

The National Association of Certified Valuators and Analysts

ETHICS OVERSIGHT BOARD (EOB)

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STANDARDS MONITORING POLICIES and PROCEDURES MANUAL

April 2023



*NACVA's Certified Valuation Analyst® (CVA®) and Master Analyst in Financial Forensics® (MAFF®) designations are the **only** valuation and financial forensic credentials accredited by the National Commission for Certifying Agencies® (NCCA®), the accreditation body of the Institute for Credentialing Excellence™ (ICE™).*

The CVA designation is also accredited by the ANSI National Accreditation Board® (ANAB®).

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The Appendices (HQ Sample Letters Referenced) are available to the Ethics Oversight Board only, and as such, are separate from this document.

INTRODUCTION

ALL MATTERS DISCUSSED BY THE ETHICS OVERSIGHT BOARD (EOB) WILL BE HELD IN STRICT CONFIDENCE AND NOT SHARED OUTSIDE OF THE CONFINES OF THE CURRENT EOB MEMBERS, EXCEPT MATTERS AND THE DETAILS THEREOF WILL BE SHARED WITH THE EXECUTIVE ADVISORY BOARD (EAB) AND NACVA HEADQUARTERS (HQ) AS REQUIRED OR NECESSITATED BY THE POLICIES AND PROCEDURES HEREIN.

The Ethics Oversight Board (EOB) of the National Association of Certified Valuators and Analysts® (NACVA®) operates under the direction and discretion of NACVA's Executive Advisory Board (EAB) and is charged with the monitoring of its Membership/Credentialed Designees with regards to ethical and professional standards. The EOB's responsibilities include educating, monitoring, and enforcing compliance of ethics standards remediation requirements of NACVA's Members/Credentialed Designees. The EOB's duties include recommending professional standards, updates/changes to this policies and procedures manual (P&P), creating awareness and understanding of NACVA's Professional Standards within the practitioner and user communities, and monitoring compliance; and when necessary, investigating and determining whether a Member/Credentialed Designee has violated NACVA standards.

All professional [and ethical] standards are set by the Standards Board (SDB). They in turn, report to the EAB, which has the overall responsibility of monitoring NACVA Members/Credentialed Designees and their conformance to NACVA's Professional Standards. The EAB delegates this authority to the EOB. The EOB accomplishes its responsibilities in the following ways:

Education—The EOB may publish articles regarding ethical and professional standards in the *Association News* and other appropriate journals and newsletters. The EOB will respond by itself or through the SDB to inquiries of Members/Credentialed Designees regarding the interpretation of ethical and professional standards. The EOB may prepare and distribute special publications regarding ethical and professional standards.

Standards Setting—The EOB supports the SDB in performance of its duties by maintaining an awareness of current industry trends and challenges and proposing changes to standards which it believes appropriate for consideration by the SDB. The EOB does not respond to Member/Credentialed Designee inquiries received directly regarding the interpretation of ethical and professional standards, but instead forwards those to the SDB. One of the SDB's responsibilities is to provide clarification and interpretation of the standards as needed to address issues observed in the consulting community relevant to our Members/Credentialed Designees and work with other standards-setters from similar organizations. The EAB developed and is responsible for updates, changes, and edits to this P&P with final approval from NACVA's Board of Directors. However, the EOB can propose to the EAB updates, changes, and edits as it deems appropriate.

Standards Violation Monitoring—The EOB reviews all information brought to its attention and, if warranted, will open an investigation. After a full review and discussion as further described herein, the EOB will make a determination as to the final disposition of the matter.

The resources provided within this manual are to be consulted for all investigations and applied as may be appropriate to the circumstances of each individual situation.

***Note:** The following manual is used by NACVA's Ethics Oversight Board (EOB) for the purpose of monitoring the NACVA's Members/Credentialed Designees and enforcing the NACVA's Professional Standards and may not be copied or reprinted without the express written consent of NACVA.*

THE STANDARDS VIOLATION MONITORING PROCESS

The EOB can be made aware of potential breaches of ethical or professional standards in a number of ways. For example, the EOB may receive a Complaint from a potentially injured party, a regulatory body, an attorney, another Member/Credentialed Designee, etc.

