

# **NEBB**

## **Operational Procedures**



**Fifteenth Edition**

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## 1.0 CHAPTERS

### 1.1 Formation of Chapters

- 1.1.1 The NEBB Board of Directors approves charters for regional domestic and international Chapters to accomplish NEBB's objectives.
- 1.1.2 The NEBB Board of Directors has a right to revoke the charter of any Chapter when it finds that a Chapter is not fulfilling its duties as specified below or when the continued operation of the Chapter is deemed to be prejudicial to the best interests of NEBB.
- 1.1.3 The boundaries of each Chapter will be established by NEBB and may be modified by the NEBB Board of Directors from time to time, as appropriate.
- 1.1.4 Chapter names must be approved by NEBB's Board of Directors and should relate to a Chapter's geographical territory.
- 1.1.5 Applications for a charter for a new Chapter may be submitted by NEBB Certified Firms that agree to support the objectives of NEBB and must include a description of the territory to be covered, interim officers (and directors if a corporation is contemplated), initial Certified Firm Applicants, a pro forma showing anticipated financing, and proposed Bylaws.
- 1.1.6 Chapter Bylaws must be consistent with the current Model Bylaws issued by NEBB from time to time. Chapter Bylaws are subject to NEBB's review and approval. The Chapter Bylaws shall provide for the following governance and administration:
  - Board of Directors
  - Chapter Coordinator
  - President
  - Technical Committee Chairman
  - Secretary/Treasurer
  - Finances
- 1.1.7 Applications for a charter for a new Chapter must include remittance of applicable fees to NEBB.
- 1.1.8 All refundable fees received by NEBB in connection with a new Chapter application will be returned promptly, in the event the Board of Directors does not approve the new Chapter.

### 1.2 Chapter Financing & Taxes

- 1.2.1 Each Chapter must be financially self-supporting.
- 1.2.2 Chapter and/or NEBB Fees may not be used as a means of unfairly excluding or deterring applications of companies otherwise eligible to apply for Certified Firm status.
- 1.2.3 Domestic Chapters shall apply to the IRS for, and maintain, tax exempt status as a 501(c)(6) nonprofit organization.

## 1.3 Chapter Duties

- 1.3.1 Each Chapter shall promote NEBB, its programs, the Procedural Standards for NEBB disciplines, and NEBB objectives.
- 1.3.2 Each Chapter shall abide by the provisions established in the latest editions of NEBB's Bylaws and Operational Procedures.
- 1.3.3 Each Chapter shall receive, evaluate, and process applications from Firms for certification and recertification, using criteria published by NEBB in its current Operational Procedures. The result of this process will be a recommendation that is reported to NEBB within forty-five (45) days of receipt of a completed application. NEBB retains final authority for all decisions related to applications.
- 1.3.4 Each Chapter shall conduct or sponsor seminars or refresher courses not less than annually for the Continuing Education of NEBB Certified Professionals and NEBB Certified Technicians.
- 1.3.5 Each Chapter shall, through the Technical Committee Chair, conduct objective investigations after receiving written instructions from NEBB relative to a Certified Firm's failure to comply with applicable NEBB Procedural Standards and/or NEBB Operational Procedures. The Chapter must report all investigatory findings and recommendations to NEBB within a timeframe directed by NEBB.
- 1.3.6 Each Chapter shall undertake and discharge such actions as directed by NEBB pursuant to the NEBB Quality Assurance Program, as that Program is established and published from time to time by NEBB on its official website.
- 1.3.7 Each Chapter shall ensure attendance at the annual conference and participation in specified meetings by its Chapter Coordinator, Chapter President, and/or Technical Committee Chairman. Unless previously approved by NEBB, a minimum of two (2) Chapter representatives are required to ensure attendance at all specified meetings.

## 1.4 Chapter Administration

- 1.4.1 Board of Directors. Each Chapter shall have a Board of Directors made up of NEBB Certified Professionals, employed by NEBB Certified Firms, affiliated with the Chapter. There shall be no more than two (2) Directors from any one (1) Firm. Except as otherwise required by law, each Chapter's Board of Directors shall meet a minimum of twice a year, face-to-face and or telephonically. In the event a Director ceases to be employed by a NEBB Certified Firm, the Director shall be allowed to serve no more than thirteen (13) months unless the Director again becomes employed by a NEBB Certified Firm.
- 1.4.2 Chapter Coordinator. Each Chapter shall employ a Chapter Coordinator to oversee the administrative affairs of the Chapter, which include, but are not limited to, the following:
  - 1.4.2.1 Collection of dues and fees payable to the Chapter.
  - 1.4.2.2 Coordination of Continuing Education seminars.

