



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

October 2024

### **I. Introduction**

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

B. Individuals certified by CAMICB (“Certificants”) have completed the required certification process, which includes meeting specific educational requirements and passing a certification test verifying professional knowledge. Successful candidates granted certification by CAMICB may hold themselves forth to the public as a CMCA. Every Certificant is subject to the Standards of Professional Conduct (“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 (“Procedures”) to allow consumers and others to bring complaints to the Board concerning Certificants and any professional conduct that is governed by the Standards. If there is a violation of the Standards or the certification process, the Board may impose sanctions against the Certificant. A violation of the Standards may include, but is not limited to, the following:

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. Negligence, willful misconduct, or violation of fiduciary duty in the performance of professional services;
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's professional conduct under the Standards. Actions taken under these Procedures do not constitute enforcement of the law. However, referral to the appropriate organization or government agencies may be made about a Certificant's professional conduct in proper situations. Individuals bringing complaints are not entitled to any relief or damages under this process. In addition, personal or commercial disputes are not appropriate for review under these Procedures; only a possible violation of the Standards is the proper subject matter for consideration.

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 like a complaint already under consideration regarding the same individual by an administrative body, law enforcement authorities, or a court of law, the Board may defer this process until a final determination has been issued by the administrative body, law enforcement agency, or court of law.

## **II. Leadership**

### **A. Structure of the Board of Commissioners**

1. The Board is responsible for developing and administering the certification program and implementing these Procedures. The Board is composed of nine individuals nominated following the CAMICB By-Laws.
2. The Board elects one of its Commissioners 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 ensures that these Procedures are implemented and followed.
3. The Chair of the Board appoints volunteers for the Professional Conduct and Enforcement Committee ("Committee"), including the Chair and Vice-Chair or Co-chairs ("Chairpersons") of the Committee, subject to approval by the Board.

### **B. Structure of the Professional Conduct and Enforcement Committee**

4. The Committee is responsible for monitoring the Standards and Procedures and making recommendations to the Board as appropriate.
5. The Committee comprises at least seven appointed volunteers, including the Chairpersons. The volunteers shall serve two years and may be re-appointed to successive terms without limitation. Approximately two-thirds of the Committee shall consist of CMCA certificants. Non-CMCA certificant volunteers are to have community association operational experience and represent about one-third of the composition of

the Committee. If a volunteer resigns or cannot serve, the Chairpersons shall appoint a replacement for the balance of the unexpired term.

C. All commissioners, volunteers, CAMICB staff, and other individuals engaged in investigations or decisions concerning 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 Standard(s) that have allegedly been violated. 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, including an explanation of the evidence and identification of the Standard(s) alleged to have been violated.
3. Supporting evidence for the allegation(s). The evidence should clearly demonstrate how the manager has violated the CMCA Standards of Professional Conduct. Acceptable forms of documentation include, but are not limited to:
  - a. Written documentation such as contracts, correspondence, meeting minutes, or records directly linked to the alleged violation.
  - b. Relevant reports or formal investigations that offer factual support.
  - c. Official records (e.g., emails, invoices, agreements) that objectively show the manager's specific actions contributing to the alleged misconduct.

Personal statements, complaints, or expressions of dissatisfaction that fail to demonstrate clear, objective actions attributable to the manager will not be regarded as sufficient evidence. For instance, email chains that merely express complaints without providing concrete proof of the manager's violation of professional standards or unprofessional behavior will be deemed inadequate.

Only documentation that objectively and directly illustrates the manager's conduct and substantiates the allegations will be considered valid evidence during the review process.

Corroborating statements by additional Complainants against the Certificant should be included in a single complaint. If multiple complaints are filed by Complainants corroborating against a Certificant, the Executive Director of CAMICB ("Executive Director") or a CAMICB staff member designated by the Executive Director ("designee") may combine the complaints and investigate them as a single complaint.

