

**ETHICS COMPLAINT PROCEDURE
FOR
AIFD® OR CFD® CERTIFIED PROFESSIONALS**

PREAMBLE

The program of certification for professional floral designers exists to foster the development and growth of floral design professionals, to promote high ethical standards and practices in the professional floral industry, and to establish and maintain public confidence in the integrity and professionalism of floral design professionals, thereby protecting the public. The Code of Ethics for Certified Professional Floral Designers with the designation AIFD® or CFD® (“Code of Ethics”) sets forth the Ethical Principles to which all Certified Professional Floral Designers with the designation AIFD® or CFD®, together with those applying to receive such designations (“Certified Professionals”), have subscribed. Certified Professionals who violate the Code of Ethics or commit other acts of professional misconduct defined herein are subject to prescribed disciplinary procedures and sanctions set forth in this document.

ARTICLE I

PURPOSE AND FUNCTION

1.01 Purpose. The disciplinary process set forth in this Ethics Complaint Procedure (“Complaint Procedure”) provides for an objective review of a Certified Professional's compliance with the Code of Ethics, including a Certified Professional's eligibility to retain said certification. Any Certified Professional engaging in acts found to be in violation of the Code of Ethics or otherwise to constitute professional misconduct hereunder is subject to sanction under Article V-VII hereof.

1.02 Function. The function of this Complaint Procedure is as much evaluative as it is punitive. When a complaint is filed under Article V hereof alleging that a Certified Professional has been involved in unethical conduct or other professional misconduct, the disciplinary process set forth in this Complaint Procedure will be invoked.

ARTICLE II

AUTHORITY

2.01 Board of Directors. The National Board of Directors (“Board of Directors”) of the American Institute of Floral Designers™ (the “Institute”) has the authority to impose sanctions set forth in Article VII hereof and to act upon applications for reinstatement of certification status.

2.02 Ethical Standards Committee. The Ethical Standards Committee of the Institute will be vested with the authority to investigate alleged violations of the Code of Ethics or other professional misconduct and to recommend action to the Board of Directors.

2.03 Conflict of Interest. If a member of the Ethical Standards Committee shall, with respect to any matter before the Committee, be considered by the Committee to have a conflict of interest with respect to such matter, such member shall be excluded from participation therein by the Committee. As deemed appropriate, the National President has the authority to appoint temporary Committee members to substitute for disqualified Committee members. In the event that the National President has a conflict of interest with respect to a matter before the Committee, the remaining members of the Committee shall elect from among themselves a person to serve in the capacity of Chair with respect to such matter.

ARTICLE III

GROUNDS FOR DISCIPLINE

3.01 Acts or Omissions. Professional misconduct by a Certified Professional, as defined by any act or omission which violates the Ethical Principles of the Code of Ethics, shall constitute grounds for discipline, whether or not the act or omission occurred in the course of a client relationship:

ARTICLE IV

OBLIGATIONS TO REPORT PROFESSIONAL MISCONDUCT

4.01 Reporting of Violations. A Certified Professional having knowledge of an act or omission by another Certified Professional which violates the Code of Ethics or otherwise constitutes professional misconduct as defined in Section 3.01 hereof, may report the matter by filing a complaint under Article V hereof.

4.02 Cooperation with Investigation. It is the obligation of any Certified Professional to cooperate fully with the Ethical Standards Committee in the investigation of alleged professional misconduct.

ARTICLE V

COMPLAINTS OF PROFESSIONAL MISCONDUCT

5.01 Complaint of Professional Misconduct. A complaint of professional misconduct by a Certified Professional must be in writing, accompanied by substantiating documentary evidence, and submitted in writing to the Ethical Standards Committee. A complaint may only be submitted once and may not be re-filed. A complaint may only be submitted by a Certified Professional. The complaint must involve conduct which occurred within six (6) months of the date of the complaint. The complaint must include a detailed description of the nature of the

alleged professional misconduct, as well as all pertinent facts and circumstances. The proceedings as a whole shall be treated confidentially, except to the extent required to complete the investigation, and except as provided herein in the event that certain disciplinary sanctions are imposed by the Board of Directors.

