

Ethics Procedure Manual (Current as of 2000 CAPL Roster)

A. INTRODUCTION

This procedural Manual has been adopted by the Board of Directors of the Canadian Association of Petroleum Landmen (CAPL). The purpose of the Manual is to provide an equitable procedure for the application of the standards of professional conduct as embodied in Article 5 of the CAPL Constitution (The Code of Ethics).

B. GENERAL PROVISIONS

1. Qualification

- (a) The Board of Directors shall appoint two members to serve as Chairman and Vice-Chairman of the Ethics Committee, as approved by two-thirds (2/3) of the total number of voting members of the Board of Directors. The initial Chairman shall serve for a term of two years and the initial Vice-Chairman for a term of three years, with all subsequent appointments being for terms of two years.
- (b) As used herein: (1) The term "Hearing Panel" refers to the Ethics Committee or the Board of Directors as the case may be; (2) The term "party" refers to (a) respondents, or (b) the Chairman of the Ethics Committee or his designate; (3) The term "Chairman" refers to the Chairman of the Ethics Committee or his designate as the case may be.
- (c) A person shall automatically be disqualified to be a member of the Hearing Panel in any case in which he is (1) respondent, or (2) related by blood or marriage to a party, or (3) is an employer, employee, partner of, a respondent.
- (d) Members of a Hearing Panel shall not discuss the case with any person, other than as is necessary to investigate the complaint.
- (e) Any member may file with the Chairman a written request for disqualification of a member of a Hearing Panel, stating the grounds for disqualification. If a majority of the members of the Hearing Panel, after excluding the member in question, finds any grounds for disqualification of the member, or find any other facts which in its judgement may prevent a member from rendering an impartial decision, or which appears to do so, the member shall stand disqualified.
- (f) Participants and witnesses shall refrain from discussing or attempting to discuss the facts or the merits of the pending matter with any member of the Hearing Panel, the Board of Directors, or members of the staff of the CAPL, provided, however, that nothing herein shall in any way limit the right of any party to request from the Chairman information relative to the filing of a

complaint, a reply, or any other procedural or jurisdictional aspect of the matter.

2. Duty to Give Evidence

When summoned by the Hearing Panel to do so, it shall be a duty of every member to appear at the hearing, produce any non-proprietary records or data pertinent to the case as designated by the Hearing Panel, and to testify truthfully.

3. Right of Counsel to Appear

Every party may be represented by legal counsel provided he notifies any other Party and the Hearing Panel at least five (5) days before the hearing of his intention to have counsel.

4. Witnesses

Each party may have its own witnesses at the hearing, and the Hearing Panel may summon its own witnesses.

5. Conduct of the Hearing

- (a) At the Hearing, other than an appeal to the Board of Directors every party has the right to present witnesses, submit evidence pertinent to the case, and cross-examine witnesses of others. Witnesses giving oral testimony shall be sworn by the Chairman. Before permitting testimony relating to the character or general reputation of anyone, the Hearing Panel shall satisfy itself that the testimony has a direct bearing on the case at issue.
- (b) Each Hearing will be audio recorded by the Hearing Panel. Any party may, at its own expense, have a court reporter present at the hearing, provided, however, that if he does so he shall at his expense and within ten (10) days after the conclusion of such hearing, provide the Chairman with a transcript thereof unless such requirement is waived in writing by the Chairman.

6. Notices

- (a) Any notice required to be given or document required to be served shall be sent by double-registered mail addressed to the party's last known address. Said notice shall be deemed given when received.
- (b) Notice of any hearing shall, except for an adjourned hearing, be given not less than thirty (30) days in advance thereof.

7. Interpretation of The CAPL Constitution

The interpretation of the CAPL Constitution and this Manual by the Hearing Panel shall be conclusive and final, provided, however, that upon appeal to the Board of Directors, the Board of Directors shall not be bound by the interpretation of the Hearing Panel.

8. Waiver

Each member, by virtue of membership, waives any right of personal redress against the CAPL, the members of a Hearing Panel, and any other member for action taken in relation to any matter subject to hearing pursuant to the provisions of the CAPL Constitution and this Manual.

