



Procedures for Enforcement of the Certified Manager of Community Associations® Standards of Professional Conduct

Updated June 2019

I. Introduction

A. The Community Association Managers International Certification Board (CAMICB) was established as a certification body for the evaluation of individuals who wish to enter or advance in the community association management profession through the certification process. The Board of Commissioners (referred to as “the Board”) was established as the governing body of CAMICB. CAMICB administers the Certified Manager of Community Associations (CMCA®) certification program.

B. Those certified by CAMICB (referred to as “Certificants”) have successfully completed the required certification process, which includes meeting certain educational requirements and passing a certification test verifying professional knowledge. Successful candidates granted certification by CAMICB may hold themselves forth to the public as such. Certificants subscribe to Standards of Professional Conduct (referred to as the “Standards”) established by the Board.

C. To maintain and enhance the credibility of the CMCA certification program, the Board has adopted these Procedures for Enforcement of the CMCA Standards of Professional Conduct (referred to as the “Procedures”) to allow consumers and others to bring complaints concerning Certificants to the Board. In the event of a violation of the Standards, or of the certification process, the Board may impose sanctions against the Certificant. The grounds for sanctions under these Procedures are as follows:

1. Conviction of a crime of moral turpitude under any law in a manner related to the practice of, or qualifications for, professional activity;
2. Gross negligence or willful misconduct in the performance of professional services, or violation of fiduciary duty based on demonstrable violations of the CAMICB Standards of Professional Conduct;
3. Fraud or misrepresentation in the application for or the maintenance of any professional membership, professional accreditation, or other professional recognition or credential; or
4. Loss of a license required to practice community association management.

D. The Board will make reasonable efforts to ensure that information concerning the availability of the complaint process is available to the public.

E. These Procedures apply to all complaints or inquiries received about a Certificant. Actions taken under these Procedures do not constitute enforcement of the law, although referral to appropriate organization or government agencies may be made about a Certificant's conduct in appropriate situations. Individuals bringing complaints are not entitled to any relief or damages by virtue of this process. In addition, commercial disputes among private parties are not appropriate matters for review under these Procedures; only a possible violation of the Standards is proper subject matter for review under these Procedures.

F. The Board reserves the right to waive or vary these Procedures in any situation where a governmental entity recognizing the certification has additional or conflicting requirements for enforcement.

G. The Board reserves the right to self-initiate complaints.

H. If a complaint is received that is similar to a complaint already under consideration regarding the same individual by an administrative body, law enforcement authorities, or a court of law, the Board will generally not process the complaint until a final determination has been issued.

II. Leadership

A. Board of Commissioners and the Professional Conduct and Enforcement Committee

1. The Board is responsible for the development and administration of the certification program and for implementation of these Procedures. The Board is composed of nine individuals nominated in accordance with the CAMICB By-Laws.

2. The Board elects one of its members to serve as Chair (Chair of the Board) as prescribed in the By-Laws. The Chair of the Board presides at all Board meetings and is responsible for ensuring that these Procedures are implemented and followed.

3. The Chair of the Board appoints members of the Professional Conduct and Enforcement Committee, subject to approval by the Board.

4. The Professional Conduct and Enforcement Committee consists of at least three members of the Board, including a Chair and Vice Chair (known as Chairpersons) as appointed by the Chair of the Board. Committee members are appointed to serve two-year terms.

5. The Committee is responsible for monitoring the Standards and Procedures and making recommendations to the Board as appropriate.

B. Organization of Complaint Committee

1. The Complaint Committee consists of at least seven members appointed by, and including, the Chair and Vice Chair of the Professional Conduct and Enforcement Committee, subject to approval by the Board. Members shall serve for two-year terms. Members may be re-appointed to successive terms without limitation. Manager

members must be CMCA certificants. Non-manager members will have community association operational experience and represent approximately one-third of the composition of the Complaint Committee. In the event a member resigns or is unable to serve, the then current Chairpersons shall appoint a replacement member for the balance of the unexpired term.