The Reporting Party (hereafter also referred to as Complainant) must submit a written Complaint form to NACVA to initiate a review of the facts. Any submission must include documentation and reference to and an explanation of what standard(s) the Member/Credentialed Designee or Respondent (the individual whose actions are the subject of the Complaint) is alleged to have breached, else NACVA will not undertake a formal review of the matter. The proper format for the Complaint is publicly available at: http://web.nacva.com/TL-Website/PDF/complaint_form.pdf.

It is important the Complainant be made aware the EOB has an obligation to investigate all allegations of potential violation(s) of ethical or professional standards. As such, once a Complaint is filed, it cannot be withdrawn by either party; however, the EAB has the authority to withdraw the Complaint given extenuating circumstances. Such requests to withdraw a Complaint, must be reviewed by the EAB.

1.0 Receipt of Complaint

- 1.1 All Complaints will be referred to the office of the Executive Director/CEO/COO/HQ designee (hereafter referred to as ED), and the following initial actions are taken:
 - 1.1.1 Determination of Respondent's Membership/Credentialed Designee standing in addition to certification/recertification status.

If the Respondent is a Member/Credentialed Designee, the ED assigns a Case Index number for confidentiality purposes, applying the naming convention (Year)-(Case # within Year). The identity of the Respondent, and other parties referenced will only be known to the EOB, EAB, and ED. The Case Index will be referenced in EOB minutes.

If the Respondent is not an active NACVA Member/Credentialed Designee, the EOB does not have jurisdiction.
- 1.2 If the Respondent is a non-Member/Credentialed Designee using a NACVA Certification, the ED will notify the person to cease and desist use of the marks and certifications (see also 8.5). In addition, the ED will notify the Complainant that the Respondent is not a Member/Credentialed Designee.
- 1.3 If the Respondent is an active Member/Credentialed Designee of NACVA, the ED will handle this matter administratively.
 - 1.3.1 Prepare and send a letter to the Complainant acknowledging receipt of the Complaint consistent with determinations under 1.1.1, above.
 - 1.3.2 The ED will forward the Complaint and relevant information concerning certification to the EOB Chair for further disposition, including potentially opening an investigation.
- 1.4 Information received by the EOB Chair is initially evaluated, and by one other EOB member designated by the Chair, to determine if there is sufficient information to initiate a productive review of the Complaint. The EOB Chair will notify the Complainant if in the Chair's and his/her designee's mutual opinion, additional information is necessary to initiate an assessment of the Complaint and supporting information.
- 1.5 The Chair may assign an EOB member to act as interim facilitator for the case until Co-investigators are assigned or the case is closed without an investigation.

- 1.6 The EOB has an obligation to investigate all allegations of potential violation(s) of ethical or professional standards but is limited in its determination of a violation to what is in writing, i.e., the nature of the concern must be articulated in writing by Complainant and evidenced by a tangible representation (report or other writing).
- 1.7 It is expected by the EAB that an EOB investigation should not require more than approximately 24 to 40 hours (three to five days) combined time by members of the EOB. As such, if it appears that more time will be required, the EOB should halt its investigation and report to the EAB the reasons for which the investigation will require more time. At such point, the EAB has three options: 1) let the investigation continue with the EOB; 2) assign an EAB liaison to the EOB investigation team; or 3) take over the investigation.
- 1.8 If a second Complaint is filed against a Respondent while a first Complaint investigation is underway, or within three years of the conclusion of the first Complaint investigation, the second Complaint, and any investigation to follow, will be handled from beginning to end by the EAB. This measure is required to avoid any perception of bias among the members of the EOB who directly or indirectly were involved in the first Complaint investigation.
- 1.9 There is a general concern regarding members of the EOB or the EAB (or any of NACVA's Credentialing Boards if they too become involved) that are actively participating in an engagement or litigation matter that involves the Respondent; the Board member should recuse themselves from any involvement with this Complaint.

