

BYLAWS OF GARDEN STATE CHAPTER NO. 15

OF THE

INTERNATIONAL RIGHT OF WAY ASSOCIATION

BYLAWS OF GARDEN STATE CHAPTER NO. 15

OF THE

INTERNATIONAL RIGHT OF WAY ASSOCIATION

ARTICLE I GENERAL

SECTION 1 The name of this Chapter is “GARDEN STATE CHAPTER No. 15, INTERNATIONAL RIGHT OF WAY ASSOCIATION.”

SECTION 2 This Chapter is a Chapter of the International Right of Way Association (hereinafter known as the “Association”), a corporation formed under the laws of the State of California. This Chapter and all its rights and powers are subject to all applicable laws, the Articles of Incorporation of the Association and the Bylaws, Rules and Regulations of the Association.

SECTION 3 This Association being non-political, non-partisan and non-sectarian, no member shall represent himself or herself as a spokesperson for the Association in respect to any religious or political activity without the specific approval of the International Executive Committee. In any presentation wherein a member is in any way identified as a member of the Association, said member shall specifically indicate that the opinions he or she expresses are his or her opinions as an individual and do not reflect policy positions of the Association or this Chapter.

SECTION 4 No member of this Association, nor any qualified applicant or member of the general public shall be denied any service, opportunity or right to which they would otherwise be entitled on the basis of their origin, age, gender, race, creed or for any other reason forbidden by law or regulation.

SECTION 5 The Chapter duties, powers and responsibilities as set forth in the International Right of Way Association’s Bylaws (hereinafter “International Bylaws”) as amended are hereby incorporated into the Chapter Bylaws by reference and shall supersede any inconsistent language in this document.

ARTICLE II MEMBERSHIP

SECTION 1 The International Right of Way Association provides various classes of membership as set forth in the International Bylaws of the Association as amended.

SECTION 1.A Active members, Senior Active members, Chapter Life members and Retired members of Chapter 15 who are qualified to hold that status under the rules of the Association and who are current in their dues are the only members of the Association eligible to vote and hold office within this Chapter:

SECTION 1.B For the remainder of these Bylaws, Active, Senior, Chapter Life and Retired members of Chapter 15 shall be known as “Voting members” for simplicity of use.

SECTION 2 QUALIFICATIONS All members or candidates for membership must meet the qualifications and requirements prescribed by the International Bylaws and the Association’s rules and regulations, as amended, which are incorporated herein by reference.

SECTION 2.A The Chapter Executive Board shall vote on all membership actions within Chapter 15’s jurisdiction in accordance with the International Bylaws.

SECTION 3 The Chapter Secretary will report all membership actions at the next regular meeting of the Chapter and notify International Headquarters of any changes in the membership.

ARTICLE III DUES

SECTION 1. DUES The International Association and the Chapter determine their separate dues.

SECTION 1.A CHAPTER DUES Are set by a 2/3 vote of the Chapter Executive Board.

SECTION 1.B MILITARY SERVICE Any member may apply to the Chapter Executive Board for an active military service duty dues deferment in accordance with the International Bylaws.

SECTION 1.C DUE DATE Members who are not current with their dues will be removed from the Membership Roll. Deleted members may request reinstatement if they meet Association requirements.

ARTICLE IV MEETINGS

SECTION 1 Regular Chapter meetings are normally held during the months of January, March, May, September, November and December. The President may reschedule or postpone a meeting except for the Annual meeting in November with the concurrence of the Chapter Executive Board.

SECTION 1.A The Chapter shall make a reasonable effort to locate meetings to serve the needs of the membership. Meeting fees will be kept as reasonable as possible. Non voting members and guests may attend any meeting provided that they pay the meeting fee.

SECTION 2 The Chapter annual meeting will be held during the regular November meeting at which time elections are held and reports received from all officers and committees.

SECTION 3 Special meetings may be called at any time by the President with the concurrence of a majority of the members of the Chapter Executive Board and shall be called upon written request of four members of the Chapter Executive Board or by ten Voting members of the Chapter.

SECTION 3.A Notice of all meetings shall be given to the members in writing by regular mail or by email or by telephone at least five days prior to such meeting.

SECTION 4 Quorum: Fifteen Voting members shall constitute a quorum for the Chapter at a meeting.

ARTICLE V OFFICERS AND DIRECTORS

SECTION 1 The officers shall consist of a President, Vice President, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer. There shall also be two International Directors of the Association. Officers and Directors must be current Voting members of the Chapter.