- 1.4.2.3 Handling other administrative matters, including, but not limited to, preparing administrative and financial reports, processing applications for NEBB Firm certification and processing biennial recertification of Certified Firms.
- 1.4.2.4 Disbursement of funds to satisfy the Chapter's financial obligations.
- 1.4.2.5 Communication and coordination between NEBB and the Chapter and between NEBB and Firms.
- 1.4.2.6 Facilitating the evaluation of, and reporting by, NEBB Certified Firms on probation, as directed by NEBB.
- 1.4.2.7 Representation of the Chapter, personally or by designated representative, at NEBB's annual Chapter Coordinators meeting.
- 1.4.3 President. Each Chapter will have a President who shall perform duties as specified in the Chapter's Bylaws and as otherwise required or permitted by law. A Chapter President must be a NEBB Certified Professional employed by a NEBB Certified Firm affiliated with the Chapter.
- 1.4.4 Technical Committee Chair. Each Chapter shall appoint a Technical Committee Chair who is a NEBB Certified Professional, employed by a NEBB Certified Firm, affiliated with the Chapter and shall have responsibilities specified in the Chapter's Bylaws and in these Operational Procedures, which include, but are not limited to, the following:
  - 1.4.4.1 Review applications for certification and recertification of Firms and forward to NEBB, within forty-five (45) days from the date of its receipt, each completed application, with a recommendation by the Chapter to approve or not approve the application or making no recommendation. NEBB shall be notified by the Chapter by the 45<sup>th</sup> day of receipt of any application that is incomplete, yet considered in process, which is preventing the Chapter from forwarding the application with a recommendation to approve or no recommendation.
  - 1.4.4.2 Investigate complaints against NEBB Certified Firms, as directed by NEBB.
  - 1.4.4.3 Administer the terms of disciplinary or administrative actions for NEBB Certified Firms, as directed by NEBB.
- 1.4.5 Secretary/Treasurer. Each Chapter shall appoint a Secretary/Treasurer, from the Chapter Board of Directors, who will be responsible for all finances and financial reporting activities, as required by NEBB and the Chapter's Bylaws.

## **2.0 CERTIFIED FIRMS**

### **2.1 Definitions**

- 2.1.1 Certified Firms are those companies, however legally constituted, that have met, and continue to meet, all NEBB requirements for certification and have been awarded a certification number by NEBB and are authorized to perform work in accordance with NEBB Procedural Standards.
- 2.1.2 Applicant Firms are those Firms that have applied to NEBB and are in the process of working toward certification but have not yet been awarded a certification number by NEBB.

## 2.2 Applicant Firm Status

- 2.2.1 A company must establish Applicant Firm status prior to attaining NEBB Firm certification.
- 2.2.2 An Applicant Firm must become certified not later than one (1) year from the date of its initial application for certification. If the Applicant Firm does not attain certification within the one (1) year period, the company must reapply as a new Applicant Firm, paying all then current and applicable dues and fees.
- 2.2.3 Upon application and thereafter, Applicant Firms must pay NEBB and Chapter dues and fees to maintain Applicant Firm status.
- 2.2.4 Prior to achieving NEBB certification, an Applicant Firm may not:
  - 2.2.4.1 Represent, directly or indirectly, the Applicant Firm as being NEBB Certified or any Applicant Professional or Applicant Technician as holding NEBB certification or Applicant status.
  - 2.2.4.2 Use the NEBB name or logo on letterhead, business cards, brochures or other promotional materials and advertising.

## 2.3 Firm Certification Requirements

- 2.3.1 An Applicant Firm must have operated continuously as a legal entity, actively engaged in the field for which it is seeking NEBB Certification, regularly providing services in one (1) or more of the disciplines in which NEBB provides certifications, for a minimum period of twelve (12) months prior to submitting an application for certification.
- 2.3.2 An Applicant Firm must submit a minimum of six (6) individual and unique letters of endorsement from architects, engineers, contractors, or commercial building owners, attesting to the Firm's reputation for integrity and business ethics, and knowledgeability in the field for which it is seeking NEBB Certification. These letters must be dated within twelve (12) months of the application date and must reference the Applicant Firm, not any Candidate or Certified Professional, and must list at least one (1) project for which the Applicant Firm provided services for the endorsing party. No more than one (1) letter may be from a contractor. NEBB and the Chapter of application reserve the right to review and communicate with any person or Firm regarding information on the background, integrity and ethics of the Applicant Firm.
- 2.3.3 An Applicant Firm must confirm in its application that it will comply with NEBB requirements for instrumentation for each discipline in which certification is sought.
- 2.3.4 The Applicant Firm must employ a Designated Certified Professional in each discipline for which Firm certification is sought. A Certified Professional may serve as the Designated Certified Professional for more than one (1) discipline, but not more than one (1) Applicant Firm, or more than one (1) office of the Firm, so long as the Professional is certified in each discipline that is applicable. The Designated Certified Professional shall be a full time, management level employee of the Firm, located and primarily working at the Firm address listed with NEBB. NEBB defines full time employment as a minimum average of thirty (30) hours per work week. The Designated Certified Professional shall be responsible for ensuring that the NEBB Certified Firm and all other NEBB Certified Professionals and Technicians in the office the Designated Certified Professional serves

perform services in accordance with all NEBB Procedural Standards and comply with these Operational Procedures.