2.0 Review of Complaint

- 2.1 The Chair may assign an EOB member to conduct an initial, high-level review of the Complaint and supplemental material, and present a summary to the entire EOB of the facts surrounding the engagement giving rise to the complaint.
 - 2.1.1 The Chair will poll the EOB's voting members immediately after the presentation to determine whether the information available and presented is sufficient to conclude an investigation is warranted. A Super Majority Vote (six of eight) is required to proceed.
- 2.2 If the vote referenced at 2.1.1 indicates information contained in the Complaint is insufficient to determine whether a violation **may** have indeed occurred, the EOB will request additional information from the Complainant to the extent necessary to go forward with an investigation.
 - 2.2.1 Additional information requested of Complainant must be received within 60 days (HQ Letter #2.2.1); failure to respond timely will cause the Complaint to be dismissed.
 - 2.2.1.1 Failure to respond within the time allowed will cause the EOB to dismiss the Complaint due to lack of sufficient information (HQ Letter #2.2.1.1).
- 2.3 If the vote referenced at 2.1.1 indicates sufficient information **to evaluate** whether a violation of ethical or professional standards may have occurred, and the EOB decides to initiate an investigation, the EOB will send the Complainant an acknowledgement (HQ Letter #2.3).
 - 2.3.1 The EOB Chair will assign two qualified EOB members to serve as Co-investigators of the Complaint. Super Majority Vote required.
 - 2.3.2 The Respondent is notified of the Complaint and identification of Co-investigators who will be in contact. Respondent is also advised to retain all information

pertaining to the engagement or other matter underlying the Complaint until the investigation is closed (HQ Letter # 2.3.2).

- 2.4 If the presentation and vote conclude there is sufficient information to support a finding of "no violation", and therefore to not initiate an investigation, the Complaint will be dismissed and the case closed.
 - 2.4.1 The EOB advises the Complainant that the Complaint has been investigated and no violations found, and therefore it was dismissed. (HQ Letter #2.2.1.1).

3.0 Investigation

- 3.1 The EOB Co-investigators will provide a status update at each EOB meeting. It is the EOB's goal to have investigations completed within 150 days from the date of the opening letter or upon receipt of notification that deferral of the investigation has been lifted. In other words, from the date of the opening letter to the conclusion of the investigation, excluding periods of deferral, the case should be completed within 150 day's time (see also Section 1.7).
- 3.2 The Co-investigators will determine if the Respondent and subject of the Complaint are the subject matter of any formal or informal dispute, including but not limited to mediation, litigation, or any governmental regulatory investigation (collectively, Litigation).
- 3.3 Upon written request of the Respondent, the investigation shall be deferred during the pendency of Litigation and/or governmental investigation, provided:
 - 3.3.1 Respondent is made aware of the obligation and agrees to inform the ED within 30 days of the conclusion of the Litigation. The 30-day period begins the day after the Litigation or investigation and is not extended by the possibility of appeal (HQ Letter #3.3.1).
 - 3.3.1.1 A secondary deferral may be requested by Respondent if either party to the Litigation requests and is granted an appeal from the initial Litigation, except in cases where Litigation concludes with a conviction including felony or misdemeanor moral turpitude. The second deferral will also only be granted once the member agrees to notify the ED within 30 days of conclusion of the appeals process (HQ Letter #3.3.1).
 - 3.3.2 The EOB will initiate its deferred investigation once notified of the end of litigation or governmental investigation.
 - 3.3.3 The EOB Co-investigators shall request the status of the regulatory investigation or litigation no less than every six months, despite the Respondent's responsibility to provide status updates to the ED.
- 3.4 The Co-investigators may request additional information of Complainant, Respondent, or any other party with relevant information in order to perform a complete, independent investigation into the allegations (HQ Letter #3.4).
 - 3.4.1 The Co-investigators shall consult, as needed, with the Chair and may request assistance from other EOB members as they deem appropriate.
 - 3.4.2 The Co-investigators shall determine if the Respondent is cooperating with the EOB investigation. If the Respondent is not cooperating, see 4.0 below.
- 3.5 Interviews with the Complainant and Respondent
 - 3.5.1 The Co-investigators shall offer a separate interview to the Complainant, Respondent, and relevant witnesses as may be relevant to the allegations. The ED