2. The Chairpersons will rotate investigative and Hearing Panel assignments among the Committee members.

C. All Board members, Committee members, CAMICB staff, and other individuals engaged in investigations or decisions with respect to any complaints under these Procedures shall be indemnified and defended by CAMICB against liability arising from related CAMICB activities to the extent provided by law.

III. Complaints

A. A complaint must be in writing and signed by the individual(s) bringing the complaint (Complainant). The complaint must indicate specifically what aspects of the Standards are in question. In addition, the complaint must include the following:

1. A completed CMCA Standards of Professional Conduct complaint form.
2. A narrative summary of the circumstances and events leading to the alleged violation, an explanation of the evidence, and reference to the Standard(s) alleged to have been violated.

If the Complainant's association is the Certificant's client, the summary shall include a personal attestation by the Complainant stating the issue has been brought before the association board members and an attempt to resolve the conflict was made prior to filing the complaint.

3. Evidence (which may include written documentation, corroborating statements by other persons, or specific information as to persons who may be contacted to provide such corroboration) supporting the allegation(s).

Corroborating statements by additional Complainant(s) against the Certificant should be included as evidence in a single complaint. If multiple complaints are filed by Complainants corroborating against a Certificant, the Executive Director or its designee may combine the complaints and investigate as a single complaint.

B. The Executive Director of CAMICB (referred to as "Executive Director") or a CAMICB staff member designated by the Executive Director will review the complaint letter. If the complaint is not in compliance with the Procedures as outlined under this section, the Executive Director or its designee may return the complaint with instructions on compliance.

C. All complaints conforming to the filing requirements shall be forwarded by the Executive Director or its designee to the Chairpersons within 30 days from receipt.

If the complaint originates in the market area of a Chairperson or a Chairperson has a personal or professional relationship with any of the parties named in the complaint, the Executive Director shall forward the complaint only to the suitable Chairperson.

Should both Chairpersons be unsuitable, the complaint will then be forwarded to another Review Panel member, selected on a basis of seniority, until a member does not have a conflict. That member shall perform the functions of Chairperson for that complaint.

D. Upon 30 days from receipt of the completed complaint, the Chairpersons shall review and make an initial determination whether the complaint, on its face, raises an actual question of violation under the Standards.

1. If a submission is deemed by the Chairpersons to be a valid complaint and there is a legitimate question of a Standards violation in the complaint, the Chairpersons shall delegate to the Review Panel the authority to make such inquiries and preliminary investigations as to the matters covered by or related to the complaint as they deem appropriate (referred to as the "Inquiry").

2. If a submission is deemed by the Chairpersons, on its face, to not state a claim that is actionable under the Standards, or otherwise contains unreliable or insufficient information, or is patently frivolous or inconsequential, the Chairpersons may dismiss such complaint, with written notice to the Complainant from the Executive Director.

3. If a submission is deemed by the Chairpersons to allege violations only of law, then any investigation of the complaint may be stayed until a court of competent jurisdiction determines whether a violation has occurred. In this circumstance, the Executive Director will inform the Complainant and Certificant in writing of the stay of action and that the investigation may resume once a court decision is released.

E. For each matter the Chairpersons determine requires an Inquiry, the Executive Director or its designee shall see that written notice is provided to the Certificant whose conduct has been called into question. The notice shall provide the identity of the Complainant, the nature of the complaint specifying the provisions of the Standards that are alleged to have been violated (with a copy of the complaint and these Procedures and the Standards), the potential sanctions, and stating that the Certificant shall have the opportunity to respond in writing to the Chairpersons regarding the complaint within 30 days of receipt of the notice. Failure by the Certificant to respond within this period may constitute failure to cooperate with the investigation under Section IX of these Procedures. The Certificant may request a reasonable extension to respond to the complaint within 15 days of receipt of the notice. The request must include an explanation for the extension and the Chairpersons will determine whether to grant the request. The Executive Director shall ensure that the Complainant receives notice that the complaint is being reviewed.

