

# PETITION FOR SPECIAL EXCEPTION 85-78-X

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an office of a professional person in their residence; and to determine that a real estate broker is a professional person.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney for Petitioner: \_\_\_\_\_  
Robert J. Yerman  
(Type or Print Name)  
Signature: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: \_\_\_\_\_  
Robert J. Yerman  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_  
Attorney's Telephone No.: 727-0114  
Address: \_\_\_\_\_  
City and State: \_\_\_\_\_

ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_\_ 8th \_\_\_\_\_ day of \_\_\_\_\_ 1984, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the \_\_\_\_\_ 19th \_\_\_\_\_ day of \_\_\_\_\_ 1984, at 10:00 o'clock \_\_\_\_\_ A.M.

*Carl J. ...*  
Zoning Commissioner of Baltimore County.

CCO-1 (over)

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
NE Corner Rolling & Chesworth  
Rds. (1301 N. Rolling Rd.), : OF BALTIMORE COUNTY  
1st District  
RICHARD A. DALLA TEZZA, : Case No. 85-78-X  
Petitioner

## ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 29th day of August, 1984, a copy of the foregoing Entry of Appearance was mailed to Robert J. Yerman, Esquire, 5 Light Street, Baltimore, MD 21202, Attorney for Petitioner.

*Peter Max Zimmerman*  
Peter Max Zimmerman

## BALTIMORE COUNTY

## ZONING PLANS

## ADVISORY COMMITTEE



## PETITION AND SITE PLAN

## EVALUATION COMMENTS

## BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

September 14, 1984

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

Robert J. Yerman, Esquire  
5 Light Street  
Baltimore, Maryland 21202

ofo  
Nicholas B. Commodari  
Chairman

MEMBERS  
Bureau of Engineering  
Department of Traffic Engineering  
State Roads Commission  
Bureau of Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial Development

RE: Case No. 85-78-X (Item No. 20)  
Petitioner - Richard A. Dalla Tezza  
Special Exception Petition

Dear Mr. Yerman:

The Zoning Plans Advisory Committee and the County Review Group (CRG) have both reviewed the plans submitted with the above referenced petition. The following comments from the CRG have been substituted for those of the Zoning Plans Advisory Committee. They are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

*Nicholas B. Commodari*  
NICHOLAS B. COMMODARI  
Chairman  
Zoning Plans Advisory Committee

NBC:mb

Enclosures

cc: W. Duval & Associates, Inc.  
116 E. Joppa Road  
Towson, Maryland 21204

COUNTY REVIEW GROUP MEETING  
Wednesday, September 14, 1983

## VICTORIAN MANOR

## COUNTY REVIEW GROUP - THOSE PRESENT\*

Robert A. Morton, P.E., Chairman - Dept. of Public Works  
Eugene A. Bober - Office of Planning and Zoning  
Michael Flanagan - Traffic Engineering  
Carl Richards - Zoning  
Paul W. Koch - Developers Engineering  
Glen Bittner - Health Department  
Richard DallaTezza - Developer  
William Duval - Developer's Engineer

\*Attachment - List of Interested citizens

The meeting was called to order by the Chairman, Robert A. Morton, at 1:30 p.m. He introduced the members of the County staff and explained the purpose of the meeting.

Mr. William Duval, Developer's Engineer, introduced the developer's proposal for the property.

Mr. Paul Koch presented the written Public Works comments. He advised that a turn-around of some sort be constructed at the end of Westburn Road.

Mr. Michael Flanagan presented the written Traffic Engineering comments.

Mr. Eugene Bober presented the written Planning comments and stated that the lot layout would need to be restudied.

Mr. Carl Richards presented the written Zoning comments.

Mr. Glen Bittner presented the written Health Department comments.

Mr. Duval questioned the need for a full blown turn-around as Westburn Road was such a short street.

Mr. Morton presented the written Fire Department comments.

Mr. Bober discussed the turn-around, the lot layout and the general layout of the site.

## CITIZENS' COMMENTS

There was a great deal of concern expressed by the residents of the surrounding properties concerning the traffic that presently exists on both Chesworth Avenue and Rolling Road. There was also concern expressed concerning the drainage in the rear of the yards on Westburn Road on the Rolling Road side.

Victorian Manor

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September 14, 1983

A question was asked regarding the lot size with regard to zoning. Residents expressed concern to the fact that it had been announced that Storm Water Management had been waived.

Property owners at 1328 Rolling Road, 1310 Westburn Road, 1317 Westburn Road and 1324 Westburn Road all expressed concern concerning drainage since they currently have a drainage problem. We advised that we would have a representative of the County go out to the area and check out the drainage problem. It was noted that none of the property owners present had ever complained to the County.

Some of the neighbors expressed concern about the use of panhandle driveways on the site and the effect this might have on their property.

Some of the property owners would like to see the area remain wooded, and the developer advised that it was his intention to keep as many of the existing trees as possible.

All of the above items were discussed in some detail. It was agreed by Mr. Morton and Mr. Bober that a continued meeting would be required and that the property owners would be given a 15 day written notice of a future meeting.

Mr. Bober outlined the items that needed looking into prior to the next meeting:

1. Westburn Road - how will it be terminated
2. Traffic Engineering will look at the locations of the driveways to determine the safest location
3. Public Works will review the drainage problem in the area and also the decision to waive the Storm Water Management requirements
4. The orientation of the buildings will be reviewed by the developer's engineer

All written comments will be made a part of these minutes.  
The meeting was adjourned at 3:00 p.m.

## C. R. G. MEETING AGENDA

1. Convene Meeting
2. Introductory statement concerning aims and goals of development regulations
3. Introduction of County representatives
4. Presentation of Plan by developer's representative
5. Comments of County agencies
6. Citizens' comments
7. Adjourn Meeting

## SIGN IN

*Marie Finkle* 1314 Westburn Rd.  
*J. O. SWEED*  
*William J. ...*  
*J. S. ...*  
*Mrs. K. H. ...*  
*Allen C. ...*  
*Edward G. ...*  
*James ...*  
*Elizabeth ...*  
*Myra ...*  
*James ...*  
*Marie ...*

*6121 BURNT OAK RD*  
*6121 Burnt Oak Rd.*  
*6124 Mansfield Rd.*  
*6217 Chesworth Rd.*  
*1225 Chambers Rd.*  
*1225 Chambers Rd.*  
*1315 Westburn Rd*  
*1328 Westburn Rd 21228*  
*1315 N. Rolling Rd*  
*1317 Westburn Rd*  
*1310 Westburn Rd.*  
*6119 BURNT OAK RD.*  
*1310 Westburn Rd. 21228*  
*1324 Westburn Rd 21228*



procedures set forth in the Arbitration Manual of the Board, as the same shall be published, and from time to time amended, by the Directorate, any and all controversies with other Active and Associate Members arising out of or in connection with any real estate transaction or negotiations and involving a claim for money. It likewise shall be the duty and obligation of Active and Associate members, and the firms, partnerships and corporations with which they are associated, to so submit to binding arbitration any and all such controversies with persons who are not Active or Associate members of the Board, provided that any such person has first agreed to so submit such controversy to arbitration by signing a binding arbitration agreement.

"The failure or refusal of any Active or Associate member to submit any such controversy to arbitration, as aforesaid, by signing a binding arbitration agreement, or, after having submitted to arbitration, the failure or refusal to satisfy the award, or to comply with the arbitration decision, shall constitute unethical conduct, and the Arbitration Committee shall advise the Executive Committee of such fact for appropriate action under Article XIX of these Bylaws."

Should any non-member of this Board become involved in a dispute with any member of this Board, and, if such non-member is willing to submit such dispute to arbitration in accordance with the procedures set forth in this Manual, both parties, non-member and member alike, may be assured of a fair and impartial hearing and determination of the dispute by an Arbitration Panel to be selected in accordance with the provisions of this Manual.

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"Member of the Board" shall mean a person holding membership in the Board under any class of membership set forth in Article IV of the Bylaws of the Board.

"Executive Vice President" of the Board shall mean the person appointed to such office by the Directorate of the Board pursuant to the provisions of Article IX of the Bylaws of the Board. In the event of the absence of the Executive Vice President or his inability for any reason to perform any duty, function or power prescribed by this Manual, or in the event of a vacancy in the office of Executive Vice President, any such duty, function or power may be performed or exercised by the President or any other elected officer of the Board.

"Board offices" shall mean 1501 West Mt. Royal Avenue, Baltimore, Maryland 21217.

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Executive Committee of the Board of such fact, for such action as the Executive Committee shall deem appropriate.

(d) A Respondent, by written answer to a Complaint, may assert a monetary claim against the Complainant, provided such claim arises out of the same transaction or negotiations referred to in the Complaint. If a monetary claim is asserted in an answer, an administrative fee of \$50.00 shall be paid to the Board by the Respondent at the time of the filing of such answer.

(e) Anything in the foregoing provisions of this Section notwithstanding, the parties to any dispute may initiate an arbitration proceeding by filing with the Executive Vice President of the Board, together with the appropriate administrative fee, a written agreement to submit such dispute to arbitration. Such submission shall be filed on such form as may be prescribed from time to time by the Board and shall contain a concise statement setting forth the nature of the dispute, including the date or dates, or approximate date or dates, of any occurrences referred to in such submission, the amount involved, if any, and the issue or issues to be submitted to arbitration. Such submission shall be signed by all parties to the dispute.

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only from those members of the Committee on Arbitration whose names have not been stricken by any party, or from among the members of the Advisory Board or Directorate of the Board. The Arbitration Panel, as thus constituted, shall, at any time prior to the commencement of the hearing, designate and appoint one of its members to serve as Chairman of the Arbitration Panel for the purpose of such hearing.

Any three (3) or more of the five (5) members so selected shall, if present at the hearing, constitute a quorum, with full power to hear and decide the issues and render a decision and/or award. If a member of the Arbitration Panel, for any reason, ceases to act during the course of the arbitration hearing, the remaining members of the Panel, so long as there shall be three (3) or more members of the Panel in attendance, may continue with the hearing and the determination of the controversy.

(b) No more than one person either directly or indirectly connected with, or having any interest in, any particular firm, business, partnership or corporation may serve on the same Arbitration Panel.

(c) No person shall participate in the consideration of any Complaint, or in any proceedings or hearing in connection therewith:

(1) If the Complaint arises out of or in connection with any transaction or negotiations in which any firm, business, partnership or corporation with which such person is associated or connected, or in which such person has an interest, is a party;

(2) If the Complaint arises out of or in connection with any transaction or negotiations in which such person has any financial or personal interest whatsoever, either directly or indirectly;

(3) If such person is related by blood or marriage to any party or to any employee, partner, associate, principal or person having any ownership interest in any firm, business, partnership or corporation which is a party;

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Section 4. The Hearing: (a) After selection as aforesaid, the Arbitration Panel shall set a date for hearing and it, or the Executive Vice President of the Board, shall give the parties involved at least fifteen (15) days written notice, to be served personally or by certified mail, of the time and place of such hearing, and shall advise the parties of the names of the members of the Arbitration Panel. All hearings shall be held at the offices of the Board, unless the Arbitration Panel, in its discretion, shall designate some other place for the hearing. Appearance of any party at the hearing shall waive the requirement of the aforesaid notice. The date set for hearing shall be postponed by the Arbitration Panel upon sufficient cause being shown by any party requesting a postponement. The hearing also may be postponed by the Panel by agreement of all parties, or to suit the convenience of the parties or of the Panel.

(b) A party shall have the right to be represented by legal counsel in any proceedings or at any hearing held hereunder. A party intending to be represented by legal counsel at any hearing shall notify each other party, by certified mail, of the name and address of such counsel at least three (3) days prior to the date set for the hearing at which such counsel is first to appear. Failure to so notify each other party shall be a sufficient ground for a postponement of the hearing, upon the objection and request of any party not so notified.

When legal counsel for a party, to the knowledge of the other party or parties, has participated in any phase of the arbitration proceedings at any time prior to three (3) days before the date set for the hearing, the notice required by the foregoing paragraph shall be deemed to have been given.

(c) If any of the parties shall wish all or any part of the testimony taken at the hearing to be recorded and transcribed, written notice shall be

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In the conduct of the hearing, the Arbitration Panel shall not be bound by the technical rules of evidence.

(e) The arbitration hearing may proceed in the absence of any party who, after having been duly notified, fails to appear or fails to obtain a postponement or adjournment. An award shall not be made solely on the default of a party. The Arbitration Panel shall require the party or parties in attendance at the hearing to submit such evidence as the Panel may require for the making of an award.

(f) The Panel shall have the right to adjourn the hearing from time to time upon the request of a party or upon its own initiative, and shall adjourn the hearing when such adjournment is agreed to by all the parties.

(g) The Arbitration Panel shall have the power to administer oaths, and, at any arbitration hearing, a witness shall be sworn at the request of a party or at the request of a majority of the members of the Arbitration Panel.

(h) Persons having a direct interest in the arbitration are entitled to be present at the hearing. The Arbitration Panel otherwise shall have the power, upon the request of any party, to require the retirement from the hearing of any witness or witnesses during the testimony of other witnesses. Upon the agreement of all parties, the Arbitration Panel may exclude from the hearing any other persons having no direct interest in the arbitration proceeding.

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(1) There was an evident miscalculation of figures or an evident mistake in the description of any person, thing or property referred to in the award;

(2) The Arbitration Panel has awarded upon a matter not submitted to it and the award may be corrected without affecting the merits of the decision upon the issues submitted;

(3) The award is imperfect in a matter of form, not affecting the merits of the controversy; or

(4) For the purpose of clarifying the award.

The application shall set forth the grounds upon which it is based.

Any such application shall be addressed to the Chairman of the Arbitration Panel and shall be personally delivered or sent by certified mail to the offices of the Board.

At the time of the filing of any such application, the applicant shall personally deliver or send by certified mail a copy of such application to the other party or parties to the controversy, together with a written notice stating that any objections to said application must be filed and served, as hereinafter provided, within ten (10) days from the receipt of said notice.

Any such objections shall be filed in writing, addressed to the Chairman of the Arbitration Panel, and shall be personally delivered or sent by certified mail to the offices of the Board. At the time of the filing of any such objections, the party filing the same shall personally deliver or send by certified mail a copy of such objections to each other party.

(h) The Arbitration Panel shall act upon an application for modification or correction of its decision or award within thirty (30) days after its receipt and, in its sound discretion, shall have the authority to grant or deny the application for a modification or correction.

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Section 6. Satisfaction of Award: (a) Any award of an Arbitration Panel shall be satisfied, and any other decision of the Panel shall be complied with, within ninety-one (91) days after the receipt by a party of a copy of the Arbitration Panel's opinion and award, unless theretofore there shall have been filed in a court having jurisdiction, in the City of Baltimore, a petition to modify, correct or vacate the award, pursuant to the provisions of the Maryland Uniform Arbitration Act. In such latter event, the award shall be satisfied, and any other decision of the Panel shall be complied with, within forty (40) days after the date of an order of court confirming, modifying or correcting such decision and award, or within forty (40) days after a similar decision and order of any appellate court to which an appeal might be taken.

(b) If any member of the Board, or a firm, corporation or trust with which a member is associated, shall fail or refuse to satisfy an award, or to comply with any other decision of an Arbitration Panel, as hereinabove provided, such failure or refusal shall constitute unethical conduct and a violation of the Bylaws of the Board, and the Arbitration Panel shall advise the Executive Committee of the Board of any such failure or refusal for appropriate action under Article XIX of the Bylaws of the Board.

JAN 23 1965



Section 7. Improper Communications or Attempts to Influence Panel:

(a) After the submission of a controversy to arbitration, and until a final decision and award, no party shall, or shall attempt to, communicate, either directly or indirectly, with any member of the Arbitration Panel regarding such controversy, other than by presenting evidence and argument in an open hearing or by a writing submitted to all members of the Arbitration Panel, with a copy delivered personally or sent by certified mail to each other party to the proceeding.

(b) No party to any arbitration proceeding shall attempt, either directly or indirectly, to influence any member of the Arbitration Panel, other than by presenting evidence and argument in an open hearing or by a writing submitted to all members of the Arbitration Panel, with a copy delivered personally or sent by certified mail to each other party to the proceeding.

(c) A violation or attempted violation by any party of paragraphs (a) or (b) of this Section shall be reported by any member of the Arbitration Panel having knowledge of the violation or attempted violation to all other members of the Panel. The Panel shall have the authority to refer any such violation or attempted violation by a member of the Board to the Executive Committee of the Board for disciplinary action pursuant to the provisions of Section 1 of Article XIX of the Board's Bylaws.

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon  
TO: Zoning Commissioner  
Date: September 5, 1984  
Norman E. Gerber, Director  
FROM: Office of Planning and Zoning  
Richard A. Dalla Tezza  
SUBJECT: No. 85-78-A

The Victorian Manor subdivision, of which this property is Lot 11, was approved by the CRG in January of 1984. As to the question of the type of use, this office offers no comment.

NEG/JGH/sf

Norman E. Gerber, Director  
Office of Planning and Zoning

Office of  
PATUXENT  
Publishing Corp.

16750 Little Patuxent Pkwy.  
Columbia, MD 21044

August 30 19 84

THIS IS TO CERTIFY, that the annexed advertisement of

PETITION FOR  
SPECIAL EXCEPTION Rolling Chesworth

was inserted in the following:

☒ Catonsville Times

☐ Arbutus Times

weekly newspapers published in Baltimore County, Maryland once a week for one successive weeks before the 1 day of September 19 84, that is to say, the same was inserted in the issues of

August 30, 1984

PATUXENT PUBLISHING CORP.

By *[Signature]*

IN THE CIRCUIT COURT  
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff

Defendant

CERTIFICATE OF PUBLICATION OF

VS.

W. DUVALL & ASSOCIATES

Engineers / Land Planning Consultants

May 30, 1984

DESCRIPTION TO ACCOMPANY SPECIAL EXCEPTION  
1301 NORTH ROLLING ROAD  
ELECTION DISTRICT 1 BALTIMORE COUNTY, MARYLAND

Beginning for the same on the east right-of-way line of Rolling Road, 70 feet wide, at the point of intersection with the northeast gusset line of the right-of-way of Chesworth Road, 60 feet wide, and running thence and binding on the east side of Rolling Road, by a line curving to the left in a northwesterly direction having a radius of 979.20 feet and an arc length of 189.01 feet, to a point, thence leaving said road and running North 85 degrees 21 minutes 00 seconds East 182.60 feet, thence South 03 degrees 44 minutes 44 seconds East 189.92 feet to a point on the north right-of-way of Chesworth Road, 60 feet wide, running thence and binding thereon South 75 degrees 22 minutes 34 seconds West 154.63 feet, thence by a line curving to the right in a northwesterly direction having a radius of 150.0 feet and an arc length of 63.11 feet to the gusset line connecting the north and east right-of-way lines of Chesworth and Rolling Roads respectively, and running thence and binding on said gusset line, North 32 degrees 05 minutes 06 seconds West 37.33 feet to the place of beginning.

Containing 0.95 of an acre of land more or less.



416 E. Joppa Road/Towson, Maryland 21204 / (301) 583-9571

PETITION FOR SPECIAL EXCEPTION

1st Election District

ZONING: Petition for Special Exception  
LOCATION: Northeast corner of Rolling and Chesworth Roads (1301 N. Rolling Road)  
DATE & TIME: Wednesday, September 19, 1984 at 10:00 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for an office of a professional person in their residence and to determine that a real estate broker is a professional person

Being the property of Richard A. Dalla Tezza, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this 8th day of August, 1984.

Petitioner *Richard A. Dalla Tezza*  
Petitioner's Attorney *Robert J. Yerman*

Received by *[Signature]*  
ARNOLD JABLON  
Zoning Commissioner  
Nicholas S. Condonari  
Chairman, Zoning Plans  
Advisory Committee



Pet. Exh 2



Pet. Exh 3



Pet. Exh 4

CERTIFICATE OF PUBLICATION

TOWSON, MD, August 30, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper, printed and published in Towson, Baltimore County, Md., appearing on August 30, 1984.

THE JEFFERSONIAN,

*[Signature]*  
Publisher

Cost of Advertising 20.00

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

85-78-X

District 1st Date of Posting Sept. 1, 1984

Posted for: *Arnold E. Jablon*

Petitioner: *Richard A. Dalla Tezza*

Location of property: *N.E. Corner of Rolling and Chesworth Roads*

Location of Signs: *N.E. Corner of Rolling and Chesworth Roads*

Remarks: *Sign posted Sept. 2, 1984*

Posted by: *[Signature]* Date of return: *Sept. 2, 1984*

Number of Signs: *1*

JAN 23 1985



## BALTIMORE COUNTY, MARYLAND

SUBJECT: SUBDIVISION REVIEW COMMENTS DATE: September 13, 1983

FROM: Edward A. McDonough, P.E., Chief  
Developers Engineering DivisionPROJECT NAME: Victorian Manor  
PROJECT NUMBER: #83124  
LOCATION: N/S Chesworth Road,  
E. of Rolling Road  
DISTRICT: 1C1

The Plan for the subject site, dated August 15, 1983, has been reviewed by the Developers Engineering Division and we comment as follows:

## GENERAL COMMENTS:

All construction drawings and construction for public use shall conform with Baltimore County Department of Public Works Design Standards and Standard Specifications and Details for Construction.

The responsibilities of the Developer involving public improvements shall include the Inspection Fees, Burden and Fringe Costs incurred. Currently these charges are 2.5 times payroll for Metropolitan District Projects and 2 times payroll for the Capital Improvement Fund.

The Plan as submitted is satisfactory, but is subject to the following comments.

A Public Works Agreement must be executed by the owner and Baltimore County for the required public improvements, prior to the recording of a record plat.

## HIGHWAY COMMENTS:

Rolling Road and Chesworth Road are existing curb and gutter roads of which no additional improvements are required.

Westburn Road is an existing 30-foot curb and gutter street, which terminates at the property line of this site. A permanent curb and gutter turnaround shall be placed at the end of the existing road to serve Westburn Road and shall be the Developer's full cost responsibility.

Project #83124  
Victorian Manor  
Page 2  
September 13, 1983

## HIGHWAY COMMENTS: (Cont'd)

Prior to removal of any existing curb for entrances, the Developer shall obtain a permit from the Bureau of Public Services, Attention: Mr. C. E. Brown, 494-3321.

Driveways shall be constructed in accordance with Baltimore County Standards (Detail P-15A), with depressed curb and 7-inch concrete aprons within the right-of-way.

Panhandle drives serving more than one lot shall be paved prior to occupancy.

Sidewalks are required adjacent to the public roads serving this site. The walks shall be 4 feet wide and shall be installed to conform with Baltimore County Standards, which places the back edge of the sidewalk 2 feet off the property line.

The Developer shall be responsible for construction stake-out of all highway improvements required in connection with this site and all stake-outs shall be in accordance with Baltimore County Standards.

It shall be the Developer's responsibility to have his engineer set property line control stakes on the points of curvature and points of tangency and on adjacent rights-of-way along proposed roads to be used as control for the stake-out of utilities.

It shall be the responsibility of the Developer's engineer to clarify all rights-of-way within the property and to initiate such action that may be necessary to abandon, widen or extend said rights-of-way. The Developer shall be responsible for the submission of all necessary plats and for all costs of acquisition and/or abandonment of these rights-of-way.

In accordance with Bill No. 32-72, street lights are required in all subdivisions. The Developer will be responsible for the full costs of installation of the cable, poles and fixtures. The County will assume the cost of the power when the streets have been accepted for County maintenance.

## STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS:

The Developer is responsible for the total actual cost of drainage facilities required to carry the storm water run-off through the property to be developed to a suitable outfall. The Developer's cost responsibilities include the acquiring of easements and rights-of-way - both onsite and offsite - and the deeding in fee to the County of said rights-of-way. Preparation of all construction, rights-of-way and easement drawings, engineering and surveys, and payment of all actual construction costs including the County overhead both within and outside the development, are also the responsibilities of the Developer.

Project #83124  
Victorian Manor  
Page 3  
September 13, 1983

## STORM DRAINS, SEDIMENT CONTROL AND STORM WATER MANAGEMENT COMMENTS: (Cont'd)

The Developer must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Developer.

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Drainage studies and storm water management drawings will be necessary to be reviewed and approved prior to the recording of any record plat or the issuance of any grading or building permits.

In accordance with Baltimore County Council Grading Ordinance (Bill No. 10-77) a grading plan shall be approved and a Performance Bond posted prior to issuance of a grading permit. The number of square feet of land disturbed shall be indicated on the sediment control drawing.

The Developer shall be responsible to stabilize the sidewalk areas and supporting slopes on all road rights-of-way following completion of the initial grading of the boxed-out subgrade. The stabilization shall be accomplished within the nearest period of optimum seeding as established in the Baltimore County Sediment Control Manual. Minimum acceptable stabilization measures will be as specified in the Baltimore County Sediment Control Manual under "Critical Area Stabilization (With Semi-Permanent Seedings)".

Failure by the Developer to accomplish the stabilization as aforementioned will result in the termination of all processing phases of this development.

A permanent method for retaining storm water runoff in excess of the original runoff based on a 2-year frequency storm must be provided on the site.

Storm water management must comply with the requirements of the 1982 Baltimore County Storm Water Management Policy and Design Manual adopted January 17, 1983.

The Developer shall provide a minimum 10-foot drainage and utility easement along all bordering property lines which are not adjacent to County rights-of-way or storm drain reservations, unless a similar easement has previously been provided along the property lines of the adjacent subdivision.

Sediment control provisions will be required for each individual building permit application.

The Developer may request, in writing, an exemption of storm water management. The request should stress engineering studies justifying such an exemption. After evaluation, the County will then notify the Developer of its conclusion.

