



CEP CERTIFICATION LLC

ETHICS CASE PROCEDURES

INTRODUCTION

The CEP Certification LLC (CEP) Governing Council develops, promotes, and establishes high ethical standards for professionals in the field of electrical distribution services, including standards related to sales, management, and logistics. The CEP Governing Council requires that all certificants and applicants for certification meet these standards. The following Ethics Case Procedures (Case Procedures or Procedures) are the rules for processing possible violations of CEP Certification Program (Program) ethics standards, specifically the CEP Code of Ethics.

This CEP Policy document describes the only procedure for handling ethics cases brought to the attention of CEP. When electrical distribution professionals apply for certification or recertification, they agree to abide by CEP policies, including the Code of Ethics and the Ethics Case Procedures. In addition, certified practitioners and applicants for certification agree that: these Procedures are a fair process for resolving all ethics matters; they will be bound by decisions made pursuant to these Procedures; and, these Procedures do not constitute a contract between CEP and the candidate or certificant.

SECTION A: GENERAL

- 1. Nature of the Process.** These Case Procedures are applicable to CEP certificants and applicants for CEP certification, and are the only means to resolve all CEP ethics charges and complaints. Designated CEP representatives have the exclusive authority to process or end any ethics inquiry or case, regardless of circumstances. Certificants and applicants agree that they will not challenge: the authority of CEP to apply the Code of Ethics, the Ethics Case Procedures, and other policies; and, the results of any CEP disciplinary action taken under these policies in a legal or government forum. Designated CEP representatives will review the pertinent information presented when considering ethics investigations, cases and decisions.

These Ethics Case Procedures are not formal legal proceedings, so most legal rules and practices are not observed. The Procedures are designed to operate without the assistance of attorneys. Any party may be represented by an attorney with respect to ethics proceedings and procedures at the party's sole expense. However, if a party has retained

an attorney, that party and attorney may be directed to communicate with CEP only through CEP Legal Counsel. The parties are encouraged to communicate directly with designated CEP representatives.

2. **Participants.** Ethics cases may be decided by the CEP Executive Director, the Ethics Review Committee, the Governing Council, and/or any representative authorized by these Procedures. A CEP certificant or applicant who is the subject of an ethics charge or investigation will be, and is identified as, the respondent in these rules. The person(s) initiating an ethics complaint against a certificant or applicant will be, and is identified as, the complainant(s).
3. **Complainants/Ethics Charge Statement.** Any person, group or, in appropriate cases, CEP may initiate an ethics case and act as a complainant. A complainant other than CEP must: contact CEP and request an Ethics Charge Statement form; complete the information requested on the Charge Statement; and, submit the completed Charge Statement to the Executive Director. Each Ethics Charge Statement must include a detailed written description of the factual allegations supporting the ethics charge(s).
4. **Time Requirements.** CEP will make every effort to follow the time requirements set forth in this document. However, a failure by CEP to meet a time requirement will not prohibit the final resolution of any ethics matter. Complainants and respondents are required to comply with all time requirements specified in this document. Time extensions or postponements may be granted by the Executive Director, or Chair of the Ethics Review Committee, if a timely written request explains a reasonable cause.
5. **Litigation/Other Proceedings.** CEP may accept and resolve ethics complaints when civil, criminal litigation or other proceedings related to the complaint have been, or are presently, before a court, regulatory agency, or professional body. CEP may also continue or delay ethics complaints in such cases.
6. **Complaints Concerning Non-certificants.** In the event that CEP receives an ethics inquiry or Ethics Charge Statement concerning an individual who does not hold an CEP credential or who is not a certification applicant, a representative of CEP will inform the complainant and may refer the complainant to an appropriate authority.
7. **Improper Disclosure/False or Misleading Responses.** Any failure to disclose pertinent information or misleading disclosure by a certificant or applicant with respect to an ethics charge, criminal case, disciplinary proceeding, or similar matter concerning him/her may constitute a violation of this and other CEP policies, and may be subject of discipline under these Procedures. In addition, such conduct may result in certification ineligibility.
8. **Time Limitations Concerning Complaints.** CEP may consider any ethics complaint, regardless of: (a) Whether the respondent held an CEP credential at the time of the alleged violation; (b) When the alleged violation occurred; or, (c) Whether the respondent continues to hold or seek an CEP credential during the course of any ethics case.