F. For each matter the Chairpersons determine requires an Inquiry, the Executive Director or its designee shall see that written notice is provided to the Complainant. The Complainant shall be notified of the status of the investigation under these procedures and that the Certificant has received a copy of the complaint with the identity of the Complainant.

G. All complaints must be kept confidential by the Complainant. CAMICB will maintain confidentiality as outlined in these procedures.

IV. Investigation (“Inquiry”) by a Review Panel

If the complaint has been deemed by either of the Chairpersons to be a valid complaint, then the steps detailed below will be followed by the Complaint Committee. The Chairpersons shall appoint no less than three members of the Complaint Committee to a Review Panel, including a person to chair the Panel.

A. A Review Panel shall have the task of conducting an Inquiry as to the merits of the complaint and making a recommendation to the Chairpersons or Hearing Panel as to whether a violation of the Standards has occurred and any recommended sanction. The Chairpersons may be consulted but shall not actively participate in the Inquiry conducted by the Review Panel.

B. The Review Panel must use its best judgement regarding the degree of investigation required. The Panel shall review the response of the Certificant and may seek further information or interview the Certificant. The Inquiry may also include such actions as:

1. Telephone conversations with the Complainant, the Certificant who is the subject of the investigation, his or her employer, or others that may be contacted for additional information with respect to the complaint;
2. Requests for written or published materials; and
3. Visits to the location(s) involved.

C. The Review Panel may appoint one or more members or CAMICB staff as an investigating member who is authorized to investigate the specific facts and circumstances to whatever extent is necessary to clarify, expand, corroborate, or dispute the information provided by the Complainant or Certificant.

D. Complainants or Certificants are required to fulfill requests for additional materials within 14 days of request.

E. The Review Panel must prepare a written objective summary of the charges and facts, findings, and a recommendation within 60 days of receipt of completed complaint. The recommendation must be one of the following:

1. No hearing is required. The complaint will be dismissed.
2. No hearing is required, but a Letter of Warning, as defined below, should be sent.
3. The matter should be suspended pending the outcome of an active criminal or civil investigation.
4. A hearing is needed, and the recommendations of the Review Panel shall be considered by the Hearing Panel.

If additional time is needed for the investigation, a written request for an extension of time with justification for the extension must be provided to the Chairpersons at least 7 days prior to the recommendation deadline.

F. Within 14 days after receipt of such report, the Chairpersons shall ensure that written notice is given to the Certificant and Complainant stating the recommendation of the Review Panel and indicating that:

1. The complaint is dismissed;
2. A Letter of Warning is recommended but the complaint is closed; or
3. There will be a hearing on the complaint. The date and time of the hearing that will be conducted by telephone or video conference must be specified. The notice will include a copy of the Inquiry report and the Procedures and will advise the Certificant and Complainant that they have the opportunity to provide additional written information to be considered by the Hearing Panel in response to the report by the Review Panel.

A Letter of Warning indicates that there was or there is the potential for impropriety which does or could border on a violation of the Standards. It shall be kept confidential but be placed on the Certificant's file with appropriate preservation. The Letter of Warning may include a corrective action plan for the Certificant, and possible consequences should the Certificant fail to resolve the issue or follow the corrective action plan.

V. Hearing process

A. If the recommendation is for consideration of sanction, the Certificant and Complainant shall receive a copy of the Inquiry report. The Executive Director or its designee will arrange the hearing. The Executive Director or its designee will send a copy of that report and the complaint with an indication that either a telephonic or video conference hearing will be held. The Certificant has 30 days to respond in writing to the complaint and report. The Complainant has 30 days to provide any updates or additional information to the complaint.

B. The Complaint Committee Chairpersons shall appoint a minimum of two additional members from the Complaint Committee to serve on a hearing panel (Hearing Panel). Those members should have no perceived conflict of interest with the Certificant or Complainant. The Committee Chairpersons will be the Hearing Panel Chairs.