Project #83124  
Victorian Manor  
Page 4  
September 13, 1983

## WATER AND SANITARY SEWER COMMENTS:

The Developer is responsible for any deficit to be incurred by the construction, under County contract and inspection, of public water main extension and/or public sanitary sewerage required to serve this property. He is responsible for the preparation and the cost of construction drawings and right-of-way plats required. He is further responsible for conveying any required right-of-way to Baltimore County at no cost to the County.

This property is subject to Water and/or Sewer System Connection Charges based on the size of water meters utilized.

The total Water and/or Sewer System Connection Charge is determined, and payable, upon receipt of bids for the utility construction contract. This Charge is in addition to the normal front foot assessment and permit charges for those lots to be served by the proposed sanitary sewer extension.

The total Water and/or Sewer System Connection Charge is determined, and payable, upon application for the Plumbing Permit. This Charge is in addition to the normal front foot assessment and permit charges for those lots to be served by the existing public water and sewer facilities.

Permission to connect to the existing public sanitary sewer may be obtained from the Department of Permits and Licenses.

This site is subject to the sewer allocation policy as established by the Baltimore County Council.

EDWARD A. McDONOUGH, P.E., Chief  
Developers Engineering Division

EAM:PMK:SS

cc: File

## BALTIMORE COUNTY, MARYLAND

TO: Mr. Robert Morton DATE: September 6, 1983

FROM: C. Richard Moore

SUBJECT: C.R.G. COMMENTS

PROJECT NAME: Victorian Manor  
PROJECT NUMBER & DISTRICT: C.R.G. PLAN X  
LOCATION: N/S Chesworth Road E. of Rolling Road  
RECORD PLAT

Lots #1, 2, 3, 4, and 5 should have access from Westburn Road and lots #7, 8, and 9 should have access from Rolling Road due to the poor sight distance along Chesworth Road.

C. Richard Moore  
Acting Deputy Director  
Traffic Engineering

CRM/MSE/ccm

## BALTIMORE COUNTY, MARYLAND

## INTER-OFFICE CORRESPONDENCE

TO: Brooks H. Stafford Date: September 12, 1983

FROM: J. Robert Powell

SUBJECT: ENVIRONMENTAL EFFECTS REPORT - Victorian Manor  
CRG Meeting - September 14, 1983, 1:30 p.m.

## Plan Review Notes:

1. Eleven residential lots with one existing dwelling on 3.2 acres.
2. Public water and sewer.
3. Not in reservoir watershed.
4. Fallington soils (Fs) onsite but not located within building envelopes, therefore, no construction anticipated within hydric soils.
5. No streams onsite.
6. Storm Water Management required. Developer has applied for waiver.
7. Proposed Best Management Practices:
  - a. Fertilizers, insecticides, herbicides, and pesticides, will be used only at minimal rates.
  - b. All open spaces to be maintained by the property owner.
  - c. All pet wastes to be removed and disposed of properly.
  - d. Paved areas to be swept regularly.
  - e. Use of salt as ice and snow removal to be kept to a minimum.

## Response:

The Environmental Effects Report is approved, subject to the following conditions.

1. The owner agrees in writing to comply with the following Best Management Practices at this site.
  - a. All areas except that used for buildings, sidewalks and paved parking will be planted with vegetated cover and/or landscaped as soon as possible after final grading and maintained in such condition.
  - b. Dirt and debris accumulating on private roads and parking lots will be removed according to the following schedule: May through October, concurrent with grass mowing; November through April, monthly.
  - c. Snow removal will be by mechanical means except in severe snow and ice conditions, when deicing compounds may be used.
  - d. Application of fertilizers, herbicides and pesticides

ENVIRONMENTAL EFFECTS REPORT - Victorian Manor  
CRG Meeting - September 14, 1983, 1:30 p.m.  
Page 2

will not exceed recommendations of the University of Maryland Cooperative Extension Service.

e. Filling will not occur in grassed or lined drainage ditches or swales.

JRP:pb

COUNTY REVIEW GROUP  
COMMENTS ON PROPOSED SUBDIVISION PLANS  
BALTIMORE COUNTY DEPARTMENT OF HEALTH

Victorian Manor

Subdivision Name, Section and/or Plat

Richard Tezza  
Developer and/or EngineerWatershed No. of Lots or Units 4 3.2  
Total Acreage 3.2  
Public Public  
Water Sewer

## COMMENTS ARE AS FOLLOWS:

Soil percolation tests are required; a minimum of two test are required within a designated 10,000 square foot sewage disposal reserve area. For further information regarding these requirements, contact this office at 494-2762.

Soil percolation test have been conducted. Revised plans must be submitted prior to approval of plat, are not required and the plat can be approved as submitted. Contact this office for more complete information, 494-2762.

Public sewers, public water, must be utilized and/or extended to serve the property.

A Hydrogeological Study and Environmental Effects Report for this subdivision, must be submitted, are not required, is incomplete and must be revised, have been reviewed and approved.

A Water Appropriation Permit Application must be submitted, has been submitted. NOTE: Greater than 33 lots necessitates a public hearing with Water Resources Administration as part of the permit process.

It is recommended the plan, be approved as submitted, X be approved as submitted subject to the following conditions noted: in the attached memo dated September 12, 1983.

It is recommended this plan not be approved at this time. See revisions and/or comments.

REVISIONS AND/OR COMMENTS: (4)

SS 783R



Section 8. Settlements: (a) The parties to an arbitration hearing shall have the right to settle their dispute and to withdraw their submissions to arbitration at any time prior to the receipt of the award of the Arbitration Panel. If all parties so request, the Arbitration Panel may set forth the terms of the agreed settlement in an award.

(b) If a dispute is settled by the parties at any time prior to the sending of a notice setting the time and place for hearing, one-half (1/2) of the administrative fee paid to the Board shall be refunded by the Board to the party who paid the same. If a dispute is settled by the parties after the sending of a notice setting the time and place for hearing, no part of the administrative fee shall be refundable.

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IN RE: PETITION SPECIAL EXCEPTION  
NE/corner of Rolling and  
Chesworth Roads (1301 North  
Rolling Road) - 1st Election  
District  
Richard A. Dalla Tezza,  
Petitioner  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 85-78-X

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special exception for a professional office in his residence, as more fully described on Petitioner's Exhibit 1.

The Petitioner appeared and testified and was represented by Counsel. Appearing on behalf of the Petitioner was Wilbur Duvall, a registered professional engineer. Ronald Lepson, a resident of the area and a representative of the Westview Park Improvement and Civic Association, appeared and testified as a Protestant.

Testimony indicated that the subject dwelling, located on the corner of Rolling and Chesworth Road, zoned D.R.3.5, contains three stories with the proposed office to be located on the first floor. The Petitioner has been a real estate broker for three years and was a real estate agent for six years before that. He wishes to operate his business from his residence. He estimates that he would see 30 to 50 potential clients per year in his home and that most of his business would be conducted off premises. His wife, who would act as his secretary, would be his only employee.

Duvall testified that a County survey of traffic at this intersection showed that the traffic count was 24,000 vehicles per 24 hours. According to Mr. Duvall, based on his experience and expertise, the proposed office would not adversely impact the traffic flow, i.e., 30 to 50 people per year would not cause a problem. In fact, all of the Petitioner's business would be conducted

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between the hours of 10:00 a.m. to 2:00 or 3:00 p.m. or in the evenings. He pointed out that the peak traffic in the area is in the morning between 7:00 and 9:00 a.m. and in the late afternoon between 4:00 and 6:00 p.m., and therefore, his business would not further add to the traffic congestion.

Mr. Lepson, also a registered professional engineer, testified that, in his opinion, there would be an adverse impact on the community if the special exception were granted. He believes that real estate values would depreciate and that traffic would further increase causing worse congestion. He also believes that the Petitioner will have many more potential clients than the 30 to 50 he stated. He is concerned with the safety of children walking to and from school with cars ingressing and egressing the subject property. However, he offered no contradiction to Mr. Duvall's testimony regarding the traffic count but believes that 30 to 50 clients per year will cause an adverse impact.

The Petitioner stated that there would be no decrease in property values; in fact, he developed the lots surrounding his home and pointed out that he would not do anything to decrease their value. In his experience in the real estate business, the proposed office would not reduce values.

The Petitioner seeks relief from Section 1801.1.C.9B, pursuant to Section 503.1, Baltimore County Zoning Regulations (BCZR).

The decision to grant the special exception must be preceded by a determination as to whether a real estate broker is a professional within the meaning of the BCZR. Evidence presented by the Petitioner indicated that in order to be a real estate broker, one must have completed three courses to be a real estate agent, four courses to be a broker, and then be licensed by the State of Maryland. The Petitioner completed his requirements at Catonsville Community College and Towson State University. Brokers are regulated and licensed by the State. Article 56, Section 212, et seq, Annotated Code of Maryland.

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Specifically, the Real Estate Commission is charged with the responsibility of regulating the activities of brokers and agents and has the authority to suspend and/or revoke licenses. Article 56, Section 224. In fact, the Commission has adopted a code of ethics which is the standard of conduct required of all persons licensed to sell real estate. Article 56, Section 229A. The Greater Baltimore Board of Realtors, a non-governmental voluntary association of realtors, has adopted an arbitration procedure and a code of ethics. See Petitioner's Exhibits 5 through 9.

Where the language of the regulations sustains a construction that the use of a residence is permitted for professional purposes other than those specifically listed therein, the question arises as to what is a profession. As indicated above, if the activity proposed by the Petitioner is a profession, the proposed activity would satisfy the criteria set forth in Section 502.1, BCZR.

A nurse, whether trained, practical, or registered (Mayor and City Council v. Smith, 168 Md. 458); a rabbi (and thus entitled to use his house for religious ceremonies) (Sessleon v. Bates, 86 A.2d 883 (N.J.); see also Ritter v. Jersey City Missionary Society, 65 A.2d 633 (N.J.)); a chemist (U.S. v. Lanes, 163 U.S. 258 (1896)); a Christian Science practitioner (Audubon Area Zoning Association v. Krushevski, 82 SO.2d 460 (La.)); and an industrial designer, (Geoffert v. Mesley, 59 NE.2d 414 (N.Y.)), all have been determined to be professionals. Teaching of dancing has also been determined to be a professional activity (DelPriore v. Ball, 118 NYS.2d 53; Stewart v. Humphries, 132 NE.2d 758 (Oh.)); teaching of singing or music is a profession, (People v. Kelly, 255 NY 306).

The term "professional" has been held to relate to those who have "occupations or callings which required learned and special preparation in the acquisition of securing knowledge and skill, necessary to a proper understanding of and

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successful management of such occupations" such as medicine, law, or divinity as distinguished from a merchant, blacksmith, carpenter, or tailor. Grendal v. White, 41 A.2d 887 (N.Y., 1973). The word "profession" denotes "professed attainments in special knowledge as distinguished from mere skills". Dlugos v. Zoning Board of Appeals, 416 A.2d 180 (Conn., 1980).

In Colker v. D.C. Board of Zoning Adjustment, 474 A.2d 820 (D.C., 1983), the Court, faced with similar language found in the BCZR, i.e., "other professional persons" v. "similar professional persons", defined the term to require: (1) a professional education, (2) a code of ethics and some principles of practice through a professional organization, and (3) a professional license. See Keefe Co. v. D.C. Board of Zoning Adjustment, 409 A.2d 624 (D.C., 1979). Colker was a licensed CPA and was chartered by the Institute of Chartered Financial Analysts as a financial analyst. He wanted to establish his office as an accountant, analyst, and economist. The Court held that in two of the three categories Colker did not meet the criteria.

In the Matter of Bernard Haygood, Jr., Case No. 81-117-SPH, the Deputy Zoning Commissioner found that a reflexologist was not an "other" professional person. The reasons expressed therein for denial included the Petitioner's lack of licensure or recognition by the State or professional organizations within the field of healing arts. (emphasis added) In the Matter of Edward T. O'Toole, Case No. 78-65-SPH, the Deputy Zoning Commissioner denied the Petitioner the right to operate a microbiology lab as a profession. The conclusion was reached, at least in part, to deny the Petitioner relief due to the lack of approval.

In the Matter of James Conahue, Case No. 82-179-V, the County Board of Appeals found that a private investigator licensed by the State was a profession within the meaning of the BCZR. Black's Law Dictionary defines a profession as a "vocation or occupation requiring special, usually advanced, education and skill" and states that the

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labor and skill involved in a profession are "predominantly mental or intellectual, rather than physical or manual."

The American Heritage Dictionary of the English Language defines "profession" as "1. An occupation or vocation requiring training in the liberal arts or the sciences and advanced study in a specialized field. 2. The body of qualified persons of one specific occupation or field..."

In most, if not all, of the aforesaid cases, the local zoning ordinances were similar to Section 1801.1.C.9B, in that the term "professional person" is used with no particular reference to real estate agencies. In Dlugos, for example, as in the other cases cited, the Petitioner argued that the business of a real estate broker should be classified as a professional occupation so as to fall within the purview of a permitted use by special exception. He placed, as in the instant case, heavy reliance upon the fact that a broker is regulated by the licensing requirements of the statute. The Court stated:

That reliance is misplaced. The requirement of licensing serves a public policy allowing "supervision and regulation of the real estate business and mak[ing] possible the elimination of the incompetent and unscrupulous agent." Cyphers v. Alllyn, 118 A.2d 318 (Conn.); Metropolitan Casualty Co. v. Billings, 192 A.2d 541 (Conn.).

In the common usage of the term, a real estate office cannot be classified any differently from an insurance office, a collection agency, a shoe repairer's store, a tailor's store, or other types of occupations, businesses, or agencies where personal services are offered to the general public. On the other hand, the word profession denotes something more. It implies "professed attainments in special knowledge as distinguished from mere skill." It signifies a "practical dealing with affairs as distinguished from mere study or investigation; and an application of such knowledge to uses for others as a vocation as distinguished from its pursuit for its own purposes." Ballentine's Law Dictionary (2nd Edition). The term "profession" implies "knowledge of an advanced type in a given field of science or learning gained by a prolonged course of specialized instruction and study." People v. State Tax Commissioner, 26 NE.2d 955 (N.Y.); Rosenbloom v. State Tax Commissioner, 353 NYS.2d 544.

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The course of study undergone by the Petitioner herein to gain his broker's license does not establish sufficient education to comply with the requirements established by Colker, supra, whose definition is adopted herein as the standard under which a professional is determined. A real estate broker is not a professional as that term is commonly used, i.e., a lawyer, dentist, doctor, minister, chiropractor, psychiatrist, podiatrist, psychologist, or architect.

After reviewing all of the testimony and evidence presented, it is the opinion of this Commissioner that when construed according to the common understanding given the words, as it must be, the term "other professional person" does not include a real estate broker.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special exception should be denied.

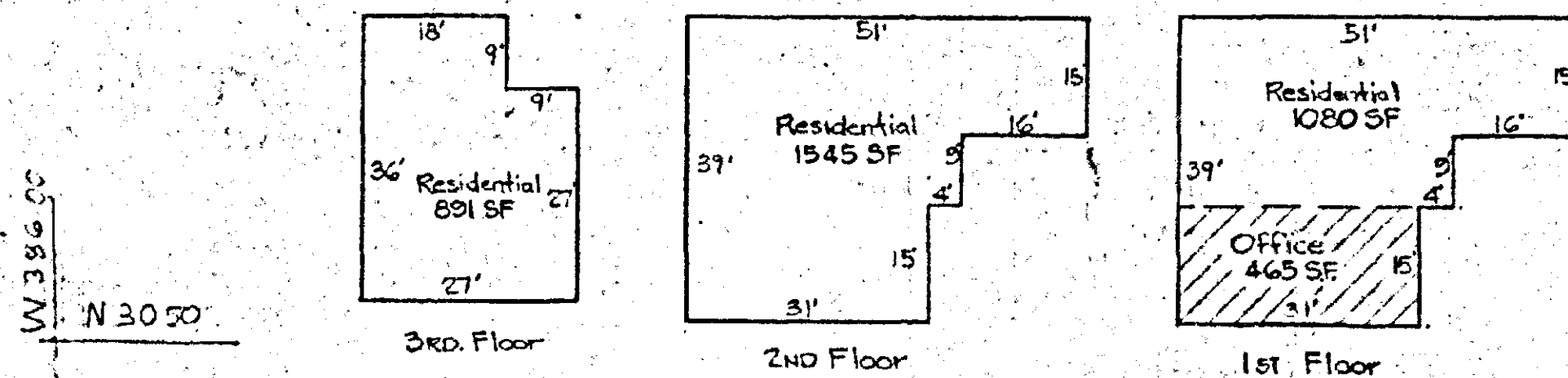
Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of October, 1984, that the Petition for Special Exception for a professional office in a residence be and is hereby DENIED.

[Signature]  
Zoning Commissioner of  
Baltimore County

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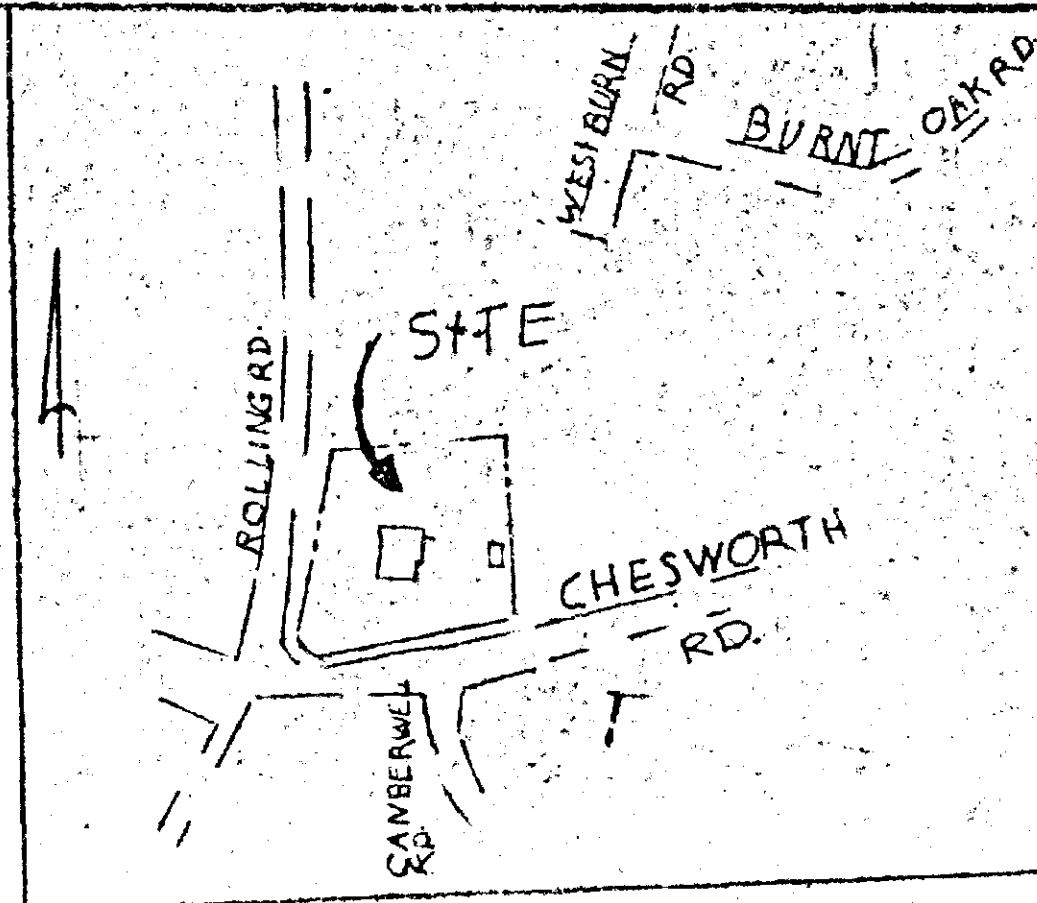




Adelaide Demarco  
54-47/0737  
(Vacant)  
DR 3.5

### FLOOR PLANS

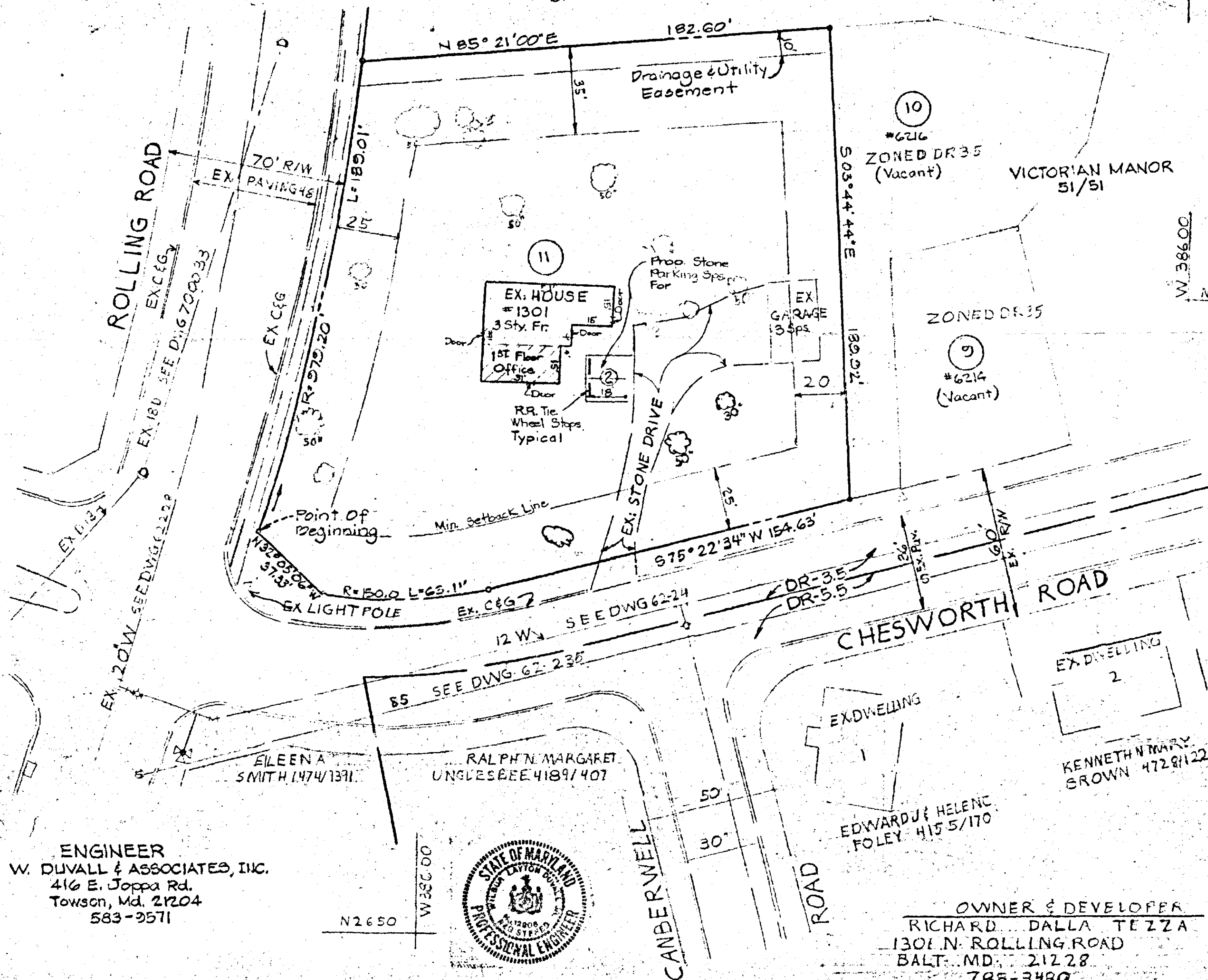
Scale 1"=20'



LOCATION MAP  
Scale: 1"=200'

### SITE DATA

1. Site Area = 0.93 Acs
2. Site Zoned DR-3.5
3. Ex. Use Residential, 3 Sty Frame, 3981 SF
4. Proposed Use Residential With In Home Office
5. Proposed Use  
Residential 3516 SF  
Office 465 SF (Real Estate)
6. Parking Req'd.  
Residential 2 Spaces  
Office 465 SF/300 = 2 Spaces  
Total Spaces Req'd. & Provided 5
7. Max. NR Of Non Resident Employees = 3  
1- Non-Resident Professional Associates  
2- Other Non-Resident Employees



ENGINEER  
W. DUVAL & ASSOCIATES, INC.  
416 E. Joppa Rd.  
Towson, Md. 21204  
583-3571



PETITIONER'S  
EXHIBIT

REVISED PLANS

AUG 1 REC'D

#20

### PLAT TO ACCOMPANY SPECIAL EXCEPTION

FOR OFFICE IN HOME  
1301 N. ROLLING ROAD, LOT #11, PLAT 51/51  
BALTIMORE CO., MD. ELECT. DIST. 1  
SCALE: 1"=30' MAY 28, 1984







## BY-LAWS (Cont'd.)

Section 2. The annual dues of each REALTOR Member actively engaged in the real estate business from areas not within the jurisdiction of a Member Board shall be (1) an amount established by the Board of Directors not to exceed \$25.00 plus an amount (2) established by the Board of Directors not to exceed \$25.00 times the number of real estate salespersons who are not REALTOR or REALTOR-ASSOCIATE, provided, however, that if two or more REALTORS are principals of the same firm, partnership, or corporation, then only that REALTOR designated from time to time in writing (the "designated" REALTOR) by the firm, partnership, or corporation shall be required to pay that portion of the dues which is computed on the basis of the real estate salespersons employed by or affiliated as independent contractors with such firm, partnership, or corporation, and the dues of the remaining REALTORS who are principals of such firm, partnership, or corporation shall be established by the Board of Directors in an amount not to exceed \$25.00.

Section 3. The annual dues of each REALTOR-ASSOCIATE Member actively engaged in the real estate business from an area not within the jurisdiction of a Member Board shall be established by the Board of Directors not to exceed \$25.00.

Section 4. The annual dues of each Institute Affiliate Member shall be established by the Board of Directors not to exceed \$25.00.

