

Professional Practice and Disciplinary Procedures

INTRODUCTION

This document, headed “Professional Practice and Disciplinary Procedures” (“Procedures”) sets forth PMA’s rules for addressing potential or actual violations of PMA’s Code of Ethics, Scope of Practice and Grounds for Disciplinary Action guidelines (referred to collectively as “Ethics Violations”). All members, PMA-CPTs and candidates for certification (hereinafter “candidates”) are bound by these Procedures as a condition of PMA membership, certification and application for certification. These Procedures are not governed by the principles of constitutional due process, the laws of the State of Florida or the common law.

ETHICS CASE PROCEDURES

General Provisions

1. Nature of the Process and Definitions.

(a) These Procedures are the only means to resolve Ethics Violations. PMA has the exclusive authority to address and/or resolve Ethics Violations, regardless of circumstances. By applying for membership, certification or certification renewal, every PMA member, PMA-CPT, and candidate agrees that:

- (i) s/he will not challenge the authority of PMA (i) to establish a Code of Ethics, Scope of Practice, Grounds for Disciplinary Action guidelines and these Procedures, all in PMA’s sole judgment, and (ii) to apply the Procedures and take such actions as PMA deems appropriate in its sole judgment, including but not limited to suspending or revoking an existing certification or membership, or refusing to certify a candidate or renew a PMA-CPT’s certification; and
- (ii) Without limiting the generality of the foregoing, s/he will not challenge the results of any action taken by PMA pursuant to these Procedures in any legal or governmental forum, including without limitation courts of law.

(b) These Procedures are designed to operate without the involvement of attorneys. The parties are encouraged to communicate directly with PMA. A party may choose to be represented by an attorney, but if so, the party and attorney may, in PMA’s sole discretion, be directed to communicate with PMA only through PMA’s Legal Counsel.

(c) As used in these Procedures,

- (i) “Complaint” shall mean a complaint filed with PMA alleging Ethics Violations against a member, PMA-CPT or candidate, whether former or current;
- (ii) “Complainant” shall mean any person (including PMA) who initiates a Complaint;
- (iii) “Respondent” shall mean such member, PMA-CPT or candidate against whom the Complaint was filed;
- (iv) the “Ethics Officer” shall mean the PMA Executive Director;
- (v) the “Ethics Review Committee” shall mean a committee of no fewer than three (3) persons, including the Ethics Officer. The other members of the Ethics Review Committee shall be selected by the Ethics Officer, who shall also designate the Chair and Vice-Chair to preside over Ethics Violations proceedings. Such other members of the Ethics Review Committee (“Committee Members”) must:
 - (A) (1) be PMA members, if Respondent is a member, former member or applicant for membership (but not a PMA-CPT, former PMA-CPT or applicant for certification), or (2) be PMA-CPTs, if Respondent is a PMA-CPT, former PMA-CPT or applicant for certification, or (3) if Respondent is both (I) a member, former member or applicant for membership and (II) a PMA-CPT, former PMA-CPT or applicant for certification, be PMA-CPTs, unless, as determined by the Ethics Officer, the Complaint does not pertain to acts or omissions by Respondent when Respondent was a PMA-CPT or applicant for certification. In the event of such a determination, the other members of the Ethics Review Committee must be PMA members.
 - (B) whenever possible, not have personal knowledge of the facts and circumstances of the alleged Ethics Violation(s) before them; and
 - (C) whenever possible, not personally know either Complainant or Respondent;
- (vi) the “Ethics Appeals Committee” shall mean a committee of no fewer than three (3) persons selected by the President of the PMA Board if Respondent is a member, former member or applicant for membership (but not a PMA-CPT, former PMA-CPT or applicant for certification), or selected by the Chair of the Certification Board if Respondent is a PMA-CPT, former PMA-CPT or applicant for certification. The President or Chair (as applicable) shall also select

a Chair and Vice Chair to preside over Ethics Violations appeals. Ethics Appeals Committee members must: (1) be members of the PMA Board of Directors or PMA Certification Board (as applicable); (2) not have participated in the decision with respect to which the appeal was taken, (3) whenever possible, not have personal knowledge of the facts and circumstances of the alleged Ethics Violation(s) before them, and (4) whenever possible, not personally know either Complainant or Respondent. An appeal of any Respondent who is both (A) a member, former member or applicant for membership and (B) a PMA-CPT, former PMA-CPT or applicant for certification, shall be heard by an Ethics Appeals Committee comprised of Certification Board Directors unless the Certification Board determines that the appeal does not pertain to acts or omissions by such Respondent when s/he was a PMA-CPT or applicant for certification. In the event of such a determination, the appeal shall be heard by an Ethics Appeal Committee comprised of PMA Board Directors.