B. The Executive Director or designee will preliminarily review the complaint for compliance with the requirements in the previous subsection. If the complaint does not comply with the requirements, the Executive Director or designee shall return the complaint with instructions on compliance. Any complaint that does not meet the requirements will not proceed until such requirements have been met.

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

The Executive Director shall forward the complaint to a Review Panel if the complaint originates in the market area of a Chairperson or if a Chairperson has a personal or professional relationship with any of the parties named in the complaint.

D. Within 30 days from receipt of the completed complaint, the Chairpersons (or Review Panel) shall review and make an initial determination whether the complaint, on its face, alleges any professional misconduct that may be a violation under the Standards.

1. If a complaint is deemed to allege professional misconduct that may potentially constitute a Standards violation, the Chairpersons shall delegate to the Review Panel (or the Review Panel shall have) the authority to make such inquiries and investigations as to the matters covered by or related to the complaint as they deem appropriate (“Inquiry”).

2. If a complaint is deemed not to allege professional misconduct that may potentially constitute a Standards violation, or is deemed to be patently frivolous or inconsequential, the Chairpersons (or Review Panel) may recommend that CAMICB dismiss the complaint, with written notice to the Complainant.

3. If a complaint contains allegations of violations of law, the Chairpersons (or Review Panel) may recommend that any investigation of the complaint is stayed until any applicable legal proceedings have occurred. In this circumstance, the Executive Director or designee will inform the Complainant and Certificant in writing of the stay of action.

E. When a complaint is deemed to allege professional misconduct that may potentially constitute a Standards violation, the Executive Director or designee shall see that written notice is provided to the Certificant that is the subject of the complaint. The message 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), and 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 result in a sanction. 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, in their sole discretion. The Executive Director shall ensure that the Complainant receives notice that the complaint is being reviewed.

G. All complaints must be kept confidential by the Complainant and Certificant that is the subject of the complaint. Any failure to do so could result in a violation of the Standards. CAMICB will maintain confidentiality as outlined in these procedures.

H. A Certificant may request a hearing (as described below) as part of Certificant's response to a complaint.

#### **IV. Investigation ("Inquiry") by a Review Panel**

The Chairpersons shall appoint no less than three volunteers of the Committee to a Review Panel, including a person to chair the Panel. Each Inquiry shall be conducted in the following manner:

A. A Review Panel shall have the task of conducting an investigation on the merits of the complaint and making a recommendation to the Committee 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 investigation conducted by the Review Panel.

B. The Review Panel may seek further information or interview the Certificant or Complainant. The investigation may also include such actions as:

1. Correspondence with the Complainant, the Certificant who is the subject of the investigation, their employer, or others that may be contacted for additional information concerning 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 volunteers or CAMICB staff as an investigator 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. A hearing is optional and may be requested by the Certificant as part of the Certificant's response to the Complaint. If a Certificant requests a hearing, the Executive Director or its designee will arrange the hearing and shall ensure the Certificant and Review Panel have a full copy of the materials obtained by CAMICB that are related to the hearing.

1. 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, at the Certificant's own expense, in presenting the response.

2. The agenda for the Hearing shall be established by the Chairpersons following the following outline:

- a. Report of the complaint, which may be presented by the Chair or another volunteer of the Review Panel.
- b. Response of the Certificant.
- c. Questions from the Hearing Panel.
- d. Deliberations.

Review Panel members can question or seek additional clarification during each of these steps in the presence of the Certificant. Deliberations by the Review Panel will be conducted without the Certificant and their legal counsel.

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

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 seven days before the recommendation deadline.

F. The Review Panel shall reach a determination by majority vote. The Review Panel's decision will confirm whether there has been a violation of the Standards or other substantive requirements of the certification process.

G. The Review 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 that the Certificant has violated one or more of the Standards and is subject to sanctions as determined by the Review Panel at its discretion.

## **V. Determination of Violation**

A. Immediately following the hearing, the Review Panel shall convene in executive session to reach a decision by majority vote. The Review 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 Review 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 that the Certificant has violated one or more of the Standards and is subject to sanctions as determined by the Hearing Panel at its discretion.