Section 5. Upon payment to the Maryland Association of REALTORS of the dues required under Section 1, 2, 3, and 4 of this Article, each REALTOR, REALTOR-ASSOCIATE and Institute Affiliate member of Member Boards within the State, and each REALTOR, REALTOR-ASSOCIATE and Institute Affiliate Member from areas not within the jurisdiction of a Member Board within the State shall be deemed a REALTOR, REALTOR-ASSOCIATE or Institute Affiliate member, as the case may be, in good standing of the Maryland Association of REALTORS. Upon payment of dues required under any other Section of this Article, the individual making such payment shall be deemed a Member as designated in good standing of the Maryland Association of REALTORS.

Section 6. The annual dues of each Affiliate Member shall be established by the Board of Directors in an amount not to exceed \$25.00.

Section 7. A Member Board shall have its dues reduced by an amount equal to the current year's annual REALTOR dues times the number of REALTOR Members who maintain principal place of business within the jurisdiction of that Member Board or an unassigned territory, providing (1) State Association dues are paid by the Member Board, (2) the Member Board has notified in writing, or in any form required by the State Association and each Member Board of which it is a Member, as to the principal place of business of its members, and (3) the Member has notified in writing, or in any form required by the State Association and each Member Board of which it is a Member, as to the principal place of business of its members. The annual dues of a REALTOR Member actively engaged in the real estate business in an area not within the jurisdiction of a Member Board shall be reduced by an amount equal to the current year's annual REALTOR dues provided the Association dues are paid by such Member Board having jurisdiction over his principal place of business, with an appropriate amount of such dues computed to reflect the membership of said REALTOR in that Member Board.

Section 8. In November of each year, each Member Board shall file with the Maryland Association of REALTORS in such format as shall be determined by the Maryland Association a list of its REALTOR Members (as defined in Article II, Section 1(c) Constitution, NATIONAL ASSOCIATION OF REALTORS) and the real estate salespersons employed by or affiliated as independent contractors with such REALTOR Members, certified by the President and Secretary of the Board, and that Member Board shall pay dues for the current year on the basis of such list. Provided, however, that adjustments shall be made each quarter for Members dropped or enrolled by the Member Board during the preceding quarter. Each Member Board shall also file with the State Association of November of each year a list of Institute Affiliate Members of the Member Board; however, such Institute Affiliate Members shall be individually responsible for payment of membership dues directly to the State Association. On a quarterly basis, the Member Board shall report to the State Association the names and addresses of REALTORS, REALTOR-ASSOCIATES, and Institute Members dropped or enrolled during the preceding quarters. Any Member Board or other Member delinquent in payment of dues by more than 90 days may be dropped from membership in the Association by the Board of Directors.

## ARTICLE IV OFFICERS

Section 1. The officers of the Association shall be president, president-elect, a first vice president, a district vice president from each district of the State, a secretary and a treasurer.

All officers shall serve for one year or until their successors are elected and qualified and shall be ex-officio members of the Board of Directors. The president shall not be eligible to serve a second successive term. Any vacancy occurring in the Board of Directors or in any elective office of the Association due to death, resignation or otherwise, shall be filled by a majority vote of the Board of Directors for the unexpired term, and any vacancy occurring on any standing

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## BY-LAWS (Cont'd.)

Section 2. Other meetings may be called by the Board of Directors. Any call for a meeting shall state the purpose, time and place of the meeting, and shall be issued in writing at least ten (10) days in advance.

Section 3. QUORUM. Presidents of a majority of the Member Boards, or their accredited alternates, shall constitute a quorum at any membership meeting or convention.

## ARTICLE VII COMMITTEES

Section 1. The president shall within thirty (30) days after his election appoint all standing committees necessary to carry out the objectives of the Association and may, from time to time, appoint such committees as may be required.

Section 2. Committees shall have such duties as their titles indicate, and as the board of directors may assign. All actions of appointed committees shall be subject to the approval of the Board of Directors.

Section 3. The past presidents of the Association who are in good standing shall constitute an advisory committee which shall be available for consultation by the president or by the other officers and by the Board of Directors.

## ARTICLE VIII ELECTION OF OFFICERS

Section 1. The election of officers and directors shall be held at the annual meeting of the Association.

Section 2. At a regular meeting of the Board of Directors, not less than two months before the annual membership meeting, the President, with the approval of the Board of Directors, shall appoint a Nominating Committee composed of one Board Member from each District and two past presidents. The immediate past president shall serve as ex-officio chairman of the Nominating Committee with the right to vote in the event of a tie. The current president shall also be invited to meet with the Nominating Committee in order that the group may call on its experience and knowledge of Association affairs. The president shall not be entitled to vote. The Nominating Committee shall consider the names of nominees for vacancies on the Board of Directors as presented by each Member Board in the numbers to which such Member Board is entitled, however, if any Member Board fails to submit to the Nominating Committee such a list of nominees at least ten (10) days prior to the annual meeting, the Nominating Committee shall nominate the Directors to which the Member Board is entitled.

The Nominating Committee shall also name at least one candidate for the offices of president (for the term 1982-83 only), president elect, vice president, secretary and treasurer. The report of the Nominating Committee's slate of officers shall be posted in Association headquarters and reported to each Member Board at least sixty (60) days before the annual meeting. Additional nominations for such offices may be made, provided the names of such nominees are posted in Association headquarters over the signatures of at least twenty-five (25) voting members in good standing and reported to each Member Board at least thirty (30) days prior to the annual meeting.

In addition, the Nominating Committee shall also name one candidate for a District Vice President of each of the four Districts from nominees submitted by the member boards in each District, provided, however, additional nominations for the positions of District Vice Presidents may be made by the Board of Directors from its own body at the annual meeting.

## ARTICLE IX DELEGATE BODY

Section 1. Voting shall be by Member Boards whenever, at any membership meeting or convention of the Association, any delegate shall demand a division of the vote. Each Board shall be represented by the President or by another Active Member previously accredited who shall be entitled to cast one vote for each Board Member in such Board. The number of votes to which a Member Board shall be entitled shall be equal to the number of its Board Members on file with the Association on the first day of the month preceding the month in which the meeting is held.

Section 2. Individual Members may vote in person at any meeting at which the presidents of the Member Boards may vote.

## ARTICLE X FISCAL YEAR

Section 1. The fiscal year of the Association shall be November 1 to October 31.

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## BY-LAWS (Cont'd.)

Eastern Shore District—comprising CAROLINE, CECIL, DORCHESTER, KENT, QUEEN ANNE'S, SOMERSET, TALBOT, WICOMICO, AND WORCESTER COUNTIES.

Central District—comprising BALTIMORE CITY, BALTIMORE, CARROLL, HARFORD, AND HOWARD COUNTIES.

Southern District—comprising ANNE ARUNDEL, CALVERT, CHARLES, PRINCE GEORGES, AND ST. MARY'S COUNTIES.

Western District—comprising ALLEGANY, FREDERICK, GARRETT, MONTGOMERY, AND WASHINGTON COUNTIES.

## ARTICLE XV RULES OF ORDER

Section 1. Roberts' Rules of Order, Latest Edition, shall be recognized as the authority governing all meetings and conferences when not in conflict with the bylaws of the Association.

## ARTICLE XVI AMENDMENTS

Section 1. These bylaws may be amended at any meeting of the membership by the affirmative vote of two-thirds of the total number of votes cast by Member Board Presidents or accredited alternates and individual Members present and voting, provided that a quorum is present, and provided further that written notice of the substance of any proposed amendment shall first have been sent to each member at least one month in advance of the meeting.

Section 2. Amendments to these Bylaws affecting the admission or qualifications of Active Members, Associate Members, and Institute Affiliate Members, the use of the term REALTOR, REALTORS, or REALTOR ASSOCIATE, or any alteration in the territorial jurisdiction of a Board shall become effective upon the approval of the Board of Directors of the National Association.

## ARTICLE XVII DISSOLUTION

Section 1. Upon the dissolution of this Association, the Board of Directors, after providing for the payment of all obligations, shall distribute any remaining assets to a non-profit and tax-exempt organization to be determined by the Board of Directors.

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11/1/83

THE GREATER BALTIMORE BOARD OF REALTORS, INC.

## BYLAWS

## ARTICLE I NAME

SEC. 1: The name of this organization is, and shall be, "The Greater Baltimore Board of Realtors, Inc.", hereinafter referred to as the "Board."

SEC. 2: Inclusion and retention of the term "Realtors" in the name of the Board shall be governed by the Constitution and Bylaws of the National Association of Realtors as from time to time amended.

## ARTICLE II OBJECTS

The objects of the Board are declared to be:

SEC. 1: To unite those engaged in the recognized branches of the real estate profession in the Greater Baltimore Area for the purpose of exerting a beneficial influence upon the profession and related interests.

SEC. 2: To promote and maintain high standards of conduct in the real estate profession, as expressed in the Code of Ethics of the National Association of Realtors (referred to in these Bylaws as "Code of Ethics").

SEC. 3: To provide a unified medium for real estate owners and those engaged in the real estate profession whereby their interests may be safeguarded and advanced.

SEC. 4: To further the interest of home and other real property ownership.

SEC. 5: To unite those engaged in the real estate profession in the Greater Baltimore Area with the Maryland Association of Realtors, Inc., and with the National Association of Realtors, thereby furthering their own objectives throughout Maryland and the nation, and thereby obtaining the benefits and privileges of membership in said organizations.

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territory of the Board shall qualify for Active Membership only, and each is required to hold Active Membership individually in the Board, in the State Association, and in the National Association unless otherwise qualified for Affiliate Membership as described in Section (b) of Article IV.

(2) Individuals who are engaged in the real estate profession other than as principals, partners, corporate officers or trustees and as such are associated with an Active Member and meet the qualifications set out in Article V.

(b) **AFFILIATE MEMBERS:** Affiliate members shall be individuals who, and firms and corporations which, while not engaged in the real estate profession, as defined in paragraph (a) of this Section, are actively engaged in any business or profession related to the developments, improvement, sale or management of real estate, also individuals, firms and corporations owning and paying taxes on real estate located within the jurisdiction of this Board but who are not eligible for any other of the classes of membership herein provided.

(c) **NON-RESIDENT MEMBERS:** Non-Resident Members shall be individuals who are engaged in the real estate profession within the territorial jurisdiction of another real estate board which is a member of the National Association of Realtors, who hold the required form of membership in such other board, but who do not maintain a place of business within the territorial jurisdiction of this Board, but who desire to obtain the services afforded members of this Board.

(d) **HONORARY MEMBERS:** Honorary Members shall be individuals who have attained the age of 70 years; have been a member in good standing of the Board for twenty consecutive years; and who have performed notable service for the real estate profession, for the Board and for the public and who have been elected to Honorary Membership by the vote of not less than three-fourths (3/4ths) of the entire directorate.

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membership shall be as follows:

(a) Each applicant for membership shall become a member of the Board, in the class of membership for which the applicant has applied and for which the applicant is eligible under Article V hereof, upon filing at the offices of the Board a properly completed form of membership application, together with the required entrance fee, if any, and dues prorated to the time of application; provided, however, that such membership shall be subject to subsequent approval pursuant to paragraph (e) or (f) of this Section and subject also to the conditions set forth in paragraph (h) of this Section.

(b) Each applicant for Active membership, at the time of making application, shall supply satisfactory evidence that he or she is actively engaged in the real estate business and its recognized branches and has established in the community a sound credit rating and a favorable reputation for business or professional conduct. Each such applicant also shall sign a statement that he or she has read the Bylaws and rules and regulations of the Board, the bylaws of the Maryland Association of Realtors, the Constitution and bylaws and the Code of Ethics of the National Association of Realtors, and he or she shall pledge that, as a member, he or she will comply with said Constitution, bylaws, rules and regulations and Code of Ethics. At the time of making application for Active Membership, each applicant, other than the Designated Realtor, shall supply evidence that he or she is licensed with, employed by, or associated as an independent contractor with the Designated Realtor of the firm who holds Active Membership in the Board.

(c) Each applicant for Active membership shall, prior to approval of his or her applicant, attend and satisfactorily complete a course of instruction covering the Bylaws and rules and regulations of the Board, the bylaws of the Maryland Association of Realtors, and the Constitution and bylaws and Code of Ethics of the National Association of Realtors, and, in the discretion of the Executive Committee, shall pass such reasonable and non-discriminatory written examination thereon as may be required by the Executive Committee.

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(g) The Directorate or the Executive Committee, as the case may be, shall have the power to reject any application, or it may refer the same back for further consideration or investigation. Upon rejection of any application for membership, any entrance fees and dues paid by the applicant shall be refunded promptly.

(h) The Board of Directors or the Executive Committee may not reject an application without first giving the applicant an opportunity to appear before it to be advised, in writing, of the findings and recommendations upon which such rejection is based, to call witnesses in his behalf, to be represented by counsel, and to make such statements as he deems relevant. The Board of Directors or Executive Committee may also have counsel present. The Board of Directors or Executive Committee shall cause written minutes to be made of any hearing before it or may electronically or mechanically record the proceedings.

(i) If the Board of Directors or the Executive Committee determines that the application should be rejected, it shall record its reasons with the Secretary. If the Board of Directors or Executive Committee believes that applicant may resort to legal action because of rejection of his application, it may specify that rejection shall become effective upon entry in a suit by the Board for a declaratory judgment by a court of competent jurisdiction of a final judgment declaring that the rejection violates no rights of applicant.

SEC. 3: Resignations: Members of any class may resign from the Board by giving notice to the Executive Vice President in writing and surrendering membership cards, Realtor certificates or other credentials issued by the Board, provided all indebtedness to the Board is paid up to the end of the current dues period in which such resignation is submitted. Such resignation shall not become effective until the same has been accepted by a majority vote of the Directorate or Executive Committee. The Directorate or Executive Committee may, in its discretion, refuse to accept a resignation from any member against

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corporation trust whichever shall apply.

(e) The real estate business of Active Members, and of firms, partnerships, corporations and trusts with which such members are associated, shall be conducted in compliance with these Bylaws, and in full accord with the bylaws of the Maryland Association of Realtors and with the Constitution, bylaws and Code of Ethics of the National Association of Realtors.

SEC. 2: Affiliate Members: Affiliate Members shall not have the right to vote or to hold elective office in the Board, but shall have such other rights and privileges and be subject to such obligations as may be prescribed from time to time by the Directorate.

SEC. 3: Non-Resident Members: Non-Resident Members, as such, shall not have the right to vote or to hold elective office in the Board, but shall have all other rights and privileges, and shall be subject to all obligations, of Active Members.

SEC. 4: Honorary Members: Honorary Members shall have no rights except the right to attend meetings and to participate in discussions and shall have no financial obligations to the Board.

SEC. 5: All Active Members without further payment of dues, shall automatically become entitled to membership, in the appropriate classification, in the Maryland Association of Realtors, Inc., by virtue of their membership in this Board, and all Active Members, without further payment of dues, shall automatically become entitled to membership in the National Association of Realtors by virtue of their membership in this Board.

SEC. 6: Voting: The right to vote at general meetings shall be limited to Active Members; provided, however, that the Directorate may at any time, with or without prior notice and under such conditions as shall be deemed appropriate by the Directorate, ascertain for its

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SEC. 6: To designate, for the benefit of the public, those individuals within its jurisdiction authorized to use the term "Realtor", as licensed, prescribed and controlled by the National Association of Realtors.

#### ARTICLE III JURISDICTION

SEC. 1: The territorial jurisdiction of the Board as a Member Board of the National Association of Realtors shall be the City of Baltimore and Baltimore County.

SEC. 2: Territorial Jurisdiction is defined to mean:

(a) The right and duty to control the use of the terms "Realtor" and "Realtors", subject to the conditions set forth in these Bylaws, and those of the National Association of Realtors, in return for which the Board agrees to protect and safeguard the property right of the National Association of Realtors in such terms.

(b) The right, with respect to other Boards, to have as an Active Member any person engaged in the real estate profession who maintains his principal place of business therein, or who is engaged in the real estate profession in association with an Active Member who maintains a place of business therein, or who is an Active Member of another Member Board within the jurisdiction of which his principal place of business is located.

#### ARTICLE IV MEMBERSHIP

SEC. 1: There shall be four (4) classes of members: Active, Affiliate, Non-Resident and Honorary.

(a) Active Members: Active Members shall be:

(1) Individuals who, as principals, partners, corporate officers or trustees, are engaged actively in the real estate profession, including buying, selling, exchanging, renting or leasing, managing, appraising for others for compensation, or financing, building, developing or subdividing real estate, and who maintain or are associated with an established real estate office, or are engaged primarily in the business of title insurance. All persons who are partners in a partnership, or all officers in a corporation, or all trustees of a trust who are actively engaged in real estate business within the

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The directorate. It in its sole discretion, may waive either or both the age and membership requirements as set forth herein.

SEC. 2: The directorate, in its discretion, may classify Active Members according to their respective business or professional specialties and may impose differing standards of qualification and varying entrance fees, within the limits, if any, prescribed by these Bylaws, in recognition thereof.

SEC. 3: Active membership shall be held only in the name of an individual, and shall not be held in the name of a corporation, partnership or trade or firm name.

SEC. 4: Any member of this Board, under the provisions of this Article IV, is required to, but does not, hold Active Membership, shall within thirty (30) days after written notice from the Board, file application for such Active membership. Any such member failing or refusing to file such application, after notice as aforesaid, or who, after such notice, files such application and is rejected for Active membership, shall be automatically dropped from membership in the Board.

SEC. 5: The Board of Directors shall, from time to time, identify one Active Member in each firm, entity, corporation, partnership or trust as the Designated Realtor for said firm, entity, corporation, partnership or trust. The Designated Realtor shall in all instances be a principal, partner, corporate officer or trustee of the firm, entity, corporation, partnership or trust and there shall be one such Designated Realtor in each firm, entity, corporation, partnership or trust at all times.

#### ARTICLE V ADMISSIONS OF MEMBERS AND RESIGNATIONS

SEC. 1: Application: Applications for membership shall be made in such manner and form as may be prescribed from time to time by the Directorate.

SEC. 2: Admission to Membership: The procedure for admission to

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(d) The Executive Vice President, together with any elected officer of the Board, shall consider each application carefully and shall determine whether the applicant is eligible, under Article IV hereof, for the class of membership for which he or she has applied and, after such consideration and determination, they shall transmit each such application, together with their recommendation, to the Directorate (or to the Executive Committee, as provided in paragraph (f) of this Section).

(e) Upon receipt of any such application, the Directorate shall review the qualifications of the applicant and the recommendation as aforesaid, and shall then vote on each applicant's eligibility for membership. If the applicant receives the majority vote of the Directorate present and voting, he or she shall be declared elected to membership.

(f) In lieu of transmitting a membership application to the Directorate as provided in paragraph (d) of this Section, the Executive Vice President and any elected officer, in their discretion, may transmit any such application, together with their recommendation, to the Executive Committee, provided, however, that written notice of any such application, and the recommendation has been sent to each member of the Directorate at least two (2) weeks before such application shall be acted upon by the Executive Committee, and no member of the Directorate has filed with the Executive Vice President of the Board a written objection to the recommended action. If any such written objection shall be filed with the Executive Vice President of the Board by any member of the Directorate, the application with respect to which such objection has been filed shall not be acted upon by the Executive Committee, but shall be acted upon only by the Directorate at its next regular or special meeting. In the absence of objection as aforesaid, upon receipt of any application, the Executive Committee shall review the qualifications of the applicant and the recommendation, and shall vote on each applicant's eligibility for membership. If the applicant receives the majority vote of the members of the Executive Committee present and voting, he or she shall be declared elected to membership.

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whom charges have been preferred that might admit of suspension or expulsion or from any member who is, at the time of submitting such resignation, subject to suspension or expulsion from the Board for any other reason.

#### ARTICLE VI PRIVILEGES AND OBLIGATIONS OF MEMBER

The privileges and obligations of members, in addition to those otherwise provided for in these Bylaws, shall be as follows:

SEC. 1: Active Members:

(a) Only Active Members in good standing, whose financial obligations to the Board are paid in full, shall be entitled to vote or hold elective office in the Board; provided, however, that the Executive Vice President of the Board may be elected as Secretary of the Board, although not a member.

(b) Active Members shall have the right to use the term "Realtor" or "Realtors" which use shall be subject to the provisions of Article VIII of these Bylaws.

(c) Active Members have the primary responsibility to safeguard and promote the standards, interests and welfare of the Board and of the real estate profession.

(d) If an Active Member is a principal, partner, corporate officer or trustee, and is suspended or expelled from this Board, the firm, partnership, corporation or trust of which he or she is a principal, partner, officer or trustee shall not use the term "Realtor" or "Realtors" in connection with its business during the period of suspension, or after such expulsion, until such person as been re-admitted to Active membership, or until and unless such person severs his connection with the firm, partnership,

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own guidance the general views of the entire membership, or of any portion of the membership (including all or any classes of members) on any questions, by taking a referendum vote or by submitting any question to a vote of the entire membership in attendance at a general meeting.

SEC. 7: Revocation or Suspension of License: Any member of this Board, of any class, holding a license in Maryland as a real estate broker, associate broker or salesman, whose license as such, for any reason, shall be revoked, shall automatically, and without the necessity of a hearing, be summarily expelled from membership in this Board. Any such member of this Board, whose said license shall be suspended, shall automatically and without the necessity of a hearing, be summarily suspended from membership in this Board, and, in the event of any such suspension of membership, such suspension shall remain effective until receipt of a written request from any such member for the termination of the suspension of membership and approval of such request by the vote of two-thirds of the Directorate present and voting at any meeting of the directorate. For the purpose of this section, any such member's license shall not be deemed to have been revoked or suspended until the time for any appeal provided by law shall have expired, or, in the event any such appeal is taken and the revocation or suspension of the license shall be stayed during the pendency of such appeal, until a final ruling affirming the revocation or suspension of such license has been rendered. Nothing herein contained shall be construed as a limitation upon the power of the Committee on Professional Standards and Ethics, as provided in Article XVIII of these Bylaws, or upon the powers of the Executive Committee, as provided in Article XXI of these Bylaws.

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#### ARTICLE VII STATE AND NATIONAL MEMBERSHIPS

SEC. 1: The Board shall be a member of the National Association of Realtors and of the Maryland Association of Realtors, Inc. By virtue of such membership, each Active Member of the Board shall be entitled to membership in the National Association of Realtors and in the Maryland Association of Realtors, without further payment of dues. The Board shall continue as a member of the state and national associations, unless by a majority vote of all of its Active Members a decision is made to withdraw, in which case the state and national associations shall be notified at least one month in advance of the date designated for the termination of such membership.

SEC. 2: The Board recognizes the exclusive property right of the National Association of Realtors in the terms "Realtor" and "Realtors." It shall forthwith discontinue use of the terms in any form in its name upon ceasing to be a member of the National Association of Realtors, or upon a determination by the Board of Directors of the National Association of Realtors that it has violated the conditions imposed upon the terms.

SEC. 3: The Board hereby adopts the Code of Ethics of the National Association of Realtors and agrees to enforce that Code among its membership. The Board agrees to abide by the Constitution, Bylaws, Rules and Regulations, and policies of the National Association of Realtors, and all of its members shall subscribe to and comply therewith.

#### ARTICLE VIII

##### USE OF THE TERMS "REALTOR" OR "REALTORS"

SEC. 1: Use of the terms "Realtor" and "Realtors" by members shall at all times be subject to the provisions of the Constitution and Bylaws of the National Association of Realtors and to the rules and regulations prescribed by its Board of Directors. This Board otherwise shall have primary control of the use of the terms within its jurisdiction.

SEC. 2: Active Members of the Board shall have the privilege of using the term "Realtor" or "Realtors" in connection with their

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mortgages, contracts or other instruments, except in cases in which the signing and execution thereof shall have been expressly delegated by the Directorate to some other officer or agent, and the President shall, in general, perform all duties and have all powers ordinarily incident to the office of a president of a corporation. The President shall have such other duties and powers as shall, from time to time, be assigned to him or her by the Directorate.

(b) President-Elect and Vice President: The President-Elect and Vice President, in the order named, shall perform the duties of the President in the President's absence or inability to act, and the President-Elect and Vice President shall perform such other duties as may be assigned from time to time by the President or by the Directorate. The President-Elect during the Board's 1982-83 fiscal year, and the President-Elect during each fiscal year thereafter, upon completion of his or her term as President-Elect, shall, in the absence of unforeseen events, succeed to the office of the President for the ensuing year, subject to nomination and election thereto.

(c) Executive Vice President: The Executive Vice President shall be the chief administrative officer of the Board. He or she shall have, and be charged with, supervision of the entire administrative staff, and shall have and shall perform such other duties as may be assigned from time to time by the President, by the Executive Committee or by the Directorate. The Executive Vice President shall not be a member of the Board and shall not engage, either directly or indirectly, in the real estate business while serving as Executive Vice President of the Board.

(d) Treasurer: The Treasurer shall have charge of and be responsible for all funds, securities, receipts and disbursements of the Board, and shall receive and deposit, or cause to be received and deposited, in the name of the Greater Baltimore Board of Realtors, Inc., all monies and other valuable effects of the Board, in such banks, trust companies or other financial institutions as shall, from time to time, be selected by the Directorate. The Treasurer shall render to the President and to the Directorate periodically, and when ever requested, an account of

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SEC. 4: Subordinate Officers: The Directorate may appoint such subordinate officers as it may deem desirable. Each such officer shall hold office for such period, and shall have such authority and perform such duties, as the Directorate shall prescribe.

SEC. 5: Board of Directors:

(a) The governing body of the Board shall be a Board of Directors, referred to in these Bylaws as the "Directorate", consisting of the President, the President-Elect, the Vice President, the Treasurer, the Secretary (unless the Executive Vice President has been elected to the office of Secretary), not more than twenty (20) other members (the exact number of which shall be as fixed from time to time by the Directorate), ex officio, the President of Central Maryland Multiple Listing Service, Inc., ex officio, the President of the F.C.I. Services Corporation, the chairman or presiding officers of such Divisions of the Board as may be organized under the provisions of Article XII of these Bylaws and if elected by the Directorate in accordance with the provisions of Section 5 of the Article XII of these Bylaws, the chairman or presiding officers of former Divisions of this Board which have been reorganized as separate and independent organizations.

