

Information

On

Appeals & Hearings

International Association of Plumbing & Mechanical Officials
www.iapmo.org



**INFORMATION
ON
APPEALS AND HEARINGS**

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I. INTRODUCTION

1. This information booklet on appeals and hearings is intended to assist those who bring forth an appeal under Section 1-6 of the *Regulations Governing Committee Projects* (Regulations). Those who wish to have their appeal considered fully and efficiently should review carefully and follow these recommendations.
2. This information booklet should not be construed as a change to or substitution for the Regulations. All individuals wishing to bring an appeal should refer to the *Regulations Governing Committee Projects* and the *Procedures for Hearings*.

II. PROCEDURE FOR APPEALS

(Pursuant to Section 1-6 of the Regulations and other IAPMO Procedures)

1. An appeal may concern:
 - (a) A technical committee document; or
 - (b) Another matter within the purview of the IAPMO Standards Council.
2. The appeal should present clear and concise statements of:
 - (a) Whether the appeal concerns a procedural error or a substantive issue;
 - (b) The precise nature of the appeal; and
 - (c) Substantiating documentation.

III. TIME AND MANNER OF FILING AN APPEAL

1. In accordance with Section 1-6 of the Regulations, anyone can appeal to the IAPMO Standards Council concerning procedural or substantive matters related to the development, content, or issuance of any document of the Association or on matters within the purview of the authority of the Council.
2. The appeal must be filed with the Secretary of the IAPMO Standards Council.
3. Except as provided in (4) below, a notice of intent to appeal concerning the issuance of a Document shall be filed no later than 20 days after the Association Technical Meeting at which Association action on the issuance of the Document was recommended.
4. If an amendment recommended at an Association Technical Meeting fails to receive the approval of the respective TC or TCC pursuant to 4-6.1 of the Regulations, it will be automatically docketed as an appeal on the Agenda of the IAPMO Standards Council, and any party may advocate their position either in writing or in person before the Council without filing a notice of intent to appeal.
5. As to other actions not concerning the issuance of a Document, notice of intent to appeal shall be filed within a reasonable time of the challenged action.
6. The appeal should include the name, address and telephone number of the appellant, or appellants if similar appeals are received on the same issue [herein referred to as the “appellant(s)”].
7. All appeals should be typewritten, single-sided, and normally no more than twenty pages.
8. The appeal should include a one page cover sheet summarizing the items listed above in the appeal. The appeal should state whether other parties are involved and these parties should be named.

IV. PROCESSING OF AN APPEAL AND SCHEDULING A HEARING

1. The appeal shall be filed with the Secretary of the IAPMO Standards Council.
2. The IAPMO Standards Council shall consider appeals based upon written submissions and shall also afford the opportunity for a hearing on any appeal, unless the Council Chair, after consultation with the Council Secretary, has determined that a hearing is neither practical nor necessary. A decision by the Chair not to hold a hearing may be overruled by a majority vote of the Council. If a hearing is held, the Procedures for Hearings shall be followed.
3. The Secretary of the IAPMO Standards Council will acknowledge all requests for an appeal. If a request for an appeal is accepted, the Secretary of the IAPMO Standards Council will:
 - (a) Schedule a hearing on the appeal advising the appellant(s) and all other interested parties of the date, time and place of the hearing with a statement of matters to be considered at the hearing (see Procedures for Hearings);
 - (b) Advise any Technical Committee and other concerned parties known to have an interest in the appeal and invite their comments and attendance at the hearing; and
 - (c) Provide a copy of the appeal to members of the IAPMO Standards Council.

V. PRIOR TO THE HEARING

1. Individuals arriving to appear before the IAPMO Standards Council will be requested to remain outside the hearing room until called by the Council.
2. When the IAPMO Standards Council is prepared to conduct the hearing, all individuals having an interest are invited to appear simultaneously before the Council.