SECTION 2 Officers shall be elected by a majority of the Voting membership present at the November meeting in the year their terms expire. All terms run for two years beginning January 1 of the year following the election. In addition to the other officers listed, there shall be elected each year from the active membership of the Chapter at the November meeting a voting member to serve as a

member of the International Board of Directors of the International Right of Way Association. Said International Director shall be elected for a two year term so as to comply with International Bylaws providing for two directors from each Chapter.

SECTION 3 The vacant office of President shall be filled by the Vice President for the remainder of the term. For any other vacant office, a special election will be held at the next regular Chapter meeting to elect a Voting member to hold the vacant office for the unexpired remainder of the term.

SECTION 4 Removal from Office. Officers and Directors are automatically removed from office when

- They cease to be members in good standing of the chapter which elected them.
- They are suspended or expelled from membership in the Association.
- They are removed by a two-thirds vote of the voting members present at a meeting of the membership of the chapter, based on a recommendation by the chapter's executive board that they failed or refused to properly perform the duties of the office; provided that notice of "removal vote to be taken" has been sent by mail or electronic transmission to the voting members of the Chapter at least ten (10) days prior to the meeting at which the vote is taken.
- They are removed for any other reason authorized by the Articles of Incorporation or the Bylaws of this Association or by law.

SECTION 5 Officers will be sworn in by a current or former President of this Chapter or another chapter of this association at the next regular meeting of the Chapter following the election.

SECTION 6 No Officer may serve more than two full consecutive terms in the same office unless the Chapter Executive Board waives this term limit by a two thirds majority for that election and any subsequent election in which the candidate does not have a two year gap between service in that position. Partial service by virtue of filling a vacancy shall not constitute a full term. Term limit waivers by the Chapter Executive Board are not an endorsement of the candidate. Directors are not subject to this term limit requirement in accordance with the International Bylaws.

SECTION 7 Election results and changes in officers will be reported to the International Association as soon as practicable.

SECTION 8 — DUTIES OF OFFICERS

SECTION 8.A PRESIDENT — The President is the Chief Executive Officer of the Chapter and ex-officio member of all committees and shall, subject to the control of the Chapter Executive Board, have general supervision, direction and control of the business and affairs of the Chapter. The President presides at all meetings of the Chapter and of the Chapter Executive Board, and shall have the powers and duties usually vested in the office of President, and such other powers and duties as may be prescribed by the International Bylaws, the Chapter Bylaws or the Chapter Executive Board.

SECTION 8.C VICE-PRESIDENT The Vice-President shall perform such duties as are assigned by the President, and the Chapter Executive Board. The Vice President shall act as the President in the case of the absence or disability of the President.

SECTION 8.D SECRETARY The Secretary shall keep the minutes of all the meetings of the Chapter, and may perform such other duties as may be required by the Chapter Executive Board.

SECTION 8.E ASSISTANT SECRETARY The Assistant Secretary shall assist the Secretary and shall exercise any of the powers of the Secretary during the absence of the Secretary

SECTION 8.F TREASURER The Treasurer shall receive all Chapter funds and keep a proper record thereof, deposit them in a convenient, responsible bank, pay them out only by Chapter check or Debit Card after approval to do so by the Chapter Executive Board. Checks shall be signed by the Treasurer, or as otherwise provided or authorized by the Chapter Executive Board. The Treasurer shall perform such other duties as are annually performed by a Treasurer, or as may be required by the Chapter Executive Board.

SECTION 8.G ASSISTANT TREASURER - The Assistant Treasurer shall assist the Treasurer and shall exercise any of the powers of the Treasurer during the absence of the Treasurer.

SECTION 8.H DIRECTORS Each Director shall represent the Chapter at meetings of the International Directors. The Directors shall inform the Chapter Executive Board of all actions occurring at meetings of the International Board of Directors. In the event of the absence of a Director, the International Board of Directors may elect a Director from the Voting membership of the Chapter present at the International Board of Directors meeting who shall hold office for the unexpired term.

SECTION 9 OFFICIAL TRAVEL In the event that an Officer or Director cannot obtain financial support to attend a specifically required IRWA function from their employer, the Chapter Executive Board shall review the circumstances in each case for possible financing, in whole or in part, by the Chapter.