In addition, any member of this Board serving on the Board of Directors or in any office of the National Association of Realtors and any member serving as chairman or presiding officer of the local chapter of any National Association of Realtors affiliate, council or society may be elected to membership, ex officio, on the Directorate of this Board by a majority vote of the Directorate, for a term to run during, and concurrently with, his or her term of office.

Any individual so qualified who shall be elected to serve ex officio as a member of the Directorate as herein provided shall serve as a full member with all the rights, privileges and obligations thereof including, but not limited to, the right to vote on all matters before the Directorate.

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(b) The Directorate shall meet regularly, at the call of the President, and at such other times as may be decided upon by a majority of the Directorate. The Directorate shall have full charge of the general conduct of the affairs of the Board and shall have the power to enact such rules and regulations, not inconsistent with these Bylaws, as may be deemed appropriate or necessary for the proper government of the Board and its members.

(c) The Directorate shall have the power to fix from time to time, within the limits, if any, prescribed by these Bylaws, and subject to the provisions of these Bylaws, the amount of entrance fees and annual dues for all classes of membership, and, from time to time, to charge and fix the amount of any special assessments upon one or more classes of membership which, in its discretion, are deemed necessary or appropriate.

(d) The Directorate, at its first meeting in each year immediately following the Annual Meeting and elections, shall appoint an Executive Vice President, and shall fix his compensation and prescribe his duties, to the extent that the same are not otherwise prescribed by these Bylaws or any employment contract duly executed between the Executive Vice President and the Board.

(e) The Directorate shall have such other powers and duties, not inconsistent with these Bylaws, as shall be necessary or appropriate for the proper government of the Board and its members.

#### SEC. 6: Election of Officers and Directors:

(a) Nominations for officers and directors, except as otherwise herein provided, shall be made by a Nominating Committee, which shall be composed of the last seven (7) Past Presidents of the Board who are Active Members in good standing at the time the nominations are made. It shall be the duty of the Nominating Committee to nominate a President, a President-Elect, a Vice President, a Treasurer and a Secretary, and such number of persons for membership on the Directorate as there shall be vacancies to be filled. In the absence of unforeseen events, the Nominating Committee shall nominate the President-Elect to succeed to the office of the President for the ensuing year,

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the financial condition of the Board, and shall, in general, perform all duties ordinarily incident to the office of a treasurer of a corporation and such other duties as may be assigned from time to time by the President or by the Directorate. The Treasurer, with the approval of the Directorate, or of the Executive Committee, may delegate any part of the Treasurer's duties and powers to the Executive Vice President, provided, however, that the Treasurer shall continue to be responsible for the supervision and proper performance thereof.

(e) Secretary: It shall be the responsibility of the Secretary to see that complete and proper minutes of all meetings of the membership, the Directorate, the Executive Committee and all other committees are kept and that copies of all minutes of the Directorate and of the Executive Committee are sent to the members thereof and are presented to the Directorate and Executive Committee, respectively, at their next meeting. The Secretary shall see that all notices are duly given in accordance with the provisions of these Bylaws, unless otherwise provided, and shall keep and file all documents committed to the custody of the Secretary. The Secretary shall be the custodian of the records and of the corporate seal of the Board and shall see that the corporate seal is affixed to all documents, the execution of which on behalf of the Board, under its seal, has been duly authorized, and, when so affixed, may attest the same. In general, the Secretary shall perform all duties ordinarily incident to the office of a secretary of a corporation, and such other duties as shall from time to time, be assigned by the President, by the Executive Committee or by the Directorate. The Secretary, with the approval of the Executive Committee or Directorate, may delegate any part of the Secretary's duties to the Executive Vice President, provided that the Secretary shall continue to be responsible for the supervision and proper performance thereof.

SEC. 3: Assistant Officers: The Directorate shall have the power to appoint one or more Assistant Secretaries and one or more Assistant Treasurers, to exercise such powers and to perform such duties as shall, from time to time, be prescribed, by the President or by the Directorate.

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places of business within the jurisdiction of this Board only so long as they remain Active Members in good standing. No other class of members shall have this privilege. Each Active Member shall receive a certificate from the National Association of Realtors licensing use of the term "Realtor."

SEC. 3: An Active Member of a firm, partnership, corporation or trust may use the terms "Realtor" or "Realtors" only if all of the principals of such firms, partnership, corporation or trust who are actively engaged in the real estate profession are Active Members of this Board.

SEC. 4: A member of the Board shall not use the term "Realtor" or "Realtors" in connection with a place of business located within the jurisdiction of another Member Board of the National Association of Realtors of which he or she is not an Active Member, without first obtaining the written permission of such other board to do so.

#### ARTICLE IX OFFICERS AND DIRECTORS

SEC. 1: Officers: The elective officers of the Board shall be: a President, a President-Elect, a Vice President, a Treasurer and a Secretary. In addition, there shall be an Executive Vice President, to be appointed by the Directorate, as hereinafter provided. The same individual may hold simultaneously the offices of Executive Vice President and Secretary.

#### SEC. 2: Duties of Officers:

(a) President: The President shall be the chief executive officer of the Board. It shall be the duty of the President to assume general supervision of the affairs of the Board, to preside at all meetings of the Directorate and of the membership, to appoint all committees, the appointment of which is not otherwise provided for, and to see that the provisions of these Bylaws, and any rules and regulations of the Board, are followed and enforced. The President may sign and execute, in the name of the Board, all authorized deeds,

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subject to election thereto.

(b) The report of the Nominating Committee shall be posted in the principal office of the Board at least thirty (30) days before the date of the Annual Meeting.

(c) Additional candidates for all or any of the offices or directorships to be filled may be placed in nomination by a petition signed by not less than ten per cent (10%) of the voting members in good standing, provided that such petition shall be filed with the Executive Vice President, who shall post the same in the principal office of the Board, not less than ten (10) days before the date of the Annual Meeting.

(d) The report of the Nominating Committee shall be mailed to each member in good standing and entitled to vote at least twenty (20) days preceding the date of the Annual Meeting. If any additional nominations shall be made, as provided in paragraph (c) of this Section, the Executive Vice President shall send a notice of such additional nominations to all members in good standing and entitled to vote at least five (5) days before the date of the Annual Meeting.

(e) The election of officers and directors shall be held on the day of the Annual Meeting, and the candidates receiving the highest number of votes for the offices and directorships to be filled shall be declared duly elected.

SEC. 7: Terms of Office: The President, President-Elect, Vice President, Treasurer and Secretary shall be elected for a term of one year from the date of their election, or until their respective successors are duly elected and installed. Directors shall be elected for a period of two years, unless otherwise provided in these Bylaws. No director, except the President, President-Elect, Vice President, Treasurer, Secretary and other ex officio members of the Directorate, shall be eligible for re-election as a director after having served two years, until the expiration of one year.

SEC. 8: Removal of Officers: The Board of Directors shall have the power by a two-thirds (2/3) vote, at any regular or special meeting to

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Committee, to supervise such budget, as provided in Article XIV, Section 4; and the Executive Committee shall have charge of the offices of the Board and shall make such rules for the conduct of such offices as shall be deemed appropriate or necessary.

SEC. 2: The Executive Committee shall have such other powers and duties as shall be prescribed by these Bylaws or from time to time by the Directorate.

#### ARTICLE XI ADVISORY BOARD

All members of the Board in good standing who have served one or more terms as President of the Board shall constitute an Advisory Board, whose duty shall be to meet at the call of the President or Directorate for the purpose of considering and advising the Directorate on matters of unusual importance. No proposed amendment, addition or change in these Bylaws shall be submitted to the members of the Board until such proposal has been submitted to the Advisory Board, whose duty it shall also be to approve or disapprove such proposal, and the action of the Advisory Board shall be reported to the general membership before final action is taken by the membership on such proposal.

#### ARTICLE XII DIVISIONAL ORGANIZATION

SEC. 1: Any group of members similarly engaged in any particular line of business may, with the approval of the Directorate, organize and function as a separate Division of the Board. Each such Division shall provide for the election, from among its membership, of a chairman or other presiding officer for such Division and a governing body, which shall have all the powers usually possessed by a Board of Directors in dealing with the business and affairs of such Division. Such other officers may be elected as shall be deemed appropriate.

SEC. 2: Each such Division may adopt rules and regulations for its own conduct, but in all activities of every character, the objects, Bylaws, rules and regulations and established policies of this Board must be respected in both spirit and letter, and the Directorate of this Board, in its absolute discretion, shall have full power to dissolve

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committees as he or she may from time to time deem necessary or appropriate to carry out the objects of the Board, and such other committees as may be authorized or directed by the Directorate. Any such committee may be dissolved at any time by a two-thirds vote of the Directorate.

SEC. 3: Terms of Committee Members: Beginning with the Board's 1979-80 fiscal year, with respect to all Committees for which the terms of members have not otherwise been specifically provided in these Bylaws, the terms of Committee members shall be for a period of two (2) years. In appointing the first committees pursuant to this Bylaw provision, one-half the members of each such committee shall be appointed for two-year terms and one-half for one-year terms. Thereafter, as the terms of committee members expire, appointments shall be made for two-year terms, it being the intent of this Section to create staggered terms for members of all committees in order to promote continuity of knowledge and experience on each committee.

SEC. 4: Organization: The President, when appointing members to each committee, or filling the vacancies thereon, shall designate the person who shall serve as Chairman and, if deemed appropriate by the President, the person or persons who shall serve as Vice Chairman or Vice Chairmen. All committees shall be of such size and shall have such duties, functions and powers as may be assigned to them by the President or by the Directorate, except as otherwise provided in these bylaws.

SEC. 5: President: The President of the Board shall be a member, ex officio, of all standing and other committees, except the Committee on Professional Standards and Ethics, the Grievance Committee, the Appeals Committee and the Committee on Arbitration, and shall be notified of their meetings.

SEC. 6: Removal of Committee Members: Any member or members of any standing or other committee of this Board may be removed from such committee, with or without cause, and at any time, by a two-thirds vote of the Directorate.

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or customers to the Designated Realtor for consideration on a substantially exclusive basis, and provided that such licensee, employee or independent contractor is not otherwise included in the computation of dues payable by a principal, partner, corporate officer or trustee of such entity.

It shall be the duty of each Designated Realtor to report promptly to the Executive Vice President of the Board the name of any licensee, employee or independent contractor, eligible for Active membership in the Board, who becomes associated with such Designated Realtor and also to report the name of any such licensee, employee or independent contractor licensed with, employed by or associated with, such Member who has died, relinquished or transferred his or her license or who, for any reason, no longer is licensed with, employed by or associated with, such Designated Realtor.

When any licensee, employee or independent contractor, eligible for Active membership in the Board, becomes associated with a Designated Realtor, and such person has not voluntarily elected to become, and is not, an Active Member of the Board and has not during the then current fiscal year of the Board, been previously included in the computation of dues payable by any other Designated Realtor or by a principal, partner, corporate officer or trustee of any entity in which a Designated Realtor of the Board has a direct or indirect ownership interest, as aforesaid, then such Designated Realtor shall become liable to the Board for additional dues in an amount equal to the amount of annual dues for Active membership for such then current year for such licensee, employee or independent contractor, prorated to the time when such licensee, employee or independent contractor became licensed with, employed by or associated as an independent contractor with, the Designated Realtor.

Upon receipt from the Board by any Designated Realtor of any list of persons licensed with, employed by or associated with,

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SEC. 4: Budget: A budget of expenses in keeping with the income of the Board, after adoption by the Directorate, shall be supervised annually by the Executive Committee, with the assistance of the Budget and Finance Committee and no expenditure of the Board's funds not provided for in this budget shall be made unless first approved by the Executive Committee and by the Directorate.

#### SEC. 5: Budget and Finance Committee:

(a) As provided in Article XIII of these Bylaws, one of the standing committees of the Board shall be a Budget and Finance Committee, which shall consist of five (5) persons, all of whom shall be Active members.

(b) Members of this Committee shall serve for a term of two (2) years, all of such terms to run concurrently, and any or all of such members shall be eligible for reappointment.

(c) It shall be the duty of the Budget and Finance Committee to meet and to consider, on a continuing basis, the accounting and auditing procedures utilized by the Board; to recommend to the Executive Committee the selection and retention of an auditor for the Board; to thoroughly review the monthly financial statements of the Board; to prepare and recommend to the Executive Committee an annual budget, and, after adoption of an annual budget by the Directorate, to supervise such budget and report regularly to the Executive Committee with regard to the same, and to report regularly to the Executive Committee with regard to the accounting, auditing and financial procedures of the Board, as well as the financial condition of the Board, making such recommendations or suggestions as may be deemed by the Budget and Finance Committee to be necessary or appropriate.

SEC. 6: Deposits: All moneys or other valuable effects received by the Board for any purpose shall be deposited to the credit of The Greater Baltimore Board of Realtors, Inc., in such banks, trust

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remove any elected or appointed officer or assistant officer, for cause, and such action shall be conclusive on the officer or assistant officer so removed, to the extent that the same are not otherwise prescribed by these Bylaws, or by any employment contract duly executed between the Executive Vice President and the Board.

SEC. 9: Vacancies:

(a) Any vacancy occurring on the Directorate or in any elective office of the Board due to death, resignation, or otherwise, shall be filled by a majority vote of the Directorate as then constituted for the unexpired term, and any vacancy occurring on any standing or other committee shall be filled for the unexpired term by appointment by the President.

(b) The seat of any elected officer or director shall be automatically vacated, upon recommendation by a majority vote of the Executive Committee, if such officer or director shall fail to attend three meetings of the Directorate during any fiscal year regardless as to whether the absence was excused or unexcused.

(c) The seat of any member of any standing or other committee shall be automatically vacated if such member shall fail to attend three consecutive meetings of such committee without excuse satisfactory to the committee.

ARTICLE X  
EXECUTIVE COMMITTEE

SEC. 1: The Executive Committee shall consist of the President, President-Elect, the Vice President, the Treasurer, the Secretary (unless the Executive Vice President has been elected to the office of Secretary), ex officio, the President of Central Maryland Multiple Listing Service, Inc., ex officio, the President of the I.C.I. Services Corporation, and two (2) directors to be elected by the Directorate. It shall be the duty of the Executive Committee to consider and recommend a budget, for adoption by the Directorate after the initial preparation of the same by the Budget and Finance Committee, as hereinafter provided, thereafter, with the assistance of the Budget and Finance

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any such Division at any time if, in its judgment, this obligation is not properly met.

SEC. 3: The Chairman or other presiding officer of each Division organized pursuant to the provisions of this Article shall be, ex officio, a member of the Directorate of this Board during, and concurrently with, his or her term as Chairman or other presiding officer of such Division.

SEC. 4: In the event that any Division of the Board, organized under the provisions of this Article, shall at any time fail to elect or appoint a Chairman or other presiding officer, the President of this Board shall appoint a committee of not more than eleven (11) members from the membership of such Division, which committee shall be the governing body for said division for a period of one year. Such committee, promptly after its appointment as aforesaid, shall elect from its own number a member to serve for a term of one year as its Chairman and as presiding officer for such Division, entitled to membership, ex officio, on the Directorate.

SEC. 5: In the event that any Division organized under the provisions of this Article should subsequently reorganize as a separate and independent organization (incorporated or otherwise), the duly elected Chairman or other presiding officer thereof may be elected to membership, ex officio, on the Directorate of this Board by a majority vote of the Directorate for a term to run during, and concurrently with, his or her term as Chairman or presiding officer of such independent organization.

ARTICLE XIII  
COMMITTEES

SEC. 1: Standing Committees: Within thirty (30) days after assuming office, the President shall fill the vacancies, if any, on the following standing committees:

|                            |                                   |
|----------------------------|-----------------------------------|
| Appeals                    | Membership Services               |
| Arbitration                | Professional Standards and Ethics |
| Board Building Maintenance | Public Relations                  |
| Budget and Finance         | Realtors Political Action         |
| Education                  | Standard Forms                    |
| Grievance                  |                                   |

SEC. 2: Other Committees: The President shall appoint such other

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SEC. 7: Committee Vacancies: In the event of a vacancy occurring, for any reason, in the membership of any standing or other committee, such vacancy shall be filled promptly by the President.

ARTICLE XIV

DUES; FEES AND FINANCES

SEC. 1: Entrance Fee: The Directorate may, in its discretion, adopt an entrance fee, in reasonable amount, not exceeding three times the amount of the annual dues, which shall be required to accompany each application for membership, and which shall become the property of the Board upon final approval of such application. If the application for membership is not approved, the fee, if any, shall be returned to the applicant. Such entrance fee may be in differing amounts for each class of membership and shall be in such amount if any, as shall from time to time be fixed by the Directorate.

SEC. 2: Dues: The dues and fees for the various classes of members, as provided for in Article IV hereof, shall be in such amount as shall from time to time be fixed by the Directorate; provided, however, that the annual dues of the Designated Realtor shall be in such amount as shall from time to time be fixed by the Directorate as aforesaid, plus an amount equal to the amount of annual dues for Active membership (as fixed from time to time by the Directorate) times the number of individuals eligible for Active membership in the Board and licensed with, employed by or associated as an independent contractor with such Designated Realtor who have not voluntarily elected to become, and who are not, Active Members of the Board.

For the purposes of this Article, such an individual shall be deemed to be licensed with, employed by or associated as an independent contractor with a Designated Realtor if the license of such individual is held by, or if the individual is employed by or associated as an independent contractor with such Designated Realtor or by or with an entity in which such Designated Realtor has a direct or indirect ownership interest and which is engaged in soliciting and/or referring clients

such Designated Realtor, as shown by the Board's records such Designated Realtor, after making such corrections, deletions or additions as may be necessary or appropriate, shall promptly return said list to the Board, together with the certification of such Member, in writing and in such form as may be required by the Executive Committee, that the list as returned to the Board is complete and accurate.

By reason of the payment of dues, computed as aforesaid, by any Designated Realtor, a licensee, employee or independent contractor included in the computation of such Designated Realtor's dues shall not thereby become a member of the Board or be entitled to the rights and privileges, or be subject to the obligations of Board membership.

SEC. 3: Non-payment of Dues and Charges: If dues, any special assessments or other charges (except fines as provided in Section 4 of Article XXI of these Bylaws) are not paid by any member within thirty (30) days following the mailing of a statement to such member, such member shall be required to pay, in addition to the amount of such member, such member shall be required to pay, in addition to the amount of such dues, special assessments or other charges, a charge for late payment in such amount as shall from time to time be fixed by the Directorate, and if such dues, special assessments or other charges, together with the aforesaid charge for late payment, are not paid within sixty (60) days following the mailing of the original statement to such member, such member may be dropped summarily and expelled from membership in the Board by the Executive Committee. In the event of any such expulsion, membership may be applied for by such person only by submitting a new application and by paying all past due charges, special assessments and dues and one year's dues in advance, and an entrance fee, if applicable.

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companies or other financial institutions as shall be selected by resolution of the Directorate.

SEC. 7: Checks, Drafts, etc.: All checks, drafts, order for the payment of money, and all authorized notes or other evidences of indebtedness, issued in the name of the Board, shall be signed by the Executive Vice President or Treasurer and shall be countersigned by the President, President-Elect or by the Vice President or by the Secretary (provided the Secretary shall not also be serving as Executive Vice President). No checks shall be signed and countersigned in blank, either as to payee or as to amount.

ARTICLE XV  
MEETINGS

SEC. 1: Annual Meeting: The Annual Meeting of the members of the Board shall be held on the third Tuesday in the first month of each fiscal year, unless the President shall appoint some other date, which date shall not be more than forty-five (45) days before or after such third Tuesday. In either event, due notice of the Annual Meeting shall be sent in writing to each member.

SEC. 2: Special Meetings: Special meetings of the members of the Board may be held at such time and place as may be ordered by the Executive Committee or by the Directorate.

SEC. 3: Quorum: Five per cent (5%) of the members in good standing and entitled to vote shall constitute a quorum for the transaction of business at any general meeting of the membership. A majority of the members of the Directorate or of any committee, including the Executive Committee, shall constitute a quorum.

SEC. 4: Proxies: A voting member may be represented by proxy at any general meeting of the members by any other voting member or by any person in a voting member's office who holds any form of membership in the Board. All such proxies shall be in writing,

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shall clearly designate the person or persons authorized to act as proxy, and shall be signed by the voting member represented by the proxy. A director may not be represented by proxy at any meeting of the Directorate.

ARTICLE XVI

SEC. 1: The responsibility of the Board and of Board members relating to the enforcement of the Code of Ethics, the disciplining of members and the arbitration of disputes, and the organization and procedures incident thereto shall be governed by the Code of Ethics and Arbitration Manual of the Board, as from time to time amended by the Directorate, which by this reference is made a part of these bylaws.

ARTICLE XVII

GRIEVANCE COMMITTEE

SEC. 1: Establishment: There shall be a Grievance Committee, which shall consist of nine (9) members of the Board, all of whom shall be Active members, in good standing, of whom at least a majority shall be Designated Realtors.

SEC. 2: Terms: Members of this committee shall at all times be divided into three groups, each group to be composed of any equal number of members. Each year, the terms of one of such groups shall expire, and new appointments for such group shall be made for a term of three (3) years. Members of the Committee shall be eligible for reappointment. No member of the Committee, while serving as a member, shall be eligible to serve as a member of the Professional Standards and Ethics Committee, the Arbitration Committee or the Appeals Committee. The President shall designate annually the Chairman and Vice Chairman of the Committees.

SEC. 3: The Grievance Committee shall have the jurisdiction to perform such duties as prescribed by the Code of Ethics and Arbitration Manual of the Board, as amended from time to time, and shall execute

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Members of the Board who are not members of the Advisory Board, Executive Committee or Directorate. A current member of the Grievance Committee or Professional Standards and Ethics Committee shall not serve simultaneously as a member of the Appeals Committee.

SEC. 2: Terms: Members of the Committee will serve for a term of one (1) year. Members of the Committee shall be eligible for reappointment. Anything herein to the contrary notwithstanding, the term of any member selected to serve on any Appeals Hearing Committee, as hereinafter provided, shall continue until the conclusion of the hearing and determination of the particular appeal involved.

SEC. 3: The Appeals Committee shall have the jurisdiction to perform such duties as prescribed by the Code of Ethics and Arbitration Manual of the Board, as amended from time to time, and shall execute its duties in accordance with the procedures as set forth in the Manual.

ARTICLE XX

COMMITTEE ON ARBITRATION  
INERBOARD ARBITRATION

SEC. 1: Establishment: There shall be a Committee on Arbitration, which shall consist of twenty-one (21) persons, all of whom shall be Active Members who are, as principals, partners, corporate officers actively in the real estate profession, as

defined in Section 1(a) of Article IV of these Bylaws.

SEC. 2: Terms: Members of this Committee shall at all times be divided into three groups, each group to be composed of an equal number of members. Each year, the terms of one or such groups shall expire, and new appointments for such group shall be made for a term of three (3) years. Members of this Committee shall be eligible for reappointment. No current member of the Grievance Committee shall serve simultaneously on the Appeals Committee.

SEC. 3: The Committee on Arbitration shall have the jurisdiction

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as provided in Article XVIII of these Bylaws, shall be found guilty of violating any provision of these Bylaws, as now in effect or as hereafter amended, or who shall be found guilty of other unethical conduct or conduct which brings discredit, or tends to bring discredit, upon this Board or its members, or upon the real estate profession, may by a majority vote of the Executive Committee be disciplined as prescribed in the Code of Ethics and Arbitration Manual, as amended from time to time, by the Directorate.

SEC. 3: Any member of this Board who is finally convicted in court of law or before any magistrate having criminal jurisdiction of any crime involving moral turpitude, or of any crime which, in the opinion of the Executive Committee, brings discredit, or tends to bring discredit, upon this Board, its members or upon the real estate profession, may be summarily expelled from membership in the Board by a majority vote of the Executive Committee.

SEC. 4: Any member failing to pay any fine imposed in accordance with this Article within sixty (60) days after notice of such fine has been served upon him or her personally or by registered or certified mail may be summarily suspended or expelled from membership in the Board by a majority vote of the Executive Committee. In addition, or as an alternative, the board may proceed by civil action to collect, as in the case of any other debt due to the Board, any and all fines imposed under the provisions of this Article.

SEC. 5: Any and all fines imposed under the provisions of this Article shall be paid to the Treasurer of the Board, who shall deposit and account for the same as part of the general funds of the Board.

SEC. 6: Any disciplinary action imposed under the provisions of this Article may be suspended by the majority vote of the Executive Committee and the member placed on probation for a period not to exceed one year.

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the Professional Standards Committee and directing the member to attend the Ethics portion of the Board indoctrination Course, or other Ethics Course or Seminar specified by the Hearing Panel; (n) "Appropriate and Reasonable Fine" means a fine commensurate with the gravity of the determined offense against the Code and against the Board, and ranging in any amount determined, but not to exceed \$1,000, to any Board Member in respect to any single Ethics Hearing, irrespective of the number of Code violations determined; (o) "Suspension of Membership" means suspension of membership rights and privileges and denial of Board services, on terms and conditions expressly stated for an established period of time, including, but not limited to, use of the term Realtor, with reinstatement of membership rights and privileges, and all Board services automatically provided at the end of the specified period not to exceed one year. Although, membership rights, privileges, and services are withdrawn as specified in the notice of suspension, membership, per se, continues, and the suspended Member remains obligated for payment of membership dues, and to abide by the Code of Ethics during the period of suspension. The suspended Member shall not be obligated for payment of any fees or charges except for continued optional services of the Board. Any failure to abide by the terms and conditions of the suspension, or the finding of a violation of the Code of Ethics, after hearing as provided by the Professional Standards procedures of the Board Bylaws, shall be grounds for consideration as to a possible extension of the suspension or expulsion of membership in the Board; (p) "Board Offices" means 1501 W. Mt. Royal Avenue, Baltimore, Maryland, 21217; (q) "Probation" means that any discipline recommended by the Hearing Panel will be held in abeyance for a stipulated period of time which may not exceed 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, and provided the Member has abided by all terms and conditions of the probation, both the probationary status and the suspended discipline shall be considered fulfilled, and the record shall reflect the fulfillment.