- should be notified in advance of scheduled interviews so the ED can attend and observe if they opt to do so.
- 3.5.1.1 At a minimum, the Complainant and Respondent will be offered opportunities to provide information that may not be apparent to the Co-investigators.
 - 3.5.1.2 Interview purposes may differ based on the status of the investigation and the person interviewed; for example, some may seek clarifying information whereas others may request additional information.
 - 3.5.1.3 Notification will be made to the Respondent using HQ Letter #3.5.1.3.
- 3.5.2 Investigative interviews will be planned after information provided by the Complainant and/or other means has been considered and discussed by the Co-investigators.
 - 3.5.3 The interviews will be conducted using appropriate HQ facilitated video conference call technology, attended by both the Co-investigators and ED, if the ED so elects. If both are unable to participate, either the EOB Chair, or EAB Liaison to the EOB, or HQ Liaison to the EOB may participate, once properly briefed on relevant matters.
 - 3.5.3.1 Additional information becoming known only because of the interview may lead to requests for additional documentation or extended interviews. In this case, the information should be provided within 30 days of the interview.
 - 3.5.3.2 The Co-investigators will jointly co-author a summary of each interview conducted, ideally within 48 to 72 hours of its completion, to document additional information acquired during the interview and from whom. Sections of the report should include: parties/purpose/place; topics addressed/responses; investigator impressions; follow-up items.
 - 3.5.4 The Complainant and Respondent shall have the right to have legal counsel or other witnesses participate in the interview process by giving reasonable advance notice.
- 3.6 Co-investigators are expected to timely complete their investigation and develop recommendations to be presented to the EOB upon completion of the interviews and re-evaluation of evidentiary materials provided (see Section 5.0).
 - 3.7 Findings of the Co-investigators
 - 3.7.1 The Co-investigators will determine if they believe that a violation has occurred. A violation is a departure from the Professional Standards of NACVA that is a clear violation of ethics or is significantly and materially improper work product that deviates from NACVA's Professional Standards based on the information/evidence reviewed.
 - 3.7.2 Should the EOB agree with the Co-investigators that a violation has occurred, the Co-investigators shall determine the category of the violation(s):
 - 3.7.2.1 Ethics—Ethical Standards: these broadly apply to ALL Professional Services and are outlined in the NACVA Professional Standards as of June 1, 2017, as Section II (General and Ethical Standards).
 - 3.7.2.2 Standards—Reporting