C. Each member of the Hearing Panel, the Certificant, and the Complainant shall receive a copy of the complaint, the report of the Review Panel, and the response(s) from the Certificant and Complainant.

D. The Certificant may waive the hearing, relying on written submissions, a paper hearing, to the Hearing Panel. If the Certificant waives the opportunity to be heard, the hearing will be conducted without the Certificant.

E. The rules of evidence and other legal requirements of trials or similar proceedings are not applicable. It is not expected that legal counsel will represent the Certificant during the hearing but may be granted permission to be in attendance to assist the Certificant in presenting the response.

The agenda for the Hearing shall be established by the Chairpersons in accordance with the following outline:

1. Report of the Review Panel, which may be presented by the Chair or another member of the Review Panel.
2. Questions from the Hearing Panel.
3. Response of the Certificant.
4. Questions from the Hearing Panel.
5. Comments from the Complainant.
6. Questions from the Hearing Panel.
7. Deliberations.

Hearing Panel members can question or seek additional clarification during each of these steps, in the presence of the Certificant. Deliberations made by the Hearing Panel will be conducted in the absence of the Complainant, the Certificant, and the Investigating Member.

VI. Determination of Violation

A. Immediately following the hearing, the Hearing Panel shall convene in executive session to reach a decision by majority vote. The Hearing Panel's decision will center on whether there has been a violation of the Standards or other substantive requirements of the certification process. The CAMICB Executive Director, staff member, or CAMICB legal counsel may attend the executive session in a non-voting capacity.

B. The Hearing Panel shall reach one of these two decisions:

1. Dismiss the complaint, in which event, there is no further action by CAMICB but the process to close the complaint; or
2. Determine the Certificant has committed a violation of one or more of the Standards and is subject to sanctions as determined by the Hearing Panel in its discretion.

C. The Hearing Panel shall issue a written report of its determination, which shall include the findings and determination of the Panel with respect to particular Standards considered to be violated and the sanctions imposed, if any, and the basis for the recommendation. The report will be sent to the Certificant within 15 days of determination. The report will be sent to the

Complainant once the period to file an appeal lapses should the Certificant not request an appeal or following final determination by the Appeals Panel.

VII. Sanctions

A. Any of the following sanctions, or others as deemed appropriate, may be imposed by the Hearing Panel upon a Certificant. The sanction applied must reasonably relate to the nature and severity of the violation, focusing on reformation of the conduct of the Certificant and deterrence of similar conduct by others:

1. Public or private censure;
2. Suspension of the Certificant's certification for a designated period; or
3. Revocation of the Certificant's certification. Revocation is permanent.

The Hearing Panel reserves the right to impose a combination of sanctions and to consult with CAMICB legal counsel when determining the sanction. If the certification is revoked, a summary of the determination and the sanction with the Certificant's name will be published by the Board on the CAMICB website.

B. No individual that has had their certification suspended or revoked or has resigned, regardless of cause, may use the certification in any fashion during the term of the suspension or revocation. CAMICB is committed to taking whatever action is required, including legal action, should this provision be violated.

C. Individuals who have had their certification suspended must apply for reinstatement prior to using the certification mark. Individuals may not reapply for certification for the period of time set by the Hearing Panel. The Hearing Panel reserves the right to impose certain conditions or requirements to be met before reinstatement.

D. Notice of any sanction will be placed in the Certificant's file.

VIII. Appeals

A. Within 15 days from receipt of notice of a determination by the Hearing Panel that a certificant has violated the Standards of Professional Conduct, the Certificant may submit a written request for an appeal to the Chair. No formal hearing is necessary, nor personal appearance required. Upon receipt of a request for appeal, the Chair shall appoint a special Appeals Panel consisting of no less than three individuals, with one member of the Appeal Panel appointed as Chair, serving on the Board who were not members of the complaint's Hearing Panel. No one with any personal involvement or conflict of interest may participate in the appeals process.

B. If suspension or revocation is recommended and until the appeal has been conducted, the Certificant may not use the CMCA certification mark or make any reference to being certified. However, no revocation, suspension, or publication begins until the appeal is completed.