5.02 Initial Determination. Based upon the complaint and accompanying documents, the Ethical Standards Committee will determine whether sufficient evidence exists to proceed with an investigation. If the Committee determines that insufficient evidence exists, the complaint shall be dismissed; the complainant shall be notified in writing of the dismissal. If the Committee determines that sufficient evidence does exist to initiate an investigation, it shall proceed as described below.

5.03 Formal Investigation. The Chair of the Ethical Standards Committee shall inform the respondent in writing, by certified mail addressed to the last known address of the respondent, that a complaint of professional misconduct has been filed and that the Committee has determined to initiate a formal investigation of the matter. The Committee shall provide a copy of the complaint and all accompanying supporting documentation and evidence to the respondent. The identity of the complainant shall be revealed. The respondent shall have thirty (30) days from the date of receipt of the notification letter to prepare and submit a response in writing, along with whatever affidavits and documentary evidence the respondent feels support the response. The Committee shall have the right to seek additional information regarding the matter from the complainant, the respondent and/or relevant third parties. In conducting its investigation and evaluating all evidence, the Ethical Standards Committee shall presume at the outset of its investigation that the respondent acted ethically and shall determine that an act of professional misconduct has occurred only if it finds a preponderance of evidence of such misconduct.

5.04 Determination and Recommendation. The Ethical Standards Committee shall evaluate all documentation pertaining to the matter and render one of three (3) decisions within ninety (90) days of receiving all relevant evidence:

- a. There is insufficient evidence to make a determination.
- b. The complaint is substantiated.
- c. The complaint is not substantiated.

In the case of a decision under a. or c. above, the complaint shall be dismissed, and both the complainant and the respondent shall be so notified by the Committee Chair in writing.

If the Ethical Standards Committee finds by a preponderance of evidence of professional misconduct, it shall issue a written decision setting forth the basis for its decision and recommending to the Board of Directors an appropriate sanction from among those set forth in Article VII hereof.

5.05 Notification of Determination. Following receipt and consideration of the decision and recommendation of the Ethical Standards Committee, the Board of Directors shall, within thirty

(30) days of receipt of the Committee recommendation, vote upon implementation of the sanction recommended by the Committee, or any lesser sanction proposed by the Board of Directors. A sanction will be implemented only upon its approval by a two-thirds (2/3) vote of the Board of Directors. Should the Board of Directors vote not to implement any sanction, the complaint shall be dismissed, and the complainant and respondent shall be notified of same in writing. Should the Board of Directors vote to implement a sanction, the respondent, but not the complainant, shall be notified of same in writing by certified mail. The notice shall advise the respondent of the right to submit new evidence under Article VI and of the fact that, in the absence of any such submission, the sanction will be effective thirty (30) days after the respondent's receipt of the notice or, if the sanction is suspension or revocation of membership, at the next meeting of the Board of Directors. Should the sanction be suspension or revocation of membership, the notice shall advise of the time and place of the meeting of the Board of Directors at which the sanctions will be made final and the member shall have the opportunity to appear in person and/or to be represented by counsel to present any defense to such charges before action is taken thereon. Unless the Board of Directors reverses its decision under Article VI, the complaint and the sanction shall be recorded in the respondent's official certification file.

ARTICLE VI

APPEALS PROCESS

6.01 Limited Right to Appeal. Any dismissal of a professional misconduct complaint, whether by the Ethical Standards Committee or by the Board of Directors, shall not be subject to appeal. A decision of the Board of Directors to implement sanctions against a respondent is subject to appeal by the respondent, but the sole ground for such appeal shall be that the respondent has new, relevant information which was not considered by the Ethical Standards Committee. Any respondent having new information to submit to the Board of Directors shall, within thirty (30) days of receipt of the written notice required by Section 5.05, file with the Board of Directors a written notice of appeal stating the reason for the appeal and including the new information not considered by the Ethical Standards Committee. Following review of the entire investigative file, the decision and recommendation of the Ethical Standards Committee and the new information submitted by the respondent, the Board of Directors shall, within thirty (30) days of receipt of such new information, render a final decision which may not be further appealed. If the complaint is dismissed, the complainant and the respondent shall be notified of same in writing. If the appeal is denied, the respondent, but not the complainant, shall be notified of same in writing by certified mail, and the sanctions imposed by the Board of Directors shall be implemented immediately.

