



Certification Program Appeals Process

The following procedures govern the appeal of any action, or inaction, taken in accordance with the North American Energy Standards Board's Certification Program.

A. Must Have a Material Interest. A participant in the Certification Program is deemed to have a direct and materially affected interest in the substantive or procedural action or inaction of NAESB and has a right to appeal any decision according to these procedures. A third-party, regardless of membership in NAESB, may not initiate or intervene in an appeal.

B. Appeals Process.

A participant in the Certification Program may appeal (the "Appellant") in writing to the NAESB Managing Committee, sitting as an Appeals Board, for review of an adverse decision or for a hearing on any other complaint pertaining to a final action of the Certification Program.

Appeals must be filed in writing within thirty (30) days of the action being appealed. The appeal must specify the grounds on which the appeal is made. The appeal should be directed to the NAESB Executive Director. The burden of evidence and persuasion rests with the Appellant.

The Managing Committee consists of duly elected members of the Board of Directors as set forth in Sections 7.8(a), 8.6 and 8.7 of the NAESB Bylaws. If the Appellant shows good cause why a member of the Managing Committee is unacceptable, an alternate member from that quadrant's Board of Directors will be selected by the remaining committee members.

A decision to grant an appeal shall be made by a majority vote of the Managing Committee members sitting as an Appeals Board. The Managing Committee members sitting as an Appeals Board will convene either by telephone conference or face-to-face, at the Appeals Board's discretion, within twenty (20) days of the date on which the Appellant's request for an appeal is received by the Executive Director. The Appellant may have one or more representatives present on the call or at the meeting to make an oral and/or written presentation and to respond to questions. The Appellant may be represented by counsel; however, the proceeding is to be conducted on an informal basis. The issues addressed by the Managing Committee are limited to those included in the appeal made by the Appellant.

The decision of the Managing Committee Members sitting as an Appeals Board shall be final in the matter under consideration. In the event that the adverse decision being appealed is reversed, in-part or in-whole, by the Managing Committee, the case will be remanded to the Executive Director for disposition in a manner consistent with the findings of the Managing Committee.

C. Records. The record of the appeal, Certification Program, and the Managing Committee sitting as an Appeals Board and its members, shall not be kept confidential unless specifically requested in writing by a participant, and then only to the extent necessary to maintain information or data identified as confidential or proprietary.