- 2.3.5 The Applicant Firm must affiliate with and pay all NEBB fees and dues and Chapter fees and dues of their assigned NEBB Chapter. Firms affiliated with a Chapter that gives up its NEBB charter or has that charter revoked will be assigned by NEBB to Chapters geographically adjacent to the eliminated Chapter. The NEBB Board of Directors may re-assign Firm affiliations that are affected by Chapter boundary modifications.
- 2.3.6 The Applicant Firm must possess the current edition of the NEBB Procedural Standards applicable to the discipline for each certification sought.
- 2.3.7 The Applicant Firm must submit a NEBB “Agreement to Arbitrate” and “Code of Ethics,” each executed by an appropriate officer or owner in the Firm authorized to bind the Firm.
- 2.3.8 An Applicant Firm’s application may, but will not necessarily, be denied if an owner, partner, shareholder, Certified Professional, director or officer in the Applicant Firm has previously been decertified by NEBB or was employed in or held a similar position with a Firm previously decertified by NEBB.
- 2.3.9 NEBB certification in a given discipline is open to any Applicant Firm that meets the requirements for that NEBB discipline.

## 2.4 Requirements for Firm Recertification

- 2.4.1 Fees. Annual firm recertification fees are established by the NEBB Board of Directors. A Certified Firm must pay annual fees by January 1<sup>st</sup> of each calendar year for that calendar year. Failure to pay annual fees by March 31<sup>st</sup> will result in the automatic suspension of the Firm’s certification. Failure to pay annual fees by June 30<sup>th</sup> will result in the automatic decertification of the Firm.
- 2.4.2 Application. A Certified Firm must apply for recertification every two years. Firm recertification applications and supporting documentation are due to the respective NEBB Chapter for review and processing by December 31<sup>st</sup> of the year preceding the stamp expiration date. Resolution of any errors or omissions of the Firm recertification package must be resolved by March 31<sup>st</sup> or suspension procedures will apply per section 4.5.2 of these Operational Procedures. Firm recertification packages received by NEBB from the Chapter with a recommendation for recertification after January 1<sup>st</sup> may result in delays in the Firm receiving updated stamps and certificates by the March 31<sup>st</sup> expiration date shown on stamps and certificates.
- 2.4.3 In connection with each recertification application, the NEBB Chapter to which a Firm is assigned shall verify continued compliance with NEBB certification requirements for the subject Firm, as follows:
  - 2.4.3.1 The Firm must confirm in writing that, for each Discipline in which the Firm is certified, its Designated NEBB Certified Professional remains employed at the Firm. The Designated Certified Professional shall be a full time, management level employee of the Firm, located and primarily working at the Firm address listed with NEBB. NEBB defines full time employment as a minimum average of thirty (30) hours per work week. The Designated Certified Professional shall be responsible for ensuring that the NEBB Certified Firm and all other NEBB Certified Professionals and Technicians in the office the Designated Certified Professional serves perform services in accordance with all NEBB Procedural Standards and comply with these Operational Procedures.

- 2.4.3.2 The Firm must continue to meet the instrument requirements of the Procedural Standards for each discipline certification it holds.
- 2.4.3.3 The Firm shall submit a re-executed “Code of Ethics” and “Agreement to Arbitrate” as part of the recertification application, signed by an appropriate officer or owner in the Firm authorized to bind the Firm.
- 2.4.4 The Firm’s Designated Certified Professional will acknowledge reading and being bound by the current edition of NEBB’s Bylaws, Operational Procedures, Procedural Standards and other governing documents by separate signature in the Firm’s recertification application.
- 2.4.5 From each Certified Firm at least one (1) employee in a management position, preferably the Designated Certification Professional, shall attend a NEBB Chapter recertification seminar annually. Certified Firms located outside of North America are encouraged to participate in NEBB Chapter recertification seminars but are exempted from this requirement.