VI. HEARING PROTOCOL

1. The Chairman of the IAPMO Standards Council will cover the hearing procedures before the hearing begins.
2. The Chairman of the IAPMO Standards Council will:
 - (a) Request the IAPMO Standards Council members and other individuals present to identify themselves;
 - (b) Advise all interested individuals present that the IAPMO Standards Council members may ask questions regarding the appeal during or following the presentation regarding pertinent information.
 - (c) In accordance with 1-8 and 3-3.3.3 of the Regulations, physical demonstrations, experiments, or simulations shall not be allowed. Videos, slides, overheads and similar visual aids, and the review of samples of non-hazardous products and materials, may be allowed. The presenters of any information are responsible for all equipment arrangements and associated fees pertaining to their presentations.

VII. HEARINGS

1. The appellant may appear at the hearing to present pertinent information, either individually or by a duly authorized representative. (See *Procedures for Hearings*)
2. Other concerned parties may appear at the hearing to present pertinent information having previously notified the Secretary of the IAPMO Standards Council of this intent.
3. The appellant(s) and other interested parties may submit pertinent information to the Council for review. However, unless there are unusual circumstances, the pertinent information must be submitted prior to the hearing.
4. The presentation of the appeal should be:
 - (a) Limited to 15 minutes by the appellant(s) and 15 minutes by opponent(s). (When multiple individuals are involved in presenting the position of either the appellant(s) or the opponent(s), the individuals participating in the hearing are expected to coordinate their presentations with respect to the 15-minute time limit.);
 - (b) Limited to unique, specific, or new information; and
 - (c) Be presented in summary format with clear intent to avoid duplication of information.
5. Following the presentation, the appellant(s) and the opponent(s) may be allowed 10 minutes for rebuttal.
6. The hearing may proceed in the absence of the appellant(s) or other affected parties. However, a continuance may be granted for good and sufficient cause.
7. A transcript or other verbatim transcription will be provided.
8. At any stage of the appeal or hearing, the appeal may be withdrawn or informal disposition made of it.

VIII. DECISION OF THE IAPMO STANDARDS COUNCIL

1. Upon conclusion of the hearing, the IAPMO Standards Council will prepare a written decision setting forth its finding of fact and decision. A copy of the decision will be sent to the appellant(s) and other interested parties. No information will be released by any IAPMO staff member or IAPMO Standards Council member until the official decision is transmitted by the Secretary of the IAPMO Standards Council.
2. The IAPMO Standards Council may, in its discretion, refer appeals to subcommittees of the IAPMO Standards Council for investigation and may seek the advice of one or more persons prior to resolution of the appeal by the entire IAPMO Standards Council.

IX. PETITIONS TO THE IAPMO BOARD OF DIRECTORS

1. The IAPMO Standards Council has been delegated the responsibility for the administration of the code development process and the issuance of documents. However, where extraordinary circumstances requiring the intervention of the IAPMO Board of Directors exist, the Board of Directors may take any action necessary to fulfill its obligations to preserve the integrity of the codes and standards development process and to protect the interests of the Association.
2. In accordance with 1-7 of the Regulations, anyone seeking intervention of the Board of Directors may petition the Board of Directors concerning IAPMO Standards Council action on any matters. Such petitions shall be filed and processed in accordance with the *Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council*.
3. The filing of a Petition will not serve to stay the effective date of a Document or a Tentative Interim Amendment unless the Executive Director of the Association acts, pursuant to 4-7.2 or 5-6 of the Regulations, to delay the effective date. Any Petition pending at the time a Document or Tentative Interim Amendment becomes effective will be treated as a Petition to Withdraw the Document or Tentative Interim Amendment.

X. APPLICABLE REGULATIONS, PROCEDURES AND OTHER CRITERIA

1. The following Regulations, Procedures and other criteria are directly referenced within this booklet and can be found at the IAPMO website at www.iapmo.org:
 - (a) Regulations Governing Committee Projects;
 - (b) Procedures for Hearings;
 - (c) Regulations Governing Petitions to the Board of Directors from Decisions of the Standards Council; and
 - (d) Bylaws.

2. The following Regulations, Procedures and other criteria relate to this booklet and can also be found at the IAPMO website at www.iapmo.org:
 - (a) Assembly Consideration Session Rules;
 - (b) IAPMO Technical Meeting Convention Rules;
 - (c) Extract Guidelines; and
 - (d) Guide for the Conduct of Participants in the IAPMO Codes and Standards Development Process.

XI. HOW TO CONTACT IAPMO

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