2. *Complaints.*

- (a) Any person or the PMA itself may initiate a Complaint, provided, however, that any Complaint initiated by an Officer or Director of PMA, may proceed only by resolution of a majority of the Directors of either the PMA Board or Certification Board.
- (b) PMA may consider and take action on a Complaint regardless of (i) whether Respondent was a member, PMA-CPT or candidate, at the time of the alleged Ethics Violation; (ii) when the alleged Ethics Violation occurred; or (iii) whether Respondent continues to hold or seek a PMA membership or certification during the course of any ethics case.
- (c) If a Complaint alleges facts that are the subject of any civil, criminal, disciplinary or administrative proceedings in another forum or a court of law, PMA may accept and resolve, or delay the acceptance and resolution of, such Complaint.
- (d) In the event PMA receives a Complaint concerning an individual who is not a Respondent, the Ethics Officer will inform the Complainant of such fact and the Complaint will be terminated.

3. *Time Limitations and Full Cooperation.*

- (a) PMA will make reasonable efforts to adhere to the time limitations established in these Procedures (“Time Limitations”), but PMA’s failure to do so shall have no consequences other than to delay PMA’s adjudication of the matter in question.

(b) Complainants and Respondents must comply with all Time Limitations. Requests for postponements and extensions of Time Limitations shall be determined in the sole judgment of the Ethics Officer, Ethics Review Committee or the Ethics Appeals Committee (as applicable).

(c) If any party fails to adhere to Time Limitations, or if any party refuses or fails to cooperate and participate fully with PMA and its representatives, the Ethics Officer, Ethics Review Committee and/or the Ethics Appeals Committee (as applicable) may take any of the following actions unless they have determined, in their sole judgment, that such failure or refusal was for good cause shown: (i) if the non-cooperating party is the Complainant, termination of the Complaint; or (ii) if the non-cooperating party is Respondent, imposition of any sanction provided for in these Procedures.

(d) Any failure to disclose or any misleading disclosure by a PMA member, PMA-CPT or candidate, of information which is, in PMA's sole judgment, material to PMA's consideration of a Complaint or Answer (including without limitation the existence of any civil, criminal, disciplinary or administrative action or proceeding involving Complainant or Respondent) shall be deemed an Ethics Violation and may result in (i) the filing of a Complaint by PMA, and/or (ii) the application of any of the sanctions provided for in these Procedures.

4. *Confidentiality.* In order to protect the privacy of the parties, all information prepared by or submitted to PMA and all proceedings before the PMA shall, unless provided otherwise in these Procedures, be deemed confidential ("Confidential Information"). Confidential Information shall include the fact of existence of a Complaint and shall be subject to the following restrictions:

(a) at no time following the filing of a Complaint shall any party disclose Confidential Information to any non-party without the prior written consent of the Ethics Officer, Ethics Review Committee or the Ethics Appeals Committee (as applicable), unless otherwise required to do so by order of a court of competent jurisdiction;

(b) at such time as a final, non-appealable decision has been rendered by PMA, the parties may disclose to non-parties only PMA's decision with respect thereto and all information not contained in PMA's written decision shall remain Confidential Information.

(c) in the event that a party discloses information related to an Ethics Violations proceeding without the prior written consent of the Ethics Officer, Ethics Review Committee or the Ethics Appeals Committee (as applicable), (i) if the disclosing party is the Complainant, the Ethics Officer, Ethics Review Committee and/or the Ethics Appeals Committee, as applicable, may terminate the Ethics Violations matter; and (ii) if the disclosing party is Respondent, the Ethics Officer, and/or the Ethics Appeals Committee, as applicable, may impose any sanction provided for in these Procedures. In either case, the remedy for non-cooperation shall be determined at the sole discretion of PMA; and

(d) the parties agree that that disclosure of Confidential Information to third parties not authorized by PMA may give rise to irreparable injury to PMA and/or the parties which may be inadequately compensable in damages. Consequently, PMA may seek and obtain injunctive relief against the breach or threatened breach of this paragraph 4 and the breaching party shall bear all the costs and expenses incurred by PMA, including without limitation reasonable legal fees if injunctive relief is so obtained.

