



INVESTMENT
MIGRATION
COUNCIL

Disciplinary Rules and Procedures

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Article 1: Introduction

In order to promote and maintain the integrity of its members, the Council Board has the ability to enforce the provisions of the Code of Ethics and Professional Conduct. IMC members are required to adhere to the Code of Ethics and to comply with the standards. Violation of any Council regulations will be sanctioned in accordance with the Disciplinary Rules and Procedures.

Hereafter, IMC members eligible for reinstatement may be referred to as “Respondent” or “Respondents.”

Article 2: Disciplinary Committee

2.1 Function and Jurisdiction of the DC

The IMC’s Disciplinary Committee (referred to herein as “the DC”), formed pursuant to and governed by the by-laws of the Council, is charged with the duty of reviewing and taking appropriate action with respect to alleged violations of the Code of Ethics and Professional Conduct and the Anti-Bribery Policy. The DC shall have original jurisdiction over all such matters.

2.2 Powers and Duties of the DC

The DC shall be required to:

- a) Evaluate the performance of the volunteers during the hearings;
- b) Report annually to the Chief Executive Officer and Governing Board of the Council on the operation of the DC;
- c) Provide input to the CEO on the selection of prospective DC members. The DC Chair and Chair-Designee shall provide input to the CEO on the selection of prospective volunteers who serve temporarily on a Hearing Panel;
- d) At the beginning of each calendar year, the DC shall recommend to the CEO, subject to the CEO’s appointment, the DC Chair to serve during the following calendar year;
- e) Recommend to the CEO, as may be necessary and subject to review and approval of the IMC Board of Governors, amendments to these Disciplinary Rules;
- f) Adopt rules or procedures, subject to review and approval of the CEO, as may be necessary to ensure that the hearings, ratification process and disciplinary decisions are fair to all participants; and
- g) Recommend to the CEO such other rules or procedures as may be necessary or appropriate.



2.3 Powers and Duties of the CEO of the Council

The CEO shall be required to:

- a) Appoint the DC Chair, members and volunteers of the DC;
- b) Oversee the DC to ensure it follows the established rules and procedures required to provide a fair process to all participants;
- c) Ensure that each Hearing Panel is comprised of individuals who act in an impartial and objective manner and have no conflicts of interest with the complainant or Respondent subject to the complaint;
- d) Conduct appropriate background investigations of prospective DC members and volunteers; seek the input of the IMC Governing Board and the DC on prospective DC members; and seek the input of the DC Chair and Chair-Designee on prospective volunteers; and
- e) Report to the Governing Board the intended appointments to, and activities of, the DC.

2.4 Hearing Panel

The Hearing Panel shall consist of three persons, all of whom must be IMC members. One member of each Hearing Panel shall serve as Chair of each hearing. The Hearing Panel Chair must be a DC member. The Chair shall rule on all motions, objections and other matters presented at, or prior to, a hearing.

2.5 Disqualification

DC members shall not participate in any proceeding in which they, a member of their immediate family or a member of their firm have any interest or where such participation otherwise would involve a conflict of interest or the appearance of impropriety. A Respondent must identify any conflicts with potential Hearing Panel members in his or her Answer to the Councils' complaint. Failure to do so will result in the waiver of an objection to the Hearing Panel member. A Respondent may raise any conflicts arising after the filing of his/her answer with the Hearing Panel at the start of the hearing and the Chair of the Hearing Panel shall make a ruling pursuant to Article 9.4.

2.6 The IMC may decide to designate "IMC Counsel", "IMC Governing Board Designated Counsel" and "IMC Governing Board Advisory Counsel", with the following duties:

- a) The IMC Counsel, if any, would:
 - Conduct any investigation commenced under Article 6.1;
 - Make the probable cause determination under Article 6.3;
 - Issue Administrative Orders of Revocation under Article 7.4; and
 - Presents the case to the Hearing Panel as an advocate for the IMC Council.