- 9. Confidentiality.** In order to protect the privacy of the parties to an ethics case, all related material prepared by, or submitted to, CEP will be confidential. An exception will be made if a release of information or documents is authorized by these rules.

Until an ethics case has been closed or finalized pursuant to Case Procedures Section M, all parties must maintain the confidentiality of all information related to the ethics case, including its existence, consistent with these rules. If any party discloses information related to the ethics case contrary to these rules, the Executive Director, the Ethics Review Committee, and/or the Governing Council may terminate the ethics complaint if such disclosure is by the complainant, or may impose any sanction included within these rules if such disclosure is by the respondent.

- 10. Failure to Cooperate.** If any party refuses to fully cooperate or participate with CEP, and it is determined that the lack of cooperation was without good cause, CEP may take the following actions: **(a)** The Executive Director, the Ethics Review Committee, and/or the Governing Council may terminate the ethics complaint of an uncooperative complainant; or, **(b)** If a respondent is uncooperative, the Executive Director, the Ethics Review Committee, and/or the Governing Council may impose any sanction included within these Procedures. No appeal of such actions is permitted.
- 11. Resignation from CEP Certification:** Should a respondent attempt to relinquish CEP certification or withdraw an application during the course of any ethics inquiry or case, CEP reserves the right to continue the matter to a final resolution according to these Procedures.

SECTION B: MEDIATION

- 1. Cases Appropriate for Mediation.** The Executive Director will receive all charges, complaints, and Ethics Charge Statements. The Executive Director will consider the seriousness of the allegations, the respondent's background, prior conduct, and any other pertinent material, and make a decision concerning the likelihood that the matter can be resolved fairly without formal disciplinary proceedings as described in these Procedures. Ethics cases concerning charges issued by a regulatory agency or professional body, and those involving criminal or civil litigation, are not appropriate for mediation.
- 2. Mediation Determination.** Should the Executive Director determine that a particular ethics matter is appropriate for mediation and the complainant and respondent agree to mediation, he or she and the parties will make a reasonable and good faith effort to resolve the dispute to a fair, just, and voluntary conclusion.
- 3. Successful Mediation.** In the event of successful mediation, the Executive Director will prepare a report summarizing the terms of each mediated resolution of an ethics case, a copy of which will be forwarded to the parties. A mediated resolution of an ethics matter may not be appealed after the acceptance of the mediation report by all parties.

- 4. Unsuccessful Mediation.** In the event of unsuccessful mediation, the Executive Director will refer the case to the Ethics Review Committee for resolution consistent with these Procedures.

SECTION C: ETHICS INQUIRIES/ETHICS CHARGE STATEMENTS

- 1. Ethics Inquiries.** Any person or group seeking to file a complaint concerning a certificant or applicant should contact the Executive Director or other appropriate CEP representative. The Executive Director will forward to the complainant an Ethics Charge Statement, the CEP Code of Ethics, and the Ethics Case Procedures. The Executive Director will record all ethics inquiries and identify: the person(s) making the inquiry; the certificant/applicant; and, the nature of the matter.
- 2. Ethics Charge Statement/Description of Charges.** In order for CEP to consider an ethics complaint, a complainant other than CEP must complete and submit to the Executive Director an Ethics Charge Statement, including all information required by the form. The Ethics Charge Statement is a formal written communication from a complainant describing the allegations against a certificant or applicant. Documents, such as government agency disciplinary complaints and decisions, civil or criminal court complaints and decisions, or other appropriate materials, may be submitted in support of an Ethics Charge Statement, or may serve as the basis of an Ethics Charge Statement by CEP.

When an Ethics Charge Statement is received by CEP, the Executive Director will: **(a)** Review the material received and assign a case number to the matter; **(b)** Review the allegations made concerning the charges; **(c)** Determine whether the charges are presented in sufficient detail to permit CEP to conduct a preliminary investigation; and, if necessary, **(d)** Contact the complainant and request additional factual material. The Executive Director will send a letter to the complainant and respondent stating whether the charges submitted are accepted or rejected for a formal ethics investigation.