#### SECTION 2 - QUALIFICATION FOR TRIBUNAL

- (a) Only one person connected with any one firm, business, partnership or corporation may serve on the same tribunal.
- (b) A person shall automatically be disqualified to be a member of a

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#### SECTION 3 - DUTY TO GIVE EVIDENCE

When summoned by the tribunal to do so, it shall be a membership duty of every member to testify truthfully and to appear at the hearing and produce any records or data relevant to the case as required by the parties and directed by the Executive Vice President or the tribunal, either prior to or at the hearing. Refusal of a party to a disciplinary proceeding or an arbitration to submit himself or his records to examination in compliance with a request of the Executive Vice President or tribunal for relevant information will result in the tribunal hearing the case and rendering a decision based upon the evidence submitted to it.

#### SECTION 4 - RIGHT OF COUNSEL TO APPEAR

Every party may be represented by legal counsel, and must notify the other party and the tribunal at least ten (10) days before the hearing of his intention to have counsel. In the event of the failure to comply with this notice requirement the panel shall, at its discretion, take all steps, including continuance of the matter, if necessary, to guarantee the rights of all parties to representation by counsel. The tribunal may have counsel present to advise it on issues of procedure.

#### SECTION 5 - WITNESSES

Every party may have witnesses present at the hearing, and the tribunal may summon its own witnesses. The arbitration tribunal may compel the attendance of witnesses and the production of evidence.

#### SECTION 6 - CONDUCT OF HEARING

At any hearing every party has the right to present any witnesses to submit any evidence pertinent to the case, and to cross-examine witnesses. Witnesses giving oral testimony shall be sworn in by the Chairman. Before permitting testimony relating to the character or general reputation of anyone, the tribunal shall satisfy itself that the testimony has a direct bearing on the case at issue. The Board or any party may, at their own expense, have a court reporter or recorder present at the hearing or may

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#### SECTION 11 - ATTEMPT TO INFLUENCE TRIBUNAL

Any attempt, directly or indirectly, to influence a member of a tribunal in any matter before it, other than by giving evidence and argument in an open hearing or by writing submitted to the entire tribunal, is a breach of duty of membership.

#### PART TWO - MEMBERSHIP DUTIES AND THEIR ENFORCEMENT

##### SECTION 12 - DUTIES OF MEMBERSHIP

Among the duties of membership are the following:

- (a) To abide by the Code of Ethics of the National Association of Realtors.
- (b) To abide by the Bylaws of the Board and its rules and regulations.
- (c) To submit to arbitration all controversies specified in Part Four of this Manual by the procedure there provided and to abide by the arbitrators' award.

##### SECTION 13 - POWER TO TAKE DISCIPLINARY ACTION

After a hearing as provided in accordance with Article XXI of the bylaws, the Executive Committee may take disciplinary action against any member:

- (a) For violation by the member of any duty of membership.
- (b) On that member's being convicted, adjudged, or otherwise recorded as guilty by any court of competent jurisdiction of (1) a felony or (2) a crime involving moral turpitude or (3) on a member's being determined by a court of competent jurisdiction, or official of the State of Maryland authorized to make the determination of, having violated a provision of the Maryland real estate law or a regulation of the Maryland Real Estate Commission.

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exceed \$1,000 which can be utilized only once in any three year period against any one individual.

The Executive Committee may order suspension or expulsion unconditionally or they may, at their discretion, give the disciplined member the option of paying to the Board within such time as the Executive Committee shall designate an assessment in an amount fixed by the Executive Committee, in lieu of accepting suspension or expulsion. But if the conduct for which suspension or expulsion is ordered consists of failure to submit a dispute to arbitration, the Executive Committee may not permit the disciplined member to avoid suspension or expulsion without submitting to the arbitration in addition to paying the assessment, unless in the meanwhile the controversy has been submitted to a court of law without any objection by any party that it should be arbitrated.

#### SECTION 15 - GRIEVANCE COMMITTEE

There shall be a Grievance Committee, of nine (9) Board members, all of whom shall be Active members, in good standing, of whom at least a majority shall be Designated Realtors. The members of the Committee shall be appointed as provided in the Bylaws of the Board as amended from time to time. The function of the Grievance Committee is to make only such preliminary investigation and evaluation of the complaint as required to determine whether the validity and substance of the complaint warrants further consideration by a Hearing Panel of the Professional Standards and Ethics Committee. The Grievance Committee shall not conduct "hearings."

#### SECTION 16 - PROFESSIONAL STANDARDS & ETHICS COMMITTEE

There shall be a Professional Standards and Ethics Committee of twelve (12) Board members, all of whom shall be Active members, in good standing, of whom at least a majority shall be Designated Realtors. The members of the Committee shall be appointed as provided in the Bylaws of the Board as amended from time to time. Members of the Professional Standards and

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#### PART THREE - THE ETHICS HEARING

##### SECTION 19 - MANNER OF INITIATING AN ETHICS HEARING

- (a) Any person, whether a member or not, having reason to believe that a member is guilty of any conduct subject to disciplinary action, may file a complaint in writing with the Executive Vice President, dated and signed by complainant, stating the facts on which it is based (Form #2, Complaint); provided, however, that the complaint must be filed within one year after the facts constituting the matter complained of could have been known in the exercise of reasonable diligence. The Executive Vice President shall promptly refer any complaint to the Chairman of the Grievance Committee who shall promptly designate one or more members of the Grievance Committee to investigate the complaint and report their findings to the Grievance Committee for its determination as to whether to (1) dismiss the complaint as unworthy of further consideration (2) refer it back to the complainant as appropriate for arbitration rather than disciplinary action, or (3) refer it back to the Executive Vice President to schedule a hearing. The Grievance Committee may, if it thinks it appropriate, send a copy of the complaint to the party complained of and require him to furnish it with his response before making its preliminary determination. The function of the Grievance Committee is to make only such preliminary investigation and evaluation of the complaint as required to determine whether the complaint warrants further consideration by a Hearing Panel of the Professional Standards and Ethics Committee. The Grievance Committee does not conduct hearings and does not determine if a violation of the Code of Ethics has occurred.
- (b) Upon its own motion, the Grievance Committee may, and upon instruction of the Directors must, investigate the actions of any member when there is reason to believe that the member is guilty of conduct subject to disciplinary action, and, if so satisfied, shall prepare a complaint, refer it to the Executive Vice President and designate one of its members to present the case at the subsequent hearing on its behalf as complainant. However, no member of the Grievance Committee shall serve as a member of the Hearing Panel.

Any action by the Grievance Committee dismissing the complaint as unworthy of further consideration may be appealed to the Executive Committee within twenty (20) days from receipt of the dismissal notice.

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shall be Realtors who are principals in their real estate firm. The chairman of the Professional Standards and Ethics Committee shall designate one of the Panel members as Chairman who shall designate the time and place of hearing, and the Executive Vice President shall notify the complainant and the respondent (Form #5, Official Notice of Hearing, page 55). Form #6, "Outline of Procedure for Ethics or Arbitration Hearing,"

should accompany the "Notice of Hearing," or be provided to the parties prior to the hearing. An appearance at a hearing without objection by a party will constitute a waiver of any defective notice of the hearing. Each party shall be given at least twenty-one (21) days prior notice of the hearing.

(d) The Chairman of the Panel shall be the Presiding Officer and shall prescribe any procedure for the hearing not inconsistent with the provisions of this Manual. See Part Six, "Conduct of an Ethics or Arbitration Hearing," p. 37.

(e) After a complaint has reached a Hearing Panel, it may be withdrawn by the complainant only with the Panel's approval. A complaint so withdrawn shall not be deemed a final determination of the merits.

(f) Amendment of complaint:

(1) At any time prior to the hearing of the complaint, the complainant may file an amended complaint with the Executive Vice President. If an amended complaint is filed prior to the hearing, the respondent shall be notified, given a copy, and provided the opportunity to file an amended response. The Hearing Panel may disallow the amended complaint, in which

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or decision and may file his dissent in writing with the Executive Vice President for consideration by the Executive Committee at the same time the decision is considered or by the Appeals Committee on appeal. In the event the respondent is found in violation, the Hearing Panel may, in its discretion, consider all records of previous violations and sanctions imposed, if any, in the member's file in determining discipline. The Hearing Panel's decision shall be considered final only when it is in writing and signed by the members of the panel following their personal review and any review of legal counsel which may be required.

(5) The Executive Vice President shall transmit a copy of the decision to complainant and respondent within five (5) business days after the Executive Vice President has received the Hearing Panel's decision in writing, except that reasonable delay shall not invalidate the Board's procedures nor the decision.

(c) Within twenty (20) days after the decision has been transmitted to the complainant and the respondent by the Executive Vice President, the complainant or the respondent may petition the Hearing Panel for a rehearing, solely on the ground of newly discovered material evidence which the petitioner could not, with reasonable diligence, have discovered and produced at the original hearing. The petition must be in writing.

(d) A petition for rehearing not granted within fourteen (14) days of its filing shall automatically be deemed denied. When granted or denied the Executive Vice President shall immediately inform the respondent and the complainant. If no decision is made within fourteen (14) days, the Executive Vice President shall advise the respondent that the request for rehearing is deemed denied. No more than one petition for rehearing may be filed in the case by each party.

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its duties in accordance with the procedures as set forth in the Manual.

ARTICLE XVIII  
PROFESSIONAL STANDARDS & ETHICS  
COMMITTEE

SEC. 1: Establishment: There shall be a Professional Standards and Ethics Committee, which shall consist of twelve (12) persons, all of whom shall be Active Members, in good standing of whom at least a majority shall be Designated Realtors.

SEC. 2: Terms: Members of this Committee shall at all times be divided into three groups, each group to be composed of an equal number of members. Each year, the terms of one of such groups shall expire, and new appointments for such group shall be made for a term of three (3) years. Members of the Committee shall be eligible for reappointment. No member of the Committee, while serving as a member, shall be eligible to serve as a member of the Grievance Committee or the Appeals Committee. The President shall designate annually the Chairman and Vice Chairman of the Committee.

SEC. 3: The Professional Standards and Ethics Committee shall have the jurisdiction to perform such duties as prescribed by the Code of Ethics and Arbitration Manual of the Board, as amended from time to time, and shall execute its duties in accordance with the procedures as set forth in the Manual.

ARTICLE XIX  
APPEALS COMMITTEE

SEC. 1: Establishment: There shall be an Appeals Committee, which shall consist of twelve (12) persons, all of whom shall be Active Members, in good standing, of whom at least a majority shall be Designated Realtors. Four (4) of such persons shall be members of the Directorate, who are not members of the Advisory Board or Executive Committee, and four (4) of such persons shall be Active

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to perform such duties as prescribed by the Code of Ethics and Arbitration Manual of the Board, as amended from time to time, and shall execute its duties in accordance with the procedures as set forth in the Manual.

SEC. 4: Interboard Arbitration: The Directorate, in addition, is authorized to approve and adopt, and from time to time amend, an Interboard Arbitration manual prescribing uniform procedures for the arbitration of controversies between members of this Board and members of one or more other Boards which likewise shall have approved and adopted such Interboard Arbitration Manual and any amendments thereto.

SEC. 5: Obligation of Members to Arbitrate and to Satisfy Award: Article 14 of the Code of Ethics of the National Association of Realtors provides:

In the event of a controversy between Realtors associated with different firms, arising out of their relationship as Realtors, the Realtors shall submit the dispute to arbitration in accordance with the regulations of their board or boards rather than litigate the matter.

It shall be the duty and obligation of members, and the firms, partnerships and corporations with which they are associated, to submit to binding arbitration, in accordance with the procedures set forth in the Code of Ethics and Arbitration Manual of the Board, or the Interboard Arbitration Manual, as the case may be as the same shall be approved and adopted, and from time to time amended, by the Directorate.

ARTICLE XXI

DISCIPLINARY ACTION AGAINST  
MEMBERS

SEC. 1: Any member who, after due hearing, or opportunity for hearing, before the Committee on Professional Standards and Ethics

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ARTICLE XXII

MULTIPLE LISTING SERVICES, ETC.

SEC. 1: Authority: The Board may maintain one or more Multiple Listing Services, or other subsidiary corporations, which shall be lawful corporations of the State of Maryland, all of the stock of each of which shall be owned by this Board, such Multiple Listing Services to be for the use of any Active or Non-Resident member of the Board, who is a principal, partner, corporate officer, or trustee, without further qualification, upon agreeing in writing to conform to the Rules and Regulations thereof and to pay the costs incidental thereto, and for the use of the members of such other Boards as shall enter into a formal written agreement with this Board and with one or more of its Multiple Listing Services agreeing to permit their members to utilize and participate in one or more of this Board's Multiple Listing Services, provided that any of the members of any such other Board who shall choose to participate in one or more of such Multiple Listing Services shall agree in writing to conform to the Rules and Regulations thereof and to pay the costs incidental thereto.

SEC. 2: Purpose: A Multiple Listing Service is a means by which a participant in the Service makes a blanket, unilateral offer of sub-agency to the other participants and is a facility for the orderly correlation and dissemination of listing information among the participants so they may better serve their clients and the public.

SEC. 3: Governing Documents: The Directorate shall cause any Multiple Listing Service, or other subsidiary corporation, established or maintained by the Board pursuant to this Article to conform its corporate Charter, Constitution, Bylaws, Rules, Regulations, Policies, Practices and Procedures at all times to the Constitution, Bylaws, Rules, Regulations and Policies of the National Association of Realtors.

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ARTICLE XXIII

FISCAL YEAR

The fiscal year of the Board shall begin on November 1st of each year and end on October 31st of the next succeeding year, unless some other fiscal year shall be established by resolution of the Directorate.

ARTICLE XXIV

STANDARD FORMS

(a) Standard printed forms of contract and other papers may be prepared under the direction of, and with the approval of, the Directorate, and may be offered for sale to members only, at the offices of the Board. Members shall be entitled to print such standard forms themselves, provided, however, that no member may designate a form or forms as "Standard" or use the wording "Approved and/or promulgated by the Greater Baltimore Board of Realtors", or any similar wording, on any printed form or forms which differ in any respect from those actually approved and prepared by the Board. The printing of a member's name, address and telephone number on any such form shall not be deemed a violation of this Article; nor shall the inclusion of any standard clauses which have been approved by the Directorate be deemed a violation.

(b) It shall be the duty of the Standard Forms Committee to give written notice to any member of the Board found to be in violation of the provisions of this Article, and to request such member to take such corrective action as may be specified in such notice. Failure of any member to comply promptly with any such request shall be considered unethical conduct, and a complaint against such member shall be filed by the Standard Forms Committee with the Grievance Committee.

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amendment be submitted at any meeting unless it has been endorsed by the majority vote of the Directorate or by not less than five per cent (5%) of the Active Members in good standing, and unless it has been submitted to the Advisory Board and the Active membership has been advised of the action of the Advisory Board with respect to such proposed amendment.

SEC. 2: Amendments to these Bylaws affecting the admission or qualification of Active Members, the use of the terms "Realtor" and "Realtors", or any alteration in the territorial jurisdiction of the Board shall not become effective until their approval by the Board of Directors of the National Association of Realtors.

ARTICLE XXIX

Beginning November 1, 1983, as a condition of eligibility for continuing membership qualification, each Active member of the Board and each Honorary member of the Board, who continue to be actively engaged in the real estate business, shall be required to complete at least six (6) hours of education every four (4) years on antitrust laws and civil rights laws. Any member who fails to complete the required educational requirements as set forth herein shall be subject to disciplinary action in accordance with Article XXI of these Bylaws.

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Mr. Arnold Jablon, Zoning Commissioner  
Baltimore County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Re: Case No. 85-78-X

Dear Mr. Jablon:

The Westview Park Improvement and Civic Association is opposed to the granting of a special exception to the property located in the Northeast quadrant of the intersection of Chesworth and North Rolling Roads, known as Case No. 85-78-X, for the purpose of allowing a residence to be used as a real estate broker office.

Our opposition is based on the belief that granting a special exception for the property will be detrimental to the safety and general welfare of the community and will tend to create more congestion to roads that already are considered hazardous to driving.

The community is also concerned that granting a special exception for the property will have a domino effect on properties along North Rolling Road changing the character of the use of the properties from residential to combined uses.

It is requested that the subject application for special exception be denied.

Very truly yours,

THE WESTVIEW PARK IMPROVEMENT  
AND CIVIC ASSOCIATION

Ronald C. Cresson

Chairman, Planning and Zoning  
Committee

cc: The Honorable Ronald B. Hickernell

August 8, 1984

Richard A. Dalla Tezza  
1301 N. ROLLING ROAD  
Baltimore, Maryland 21228

Mr. Arnold Jablon  
Baltimore County Zoning Commissioner  
County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

SUBJECT: 1301 N. ROLLING ROAD  
BALTIMORE, MARYLAND 21228

Dear Mr. Jablon:

I am requesting an early hearing date concerning the Special Exception for the office to be located at my residence. I have been requested by my present landlord to vacate the office I am presently renting by September.

I would like to have the hearing as soon as possible so I would not have to relocate the office in temporary quarters.

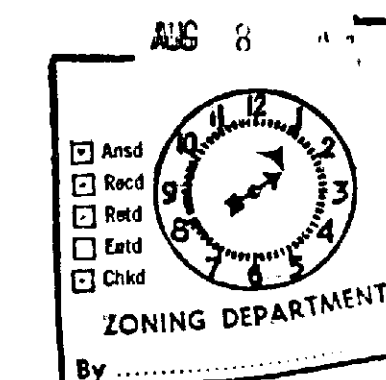
Your immediate attention to this matter would be greatly appreciated. Should you need any additional information, please do not hesitate to call me at 744-4400.

Thank you for your attention.

Sincerely,

Richard A. Dalla Tezza

gvd



August 23, 1984

Robert J. Yerman, Esquire  
5 Light Street  
Baltimore, Maryland 21202

NOTICE OF HEARING

Re: Petition for Special Exception  
NE/cor. Rolling and Chesworth Rds.  
(1301 N. Rolling Road)  
Richard A. Dalla Tezza - Petitioner  
Case No. 85-78-X

TIME: 10:00 A.M.

DATE: Wednesday, September 19, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake  
Avenue, Towson, Maryland

Zoning Commissioner  
of Baltimore County

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 131928

DATE 7/20/84 ACCOUNT 01-615-000

AMOUNT \$ 100.00

RECEIVED FROM Richard A. Dalla Tezza

FOR Filing Fee SE # 20

C 012\*\*\*\*\*1000018 3206F

VALIDATION OR SIGNATURE OF CASHIER



# COMPLAINANT'S EXHIBIT 9

GREATER BALTIMORE BOARD OF REALTORS'

## CODE OF ETHICS AND ARBITRATION MANUAL

as amended 8/84

### SECTION 1 - DEFINITIONS

As used herein, (a) "Board" means The Greater Baltimore Board of Realtors, Inc.; (b) "Members" means the members of the Board; (c) "Directors" means the Board of Directors of the Board; (d) "Hearing" may refer to either an ethics hearing relating to disciplinary matters or to an arbitration hearing where the dispute involves money; (e) "Member of tribunal" means the person serving on the Grievance Committee, a Hearing Panel of the Arbitration Committee, or the Appeals Committee; (f) "Party" means the complainants or respondents in a disciplinary proceeding referred to in Part Three of this Manual or a party to an arbitration referred to in Part Four of this Manual; (g) "Executive Vice President" of the Board means the person appointed to such office by the Directorate of the Board pursuant to the provisions of Article IX of the Bylaws of the Board; (h) "Principal broker" means a "principal, partner or corporate officer of a real estate firm"; (i) "Client" means the person(s) for whom a broker is an agent; (j) "Customer" means a party to a real estate transaction, usually the purchaser(s) who receives services and benefits, but pays no fee to the agent; (k) "Letter of Warning" means a letter from the Board President or Professional Standards Chairman to a Board Member advising of a lack of professional conduct determined by a due process hearing of the Professional Standards Committee, and warning that future similar conduct could result in more severe sanction; (l) "Letter of Reprimand" means a letter from the Board President or Professional Standards Chairman to a Board Member, advising of a lack of professional conduct determined by a due process hearing by the Professional Standards Committee, and advising that the letter is to be construed as an official reprimand; (m) "Requirement for Ethics Training" means a letter from the Board President or Professional Standards Chairman to a Board member, advising of a lack of professional conduct determined by a due process hearing by

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tribunal in any case in which he is (1) a party, or (2) related by blood or marriage to the fourth degree of consanguinity to, or an employer, employee, partner, or other business associate of a party.

(c) Before sitting in any case, each member of tribunal shall sign a statement (1) that he is not disqualified for any of the foregoing reasons and (2) that he knows of no other reason that might prevent him from rendering an impartial decision. (FORM #1, Certificate of Qualification, pages 48 and 49).

(d) Every member of a tribunal (except a member of the Grievance Committee acting pursuant to the provisions of Section 19 of Part Three of this Manual) shall also avoid, so far as possible, discussing the case with any person before the hearing. If he does engage in any such discussion before the hearing, he must disclose the fact to the parties and to the other members of the tribunal no later than at the beginning of the hearing.

(e) No member of a tribunal (except a member of the Grievance Committee acting pursuant to the provisions of Section 19 of Part Three of this Manual) shall discuss the case with any person, other than the other members of the tribunal, after the hearing and before the decision; to do so shall be a violation of a membership duty.

(f) Any party may file with the Executive Vice President a written request for disqualification of a member of a tribunal, stating the grounds assigned for disqualification. He shall be deemed to have waived any ground of disqualification of which he then has knowledge unless he filed the request at least five (5) days before the hearing. If a majority of the members of the tribunal find any automatic ground of disqualification to be present or find any other facts which in their judgment may prevent the member from rendering an impartial decision, or appear to do so, he shall stand disqualified.

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tape record the proceeding, and if transcribed, shall present a transcript to the Executive Vice President. Videotaping of the proceeding shall not be permitted except by advance expressed consent of all parties and all members of the tribunal.

### SECTION 7 - NOTICES

(a) Any notice required to be given or paper required to be served may be given or served by personally handing it to the party to be notified or by certified mail addressed to his last known mailing address. If mailed, notice shall be deemed given when mailed.

(b) Notice of any hearing shall include the names of the members of the tribunal and shall state a specific time and place for the hearing and, except for an adjourned hearing, shall be given not less than twenty-one (21) days beforehand. No hearing shall be set for a date not permitting at least twenty-one (21) days' notice.

### SECTION 8 - INTERPRETATIONS OF BYLAWS

If any provision of the Bylaws or a rule or regulation relative to the procedure of a tribunal's handling of a matter is involved, the interpretation by that tribunal of the Bylaws, rule or regulation shall be set forth as a separate finding. The Appeals Committee, on appeal from a Hearing Panel, shall not be bound by the Panel's interpretation.

### SECTION 9 - WAIVER

Each Member, for and in consideration of his right to invoke arbitration proceedings and to initiate complaints under the Code of Ethics as a Member of the National Association of Realtors hereby waives any right of action against the Board, any Board Member, and any Member of a Hearing Panel or tribunal arising out of any decisions, determinations, or other action taken or rendered under these procedures in the absence of willful or wanton misconduct.

### SECTION 10 - COMMUNICATION AND CLERICAL

Communications shall be directed to the Executive Vice President at the Board offices. The Executive Vice President shall render all necessary assistance to the parties; shall on application furnish forms and papers required; shall receive and file all documents or other papers; and shall receive all fees and disburse all monies payable to the Board.

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(c) For any act of a person who is not himself a member but is employed by or affiliated with a member as an independent contractor. Lack of knowledge by the Realtor member of such person's conduct shall go only to mitigation of discipline imposed.

(d) For any act of another who is also a member, but is employed or affiliated with the member as an independent contractor. In such an instance, both shall be joined as respondents in any proceeding. The finding of a Hearing Panel with respect to any violation by the member and the other member employed by or affiliated with him as an independent contractor may be the same or different; and in the event both are found in violation, the sanctions, if any, may be the same or different.

### SECTION 14 - NATURE OF DISCIPLINE

Disciplinary action may consist only of one or more the following:

(a) Letter of warning with copy to be placed in member's file; (b) Letter of Reprimand with copy to be placed in member's file; (c) Requirement that member attend the Ethics portion of the Board indoctrination Course or other Ethics Course or Seminar specified by the Hearing Panel; (d) Appropriate and reasonable fine not to exceed \$1,000; (e) Member placed on probation for a stated period of time not to exceed one (1) year; (f) Membership suspended for a stated period not to exceed one (1) year, with automatic reinstatement of membership in good standing at the end of the specified period of suspension; (g) Expulsion from membership with no reinstatement privilege for a specified period of one (1) to three (3) years, with reinstatement of membership to be by application only after the specified period of expulsion on the merits of the application at the time received; (h) or, at the option of the Board of Directors, an assessment in lieu of suspension with assessment not to

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Ethics Committee shall be selected to serve on Hearing Panels as required to hear matters of alleged ethical misconduct by Board members. A current member of the Grievance Committee shall not serve simultaneously as a member of the Professional Standards and Ethics Committee.

### SECTION 17 - APPEALS COMMITTEE

There shall be an Appeals Committee of twelve (12) Board members, all of whom shall be Active members, in good standing, of whom at least a majority shall be Designated Realtors. The members shall be appointed as provided in the Bylaws of the Board as amended from time to time. The function of the Appeals Committee is to hear and determine all appeals filed in writing with the Executive Vice President of the Board, as provided in the Bylaws and this Manual, from decisions of the Professional Standards and Ethics Committee. A current member of the Grievance Committee or the Professional Standards and Ethics Committee shall not serve simultaneously as a member of the Appeals Committee.