ARTICLE VI CHAPTER EXECUTIVE BOARD AND COMMITTEES

SECTION 1 CHAPTER EXECUTIVE BOARD The Chapter Executive Board consists of the Officers and Directors set forth above and the Chairperson of each standing committee. The Chapter Executive Board has the power and duty to conduct and direct all business and affairs of the Chapter in accordance with the Chapter Bylaws, and the Bylaws, rules and regulations of the Association. The Chapter Executive Board may recognize meritorious and outstanding achievements by the Chapter's members through nomination for International awards and creation of Chapter awards.

SECTION 2 COMMITTEES

SECTION 2.A All committees are appointed by the Chapter President from the Voting Members of the Chapter, to serve until the expiration of that President's term or such lesser period as the Chapter Executive Board may decide. The current President, shall be ex-officio a member of all committees. The President shall select the Chairperson thereof.

SECTION 2.B CHAPTER COMMITTEE DUTIES: All committees of whatever type shall have the following duties:

1. Each committee is charged with preserving, protecting and advancing the public image of the International Right of Way Association and of its members.
2. Each committee shall deliberate and make recommendations which conform to the mission, values and ethics of the Association.
3. Each committee shall execute such other assignments and studies as may be directed from time to time by the Chapter Executive Board.
4. In addition to these general duties, each committee shall follow any requirements set forth in the Addenda section as well as instructions from the Chapter Executive Board.

SECTION 2.C TECHNICAL COMMITTEES Technical Committees are dedicated to specialized areas within the right of way field and follow the Committee structure set forth by the International Association. Technical Committees shall be created from members of the Chapter who wish to advance the knowledge and understanding of their technical field(s).

The functions of the Technical Committees shall be as follows:

1. Develop and maintain an awareness of current legislation and judicial decisions at all levels which may impact on the Right of Way profession, or the persons engaged therein.
2. Provide opportunities for Chapter members to focus on their right of way related specialties and disseminate best practices.
3. Provide guidance and education to other members on developments in that technical area.

SECTION 2.D SPECIAL COMMITTEES Duties and functions of Special Committees will be those duties set forth by the Chapter Executive Board, along with those duties specifically prescribed by the International Association.

SECTION 3 APPROVALS No Committee action is final until approved by the Executive Board.

ARTICLE VII QUORUM OF CHAPTER EXECUTIVE BOARD

SECTION 1 The current presiding officer (President or Vice President) and one half of the other Chapter Executive Board members, shall constitute a quorum of the Executive Board.

ARTICLE VIII - CONDUCT OF MEETINGS

Members are expected to act with decorum while attending meetings. Except as otherwise specifically provided in these Bylaws, Robert's Rules of Order are hereby adopted as the rules for the procedure and conduct of all meetings of this Chapter and of its Executive Board and Committees.

ARTICLE IX — CONDUCT OF MEMBERS AND DISCIPLINE

SECTION 1 CONDUCT Each member of this Chapter shall “conduct themselves in such a manner as to reflect personal honesty and integrity on both themselves and the Association and to, at all times, be bound by the Articles of Incorporation, the Bylaws, the Code of Ethics and the Policies and Procedural Rules of the Association” (International Bylaws)

SECTION 2 DISCIPLINE The disciplinary procedures set forth by the Association as amended from time to time are hereby incorporated and made a part of these Bylaws by reference.

ARTICLE X COMPENSATION

No compensation shall be paid to any officer, committeeman, or member for acting as such.

ARTICLE XI EXPENSES

No obligation or expense shall be incurred by any officer, director or committee member of the Chapter, except such as shall have been authorized by the Chapter Executive Board.

ARTICLE XII AMENDMENTS

SECTION 1 These Bylaws may be repealed, amended, or new Bylaws adopted with the approval of the Voting members at any regular Chapter meeting by an affirmative two-thirds vote of the Voting members present after the same has been either submitted in writing and read at a previous regular meeting, or a copy thereof sent by mail or electronic transmission to the Voting members of the Chapter, or published in the official newsletter of the Chapter at least ten (10) days prior to the meeting at which the vote is taken. Said action of the Chapter shall not become effective until approved by the International General Counsel.

SECTION 2 An Addenda section to these Bylaws will be provided for general information purposes. Revisions to the addenda section by the Chapter Executive Board shall not constitute a change to the Bylaws and shall not require approval by the membership. The addenda is solely for codifying committee charters and providing ready access to current International Association documents including but not limited to the International Bylaws. No other material may be admitted to the Addenda and all material therein must comply with the Chapter Bylaws and International Bylaws.

SECTION 3 A copy of the revised Bylaws shall be forwarded to International Headquarters.

