



General Instructions and Procedures for Filing an Appeal Regarding the Electronic Lock Box System

The Electronic Keybox System is a service of the Duluth Area Association of REALTORS®.

Appeal Procedures:

1. The President of the Association shall appoint a minimum of four members to serve as the Appeal Hearing Panel. The members appointed may not be employed by or affiliated with either the complainant or respondent. They may not be related by blood or marriage to either the complainant or respondent. They must be capable of rendering an impartial decision on the matter. Parties shall have the right to challenge appointed appeal panel members. Such challenges must be made in writing and filed with 10 days of notification of date of the hearing. Postponements may be granted if there are extenuating circumstances. Permission can be given by the Chairperson. All parties shall be advised of the date of the rescheduled hearing. All parties should be encouraged to attend the appeal hearing. The appeal hearing should be scheduled within 45 days of the receipt of the request for an appeal.
2. Recording the hearing: The Appeal Panel shall, and any party (may/may not), at their own expense, have a court reporter or recorder present at the hearing, or may tape record the proceeding, and, if transcribed, shall furnish a copy to the Association.
3. Method and objective of procedure: The Hearing Panel shall not be bound by the rules of evidence applicable in court 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.
4. Due Process Procedure: The hearing will proceed as follows:
 - (a) Opening statement by Chairperson – cite authority to hear the appeal and explain the reason for the hearing.
 - (b) The reason for the appeal hearing shall be read into the record.
 - (c) The testimony of all parties and witnesses will be sworn or affirmed. All witnesses will be excused from the hearing except while testifying.
 - (d) The parties will be given an opportunity to present evidence and testimony in their behalf and they may call witnesses. The Association Executive shall have the opportunity to be present during the hearing and to provide testimony.
 - (e) The parties and their legal counsel will be afforded an opportunity to examine and cross-examine witnesses and parties.
 - (f) The panel members may ask questions at any time during the proceedings.
 - (g) The Chairperson may exclude any questions which he or she deems irrelevant or argumentative.
 - (h) Each side may make a closing statement. The Appellant will make the first closing statement and the Complainant and/or the Association Executive will make the final closing statement.
 - (i) Adjournment of hearing.
 - (j) The hearing panel will go into executive session and decide the case.
5. Findings in the Appeal Hearing; The findings shall be reduced in writing by the Appeal Hearing Panel. The decision of the Appeal Hearing Panel shall be final and not subject to

additional appeal unless the parties can clearly demonstrate due process procedures had not been followed.

6. Parties may be represented by legal counsel. Parties must notify the Association in writing 10 days in advance of the appeal hearing if they intend to be represented by legal counsel.