### SECTION 18 - ARBITRATION COMMITTEE

There shall be an Arbitration Committee of twenty-one (21) persons, all of whom shall be Active members who are, as principals, partners, corporate officers or trustees, engaged actively in the real estate profession, as defined in Section 1(a) of Article IV of the Board Bylaws. The members shall be appointed as provided in the Bylaws of the Board as amended from time to time. Members of the Arbitration Committee shall be selected to serve on Hearing Panels as required to arbitrate all matters properly submitted to it as provided in the Bylaws and this Manual. A current member of the Grievance Committee shall not serve simultaneously as a member of the Arbitration Committee.

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However, only those materials and information which were available to the Grievance Committee when the Committee made its decisions will be presented to the Executive Committee and considered on the Executive Committee and considered on the appeal, and the complainant and respondent do not have the right to appear at the hearing before the Executive Committee.

### SECTION 20 - THE ETHICS HEARING

(a) After a complaint alleging a violation of membership duty (duties) has been referred to the Executive Vice President by the Grievance Committee with instruction to arrange a hearing, the Executive Vice President shall serve a copy of the complaint on each party complained of (hereinafter called the respondent) and notify him that he may file a written reply (Form #3, Notice to Respondent, & #4, Reply, respectively) with the Executive Vice President, within fifteen (15) days. However, if he does not reply, the charges may not be taken as true, by default. A Hearing Panel may accept late filing of the reply in its discretion. The Executive Vice President may require the complainant to supply the necessary number of copies of the complaint, and the respondent to supply the necessary numbers of copies of the reply except that such requirement shall not be made of a complainant who is not a Board member.

(b) After fifteen days the Executive Vice President shall provide a copy of the reply (if any) to the complainant. The Executive Vice President shall also provide copies of the complain and reply (if any) to the Board President and the Chairman of the Professional Standards Committee, or notify each that no reply has been filed.

(c) The Chairman of the Professional Standards and Ethics Committee shall then promptly select from the Professional Standards and Ethics Committee a Hearing Panel of three or five members, of whom a majority

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and the matter shall be continued to a new date for hearing on the original complaint.

(2) At any time during the hearing the complaint may be amended either by the complainant or upon motion of the Hearing Panel. In such event the hearing may be continued to a date certain, not less than fifteen (15) or more than thirty (30) days from adjournment. The amended complaint shall be filed in writing, signed by the complainant or by the Chairman of the Hearing Panel, and shall be promptly served on the respondent as in all other cases provided herein.

(b) In the event that the respondent fails to appear at a duly noticed hearing without obtaining a continuance or adjournment thereof, the Hearing Panel may proceed with the hearing in the respondent's absence and shall reach its decision based on the evidence made available at the hearing. Thereafter, all such other procedures shall follow as herein provided.

### SECTION 21 - DECISION OF HEARING PANEL

(a) The decision of the Hearing Panel shall be by a simple majority vote and in writing (Form #11, Decision (Ethics)), and shall contain findings of fact and a statement of the disciplinary action recommended, if any. Such decision shall not be disclosed during the ethics proceeding and any appeal or rehearing, to any persons except the Appeals Committee, the Executive Committee, the complainant, the respondent, Board legal counsel, and the Executive Vice President. However, failure of confidentiality shall not invalidate the decision. The decision shall be filed with the Executive Vice President within ten (10) days after the Hearing Panel's decision is final. Any member of the Hearing Panel not voting with the majority may dissent from all or any portion of the findings

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(e) Immediately upon the decision becoming final, the Executive Vice President shall transmit it to the Executive Committee.

SECTION 22. APPEAL AND ACTION OF THE EXECUTIVE COMMITTEE

(a) Within twenty (20) days after the Hearing Panel's decision has been transmitted to the complainant and respondent, if no petition for rehearing has been filed, or within ten (10) days after denial of a petition for rehearing, either the respondent or the complainant may file an appeal with the Appeals Committee. Appeal is provided only from decision rendered in hearings of alleged ethical misconduct, and is not provided from the decision of an Arbitration Panel. However, the Executive Committee and the Board of Directors reserve the right to review procedures of any hearing to ensure compliance with due process and the governing documents of the Board and to rule thereon.

(b) If no such appeal is filed, the Executive Committee must adopt the Hearing Panel's decision and recommendation for disciplinary action, and issue its order accordingly, except that the Executive Committee, if concerned with a possible procedural deficiency or the appropriateness of the Panel's recommendation of sanction, if any, may refer the decision back to the Hearing Panel for further consideration and recommendation. In such matters advice of Board legal counsel should be requested and considered. The provisions of this paragraph apply only to decisions of the Hearing Panel where a finding of guilt has been made. Decisions of the Hearing Panel not involving a finding of guilt shall not be considered by the Executive Committee unless there is a question regarding a possible procedural deficiency or inappropriateness of the Hearing Panel's action.

(c) An appeal must be accompanied by a deposit with the Board of the sum of \$50.00.

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(h) If the recommendation of the Hearing Panel is rejected or modified, the Appeals Committee shall state their reasons in writing, but failure to do so shall not invalidate the decision of the Appeals Committee. Any member of the Appeals Committee not concurring with the decision of the Appeals Committee shall be entitled to file a dissenting opinion.

(i) The Executive Vice President shall transmit a copy of the decision of the Appeals Committee to complainant and respondent within five (5) business days after the Executive Vice President has received the committee's decision in writing, except that reasonable delay shall not invalidate the Board's procedures nor the decision.

(j) Within twenty (20) days after the Appeals Committee's decision has been rendered, the Executive Committee must adopt the Appeals Committee's decision and recommendation for disciplining action, if any, and issue its order accordingly, except that the Executive Committee, if concerned with a possible procedural deficiency or the appropriateness of the Appeals Committee's recommendation of sanction, if any, may refer the decision back to the Appeals Committee for further consideration and recommendation. In such matters advice of Board legal counsel should be requested and considered.

(k) Upon final action by the Executive Committee, the Executive Vice President shall disseminate to the complainant, the respondent, the Chairman and members of the Hearing Panel, Board legal counsel, and to any governmental agency as directed by the Executive Committee, such notice of the action as he deems appropriate under the circumstances to effectuate the discipline prescribed, provided, however, that the nature, form, content, and extent of the notice shall be specifically approved by Board legal counsel prior to dissemination. Board members, other than those specified, shall be notified only in respect to suspension or expulsion of membership of the Board Member.

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agency and subagency questions as between Realtors and their clients and the contractual matters arising out of their relationship with customers. All arbitrations shall be conducted in a manner consistent with state law.

No arbitration may commence or proceed without at least three arbitrators not disqualified pursuant to the provisions of paragraphs (a) through (f) of Part One, Section 2, General Provisions, of these procedures. In case of disqualification, the President shall fill the vacancy by appointing any other person qualified to serve who is a member of the Arbitration Committee.

Requests for arbitration must be filed within one (1) year after the facts constituting an arbitrable matter could have been known through the exercise of reasonable diligence.

SECTION 25 - DUTY OR PRIVILEGE TO ARBITRATE

(a) By becoming and remaining a member and by signing or having signed the agreement to abide by the Bylaws of the Board, every member binds himself and agrees to submit to arbitration by the Board's facilities all disputes as defined by Article 14 of the Code of Ethics and, as set forth in the provisions of the Manual, all disputes with any other member under the following conditions:

(1) Every Realtor member of the Board who is a principal broker of a real estate firm shall have the right to invoke the Board's arbitration facilities in any dispute arising out of the real estate business with a Realtor member of the Board who is a principal broker in another real estate firm.

(2) A Realtor other than a principal shall have the right to invoke the arbitration facilities of the Board in a business dispute with a Realtor in another firm, whether in the same or different Board, provided the principal broker with whom he is associated joins in the complaint, and requests the arbitration with the principal broker of the other firm.

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(6) Business disputes between a Realtor and a customer of the Realtor may be arbitrated by the Board if a written contractual relationship has been created by a Realtor between a customer and a client and provided each and every party agrees in writing to arbitrate the dispute.

SECTION 26 - BOARD'S RIGHT TO DECLINE ARBITRATION

If either the Grievance Committee or the Arbitration Panel selected in the manner hereinafter provided determine that because of the amount involved or the legal complexity of the controversy the dispute should not be arbitrated, they shall so report to the Executive Committee and if the Executive Committee concurs, the arbitration shall terminate and the parties shall be relieved of their arbitration agreement. In this event, any deposits made by the parties shall be returned to the parties. No dispute involving a claim of less than two hundred and fifty dollars (\$250.00) shall be arbitrable. No dispute which the parties have previously agreed to settle, pursuant to Section 37 of this Manual, shall be arbitrable if the settlement has been reduced to writing and has been signed by all of the parties.

SECTION 27 - DUTY TO ARBITRATE BEFORE STATE ASSOCIATION

By becoming and/or remaining a member of this Board, every member binds himself and agrees to submit to arbitration by the arbitration facilities of the Maryland Association of Realtors any dispute with a member of any local Board of the Maryland Association of Realtors, provided:

- (1) The dispute is a dispute as defined and for which arbitration is required by Article 14 of the Code of Ethics, and
- (2) The Maryland Association of Realtors has established facilities for such arbitration.

In the absence of the establishment of procedures and facilities by the Maryland Association of Realtors for interboard arbitration, disputes as defined in Article 14 of the Code of Ethics requiring arbitration shall

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of further consideration, the decision may be appealed to the Executive Committee within twenty (20) days from the date of the Board's notification of the Grievance Committee's decision. Only those materials which were presented to the Grievance Committee when the Committee made its decision will be presented to the Executive Committee and considered on the appeal, and the complainant and respondent do not have the right to appear at the hearing before the Executive Committee.

The function of the Grievance Committee is to make only such preliminary investigations and evaluations of the request for arbitration as required to determine whether the request concerns a properly arbitrable matter and whether the complaint should be heard by an Arbitration Hearing Panel of the Arbitration Committee. The Grievance Committee does not conduct hearings.

(b) Submission of a dispute to arbitration by the Board shall consist of signing and delivering a written statement to the Executive Vice president which may be substantially in the following form or in any other appropriate form provided or permitted by law.

BOARD

(Address) (City) (State) (Zip)

ARBITRATION AGREEMENT

The undersigned, by becoming and remaining a member of the Greater Baltimore Board of Realtors, Inc., has previously agreed and consented to submit to arbitration by the Board all business disputes arising out of the real estate business as described in Article 14 of the Code of Ethics, in the provisions of the Code of Ethics and Arbitration Manual, and in the arbitration procedures as set forth in the Bylaws of the Board. The undersigned, therefore, recognizing this voluntary obligation of membership and pursuant to said agreement and in the matter of arbitration between

hereby agrees and promises to abide absolutely by the award and findings of this Hearing Panel of arbitrators duly appointed, and in the event of an adverse decision to make prompt compliance and pay the fees and costs as provided for in the Bylaws and Code of Ethics and Arbitration Manual of the Board.

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It shall be a membership duty of anyone so appointed to serve as an arbitrator unless disqualified. The Arbitration Committee Chairman shall select the Chairman of the Hearing Panel who shall possess the powers of the neutral arbitrator within the meaning of the Maryland arbitration statutes. A party will be deemed to have waived all objection to any person whose name he does not challenge. If challenge to proposed Members of the Hearing Panel result in an insufficient number of members to constitute the Panel, the President may appoint other qualified Board members to serve as members.

(d) The Executive Vice President shall inform the parties of the date, time and place of the hearing established by the arbitration hearing panel. Each party shall be given at least twenty-one (21) days prior notice of the hearing but appearance at the hearing waives the right to such notice. The arbitrators may recess the hearing from time to time as necessary and on request of a party or upon the arbitrators' own motion, may postpone the hearing for not more than thirty (30) days, unless otherwise agreed to by the parties.

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(c) Each party or their attorney shall be given the opportunity of making an opening statement if they so wish.

(d) The complainant may present such evidence or give such testimony as deemed applicable to the arbitration by the Hearing Panel. No testimony may be admitted related to the character or general business reputation of any party unless such testimony has a direct bearing on the matter being heard.

(e) The parties to the dispute shall present to the arbitrators their oral testimony and such written statements and proof as they deem necessary or desirable, or as the arbitrators request. Proof may be submitted in the form of affidavits or any other acceptable form. The Hearing Panel may require that statements be verified by affidavit or that the accuracy or authenticity of any documents or other papers submitted be verified by affidavits. The Hearing Panel may receive and consider any evidence they deem material and proper, including evidence of accountants and other experts, the expenses of such witnesses to be charged to the loser.

(f) At the conclusion of direct examination, the opposing party and/or their counsel may cross examine the witness.

(g) When both parties have concluded their examination or cross examination of a witness, the arbitrators may examine the witness.

(h) Upon completion of all testimony, each party or their attorney may summarize the proceedings to the Hearing Panel. The complainant will open and the respondent will close the summation.

(i) Thereafter, the parties shall be excused and the matter will stand submitted.

The foregoing is not intended to restrict or limit the parties in their presentation or defense of the dispute. The primary concern of the arbitrators is to determine facts upon which an award may be made or denied.

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Notwithstanding the foregoing, a party to an arbitration proceeding may appeal to the Executive Committee only with respect to such alleged irregularities occurring in the conduct of the proceeding as may have deprived the party of fundamental "due process." The Executive Committee shall not hear an appeal with respect to the merits of an arbitration award, and shall not, on appeal, review such evidence offered with respect to the merits of that award, except as such evidence may bear upon a claim of deprivation of "due process."

SECTION 33 - MODIFICATION OR CORRECTION OF AWARD

Any party affected by a decision or award of the Arbitration Panel may, within twenty (20) days after the delivery of the award to the applicant, apply in writing to the Arbitration Panel to modify or correct its decision or award upon one or more of the following grounds:

- (1) There was an evident miscalculation of figures or an evident mistake in the description of any person, thing or property referred to in the award;
- (2) The Arbitration Panel has awarded upon a matter not submitted to it and the award may be corrected without affecting the merits of the decision upon the issues submitted;
- (3) The award is imperfect in a matter of form, not affecting the merits of the controversy; or
- (4) For the purpose of clarifying the award.

The application shall set forth the grounds upon which it is based. Any such application shall be addressed to the Chairman of the Arbitration Panel and shall be personally delivered or sent by certified mail to the offices of the Board.

At the time of the filing of any such application, the applicant shall personally deliver or send by certified mail a copy of such application to the other party or parties to the controversy, together with a written

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(d) If an appeal is filed, the Executive Vice President shall immediately send a copy to the other party, notifying all parties of the time and place of the hearing by the Appeals Committee, and bring the matter before the Appeals Committee for hearing at their next regular meeting or at a special meeting called by the Executive Vice President for the purpose. The Executive Vice President shall provide to the Appeals Committee, in advance of the hearing, copies of the complaint, response, and the Hearing Panel's findings of fact and recommendation of discipline, if any. The Appeals Committee shall be advised that the information is confidential and not to be discussed with others at any time.

(e) At the hearing before the Appeals Committee, the Presiding Officer of the Hearing Panel having heard the case shall present a transcript of the case (which may be a tape or other recording) or if there be no transcript shall summarize the case. Either party shall be entitled to offer corrections to the summary. Either party may present to the Appeals Committee reasons why the Hearing Panel's recommendation should be followed or not, but no evidence shall be received, and the appeal shall be determined on the transcript or summary.

(f) The Appeals Committee shall render their decision promptly. Their decision may adopt, reject or modify the recommendation of the Hearing Panel including the discipline proposed.

(g) 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 making it. If the recommendation is modified, the Appeals Committee in their discretion shall determine the disposition of the deposit.

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#### SECTION 23 - INITIAL ACTION BY THE EXECUTIVE VICE PRESIDENT

If the complaint against a member is that he has improperly refused to submit a controversy to arbitration, the complaint shall not be referred to the Grievance Committee or a Hearing Panel but shall be brought before the Executive Committee at the next regular meeting or at a special meeting called by the Executive Vice President for the purpose. The procedures for notices, time of notice and hearing prescribed for matters before a Hearing Panel shall apply. The sole question of fact for the Executive Committee to decide will be whether the respondent has failed to submit an arbitrable matter to arbitration. Upon determination that the member has refused to arbitrate a properly arbitrable matter, the Executive Committee may direct the implementation of appropriate sanction and should, if it has reason to believe that the imposition of sanction will become the basis of litigation and a claim for damages consequent to such sanction, delay the effective date of implementing the sanction to a date following receipt by the Board of judicial decision in a petition for declaratory relief filed by the Board to confirm the propriety of its action.

On the other hand, if the complaint against the member is that, having properly submitted a controversy to arbitration, he has refused to abide by the award, such refusal should not be referred to the Grievance Committee as a violation of the Code of Ethics unless such refusal reflects an established pattern or practice of non-compliance with the commitment to arbitrate. A refusal to abide by an award in arbitration should be enforced in the manner set forth in Part Four, Arbitration of Disputes, Sec. 32, p. 18.

#### PART FOUR - ARBITRATION OF DISPUTES

##### SECTION 24 - DISPUTE

As used in Part Four of this Manual, the term "dispute" means a controversy arising out of a real estate transaction and all of the related

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Arbitration, in such cases, shall be between the principal brokers and other parties to the matter shall participate as witnesses only. In the case of a dispute with a non-member broker, the provisions of Section 25 (a) (5) shall apply.

(3) A client of a Realtor may invoke the arbitration facilities of the Board in a business dispute with a Realtor arising out of an agency relationship provided the client agrees to be bound by the arbitration. In the event of such request and agreement by the client, the Realtor shall have an obligation to arbitrate the dispute and the Board will arbitrate the dispute subject to the provisions of Section 26.

(4) Realtors affiliated with the same firm shall have the right to invoke the arbitration facilities of the Board, provided each party voluntarily agrees to the arbitration in writing and the Board finds the matter properly subject to arbitration in accordance with the provisions of Section 28 of this Manual. This privilege as stated shall apply to disputes arising when the parties are or were affiliated with the same firm, irrespective of the time request is made for such arbitration.

(5) A Realtor member who is a principal broker of his firm may invoke the arbitration facilities of his Board in a dispute arising out of the real estate business with a nonmember broker, provided each party agrees in writing to the arbitration and provided the Board finds the matter properly subject to arbitration in accordance with the provisions of Section 28 of this Manual. However, it shall be optional with the member as to whether he will submit to arbitration concerning a claim by a non-member broker. A nonmember broker or nonmember salesperson shall not be entitled to invoke the arbitration facilities of the Board unless the member against whom a complaint is filed agrees to submit and be bound by arbitration.

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be submitted and conducted under the procedure established in Part Six of this Manual.

This method may also be utilized for the conduct of arbitration between Board members of different Boards of different states, subject to the parties voluntary agreement in advance to accept the place, date and time established by the Arbitration Panel thus chosen for a hearing, and to pay all costs of such arbitration as may be directed by the Panel, and further subject to applicable state law of the respective states permitting such binding arbitration.

#### SECTION 28, MANNER OF INVOKING ARBITRATION AND SUBMISSION

(a) Any person desiring arbitration by the Board and who is authorized by the provisions of this Manual shall notify the Executive Vice President, indicating the nature of the controversy. The request shall be in writing signed by the complainant and must be accompanied by a statement of the complainant's efforts, if any, to resolve the controversy with the other party. It may be on a Board form or any other appropriate form permitted by law. The Executive Vice President shall refer the request for arbitration to the Chairman of the Grievance Committee for determination by the Committee within thirty (30) days, as to whether the matter is subject to arbitration.

If the Grievance Committee finds the matter properly subject to arbitration, the Chairman shall refer it back to the Executive Vice President with instructions to arrange a hearing. The Executive Vice President shall notify the complainant of the decision of the Grievance Committee and shall notify the other party to the dispute within five (5) business days of receipt of the Grievance Committee's instructions by mailing a copy of the complaint and two (2) forms for response to the respondent with directors to complete and return the written response within fifteen (15) days from the date of mailing to respondent.

If the Grievance Committee dismisses the request as being unworthy

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Seal \_\_\_\_\_  
Signed \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_  
Zip Code \_\_\_\_\_ Phone \_\_\_\_\_  
Dated \_\_\_\_\_ 19\_\_

The Arbitration Agreement shall also contain a concise statement of the matter in dispute. Each party must sign the Arbitration Agreement and both the complainant and respondent shall deposit the sum of \$100.00 with the Executive Vice President at the time the Arbitration Agreement is filed. The deposit of the prevailing party(s) will be returned. The deposit of the other party(s) will be used by the Board to cover the costs of the arbitration hearing. Any portion not used specifically to cover the costs of the arbitration will go into the general operating funds of the Greater Baltimore Board of Realtors. In the event the award of the arbitrators is an amount other than that requested by any of the parties, the disposition of the funds shall be as directed by the arbitrators.

(c) Not sooner than fifteen (15) days nor later than twenty-one (21) days after mailing notice to respondent or complainant's request for arbitration, the Executive Vice President shall mail to the complainant a copy of the response and respondent's affirmative claim, if any, and shall mail to each of the parties a list of names of members of the Arbitration Committee. Each party shall cross out the names of any three (3) individuals whom they deem to be unsatisfactory or otherwise indicate the unacceptability of any three (3) particular individuals on the list and return the list to the Executive Vice President within five (5) days. (See Part One, Section 2, (2) through (f), Qualification for Tribunal.) The Arbitration Committee Chairman shall appoint from the names not challenged by either party, within ten (10) days from the date the names are mailed to the parties, three (3) or more arbitrators who will hear the dispute. At least two (2) shall be Realtors, who are principals in their real estate firms and in the event a Realtor other than a principal is a party to the arbitration, one (1) of the arbitrators must be a Realtor who also is not a principal in his firm.

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#### SECTION 29 - PRE-HEARING PROCEDURE

When notified by the Executive Vice President, the parties to the dispute shall appear in person to the arbitrators in writing such statements and proof which they deem necessary to support their claims. Proof may be submitted in the form of affidavits or otherwise. The Hearing Panel of arbitrators may require that statements be verified by affidavits or that the accuracy or authenticity of any documents or other papers submitted be verified by affidavit. The Hearing Panel shall establish a date, time and place for a hearing, and shall, at such hearing, receive any further written statements, documents, or other papers, and shall hear oral testimony in accordance with the procedures described, as follows, in Section 30, Arbitration Hearing Procedure. The Hearing Panel shall determine what personal appearances shall be made by the parties and regulate the holding of hearings. The Hearing Panel may receive and consider any evidence they deem material and proper, including evidence of accountants and other experts, the expenses of such witnesses to be charged to the loser. Parties to arbitration shall be entitled to have legal counsel present at any hearing. Such hearing should be conducted according to "Chairman's Procedural Guide, Conduct of An Ethics or Arbitration Hearing," of this Manual.

#### SECTION 30 - ARBITRATION HEARING PROCEDURE

The following procedure is to be followed in conducting the hearing:

(a) Prior to the giving of any testimony, all parties and witnesses shall be sworn or affirmed by the Chairman.

(b) Witnesses shall be present only as necessary to present their testimony. The panel, in its discretion, may have more than one witness present during the hearing, if by majority vote, the panel believes that the witness' presence is necessary to resolve any dispute of fact.

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#### SECTION 31 - SETTLEMENT

The parties to an arbitration may settle the issue between them by agreement at any time, and in such event, upon notification of the Executive Vice President the arbitration proceedings shall be terminated and the termination shall be recorded in the file.

#### SECTION 32 - THE AWARD

The award of the arbitrators (Form 13, Award of Arbitrators, p. 68), shall be made as soon as practicable after the evidence is presented and, in any event, not later than thirty (30) days after the conclusion of the hearing. Any award made later than thirty (30) days after the conclusion of the hearing shall, nevertheless, be valid.

The award shall be in writing and signed by the members of the Hearing Panel or a majority of them and, when so signed and served on each of the parties, shall be valid and binding, and shall not be subject to review or appeal. The Panel, if it wishes, may render a brief written opinion explaining the reasons for its award, but no such written opinion shall be required.

The Executive Vice President shall transmit a copy of the Panel's award and opinion, if any, to each party personally or by certified mail.

The award shall provide for the payment of any expense incurred by the Panel in the conduct of the arbitration proceeding, and, if an award shall be in favor of a Complainant, the award may require the Respondent to reimburse to the Complainant all or any part of the amount of the administrative fee paid to the Board by the Complainant at the time of the filing of the complaint. Unless, prior to the hearing, all parties otherwise agree, the award may not include counsel fee. The expenses of witnesses for any party shall be paid by the party producing such witnesses, except for those costs incurred with regard to accountants and other expert witnesses, in which case the costs shall be charged to the loser.

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notice stating that any objections to said application must be filed and served, as hereinafter provided, within ten (10) days from the receipt of said notice.

Any such objections shall be filed in writing, addressed to the Chairman of the Arbitration Panel, and shall be personally delivered or sent by certified mail to the offices of the Board. At the time of the filing of any such objections, the party filing the same shall personally deliver or send by certified mail a copy of such objections to each other party.

The Arbitration Panel shall act upon an application for modification or correction of its decision or award within thirty (30) days after its receipt and, in its sound discretion, shall have the authority to grant or deny the application for a modification or correction.

The filing of an application for modification or correction of a decision or award shall not extend the time for satisfaction of the award, or compliance with the Panel's decision, unless the application for modification or correction shall be granted.

#### SECTION 34 - SATISFACTION OF AWARD

(a) Any award of an Arbitration Panel shall be satisfied and any other decision of the Panel shall be complied with, within ninety-one (91) days after the receipt by a party of a copy of the Arbitration Panel's opinion and award, unless theretofore there shall have been filed in a court having jurisdiction, in the City of Baltimore, a petition to modify, correct or vacate the award, pursuant to the provisions of the Maryland Uniform Arbitration Act. In such latter event, the award shall be satisfied and any other decision of the Panel shall be complied with, within forty (40) days after the date of an order of court confirming, modifying and correcting such decision and award, or within forty (40) days after a similar decision and order of any appellate court to which an appeal might be taken.