- b) IMC Governing Board Designated Counsel, if any, would present the case to the Hearing Panel as an advocate for the IMC Council.
- c) IMC Governing Board Advisory Counsel, if any, would act in an advisory capacity in providing advice on the Code of Ethics and Professional Conduct and hearing procedures to the Hearing Panel and the DC during the Ratification Meeting.
- d) No person shall act as both IMC Counsel and IMC Governing Board Advisory Counsel during the same set of hearings.

2.7 Venue

Unless otherwise approved by the Governing Board, The IMC headquarters in Geneva shall serve as a central office for the filing of requests for:

- a) The investigation of Respondent conduct;
- b) The coordination of such investigations;
- c) The administration of all disciplinary enforcement proceedings carried out pursuant to these Disciplinary Rules; and
- d) The performance of such other activities as are designated by the CEO.

Article 3: Grounds for discipline

Misconduct by a Respondent, individually or in concert with others, including, but not limited to the following acts or omissions, shall constitute grounds for discipline, whether or not the act or omission occurred in the course of a client relationship:

- a) Any act or omission that violates the provisions of the Code of Ethics and Professional Conduct or the Anti-Bribery Policy;
- b) Any act or omission that fails to comply with the Code of Ethics and Professional Conduct or the Anti-Bribery Policy;
- c) Any act or omission that violates the criminal laws of any province, territory or jurisdiction of any country, provided however, that conviction thereof in a criminal proceeding shall not be a prerequisite to the institution of disciplinary proceedings, and provided further, that acquittal in a criminal proceeding shall not bar a disciplinary action;



- d) Any act that is the proper basis for professional discipline, as defined herein, provided professional discipline shall not be a prerequisite to the institution of disciplinary proceedings, and provided further, that dismissal of charges in a professional discipline proceeding shall not necessarily bar a disciplinary action;
- e) Any act or omission that violates these Disciplinary Rules or that violates an order of discipline;
- f) Failure to respond to a request by IMC staff, or obstruction of the DC, or any panel thereof, or IMC staff in the performance of their duties;
- g) Any false or misleading statement made to the IMC.

The enumeration of the foregoing acts and omissions constituting grounds for discipline is not exclusive and other acts or omissions amounting to unprofessional conduct may constitute grounds for discipline.

Article 4: Forms of discipline

In cases where no grounds for discipline have been established, the DC may dismiss the matter as either without merit or with a cautionary letter. In all cases, the DC has the right to require the Respondent to complete additional continuing education or other remedial work, which includes, but is not limited to, completing coursework required by an IMC Educational Program, if such program(s) exist. Such continuing education or remedial work may be ordered instead of, or in addition to, any discipline listed below. Where grounds for discipline have been established, any of the following forms of discipline may be imposed.

4.1 Private Censure

The DC may order private censure of a Respondent, which shall be an unpublished written reproach mailed by the DC to a censured Respondent.

4.2 Public Letter of Admonition

The DC may order that a Public Letter of Admonition be issued against a Respondent, which shall be a publishable written reproach of the Respondent's behaviour. It shall be standard procedure to publish the Public Letter of Admonition in a press release or in such other form of publicity selected by the DC.



4.3 Suspension

The DC may order suspension of the Respondent's membership for a specified period of time, not to exceed five years. In the event of a suspension, the Council must publish the fact of the suspension together with identification of the Respondent in a press release, or in such other form of publicity as is selected by the DC. Respondents receiving a suspension may qualify for reinstatement to use the marks as provided in Article 15.

4.4 Revocation

The DC may order permanent revocation of a Respondent's membership. In the event of a permanent revocation it shall be standard procedure to publish the fact of the revocation together with identification of the Respondent in a press release, or in such other form of publicity as is selected by the DC.

Article 5: Interim suspension status

5.1 Interim suspension is the temporary suspension by the DC of an IMC member's right to officially affiliate themselves (with the IMC) for a definite or indefinite period of time, while proceedings conducted pursuant to these Disciplinary Rules are pending against the member. Imposition of an interim suspension shall not preclude the imposition of any other form of discipline entered by the DC in final resolution of the disciplinary proceeding.