ADDENDA

This Addenda section contains specific duties for committees and copies of important International documents such as the International Bylaws and ethics code.

This Addenda may be amended by the Chapter Executive Board as needed to reflect the duties of committees which may be constituted from time to time.

This Addenda may also be amended by the Chapter Executive Board from time to time to reflect revisions or changes to the relevant International Association documents.

Amendments to this Addenda do not constitute a change in the Bylaws.

SPECIFIC COMMITTEE DUTIES

COMMITTEE DUTIES

DUTIES: Committee will follow the specific requirements related to its function as set forth below

MEMBERSHIP COMMITTEE

Receives, investigates and recommends to the Chapter Executive Board appropriate action on all applications for membership, and shall perform such other duties as may be required by the officers or Executive Board of the Chapter.

EDUCATION AND PROGRAM COMMITTEE shall have charge of determining broad general areas of education by polling the members or otherwise; of presentation by class discussion, lectures, panels or otherwise, or topics of interest to the practice of the Right-of-Way profession, and shall perform such other similar duties as may be required by the Chapter or its Executive Board.

NEWSLETTER AND ADVERTISING COMMITTEE shall supplement on a local level the bimonthly publication "Right of Way," and keep Chapter members informed on particular matters of local interest. .

Chapter newsletters shall be sent to:

1. Each member of the Chapter, Regional Chair and Vice Chair of Region IV, Headquarters IRWA

It is suggested that Chapter newsletters be sent to: The Newsletter Editors of each Chapter in Region IV., The Right of Way Editor

The Committee shall endeavor to spread information regarding the activities of the International Right of Way Association, and this Chapter, so that benefit and increased advantage will occur to the Association and the Chapter, and such other sundry duties as may be required by the Chapter.

NOMINATIONS AND SPECIAL AWARDS COMMITTEE The functions of a Nominations and Special Awards Committee shall be as follows:

1. It shall solicit and receive nominations for the Chapter's Professional of the Year Award. The Committee shall, by appropriate announcement in the Newsletter advise the members that the Committee is receiving nominations for the award.

The Committee shall establish a deadline not later than 60 days prior to the Annual Meeting of the Executive Board in October for receipt of nominations. No nominations received after deadline date shall be considered.

A nominee must be a Voting Member of the International Right of Way Association. To qualify as a candidate for the award, a nominee must have made outstanding contributions in the Right of Way field and outstanding contributions to the activities of the Association.

2. It shall report its findings and make recommendations to the Executive Board within 30 days after the deadline date. The Executive Board shall select the Professional of the Year.

3. The Committee may suggest and nominate to the Chapter Executive Board members or non members for such awards for services to the International Right of Way Association as it shall deem just and proper.

INTERNATIONAL ASSOCIATION DOCUMENTS

International Right of Way Association Disciplinary Procedures

(Updated 6/27/98, Replaces Procedural Rule # 18)

1. Preamble:

a) An alleged violation of the Association's Code of Ethics or Rules of Professional Conduct and the Uniform Standards of Professional Appraisal Practice (USPAP) is a very serious matter, calling for a careful consideration of the facts alleged and for a fair, impartial and evenhanded disposition of the allegation. Canada and the United States share a common bond in English law: a person is always presumed to be innocent until proven guilty. Thus, a member charged is likewise presumed not to have committed the Code or Rule infraction of which he or she is accused.

b) In light of these principles, it should be clearly known that the burden of proving the allegations against a member accused rests with the accuser, the investigation committee and/or other fact finders. The member accused has no duty or obligation to prove himself or herself innocent; the mere fact that such a member may not choose to offer facts or testify in his or her own behalf shall not constitute an admission of a violation.

2. Confidentiality

All written complaints, Letters of Charge or other documents pertaining to an alleged ethics violation shall be deemed to be confidential and identification of the complainant shall not be released to anyone except those members of the Association responsible for investigation of complaints and the administration of disciplinary procedures, as provided in this Procedural Rule.