5. *Inquiries and Complaints.*

(a) A person seeking to file a Complaint must contact the Ethics Officer to request copies of PMA's Code of Ethics, Scope of Practice and Grounds for Disciplinary Action guidelines, these Procedures and a Complaint form. The Ethics Officer will record the name and address of the Complainant, the name of Respondent and a brief description of the alleged Ethics Violation. Such information will be kept confidential and available only to authorized representatives of PMA.

(b) Following receipt of the Complaint form, the Complainant must provide all the information requested therein (including complete details of each alleged Ethics Violation) and return the completed form to the Ethics Officer. Public documents such as newspaper stories, court verdicts or agency decisions will not be accepted as Complaints, but such material may be submitted as documentation to support a Complaint.

(c) When a Complaint is received by PMA, the Ethics Officer will review the Complaint and any attachments thereto, and assign a proceeding number to the matter. If the Ethics Officer determines that the Complaint is insufficient to warrant a preliminary investigation ("Preliminary Investigation") by PMA, then additional information or proof may be requested of Complainant. If the Ethics Officer determines that the Complaint is sufficient to warrant a Preliminary Investigation, s/he will contact both Complainant and Respondent in writing to advise that it is underway.

6. *Preliminary Investigation.*

(a) During the Preliminary Investigation, the Ethics Officer will establish whether a Complaint is accepted or rejected in light of information made available by Complainant. In order to be accepted,

- (i) the Complaint must concern a Respondent;
- (ii) the Complaint must allege a detailed charge which, if proven, would constitute an Ethics Violation;
- (iii) the Complaint must allege event(s) occurring within a reasonable period of time of the filing of the Complaint so that they should not be rejected due to passage of time;

- (iv) reliable information and proof concerning the allegations of the Complaint must be available to PMA;
- (v) Complainant must be willing to provide such information and proof to PMA;

(b) At any time during the Preliminary Investigation, the Ethics Officer may, after considering the nature and seriousness of the allegations, Respondent's background, prior conduct and any other pertinent material, attempt to resolve the charges made in the Complaint by mediation between Complainant and Respondent. Ethics Violations concerning charges issued by a regulatory agency or professional body or involving criminal or civil litigation will not be addressed by mediation.

(c) If the charges made in the Complaint are resolved by mediation, the Ethics Officer will prepare a report summarizing the terms of each mediated resolution. If mediation proves unadvisable in the judgment of the Ethics Officer or unsuccessful, the Ethics Officer will proceed with acceptance or rejection of the Complaint.

7. *Rejection of Complaint.*

(a) If the Ethics Officer determines that a Complaint is unfounded or otherwise rejects a Complaint for good cause, the Ethics Officer will notify the Complainant (and Respondent, provided that Respondent was previously advised of the filing of the Complaint) of the rejection, together with the reason(s) therefore, by letter within thirty (30) days of the date of such determination.

(b) Within thirty (30) days of the mailing date of a Complaint rejection letter, Complainant may appeal such rejection to the Ethics Review Committee by sending a written request for reconsideration to: (a) the PMA Board President, if the Complaint is against a member, former member or applicant for membership (but not a PMA-CPT, former PMA-CPT or applicant for certification); or (b) the Certification Board Chair, if the complaint is against a PMA-CPT, former PMA-CPT or applicant for certification. The written request must detail (a) any alleged procedural errors made by the Ethics Officer with respect to the charge rejection, if any; and (b) all information or proof which Complainant believes supports acceptance of the Complaint. The Ethics Review Committee will consider and decide any charge rejection appeal, and such decision cannot be appealed.