ARTICLE VII

SANCTIONS

7.01 Censure. Censure may be invoked with respect to professional misconduct not deemed sufficiently severe to warrant greater sanction. An unpublished written reproach from the Board of Directors shall be mailed to the respondent. A copy of this letter shall become a permanent

part of the respondent's certification file. In the event of such a censure, the Certified Professional would retain certification status and all of its rights and privileges.

7.02 Probation. A respondent may be placed on probation for a period not to exceed three (3) years; should, during the period of probation, any further professional misconduct complaints be found to be substantiated, the respondent's certification status shall be suspended or revoked, as determined by the Ethical Standards Committee and the Board of Directors. A Certified Professional placed on probation would retain certification status and all of its rights and privileges during the period of probation.

7.03 Suspension. Certification status may be suspended for a specified period of time not to exceed three (3) years based upon the severity of the professional misconduct. Membership and/or certification fees and continuing education units do not need to be submitted or accrued during suspension. At the conclusion of the period of suspension, the professional may apply to the Board of Directors for reinstatement of her/his certification status. Had the professional, absent such suspension, been subject to a recertification requirement during the period of suspension, such recertification requirement shall be imposed as part of the reinstatement process. A professional whose certification status is suspended shall, immediately upon such suspension, not be entitled to any of the rights and privileges of certification status during such period of suspension.

7.04 Revocation. Certification status may be revoked in the event of egregious acts of professional misconduct, including without limitation knowingly falsifying information submitted to obtain and/or retain certification or cheating on the certification examination. Applicants for professional certification who, before certification status is awarded, are determined to have knowingly falsified application information or to have cheated on the certification examination shall be denied certification and may be forever barred from applying for certification. A professional who has had her/his certification status revoked is not eligible for reinstatement of certification status. A professional who has had her/his certification status revoked shall be eligible to re-apply for certification only if so determined by the Board of Directors at the time of revocation and only following such period of time as the Board of Directors may specify in its revocation determination. A professional whose certification status has been revoked shall, immediately upon such revocation, no longer be entitled to any of the rights and privileges of certification status.

7.05 Additional Disciplinary Sanctions. The Ethical Standards Committee may recommend additional disciplinary sanctions, including without limitation mandatory professional education or other sanctions approved by the Board of Directors. Disciplinary sanctions may not include the imposition of fines, but may include the payment of restitution to a respondent's client(s).

ARTICLE VIII

PUBLIC NOTIFICATION OF SUSPENSION AND REVOCATION

8.01 Public Notification. Unless otherwise determined by the Board of Directors in a particular matter, it shall be standard procedure to publish, in a manner deemed appropriate by the Board of Directors, the fact of any suspension or revocation of certification status, including the identity of the professional involved.

ARTICLE IX

USE OF CERTIFICATION CREDENTIALS DURING PERIODS OF SUSPENSION AND REVOCATION

9.01 Ownership of Certification Credentials. All certification credentials, including without limitation logos, registered marks, certificates, wallet cards, placards, decals, cuts, insignias, emblems and/or any other material used by the certificate holder to indicate or otherwise note status as a Certified Professional, are and shall remain the sole property of the Association.

9.02 Prohibitions Against Use. In the event that a professional's certification status has been suspended or revoked, he/she is no longer permitted to hold herself or himself out as a Certified Professional and must refrain from using all certification credentials, including those described in Section 9.01 above. Failure to comply with this prohibition will jeopardize the possibility of reinstatement of or reapplication for certification status, should the Board of Directors have determined that reapplication would be permitted.

9.03 Refunding of Fees. Should a professional's certification status be suspended or revoked, there shall be no refund of any fees already paid in connection with such certification.

ARTICLE X

AMENDMENTS TO THE ETHICS COMPLAINT PROCEDURE

10.01 Amendments. This Complaint Procedure may be amended by a two-thirds (2/3) vote of the Board of Directors, provided that written notice of any proposed amendment shall be given to the Board of Directors together with the notice of the meeting at which the amendment will be considered.

10.02 Effective Date. An amendment so made shall be effective immediately upon adoption, unless a later effective date is specifically adopted at the time the amendment is enacted. Amendments shall be published to the profession.