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Statement of Practices and Procedures for Appeals of Board of Ethics Decisions

Board of Directors

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**About This
Document**

**Statement of
Practices and
Procedures for
Appeals of Board of
Ethics Decisions**

Effective February 8, 1998; revised 1997; revised 1998; revised 2001; revised 2008

Pursuant to Article V of the Bylaws, the Board of Directors (BOD) hereby adopts this procedure governing an appeal from a Further Consideration Decision of the Board of Ethics.

Appeals to the BOD are only permitted from Board of Ethics Decisions and/or sanctions following a Board of Ethics Further Consideration Hearing.

Appeals from a Board of Ethics Further Consideration Hearing can only be brought to the BOD if the appellant's claim is based on a showing that the Board of Ethics did not adhere to appropriate procedural requirements, or that the decision of the Board of Ethics was arbitrary and capricious and without any evidentiary basis. The BOD may not receive or consider any evidentiary matters not included in the official record of the Further Consideration Decision.

Such appeal shall be heard by a BOD Appeals Panel consisting of three BOD members appointed by the BOD chair.

The BOD Appeals Panel shall give written notice to the appellant and to the Board of Ethics of the time and place of the hearing. Such notice shall be given to the appellant at least 30 days in advance of the hearing, by certified mail, return receipt requested, and shall advise of the right of counsel, of the right to submit in advance a written brief, of the right to oral argument at the hearing either in person or by conference call. The notice shall also advise that the BOD Appeals Panel will not consider any evidence except that which was presented at the Further Consideration Hearing before the Board of Ethics. The BOD Appeals Panel may request and use the transcript of the Further Consideration Hearing in making its appeal decision. The BOD Appeals Panel shall render its decision in writing within 30 days of the hearing.

All costs in connection with the appeal, including travel and lodging costs incurred by the appellant and appellant's counsel, copies of transcripts of the Further Consideration Hearing, and other fees shall be appellant's sole responsibility.

Said decision shall be final and shall be subject to normal or Special Publication as determined by the BOD Appeals Panel.

If the decision of the BOD Appeals Panel is in favor of the appellant, the matter shall be remanded to the Board of Ethics for further consideration based on the findings of the BOD Appeals Panel. Any subsequent decision of the Board of Ethics shall thereafter be final.

This procedure may be amended by a two-thirds vote of the BOD.