## 2.5 Requirements for Firms with Multiple Offices

- 2.5.1 Certification by NEBB of one (1) or more offices of a NEBB Certified Firm, each in accordance with 2.5.2, does not constitute certification of other offices of the Firm, for which there has not been full compliance with 2.5.2. NEBB certified services performed by the certified office must be done in accordance with the applicable NEBB discipline Procedural Standard.
- 2.5.2 After the certification of the first office of a NEBB Certified Firm, any other office of the Firm that is publicly held out or promoted as an office through which NEBB certified services are performed must comply with the following requirements:
  - 2.5.2.1 For each NEBB discipline as to which an office is publicly held out or promoted as providing NEBB services, a NEBB Designated Certified Professional (as established in these Operational Procedures) must be employed in a full time management level position and primarily serve the office. The same Professional certified in more than one (1) discipline may satisfy this requirement for the disciplines in which the Professional is certified.
  - 2.5.2.2 Each office must comply with the instrumentation requirements set forth in the applicable Procedural Standards for each discipline as to which an office is publicly held out or promoted as providing NEBB services.
  - 2.5.2.3 Each office must affiliate with the NEBB Chapter having jurisdiction in the geographical area in which the office is located, including payment of Chapter and NEBB dues and fees.
  - 2.5.2.4 Additional offices are not required to be in business for a year and are not required to submit letters of endorsement in order to become certified.
- 2.5.3 Certified Firms found to be holding out or promoting an additional office without complying with the letter and spirit of the requirements of 2.5 will be subject to Administrative or Disciplinary Actions by NEBB, including Decertification.



## 2.6 Certified Stamp Usage

- 2.6.1 A stamp and certificate that are the property of NEBB shall be issued to a Certified Firm with the Certified Professionals name included. The stamp/certificate is to be used for certifying work performed in accordance with NEBB Procedural Standards, by a NEBB Certified Professional, while employed by a NEBB Certified Firm. A Certified Professional may only perform work or advertise the ability to perform work in accordance with the NEBB Procedural Standards at one (1) NEBB Certified Firm. Certified Professionals shall register with NEBB the Certified Firm for which they are employed, and not perform these duties at any other NEBB Firm until all appropriate transfer paperwork has been completed, previous Firm stamps returned, and new Firm stamps and certificates issued.
- 2.6.2 The proper use, management and safekeeping of NEBB certification stamps are the responsibility of the Certified Firm to whom they are issued. In particular, but without limitation:
- 2.6.2.1 A Certified Firm shall return all NEBB stamps to NEBB within fifteen (15) days of suspension or decertification.
- 2.6.2.2 Paper Certified Report: For manual certifications, the ink stamp issued by NEBB to the Certified Firm with an original signature or ink signature stamp of the Certified Professional shall be applied to the certification page of a NEBB report. The signature and date shall not obscure the Certified Professional's name or Certified Firm's number in the stamp.
- 2.6.2.3 Electronic Certified Report: An electronic version of the NEBB-issued stamp (digital representation) shall be applied to the certification page of a NEBB report in electronic form, along with an electronic version of the Certified Professional's signature. This allows the Certified Professional while employed by the NEBB Certified Firm to affix a computer-generated stamp and an electronic signature to a NEBB report in electronic form.
- 2.6.2.4 Stamp Security: Certified Firms shall take appropriate measures to ensure security of their ink stamp, electronic stamp, ink signature stamp, and electronic signature. The security and use of ink stamp, electronic stamp, ink signature stamp, or electronic signature are the responsibility of the Certified Firm.

## 2.7 Loss of Rights

- 2.7.1 The Certified Firm will report any change in Certified Professional/Certified Technician employment to the NEBB Chapter and to NEBB within fifteen (15) days of a change in employment status. 2.7.2 Certified Professionals and Certified Technicians will have to apply for a certification transfer from one (1) Certified Firm to another Certified Firm or Applicant Firm. The Certified Professional/Certified Technician and the Certified/Applicant Firm shall submit a certification transfer application and pay a transfer fee within thirty (30) days of the change. The certification transfer will not be official until approved by NEBB. The Certified Professional/Certified Technician will be unable to perform work in accordance with NEBB Procedural Standards during the certification transfer process and will be reinstated only when the transfer is approved by NEBB.
- 2.7.2 A Certified Professional/Certified Technician not employed by a Certified Firm is unable to perform work in accordance with NEBB Procedural Standards.

- 2.7.3 A Certified Firm cannot publish or claim the Certified Professional's/Certified Technician's NEBB certification until the Certified Professional's/Certified Technician's transfer application has been approved by NEBB.
- 2.7.4 Failure of any NEBB Certified Professional/Certified Technician or Firm to comply with the above requirements may result in Administrative or Disciplinary Actions which could include, but are not limited to, Continuing Education requirements, Probation, Mentoring, NEBB Administrative Charges, and Decertification for the Certified Professional/Certified Technician and Certified Firm in the manner prescribed in these Operational Procedures.

