



5750 Lincoln Dr  
Edina, MN 55436

August 31, 2016

Joshua Broadwater  
Joshua Broadwater, LLC  
1563 Amco Dr. SE  
Chatfield, MN 55923  
homes@seeyousold.com

RE: Ethics Appeal  
#PS-16-29, Sutherland & Presley vs. Broadwater

Dear Mr. Broadwater:

Please be advised that an Ethics Appeal Hearing has been scheduled to hear the request for appeal you filed in regard to the above captioned ethics hearing. This Appeal Hearing has been scheduled for **Friday, September 16, 2016 at 10:00 a.m.**, at the **Minnesota REALTORS® office, located at 5750 Lincoln Drive, Edina, MN 55436.**

At the appeal hearing, the Chair of the original Hearing Panel will summarize the case and explain the decision. You will have an opportunity to offer corrections or modifications to the Chair's summary of the case and explain the basis on which you are requesting that the Hearing Panel's original decision be overturned. Only the basis raised in the written request for appeal may be raised during the hearing, no new evidence may be received except such new evidence as may bear upon a claim of deprivation of due process. **You have based your appeal on Misapplication or misinterpretation of Articles 15 of the Code of Ethics, Procedural deficiency or any lack of procedural due process and the discipline recommended by the Hearing Panel.** The nonappellant, if present, will also have an opportunity to offer corrections or modifications to the Chair's summary and present their reasons why the Hearing Panel's original decision should be upheld. The Chair of the original Hearing Panel will have an opportunity for rebuttal. The Appeal Tribunal may ask questions of the Chair or either of the parties, but the parties do not have the ability to cross examine each other.

Either party may be represented by legal counsel and/or REALTOR® counsel, but such representation must be duly provided by written notification to the Association and the other party ten (10) days before the hearing. Failure to provide this notice will not invalidate a party's right to legal representation, but may result in a continuance of the hearing, if the Appeal Tribunal determines that the rights of any other party require representation by legal counsel.

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After hearing the arguments, the parties and Chair will be excused. The Appeal Tribunal will then render their decision. Their decision may be to adopt or modify the recommendation of the Hearing Panel, or the Tribunal may dismiss the matter if they conclude the findings of fact do not support the Hearing Panel's conclusion as to unethical conduct.

If the Tribunal is concerned with a substantial procedural deficiency, they may refer the decision back to the Professional Standards Committee for a new hearing and recommendation by a different Hearing Panel.

If the Tribunal is concerned with the appropriateness of the recommendation of sanction, they may impose alternative discipline that does not exceed that recommended by the original Hearing Panel, or may refer the decision back to the original Hearing Panel for further consideration and recommendation accompanied by the Tribunal's concerns regarding the proposed discipline.

Included with this notice is a complete packet of information on the case, including the original ethics complaint and reply, the decision reached by the Hearing Panel and the appeal request. Please take special note of the **Official Notice of Ethics Appeal Hearing** (form #E-14). The Hearing Panel members are noted on the official notice. If you wish to challenge any panel member, please do so using form #E-7. If this form is not returned to the Association Office within ten (10) days from the date the list of names is mailed, your silence will indicate that you did not challenge any panel member.

If you have any further questions, please do not hesitate to give me a call.

Sincerely,



Susan Dioury  
Senior Vice President, Risk Reduction  
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