- 3.7.2.2.1 The Co-investigators shall utilize the Business Valuation Scenario Experience “Scoring Key” in determining the extent, in the investigator’s opinion, of compliance or non-compliance, as the case may be.
- 3.7.2.2.2 The Scoring Key should be prepared jointly by the Co-investigators and may be validated or disputed by up to three independent CVAs who must be approved by the EAB, and requested by either the EOB, or Respondent, as further validation of the degree of compliance, or lack thereof, with NACVA’s Reporting Standards. The valuation report(s) being reviewed by independent CVAs must be redacted/sanitized prior to being reviewed to protect the anonymity of all parties and the business(es) to which the valuation report(s) pertain.
- 3.7.2.3 Standards—Development: addressed by Section III (Scope of Services) and Section IV (Development Standards). These Standards always apply when expressing a Conclusion of Value or a Calculated Value.
- 3.7.3 The level of appropriate disciplinary actions are based on the following: Letter of Concern—The EOB may conclude that there is not a violation, but that weaknesses exist warranting a Letter of Concern (HQ Letter #3.7.3) and advising the Respondent to be aware of specific issues including suggested (but not required) remediation.
 - 3.7.3.1 Admonishment—Violation found, although not significant to require remedial action, but significant enough to include in the Member’s/Credentialed Designee’s record.
 - 3.7.3.1.1 As a guide, Admonishment is appropriate if under the Reporting Standards, the Respondent’s score with the Scoring Key is between 60 and 70 points (out of a possible 100 points).
 - 3.7.3.2 Remediation Required—Violation was significant, although performance of remedial action would appear insufficient to necessitate Suspension or Expulsion/Revocation. A corrective action plan is imposed based on the information/evidence reviewed.
 - 3.7.3.2.1 As a guide, Remediation is appropriate if under the Reporting Standards, the Respondent’s score with the Scoring Key is between 50 and 59 points (out of a possible 100 points).
 - 3.7.3.3 Suspension—Violation is not significant enough to require Expulsion/Revocation, although significant enough to require Suspension.
 - 3.7.3.3.1 As a guide, Suspension is appropriate if under the Reporting Standards, the Respondent’s score with the Scoring Key is between 30 and 49 points (out of a possible 100 points).
 - 3.7.3.4 Expulsion/Revocation of Membership/Credential—Violation is so significant that it materially misrepresented and/or resulted in a material error in conclusion/opinion leading on to believe there was a blatant disregard for NACVA’s Professional Standards by the Respondent.
 - 3.7.3.4.1 As a guide, Expulsion/Revocation is appropriate if under the Reporting Standards, the Respondent’s score with the Scoring Key is below 30 points (out of a possible 100 points).

- 3.7.4 The Co-investigators will set forth their findings at the next regularly scheduled EOB meeting (the EOB Chair may initiate a special meeting outside of the normal EOB schedule should the EOB Chair determine such a meeting is necessary to consider the investigation). If the Co-investigators are of the opinion that a violation occurred, they will also present a recommended level of disciplinary action and, if appropriate, a suggested remediation plan in accordance with Section 8 of this P&P.
- 3.7.5 If the EOB determines a need for additional information, the EOB shall request that the Co-investigators go back to the appropriate party(ies) to gather that information and then make a second presentation to the EOB.

4.0 Respondent Cooperation

- 4.1 If the Co-investigators determine that the Respondent is not cooperating at any time with their investigation, they will make a recommendation to the EOB that the Member/Credentialed Designee be sent a sanction letter. A Super Majority Vote of the EOB is required for a determination of “Lack of Cooperation.” A Member/Credentialed Designee that fails to cooperate with the EOB investigation shall be in violation of NACVA requirements.
 - 4.1.1 The EOB will send the Respondent notification that his/her conduct has been determined non-compliant which may subject that Member/Credentialed Designee to Sanctions and will offer him/her 30 days to resume cooperation (HQ Letter #4.1.1).
 - 4.1.2 If after 30 days the Member/Credentialed Designee continues to be uncooperative, the Member/Credentialed Designee shall be subject to disciplinary action up to and including Expulsion from NACVA membership and/or Revocation of the person’s NACVA certification(s).
 - 4.1.2.1 The EOB shall make a presentation and recommendation for action to the EAB which shall have sole discretion to determine the final action.
 - 4.1.2.2 Any Member/Credentialed Designee who has his/her membership and/or certification(s) Suspended shall remain in suspended status for no less than six months and no more than two years (assuming later compliance and cooperation).
 - 4.1.2.3 Any Member/Credentialed Designee Expelled and/or who has his/her credential(s) revoked shall not be permitted to submit an application for membership and/or certification for a period of no less than two years.