### 3.0 *ADMINISTRATIVE GUIDELINES*

#### 3.1 NEBB Stamps and Certificates

- 3.1.1 NEBB issues certificates to Certified Firms, and Certified Professionals, and Certified Technicians.
- 3.1.2 NEBB issues a stamp(s) in the applicable NEBB discipline to Certified Firms for certifying works performed in accordance with NEBB Procedural Standards. The stamp bears the title of the applicable discipline, the name of the Certified Firm and the name of the Certified Professional employed by the Certified Firm. Each stamp bears an expiration date that coincides with the date of the Firm's biennial recertification.
- 3.1.3 Each stamp is discipline, Firm and Professional specific. A NEBB stamp may not be used to validate work in a discipline other than the one (1) embossed on the stamp itself or for Firm's or Professional's not embossed on the stamp.
- 3.1.4 Obsolete or expired stamps may not be used for any purpose.
- 3.1.5 NEBB Certification Stamps are the property of NEBB and must be returned to NEBB upon demand. The stamp cannot be used by the Certified Firm whose name it bears without the consent of the Certified Professional whose name it bears. The stamp cannot be used by the Certified Professional without the consent of the Certified Firm whose name it bears.

#### 3.2 Required Limitations for Disclosure of Information

- 3.2.1 Except as provided below, neither NEBB nor any Chapter, will in any manner, publicize the certification status of a NEBB Certified Firm, a NEBB Certified Professional or a NEBB Certified Technician. Certification status of Certified Professionals and Certified Firms shall be updated at least monthly and electronically published on the NEBB.org website.
- 3.2.2 Upon specific inquiry from a person having a reasonable business purpose to know specific information, NEBB or a Chapter may disclose the following:
  - 3.2.2.1 That a person's application for becoming a NEBB Certified Professional or NEBB Certified Technician is pending and the NEBB discipline that is the subject of the application.
  - 3.2.2.2 That a Firm's application for becoming a NEBB Certified Firm is pending and the NEBB discipline that is the subject of the application.

3.2.2.3 That, with respect to a specified NEBB discipline, a Firm is or is not NEBB certified. A Chapter or NEBB may not state or disclose that a Firm was certified but is on probation, suspension or has had its certification terminated.

### 3.3 Purchase or Acquisition of a NEBB Certified Firm

- 3.3.1 A NEBB Certified Firm seeking to transfer NEBB Certified Status through a purchase, acquisition, merger, divestiture, spinoff or other transfer of ownership or control, must submit an application to NEBB for approval and comply with the certification requirements of this section.
- 3.3.2 NEBB may approve NEBB Certified status for a newly created or controlled Firm if NEBB determines that the new Firm, including any Firm absorbing an existing NEBB Certified Firm, satisfies the certification requirements of this section.
- 3.3.3 A NEBB Certified Firm may transfer its NEBB affiliation through a transfer of the Firm or that portion of the company's overall operations which perform NEBB Certified work.
- 3.3.4 NEBB may grant certified status to a Firm that seeks, through transfer to it, such status, so long as the new Firm satisfies the requirements of this section, and NEBB determines that the Firm's proposed management team has had recent and significant experience with managing and providing NEBB certified services to clients in the NEBB Discipline(s) for which the Firm seeks certification.

#### 3.3.5 Certification Requirements of this section:

- 3.3.5.1 Transferring Firm and Certified Professional(s) are in good standing with NEBB.
- 3.3.5.2 Transferring Firm and new or acquiring Firm make application and pay all required fees.
- 3.3.5.3 The new or acquiring Firm undertakes to comply with and is in compliance with NEBB requirements for instrumentation for each discipline in which certification is sought.
- 3.3.5.4 The new or acquiring Firm will employ a Designated Certified Professional (as established in Section 2.4.2.1) in each discipline for which Firm certification is sought.
- 3.3.5.5 The new or acquiring Firm will Affiliate with and pay all NEBB fees and dues and Chapter fees and dues of their assigned NEBB Chapter.
- 3.3.5.6 The new or acquiring Firm will possess the current edition of the NEBB Procedural Standards applicable to the discipline for each certification sought.
- 3.3.5.7 The new or acquiring Firm will submit a NEBB "Agreement to Arbitrate" and "Code of Ethics," each executed by an appropriate officer or owner in the Firm authorized to bind the Firm.

### 3.4 Certificate and Stamp Name Variants and DBAs

- 3.4.1 NEBB issues certificates and certification stamps to Certified Firms in the company name recorded on the application for certification as confirmed by accompanying documents of incorporation. A Certified Firm, or an additional Certified Office of a Certified Firm, may request NEBB issue its certificates and stamps in a name variant

(aka DBA-“doing business as”) other than the name listed on the Certified Firm’s application provided the following considerations are met.