9. Communication and Clerical

Communications from parties shall, unless otherwise directed by the Hearing Panel, be delivered to the Chairman. The Chairman shall issue notices, and provide forms, as required herein.

10. Duties of Membership

It shall be the duty of each CAPL member to abide by the Constitution (including the Code of Ethics), this Manual, and all rules and regulations relating thereto which have been adopted by the Directors.

11. Attempt to Influence Panel

Any attempt, directly or indirectly, to influence a member of a Hearing Panel regarding any matter pending before it, other than providing evidence submitted to the Hearing Panel, is a breach of a duty of membership and subject to discipline.

12. Disciplinary Action

After a hearing as provided herein, and upon a two-thirds (2/3) vote of those members of the Committee present, the Ethics Committee may discipline a member as follows:

- (a) Letter of Censure to member with notification to Directors;
- (b) Suspension of membership for a definite period of time; or

- (c) Expulsion from membership;
- (d) Suspension or termination of Accredited Status

The Ethics Committee may notify the CAPL Membership of such disciplinary action, by notice in the official publication of the CAPL, or otherwise.

13. Resignation

Any proceeding against a member alleging a violation of the Code of Ethics or a duty of membership shall automatically terminate upon acceptance by the Directors of the resignation of said member. A member resigning while under such circumstances shall not be eligible to re-apply for CAPL membership for at least three (3) years.

14. Manner of Initiating a Hearing

- (a) Any person, whether a member or not, having reason to believe that a member is guilty of conduct that may be subject to disciplinary action, may file a complaint in writing with the Chairman dated, signed and accompanied by a full statement of the evidence in support thereof. The Ethics Committee may, upon its own motion, and shall, upon the filing of a written complaint, direct its Chairman to initiate the investigation of the conduct of any member when it is charged, or when there is reason to believe, that the member has violated the Code of Ethics or a duty of membership. The Chairman may appoint an investigating committee.
- (b) Upon reviewing the allegations and investigate the hearing matter as appropriate, the investigating committee, if appointed, shall recommend in writing to the Ethics Committee that the complaints be (1) dismissed because of lack of probable cause or (2) referred back to the Ethics Committee for hearing. If no investigating complaints has been appointed, the Ethics Committee shall make the recommendation regarding a hearing or dismissal of the complaint. The final determination regarding whether or not any matter shall be set for hearing shall be made by the Ethics Committee in its sole discretion.
- (c) Upon finding that the matter should be referred for hearing, the Chairman of the Ethics Committee shall prepare a complaint (herein called Formal Complaint) setting forth in writing the conduct complained of and the specific duty of membership alleged to have been violated by such conduct. If it is alleged that

the member has violated the Constitution the specific provisions alleged to have been violated should be enumerated.

15. Notification to Member

Upon commencement of the investigation of complaints, the member under investigation shall be advised of the nature of the investigation and the identity of the members of the investigating committee if any. The Chairman of the Ethics Committee may, in his discretion, cause a copy of the complaint to be sent to the accused member. If the complaint is ultimately dismissed and no hearing is to be held, the member under investigation shall be so notified.

16. Hearings

- (a) Upon determination by the Ethics Committee that the Formal Complaint will be set for hearing, the Chairman shall serve a copy of the Formal Complaint on each party complained of (hereafter called the respondent) and notify the respondent that he may file a written reply with the Chairman in duplicate, within ten (10) days, and that if he does not, the charges may be taken as true, by default. The Ethics Committee may, in its discretion, accept late filing of the reply.
- (b) Ten (10) days after the issuing of the Formal Complaint the Chairman shall deliver copies of the reply (if any) to the Ethics Committee or notify same that no reply has been filed.
- (c) The Ethics Committee shall designate the date, time and place for hearing as soon as possible after the receipt of the formal complaint. The Chairman shall notify the parties in writing by double registered mail to the last known address of each party not less than thirty (30) days before said date. An appearance by respondent or any other party at a hearing without objection will constitute a waiver of any defective notice of the hearing. On or before the notice of the hearing, respondent shall be provided with a copy of the Formal Complaint, the Constitution, and this Manual.
- (d) The Chairman may prescribe any procedure for the hearing not inconsistent with the provision of this Manual or the Constitution.
- (e) Amendment of Formal Complaint:
 - i. No amended Formal Complaint may be filed as a matter of right within any period less than forty-eight (48) hours prior to the time set for the hearing. The Chairman may, in his sole discretion and for just cause, permit the amendment of the Formal Complaint at any time prior to the

commencement of the hearing, but should the same be field within the forth-eight (48) hour period, then the matter shall be reset for a date no less than thirty (30) days from and after the date set for all the hearing parties unless all parties agree to a shorter period of time.