8. *Acceptance of Complaint / Notice of Proceeding.*

(a) If the Ethics Officer determines that a Complaint meets the criteria for acceptance, within thirty (30) days of the date of such determination the Ethics Officer will issue a formal "Notice of Complaint and Ethical Violation Proceeding" (hereinafter "Notice of Proceeding").

(b) The Notice of Proceeding shall contain the following:

- (i) a summary of the charges;
- (ii) the alleged factual basis therefore;
- (iii) a statement that Respondent may, in his/her Response, elect to have the matter resolved by the Ethics Review Committee with a hearing;
- (iv) a statement that if Respondent fails to request resolution by the Ethics Review Committee, then the matter will be resolved without a hearing by the Ethics Officer.

(c) A copy of the Notice of Proceeding, together with the Complaint, will be placed in an envelope marked “Confidential” and sent to Respondent at his/her last known address by either certified mail, return receipt requested, or such other method which requires signature of the recipient upon delivery.

9. *Answer, Reply and Surreply.*

(a) Within thirty (30) days of the mailing date of the Notice of Proceeding, Respondent must submit a written Answer which sets forth a full and candid response to each allegation of the Complaint and, if Respondent desires, requests a hearing and review by the Ethics Review Committee. All documents which Respondent believes are relevant to her/his Answer shall be identified in and attached to the Answer.

(b) The Ethics Officer or Ethics Review Committee (as applicable) will forward a copy of the Answer to Complainant within ten (10) days following PMA’s receipt thereof. Complainant may submit a written Reply within ten (10) days of the mailing date of the Answer to Complainant. The Reply, if any, shall address and respond to only those matters raised in Respondent’s Answer.

(c) The Ethics Officer/Ethics Review Committee will forward a copy of the Reply to Respondent within ten (10) days following PMA’s receipt thereof. Respondent may submit a written Surreply within ten (10) days of the mailing date of the Reply to Respondent. The Surreply, if any, shall address and respond to only those matters raised in Complainant’s Reply.

10. *Preliminary Actions and Orders.*

(a) At any time following the issuance of a Notice of Proceeding, the Ethics Officer/Ethics Review Committee may ask Respondent to agree to a temporary suspension of PMA membership, certification, or candidacy, or may require such temporary suspension, pending the final resolution of the Complaint. Whether pursuant to an agreement to be signed by Respondent or an Order issued by the Ethics Officer/Ethics Review Committee, temporary suspension will require that Respondent ceases from representing him/herself as a PMA member or as certified, credentialed or otherwise endorsed by PMA during the period of

suspension. Respondent shall also return any membership, credentials and/or certifications to PMA to be held until the suspension, and any extension thereof, has ended.

(b) The following shall constitute grounds for the immediate issuance of a temporary suspension order: (i) Respondent has been convicted of or pleaded no contest to a crime; (ii) Respondent has been indicted or charged with a crime; (iii) Respondent is the subject of an investigation, charge or complaint alleging violation of, or has been found in violation of, any rule or regulation by a professional regulatory body, or has been sanctioned or disciplined by a regulatory body; (iv) Respondent is the subject of an investigation, charge or complaint alleging violation of, or has been found in violation of, an ethics code of a professional association or certifying body; (v) Respondent is the subject of civil litigation relating to his/her Pilates practice and/or professional activities.

(c) The Ethics Officer, the Ethics Review Committee, or the Ethics Appeals Committee (as applicable) may require Respondent to do, or refrain from doing, certain acts by preliminary or temporary Order, including the disclosure and submission of documents related to the Ethics Violations proceeding. All such Orders shall, in the sole judgment of PMA, be reasonably related to the Complaint under consideration and/or to Respondent's responsibilities under PMA's Code of Ethics, Scope of Practice, Grounds for Disciplinary Action guidelines and these Procedures. Preliminary and temporary orders cannot be appealed.

(d) The Ethics Officer, the Ethics Review Committee, or the Ethics Appeals Committee (as applicable) may discipline a Respondent who fails to comply with a temporary or preliminary Order by imposing any sanction authorized in these Procedures, including without limitation rendering permanent any suspension.

11. *Resolution by the Ethics Officer. In the event that Respondent does not request a hearing and review before the Ethics Review Committee,*

(a) the Ethics Officer will issue a Decision on the merits of the Complaint within thirty (30) days from the close of the case record; and

(b) the case record will be considered closed upon the later of (A) receipt by the Ethics Officer of Respondent's Surreply, or (B) expiration of Respondent's time to file the Surreply.