- 3.4.2 A Certified Firm or Certified Office of a Certified Firm seeking a name change and DBA name recognition by NEBB will be subject to the state or local government registration requirements with additional considerations intended to protect NEBB’s reputation. NEBB will not recognize a DBA regardless of the local jurisdiction determination if it may be construed by NEBB the Certified Firm or Certified Office of the Certified Firm intends to mislead the public as to the true ownership of the Certified Firm and/or additional Certified Office of the Certified Firm no matter whether as an intended or unintended consequence of the action.
- 3.4.3 A Certified Firm may request and NEBB may issue certificates and stamps in a name variant without a state or local jurisdiction filing provided the name has obvious continuity with the registered name on the Firm’s application for certification. Examples of this include reducing the Firm name to an acronym or an abbreviation of the registered name of a corporation.
- 3.4.4 Firms with multiple offices may request and NEBB may issue certificates and stamps in a name variant for the Certified Firm or Certified Office of the Certified Firm without a state or local jurisdiction filing provided the name has obvious continuity with the registered name on the Firm’s application for certification. Examples of this include the addition of the geographical region or locale in which the additional office is located and where the primary work activities of that Certified Office are located.
- 3.4.5 NEBB recognizes the marketing needs of its affiliate Certified Firms and that they may benefit from having the certificate and stamp name changed from the originally filed applications for certification. However, NEBB is not required to approve such requests nor does the approval of such requests relieve a Certified Firm of any standard of conduct or code of ethic requirements in the conduct of their business activities.
- 3.4.6 NEBB explicitly reserves the right to deny a request by a Firm to use a name variant or DBA and NEBB will revoke any name variants or DBAs previously approved if it is shown there were motives considered prejudicial to the best interest of NEBB. Continuity of ownership must be shown by the Certified Firm to NEBB throughout the process of issuing a name variant or DBA.

## **4.0 COMPLIANCE AND ENFORCEMENT**

### **4.1 Compliance**

- 4.1.1 A Certified Firm that does not perform in accordance with all applicable NEBB Procedural Standards, Operational Procedures, NEBB Bylaws and other policies is subject to Administrative or Disciplinary Actions that may include, but are not limited to, the following: Mentoring, Probation, NEBB administrative charges, Suspension, and/or Decertification.

## 4.2 Administrative Actions

- 4.2.1 Following consultation with the Chapter Affairs Committee, the NEBB Executive Vice President (NEBB EVP) may prescribe continuing education and/or mentoring actions for Certified Firms. Administrative Actions are subject to appeal by the affected Firms to the Executive/Finance Committee.

## 4.3 Disciplinary Actions

- 4.3.1 Disciplinary Actions that include NEBB administrative charges, Probation, Suspension, and/or Decertification can only be imposed by the NEBB Board of Directors.

## 4.4 Definitions

- 4.4.1 Administrative Action Period: A time period imposed by NEBB on Certified Firms, to take actions prescribed to come into compliance with NEBB Procedural Standards, Operational Procedures, and policies.
- 4.4.2 Decertification: The loss of NEBB Certified Firm status, which cannot be changed except by application for a new certification in the manner and to the extent provided by these Operational Procedures.
- 4.4.3 Mentoring: NEBB-approved entities working with Certified Firms to monitor and enhance of the Firm's compliance with NEBB Procedural Standards, Operational Procedures, and policies.
- 4.4.4 NEBB Administrative Charges: Charges imposed by the NEBB Board of Directors related to the administrative costs associated with the investigation, implementation, and completion of a compliance or enforcement action.
- 4.4.5 Probation Period: A period of time imposed by NEBB on Certified Firms where Certified Firms are authorized to provide NEBB certified services to allow the Certified Firm to demonstrate the ability to comply with NEBB Procedural Standards, Operational Procedures and requirements.
- 4.4.6 Suspension: A defined period of time when a Certified Firm is not authorized to perform NEBB certified services, represent that NEBB certified services are being performed, or claim any NEBB association or status.