SECTION D: ACCEPTANCE/REJECTION OF ETHICS CHARGES

- 1. Charge Acceptance.** The Executive Director will review each charge presented in an Ethics Charge Statement submitted by a complainant and then determine if it will become the subject of a formal Ethics Complaint and Investigation. The following criteria will be considered to determine if a charge is accepted or rejected: **(a)** Whether the respondent is a certificant or applicant; **(b)** Whether a proven charge would constitute a violation of the Code of Ethics or the Case Procedures; **(c)** Whether the passage of time since the alleged violation requires that the complaint be rejected; **(d)** Whether relevant, reliable information or proof concerning the charge is available; **(e)** Whether the complainant is willing to provide proof or other information to CEP concerning the complaint; and, **(f)** Whether the charge appears to be justified or insupportable, considering the proof available to CEP.

The Executive Director will determine whether the charge(s) and available information support a formal Ethics Complaint, and upon such determination, will issue a formal Ethics Complaint and Investigation Notice.

2. **Charge Rejection.** If the Executive Director determines that an allegation should not become the subject of a formal Ethics Complaint, the charge(s) will be rejected. The Executive Director will notify the complainant and respondent of the rejection, as well as the reason(s) for the rejection, by letter within approximately thirty (30) days of the determination.
3. **Appeal of Charge Rejection Determination.** Within thirty (30) days of the mailing date of a charge rejection letter, the complainant may appeal to the Ethics Review Committee. In order to have the Ethics Review Committee reconsider the rejection, a complainant must state in writing the following: (a) The procedural errors possibly made by the Executive Director with respect to the charge rejection, if any; (b) The specific provisions of the Code of Ethics or the Case Procedures believed violated; and, (c) The specific information believed to support the acceptance of the charge(s).

The Ethics Review Committee will consider and decide any charge rejection appeal at the next scheduled Committee meeting, and such decision cannot be appealed.

SECTION E: ETHICS COMPLAINTS AND INVESTIGATION

1. **Ethics Complaint and Investigation Notices.** After an ethics charge is accepted, the Executive Director will issue a formal Ethics Complaint and Investigation Notice identifying each Code of Ethics and Case Procedures violation alleged and the supporting factual basis for each complaint. This Notice will be delivered to the respondent, at the last known address(es) by regular mail and other verifiable delivery service, return receipt requested, and will be marked "Confidential."

The Notice will also state that the respondent may submit the case for review and resolution to either the Executive Director or the Ethics Review Committee, which will include a hearing. If the respondent does not request a hearing, the complaint will be resolved by the Executive Director under Section H of these Procedures.

SECTION F: ETHICS COMPLAINT RESPONSE

1. **Submitting an Ethics Complaint Response.** Within thirty (30) days of the mailing date of an Ethics Complaint and Investigation Notice, the respondent must submit an Ethics Complaint Response according to the instructions in the Notice. The Ethics Complaint Response must include the following: (a) A full response to each complaint; (b) The identification and a copy of each document that the respondent believes to be relevant to

the resolution of the Ethics Complaint; and, (c) Any other information that the respondent believes will assist CEP in considering the Ethics Complaint fairly.

2. **Response Deficiencies.** The Executive Director or the Ethics Review Committee may require the respondent to supplement or expand a response.
3. **Optional Reply to Ethics Complaint Response.** CEP will forward a copy of the Ethics Complaint Response to the complainant within approximately ten (10) days following the receipt of the Response. The complainant may submit a Reply to the respondent's Ethics Complaint Response by letter or similar document within ten (10) days of the mailing date of the Response to the complainant. If submitted, this Reply must fully explain any objections that the complainant wishes to present concerning the Ethics Complaint Response.
4. **Optional Response to Complainant Reply.** If an optional Reply to the Ethics Complaint Response is submitted by the complainant, CEP will forward a copy of the Reply to the respondent within approximately ten (10) days following receipt of the Reply. The respondent may submit a Response to the complainant's Reply by letter or similar document within ten (10) days of the mailing date of the Reply to the respondent. If submitted, the Response must fully explain, and is limited to, any objections that the respondent wishes to present concerning the complainant's Reply to the Ethics Complaint Response.