C. The Appeals Panel may only review whether the determination made by the Hearing Panel of a violation of the Standards was inappropriate because of:

1. material errors of fact, or
2. failure of the Hearing Panel to conform to published criteria, policies, or procedures. The timeframes listed in these procedures are intended only for objective guidance. Failure by the Hearing Panel to meet the timeframes does not constitute a failure to conform to published criteria, policies, or procedures.

Only facts and conditions up to and including the time of the determination of the Hearing Panel as represented by facts known to the Hearing Panel are considered during appeal. The Certificant must provide a written statement and evidence supporting the request for appeal.

D. The Appeals Panel shall conduct and complete the appeal within 60 days after receipt of the request for appeal. The Certificant may request to present the Certificant's case to the Appeals Panel by telephone or video conference, with approval of such request at the discretion of the Chair of the Appeal Panel. Legal counsel for the Certificant is not expected to participate in the appeal process, unless requested by the Certificant and approved by the Chair of the Appeal Panel. The Executive Director or its designee and the Appeal Panel may consult with legal counsel at any time.

E. The Appeals Panel's determination and imposition of a sanction, if any, shall be promulgated by written notice to the Certificant, the Certificant's employer (if applicable), and the Complainant within 15 days of determination. The Appeals Panel's decision shall either affirm or overrule the determination made by the Hearing Panel but shall not address a sanction imposed by the Hearing Panel if the decision is upheld. The decision of the Appeals Panel is final.

IX. Special Situations

A. Resignation or Surrender of Certification

If a Certificant who is the subject of a complaint voluntarily surrenders his or her certification at any time during the pendency of a complaint under these Procedures, the complaint is dismissed without any further action by the Review Panel or the Board. The entire record is sealed, and the individual may not reapply for certification by CAMICB. However, the Board may authorize the Chair of the Board to communicate the fact and date of resignation, and the fact and general nature of the complaint that was pending at the time of resignation, to or at the request of a government entity engaged in the administration of law. Similarly, in the event of such resignation, the Certificant's employer and the Complainant(s) shall be notified of the fact and date of resignation and that the Board has dismissed the complaint as a result.

B. Failure to Properly Recertify

If a Certificant who is the subject of a complaint permits the certification to expire during the pendency of the complaint investigation and hearing process, the complaint will be dismissed without further action by the Review Panel or the Board. If, however, the Certificant reapplies for certification, then the investigation shall be reopened, and the process continued.

C. Failure to Cooperate

If a Certificant fails to cooperate by not providing or withholding requested documents, destroying documents or refusing to answer questions or cooperate with the investigation by the time the complaint reaches Hearing, the Chairpersons, after consultation with CAMICB's legal counsel and Executive Director, may recommend suspending the certification immediately until such time as the requested information is provided or a final decision is reached. Should the Certificant's actions of withholding information or documents impede or obstruct the investigative process, thereby prohibiting the appropriate investigative body from accomplishing its task, CAMICB shall have the right and privilege to revoke the certification in accordance with Section VII.

D. Regulatory Body Revocation

If any regulatory body requiring a certificate, license, permit or other type of credential to act as a community association manager or management company revokes such credential for cause, then the Certificant's certification shall also be revoked by CAMICB automatically, subject to written communication to such Certificant requesting a showing of good cause why such revocation should not occur.

Based on information provided by the regulatory agency, as well as information submitted by the Certificant, the Chairpersons shall have the discretion to decide if the Certificant's certification shall be revoked or whether the matter should be reviewed in accordance with these Procedures.

E. Conviction of a Felony or Equivalent Crime

If a Certificant is convicted of a felony or equivalent crime or enters a "no contest" or "guilty" plea regarding any felony or equivalent crime, the certification shall be revoked immediately by the CAMICB Executive Director in consultation with the Chairpersons of the Committee. The revocation shall be subject to written communication to such Certificant requesting a showing of good cause why such revocation should not occur.