- ii. At any time during the hearing the Formal Complaint may be amended upon approval of the Ethics Committee. In such event the hearing may be continued to a date not less than thirty (30) days from such continuance, unless all parties agree to a shorter period of time. The amended Formal Complaint shall be field in writing and shall be promptly served on the respondent as in all other cases provided herein.
- (f) In the event that the respondent fails to appear at a duly noticed hearing without obtaining a continuance or adjustment thereof, the Ethics Committee may proceed with the hearing in the respondent's absence and shall reach its decision based on the evidence made available at the hearing. Thereafter, all such other procedures shall be as herein provided.
- (g) The attendance of not less than two-thirds (2/3) of the members of the Ethics Committee shall be required at any hearing referenced herein.
- (h) The Formal Complaint and the evidence relating hearing thereto shall be presented at the hearing by the chairman of the investigating committee or the Chairman of the Ethics Committee.

17. Decision of the Panel

- (a) The decision of the Ethics Committee shall be by a two-thirds (2/3) vote of the members present and in writing containing findings of fact and statement of disciplinary action, if any. The decision shall be filed with the Board of Directors. In the event that the respondent is found in violation of a duty of membership, the Ethics Committee, in its discretion, shall consider all records of previous violations, if any, in the member's file in determining discipline.
- (b) The Chairman of the Ethics Committee, or the presiding officer, shall transmit a copy of the decision to respondent within five (5) days of rendition.
- (c) Within ten (10) days after the decision has been rendered, the respondent may petition the Ethics Committee for a rehearing solely on the ground of newly discovered material evidence which the respondent could not, with reasonable diligence, have discovered and produced at the original hearing. The petition must be in writing.

- (d) A petition for hearing not granted within ten (10) days of its filing shall automatically be deemed denied unless extended in writing by the Ethics Committee. When granted or denied, the Chairman shall immediately inform the respondent. No more than one petition for rehearing may be filed in the case.

18. Action of the Board of Directors

- (a) Within forty-five (45) days after the decision of the Ethics Committee has been rendered, if no petition for rehearing has been filed, or within forty-five (45) days after denial of a petition for rehearing, the respondent may file an appeal with the Board of Directors. The appeal must be in writing.
- (b) If no such appeal is filed, the discipline recommended by the Ethics Committee shall constitute final action by the CAPL and the Committee shall issue its order accordingly.
- (c) Upon receipt of a request for appeal, the Directors shall fix the date, time, and place for hearing and give the respondent written notice by registered mail addressed to respondents' last known address not less than thirty (30) days before said date.
- (d) The attendance of not less than two-thirds (2/3) of the members of the Board of Directors shall be required at any hearing of an appeal refer herein.
- (e) At the hearing before the Board of Directors, the chairman of the Ethics Committee shall summarize the case. The respondent may, if he wishes, be heard to correct the summary. The respondent may present to the Directors his reasons why the Ethics Committee's recommendation should not be followed, but no new evidence shall be received, and the appeal shall be determined on the transcript if available, or the summary.
- (f) The Board of Directors, shall by two-thirds (2/3) vote of those present render their decision promptly. Their decision may adopt, reject or modify the decision of the Ethics Committee.
- (g) If a decision of the Ethics Committee is rejected or modified, the Board of Directors shall state the reasons therefore in writing.
- (h) A decision of the Board of Directors is final, and each member by becoming and remaining a member agrees not to seek a review thereof in any court of law.

Amendment of the Ethics Committee General Provisions The Board of Directors, may, at any time, make amendments to this procedure by a two-third (2/3) favourable vote of the Board of Directors at a regular or special meeting of the Executive, providing such amendments are not inconsistent with the Constitution.