

## **INVESTIGATION PROCESS**

### **No resolution found, proceeding to an investigation**

When the Applicant chooses to proceed with their complaint to an investigation, an AREA Administrative Justice Compliance Officer will appoint three Professional Standards Committee Members to investigate the complaint. These three members will form the Investigation Team

All documents and responses gathered during the complaint process will be forwarded to the Investigation Team. The Investigation Team will contact all parties necessary for an interview. Interviews will be conducted in person, whenever possible, and the Respondent and the Applicant will be interviewed separately.

### **Interview Preparation**

1. Know your file inside and out
2. Be well rested and nourished prior to the interview
3. Understand the perspective of the other party and why they are frustrated or have submitted the complaint
4. Make sure to tell your side of the story and the reasoning for the steps you took, or didn't take, throughout the transaction or incident
5. Some of the questions are going to be direct. That doesn't mean the Investigation Team is on the other party's side. Their job is to ask questions so that they understand what took place and all sides of the story
6. If there are mitigating factors for what happened, tell the Investigation Team

The Investigation Team is a neutral panel whose responsibility it is to ask questions, review evidence, and fully understand the file.

Based on the evidence gathered in their investigation they will decide if any of the Provincial MLS® System Listing and Practice Rules for Alberta REALTORS®, Bylaws, REALTOR® Code, Standards of Business Practices have potentially been violated.

The Investigation Team will determine if charges will be laid to any party involved in the complaint (The Respondent, their Broker at the time of the conduct, the Applicant and the Applicant's Broker).

The Investigation Team will then provide a copy of their decision to an AREA Administrative Justice Compliance Officer, who will then deliver this decision to the Respondent, Respondent's Broker, Applicant, and Applicant's Broker.

The decision letter will include the following:

- An indication if the file is being dismissed or if charges have been laid and the reasons for their decision
- If charges have been laid, the charged party will be asked to plead Guilty or Not Guilty to the charges against them in an Agreement to Proceed form
- If the file has been dismissed (no charges laid), there are no further steps and the file is closed

This completes the Investigation phase.

**Your decision; if charges were laid against you**

If you were charged following the investigation, you will now need to decide how you will plea to the charges specified in the decision letter:

1. Not Guilty ➡ Inquiry Hearing
2. Guilty ➡ Penalty Hearing

An Administrative Justice Compliance Officer will be in contact and provide you with an Agreement to Proceed form for you to enter your plea. At this time, and all times, you are welcome to speak to an Administrative Justice Compliance Officer about process questions or what to expect at a hearing. An Administrative Justice Compliance Officer does not give advice or speak to the content in your file or the decisions made. We are here for administrative support. You may wish to speak with REIX or seek a legal opinion before deciding to plead guilty or not guilty.

If the Investigation Team has laid multiple charges against you, and you agree with some charges, but not all, you have the option of pleading not guilty and at the Inquiry Hearing, you can specify which charges you are contesting and which you are accepting.