

Overview

In general, when a written Complaint is filed, the alleged violator responds to the Complaint in writing. The parties can then agree to a resolution of the Complaint by entering into a written Assurance of Voluntary Compliance. Otherwise, **and if directed by the Rules Committee**, the parties must attend a hearing in which the Rules Committee considers the Complaint, the Response, and the testimony of the parties and any witnesses. The Rules Committee then decides whether a violation did occur and, if so, imposes appropriate sanctions.

Description of the Complaint Process

1. Upon receipt, the Rules Committee reviews a Complaint to determine if it meets the criteria for consideration by the Rules Committee. If it does not, the Complaint is returned to the Complainant, **who may then complete the Complaint or revise it as needed, and then resubmit for further consideration.**
2. If the Complaint meets the criteria for consideration by the Rules Committee, a copy of the Complaint and any accompanying materials are sent to the Respondent, along with a Response Form.
3. Respondent completes the Response Form and submits the Response Form to the Rules Committee within twenty (20) days of the date the materials are mailed to the Respondent. The Response Form must be accompanied by any supporting documents as identified in the Response Form. If the Respondent does not submit a completed Response Form, the Respondent will not be allowed to offer any witnesses or supporting documentation at a hearing.
4. Upon receipt of the Response Form, the Rules Committee will schedule a hearing with the parties. In the alternative, and at its sole option, the Rules Committee may propose that the parties enter into an Assurance of Voluntary Compliance.
5. Hearings will typically be held on a Saturday, preferably on the same day as the next meeting of the HMC Board, or as soon thereafter as possible. The Rules Committee will issue a Notice of Hearing to the parties. **Once scheduled, a hearing date may not be changed except by the Rules Committee, or at the request of a party only if the Rules Committee determines that it is for good cause shown.**
6. In the event the Complainant wishes to withdraw this Complaint for any reason, the Complainant must notify the Rules Committee no later than three (3) days prior to the scheduled hearing date. Unless the Complaint has been withdrawn or the parties have entered into an Assurance of Voluntary Compliance **prior to a scheduled hearing**, the Rules Committee will conduct a hearing regarding the Complaint and the parties are expected to attend and participate.
7. Either party may provide additional statements, documents, or names of witnesses up to ten (10) days prior to the scheduled hearing. Submissions made after that will not be considered by the Rules Committee except as may be appropriate under Rule IV.D.6.
8. Following the hearing, the Rules Committee will meet to decide if a violation has occurred and, if so, determine the corrective measures to be imposed. The Rules Committee typically reduces its decision to writing in the form of a Decision and Order, which is mailed to the parties and the HMC office within thirty (30) days after the decision.

Other Notes

1. The parties must respond timely when communicating with the Rules Committee.
2. The Rules Committee may take corrective action or impose sanctions or fines in response to a Complaint only after a hearing has been held on the matter.