Notwithstanding such revocation, the Executive Director and the Committee Chairpersons shall have the discretion to decide if the revocation should be reviewed in accordance with these Procedures. Notice of such action shall be provided to the Certificant and the Committee.

F. Consideration of Alleged Crimes or Civil Offenses

The entirety of this section addresses alleged Standards violations concurrently being pursued by an organization, regulatory body or as an alleged crime or civil offense in a court of law. Under such circumstances, the Chairpersons or the Review Panel may determine to postpone the investigation on the matter until it is adjudicated. If the alleged crime is egregious, such as theft or embezzlement of association funds, the Chairpersons in consultation with the CAMICB Executive Director and legal counsel may suspend the accused's certification pending adjudication, subject to advanced written communication to the Certificant requesting a showing of good cause as to why the suspension should not occur. The Certificant will have 30 days from receipt of notice to provide a written justification. The Chairpersons in consultation with the Executive Director and CAMICB legal counsel shall make a final determination.

For a complaint postponed by the Chairpersons or Review Panel due to an active investigation, the Certificant, who will have been notified that a complaint has been filed against them, must report back to CAMICB that the matter has been adjudicated. The Certificant must report within 30 days following adjudication. Once notified of the adjudication, the Committee will consider the action taken by the court or organization as the factual finding of criminal misconduct or clearing of such allegation.

X. Recertification and Reinstatement

The Board is responsible for review of the recertification and reinstatement process, under requirements for recertification and reinstatement promulgated by the Board. The Chair of the Board may appoint a Board sub-committee from members of the Board, which shall review all matters concerning recertification. The Committee will recommend appropriate actions in all situations, for final approval by the Board. An individual who is denied recertification or reinstatement may appeal the decision to the Board but has no right of formal appeal under the appeals procedures above.

XI. Confidentiality

A. All investigations and deliberations under these Procedures are conducted in confidence, with all written or electronic communications marked "Personal and Confidential," and they are conducted objectively, without any indication of prejudgment. The rules of evidence and other legal requirements of trials or similar proceedings are not applicable.

B. Only the following persons should be advised of a Complaint, Inquiry, Hearing or Appeal:

1. The Chairpersons and members of the Committee;
2. The Review Panel;
3. The Hearing Panel;
4. The Appeals Panel;
5. The Certificant and the Certificant's legal counsel;
6. The Complainant;
7. Others who may have to be contacted as part of the investigation; and
8. The Executive Director, CAMICB's Legal Counsel and such staff members as are determined by the Executive Director to be essential to carry out the purposes of these Procedures.

C. The Complainant's identity shall remain confidential until such time that the complaint is determined to require an Inquiry.

D. All persons involved in the conduct of an Inquiry also shall exercise their best efforts not to reveal the identity of the Complainant except as otherwise provided under these Procedures, unless it is determined by the Chairpersons as important to the review of any complaint or Inquiry, and to maintain integrity, impartiality and confidentiality of the process.

XII. Correspondence

- A. The Board establishes e-mail and physical mail as official correspondence in matters relating to alleged violations of the Standards. The Executive Director or staff designee may notify or update a certificant or complainant by either method.
- B. The Executive Director or designated staff will track delivery of correspondence to ensure the Certificant has the opportunity to respond. Correspondence will be sent to the last known address(es) or the address(es) listed on the complaint. Certificants are fully responsible for providing notice of any changes to their information to CAMICB. CAMICB assumes receipt of delivery by the Certificant 5 days after a notice is sent.
- C. Except as outlined in this document, the Executive Director or staff may not advise as to whether an allegation rises to the level of a violation of the Standards. However, the Executive Director or staff may respond to specific questions regarding timeline, status of notification, or similar non-substantive inquiries.
- D. The timeframes listed in these procedures pertaining to the Standards Committee and CAMICB staff are intended only for objective guidance. Failure by the Standards Committee or staff to meet the timeframes does not constitute a failure to conform to published criteria, policies, or procedures.