## 4.5 Suspension

- 4.5.1 A Certified Firm's certification in a discipline will automatically be suspended and be in the inactive status when the Certified Firm no longer meets NEBB's certification requirements for the discipline. Certification in a discipline is automatically terminated after a one (1) year suspension, unless an extension of the suspension is granted by the NEBB Board of Directors at its sole discretion. A request for an extension to a one (1) year suspension must be submitted in writing to the NEBB EVP and received not later than forty-five (45) days prior to the conclusion of the Firm's suspension. No request for an extension to a one (1) year suspension will be considered if received within the forty-five (45) day period immediately before the conclusion of the one (1) year Suspension.
- 4.5.2 A Certified Firm's certification is automatically suspended if the current year's NEBB Firm recertification fees and Chapter fees and dues are not paid by March 31<sup>st</sup>. No extensions for payment of NEBB Firm recertification fees shall be granted. A Certified Firm's certification is automatically suspended if its biennial recertification application

documents are not approved by the Chapter and NEBB by March 31<sup>st</sup>. An extension of time filing a biennial recertification application may, if submitted in writing to the NEBB EVP forty-five (45) days ahead of the applicable deadline, be granted, in their sole discretion, by the NEBB Board of Directors. No requests for an extension shall be considered if received by the NEBB EVP less than forty-five (45) days prior to the applicable deadline.

- 4.5.2.1 The certification of a NEBB Certified Firm that fails to employ a Designated NEBB Certified Professional shall be immediately suspended in the relevant NEBB discipline(s). For project(s) in progress and requiring NEBB certification, the suspended Firm shall secure the services of another NEBB Certified firm to complete the project, unless the Firm timely employs another Designated NEBB Certified Professional in the relevant NEBB discipline.
- 4.5.2.2 Except as provided in 4.5.2.1, a NEBB Certified Firm that has lost the services of a Designated NEBB Certified Professional in a NEBB discipline shall not perform work as a NEBB Certified Firm in that discipline until the Firm is reinstated by NEBB.
- 4.5.3 Certified Firms that have had their certification suspended in a discipline may not perform work as a NEBB Certified Firm, in that discipline, or in any way represent themselves or the work that they are performing as being NEBB Certified in that discipline.
- 4.5.4 Firms that misrepresent their status while suspended may be subject to Administrative or Disciplinary Actions, including Decertification in all disciplines in accordance with these Operational Procedures.
- 4.5.5 Reinstatement. A Certified Firm that had their certification suspended in a discipline shall be reinstated as a Certified Firm in good standing if it has received confirmation from NEBB and/or its Chapter that it has met all Firm certification requirements as specified in section 2.4.2 of the NEBB Operational Procedures and paid a reinstatement fee if required. Eligibility for reinstatement is not sufficient; confirmation of having met the Firm certification requirements is required. Requests for reinstatement must be submitted to the NEBB EVP, along with all pertinent documentation, not less than ten (10) business days prior to the conclusion of the Firm's suspension period.

## 4.6 Decertification of Certified Firms

- 4.6.1 A Firm's failure to pay all required NEBB and Chapter fees and dues and meet all other applicable recertification requirements on or before June 30th will result in decertification in all NEBB disciplines. An extension of this deadline may be granted by the NEBB Board of Directors at its sole discretion if the request for an extension is submitted to the NEBB EVP and received not less than forty-five (45) days prior to the decertification deadline. Requests received less than forty-five (45) days prior to the decertification deadline will not be considered. If a Firm is decertified and wishes to regain certification, that Firm must make application and pay fees as required for Applicant Firms and as provided for below.
- 4.6.2 Except as provided in 4.5 (suspension) and 4.6.1 (failure to pay dues and fees and/or failure to meet recertification requirements), termination of any NEBB Firm certification will proceed and be affected as follows:
  - 4.6.2.1 If NEBB has reason to believe that a Certified Firm has taken action or failed to take action that may constitute grounds for termination of NEBB Firm

certification in a discipline, NEBB will refer the matter to its Chapter Affairs Committee for investigation. The Committee may obtain pertinent information from available sources, obtain reports from consultants or experts, and otherwise engage in any fact finding activity relating to the matter, all in a manner and to the extent deemed by NEBB to be appropriate in the circumstances. The results of such inquiry shall be reported to the Board of Directors, which may, by a 2/3rds vote of a quorum of the Board, determine that continued certification in a discipline may be prejudicial to the best interests of NEBB. Upon such a determination, NEBB will provide the Certified Firm with written notice of the determination, the grounds for the determination, and the opportunity to submit information relative to those grounds and/or be heard by the Board or an ad hoc hearing panel appointed by the Board to make findings and recommendations to it. Any such information shall be submitted by the Firm in writing to the Board or its designated hearing panel no later than thirty (30) days from the date of the notice. In any such submission and only in any such submission, the Certified Firm may request a hearing on the matter before the Board (or a hearing panel that the Board appoints) on a date no later than thirty (30) days after the submission of a written response. If no written response is received within thirty (30) days from the date of notice, the Board's determination will automatically become final, and the Certified Firm will be decertified in the NEBB discipline at issue. The Certified Firm may be represented by counsel during any phase of this procedure, except that meetings of the Board of Directors or its hearing panel are not open to a party or the party's counsel.