5.2 Automatic Interim Suspension

An interim suspension shall immediately be issued when the IMC finds out about any actions of the Respondent that may violate the Code of Ethics and Professional Conduct and the Anti-Bribery Policy by the Respondent, or receives evidence of a conviction or a professional discipline in accordance with Article 13.1 for any of the following conduct:

- a) Felony conviction for any crime;
- b) Misdemeanor conviction for fraud, misrepresentation or crimes of moral turpitude; or
- c) Revocation of a professional license, including financial license (securities, insurance, accounting or bank-related license) unless the revocation is administrative in nature, i.e. the result of the individual determining to not renew the license by not paying the required fee and/or not completing the required continuing education.



The IMC will notify any member subject to interim suspension under this Article as provided in Article 17.2.

5.3 Proceedings Subsequent to Interim Suspensions

After the issuance of an interim suspension or an automatic interim suspension, the IMC or their Counsel may continue to investigate as outlined in Article 6. After the IMC or their Counsel issues a Complaint, as outlined in Article 7, a member will have the opportunity to be heard in accordance with the Disciplinary Rules. An Interim Suspension issued under this Article, however, is not subject to the member's right of appeal as outlined in Article 12.

5.4 Automatic Reinstatement upon Reversal of Conviction or Professional Discipline

A member subject to a suspension under this Article shall have the suspension vacated immediately upon filing with the DC a certificate demonstrating that the underlying conviction or professional discipline under Article 5.2 has been reversed; provided, however, the reinstatement upon such reversal shall have no effect on any proceeding conducted pursuant to these Disciplinary Rules then pending against a member.

Article 6: Investigation

6.1 Commencement

Proceedings involving potential ethics violations shall be commenced upon: 1) receipt of information by the IMC or their Counsel indicating a potential violation of the Code of Ethics and Professional Conduct or 2) disclosure by a Respondent of any matter constituting a potential violation of the Code of Ethics and Professional Conduct.

6.2 Procedures for Investigation

Upon receipt of a request for investigation containing allegations which, if true, could give rise to a violation of the Code of Ethics and Professional Conduct, or upon the acquisition by the IMC or their Counsel of information which, if true, could give rise to a violation of the Code of Ethics and Professional Conduct, the IMC or their Counsel shall give written notice to the Respondent that the Respondent is under investigation and of the general nature of the allegations asserted against the Respondent. The Respondent shall have 30 calendar days from the date of notice of the investigation to file a written response to the allegations with the IMC.



- a) No Response. At the expiration of the 30 calendar-day period if no response has been received, the IMC or their Counsel shall give written notice of a second request for information via certified mail. The Respondent shall have 20 calendar days from the date of the second request to file a written response to the allegations with the IMC. At the expiration of the 20 calendar-day period if no response has been received, the matter shall be referred to the DC.
- b) Adverse Inference. Failure to provide requested information may give rise to an adverse inference with respect to the underlying subject matter. An adverse inference is an inference, adverse to the concerned party, drawn from silence or absence of requested evidence. This rule applies to evidence that has been destroyed, evidence that exists but the party refuses to produce, and evidence that the party has under his/her control and has not produced. This adverse inference is based upon the presumption that the party who controls the evidence would have produced it, if it had been supportive of his/her position.
- c) Response. Upon receipt of a response within the prescribed time period, the IMC or their Counsel shall compile all documents and materials and commence probable cause determination procedures as soon thereafter as is reasonably practicable.