12. *Resolution by the Ethics Review Committee.*

(a) The Ethics Review Committee shall afford the parties a single hearing, held by telephone conference. The hearing will be chaired by the Chair of the Ethics Review Committee or by Legal Counsel for PMA.

- (b) The hearing date and time will be scheduled by the Ethics Officer in consultation with the Chair of the Ethics Review Committee and the parties, provided, however, that it shall be scheduled not less than thirty (60) days from the earlier of (A) receipt by the Ethics Officer of Respondent's Surreply, or (B) expiration of Respondent's time to file the Surreply.
- (c) Not less than thirty (30) days prior to the date of the hearing, the parties must advise the Ethics Officer by telephone or email:
- (i) whether such party intends to participate and, if so, the telephone number from which s/h will participate;
 - (ii) whether the party will have an attorney present and, if so, the name and address of the attorney and telephone number from which the attorney will participate; and
 - (iii) whether the party intends to present witnesses at the hearing and, if so, the name and address of each witness, the telephone number from which such witness will participate and a brief summary of the witness's proposed testimony.
- (d) Witnesses shall be excluded from the hearing except during the presentation of their testimony.
- (e) No persons other than the parties, their attorneys and witnesses may participate in or listen in on a hearing without express prior written consent of the Ethics Review Committee.
- (f) Hearings before the Ethics Review Committee may proceed to a conclusion regardless of whether the parties, their attorneys or witnesses are present. Presence of a party's attorneys and witnesses at a hearing are the sole responsibility of such party. PMA's only obligation for the hearing is to attempt to contact each party and his/her attorney and witnesses at the telephone numbers furnished by such party for purposes of participation in the hearing.
- (g) Hearings will be recorded by the Ethics Review Committee. The parties are not permitted to record hearings. Off-the-record testimony may be requested by parties and, if granted by the Ethics Review Committee in its sole discretion, will not be part of the recorded or hearing record.
- (h) PMA shall bear the cost of the telephone conference and the recording thereof. Should a party wish to have a recorded copy of the hearing, PMA will charge a fee therefore reasonably related to the cost thereof. Hearing records and recordings are Confidential Information subject to the terms and conditions contained in paragraph 4 above.
- (i) Postponements of hearings may be granted in the Ethics Officer's sole discretion and denials thereof cannot be appealed. Requests for postponements must be made in writing to the

Ethics Officer prior to the date of the hearing and state the cause for which postponement is sought.

(j) The Ethics Review Committee will issue a Decision on the merits of the Complaint within ninety (90) days from the date of the hearing. The Decision will include a summary of the case, the factual findings by the Committee which support the Decision. In addition to taking any “Disciplinary Action” (as defined in paragraph 14 below), Decisions may also direct Respondents to cease and desist from any conduct or act found to be in violation of PMA’s Code of Ethics, Scope of Practice and Grounds for Disciplinary Action guidelines.

13. *Appeals to the Ethics Appeals Committee.*

(a) A party may appeal all or part of a Decision rendered by the Ethics Officer or Ethics Review Committee. Appeals must be submitted in writing and received by the Ethics Officer within Sixty (60) days from the date of the Decision which is being appealed. The appeal must contain:

- (i) the name of the appellant (i.e., the person filing the appeal), proceeding number, whether the case was decided by the Ethics Officer or the Ethics Review Committee, and the date of the Decision;
- (ii) a statement of why the appellant believes the Decision should be reversed or modified, citing one or more grounds for appeal authorized in subparagraph 15(b) below; and
- (iii) copies of all documents which appellant believes supports the appeal.