C. The Review Panel shall issue a written report of its determination, including the findings and decision concerning the Standards considered to be violated, the sanctions imposed (if any), and the basis for the recommendation. The report will be sent to the Certificant within 15 days of the determination.

## **VI. Sanctions**

A. Any of the following sanctions or others deemed appropriate may be imposed by the Review 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 behavior 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 Review 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 following 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 comply with all of the terms of the suspension during the designated suspension period or they may face additional sanctions at the end of the suspension period.

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

## **VII. Appeals**

A. Within 30 days from receipt of notice of a determination by the Review Panel that a certificant has violated the Standards, the Certificant may submit a written request for an appeal to the Chair. No formal hearing is necessary, nor is a 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. No one with any personal or prior involvement or conflict of interest may participate in the appeals process, including members of the complaint's Review Panel.

B. 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 the following:

1. material errors of fact, or

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

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 Executive Director, 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 shall be promulgated by written notice to the Certificant and the Complainant within 15 days of the determination. The Appeals Panel's decision shall either affirm or overrule the judgment made by the Review Panel. Should the Appeals Panel determine to confirm or overrule the Review Panel determination, the decision of the Appeals Panel is final.

## **VIII. Special Situations**

### **A. Resignation or Surrender of Certification**

If a Certificant surrenders their certification at any time during the pendency of a complaint under these Procedures, it will be treated as a revocation of certification. The complaint is dismissed without further action by the Review Panel or the Board, and the Certificant's record will be sealed. The Certificant will be permanently barred from reapplying for certification by CAMICB.

The Board may authorize the Chair of the Board to disclose the fact and date of the surrender, as well as the general nature of the complaint pending at the time of surrender, to or at the request of a government entity involved in the administration of law.

Additionally, the Complainant(s) shall be notified of the fact and date of surrender, and informed that the Board has dismissed the complaint due to the surrender of certification, which is treated as a permanent revocation.

### **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 process will be paused without further action by the Review Panel or the Board. If the Certificant reapplies for certification, the investigation shall be reopened, and the process will continue.

### **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, the Review Panel may proceed with the information available, or after consultation with the Chairpersons, CAMICB's legal counsel and Executive Director may recommend suspending the certification immediately until 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 under Section VII.

#### D. Regulatory Body Revocation

If any regulatory body requiring a certificate, license, permit, or another 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 notice to such Certificant requesting a showing of a good reason why such revocation should not occur.

#### 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 by the CAMICB Executive Director in consultation with the Chairpersons of the Committee. The revocation shall be subject to written notice to such Certificant requesting a showing of good cause why such revocation should not occur.

#### F. Consideration of Alleged Crimes or Civil Offenses

The entirety of this section addresses alleged Standards violations concurrently being pursued by an organization or regulatory body or as an alleged crime or civil offense in a court of law. Under such circumstances, the Committee may postpone the investigation until adjudication. If the alleged crime is egregious, such as theft or embezzlement of association funds, the Committee, 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. In consultation with the Executive Director and CAMICB legal counsel, the Committee 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.

### **IX. Recertification and Reinstatement**

The Board is responsible for reviewing the recertification and reinstatement process under the 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 denied recertification or reinstatement may appeal the decision to the Board but has no right of formal appeal under the appeals procedures above.

## **X. Confidentiality**

A. All investigations and deliberations under these Procedures are conducted confidentially, 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, Hearing, or Appeal:

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

C. The Complainant's identity shall remain confidential until the complaint is determined to require an investigation.

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

## **XI. 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 correspond with a certificant or complainant by either method.

B. The Executive Director or designated staff will track the delivery of correspondence to ensure the Certificant can 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 five days after a message is sent.

C. Except, as outlined in this document, the Executive Director or staff may not advise 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 the timeline, status of notification, or similar non-substantive inquiries.

D. The timeframes listed in these procedures are intended only for objective guidance. Failure to strictly adhere to the timeframes does not constitute a failure to conform to published criteria, policies, or procedures.