3. Definitions

a) "Association" means the International Right of way Association (IRWA).

b) "Code" means the Code of Ethics of the Association.

c) "Committee" or "IETHC" means the International Ethics Committee of the Association.

d) "Complainant" means the person or persons signing and submitting the complaint.

e) "Investigation Committee" means the chapter - level committee that is charged with investigating alleged ethics violations.

f) "Letter of Charge" means notification by the International Ethics Committee to a member charged that probable cause has been found so as to merit the impaneling of a hearing committee to formally inquire into the allegation(s) raised against such member.

g) "Member" means any member, including Senior members or Candidates, whose membership is in good standing with the Association.

h) "Member Charged" means any member who has been alleged to commit an ethics violation.

i) "Probable Cause" means an apparent state of facts found to exist upon reasonable inquiry (that is, such inquiry as the given allegation renders convenient and proper) which would induce a reasonably intelligent and prudent person to believe that the member charged has committed an ethics violation.

j) "Rules" means the Association's Rules of Professional Conduct.

k) "Standards" means the Association's Standards of Practice for the Right of Way Professional.

4. Disciplinary Actions:

a) "**Admonishment**" means a written warning calling the attention of the member to a violation of the Code or Rules. An admonishment is not entered into the member's record. It is not published or made known to the membership or the general public. Additional disciplinary action of an educational nature may be required where, in the opinion of the International Ethics Committee (IEthC), the type of violation indicates this to be necessary or desirable.

b) "**Reprimand**," means a serious written warning calling the attention of the member to a violation of the Code or Rules. A reprimand is entered into the member's record for a period of two (2) years after official notification of the reprimand has been given. It is not published or made known to the membership or the general public.

c) Additional disciplinary action of an educational nature may be required where, in the opinion of the IEthC, the type of violation indicates this to be necessary or desirable.

d) "**Censure**" means a formal written expression of criticism and disapproval for violation of the Code or Rules. A censure shall be entered into the member's record. The censure shall be published and made known to the membership or the general public or both through the facilities of the Right of Way magazine and/or advertisement in the appropriate local newspaper.

e) Additional disciplinary action of an educational nature may be required where the type of violation indicates this to be necessary or desirable.

f) "**Suspension**" means a temporary revocation of the rights and privileges of membership in the Association. It commences three days following the dispatch by registered mail of the order of suspension and ends upon expiration of the period of time stipulated therein. A suspension shall not exceed two (2) years, and during the suspension period, the member may not hold himself/herself out as an affiliate of the Association in any manner, nor, if the suspended person is a Senior candidate, shall he/she be permitted, during the period of suspension, to take any examination conducted by the Association. Immediately upon receipt of notice of suspension, a suspended member or candidate shall transmit his/her membership certificate, membership card, seal and any other evidence of membership to the Association to be held for the period of such suspension. At the expiration of the period of suspension and subject to any additional disciplinary educational requirements having been fulfilled, the suspended member shall automatically be restored to previous membership status and the evidence of membership shall be returned to him/her. However, a Senior member so suspended shall not be reinstated as a Senior member unless he/she enrolls as a candidate and successfully completes all requirements of the Senior program in effect as of the date of expiration of the period of suspension. A senior candidate so suspended shall not be reinstated with candidate status but must re-enroll in the candidate program. Although a suspended member is not entitled to the rights and privileges of membership and may not refer to his/her affiliation with the Association, he/she remains a basic member for all other purposes, including payment of dues and any failure to conform to the Code or Rules, shall be grounds for further disciplinary action. A suspension shall be published and made known to the membership and the general public. It will remain permanently on his/her record.

g) "**Expulsion**" means a complete termination of membership or any affiliation with the Association. It becomes effective, seventy-two (72) hours following dispatch by registered mail to the member of the notice of his/her expulsion. Immediately upon receipt of such notice, the member so expelled must return to the Association the membership certificate, membership card, seal and any other evidence of

membership in or affiliation with the Association. All reference to membership in, or affiliation with, the Association must, in whatever form, immediately and henceforth cease. Expulsion shall be published or otherwise made known to the membership and the general public. The grounds for expulsion of a member shall include but not be limited to the following: (1) Conviction of a felony; (2) Found guilty of any act discreditable to or inimical to the best interest of the Association; (3) Proper showing that the member's application for membership, at the time that membership was granted was falsified, or that he or she knowingly failed to give complete, factual information in said application, which information, had it been submitted, would have resulted in denial of his or her application for membership in the Association; and (4) Found to have been dishonest or to have lied and knowingly misrepresented or withheld information in the course of his or her right of way professional activities.

