

SECTION XIX – DISCIPLINARY ACTION AND ENFORCEMENT

Individuals must sign a Professional Code of Conduct statement before the Certification Board will issue a new certificate or renew an existing certificate. Individuals refusing to sign the Professional Code of Conduct shall not be issued a certificate. A Professional Code of Conduct is a necessary part of the certification process to ensure the public that certificants are recognized for a standard of excellence in the competent and ethical execution of their profession. In the event that a certificant violates one or more principles of the Professional Code of Conduct, the Certification Board may recommend and/or impose sanctions on the certificant up to, and including, revocation of their certification. Actions for which a certificant may face sanctions include, but are not limited to, the following:

- Obtaining, or attempting to obtain, certification by misrepresentation, fraud, or deceit
- Misleading or lying to a government official or the Certification Board
- Gross negligence, misconduct, or incompetence in the execution of their duties
- Knowingly preparing false or fraudulent records or reports
- Misrepresentation, fraud, or deceit in record keeping
- Participating in sample tampering or selective sampling
- Acts of misconduct that endanger public safety, health, or welfare
- Acts of sabotage
- Failure to use reasonable care or judgment in the performance of duties
- Failure to comply with the disciplinary process
- Being disciplined by another certification jurisdiction
- Civil or criminal conviction the Certification Board determines undermines the certification.

The Certification Board serves in an advisory role in the disciplinary process for the Regulatory Certification Program but has sole authority for the disciplinary process for the Non-Regulatory Certification Programs in cooperation with the Board of Directors.

If a person believes that a certificant has violated the Professional Code of Conduct, they may submit a written complaint with the Certification Board. The complaint shall identify the facts of the alleged misconduct and provide any supporting documentation or witnesses to be considered as part of the disciplinary review. The Certification Board will notify NDEP and the Board of Directors

of disciplinary complaints. A disciplinary review consists of at least one (1) hearing and a formal recommendation.

If a formal complaint is received against a certificant in the Regulatory Certification Program, the Certification Board shall notify NDEP and Board of Directors of the complaint. The Certification Board will cooperate with NDEP with regard to hearing(s) or other actions deemed appropriate by NDEP and, as directed by NDEP, provide a formal recommendation to NDEP at the conclusion of the review process. NDEP will review the Certification Board's recommendation(s) and make the final disciplinary determination. NDEP will administer any disciplinary action it deems appropriate.

If a formal complaint is received against a certificant in the Non-Regulatory Certification Program, the Certification Board shall notify the Board of Directors, conduct the hearing(s) and make a formal recommendation at the conclusion of the review process. The Certification Board will administer any disciplinary action for the Non-Regulatory Certification Program in cooperation with the Board of Directors. In the event that the recommendation is for revocation of a certification or refusal to renew a certification, the decision must be made by a unanimous vote of the quorum. The quorum is defined as four (4) of the seven (7) Certification Board members.