SECTION G: PRELIMINARY ACTIONS AND ORDERS

1. **Voluntary Temporary Suspension of Certification.** At any time following the issuance of an Ethics Complaint and Investigation Notice, the respondent may be asked to agree to a temporary suspension of CEP certification, pending the final resolution of the ethics complaint. If the respondent accepts this request, the respondent will agree to and sign a Voluntary Suspension Agreement. This Agreement will state the temporary suspension and that the respondent voluntarily ceases from representing himself or herself as certified, credentialed or otherwise endorsed by CEP until further notice. The respondent will also return any certifications to CEP to be held until the suspension, or other disciplinary action, has ended.
2. **Involuntary Suspension of Certification.** If a respondent fails to agree to and sign a Voluntary Suspension Agreement, pursuant to Case Procedures Section G.1, above, the Executive Director, the Ethics Review Committee, or the Governing Council may issue an Order suspending the respondent's certification(s). This Suspension Order will stay in effect until the final resolution of the complaint.
3. **Circumstances of Involuntary Suspension Orders.** Suspension Orders are authorized where: (a) The respondent has been convicted of a criminal or quasi-criminal act; or the respondent has not contested a criminal indictment under any statute, law or rule; (b) The

respondent has been indicted or similarly charged with any criminal act or violation of criminal law under statute, law or rule; (c) The respondent has been found in violation of any law, regulation or rule by a professional regulatory body, or has been sanctioned or disciplined by such a regulatory body; (d) The respondent is the subject of a formal complaint or similar charge and/or investigation by a professional regulatory body; (e) The respondent has been found in violation of an ethics code of a professional association or certifying body; (f) The respondent is the subject of a formal complaint or similar charge and investigation by a professional association or certifying body concerning ethics or disciplinary matters; or, (g) The respondent is the subject of litigation or a petition relating to their professional practice.

4. **Other Preliminary Orders.** The Executive Director, the Ethics Review Committee, or the Governing Council may require the respondent to do or to refrain from doing certain acts by preliminary and temporary Order, including the disclosure/submission of documents relevant to review of an ethics investigation. Any temporary and preliminary Order requested will be reasonably related to the complaint under consideration; or to a party's responsibilities under the Code of Ethics and the Case Procedures.
5. **Failure to Comply with Preliminary Orders.** The Executive Director, the Ethics Review Committee, or the Governing Council may discipline a respondent who fails to comply with a temporary or preliminary order. In determining the discipline, CEP authority will consider the severity of the failure to comply and other relevant factors. Preliminary and temporary orders cannot be appealed.

SECTION H: EXECUTIVE DIRECTOR/ COMPLAINT RESOLUTION

1. **Executive Director Resolution of Complaints.** In the event that the respondent does not request a hearing before the Ethics Review Committee, the Executive Director will consider the matter under these Procedures, resolve the ethics complaint, and issue a Final Decision and Order, pursuant to Section J of these Procedures.
2. **Final Resolution/Decision and Order.** The final Decision and Order of the Executive Director is binding on the parties, but may be appealed to the Governing Council, consistent with the requirements of these Procedures.

SECTION I: ETHICS REVIEW COMMITTEE/ ETHICS COMPLAINT HEARINGS

1. **Ethics Review Committee.** The Chair of the CEP Governing Council will appoint an Ethics Review Committee (Committee), including a Chair and at least three (3) Committee members, with the consent of the Governing Council. The Chair will preside over and conduct each Ethics Complaint hearing, with at least two (2) Review Committee members.

In the event that the respondent requests a hearing, the Committee will conduct an Ethics Complaint hearing designed to collect and weigh all of the available information and proof. Unless a case has been resolved by the Executive Director under the Case Procedures, the Committee will be the initial decision-making body to determine whether any violation of the Code of Ethics or these Procedures has occurred. The Committee will have full authority and responsibility to convene, preside over, continue, and conclude an ethics hearing.