5. Complaints:

- a) Before any action is taken to discipline a member, a written and signed complaint must be made by a complainant except that a notice of conviction of any local, state, provincial or federal felony or indictable offense statute, or any misdemeanor or summary conviction statute which reflects adversely upon the professional character, trustfulness, morality or reputation of a member, shall be deemed to be a complaint, as shall a notice that any other professional organization to which this member belongs and/or any licensing or regulatory agency under which he or she is licensed or otherwise regulated, has censured, suspended or expelled the member. (6/27/98)
- b) Such complaints shall be referred immediately to the President of the Chapter to which the member who is the subject of the complaint belongs.
- c) The Chapter President shall acknowledge in writing his or her receipt of the complaint to the complainant within ten (10) days and shall advise that it has been referred to the investigating committee for review as to probable cause.
- d) The Chapter President shall also notify the member charged in writing regarding the nature of the complaint and the name of the complainant and provide the member charged with a complete copy of the Code of Ethics, Rules of Professional Conduct, Standards of Practice for Right of Way Professionals, USPAP and these Disciplinary Procedures.
- e) The Chapter President shall send copies of such notices to the IETHC Chair.
- f) **NOTE:** A complaint may be withdrawn by a complainant at any time prior to the adjournment of a Hearing Board into an executive session as described in section (11. Hearing Board), below.

6. Appointment of Investigating Committee: Probable Cause Investigation

- a) The Chapter President shall thereupon establish an Investigating Committee comprised of two (2) members of the charged member's Chapter to be appointed by the Chapter President and one (1) member to be appointed by the IETHC Chair, the latter appointee to be a member of a Chapter within the charged member's region other than his or her own Chapter. At least one (1) of the members of the Investigating Committee shall be an SR/WA.
- b) The Investigating Committee shall elect a Chair who shall coordinate the Investigating Committee's review of the complaint to determine the existence of probable cause. The Investigating Committee shall consider such matters as the seriousness of the charges, whether or not the conduct complained of is a violation of a specific Code or Rules provision, the relationship of the complainant and the member charged, the professional standing and veracity of the parties and such other facts as the

Investigating Committee deems appropriate. It may also interview the complainant, the member charged or any other person it feels is necessary to aid in its investigation. The Investigating Committee of the complaint shall complete the said investigation within forty-five (45) days of the receipt.

c) After such investigation, the Investigating Committee shall make one of the following findings:

1. That there is no probable cause to believe that the member charged has committed an ethics violation and the complaint should be dismissed.
2. That there is probable cause to believe that the member charged has committed (an) ethics violation(s) (which shall be specifically identified) and that the member charged should 1) receive an admonishment, or 2) should receive a reprimand.
3. That there is probable cause to believe that the member charged has committed (an) ethics violation(s) (which shall be specifically identified) and that the disciplinary action could result in censure, suspension or expulsion.

7. Investigating Committee Finding of No Probable Cause:

If the Investigating Committee makes a finding of no probable cause, the Chapter President and the IETHC Chair shall be so notified in writing by the Investigating Committee Chair. The Chapter President shall immediately give written notice of such finding to the complainant and to the member charged and the complaint shall be dismissed and all files shall be destroyed.

8. Investigating Committee Finding of Probable Cause:

1. "Admonishment or Reprimand" - If the Investigating Committee makes a finding of probable cause with a recommendation that the member charged receive an admonishment or reprimand, the Chapter President and the IETHC Chair shall be so notified in writing by the Investigating Committee Chair. Thereafter, the Chapter President shall notify the member charged of the Investigating Committee's findings and recommendations and shall give the member charged twenty (20) days to respond to the notification. The member shall be given the opportunity to respond orally and/or in writing. After due consideration is given to the Investigating Committee's recommendations and all responses offered by the member charged, the Chapter President shall make a finding in writing and shall make a disposition of the matter in accordance with his/her finding. The Chapter President shall notify the member charged, the Complainant and the IETHC Chair of the disposition of the matter and in the event a written admonishment or reprimand shall be imposed, a copy of such notices shall be provided by the IETHC Chair to International Headquarters.

2. "Appeal" - In the event that the member receives an admonishment or reprimand, he/she shall, within ten (10) days, give written notice of such appeal to the IETHC Chair by registered or certified mail, return receipt requested. If no appeal is filed within the said ten- (10) day period, there shall be no further appeal.

3. The IETHC shall consider the appeal and render a decision within thirty (30) days of the receipt by the Chair of the said notice. The written decision of the IETHC shall be sent to the Chapter President and the member charged; there shall be no further appeal therefrom and the complaint shall be disposed of in accordance with the IETHC's decision.

4. "Censure, Suspension or Expulsion" - If the Investigating Committee makes a finding of probable cause with a recommendation or notation that the discipline could involve censure, suspension or expulsion, the complaint shall be handled as set forth in section (12. Appeal/Appeals Board), below.