5.0 Results of the EOB Investigation

- 5.1 If after sufficient discussion and a vote of the EOB members, the EOB determines that **no violation** has occurred, the case will be closed and the EOB shall make the following notifications:
 - 5.1.1 To the Member/Credentialed Designee using (HQ Letter #5.1.1), and
 - 5.1.2 To the Complainant using (HQ Letter #5.1.2)
- 5.2 The Co-investigators shall recommend, and the EOB shall consider, the recommended remedial plan of the Co-investigators and determine if it is an appropriate remedial action and shall do so in all instances by a Super Majority vote of the EOB members. If the recommended remedial plan does not pass the vote of the EOB, the EOB can either:

- 5.2.1 Request the Co-investigators evaluate additional remedial action plans within specific parameters provided by the EOB and present them at the next EOB meeting for a vote of the EOB;
- 5.2.2 Discuss and determine an appropriate remedial action plan which would require a vote of the EOB; or
- 5.2.3 In egregious cases, recommend Suspension or Expulsion/Revocation which would require a vote of the EOB.
- 5.3 The EOB may consider prior violations by the Respondent in determining an appropriate remedial action (see Section 1.8, if applicable).
- 5.4 Should the EOB determine that a violation has occurred or if sending a Letter of Concern, the EOB must present its findings and recommendations to the EAB before implementing actions based on the finding.
 - 5.4.1 If one or more violations involve a written report, the specific problems with the report need to be communicated to the EAB in detail supported by the Scoring Key.
 - 5.4.2 All final decisions involving a violation or Letter of Concern must be ratified by the EAB prior to communicating to the reported Member/Credentialed Designee.
 - 5.4.3 If the matter involves a CVA or MAFF designated Member/Credentialed Designee, a four-person subgroup, composed of two voting members—one from the Valuation Credentialing Board (VCB) and one from the Litigation Forensics Board (LFB)—and two voting members selected from the EAB, must ratify the decision before it is final with three of the four members ratifying.
 - 5.4.3.1 If such decision is not ratified, the subgroup can require the EOB revisit the matter and vote again. Alternatively, the subgroup can defer the matter to the EAB who can elect to: (1) close the case, (2) ask the EOB to revisit the matter and vote again, (3) make their own determination of remedial action and execute upon it.
- 5.5 If the EAB and NACVA Board of Directors agree with the EOB’s initial findings and recommendation(s), then the Co-investigators and EOB Chair will draft and send a written communication (letter of Required Corrective Action [RCA]), (HQ Letter #5.5-A, #5.5-B, #5.5-C or #5.5-D) to the Respondent to:
 - 5.5.1 Inform the Respondent that he/she has been found in violation;
 - 5.5.2 Inform the Respondent of the finding(s) of the EOB and why;
 - 5.5.3 Spell out the Required Corrective Action (RCA) if any;
 - 5.5.4 Advise the Respondent of any Admonition (HQ Letter #5.5-A), Remediation (HQ Letter #5.5-B), Suspension, (HQ Letter #5.5-C) or Expulsion/Revocation (HQ Letter #5.5-D);
 - 5.5.5 Advise the Respondent that a finding of Admonition, Remediation, Suspension, or Expulsion/Revocation will be posted on NACVA’s website for a period of up to three years; and
 - 5.5.6 Advise Respondent that he/she may appeal the decision and/or RCA within 30 days to the EAB, who will have final decision-making authority on the matter.
- 5.6 All EOB determinations will be documented in formal meeting minutes.

- 5.6.1 The Complainant will be notified of the decision and action taken by the EOB in 5.5 above.

6.0 Subsequent Member/Credentialed Designee Contact

- 6.1 Should the Respondent Member/Credentialed Designee contact NACVA HQ regarding the RCA letter, NACVA's ED shall have the option to refer the Member's/Credentialed Designee's request in writing to the (1) Co-investigators, (2) the EOB Chair, (3) the EAB, or (4) the ED to handle the matter. The responding party(ies) shall contact the Member/Credentialed Designee via telephone or USPS Certified Mail to explain the results of the investigation, the elements of the RCA letter, and address any other appropriate questions the Member/Credentialed Designee may have.
 - 6.1.1 The Member/Credentialed Designee shall be advised that they have 30 days from the date of NACVA's letter/communication to submit a formal written appeal.
- 6.2 If the Member/Credentialed Designee does not appeal the findings and requirements under the RCA letter, then upon completion of any required Corrective Actions, HQ Letter #6.2-A shall be used to notify the Member/Credentialed Designee that the EOB has accepted the Member's/Credentialed Designee's compliance with the terms of the RCA letter and the investigation has been closed. The Complainant shall be advised of the closing of the investigation and, at the option of the ED, the level of disciplinary action taken (HQ Letter #6.2-B).