6.3 Probable Cause Determination Procedures

The IMC or their Counsel shall be responsible for determining if there is probable cause to believe grounds for discipline exist and shall:

- i. dismiss the allegations as not warranting further investigation at this time;
- ii. dismiss the allegations with a letter of caution indicating that the IMC or their Counsel has determined that based on the available evidence, the Respondent's conduct may have violated the Code of Ethics and Professional Conduct but does not warrant referral to the DC; or
- iii. begin preparation and processing of a Complaint against the Respondent in accordance with Article 7. For matters that are dismissed, the IMC reserves the right to reopen the investigation in the future if appropriate. When the IMC or their Counsel issues a letter of caution, the Respondent may submit a letter in response to the letter of caution. The response letter will become part of the Respondent's record, but will not receive any additional consideration by the IMC or their Counsel. The letter of caution and the response to the letter of caution will be available for consideration by the DC.

6.4 Disposition

The IMC or their Counsel shall conduct the IMC's investigation as expeditiously as reasonably practicable.



6.5 Relinquishment

A Respondent may not voluntarily relinquish his/her IMC certification / or membership during the course of an investigation.

Article 7: Complaint - Answer - Default

7.1 Complaint

An original Complaint shall be prepared by the IMC or their Counsel and forwarded to the Respondent. Copies of the Complaint shall be included with the materials provided to the Hearing Panel in advance of the hearing. The Complaint shall reasonably set forth the grounds for discipline with which the Respondent is charged and the conduct or omission that gave rise to those charges.

7.2 Service of the Complaint

The IMC or their Counsel shall promptly serve the Complaint upon the Respondent as provided in Article 17.2.

7.3 Answer

All Answers to Complaints shall be in writing. The Answer shall be submitted within 20 calendar days from the date of service of the Complaint on the Respondent. The Respondent shall file an original of such Answer with the IMC. A copy of the Answer shall be included with the materials provided to the Hearing Panel in advance of the hearing. In the Answer, the Respondent shall respond to every material allegation contained in the Complaint. In addition, the Respondent shall set forth in the Answer any defences or mitigating circumstances.

7.4 Default and Administrative Orders of Revocation

If the Respondent fails to file an Answer within the period provided by Article 7.3 or fails to pay the hearing costs assessed by the IMC pursuant to Article 17.4, except in cases where The IMC or their Counsel has granted a waiver due to financial hardship, such Respondent shall be deemed to be in default, and the allegations set forth in the Complaint shall be deemed admitted. In such circumstance, The IMC or their Counsel shall serve upon the Respondent an Administrative Order of Revocation. Such orders shall state clearly and with reasonable particularity the grounds for the revocation of Respondent's membership. These orders are subject to the Respondent's right of appeal as outlined in Article 12.



7.5 Request for Appearance

Upon the filing of an Answer, the Respondent may request an appearance at the hearing before the Hearing Panel, at which the Respondent may present arguments, witnesses and evidence on his/her behalf. Alternatively, the Respondent may request a paper review in which the DC will consider the Complaint and Answer as well as documents contained in the IMC's files to make its decision. Neither the IMC or their Counsel nor Respondent will be permitted to make an appearance or present witnesses.

7.6 Request for Extension or Continuance

A Respondent may request an extension to answer the Complaint or a continuance of the hearing no later than within 20 calendar days from the date of service of the Complaint. Upon receipt of the request, The IMC or their Counsel shall either grant or deny all requests for extension and continuances. Extensions and/or continuances are generally disfavoured by The IMC or their Counsel. The IMC or their Counsel may, however, grant reasonable requests for extensions and continuances, as deemed appropriate. The IMC or their Counsel shall not grant any extension to file an Answer to the Complaint longer than 14 calendar days. The IMC or their Counsel shall not grant more than one continuance. If more than one continuance is requested, the matter shall proceed to the DC for review of the hearing materials without appearances by the IMC or the Respondent.

Article 8: Discovery and evidence

8.1 Discovery

Discovery of a disciplinary case may be obtained only after a Complaint has been issued against a Respondent. A Respondent may obtain copies of all documents in the Respondent's disciplinary file that are not privileged or do not constitute attorney work product and are relevant to the subject matter in the pending action before the Hearing Panel. Requests for copies of the IMC documents must be made to the IMC or their Counsel in writing. Release of information contained in a Respondent's disciplinary file is premised on the understanding that materials will be used only for purposes directly connected to the pending IMC action.

