



VIRTUAL PROFESSIONAL STANDARDS PROCEEDINGS RULES, PROCEDURES, ACKNOWLEDGEMENT, AND WAIVER

UPDATED SEPTEMBER 18, 2020

I. SCHEDULING

First and foremost, Marathon and Lower Keys Association of Realtors®, Inc. (“MLKAR”) wants to thank you for your patience as we navigate the new realities of COVID-19, a/k/a Coronavirus. As you know, our offices closed to the public in early 2020, due to the health risks posed by COVID-19.

Based on the information we had in March, we decided to pause all Professional Standards mediations, arbitrations, and procedural review hearings (collectively, the “virtual proceedings”). In order to continue to serve our Members, we are providing two options as we move forward in this new normal: (1) conduct your pending proceeding via Zoom; or, (2) wait until it is safe for us to reopen our physical offices so an in-person proceeding can be scheduled.

These Virtual Professional Standards Proceedings Rules, Procedures, Acknowledgment, and Waiver (“Rules & Procedures”) are intended to give the parties clear expectations of what to expect during these virtual proceedings. If you would like to conduct your proceeding virtually:

- A. Review these Rules & Procedures. After you and/or your attorney have had an opportunity to review it carefully, sign the Acknowledgement & Waiver at the end of this document.
- B. Send Wayne Carter an e-mail (CEO@MLKAR.com), and let us know that you would like to conduct your pending proceeding via Zoom. Include a copy of your signed MLKAR Virtual Professional Standards Proceedings Rules, Procedures, Acknowledgement, and Waiver.
- C. Virtual proceedings will be scheduled in the order that they have been pending (assuming both parties agree to the virtual proceedings).
- D. Both parties must agree to a virtual proceeding via Zoom. However, if one party agrees to a virtual proceeding and the other party does not, MLKAR will contact the parties for clarification on their positions. Each party should provide their reasoning for not wanting to proceed with a virtual proceeding or their justification for moving forward with a virtual hearing instead of waiting for an in-person proceeding. This could include, but is not limited to, extenuating circumstances, deprivation of due process, or undue prejudice. MLKAR will use its discretion as to whether to schedule the virtual proceeding.
- E. The [NAR Code of Ethics and Arbitration Manual \(2020\)](#) continues to apply to all proceedings.
- F. All virtual proceedings are confidential.

II. VIRTUAL PROCEEDINGS RULES & PROCEDURES

A. ZOOM

- 1. MLKAR will use Zoom to conduct virtual proceedings.
- 2. It is the responsibility of the parties and their respective counsel to have the ability to proficiently use Zoom before their scheduled virtual proceedings. Zoom provides various free video tutorials [HERE](#).
- 3. MLKAR will host the virtual proceedings.

B. BEFORE THE VIRTUAL PROCEEDINGS

- 1. Make sure your background is well-lit and that your internet, whether wired or WiFi, is properly functioning. You need to use a device with a camera.
- 2. Parties should arrive for the virtual proceedings at least five (5) minutes before the virtual proceedings are scheduled to begin.
- 3. Parties should provide any and all documents and evidence they intend to introduce during the virtual proceedings to the other party(ies) and to MLKAR by noon on the business day prior to the virtual proceeding. Providing documents and evidence in advance can expedite the hearing process and prevent costly,



unnecessary continuances. If a party fails to do so, and there are technical issues during the virtual proceedings, that party may waive his/her/their right to: use those documents or evidence during the virtual proceeding; and/or, an appeal or to a procedural review based on the same.

C. DURING THE VIRTUAL PROCEEDINGS

1. You may not use any virtual backgrounds.
2. Use headphones with a built-in microphone for best audio and microphone quality.
3. You may not appear only by telephone. The participants must be able to see each other at all times.
4. You may not mute yourself. Only the host, MLKAR, may mute the parties. The host of the virtual proceedings has the discretion to mute participants as necessary or required to maintain decorum.
5. You must find a quiet, secure place to conduct the virtual proceeding.
6. You may not have other people in the room with you. The only exception is if you and your attorney choose to be together for the virtual proceeding. If you do so, it is at your own risk.
7. The chat function will be disabled.
8. If you cannot hear or see any of the participants at any point during the meeting, it is your responsibility to notify the participants. You may do so by: stating out loud that you cannot hear or see one or more of the participants; sending an e-mail to the representative attending on behalf of MLKAR; and/or calling the representative attending on behalf of MLKAR. It is your responsibility to receive confirmation from MLKAR that your technical issue has been acknowledged. Once received, MLKAR will pause the proceedings until you can hear and/or see all of the participants again.
9. Parties will be allowed to share their screens for presentations and/or to present documents and evidence.
10. If a party is introducing documents and evidence that they failed to provide to the other party(ies) and to MLKAR by noon on the business day prior to the virtual proceeding, then that party, based on the circumstances of the situation and at the discretion of MLKAR, may risk: waiving their right to an appeal and/or procedural review based on the same; a decision or award that does not contemplate those documents; and/or, unnecessary delays.

III. ACKNOWLEDGMENT & WAIVER

By signing below, I am acknowledging the risks and rewards of virtual proceedings, I am certifying that I have reviewed this document, and I am agreeing to all of the terms in the Virtual Professional Standards Proceedings, Rules, Acknowledgment, and Waiver. I also agree that I am waiving any right to appeal or to a procedural review based on either: (A) the fact that the parties utilized Zoom; or (B) my failure and/or my counsel's failure to comply with these Rules & Procedures.

PARTY

Printed Name: _____
Signature: _____
E-mail: _____
Telephone: _____
Date: _____

PARTY'S COUNSEL

Printed Name: _____
Signature: _____
E-mail: _____
Telephone: _____
Date: _____