9. International Ethics Committee Review; Letter of Charge:

- a) In the event of a finding of probable cause involving the possible censure, suspension or expulsion of the member charged, the Investigating Committee Chair shall immediately forward to the Chapter President a full and detailed written report of its investigation including a recitation of facts supporting its conclusions. The report, together with the entire investigation file, shall be immediately transmitted to the IETHC Chair for IETHC action.
- b) Upon receipt of the said report and file, the IETHC Chair shall notify the member charged of the pendency of the IETHC's review.
- c) The IETHC shall review the findings of the Investigating Committee and may request additional information from the said committee or any other person. Such review shall be completed within thirty (30) days of receipt of the report and file.
- d) In the event that the IETHC finds that no probable cause in fact exists, the complaint shall be dismissed, the files shall be destroyed and all parties shall be notified.
- e) In the event that the IETHC finds that probable cause exists but that the member should be admonished or reprimanded, it shall so notify the Chapter President and the matter shall proceed as provided in section (11. Hearing Board) herein.
- f) In the event that the IETHC agrees with the Investigating Committee's conclusions, the IETHC Chair shall prepare a formal Letter of Charge which shall be sent to the member charged by registered or certified mail, returned receipt requested. The said Letter of Charge shall include:
 1. A recitation of the complaint;
 2. The name of the complainant;
 3. The specific Ethics Code or Rule sections allegedly violated;
 4. A review of the facts which support the finding of probable cause which could result in censure, suspension or expulsion;
 5. A complete copy of the Code of Ethics, Rules of Professional Conduct, Standards of Practice for Right of Way Professionals and these Disciplinary Procedures.
 6. A copy of the Letter of Charge is also sent to the International Counsel, the International President, the International President Elect and the Chapter President.

10. Letter of Charge Answer Period:

1. The member charged shall have thirty (30) days to answer the Letter of Charge. If within thirty (30) days of his or her receipt of the Letter of Charge the member charged fails to respond to the Letter of Charge, the IETHC shall render a decision to censure, suspend or expel the member charged and shall so notify the member charged, the International President, International General Counsel, and the Chapter President. There shall be no further appeal and the International Headquarters shall note the action taken in accordance with the IETHC Chair's directions.
2. If within the said thirty (30) day period the member charged answers the Letter of Charge and denies the charge or admits the charge but requests a hearing in mitigation of any penalties which may be imposed, the IETHC Chair shall order the Chapter President to convene a Hearing Board within thirty (30) days.

11. Hearing Board:

- a) A three (3) person Hearing Board comprised of Association members of the charged member's Chapter, at least one of whom shall be an SR/WA, shall be selected as follows:
- b) One shall be appointed by the Chapter President.
- c) One shall be appointed by the member charged.
- d) One shall be appointed by the above appointees.
- e) In the event that either the member charged or the appointees fail for any reason to make their appointments within fifteen (15) days of the Chapter President's appointment, the IETHC Chair shall make such appointments in their behalf.
- f) The Hearing Board shall convene a hearing within forty-five (45) days of its appointment and choose a chair and determine its own rules of evidence and procedures to be followed in hearing evidence. The member charged and an Investigating Committee member acting as prosecutor shall have the right to be represented by counsel so long as counsel adheres to the procedure established and the procedural rulings handed down by the Hearing Board. The member charged shall have the right to cross-examine witnesses called by the Investigating Committee and to have witnesses of his or her own appear and testify.
- g) At the conclusion of the hearing, the Hearing Board shall meet in Executive Session and shall prepare a written report of its findings and recommendations for disposition. Within thirty (30) days the Chair shall send a confidential report with findings and recommendations of the Board to the IETHC Chair. Within thirty (30) days, or as soon as practicable thereafter, the IETHC shall advise the Chapter President if the report and recommendations have been accepted or rejected in whole or in part. The IETHC may, in addition, refer the case back to the Chapter for additional investigation, and/or a new hearing or may dismiss the case.
- h) The IETHC Chair shall advise the member charged in writing of the findings and disciplinary action taken. There shall be no appeal from disciplinary action involving admonishment or reprimand.

12. Appeal/Appeals Board

1. If the disciplinary action involves censure, suspension or expulsion, the member charged may within ten (10) days appeal the matter to the International President who shall convene an Appeals Board consisting of the International Counsel (or special counsel) and two members of the International Executive Committee (IEC). The disciplinary action recommended by the Chapter Hearing Board and International Ethics Committee is thereupon stayed pending the outcome of the appeal.