(b) Grounds for appeal are strictly limited to the following:

- (i) misapplication of these Procedures in a manner that caused prejudice to the appellant;
- (ii) discovery of new evidence which (A) was not previously in the appellant’s possession; (B) was not reasonably available to appellant prior to the filing of appellant’s Reply or Surreply (as applicable); and (C) would have materially affected the Decision;
- (iii) misinterpretation or misapplication of the PMA’s Code of Ethics, Scope of Practice or Grounds for Disciplinary Action guidelines which would have materially affected the Decision; and

- (iv) errors in the factual findings of the Decision which would have materially affected the Decision.
- (c) The Ethics Officer shall forward copies of the appeal and supporting documents to the appellee and the Ethics Appeals Committee upon timely receipt thereof from appellant.
- (d) The Ethics Appeals Committee Chair shall within a reasonable period of time thereafter determine whether an appeal meets all the requirements set forth in paragraphs 15(a) and 15(b) above and whether the appeal will be accepted or denied. Appellant and appellee will be notified by mail of the Chair's decision. Denials are not subject to appeal.
- (e) Within thirty (30) days of the date on which the Ethics Appeals Committee Chair mails the notice of acceptance of the appeal, appellee shall submit its Answer to appellant's request for appeal. The Answer shall be sent to the Ethics Officer, who shall forward it to the Ethics Appeals Committee and appellant.
- (f) Within fifteen (15) days of the date on which the Ethics Officer mails appellee's Answer to appellant, appellant shall submit its Reply to appellee's Answer. The Reply shall be sent to the Ethics Officer, who shall forward it to the Ethics Appeals Committee and appellee.
- (g) At any time prior to the filing of appellant's Reply, either appellant or appellee may request the opportunity to be heard via telephone conference before the Ethics Appeals Committee. Such request shall be determined in the sole discretion of the Chair of the Ethics Appeals Committee. Denials of requests to appear before the Board Ethics Appeals Committee cannot be appealed.
- (h) If a request to be heard is granted,
 - (i) the hearing date and time will be scheduled by the Ethics Officer in consultation with the Chair of the Ethics Appeals Committee and the parties, provided, however, that it shall be scheduled not less than thirty (30) days from the earlier of (A) receipt by the Ethics Officer of the appellant's Reply, or (B) expiration of the Appellant's time to file the Reply;
 - (ii) each party shall be given no more than thirty (30) minutes to present their arguments;
 - (iii) no witnesses shall be heard;
 - (iv) the hearing may be recorded by the Ethics Appeals Committee. The parties are not permitted to record the hearing;

- (v) PMA shall bear the cost of the telephone conference and the recording thereof. Should a party wish to have a recorded copy of the hearing, PMA will charge a fee therefore reasonably related to the cost thereof. Hearing records and recordings are Confidential Information subject to the terms and conditions contained in paragraph 4 above.
- (vi) Requests for postponements must be made in writing to the Ethics Officer prior to the date of the hearing and state the cause for which postponement is sought. Postponements may be granted in the Ethics Officer's sole discretion and denials thereof cannot be appealed.
- (i) The Ethics Appeals Committee will issue a Decision on the merits of the appeal within ninety (90) days from the earlier of the filing of appellant's Reply (or the expiration of the time to file the Reply) or the date of the hearing. The Decision will include a summary of the basis for the appeal and the factual findings by the Committee which support the Decision. In addition, the Decision may affirm, reverse, amend or otherwise modify any portion of the Decision under appeal, including any Disciplinary Action taken therein. A copy of the Ethics Appeals Committee Decision shall be mailed to the parties as soon as practicable. Decisions of the Ethics Appeal Committee are final and cannot be appealed.

14. *Disciplinary Actions.*

- (a) When a Respondent has been found guilty of an Ethics Violation, PMA, by and through the Ethics Officer, the Ethics Review Committee and/or the Ethics Appeals Committee may take one or more of the following Disciplinary Actions:
 - (i) A recommendation to the Board of Directors and/or the Certification Board that the member, PMA-CPT, or candidate be ineligible for membership, certification, or certification renewal, and/or that any reapplication of Respondent for PMA membership or certification be denied;
 - (ii) A requirement that Respondent take any corrective action to cure and/or mitigate any Ethics Violation;
 - (iii) A private reprimand and censure of Respondent concerning any Ethics Violation found;
 - (iv) A public reprimand and censure of Respondent concerning any Ethics Violation found;

- (v) An imposition of a term of membership or certification probation for any period up to three (3) years, which may include conditions on Respondent's conduct during that period;
- (vi) A suspension of any PMA membership, certification or candidacy held by Respondent for a period of not less than six (6) months and not more than three (3) years, which shall include the requirements that Respondent (A) return to PMA all original or copied membership and/or credential materials for the suspension period, and (B) immediately stop any professional identification or affiliation with PMA during the suspension period; and/or
- (vii) A revocation of any PMA membership, certification or candidacy held by Respondent, which shall include the requirements that Respondent (A) return to PMA all original or copied membership or credential materials, and (B) immediately cease any and all professional identification or affiliation with PMA.