- 4.6.2.2 After consideration of any written information submitted by the Certified Firm or by NEBB, information presented at a hearing (if any), reports from consultants or experts (if any and provided they are disclosed to all parties) and reports, findings or recommendations (if any) from any panel designated by the Board to conduct the fact finding process and make recommendations, the Board of Directors may, by a 2/3rds vote of a quorum of the Board, make a final determination that continued certification is not in the best interests of NEBB and terminate the certification(s) in question. By the same vote, a quorum of the Board may terminate the process of decertification and may direct any Administrative or Disciplinary Action as the Board deems appropriate in its sole discretion. ANY FINAL DETERMINATION OF THE NEBB BOARD OF DIRECTORS PURSUANT TO THIS PROVISION IS NOT SUBJECT TO FURTHER REVIEW WITHIN NEBB OR IN ANY JUDICIAL OR ADMINISTRATIVE FORUM, EXCEPT ARBITRATION IN ACCORDANCE WITH THE NEBB "AGREEMENT TO ARBITRATE."
- 4.6.2.3 If any member of the NEBB Board of Directors or Chapter Affairs Committee was or is involved in the actions or projects that gave rise to any inquiry that could lead to the decertification or disciplinary action of a Certified Firm, such member will not participate on behalf of NEBB in any Chapter Affairs Committee deliberation, Board deliberation or vote on the question of decertification or discipline. Notwithstanding the foregoing, all Chapter Affairs Committee or Board members may provide information in the course of the fact finding process. Further, no member of the NEBB Board of Directors or Chapter Affairs Committee shall participate under parts 4.4.2.1 and 4.4.2.2 above in any Board deliberation or vote on decertification or Administrative or Disciplinary Actions, if the subject Certified Firm is in the same Chapter with which the Board member or Committee member is affiliated.

- 4.6.3 Upon written notice of Decertification, a Firm shall return all NEBB stamps and certificates for the discipline(s) of decertification to NEBB within ten (10) calendar days of the date of notice. Decertified Firms will no longer represent themselves or their work as NEBB Certified in the discipline of decertification.
- 4.6.4 The following policies and procedures govern treatment of Firms subsequent to decertification.
  - 4.6.4.1 Other than in circumstances of a decertification involving a final civil judgment or criminal conviction for fraud or fraudulent intent, a felony conviction, or a conviction of a crime of moral turpitude, a Firm previously decertified pursuant to the provisions of 4.6.2 may reapply for certification no less than one (1) year from the date of written notice of its prior decertification. Re-application for certification may be denied in the circumstances stated herein at NEBB's sole discretion.
  - 4.6.4.2 In addition to the materials that a certification Applicant is required to submit, Applicants previously decertified pursuant to the provisions of 4.6.3 shall submit materials sufficient in detail and substance to convincingly demonstrate that the conduct that led to the Applicant's decertification and the circumstances of its operations that contributed to that conduct have been corrected. The Chapter Affairs Committee or a subcommittee that it designates shall review the application package to determine whether the conduct that led to decertification and the circumstances of its operations that contributed to that conduct have been corrected. In connection with making its determination, the Committee or its designee may require further specified submissions from the Applicant and conduct its own investigation.
  - 4.6.4.3 Upon reaching a decision, in its sole discretion, as to whether or not satisfactory correction to the decertified Firm's conduct and operations has occurred, the Committee will forward the application to the NEBB Board with a recommendation. The Board will make the final determination, in its sole discretion, as to whether the application may continue to be processed.

## **5.0 DEVELOPING AND UPDATING THE OPERATIONAL PROCEDURES**

### **5.1 Board of Directors Approval**

- 5.1.1 All changes to these Operational Procedures must be submitted to and approved by the NEBB Board of Directors.

### **5.2 Updates and Recommendations**

- 5.2.1 NEBB's Executive Vice President will record any and all NEBB Board of Directors actions that require updates to the Operational Procedures. Additionally, the Executive Vice President will forward to the Board of Directors any change recommendations that are submitted to NEBB, whether by a NEBB Certified person or a Chapter.

### **5.3 Chapter Affairs Committee**

- 5.3.1 The Chapter Affairs Committee may be utilized by the Executive Vice President or NEBB Board of Directors for administrative, technical, and formatting changes to the



Operational Procedures, notwithstanding the requirement that all changes are approved by Board of Directors action.

## 5.4 Publication and Distribution

- 5.4.1 Once approved by the Board of Directors, notice of any and all changes to these Operational Procedures, as well as any changes to the NEBB Bylaws, shall be provided in written form to all NEBB Chapters and posted on the NEBB website.
- 5.4.2 Any change to these Operational Procedures or the NEBB Bylaws as to which notice has been provided in at least the manner prescribed herein shall be binding on all NEBB Chapters and all NEBB Certified Firms.