



## Violation and Penalty Appeal Form

Appeals may be filed on any category fine or violation. All appeals **require** an appeal fee equal to \$50 or 10% of the total applicable fine(s), whichever is higher, up to a maximum of \$500.

### Appeal Fees

The Appeal Fee will be invoiced to the Subscriber if and when the grounds for the appeal are accepted as valid. This fee must be paid by the due date on the fee invoice, which shall be ten (10) days from the date the invoice is sent to the Subscriber. The fee will be returned if the appeal results in a no penalty ruling. The fee will be forfeited if the penalty or discipline is upheld on appeal. The appeal fee is in addition to any penalty that was imposed. Only one appeal fee will be charged for each appeal request. An appeal request of a **non-monetary** violation notice must be received within 10 days of the date on that notice.

### Grounds for Appeal

The reason for an appeal request must be based on at least one of the three valid grounds for appeal as noted in *section A* below. If your appeal is not based on one of the three valid grounds for appeal, your request for a hearing will be denied and there will be no further right to appeal. Please read carefully and follow the instructions in all sections of this form, returning it to us by the due date on the penalty invoice or for a non-monetary violation notice within 10 days of the date on the notice that you were sent.

**A. You must choose one or more of the following valid grounds for appeal along with a detailed explanation that supports the choice or choices that you indicate below.**

My appeal is based on (click all that apply):

1. Material facts that come to light after violation is found but before the appeal deadline that would have, if known at the time, affected the imposition of a penalty. (The determination as to whether a material fact is sufficient grounds for an appeal shall be made by the chair of the hearing panel.)
2. Request for reconsideration of penalty. (i.e. Admitting the violation and asking for a reduced penalty)
3. Due process challenge - Subscriber contends that the proper notice periods were not followed, proper notice means were not followed or other failure to follow the due process established in this policy.

**The following shall not be considered grounds for appeal and appeals filed on these grounds alone will not be considered:**

- Lack of knowledge of the rules or policies - ignorance of the rules is not a defense.
- Disagreement with validity of a rule. Unlike a court of law, the hearing panel does not have the authority to repeal a rule or declare it invalid. If Subscriber disagrees with a rule or policy, the appropriate venue to hear that proposal would be the Rules Committee.
- Failure to respond based on absence. MLS Participants are notified at the same time as Subscribers. An absent Subscriber should have backup coverage of his/her business if not able to monitor email during the absence.
- Agent's past record of performance and consistent adherence to rules.

**B. You must provide a detailed explanation (including any supporting documentation) on why you feel that the penalty should not be assessed or should be reduced.** Please provide the detailed explanation and any supporting documentation along with this appeal form on a separate document(s). Failure to provide a detailed explanation will result in your appeal being denied a hearing.

**C. I wish to appear before the hearing panel to state my case should this appeal hearing request be granted.**

Yes

No

Upon receipt of the appeal request, ARMLS staff shall determine if the appeal was filed within the appropriate time period. If not, the appeal request shall be denied and the Subscriber shall be notified within five (5) business days of such determination. ARMLS staff shall also determine if the grounds for appeal qualify for a hearing under the guidelines provided herein. If not, the appeal request shall be denied and the Subscriber shall be notified within five (5) business days of such.

All accepted appeal requests received by ARMLS within the allotted time shall be submitted to the ARMLS Appeals Committee at its next regularly scheduled meeting, following the notice periods as outlined in the **ARMLS Penalty Policy**, for consideration. A subset of the Appeals Committee is responsible for deciding, based on the appeal, whether to waive or uphold the discipline and penalty as levied against the Subscriber by acting as an appeals hearing panel.

The complete Penalty Policy and appeals procedures can be found at:

<http://www.armls.com/rules/rules-and-regulations>

**Subscriber's Name**

**Subscriber's ID**

**Date**

ARMLS prefers that you SAVE this form to your computer and attach it to an email along with any further documentation required for your appeal. The email address to submit to is [Appeals@ARMLS.com](mailto:Appeals@ARMLS.com).

If you prefer to fax the form in, please fax it, with any supporting documentation, to 480 - 757-6368, Attn: Appeals.