8.2 Documents

Documents submitted by a Respondent to the DC for consideration in resolution of the issues raised during an investigation shall be limited to 100 pages. No evidence may be accepted less than 45 calendar days prior to the scheduled hearing, except by motion at the hearing. Should a Respondent



deem it necessary to exceed the 100 page limit, the Respondent shall be required to submit a written memorandum that outlines clearly and with reasonable particularity how each and every document submitted by the Respondent or on his or her behalf relates to the allegations contained in the IMC Complaint. After reviewing such outline, the DC shall determine which documents will be permitted.

8.3 Witnesses

Witnesses, if any, shall be identified by the Respondent and the IMC no later than 45 calendar days prior to the scheduled hearing. When witnesses are identified, the Respondent and the IMC shall also state the nature and extent of the witnesses' testimony, as well as whether the witnesses will appear in person or via telephone.

8.4 Respondent's Counsel

Respondent's Counsel, if any, shall be identified to the IMC no later than 45 calendar days prior to the scheduled hearing. When Respondent's Counsel is identified, the Respondent shall provide the Counsel's contact information as well as whether the Counsel will appear in person or via telephone. Respondent's Counsel must be an active member in good standing of the International Bar Association.

8.5 Administrative Dismissal

If, upon receipt of a Respondent's Answer to the Complaint, new information becomes available that eliminates all questions of fact and may warrant a dismissal of the case prior to review by a Hearing Panel, The IMC or their Counsel may administratively dismiss the Complaint.

Article 9: Motions

9.1 Motion

The Respondent and/or the IMC or their Counsel may file a written motion regarding procedural and/or evidentiary matters. The motion must be filed no later than 30 calendar days prior to the hearing, except as otherwise referenced in Articles 5.5 and 8.2. Filing is accomplished by depositing the motion by registered mail, return receipt requested, properly addressed in accordance with Articles 2.7 and/or 18.2. The motion must state with reasonable particularity the grounds for the motion, the relief sought and whether a hearing is requested. If the motion pertains to a specific rule or rules, the motion must identify the rules. The Chair of the Hearing Panel shall have the discretion to summarily rule on a motion without a requested hearing.



9.2 Response

The Respondent and/or the IMC or their Counsel may file a written response to any motion filed by another party. Any response must be filed no later than 10 calendar days after the filing of the motion. Filing is accomplished by depositing the response by registered mail, return receipt requested, properly addressed accordance with Articles 2.7 and/or 18.2. If a response is filed, a rebuttal is not permitted.

9.3 Length

Motions shall not exceed two single-spaced pages. Attachments shall not exceed 10 pages.

9.4 Disposition of a Motion

The Chair of the Hearing Panel shall rule on all motions, objections and other matters presented at, or prior to, a hearing.

Article 10: Hearings

10.1 Notice

Not less than 30 calendar days before the date set for the hearing of a Complaint, notice of such hearing shall be given as provided in Article 17.2 to the Respondent, or to the Respondent's Counsel. The Notice shall designate the date and place of the hearing.

10.2 Designation of a Hearing Panel

All hearings on Complaints seeking disciplinary action against a Respondent shall be conducted by the Hearing Panel.

10.3 Procedure and Proof

The Hearing Panel may be guided by the rules of procedure and evidence applicable in a court of law to the extent it believes it is appropriate. Such rules, however, are not binding on the Hearing Panel. Proof of misconduct shall be established by a preponderance of the evidence. A preponderance of the evidence is a legal standard of review that generally means "more probable than not," i.e., evidence which shows that, as a whole, the fact sought to be proved is more probable than not to have



occurred. In the course of the proceedings, the Chair of the Hearing Panel shall administer affirmations. A complete record shall be made of all testimony taken at hearings before the Hearing Panel.

10.4 Recommendation

The IMC, the IMC Counsel or IMC Designated Counsel shall present to the Hearing Panel the information and documentation gathered during the investigation and make a recommendation regarding an appropriate sanction.