(b) Following the final Decision issued by the Ethics Officer, the Ethics Review Committee, or the Ethics Appeals Committee, as the case may be, PMA may publish or release such Decision, including without limitation, on any website or Internet forum. Any party or interested individual may request publication of a final Decision, but the PMA may deny such requests and such denials cannot be appealed.

(c) PMA may notify appropriate government or professional bodies of any final Disciplinary Action taken against Respondent by sending a copy of the final Decision issued by the Ethics Officer, the Ethics Review Committee, or the Ethics Appeals Committee, as the case may be. Such notification may be sent by PMA at any point after the time period for Respondent to appeal an adverse decision has expired.

15. *Re-Application and Reinstatement Procedures Following Revocation, Suspension and Probation Orders.*

(a) *Revocation Orders.* Five (5) years after the issuance of a final, non-appealable order of revocation of PMA membership, certification or candidacy pursuant to paragraph 14 above, a Respondent may submit to the PMA Board a petition for permission to reapply for membership, certification, and/or candidacy (a "Reapplication Request").

(b) *Suspension Orders.* At any time following the expiration of a final, non-appealable suspension order issued pursuant to paragraph 14 above, a Respondent may submit to the PMA Board a request to be reinstated for membership, certification or candidacy (a "Reinstatement Request").

- (c) *Probation Orders.* Following the expiration of a final, non-appealable probation order issued pursuant to paragraph 14 above, the Ethics Officer will determine whether Respondent has satisfied the terms of the probation order. If the Ethics Officer determines that Respondent has fully satisfied the terms of probation, the Ethics Officer shall take steps to reinstate Respondent to full membership, certification, and/or candidacy status. If the Ethics Officer determines that Respondent has not fully satisfied the terms of probation, the matter shall be referred to the PMA Board or the Certification Board in accordance with the following criteria: (a) if Respondent is a member, former member or applicant for membership (but not a PMA-CPT, former PMA-CPT or applicant for certification), then to the PMA Board; (b) if Respondent is a PMA-CPT, former PMA-CPT or applicant for certification, then to the Certification Board; or (c) if Respondent is both (1) a member, former member or applicant for membership and (2) a PMA-CPT, former PMA-CPT or applicant for certification, then to the Certification Board unless the probation order did not pertain to acts or omissions by Respondent when s/he was a PMA-CPT, former PMA-CPT or applicant for certification. In the event of such a determination, the matter shall be referred to the PMA Board. The PMA or Certification Board, as the case may be, may continue the probation order, issue additional disciplinary or remedial actions and/or invoke any of the Disciplinary Actions provided in paragraph 14 above.
- (d) *Reapplication and Reinstatement Requests* shall contain a statement of the reasons that Respondent believes support and justify the acceptance of the Request, including a statement explaining why Respondent should receive PMA membership, certification, and/or candidacy. Requests shall be accompanied by any documentary or other material upon which Respondent relies in support of the Request.
- (e) Within ninety (90) days after the submission of a complete Reapplication or Reinstatement Request, or as soon after as practical, the PMA or Certification Board (as applicable) shall conduct a hearing by telephone conference to review and rule on the Request. Requests shall be considered by a quorum of the Board. During the hearing, the Board will review the information presented by Respondent and any other relevant information. The Board will then determine the final outcome of the Request by majority vote in closed session.
- (f) Within thirty (30) days of the PMA or Certification Board's decision regarding a Request, or as soon as practical, the Board shall issue a written decision explaining all the reasons therefor. At its sole discretion, the Board may indicate any conditions of membership, certification or recertification. Copies of the decision shall be sent to Respondent via U.S. mail, return receipt requested, or other method which requires signature upon delivery. While the decision is not appealable, Respondent may submit a new Request at any time two (2) years or more after the date on which the decision was issued.