)

13. The Board will charge an appeal deposit of \$250 for ethics hearing appeals. If the recommendation of the Hearing Panel is adopted, the money deposited by the appellant shall pass into the general treasury of the Board. If the recommendation is rejected, the deposit shall be returned to the party who made the deposit. If the recommendation is modified, the Directors hearing the appeal shall determine the disposition of the deposit.