Article 11: Report, findings of fact and recommendation

11.1 Recommendation of the Hearing Panel

At the conclusion of the hearing, the Hearing Panel shall record its findings of fact and recommendations and report its findings and recommendations to the DC for its consideration.

In this report, the Hearing Panel shall:

- i. determine that the Complaint is not proved or that the facts as established do not warrant the imposition of discipline and recommend the Complaint be dismissed, either as without merit or with caution; or
- ii. refer the matter to the DC with the recommendation that discipline by the DC is appropriate. The recommendation of the Hearing Panel shall state specifically the form of discipline the Hearing Panel deems appropriate. The Hearing Panel may also recommend that the DC enter other appropriate orders. In making its recommendation, the Hearing Panel may take into consideration the Respondent's prior disciplinary record, if any, which includes, but is not limited to, any previous sanction issued by the DC and/or a letter of caution issued by the IMC or their Counsel.

11.2 Power of the DC

The DC reserves the authority to review any determination made by the Hearing Panel in the course of a disciplinary proceeding and to enter any order with respect thereto including an order directing that further proceedings be conducted as provided by these Disciplinary Rules. The DC shall review the recommendation of the Hearing Panel and may either approve the recommendation or remand it to the Hearing Panel for further consideration. Within 45 calendar days of the hearing, the DC must mail by



certified mail or email to the Respondent a final order containing the DCs' findings of fact and, if appropriate, the sanction imposed. Once the DC has issued an order, the DC's decision is final.

Article 12: Appeals

All appeals from orders of the DC and orders of the IMC or their Counsel shall be submitted to the IMC's Governing Board. If an order of the DC or an order of the IMC or their Counsel is not appealed within 30 calendar days after notice of the order is sent to the Respondent, such order shall become final. All orders of the DC and orders of the IMC or their Counsel are appealable unless otherwise noted in these Disciplinary Rules. The IMC Governing Board shall have the final say of any decision appealed before it.

Article 13: Conviction of a crime or professional discipline

13.1 Proof of Conviction or Professional Discipline

Except as otherwise provided in these Disciplinary Rules, a certificate from the clerk of any court of criminal jurisdiction indicating that a Respondent has been convicted of a crime in that court or a letter or other writing from a governmental or industry self-regulatory authority to the effect that a Respondent has been the subject of an order of professional discipline (as hereinafter defined) by such authority, shall conclusively establish the existence of such conviction or such professional discipline for purposes of disciplinary proceedings and shall be conclusive proof of the DC of that crime or of the basis for such discipline, by the Respondent.

13.2 Duty to Report Criminal Conviction or Professional Discipline

Every Respondent upon:

- a) being under an investigation or being convicted of a crime;
- b) being the subject of professional discipline; or
- c) notification of a change to a matter previously disclosed under items (a) and (b) to the IMC, shall notify the IMC in writing of such investigation or conviction or professional discipline within 30 calendar days after the date on which the Respondent is notified of the conviction or professional discipline.

13.3 Commencement of Disciplinary Proceedings upon Notice of Conviction or Professional Discipline.



Upon receiving notice that a Respondent has been under an investigation or has been convicted of any crime occurring within the last 10 years, or been the subject of professional discipline, the IMC or their Counsel shall determine whether an investigation is warranted. The IMC shall obtain the record of conviction or proof of discipline and, if appropriate, file a Complaint against the Respondent as provided in Article 7. If the Respondent's criminal conviction or professional discipline is either proved or admitted as provided herein, the Respondent shall have the right to be heard by the Hearing Panel only on matters of rebuttal of any evidence presented by the IMC or their Counsel other than proof of the conviction or professional discipline.

13.4 Definition of Professional Discipline

Professional discipline as used herein shall include the suspension, bar or revocation as a disciplinary measure by any governmental agency, industry self-regulatory organization or professional association.