- 2. Hearing Schedule and Location.** The hearing date for each ethics case will be scheduled by the Executive Director, in consultation with the Ethics Review Committee and the parties. Each hearing will be held at a site determined by the Executive Director, or via telephone conference, and, if practical, held no less than sixty (60) days and no more than one hundred twenty (120) days from the receipt of an Ethics Charge Statement by CEP. Hearings will not be held prior to the date permitted in these rules in order to permit each party to submit a Response or a Reply.
- 3. Hearing Notice and Attendance.** The Executive Director will schedule the hearing and notify the parties in writing. Each party will be given the option to attend the hearing in person, or via telephone conference, and will be required to indicate the following at least seven (7) days before the hearing: **(a)** Whether the party intends to appear at, and participate in, the hearing in person; **(b)** Whether the party intends to participate in the hearing via telephone; if so, the telephone number where the party is to be reached during the hearing; **(c)** Whether the party intends to appear at the hearing with an attorney or other representative; if so, the name, address and telephone number of such attorney or representative; **(d)** Whether the party intends to present witnesses at the hearing; if so, the name, address and telephone number of each witness and a brief summary of the content of the witness' proposed testimony; and, **(e)** Whether the party intends to present or offer any documentary information or other written proof during the course of the hearing that has not been previously considered by CEP. If such information is offered, the party must provide a copy of each document and a brief description of the document's relevance. Any ethics hearing may proceed to a conclusion and decision whether or not the parties are present.
- 4. Postponement of Hearing.** A respondent or complainant may request a hearing postponement. This request must be in writing and received by the Executive Director at least ten (10) days prior to the hearing date. The Executive Director, or the Chair of the Ethics Review Committee, may grant a postponement. Postponement decisions cannot be appealed.
- 5. Participation of CEP Legal Counsel.** Should CEP Legal Counsel be present at an ethics case hearing, Legal Counsel will have the privilege of the floor and may conduct the hearing with the Ethics Review Committee. Legal or other representatives of the parties do not have such privilege, and are bound by the determinations and rulings of the Committee.
- 6. Responsibilities and Rights of the Parties.** In addition to other responsibilities and

rights, the respondent and the complainant may do, or be required to do, the following: **(a)** Attend the hearing and be present during the testimony of all witnesses; **(b)** Present witnesses, written information and argument on their behalf; **(c)** Review or inspect all oral or written information presented in the case; and, **(d)** Comply with all orders or directives issued by CEP, including those of the Executive Director and the Ethics Review Committee.

- 7. Witnesses.** All witnesses will be excluded from the hearing room except during the presentation of their testimony. The Ethics Review Committee Chair will rule on any request to the contrary, and the ruling will not be subject to appeal.
- 8. Confidentiality/Inclusion of Other Persons.** All hearings are confidential and private. No observers are permitted without special permission. A party may request the presence of an observer in the hearing room during all or part of a hearing. The Ethics Review Committee or the Committee Chair will rule on these requests, and the ruling cannot be appealed.
- 9. Information and Proof Accepted.** The Ethics Review Committee will receive and consider all information appearing to be relevant to an ethics complaint, including any information which may be helpful to a complete understanding of the case. The Committee may consider information concerning relevant prior conduct. Objections relating to relevance of information and similar issues will be decided by the Review Committee or the Committee Chair, and these decisions cannot be appealed.
- 10. Record of the Hearing.** A written summary record of the hearing will be made by the Ethics Review Committee, or another CEP representative. No taped, video, or other electronic recording of the hearing will be permitted, unless specifically authorized by the Executive Director or the Committee Chair. Off-the-record conversation may be requested by parties and will not be part of the hearing record.
- 11. Hearing Expenses.** Parties will be responsible for their expenses associated with the case. Should a party request a written transcript or recording copy of the hearing, a reasonable fee will be assessed for preparation. CEP bears the cost of the hearings and investigations which are performed by CEP representatives.
- 12. Closing of the Hearing Record.** The hearing record will be closed following the conclusion of the hearing, unless otherwise directed by the Ethics Review Committee. Any party may request that the record remain open for thirty (30) days for the purpose of receiving additional documentary information and proof. The Committee Chair or the Committee may grant or deny requests to keep records open, and such decisions cannot be appealed.