7.0 Appeals

- 7.1 Appeals must be reviewed by the EAB within 30 days of receipt by NACVA's ED. The EAB may refer the case back to the EOB for reconsideration, in which case, the EOB will make its further recommendation to the EAB.
- 7.2 The EOB or EAB will notify the Respondent in writing as to disposition of the appeal.
- 7.3 If the EOB or EAB, as the case may be, determines the reported Member's/Credentialed Designee's appeal is valid and that either no violation has occurred, or that the original RCA should be changed, the EOB or EAB will:
 - 7.3.1 Notify the EAB or EOB, respectively,
 - 7.3.2 Advise the Respondent and Complainant in writing of the decision, annotate the file, and
 - 7.3.3 Either close the process with no further action or reissue the RCA letter (HQ Letter #5.5-A, #5.5-B, #5.5-C or #5.5-D), whichever is applicable.

8.0 Required Corrective Action (RCA) Recommendations

- 8.1 As a general rule, the EOB will recommend the following remedial action (or RCA) to the Respondent following completion of an investigation resulting in a finding of a violation (after approval by the EAB):
- 8.1.1 The Respondent shall be required to take and successfully complete NACVA's Current Update in Valuations (CUV), Industry Standards and Ethics (ISE), Case Analysis by Webinar (CAW) courses, and/or other recommended training as agreed to by the EOB, within six months (which may be extended) from the date of notification.
 - 8.1.2 If the Respondent does not successfully complete the course(s) within the predetermined time period, as may be extended, the EOB will recommend to the EAB that the Respondent's membership and/or credential(s) be placed on formal Suspension, and the Respondent be given three additional months to successfully complete the course(s) (during which time the Respondent may not hold himself/herself out to the public or otherwise as a NACVA Member/Credentialed Designee and/or use the NACVA credential, as is applicable). After approval by the EAB, the EOB will notify the Respondent. If, during this period, the Respondent "elects to resign" his/her membership and/or credential(s), he/she would not be eligible to reinstate his/her membership and/or credential(s) for a period of two years.
 - 8.1.3 If the Respondent has not successfully completed the course(s) after six months (along with approved extensions) from the date of notification, the EOB will recommend to the EAB that the Respondent's membership and/or credential(s) be Suspended and such action, at the option of the EAB, may be published in the appropriate place on NACVA's website.
- 8.2 Training should be the primary remedial action in most cases. The EOB may recommend (subject to EAB approval), as an alternative or as additional remedial action, that the Respondent submit one or two previously prepared and redacted/sanitized reports to an approved grader who will provide constructive feedback to the Respondent to ensure quality in the future.
- 8.3 When a Complaint or investigation discloses an instance of misconduct that, in the opinion of the EOB, does not warrant formal action by the EOB but that should not be dismissed as being without merit, a letter of Admonition may be issued (subject to EAB approval) and sent, by certified mail, to the reported Member/Credentialed Designee, and no remedial action will be required.
- 8.4 There may be cases of a nature serious enough where the EOB feels compelled to recommend Suspension of a Member/Credentialed Designee for a period of no less than six months or no more than two years or Expulsion/Revocation of a Member/Credentialed Designee, which is subject to EAB approval.
- 8.5 If a situation should arise where a current or former Member/Credentialed Designee has failed to recertify and/or is no longer current on his/her required fees, and after having been notified of such by NACVA HQ, he/she continues to hold himself/herself out as having a certification from NACVA, the EOB will:
- 8.5.1 If the person's membership is still active and/or current on his/her credentialing fees: promptly notify the Member/Credentialed Designee that he/she must immediately cease holding himself/herself out as having a certificate and give them

30 days to stop doing so, including the removal of all advertising, stationary, business cards, websites, directories, social media sites, etc., that indicate they hold a NACVA certification.