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(b) If any member of the Board, or a firm, corporation or trust with which a member is associated, shall fail or refuse to satisfy an award, or to comply with any other decision of an Arbitration Panel, as hereinabove provided, such failure or refusal shall constitute unethical conduct and a violation of the Bylaws of the Board, and the Arbitration Panel shall advise the Executive Committee of the Board of any such failure or refusal for appropriate action under Article XIX of the Bylaws of the Board.

#### SECTION 35 - ENFORCEMENT

The judgment of any competent court of record in Maryland, state or federal, may be rendered upon the award. If a member fails to comply with an award, the recipient to whom the award has been rendered by the Arbitration Panel shall be advised by the Board to seek judicial enforcement. At the discretion of the Board of Directors, the Board may support the request for judicial enforcement in the court, and at the further discretion of the Board of Directors, the Board may support the request for judicial enforcement in the court, and at the further discretion of the Board of Directors reimburse the individual for costs incurred in seeking such judicial enforcement if the court does not grant reimbursement of legal costs to the plaintiff.

#### SECTION 36 - COSTS OF ARBITRATION

The award shall direct the deposit of the prevailing party to be returned; the deposit of the losing party shall be used by the Executive Vice President to cover the costs of arbitration as it may be required. Any portion not used specifically to cover the cost of arbitration shall go to the general operating funds of the Board.

#### SECTION 37 - MEDIATION

The Board President shall annually appoint a panel of five (5) mediation officers from the members of the Arbitration Committee. In the event the

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Mediation Officer's suggested resolution, both parties will be given a specified period time, not to exceed 72 hours, to consider the suggested resolution and to advise the Mediation Officer of their acceptance or rejection of the resolution. If either of the parties rejects the proposed resolution, the mediation procedure will be deemed concluded and the matter will proceed to arbitration. Any party who does not respond to the Mediation Officer within 72 hours will be deemed to have rejected the suggested resolution.

Participation in mediation procedures is entirely voluntary. The parties should be offered the opportunity and encouraged to participate in the mediation process in good faith and further, encouraged to abide by the determination. Any party to a mediation procedure may withdraw from the process at any point prior to reaching an agreement. Any offers of settlement that were not accepted or any suggested resolution proposed by the Mediation Officer that was not accepted will not be introduced as evidence nor considered in any manner should the matter require arbitration by the Board's Professional Standards Committee. However, if the parties agree to a settlement of the dispute, and the settlement has been reduced to writing and has been signed by all of the parties, the matter is deemed resolved and cannot be the subject of a subsequent arbitration hearing. In the event either of the parties later fails to abide by the terms of the settlement agreement the matter may not be arbitrated but rather the other party should be encouraged to have the settlement agreement judicially enforced by a court of competent jurisdiction. A sample settlement agreement is set forth as Form #15.

In the event the mediation process is unsuccessful and the matter is referred to the Arbitration Committee for arbitration, the Mediating Officer shall become automatically disqualified from participation in the hearing by the Arbitration Hearing Panel.

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answer by the respondent shall be accompanied by a fee deposit of fifty dollars (\$50.00), which shall go toward costs of such arbitration if so determined by the Arbitration Panel, or shall be returned as determined by the Panel. The amount of the fee deposit shall be governed by the amount specified in the Bylaws of the Board of which a party to the arbitration is a member but may be subsequently modified by the Hearing Panel of arbitrators chosen.

#### RIGHT OF INTERBOARD ARBITRATION PANEL TO RELEASE MEMBERS FROM OBLIGATION TO ARBITRATE

If the Hearing Panel determines that because of the magnitude of the amount involved, or the legal complexity of the controversy, the dispute should not be arbitrable they shall advise the parties; the arbitration shall terminate; and the parties shall be relieved of their arbitration agreement. In the event, any deposits made by the parties shall be returned to the parties.

**PLACE, DATE AND TIME OF HEARING** - The Arbitration Panel, through its Chairman, shall fix a place, date and time for the hearing which shall not be less than 10 nor more than 20 days from the date of receipt of the answer, and shall notify the parties of the date and place of the hearing at least one week before the fixed date. At the request of any party and for cause deemed acceptable by the Panel, the fixed date may be extended.

**CONDUCT OF HEARING** - The Chairman shall preside at the hearing, which shall not be bound by the strict rules of evidence applicable to judicial tribunals, but by the Outline of Procedure for Ethics or Arbitration Hearing found as Part Six of this Code of Ethics and Arbitration Manual, and by the Chairman's Procedural Guide for Conduct of an Ethics or Arbitration Proceeding, also Part Six of this Manual.

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**NOTE** - The Chairman and each member of the Panel shall receive reimbursement for mileage and all reasonable expenses including lodging and meals incurred in connection with the hearing. Expenses of the Panel members and all other expenses, including possible use of legal counsel by the Panel, shall be shared by the Boards involved in proportion to the total number of members of each Board, or shall be borne by the parties involved as the Arbitration Panel may direct.

#### PART SIX CONDUCT OF AN ETHICS OR ARBITRATION HEARING

An ethics or arbitration hearing must be conducted in a manner which is fair to all parties. This means that the parties must know their rights and responsibilities in advance so they may properly prepare and present their position. Procedures are required to assure an orderly hearing. But procedures may and should be modified as interests of justice and truth dictate. However, in modifying established procedures care must be taken to assure the rights and interests of all parties are protected. For this reason, deviations from prescribed procedures should be reviewed with Board counsel and counsel for the parties prior to implementation.

Set forth following are two Outlines. The first is an outline of procedural information of interest and concern primarily to the parties involved. This information should be provided to them well in advance of any hearing (22 Form #10, p. 62). The second outline is primarily of interest to the Hearing Panel and most particularly to the Chairman who will preside.

#### OUTLINE OF PROCEDURE FOR ETHICS OR ARBITRATION HEARING

THE GREATER BALTIMORE BOARD OF REALTORS, State of Maryland, (to be Mailed in Advance to Both Parties)

**POSTPONEMENT OF HEARING** - Postponement may be granted if there are extenuating circumstances. Absent emergency circumstances, requests for postponement

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**FINDING IN DISCIPLINARY HEARING** - The finding and recommendation for penalty or discipline shall be reduced to writing by the Hearing Panel and submitted to the Executive Committee in accordance with the procedures of Section 22 of this Manual.

**FINDING IN ARBITRATION** - The findings and decision of the Hearing Panel in an arbitration procedure shall be reduced to writing by the Panel and a copy shall be furnished to each of the parties to the arbitration, and a copy filed with the Executive Vice President of the Board.

**USE OF LEGAL COUNSEL** - A party may be represented in any hearing by legal counsel. However, no party may refuse to directly respond to requests for information or questions addressed to him by members of the Panel except on grounds of self-incrimination, or on other grounds deemed by the Panel to be appropriate. In this connection, the Panel need not accept the statement of counsel as being the statements of his client if the Panel desires direct testimony. Each party shall be held responsible for the conduct of his counsel. Any effort by counsel to harass, intimidate, coerce, or confuse the Panel members or any party to the proceedings or any action by counsel which otherwise viewed by the Panel as disruptive of the proceedings, shall be grounds for exclusion of counsel. The decision to exclude counsel for any of the foregoing reasons shall be the result of a majority vote of the members of the Panel and shall be nonappealable. In the event counsel is excluded, the Panel may, but need not in its absolute discretion, consider a request for temporary postponement to enable new counsel to be obtained.

CHAIRMAN'S PROCEDURAL GUIDE - CONDUCT OF AN ETHICS OR ARBITRATION HEARING - GREATER BALTIMORE BOARD OF REALTORS, STATE OF MARYLAND

I. **DISPLAY**: Board Banner and The American Flag.

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3. Also present at this hearing is \_\_\_\_\_, the complainant...and \_\_\_\_\_, his salesman (saleswoman), etc...  
\_\_\_\_\_ is accompanied by his attorney, \_\_\_\_\_.  
4. Seated \_\_\_\_\_, is \_\_\_\_\_, the respondent in this hearing. With \_\_\_\_\_ is \_\_\_\_\_ his salesman (saleswoman) etc. Also accompanying \_\_\_\_\_ is his attorney, \_\_\_\_\_.  
5. Seated \_\_\_\_\_, is \_\_\_\_\_, the Secretary for the panel at this hearing. Also seated \_\_\_\_\_ is \_\_\_\_\_ the court reporter present to transcribe these proceedings. (OR, alternatively, this hearing is being mechanically recorded).  
**BASIS OF HEARING**: This hearing has been established to consider the complaint of \_\_\_\_\_ against \_\_\_\_\_ alleging violation of Article \_\_\_\_\_ of the Code of Ethics. The complaint as presented by \_\_\_\_\_ is as follows:

(Read the particulars of the charge into the record)

OR, alternatively,

This hearing is to arbitrate a business dispute arising out of the real estate business in accordance with the request of \_\_\_\_\_, that he be awarded a commission or part of a commission on the sale of \_\_\_\_\_.  
The request for arbitration is as follows:

(Read the request for arbitration into the record)

This panel is not dealing with questions of law, and is not governed by the technical rules of evidence which may apply in courts. This panel will seek to determine all ascertainable and relevant facts pertaining to the matter under consideration to arrive at a peer judgment and decision by the panel that is fair to all of the parties. The panel is governed and directed by the Bylaws and the Code of Ethics and Arbitration Manual of the Greater Baltimore Board of Realtors and the Code of Ethics of the National Association of Realtors. The panel determines its own rules

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counsel concerning such rulings.

5. At this time, I request that all persons present in the room that expect to testify at this hearing stand and be sworn or to make appropriate affirmation in lieu of being sworn.

**SWEARING**: Raise your right hand and following the question I will pose, answer in the affirmative if you do so swear... "Do you swear that the statements you are about to make at this hearing are the truth and nothing but the truth, so help you God?"

**AFFIRMATION**: Raise your right hand, and following the question I will now pose, answer in the affirmative if you do so affirm... "Do you affirm that the testimony you are about to give in this proceeding shall be the truth, the whole truth, and nothing but the truth?"

Please be seated.

**OUTLINE FOR PROCEDURE FOR HEARING**: "I now ask the parties if you have read and understand the Outline of Procedure for Hearing that was furnished to each of you? If there is any questions that you have concerning the hearing, I shall be glad to answer such questions at this time. If there are no questions, we shall assume that your silence indicates your understanding of the Outline of Procedure, and we shall proceed with the hearing."

**PRESENTATION BY COMPLAINANT**: "The complainant will now state his case and present any witnesses that he may desire."

(CROSS EXAMINATION)

**PRESENTATION BY RESPONDENT**: "The respondent will now state his case and present any witnesses he may desire."

(CROSS EXAMINATION)

**CLOSING STATEMENT**: Prior to adjourning the hearing the Chairman should ask both parties if they desire to make any final and additional statement that they consider necessary to complete the record. (The parties should be

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should review all decisions of any hearing conducted by a Professional Standards Hearing Panel involving alleged unethical conduct by Board members or the resolution of business disputes as established in the Bylaws. Such review should occur prior to any action of the panel becoming effective. This will serve to protect the Board by minimizing vulnerability to litigation.

Appeal is provided from the decision of the Hearing Panel in an ethics proceeding in Section 22 of this Manual. Appeal is not provided from the decision of a Hearing Panel in an arbitration proceeding. (See Section 32 of this Manual).

#### GENERAL INSTRUCTIONS AND INFORMATION FOR FILING AND REPLYING TO COMPLAINTS

1. Complaint must be typewritten in sufficient number of copies for each Respondent plus one and such additional copies as Complainant may desire for personal use. Reply likewise must be typewritten in sufficient number of copies for each Complainant plus one and such additional copies as Respondent may desire for personal use. Additional copies of the complaint and reply should be furnished by the Complainant and Respondent as requested by the Executive Vice President.
2. Complaint will be referred to the Board Executive Vice President; and by the Executive Vice President to the Chairman of the Grievance Committee. If found by the Grievance Committee to constitute a proper cause of action, it will be referred to the Executive Vice President of the Board and by the Executive Vice President to a Hearing Panel, if found not to constitute a proper cause of action, it will be returned to the Complainant with the decision of the Grievance Committee.
3. If there is to be a hearing, Respondent will have 15 days after service of copy of complaint to make reply to it. Copy of reply will be sent to Complainant. Thereupon, date for hearing will be set by the Hearing Panel and both parties will be notified of such date and

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Relevance Committee determines that a matter is properly arbitrable, that information should be provided to the Executive Vice President who will then notify both the complainant and respondent that the matter has been deemed arbitrable and that the Board's mediation procedures are available. The Executive Vice President will inquire of each party, as to whether they will participate in the mediation procedures. If both parties respond affirmatively the matter will be referred to the selected and assigned Mediation Officer who will contact the complainant and respondent and establish a mutually convenient time and location for the mediation.

If, for any reason, any of the parties or the Mediation Officer is unable to participate on the date agreed, the procedure should be rescheduled to the earliest mutually acceptable date. Mediation cannot be successfully conducted without all of the parties present. Witnesses, if any should be kept to a minimum.

Realizing that a controversy already exists between the parties, the Mediation Officer should make every effort to encourage a conciliatory atmosphere while ensuring a full exposition of all pertinent facts. The complainant and respondent should be encouraged to appreciate each other's position in the matter and to effect a solution that will eliminate the need for arbitration by the Board's Arbitration Committee. The parties can agree to a mutual resolution of the matter at any time during the mediation procedure. If, following a thorough discussion of all the pertinent facts, the parties are still unable to resolve the matter, the Mediation Officer will then make his suggested recommendation. The recommendation for resolution can be oral or in writing and will be provided to both parties at the conclusion of the mediation procedure. The parties can agree to the Mediation Officer's proposed resolution at that time. If either of the parties desires to give additional consideration to the

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#### PART FIVE - INTERBOARD ARBITRATION PROCEDURE BY BOARDS OF REALTORS IN THE ABSENCE OF ARBITRATION FACILITIES OF THE STATE ASSOCIATION

APPLICATION - In the absence of the establishment of arbitration facilities by the State Association of the type described in Part Four hereof, these procedures should be followed in the arbitration of business disputes between Realtor members of different Boards. Under these procedures, the arbitration is initiated by written complaint of a Realtor to the Executive Vice President of the Board of which he is a member who shall, in turn, arrange such interboard arbitration with the other Board. No dispute involving a claim of less than Two Hundred and Fifty Dollars (\$250.00) shall be arbitrable.

FEE DEPOSIT - Each party to the controversy shall select one member of the Arbitration Panel from the Board of which he is a member. The members so selected shall agree upon the third member of the Panel. The Panel shall select its Chairman.

COMPLAINT - The party requesting arbitration shall file with the Panel Chairman a written complaint, setting out the particulars of the controversy, and including sufficient copies thereof for each member of the Panel and the respondent or respondents. The Executive Officer or Secretary of the Board of which the Chairman is a member shall serve as Secretary of the Panel.

ANSWER - Within five (5) days after formation of a Hearing Panel and selection of a Chairman, the Chairman shall cause a copy of the complaint to be transmitted to each member of the Panel, and to the respondent informing the respondent that he must file with the Chairman a written answer to the charge within twenty-one (21) days of the date on the letter in which the complaint and request for arbitration was mailed to him, including sufficient copies thereof for each member of the panel and the complainant, which copies the Chairman shall, within five (5) days after receipt, cause to be transmitted to the Panel members and the complainant. Further, such

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TESTIMONY AND DOCUMENTARY EVIDENCE - Any party to the controversy may testify on his own behalf and may present testimony of witnesses offer into evidence documentary evidence. Any party may examine and cross-examine witnesses, and at the request of any party the Panel may exclude witnesses, or any of these.

LEGAL COUNSEL - Any party, at his own expense, may have legal counsel present during the hearing provided he notified the Panel and the other party, in writing, of his intention to do so at least ten (10) days prior to the date fixed for the hearing. The Panel may have its legal counsel present, if it so elects.

ADJOURNMENT - The Panel may adjourn the hearing from time to time as necessity or convenience dictates.

AWARD - At the conclusion of the hearing, the panel shall consider the pleadings, testimony, and exhibits, and shall determine whether or not an award should be made and if so, its amount. Its decision shall in any case be in writing and signed by a majority of its members and the award shall be made not later than thirty (30) days after the conclusion of the hearing. A copy of the decision shall be transmitted to the parties to the controversy, the Executive Vice President of the Board to which each party belongs, and a copy shall be preserved for the files of the Panel. An award made later than thirty (30) days after the conclusion of the hearing, shall nevertheless be valid.

RECORDATION - At the request of either party the Panel shall arrange for the transcription or recordation of the proceedings. The cost of the transcript or recordation of the proceedings shall be borne by the party or parties requesting it, who shall also supply a copy thereof to the Panel at his or their own cost. The Panel may also cause the hearing to be transcribed on its own motion.

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must be made in writing at least five (5) days prior to the scheduled hearing date. Permission can be given by the Chairman. Reasonable time shall be granted before another date is set.

METHOD AND OBJECTIVE OF PROCEDURE - The Professional Standards and Ethics Committee shall not be bound by the rule of evidence applicable in courts of law, but shall afford all parties a full opportunity to be heard, present witnesses, and offer evidence, subject to its judgment as to relevance.

DUE PROCESS PROCEDURE - The Professional Standards and Ethics Committee procedures will be:

1. Opening statement by Chairman - Cite authority to hear case and explain reason for hearing.
2. The complaint will be read into the record unless the parties by stipulation waive the reading in which event the complaint will automatically become part of the official record.
3. The testimony of all parties and witnesses will be sworn or affirmed.
4. The parties will be given an opportunity to present evidence and testimony in their behalf and they may call witnesses.
5. The parties or their legal counsel will be afforded an opportunity to examine and cross-examine all witnesses and principals.
6. The committee members may ask questions at any time during the proceedings.
7. In order to ensure relevance and maintain proper decorum, the Chairman or Presiding Officer, shall exclude any questions which he deems irrelevant or argumentative.
8. Each side may make a closing statement.
9. Adjournment of hearing.
10. Committee will go into executive session to decide case.

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II. SEATING ARRANGEMENT: See page 69 for recommended seating arrangements.

III. START PROMPTLY: Rap gavel to open meeting.

IV. CHAIRMAN'S OPENING STATEMENT AND CONDUCT OF HEARING: Ladies and gentlemen, I now call this hearing to order. The Professional Standards and Ethics Committee is charged with holding appropriate hearings for the Greater Baltimore Board of Realtors in accordance with the procedures as set forth in the Board's Bylaws and the Code of Ethics and Arbitration Manual in matters concerning alleged unethical conduct of a Board member or members, (or in the arbitration of a business dispute arising out of the real estate business as defined in the Bylaws of the Board). The body meeting here is an impartial panel of the Professional Standards and Ethics Committee (or Arbitration Committee) that has been selected and called here today to ascertain the truth in the particular matter at hand, which is an (ethical or arbitration) proceeding, and to render a decision of the testimony and evidence presented. It is to be noted that an ethics proceeding is to be clearly distinguished from an arbitration proceeding and should be treated as completely separate matters. The particular matter to be considered by this panel at this time is an (ethical or arbitration) proceeding. No consideration of any issue which is properly the subject of an (ethical or arbitration) proceeding shall be considered.

The Professional Standards Committee (or the Arbitration Committee) is a body duly constituted under the authority of the Bylaws of the Greater Baltimore Board of Realtors having been appointed by the Board President and approved by the Board of Directors. At this time I would like to introduce the members of this Panel:

1. My name is \_\_\_\_\_, and I am the Chairman of this Panel.
2. Starting on my far left is \_\_\_\_\_, a member of the Committee, etc.

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and witnesses and his own procedures to be followed with objectives of equity and due process. The following has been generally accepted and ruled on by this Committee as to the procedures to be followed during this hearing:

1. All parties or their representatives to these proceedings will be allowed a full opportunity to be heard on matters relevant to the issue. The panel may rule at any time during this hearing on the relevance of testimony being given or questions being directed to any party or his representative or to witnesses providing testimony. All parties and witnesses will be asked to swear or to affirm that the testimony given is the truth to the best of their knowledge.

2. A party may be represented by legal counsel. However, no party may refuse to directly respond to requests for information or questions addressed to him by members of the panel except on grounds of self-incrimination or other grounds which the panel deems appropriate. In this connection, the panel need not accept the statements of counsel as being the statements of his client if the panel desires direct testimony. Counsel is present to advise and consult with his client, and to speak for him subject to appropriate rulings or determination by the panel. This panel will countenance no effort by any party or by counsel to any party to harass, intimidate, coerce, or confuse the panel members or any party to the proceedings.

3. The panel may rule at any time on the admissibility of evidence. As Chairman, I will act as keeper of the evidence introduced at this hearing and mark each with an exhibit identification number and date.

4. The members of this panel are authorized, individually, to ask questions as they deem pertinent and significant at any time during this hearing. To preserve order, I will rule on questions or testimony by the parties and their representatives, or by witnesses in these proceedings. If deemed necessary, I will consult with members of the panel and with Board

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advised to make any closing statement that they desire).

COMPLAINANT'S REQUESTS: Are the parties satisfied with the manner in which the hearing has been conducted? (The parties should be allowed to make any comments regarding the hearing at this time).

CONFIDENTIAL NATURE OF HEARING: "Before we adjourn the hearing of this panel, all persons present are advised that the report and findings of this Committee are considered CONFIDENTIAL. It will be available only to members of this panel, to the parties, the Executive Committee of the Greater Baltimore Board of Realtors and other persons as directed by the provisions of Section 20 and 21 of the Code of Ethics and Arbitration Manual in an ethics proceeding. (In an arbitration proceeding, it will be available only to members of the panel, the parties to the hearing, the Executive Committee, Board counsel and the Executive Vice President). Upon final action by the Executive Committee in an ethics proceeding, the finding or conclusion of this panel shall be disseminated to the parties by the Executive Vice President of the Board, as directed by Section 22 of the Code of Ethics and Arbitration Manual. (Upon final action by the Hearing Panel in an arbitration proceeding, the decision, when signed by the members of the Hearing Panel, shall be served upon the parties to the dispute.) The parties will be notified of the decision within the required time after this hearing is adjourned."

ADJOURNMENT: "There being no further business to be considered in this hearing, the hearing stands adjourned."

V. PROCEEDINGS FOLLOWING HEARING:

EXECUTIVE SESSION: After adjournment, the panel will remain in executive session and frame a report of finding and opinion to set forth the decision or award as the case may be. The panel will follow explicitly the procedures set forth in the Code of Ethics and Arbitration Manual as to opportunity for rehearing or for an appeal if provided. Board counsel

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and place of hearing at least 21 days in advance thereof.

If no reply is received from Respondent within 15 days from the service of copy of the Complaint, date and place of hearing nevertheless may be set by the Hearing Panel and the charges may not be taken as true, by default.

5. Either party to the action may be represented by legal counsel and must provide notice of intention to be so represented, in writing, to the other party and to the Hearing Panel at least 10 days prior to the date of hearing.

6. It is the responsibility of each party to arrange for witnesses to be present at time and place designated for hearing.

7. 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 Executive Vice President, not less than 5 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 the fourth degree of consanguinity 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
  - (d) Knows of any reason acceptable to the Hearing Panel or tribunal which may prevent him from rendering an impartial decision.
8. The parties shall not discuss the case with any member of the Hearing Panel or the Executive Committee at any time prior to announcement of a decision in the case.
9. Respondent may not be required to testify in a disciplinary proceeding but may do so if he desires.

10. Both parties should be present in person at the hearing.

RECORDED







**SECTION 6.** A Member Board shall not permit the use of the term REALTOR®, REALTORS® or REALTOR-ASSOCIATE® Member in connection with a place of business maintained within the territory of another Member Board of which such member is not a Board Member without the written consent of such other Member Board.

**SECTION 7.** Any Member Board within whose territory a provision of this Article is violated by a member of another Member Board may complain of such violation to the Member Board of which the violator is a member, which Board thereupon shall take the necessary steps to enforce such provision. If it fails to do so, the complainant Board shall have the right to submit the matter to the National Association for appropriate action.

**SECTION 8.** Any Member Board which shall neglect or refuse to maintain and enforce the provisions of this Article or neglect or refuse to cooperate with the NATIONAL ASSOCIATION OF REALTORS® in the maintenance and enforcement of this Article with respect to its members may, after due notice and opportunity for hearing, be expelled by the Board of Directors from membership in the National Association.

## ARTICLE IV

### CODE OF ETHICS

**SECTION 1.** Each Member Board shall adopt the Code of Ethics of the National Association as a part of its governing regulations for violation of which disciplinary action may be taken.

**SECTION 2.** Any Member Board which shall neglect or refuse to maintain and enforce the Code of Ethics with respect to the business activities of its members may, after due notice and opportunity for hearing, be expelled by the Board of Directors from membership in the National Association.

## ARTICLE V

### USE OF TERMS REALTOR®, REALTORS® AND REALTOR-ASSOCIATE®

**SECTION 1.** Upon application of a Member Board, the Board of Directors may license such Board to use the term REALTOR® or REALTORS® as a part of its name under the following conditions:

(A) Such Board shall sign a written agreement with the Board of Directors of the National Association agreeing to eliminate the term REALTOR® or REALTORS® from its name immediately when and if it either shall cease to maintain or shall lose its membership in the National Association;

(B) The use of the term REALTOR® or REALTORS® in the name of such Board shall be in such manner as may be prescribed by the Board of Directors.

**SECTION 2.** Individual Members are hereby

licensed to use the term REALTOR®, REALTORS® or REALTOR-ASSOCIATE® in connection with their business, provided the term is used in connection with a place of business which is not within the jurisdiction of a Member Board.