SECTION J: ETHICS CASE DECISIONS AND ORDERS

1. **Ethics Case Decision and Order.** A Decision and Order will be prepared by the Executive Director or Ethics Review Committee (Ethics Case Decision) within thirty (30) days of the closing of the case record, or as soon thereafter as practical.
2. **Contents of the Ethics Case Decision.** The following information will be included in the Ethics Case Decision: (a) A summary of the case, including the positions of the parties; (b) A summary of all relevant factual findings based on the record; (c) A final ruling on each Code of Ethics or Case Procedures violation charged; (d) A statement of any disciplinary action(s) and/or sanction(s) issued; and, (e) Any other material determined to be appropriate.
3. **Contents of the Ethics Disciplinary Order.** The Order may include any of the following items: (a) An order directing the respondent to cease and desist from any behavior or acts found to be in violation of the Code of Ethics, the Case Procedures, or related CEP policies; (b) A statement of the disciplinary action(s) imposed and mandate directing the respondent to comply immediately with these disciplinary action(s); and/or, (c) Any other appropriate directive consistent with the Decision and CEP policies.

SECTION K: DISCIPLINARY ACTIONS

1. **Disciplinary Actions Available.** When a respondent has been found to have violated one or more provisions of the Code of Ethics or Case Procedures, CEP may issue and order one or more of the following disciplinary and remedial actions: (a) A recommendation to the Governing Council that the certificant or applicant be ineligible for recertification or certification, and/or that any reapplication of the respondent for CEP certification be denied; (b) A requirement that the respondent take corrective action(s); (c) A private reprimand and censure of the respondent concerning the Code of Ethics or Case Procedures violation(s); (d) A public reprimand and censure of the respondent concerning the Code of Ethics or Case Procedures violation(s); (e) The imposition of a term of certification probation for any period up to three (3) years, which may include conditions on the respondent's conduct during that period; (f) The suspension of any CEP certification held by the respondent for a period of not less than six (6) months and not more than two (2) years, which will include the requirements that the respondent return to CEP all original or copied credential materials for the suspension period, and immediately stop any professional identification or affiliation with CEP during the suspension period; and, (g) The revocation of any CEP certification held by the respondent, which will include the requirements that the respondent return to CEP all original or copied credential materials, and to immediately stop any and all professional identification or affiliation with CEP.
2. **Referral and Notification Action.** CEP may notify appropriate government or professional bodies of any final disciplinary action taken against a respondent by sending a copy of the Ethics Case Decision and Order issued by the Executive Director or the Ethics Review Committee, or the Ethics Appeals Decision and Order issued by the Governing Council. Such notification may be sent by CEP at any point after the time period for the

respondent to appeal an adverse decision has lapsed. CEP will not notify governmental and professional bodies until after a final ruling on the case has been made, if necessary. During an appeal period, CEP may respond to inquiries concerning ethics cases, and may indicate the existence of such proceedings.

- 3. Publication of Disciplinary Action.** Following the lapse of any appeal rights and upon case closure, CEP may publish or release a final Ethics Case Decision or Ethics Appeals Decision. Any party or interested individual may request publication of any final decision, consistent with these Procedures. However, CEP may deny such requests, and such decisions cannot be appealed.

SECTION L: GOVERNING COUNCIL APPEALS

- 1. Governing Council Appeals.** The CEP Governing Council (Council) will be responsible for resolving all appropriate appeals concerning Ethics Case Decisions of the Executive Director and the Ethics Review Committee. The Governing Council Chair will preside over and conduct each ethics appeal, consistent with these Procedures.
- 2. Time Period for Appeals to the Governing Council.** Within thirty (30) days of the mailing date of an adverse Ethics Case Decision, the respondent may appeal all or a portion of the Decision and Order to the Governing Council pursuant to this Section. Any appeals received beyond this time period will not be reviewed or considered by the Council.
- 3. Grounds for Governing Council Appeals.** An adverse Ethics Case Decision may be reversed, or otherwise modified, by the Governing Council on appeal. However, the grounds for appeal of an adverse decision are strictly limited to the following: **(a) Procedural Error:** The Executive Director/Ethics Review Committee misapplied a rule contained in these Case Procedures and prejudiced the respondent; **(b) New or Previously Undiscovered Information:** Following the closing of the hearing record, the respondent has located relevant proof that: was not previously in his/her possession; was not reasonably available prior to closure of the record; and, could have affected the Ethics Case Decision; **(c) Misapplication of the Ethics Code:** The Executive Director/Ethics Review Committee Decision has misapplied the provisions of the Code of Ethics, and the misapplication prejudiced the respondent; and/or, **(d) Contrary to the Information Presented:** The Ethics Case Decision is contrary to the most substantial information provided in the record.