8.5.2 If the person fails to comply, it shall be deemed an act discreditable and the matter shall be referred to the ED for action.

8.5.3 If the person is no longer a Member/Credentialed Designee or has never been a Member/Credentialed Designee or has not stayed current on his/her credentialing fees, immediately refer the matter to the ED for action.

8.6 Members/Credentialed Designees who have had their membership/credential Suspended under the above procedures will continue being subject to recertification requirements. Members/Credentialed Designees who have had their membership/credential Expelled/Revoked under the above procedures must wait no less than two years before reapplying for NACVA membership and/or a credential. However, such applicant must first obtain the approval of the EAB before re-applying. The EAB will consider the nature and reasons for previously Expelling/Revoking such applicant's membership/credential in making its determination whether or not to grant its approval. If approval is granted, such applicant will be subject to the standard processes for re-obtaining the credential.

9.0 EAB Authority

If during an investigation, the EAB becomes aware of a matter, and based on the facts and circumstances of each matter, the EAB or NACVA's Board of Directors, in their sole discretion, and in the best interest of the Complainant, Respondent, and the Association, may advise the EOB, assist with an investigation, and if necessary, complete the investigation.

10.0 Confidentiality

All members of the EOB and EAB agree to maintain confidentiality concerning any disciplinary matters and to take reasonable precaution to protect all electronic and other documents and communications. A breach in confidentiality pertaining to matters before the EOB could result in removal from the Board. Any specific inquiries of actions and decisions of the EOB will be referred to the ED for further comment.

11.0 Document Disposition

All documents and files must be stored and managed through NACVA's secured Citrix ShareFile. All members of the EOB and EAB agree to maintain confidentiality concerning any investigative and/or disciplinary matters, and to take reasonable precaution to protect all electronic and other documents and communications through the NACVA secured Citrix ShareFile. EOB members are not to save or share documents outside the NACVA Citrix ShareFile. Any specific inquiries of actions and decisions of the EOB will be referred to the ED for further comment.

Once a Complaint (Case) file has been closed, all EOB members (other than the Chair) are to destroy (shred paper or delete electronic files) all documents provided to them relating to the Complaint. The Chair's complete copy of paper copy files (if applicable) shall be forwarded in a sealed envelope, annotated with only the Case number, to the ED or NACVA HQ designated liaison to the EOB. The envelope containing the file is not to be opened by NACVA staff. The unopened Complaint files will be maintained at HQ in a secure and restricted location, in accordance with NACVA's Record Retention Policy.

APPENDICIES SAMPLE LETTERS

- 1.6—Acknowledgement of Complaint
- 2.2.1—Request for Additional Information from Complainant
 - 2.2.1.1—Advising Complainant that the Complaint has been Dismissed
- 2.3—Notice to Complainant of Investigation
 - 2.3.2—Opening Letter to Respondent
 - 2.3.3-B—Requesting Firm Owner/Manager Partner to Assume Responsibility for Preserving and Retaining Relevant Documentation
- 3.3.1—Granting of Deferral Due to Litigation
- 3.4—Letter to Respondent Requesting Additional Information
 - 3.5.1.3—Offering Respondent an Interview
- 3.7.3—Letter to Respondent of Concern
- 4.1.1—Letter of Non-Cooperation
- 5.1.1—Letter to Respondent of No Violation
- 5.1.2—Letter to Complainant of No Violation
- 5.4—Follow-Up of Deferral Due to Litigation
- 5.5-A—Letter to Respondent of Admonition
- 5.5-B—Letter to Respondent of Remediation
- 5.5-C—Letter to Respondent of Suspension
- 5.5-D—Letter to Respondent of Expulsion/Revocation
- 6.2-A—Closing Investigation Letter After RCA Requirements have been Fulfilled
- 6.2-B—Letter Advising Complainant the Investigation has been Completed
- 7.0—Standard Form for EOB Minutes on a Finding