

American Institute of Constructors

Constructor Certification Commission Policy and Procedures No. 1.7

Appeals

Policy – The Commission will consider all appeals of its adverse decisions.

Responsibility – Constructor Certification Commission

Reference Commission Documents – Commission Document No. 20 - Appeal Request Form;
Commission Document No. 51 - Meeting Minutes Template

Procedure – The following procedures are to be followed in conducting appeals of Commission adverse decisions.

1. The individual must submit the appeal in writing to the Certification Manager within 30 days of the date on the written notification of the adverse decision. Appeals must be accompanied by an Appeal Request Form (Commission Document No. 20), along with written supporting documentation clearly stating the specific basis upon which the individual feels there has been an error in adverse decision of the Commission. In addition, a filing fee in the amount noted in the Fee Schedule (Appendix C) must be included with the appeal.
2. There will be no oral appeals and the appellant has the right to retain his or her own Legal counsel in preparation of the written appeal.
3. Once all of the required documentation and fee has been received by the Certification Manager and is complete, the appeal is forwarded to the Commission Chair.
4. The Commission Chair will review the appeal and if it can be processed under his or her guidance, will make a recommendation for approval or denial to the Commission within ten (10) business days of the receipt of the appeal from the Certification Manager. The procedure continues with item nine (9) below.
5. If the Commission Chair does not feel he or she can process the appeal or does not want to, an Appeals Panel will be convened by the Commission Chair consisting of five (5) Commission members and they will be forwarded all materials from the appellant to the Panel within five (5) business days of receipt. The Commission Chair of the Commission will designate the person who will chair the Panel.
6. The Appeals Panel shall meet in person, by telephone conference, or a combination thereof to consider the appeal. The appellant's failure to cooperate with the Appeals Panel shall result in a dismissal of the appeal and a waiver of any right of the appellant to submit another appeal on the same issue. Minutes of all meetings will be taken by either

the Panel Chair or his or her designee utilizing the Commission Meeting Minute Template (Document Number 52).

7. The Appeals Panel will have a maximum of 10 (10) business days to reach a decision. A majority vote, with all at least four (4) members of the Panel voting, is required for a final decision.
8. The decision of the Appeals Panel shall be confirmed in writing and signed by those members participating in the deliberations noting their agreement or dissent. Signature of the decision may be accomplished in person or electronically. The decision of the Appeals Panel will be forwarded as a recommendation to the Commission Chair who in turn submits it to the Commission.
9. The Commission has a maximum of five (5) business days to review the recommendation. At any time during the period of review, any Commission member may request that the final decision be deferred to the next formal meeting of the Commission. If no Commission member responds to the request that the decision be deferred during the period of review, then the decision is considered final and the appellant will be notified in writing by registered mail, return receipt requested or email with a return receipt request by the Commission Chair within five (5) business days of the Commission's decision. The decision of the Commission is final with no further rights of appeal.
10. If one or more Commission members requests additional time during the period of review, the Commission members will consider the recommendation of the Appeals Panel at the next scheduled formal meeting of the Commission. The Commission can request additional information from the appellant and/or Appeals Panel. The Commission shall declare in writing, its investigation into the appeal "Closed" when it determines that it has received all information necessary for it to render a final decision. The Commission decision shall be rendered by all Commission members who were not members of the Appeals Panel. The appellant will then be notified in writing by registered mail, return receipt requested or email with a return receipt request by the Commission Chair within five (5) business days of the Commission's decision. The decision of the Commission is final.
11. Any member of the Appeals Panel and/or Commission that are involved in the issue on which the appeal was submitted must recuse themselves from any consideration of the appeal.
12. Copies of all documents and related correspondence, generated in complying with this policy will be placed by the Certification Manager in the respective appellant's secured Commission file.

Revision History

Last Revision: 04/25/2022