With respect to Sub-sections 3(a) and (c), above, the Governing Council will consider only arguments that were presented to the Executive Director/Ethics Review Committee prior to the closing of the hearing record.

- 4. Contents of Appeal/Letter of Appeal.** In order to complete an appeal to the Governing Council under this Section, the respondent must submit a letter or other document to the Council and to the complainant, within the prescribed time period, which contains the following information and material: **(a)** The ethics case name, docket number, whether the

case was decided by the Executive Director or the Ethics Review Committee, and the date of the Ethics Case Decision; **(b)** A statement of the grounds for the appeal under Subsection L.3, above, and a complete explanation of the reasons that the respondent believes that the Ethics Case Decision should be reversed or otherwise modified; and, **(c)** Accurate, complete copies of any material which supports the respondent's appeal.

5. **Appeal Deficiencies.** The Governing Council Chair may require the respondent to clarify, supplement, or amend an appeal submission.
6. **Appeal Rejection.** If the Governing Council Chair determines that an appeal does not meet the appeal requirements or otherwise warrant further formal review, consistent with the requirements set forth in these Procedures, the Chair will reject the appeal. The Council Chair will notify the complainant and respondent of the rejection, as well as the reason(s) for the rejection, by letter within approximately twenty-one (21) days of the determination. Appeal rejection determinations are not subject to appeal.
7. **Optional Reply to Appeal Letter.** Within fifteen (15) days of the mailing date of a respondent's appeal, the complainant may submit to the Governing Council a Reply to the Appeal by letter or similar document. If submitted, this Reply must fully explain any objections that the complainant wishes to present to the Council concerning the appeal.
8. **Optional Response to Complainant Reply.** If an optional Reply to the Appeal is submitted by the complainant, the Governing Council will forward a copy of the Reply to the respondent within approximately ten (10) days following the receipt of the Reply by certified mail. The respondent may submit a Response to the complainant's Reply by letter or similar document within ten (10) days of the mailing date of the Reply to the respondent. If submitted, the Response must fully explain, and is limited to, any objections that the respondent wishes to present to the Governing Council concerning the complainant's Reply to the Appeal.
9. **Request to Appear Before the Governing Council.** The complainant or respondent may request the opportunity to appear before the Governing Council concerning an appeal under this Section. The Council Chair will determine whether a request to appear before the Council is accepted. In the event that a request to appear before the Council is approved, the Chair may limit the appearance in any manner. Denials of requests to appear before the Governing Council cannot be appealed.
10. **Governing Council Appeals Hearings.** Within one hundred and eighty (180) days after the submission of a complete appeal, or as soon after as practical, the Governing Council will conduct a hearing to determine the outcome and final resolution of the appeal. During the course of appeal hearings, the Governing Council Members will review: the hearing and case record; any appeal submissions presented by the parties; and/or, any other information determined to be relevant. Thereafter, the Governing Council will determine the outcome of the appeal by majority vote in closed session.

- 11. Governing Council Appeal Decisions and Orders.** Within thirty (30) days of conclusion of an appeal hearing, or as soon after as practical, the Governing Council, by the Council Chair, will issue an Ethics Appeal Decision and Order (Appeal Decision) stating and explaining the outcome of the appeal. With respect to each appeal, the Appeal Decision will include the following: **(a)** A summary of any relevant portions of the Ethics Case Decision and Order; **(b)** A summary of any relevant procedural or factual findings made by the Governing Council; **(c)** The ruling(s) and decisions with respect to each matter under appeal; and, **(d)** The Governing Council final Order affirming, reversing, amending, or otherwise modifying, any portion of the Ethics Case Decision and Order, including any disciplinary or remedial action or sanction.

Copies of the Governing Council Appeal Decision will be sent to the parties, via U.S. mail, return receipt requested, or other appropriate delivery method.