**SECTION 3.** REALTOR® Members are hereby licensed to use the term REALTOR®, REALTORS® or REALTOR-ASSOCIATE® in connection with their business, subject to the right of each Member Board to control, jointly and in full cooperation with the NATIONAL ASSOCIATION OF REALTORS® such use within its territory.

**SECTION 4.** Any REALTOR® may use the term REALTOR® or REALTORS® and any REALTOR-ASSOCIATE® may use the term REALTOR-ASSOCIATE® in any area outside the jurisdiction of the Member Board of which he is a member, provided such terms are used in connection with his place of business within the jurisdiction of such Member Board. Effective January 1, 1974.

**SECTION 5.** A firm, partnership, corporation, or branch office whose principals actively engaged in the real estate business are REALTOR® Members of a Member Board may use the term REALTOR® or REALTORS® in connection with, but not as a part of, its name thus: "The \_\_\_\_\_ Real Estate Company, REALTORS®," but this privilege shall cease upon suspension or expulsion of any such principal from membership in the Board, and shall not revive unless or until he is readmitted to membership therein or his suspension expires or he severs his connection with the firm, partnership, or corporation.

**SECTION 6.** Each Member Board is hereby licensed to use the term REALTOR® or REALTORS® in the name of its headquarters building, in the title of its official publication, and of educational or civic meetings, services, or clinics sponsored by the Board, provided that the affiliation of the undertaking with the Member Board or the National Association is indicated, and that Board Members may participate therein.

**SECTION 7.** Except as specifically otherwise provided in this Article, use of descriptive words or phrases in connection with the use of the term REALTOR®, REALTORS® or REALTOR-ASSOCIATE® is expressly prohibited. Effective January 1, 1974.

**SECTION 8.** Wherever the terms REALTOR®, REALTORS® or REALTOR-ASSOCIATE® are used in these Bylaws, they shall be understood to include the imprint of the emblem seal of the National Association.

**SECTION 9.** Any Member Board which shall neglect or refuse to maintain and enforce the provisions of this Article, or neglect or refuse to cooperate with the NATIONAL ASSOCIATION OF REALTORS® in the maintenance and enforcement of this Article with respect to its members may, after due notice and opportunity for hearing, be expelled by the Board of Directors from membership in the National Association.

## Official Interpretations of BYLAWS, ARTICLE I, SECTION 2 of the NATIONAL ASSOCIATION OF REALTORS®

### ARTICLE 1, SECTION 2

#### of the National Association Bylaws

"No Member Board, nor any Institute, Society or Council, shall apply any arbitrary numerical or other inequitable limitation on its membership nor adopt any rule, regulation, practice or policy inconsistent with or contrary to any policy adopted by the Board of Directors."

(Revised November 13, 1973)

#### IN GENERAL:

In licensing to Member Boards the right and duty to control the use of terms "REALTOR®" and "REALTOR-ASSOCIATE®" and to determine those qualified to use the terms, the NATIONAL ASSOCIATION OF REALTORS® contemplates that local Boards of REALTORS® are best able to investigate and determine the qualifications of applicants as to their ability, responsibility, willingness to abide by the Code of Ethics, integrity and general reputation. It does not contemplate that Member Boards will impose arbitrary regulations contrary to practices governing professional or trade organizations or requiring members to conduct their business according to methods unrelated to ethical conduct.

To protect itself against arbitrary action by a Member Board which could be held violative of the law or of public policy, the National Association Bylaws for many years have included Section 2 of Article I, which expressed long-standing policy. It is one of several requirements incorporated in its Bylaws that the National Association places upon a Board which desires to obtain or to retain membership in the National Association. This is the only section, however, which is stated in general terms and, therefore, is subject to interpretation. An interpretation, to be official, must be made by the Board of Directors of the NATIONAL ASSOCIATION OF REALTORS®.

The four bases upon which a Board either may be refused membership in the NATIONAL ASSOCIATION OF REALTORS® or its membership in the National Association be terminated are:

- (1) failure to maintain and enforce the Code of Ethics with respect to the business activities of its members;
- (2) failure to maintain and enforce the require-

ments of the Bylaws relating to the use of the term "REALTOR®."

(3) applying any arbitrary numerical or other inequitable limitation on its membership; and

(4) being otherwise in violation of the Constitution and Bylaws of the National Association.

In the event complaint is received by the NATIONAL ASSOCIATION OF REALTORS® that a Member Board is failing in its obligations to the National Association, the Member Board will be required to show cause why its charter from the National Association should not be revoked and its membership terminated.

#### INTERPRETATION NO. 1

(Adopted November 15, 1960)

"A requirement to participate in a Multiple Listing Service in order to gain and maintain REALTOR® membership is an inequitable limitation on its membership."

When a Multiple Listing Service is available, is well operated and properly organized, it is the duty of the REALTOR® to consider thoroughly whether he can serve the best interests of his clients by participating in it. The decision, however, must be his own. As a REALTOR®, it is possible for him to conduct his business in an ethical and efficient manner without participating in a Multiple Listing Service. Therefore, his participation must not be a requirement of REALTOR® membership.

#### INTERPRETATION NO. 2

(Adopted January 24, 1961)

"An initiation fee in excess of three times the amount of the annual rates of dues is an inequitable limitation on its membership."

Member Boards must not place unreasonable burdens on applicants for membership. The requirements for membership must be reasonable and non-discriminatory.

The initiation fee, if any, charged by a Board must not constitute an unreasonable barrier to membership of a person otherwise qualified. Nor should a Board seek to finance its activities and operations from initiation fees.

The National Association deems any initiation fee in excess of three times the amount of the annual rates of dues, including state and national, to be unreasonable and therefore inequitable.

Since under Interpretation No. 1, participation in a Board Multiple Listing Service is not mandatory, the Board initiation fee, if any, must be separate from any participation fee which may be charged for the Multiple Listing Service.

#### INTERPRETATION NO. 34

(Adopted November 12, 1974)

"It shall be an inequitable limitation for a Board to require a separate office in each Multiple Listing Service area where there is more than one Multiple Listing Service owned or controlled by the Board within the jurisdiction of the Board in order to participate in each such Multiple Listing Service."

A REALTOR® is entitled to participate in any and all services and programs sponsored by the Board of REALTORS®. A Board rule which circumscribes the right to such participation restricts and limits the conditions of Board Membership in violation of Article I, Section 2, of the Bylaws of the NATIONAL ASSOCIATION OF REALTORS®.

To institute a divisional Multiple Listing Service based on geographic lines within a Board jurisdictional area limits access to Board services and activities in a way which could be deemed and adjudged arbitrary and unreasonable.

As such, it is merely an extension of Interpretation No. 25 in that it refers specifically to the right of a REALTOR® to participate in a Board owned and controlled Multiple Listing Service and any geographic division thereof without the necessity of having an office within said geographic division.

#### INTERPRETATION NO. 35

(Adopted November 13, 1979)

"That it is an inequitable limitation on membership for a Board of REALTORS® to have a rule or regulation limiting members of a franchise organization, referral group, or broker affiliation of any kind, with respect to service on the Board of Directors or Committees or in any elective or appointed capacity."

This Interpretation is a further application of the principle established by Interpretation 28 and like that Interpretation is founded on Article 5 of the Code of Ethics.

Service in an elective or appointed capacity in a Board of REALTORS® is both a right and duty of membership. A Board may not restrict such service unless such restriction is necessary to maintain the integrity and independence of the Board and assure balanced service to all members.

Under this Interpretation, membership in a franchise, referral service, or other affiliated group of brokers may not, per se, justify exclusion from election or appointment.

This Interpretation does not, however, preclude a Board from reasonably limiting the number of REALTOR® and REALTOR-ASSOCIATE® Members of the same firm or firms having common ownership who may hold elective or appointive positions.

central office or a branch office, that fact qualifies him as an applicant for membership. Whether as an applicant he meets the established membership requirements of the Board is a matter for decision by the Board.

A Board may provide that the designated manager of a branch office within its jurisdiction, or the supervising partner of the firm, shall be the REALTOR® Member.

#### INTERPRETATION NO. 8

(Adopted January 24, 1961)

"A restriction limiting REALTOR® membership to licensed brokers is not an inequitable limitation on its membership."

The National Association recognizes the right of the Board to determine who is engaged in the real estate business and thereby eligible for membership.

While it is not inequitable to restrict REALTOR® membership to licensed brokers, it should be recognized that such restrictions may automatically exclude from membership individuals who are actively engaged in some phases of the real estate business which do not require a broker's license.

#### INTERPRETATION NO. 9

(Adopted January 24, 1961)

(Revised May 8, 1973)

"Requirement of a 'Waiting Period' before being considered for REALTOR® membership is not an inequitable limitation on its membership if related to the period of time necessary to process the application, not to exceed six months."

It is consistent with assurance of ethical business practice for a Board of REALTORS® to require that an applicant for membership submit an application detailing past history. The National Association, as a matter of policy, urges thorough investigation into the background of applicants for membership. This affords the Board an opportunity to investigate the individual's business conduct and record.

An applicant is entitled to prompt consideration of his application and final disposition of such application must be made within six months.

#### INTERPRETATION NO. 10

(Adopted May 9, 1961)

"A Board rule purporting to require a REALTOR® who holds an exclusive listing to give blanket consent to either sub-agents or cooperating brokers to negotiate directly with the owner, rather than through him, obstructs observance of Article 22, and thereby is an inequitable limitation on its membership."

This Interpretation affirms the basic agency relationship between the listing broker and his principal.

as defined in the listing contract. A Board or M.L.S. rule may not properly interfere with or supersede the relationship established by the terms of the agreement between the broker and his principal.

The cooperating broker as a sub-agent of the listing broker enjoys only such rights to show or sell the listing as are granted to him by the listing broker who is ultimately responsible to his principal.

#### INTERPRETATION NO. 11

(Adopted May 9, 1961)

"A rule of a Member Board prohibiting the acceptance of open listings by members is an inequitable limitation on its membership."

Although Article 6, of the Code of Ethics places upon the REALTOR® the obligation that he "should urge the exclusive listing of property . . ." it does not provide that a non-exclusive listing should not be accepted.

The REALTOR® must be free to enter into any form of listing contract mutually agreeable to the REALTOR® and the client.

#### INTERPRETATION NO. 12

(Adopted May 9, 1961)

"A rule of practice prohibiting members from keeping their offices open on Sunday is a restriction on a member's business practice unrelated to the Code of Ethics and, therefore, is an inequitable limitation on its membership."

While this Interpretation refers to a rule relating to Sunday closings, it is clear that any Board rule limiting office hours or days of work would be an unreasonable restraint and hence an inequitable limitation on membership.

#### INTERPRETATION NO. 13

(Adopted May 9, 1961)

"A Board may adopt a rule requiring that every member maintain a trust account for funds of clients. But a rule requiring annual audit of such accounts, the filing with the Board copies of such reports, and providing for surprise audit visits to inspect records of such accounts is an inequitable limitation on its membership."

The maintenance of a trust account for funds of clients is a requirement of Article 18 of the Code of Ethics as well as the requirement of many state license laws.

However, the establishment and enforcement of rules providing for audit, inspection, etc. are not properly the function of a voluntary organization such as a Member Board.

reasonable number of meetings of the Board is not an inequitable limitation on its membership."

Attendance at meetings of the Board --- with implied participation in its activities --- is consistent with the requirements of the Code of Ethics.

Consideration should be given to extending credit for attendance at related functions such as State and National Association meetings and Institute, Society and Council meetings.

#### INTERPRETATION NO. 23

(Adopted November 12, 1962)

"A Board rule that requires that members attain a stated earnings level, or complete a stated number of transactions, or both, is an inequitable limitation on its membership."

#### INTERPRETATION NO. 24

(Adopted February 2, 1965)

"A Board policy or rule deferring for a specified time, or indefinitely, or to a specified date, any consideration of all applications for membership is an inequitable limitation on its membership."

This Interpretation requires Boards of REALTORS® to accept and promptly process applications from individuals desiring membership.

#### INTERPRETATION NO. 25

(Adopted May 11, 1965)

"A Board rule which prevents the participation of a REALTOR® Member, on equal terms with other REALTOR® Members, in a Multiple Listing Service sponsored, organized or sanctioned by the Board, and which is available to REALTOR® Members throughout the Board's jurisdiction, is an inequitable limitation on its membership."

A Board rule which makes services available to some REALTOR® Members, but not to other REALTOR® Members, when such services are available generally throughout the Board's jurisdiction, is an inequitable limitation upon the membership.

#### INTERPRETATION NO. 26

(Adopted May 10, 1968)

(Revised November 16, 1977)

"A Board rule prohibiting the posting by members of 'for sale' or other similar signs on property for which the member is agent is an inequitable limitation on its membership."

The right to display "for sale" or other similar signs reasonably designed to inform the public is protected by the First Amendment to the United States Constitution. Thus, any rule prohibiting the posting of such signs would be an unconstitutional infringement of the freedom of speech of the REALTOR®

and his client. Similarly, a Board owned or operated Multiple Listing Service may not endorse any programs by municipalities, civic groups or civil rights organizations to ban or curtail signs, even if such programs are "voluntary," because of the "chilling effect" such endorsement might have on the exercise of First Amendment rights.

#### INTERPRETATION NO. 27

(Adopted January 26, 1971)

"Any regulation which requires a REALTOR® participating in a Multiple Listing Service sponsored by, sanctioned by, or under the control of a Board to include in such participation any listings of properties located outside the jurisdiction of the Board but within the jurisdiction of another Member Board in which the REALTOR® is participating in its Multiple Listing Service is an inequitable limitation on its membership."

It is not inequitable for a Board Multiple Listing Service to require that its participants submit all listings of properties located within the jurisdiction of the Board to the extent served by the Multiple Listing Service. Under this Interpretation, it is, however, inequitable for a Board Multiple Listing Service to require its participants to submit listings of properties located in the jurisdiction of another Board to which the participant belongs.

#### INTERPRETATION NO. 28

(Adopted May 9, 1972)

"A Board rule denying a REALTOR® Member, in good standing, full voting rights is an inequitable limitation on its members."

Article 5 of the Code of Ethics obligates the REALTOR® to further the advancement of the real estate profession and to be "active in its work." With this obligation there is a corresponding right to participate in the formulation of Board policy.

The right to vote contemplated by this Interpretation shall not be deemed denied to a broker otherwise eligible for REALTOR® membership if: (1) such broker voluntarily elects a REALTOR® membership classification authorized by the Board having limited or no voting rights; and (2) at least one principal, partner, officer or trustee of the firm, partnership, corporation or trust with which such broker is affiliated or by which he is employed is a REALTOR® Member having full voting rights.

Further, this right to vote extends to all phases of Board operation wherein REALTOR® Members are granted the right to vote including, but not limited to, voting as participants in a Multiple Listing Service. In the event that participation in a Multiple Listing Service is by firms, the firm shall be entitled to one vote. Conversely, if participation is by individuals, a firm with three REALTOR® Members, paying three participation fees, would be entitled to three votes.



ARBITRATION MANUAL  
Introduction

This Manual has been prepared, and is being published by the Directorate of the Board, for the purpose of implementing the provisions of Article XVIII of the Bylaws of the Board and to prescribe the procedures to be followed in all arbitration proceedings conducted pursuant to such Bylaws provisions.

The provisions of Article XVIII of the Board's Bylaws are as follows:

"ARTICLE XVIII  
"COMMITTEE ON ARBITRATION

"Sec. 1. Establishment: There shall be a Committee on Arbitration, which shall consist of twenty-one (21) persons, all of whom shall be Active Members who are, as principals, partners, corporate officers or trustees, engaged actively in the real estate business, as defined in Section 1(a) of Article IV of these Bylaws.

"Sec. 2. Terms: Members of this Committee shall at all times be divided into three groups, each group to be composed of an equal number of members. Each year, the terms of one of such groups shall expire, and new appointments for such group shall be made for a term of three (3) years. Members of the Committee shall be eligible for reappointment.

"Sec. 3. Jurisdiction: It shall be the duty of this Committee to receive and arbitrate all matters properly submitted to it involving controversies between members of this Board or involving controversies between members of this Board and non-members of this Board, provided all such controversies arise out of or are connected with real estate transactions or negotiations and involve a claim for money. The Committee shall have the right, in its absolute discretion and for any reason, to refuse to hear any case.

"Sec. 4. Procedures: The procedures in all such arbitrations shall be in accordance with the Arbitration Manual of the Board, as the same shall be published, and from time to time amended, by the Directorate.

"Sec. 5. Obligation of Members to Arbitrate and to Satisfy Award: Article 14 of the Code of Ethics of the National Association of Realtors provides:

"In the event of a controversy between Realtors associated with different firms, arising out of their relationship as Realtors, the Realtors shall submit the dispute to arbitration in accordance with the regulations of their board or boards rather than litigate the matter."

"It shall be the duty and obligation of Active and Associate members, and the firms, partnerships and corporations with which they are associated, to submit to binding arbitration, in accordance with the

Arbitration Procedures

Section 1. Definitions: As used in this Manual, the following terms have the meanings indicated below:

"Committee on Arbitration" shall mean the 21-member committee established by the provisions of Article XVIII of the Bylaws of the Board.

"Arbitration Panel" or "Panel" shall mean the five-member panel selected in accordance with the provisions of this Manual to hear any dispute, any three of whom shall constitute a quorum with full power to hear and decide the issues and render a decision and/or award in an arbitration proceeding conducted hereunder.

"Board" shall mean The Greater Baltimore Board of Realtors, Inc.

"Directorate" shall mean the Board of Directors of the Board, as constituted pursuant to the provisions of Section 5 of Article IX of the Bylaws of the Board.

"Executive Committee" shall mean the Executive Committee of the Board, as constituted pursuant to the provisions of Article X of the Bylaws of the Board.

"Dispute" shall mean any controversy between members of the Board, or the firms, corporations or trusts with which such members are associated, or between members of the Board, or the firms, corporations or trusts with which such members are associated, and non-members of the Board arising out of or connected with any real estate transactions or negotiations and involving a claim for money.

"Complainant" shall mean any one or more persons, whether or not members of the Board, who shall file a Complaint and Request for Arbitration against any member or members of the Board, or a firm, corporation or trust with which a member is associated.

"Respondent" shall mean any one or more members of the Board, or a firm, corporation or trust with which a member is associated, against whom a Complaint and Request for Arbitration shall have been filed.

Section 2. Initiation of Proceedings: (a) Any member, or a firm, corporation or trust with which such member is associated, or any non-member of the Board may initiate an arbitration proceeding hereunder by filing with the Executive Vice President of the Board, at the Board offices, a written Complaint and Request for Arbitration (hereinafter referred to as "Complaint"), together with an administrative fee to the Board of Fifty Dollars (\$50.00). The Complaint shall be filed on such form as may be prescribed from time to time by the Board and shall contain a concise statement setting forth the nature of the dispute, including the date or dates, or approximate date or dates, of any occurrences referred to in such statement, the amount involved, if any, the remedy or relief sought, and an agreement signed by the Complainant in such form as shall be prescribed by the Board, to submit the dispute to arbitration.

(b) Upon receipt of a Complaint in proper form, together with the administrative fee, the Executive Vice President, within fifteen (15) days after such receipt, shall send a copy of the Complaint to the Respondent or Respondents, together with a form of agreement to submit the dispute to arbitration.

(c) Within fifteen (15) days after a copy of the Complaint has been sent to any Respondent, such Respondent shall sign and return to the Executive Vice President, at the Board offices, the form of agreement to submit the dispute to arbitration, together with any written answer to the Complaint which such Respondent may wish to file in the proceeding. A copy of any such answer shall be personally delivered or sent by certified mail to the Complainant by the Respondent. A Respondent shall not be required to file an answer to a Complaint and, if no answer is filed, it will be assumed that the claim is denied. If a signed copy of the form of agreement to submit the dispute to arbitration has not been received by the Executive Vice President from any Respondent within fifteen (15) days after a copy of the Complaint was sent to such Respondent, the Executive Vice President will promptly notify the

Section 3. Selection of Arbitration Panel: (a) Upon receipt of binding arbitration agreements from each of the parties, filed in accordance with the provisions of Section 2 hereof, the Executive Vice President, within five (5) days after such receipt, shall send to the parties involved, by certified mail, a list of the twenty-one (21) members constituting the Committee on Arbitration, after striking therefrom, however, the names of any members of the Committee known at that time to be disqualified, as hereinafter provided. Upon receipt of such list from the Executive Vice President, each of the parties involved shall have the privilege of peremptorily striking from the list so submitted three (3) names and shall return said list to the offices of the Board within ten (10) days after receipt of the same. Failure to return said list to the offices of the Board within said ten-day period shall constitute a waiver of the privilege of striking names therefrom.

After said lists have been returned by the parties, or after the expiration of said ten-day period if one or more of said lists has not been returned, if more than five (5) members still remain on the list, the President or any other elected officer of the Board shall strike a sufficient number of names to reduce the total number of names remaining on the list to five (5). The five (5) members whose names shall then remain on said list, or a quorum thereof, shall constitute the Arbitration Panel for the purpose of hearing and determining the issues involved in the Complaint, with full power and authority to render a decision and/or award in connection therewith. In the event that less than five (5) names remain on the list after each party has stricken three (3) names therefrom, as hereinabove provided, or in the event any of the five (5) members selected should disqualify himself or herself or be unable for any reason to serve, the President, the Executive Vice President or any elected officer of the Board shall appoint such additional persons as may be necessary to provide for a membership of five (5) on said Arbitration Panel, such additional persons, however, to be selected

(4) If such person knows of any other reason whatsoever which might prevent him from rendering an impartial decision and award.

(d) Any party may file with the Chairman of the Arbitration Panel, at any time prior to the taking of testimony or reception of evidence, a written request for disqualification of any member of the Panel, setting forth the alleged grounds for such disqualification. If a majority of the Panel, excluding the challenged member, shall, in its discretion, find that such member of the Panel should be disqualified for any of the reasons set forth in paragraph (b) and (c) of this Section, or for any other reason, such member shall stand disqualified and shall withdraw from the Panel. The Panel, other than the member whose qualification has been questioned, may take testimony or receive other evidence in connection with any request for disqualification.

(e) If the Arbitration Panel, at any time prior to the taking of testimony or reception of evidence, shall determine, because of the magnitude of the amount involved or the legal complexity of the controversy, or for any other reason, that the Arbitration Panel should not arbitrate the dispute, the Chairman of the Arbitration Panel shall notify the Chairman of the Committee on Arbitration of such determination. The Chairman of the Committee on Arbitration thereupon shall call a meeting of the Committee, or shall otherwise poll the members of the Committee and, if a majority of the members of the Committee concur in the determination of the Arbitration Panel, the arbitration proceeding, upon notice to the parties by the Arbitration Panel, shall terminate, and the parties shall be relieved of their submission, which shall be of no further force or effect, and any deposits or administrative fees shall be returned promptly. If a majority of the members of the Committee on Arbitration do not concur in the determination of the Arbitration Panel, the Panel will proceed with the hearing and determination of the controversy.

given to the Executive Vice President of the Board by such party not less than five (5) days prior to the hearing, and such party shall be deemed thereby to have agreed to pay the cost of the transcript, including the cost of one copy to be supplied to the Arbitration Panel. If more than one party shall notify the Executive Vice President of a desire to have all or any part of the testimony recorded and transcribed, the cost of that portion of the transcript recorded and transcribed at the request of more than one party shall be borne equally by such parties. The Panel's copy of any transcript of testimony shall be made available to any party, at the offices of the Board, for the purpose of appeal or otherwise.

(d) The Arbitration Panel may, at the beginning of the hearing, ask for statements clarifying the issues involved.

The Complainant shall first present witnesses and submit any documentary or other evidence material to the controversy and the issues involved. The Respondent shall then present witnesses and submit any documentary or other evidence material to the controversy and the issues involved. The Panel may, in its discretion, vary such procedure. The parties, or their legal counsel, if any, may cross-examine any witnesses appearing on behalf of any adverse party, and shall be given full opportunity to be heard. The members of the Panel shall have the right to question any witnesses.

The parties may offer such evidence, material to the controversy and issues involved, as they shall desire, and shall produce such additional evidence as the Panel may deem necessary to an understanding and determination of the dispute.

Questions of materiality shall be determined by the person acting as Chairman of the Panel, who shall, however, have the privilege of consulting with members of the Panel with respect to any such question.

Section 5. Decision and Award: (a) At the conclusion of the hearing, the Panel, as soon as practicable, but not more than fifteen (15) days after the conclusion of the hearing, unless such time shall be extended in writing by all the parties, shall consider the evidence and shall make a written award. The award shall be signed by those members of the Panel joining in the award. The Panel, if it wishes, may render a brief written opinion explaining the reasons for its award, but no such written opinion shall be required.

(b) A majority of the Panel, as constituted at the conclusion of the hearing, may determine any question and render a final award.

(c) The Chairman of the Arbitration Panel, or the Executive Vice President of the Board, at the request of the Chairman, shall transmit a copy of the Panel's award and opinion, if any, to each party personally or by certified mail.

(d) The award shall provide for the payment of any expense incurred by the Panel in the conduct of the arbitration proceeding, and, if an award shall be in favor of a Complainant, the award may require the Respondent to reimburse to the Complainant all or any part of the amount of the administrative fee paid to the Board by the Complainant at the time of the filing of the Complaint.

(e) Unless, prior to the hearing, all parties otherwise agree, the award may not include counsel fees.

(f) The expenses of witnesses for any party shall be paid by the party producing such witnesses.

(g) Any party affected by a decision or award of the Arbitration Panel may, within twenty (20) days after the delivery of the award to the applicant, apply in writing to the Arbitration Panel to modify or correct its decision or award upon one or more of the following grounds:

(1) The filing of an application for modification or correction of a decision or award shall not extend the time for satisfaction of the award, or compliance with the Panel's decision, unless the application for modification or correction shall be granted.