Article 14: Required action after revocation or suspension

After the entry of an order of revocation or suspension is final, the Respondent shall promptly terminate any use of the IMC logo or reference to membership and in particular shall not use them in any advertising, announcement, letterhead or business card. Within 30 days of receiving an order of suspension or the execution of an Offer in which a Respondent consented to a suspension, the Respondent must provide to the IMC evidence that he/she has ceased all use of IMC affiliation by providing copies of documents requested by the DC in its order. Failure to provide the information requested by the DC will result in an automatic issuance of a revocation under Article 4.4.

Article 15: Reinstatement after discipline

15.1 Reinstatement after Revocation

Revocation shall be permanent, and there shall be no opportunity for reinstatement as a member or in any other position within the IMC.

15.2 Reinstatement after Suspension

Unless otherwise provided by the DC in its order of suspension, a Respondent who has been suspended for a period of one year or less shall be reinstated upon the expiration of the period of suspension, provided the Respondent files with the IMC within 30 calendar days of the expiration of the period of suspension a request for reinstatement. A Respondent who has been suspended for a period longer than



one year must petition the DC for a reinstatement hearing within six months of the end of his/her suspension, or the Respondent shall be permanently barred from using any IMC certification. Before any reinstatement hearing will be scheduled, the Respondent must meet all administrative requirements for recertification, pay the reinstatement hearing costs and provide evidence, if necessary, that all prior hearing costs have been paid. At the reinstatement hearing, the Respondent must prove by clear and convincing evidence that the Respondent has been rehabilitated, has complied with all applicable disciplinary orders and provisions of these Disciplinary Rules, and that the Respondent is fit to use the marks. Clear and convincing evidence means that the DC must have no reasonable doubt that the Respondent has met his/her burden.

The Respondent may prove rehabilitation by providing to the DC:

1. Evidence that the Respondent maintained competence and learning in the area of investment migration planning during the suspension period;
2. Evidence that the Respondent's conduct since the issuance of the DC's order has been exemplary and beyond reproach;
3. Evidence that the Respondent made restitution or settled all claims from persons injured or harmed by his/her misconduct; and
4. Documentary evidence of all business activities during the suspension period.

The Respondent may prove that he/she is fit to use the marks by demonstrating to the DC:

1. Whether the Respondent has a proper understanding of the IMC's Standards and is willing to act in conformity with the Standards;
2. Whether the Respondent can be confidently recommended to the public as an IMC member;
3. How the Respondent plans to use the IMC marks in his/her future business; and
4. Any other information obtained during the hearing that the DC chooses to consider.

15.3 Investigation

Immediately upon receipt of a petition for reinstatement, the IMC or their Counsel will initiate an investigation. The petitioner shall cooperate in any such investigation, and the IMC, their IMC Counsel or the IMC Designated Counsel shall provide to the DC the Respondent's past disciplinary record and any recommendation regarding reinstatement.

15.4 Successive Petitions

If a Respondent is denied reinstatement, he/she must wait two years to petition again for reinstatement. The second petition must be received by the IMC within six months of the expiration of



the two-year period, or the Respondent's right to use the marks will be revoked. If the second petition is denied, the Respondent will be permanently barred from using the marks.

15.5 Reinstatement Fee

Respondents petitioning for reinstatement will be assessed the costs of the reinstatement proceeding.

Article 16: Confidentiality of proceedings

16.1 Confidentiality

Except as otherwise provided in these Disciplinary Rules, all proceedings conducted pursuant to these Disciplinary Rules shall be confidential and the records of the DC, Hearing Panel, IMC Counsel and IMC staff shall remain confidential and shall not be made public.

16.2 Exceptions to Confidentiality

The IMC may release the records of the proceedings, subject to privilege, if:

1. the proceeding is predicated on a criminal conviction or professional discipline as defined herein;
2. the Respondent has waived confidentiality;
3. such disclosure is required by legal process of a court of law, governmental agency or an industry self-regulatory organization having appropriate jurisdiction;
4. the IMC or their Counsel provides the information to a governmental agency or industry self-regulatory organization having appropriate jurisdiction; or
5. in proceedings involving a consumer, IMC staff contacts the consumer and/or the Respondent's current and/or former employer to request documents relevant to the proceedings.

