

## **SUGGESTED GUIDELINES FOR DISCIPLINARY ACTION**

The purpose of these guidelines is to establish a common base of understanding so that different Hearing Panels, in handing down disciplinary action, will know what is deemed to be reasonable by the Committee as a whole. For a full reference regarding the specifics of disciplinary action that may be imposed, refer to Section 14. Nature of Discipline.

The following are suggested guidelines for imposing disciplinary action:

### **A. "Letter of Warning"**

1. Not aware of the violation.
2. First time offender.
3. No one harmed by the violation.

### **B. "Letter of Reprimand"**

1. Violator was aware of the violation.
2. To be used in conjunction with any other sanction.

### **C. "Attendance at a Seminar/Course" **\*\*NOTE: Please be sure the seminar/course is available in the respondents area within the time allotted for completion****

1. When the violation occurred due to a lack of knowledge.
2. May be used in conjunction with a fine.

### **D. "Fines"**

1. Violator was aware of the violation.
2. To be used by itself or in conjunction with attendance at a seminar/course, Suspension of Membership, or Expulsion of Membership.

up to \$500	1 violation
up to \$2000	2 violations
up to \$15000	3 or more violations
up to \$5000	3 or more violations

**Note:** \$15,000 is the maximum fine that may be assessed regardless of the number of Articles of the Code of Ethics that a member is determined to have violated. It is noted that a "reasonable and appropriate" fine may vary up to \$15,000, and should relate to the gravity of the offense and objective of the proposed sanction. If the National maximum is increased, the above will also increase.

### **E. "Probation"**

Means that another form of discipline recommended by the Hearing Panel will be held in abeyance for a stipulated period of time which may not exceed one year. Probation must be not less than thirty (30) days and no more than one year. Any subsequent finding of a violation of the Code of Ethics during the probationary period may, at the discretion of the Board of Directors, result in the imposition of the suspended discipline. Absent any subsequent findings of a violation during the probationary period, both the probationary status and the suspended discipline shall be considered fulfilled, and the record shall reflect the fulfillment.

### **F. "Suspension"**

Violation of one or more Articles and repeated violation of the same Articles. Must be not less than 30 days and no more than one year, with automatic reinstatement at the end of the

suspension period. Suspension of membership may include denial of MLS privileges.

**G. "Expulsion"**

Flagrant violation of one or more Articles or repeated violations. May be one year and no more than three years. Reinstatement is subject to re-application to the Board. Expulsion may include denial of MLS privileges.

**H. "Suspension or Termination of MLS"**

Suspension may be not less than 30 days and no more than one year.  
Termination may be one year and no more than three years.

**I. "Administrative Processing Fee"**

Each Respondent found in violation of the Code of Ethics will be assessed an administrative processing fee of not more than \$500.

The above are far from being "hard and fast" rules but are rough guidelines trying to cover a wide range of violations of the Code. In handing down disciplinary action, the Panel must consider the following:

1. Violator's record regarding past violations of the Code, especially the same article.
2. Will the disciplinary action have the desired effect of preventing further violation of not only the same Article, but the Code of Ethics in general?
3. Will the disciplinary action educate the violator?

The goal of the Professional Standards Committee is to ensure Due Process and to recommend appropriate education when deemed necessary.