

POLICIES OF THE OACIQ DISCIPLINE COMMITTEE

SECTION I

ADMINISTRATION

1. Any communication or request must be sent to the [Registry](#) by email at: greffes@oaciq.com, by fax at 450-676-5876 or by mail. Any email notification must be sent to the Registry at: notificationgreffes@oaciq.com.
2. The Registry of the Discipline Committee is open Monday to Friday from 8:30 am to 4:30 pm, except for statutory holidays and the closure for the Holiday season period.
3. The parties and their lawyers shall notify the Registry of the Discipline Committee immediately of any contact information change.
4. Anyone can consult a record of the Discipline Committee. However, such a consultation can take place by appointment only and in the presence of the Committee's secretary or someone designated by him or her.

SECTION II

REPRESENTATION BY A LAWYER

5. Any party is entitled to be assisted or represented by a lawyer.
6. A request for appearance must be sent as soon as possible to the [Registry](#) according to the communication methods indicated in item 1.
7. An attorney who agrees to represent a party once the hearing date is set should therefore be available for the agreed hearing date(s).
8. Before the hearing date is set, the lawyer who wishes to cease representing a party may do so if he notifies the party he represents and the other parties as well as the Registry of his intention.
9. Once the hearing date is set, the lawyer cannot cease to represent his party without the permission of the chair or vice-chair in charge of the case. Such permission can be obtained after submitting a request to that effect.

SECTION III

PROVISIONAL ROLL CALL

10. The provisional roll call is held by the chair or one of the vice-chairs of the Discipline Committee.
11. The parties are summoned to a provisional roll call to set a date for the hearing, determine the duration thereof, and settle any preliminary motion, if any.
 - 11.1 No requests for the postponement, the setting of a hearing date by consent between the parties or any other requests shall be processed by the Registry less than seven (7) days before the provisional roll call. Requests shall be presented to the Chair or Vice-Chair during the roll call.

12. The provisional roll call is established to accelerate the setting of hearing dates and to meet the hearing deadlines set out in the *Regulation respecting disciplinary proceedings of the Organisme d'autoréglementation du courtage immobilier du Québec*, i.e., within 180 days of the notification of the complaint or within 120 days following conviction.
13. The parties or their respective attorneys must have with them their availability dates and, preferably, those of their witnesses.
14. A hearing date can be set unilaterally by the Discipline Committee if a party is not present or represented during the roll call.
15. Following the provisional roll call, a hearing notice confirming the date retained by the Committee is served on the parties and their attorneys, if any.
16. Section X below applies during the provisional roll call.

SECTION IV

REQUEST FOR POSTPONEMENT OF HEARING

17. The Discipline Committee may, *ex officio* or at the request of a party, postpone the hearing to another date.
18. The request for postponement must be submitted in writing to the [Registry](#) according to the communication methods specified in item 1 as soon as possible and must indicate whether or not the other parties consented to it.
19. Any request must state serious reasons justifying the postponement of the hearing and, where applicable, be accompanied by supporting documents (for example a doctor's note), even though the parties have consented.

SECTION V

MANAGEMENT CONFERENCE

20. The chair or one of vice-chairs may, *ex officio* or at the request of one of the parties, require that a case management conference be held to ensure the orderly conduct of forthcoming proceedings.
21. The case management conference can be carried out in the presence of the parties or through a telephone conference.
22. The aim of the case management conference includes reaching an agreement with the parties on the process of investigating the complaint, specifying their commitments and setting the calendar of deadlines to be met; determining the calendar of deadlines that is binding on the parties, in the absence of an agreement between them; and deciding on proper ways to simplify, facilitate or speed up the process of investigating the complaint and shorten the hearing, notably specifying the issues in dispute or taking note of admissions on some facts or documents.
23. A copy of the minutes of the case management conference is sent to the parties that are bound by its content.

SECTION VI

SUMMONS OF WITNESSES

24. The Discipline Committee summons witnesses deemed expedient to be heard by it or any of the parties. The list of witnesses to summon must be forwarded to the [Registry](#) according to the communication methods specified in item 1 at least 20 days prior to the hearing and must contain the following information:
- 24.1 the name of the witness;
 - 24.2 his licence number, if any;
 - 24.3 his full address, including the postal code;
 - 24.4 his phone number;
 - 24.5 the time the witness should show up on the day of the hearing;
 - 24.6 the indemnities and allowances payable to the witness, if any;
 - 24.7 the information relating to any document that should be brought (*duces tecum*), if any.
25. The cancellation of summonses to a witness is made by the party that summoned this witness by informing, in advance, the opposing party.

SECTION VII

TESTIMONY VIA VIDEOCONFERENCING

26. Under certain circumstances and with the Committee's permission, it is possible to hear testimonies via videoconferencing. To do this, the parties must:
- 26.1 Send written authorization request to the [Registry](#) according to the communication methods specified in item 1 as soon as possible by indicating the name of the witness concerned by the request for testimony via videoconferencing and the reasons of said request.
 - 26.2 Provide the phone number and email address of the witness, the type of device he or she will use, i.e., PC or MAC, computer, iPod, iPhone or iPad and the type of software (Skype or Face Time) that the Registry will use to contact this witness.
 - 26.3 Agree with the witness on the time of his or her testimony, taking into account the time difference, if any.
 - 26.4 Arrange another appointment during the second day of hearing (if necessary) should problems occur during the first appointment.
 - 26.5 Inform the witness that the Registry staff will contact him or her to conduct a test in advance.
 - 26.6 Email a copy of the documents on which the witness shall be questioned to the witness, to all the parties, and to the [Registry](#). It's this copy, received by the Registry, which shall be tendered as evidence on record.

SECTION VIII
REQUEST FOR AN INTERPRETER

27. The party that requires the services of an interpreter for a hearing shall submit its request in writing to the [Registry](#) according to the communication methods specified in item 1 at least 20 days prior to the scheduled hearing date, with the following information:
- 27.1 the name of the witness;
 - 27.2 the date, time and duration of the testimony;
 - 27.3 the language requested (e.g.: from Mandarin into French)

SECTION IX
COMMUNICATION OF DOCUMENTS AND EVIDENCE

28. The party wishing to present any document and **authorities** at the hearing must bring at least six copies as well as the original.

SECTION X
HEARINGS

29. The Discipline Committee holds its hearings at the OACIQ Head office located at 4905 Lapinière Boulevard in Brossard or in any other location determined by the Committee.
30. The hearings start at 9:30 am or at any other time set by the Committee.
31. The individuals attending the hearing shall stand up when the Committee members enter the room and remain standing until the members take their seats.
32. The hearings are public unless the Committee orders that the hearing be held in camera.
33. The individuals attending a hearing shall be dressed properly, behave appropriately and show respect for justice. They must abstain from anything that could disrupt the smooth conduct of the hearing.
34. Cellphones or any other electronic devices must be turned off before entering the hearing room.
35. No drink or food is allowed in the hearing room.