Article 17: General provisions

17.1 Quorum

Two-thirds of the members of the DC must be present in order to constitute a quorum of such DC, and the approval of a majority of the quorum shall be the action of such DC.



17.2 Notice and Service

Except as may otherwise be provided in these Disciplinary Rules, notice shall be in writing and the giving of notice and/or service shall be sufficient when made by email or certified mail sent to the last known address of the Respondent according to the records of the IMC. In matters where a Respondent has designated Counsel, notice and service shall be accomplished by email or certified mail to counsel's address as provided by Respondent.

17.3 Submissions

All documents received by the IMC shall be date-stamped and deemed filed on the date received by the IMC. All such documents shall become part of the investigative file.

17.4 Costs

In all disciplinary cases wherein a proceeding is initiated, the DC will assess against the Respondent the costs of the proceedings. In addition, a Respondent who desires an appearance, whether telephonically or in person, or a paper review, or who submits an Offer of Settlement pursuant to Article 14, will be required to submit hearing costs not less than 45 days prior to the date of the scheduled hearing. In the event that the hearing results in a dismissal without merit, the hearing costs shall be refunded to the Respondent. Hearing costs will not be refunded if the hearing results in any action other than a dismissal without merit. A Respondent who petitions for reinstatement from a suspension or revocation or who petitions for appeal shall bear the costs of such proceeding.

Financial hardship. In the event a Respondent is unable to pay the required hearing costs due to financial hardship, the Respondent must submit a written statement and supporting documentation explaining his or her financial situation and request a deferral, reduction or waiver of the hearing costs. Upon receipt and review of such request, the IMC or their Counsel shall have the discretion to defer, reduce or waive the required hearing costs. All written requests for a reduction or waiver of hearing costs due to financial hardship must be submitted with Respondent's Answer to the Complaint.

17.5 Publication

It shall be standard procedure to publish the fact of an interim suspension, Public Letter of Admonition, suspension, revocation or permanent bar issued pursuant to Article 4, together with identification of the IMC member in a press release published on the IMC website. In the event proceedings pursuant to Article 14 result in a Public Letter of Admonition, suspension, revocation, or otherwise result in a termination of the right to use the marks, it shall be standard procedure to



publish such fact together with identification of the Respondent in a press release published on the IMC website.

17.6 Anonymous Case Histories and Sanction Guidelines

Anonymous Case Histories may be available through the IMC website. Anonymous Case Histories are summaries of prior decisions rendered by the DC. While the Anonymous Case Histories may be relied on by the DC during hearings and deliberations, the Anonymous Case Histories are not binding on the DC.

The DC considers all allegations of misconduct on a case-by-case basis, taking into consideration the details specific to each case. While the IMC has attempted to capture in the Anonymous Case Histories the details relevant to each DC decision, the summary nature of an Anonymous Case History may omit certain details affecting the decision. Accordingly, the decisions and/or rationale described in the Anonymous Case History may not apply to other cases reviewed by the DC or reflect the DC's future interpretation or application of the Standards.

The Sanction Guidelines identify specific conduct that is a violation of the IMC Standards, the sanction guideline for that conduct and policy notes for the DC to consider when imposing the appropriate sanction. The DC is not bound by the Sanction Guidelines, which are intended, along with the Anonymous Case Histories, to guide the decision making of the DC. When considering the appropriate sanction in a particular case, the DC may deviate from the sanction guideline if there are aggravating facts that warrant a more severe sanction or mitigating factors that warrant a less severe sanction.

17.7 Amendments

The Disciplinary Rules and Procedures (“DRP”) may be amended from time to time, with revisions submitted to the Advisory Committee for comment before final adoption by the Council’s Board.

Approved and Adopted by the Governing Board on the 11th June 2015, updated November 2020.