SECTION M: FINALIZING AND CLOSING ETHICS CASES

- 1. Events Which Will Cause Closure of an Ethics Case.** An ethics case will be closed and all proceedings ended when any of the following occur: **(a)** Following the lapse of any appeal rights, the ethics case has not been accepted and the charges have been rejected as the basis for an Ethics Complaint and Investigation pursuant to these Case Procedures; **(b)** Following the lapse of any appeal rights, a final Ethics Case Decision or Ethics Appeal Decision has been issued pursuant to these Procedures; or, **(c)** An Ethics Complaint has been terminated or withdrawn by the complainant(s).
- 2. Events Which Will Cause an CEP Ethics Case Decision and Order to Become Final.** An Ethics Case Decision and Order that is not appealed will be final. The Appeal Decision of the Governing Council will be final, and no further appeals are available to any party.

SECTION N: REAPPLICATION AND REINSTATEMENT PROCEDURES FOLLOWING REVOCATION, SUSPENSION, AND PROBATION ORDERS

- 1. Revocation Orders/Reapplication Petition.** Five (5) years after the issuance of a final certification revocation order issued under these Case Procedures, a respondent may submit to the Governing Council a Petition for permission to reapply for certification (Reapplication Petition), pursuant to the requirements of this Section.
- 2. Suspension Orders/Reinstatement Requests.** After the expiration of a final suspension order issued under these Case Procedures, a respondent may submit to the Governing Council a Request for certification reinstatement (Reinstatement Request), pursuant to the requirements of this Section.
- 3. Probation Orders/Reinstatement or Referral.** Following the expiration of a final probation order included with an Ethics Case Decision or Appeal Decision, the Executive

Director will determine whether the respondent has or has not satisfied the terms of the probation order, and will do the following: **(a)** If the respondent has satisfied the terms of probation in full, the Executive Director will verify that the probation has been completed and reinstate the respondent to full certification status; or, **(b)** If the respondent has not satisfied the terms of probation in full, the Executive Director will refer the case to the final decisionmaker for review and action consistent with these Case Procedures, including, but not limited to, continuation of the probation order and issuance of additional disciplinary or remedial actions concerning the probation terms.

- 4. Contents of Reapplication Petitions and Reinstatement Requests.** Subject to the time requirements above, the Governing Council will consider Reapplication Petitions and Reinstatement Requests from those who have been the subject of a final revocation or suspension orders, respectively. Reapplication Petitions and Reinstatement Requests must include the following information: **(a)** A statement of the relevant ethics case name, docket number, and the date that the final Ethics Decision was issued; **(b)** A statement of the reasons that the respondent believes support or justify the acceptance of the Reapplication Petition or the Reinstatement Request, including a statement explaining why the respondent should now receive CEP certification; and, **(c)** Copies of any relevant documentary or other material upon which the respondent relies in support of the Petition or Request.
- 5. Governing Council Reapplication Petition and Reinstatement Request Review.** Within ninety (90) days after the submission of a complete Reapplication Petition or Reinstatement Request, or as soon after as practical, the Governing Council will schedule and conduct a hearing to review and rule on the Petition or Request. Each Petition or Request will be considered by a quorum of the Council. During these deliberations, the Governing Council will review the information presented by the respondent and any other relevant information. The Council will then determine the final outcome of the appeal by majority vote in closed session.
- 6. Governing Council Reapplication Petition and Recertification-Reinstatement Determination Orders.** Within thirty (30) days following the Governing Council's review of a Reapplication Petition or Reinstatement Request, or as soon as practical, the Council, by the Chair or the Executive Director, will prepare and issue a Determination Decision and Order (Decision) with respect to the Petition or Request. The final Governing Council Determination Decision will indicate whether the Petition or Application is granted, denied, or continued to a later date. If appropriate, the Governing Council Decision will indicate any conditions of certification or recertification. Copies of the Determination Decision will be sent to the parties, via U.S. mail, return receipt requested, or other appropriate delivery method. While no appeal of the Determination Decision is permitted, the respondent may submit a new Petition or Request pursuant to this Section, two (2) years or more after the issuance of the Determination Decision.