2. The Appeals Board shall, within thirty (30) days render a decision from which there shall be no further appeal, and shall notify the member charged in writing by registered or certified mail, return receipt requested. The IETHC Chair shall also receive a copy of the Appeals Board's decision and shall take appropriate action to execute the disciplinary action ordered.

13 Complaint Resolution by Mutual Agreement:

Complaints may be resolved by mutual agreement of the member charged and the Association, provided that the terms and conditions of such agreement are approved in advance by the International Ethics Committee Chair.

14. Resignations:

1. A member charged may voluntarily tender to the Chapter President his or her resignation from the Association at any time during the disciplinary proceedings. Notice of such resignation may be published in Right of Way magazine, chapter newsletters and/or other publications. However, whenever such resignation is tendered after the Hearing Panel adjourns to executive session, a notice of such resignation shall be published in Right of Way magazine and in the member's chapter newsletter and may be published in other newsletters and/or publications. Any such notice shall read substantially as follows:

(Person's Name), of Chapter # ___ has given notice of his/her voluntary withdrawal of membership in the International Right of Way Association effective immediately.

2. When such resignation occurs after the Hearing Panel adjourns into executive session, International Headquarters shall note the circumstances of such resignation in the charged member's file.

3. Nothing herein shall preclude publication in any Association publication of an article or other notice of conviction of any member of any local, state, provincial or federal felony or indictable offense statute or any misdemeanor or summary conviction statute which reflects adversely upon the professional character, trustfulness, morality or reputation of a member and/or a notice of the suspension or expulsion of a member from any other professional organization and/or licensing body or authority. (6/27/98)

15. Dues Abatement; Jurisdiction Retained:

After the filing of a complaint, and pending a resolution thereof pursuant to this Procedural Rule, the Association shall abate the dues of any member charged, including any senior or candidate fees, in the event that such are not paid when due by the said member. The member charged should thus continue to enjoy all benefits, duties and obligations of Association membership during such abatement period and the Association shall retain jurisdiction over the member charged pending complaint resolution. Upon final resolution of the complaint by the Association, the member charged should promptly pay any abated dues EXCEPT in the case where he/she is expelled or resigns from the Association.

16. Time Extensions:

The times within which actions are to be undertaken pursuant to this procedural rule may be extended by the particular person or committee responsible for such actions when, in the sole opinion of such person or committee, good cause for any such extension has been demonstrated. However, any extensions involving appeals shall be granted only by the IETHC Chair and only when such extension is requested in writing and within the appeal time.

17. Reinstatement:

1. No former member who has been expelled by the Association shall be reinstated sooner than five (5) years from the date of his/her expulsion.

2. Two or more written letters of recommendation attesting shall accompany any reinstatement request as to the good character of the said former member. Such reinstatement request must be reviewed by the chapter from which the member was expelled with final approval vested in the IETHC. Both the chapter and the IETHC shall conduct a complete review of the said former member's current status and must make findings that, among other matters, the said former member is not under the control or supervision of any criminal justice system.

3. There shall be no appeal from a decision not to readmit any such former members.

4. No such reinstatement to membership shall include a reinstatement to Senior status.

18. Succession:

1. Whenever a member charged is a person holding an office or position which would mandate participation in the disciplinary procedures set forth by this procedural rule (including, but not limited to, a member of the IEC, the Chair of the IETHC, a Chapter President, etc.) the function of that person shall be undertaken by the officer charged with succeeding to the duties of the position held by the member charged. (By way of example and not limitation, if the member charged is a Chapter President, the Chapter Vice President shall undertake the duties of a Chapter President under these Disciplinary Procedures). Whenever the line of succession is unclear, International Counsel shall establish such succession.

2. The said succession shall also apply to situations where the particular officer advises the IETHC Chair that he or she cannot participate in the disciplinary proceedings due to a conflict of interest or other good reason.

19. Special Provision for New Applicants:

No new applicant for Association membership who has been convicted of any local, state, provincial or federal felony or indictable offense statute, or any misdemeanor or summary conviction statute which reflects adversely upon the professional character, trustfulness, morality or reputation of a member shall be approved for membership by any chapter without the recommendation of at least two (2) persons attesting to the good character of the applicant and only upon a complete review of the Chapter Membership Committee of the applicant's current status and a finding that the applicant is no longer under the jurisdiction or control of the criminal justice system. (6/27/98)