



National Association of Insurance
and Financial Advisors

NAIFA REVIEW PROCESS for COMPLAINTS AGAINST LUTCF DESIGNEES

Those who earn the LUTCF designation (“LUTCF Designee”) are required to comply with standards of professional conduct.

NAIFA will review complaints concerning the professional conduct of LUTCF Designees that are brought to NAIFA’s attention and will follow the process set forth in this document in reviewing such complaints.

1. Complaint Procedure. A complaint against an LUTCF Designee may be filed by a Designee’s client, a Designee’s employer, or any other individual with whom a Designee has a formal business relationship relating to a Designee’s insurance or financial services practice. All complaints must be submitted in writing using the complaint form entitled, *Complaint of Alleged Violation of Standards of Professional Conduct by LUTCF Designee* (see Attachment A), which is available on the NAIFA website. The complaint form must include a written attachment that provides the information and facts on which the complaint is based and any additional documentation and other evidence that corroborates and supports the allegations of the complaint. The complaint form must be signed by the complainant and sent to NAIFA at the address provided on the form. NAIFA will not accept anonymous or verbal complaints. By submitting a complaint, the complainant consents to the disclosure of their identity and of the fact and substance of their complaint. NAIFA does not guarantee anonymity to complainants.

2. Initial Review. The NAIFA General Counsel, or his or her designee, shall serve as an ethics officer (the “Ethics Officer”) to review complaints against LUTCF Designees. Throughout the review process, NAIFA staff will be responsible for maintaining the file for the complaint, and may assist the Ethics Officer with the matter. Upon receipt of a complaint, the Ethics Officer will conduct an initial review of the matter in a prompt and reasonable manner. In the event the Ethics Officer determines that the complaint does not justify further investigation, the Ethics Officer will take no further action in connection with the complaint and will notify the NAIFA Chief Executive Officer of this disposition of the matter.

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3. Notification Letter. In the event that the Ethics Officer determines that investigation of a complaint is warranted, the Ethics Officer will send a Notification Letter to the LUTCF Designee at issue (the “Respondent”) informing the Respondent of the complaint. The Notification Letter will inform the Respondent: (a) of the complaint’s allegation(s) against the Respondent; (b) that the allegation(s), if sustained, may result in a warning to or reprimand of the Respondent, the suspension or revocation of the Respondent’s privilege to use the LUTCF designation, or other disciplinary action that may be appropriate; (c) that the Respondent may respond in writing to the Ethics Officer within forty-five (45) calendar days from the date of the Notification Letter; (d) that the Respondent’s failure to respond to the Notification Letter may be accepted as an admission of the allegation(s) in the complaint; and (e) that the Ethics Officer will notify the Respondent if a hearing will be held on the matter, at which the Respondent may represent himself or herself or be represented by another person of his or her choice.

4. Hearing. After the conclusion of the 45-day period for the Respondent to reply to the Notification Letter, the Ethics Officer will determine if a hearing is needed to make a decision on the complaint. The Ethics Officer may determine that no hearing is necessary, because the Respondent did not respond to the Notification Letter or on the basis of the information the Respondent provided in response to the Notification Letter, in which case the Ethics Officer will notify the Respondent of the decision on the matter within a reasonable period of time, as described further in Section 6 below, and notify the NAIFA Chief Executive Officer of the disposition of the matter. If a hearing is to be held, the Ethics Officer will serve as the Hearing Officer, unless a conflict arises, in which case the NAIFA Chief Executive Officer will appoint a Hearing Officer to perform the duties set forth in Sections 5 and 6 below.

5. Hearing Procedure. The Hearing Officer will set a date for a hearing (“Hearing”), which the Hearing Officer will conduct by conference call. The Hearing must be scheduled for a reasonable time, after notice, which time is determined solely by NAIFA. The Hearing Officer must send a notice of the Hearing to the Respondent, by email, certified mail (return receipt requested), or facsimile, to the Respondent’s last known address, which informs the Respondent of the (a) allegation(s) against the Respondent; (b) Hearing date and time; and (c) Respondent’s opportunity to be heard at the Hearing. If the Respondent wishes to provide a written response to the allegations in the notice of Hearing, the Respondent must send such a response to the Hearing Officer, by email, certified mail (return receipt requested), or facsimile, at least fourteen (14) calendar days prior to the date of the Hearing. At the time of the Hearing, the Hearing Officer will identify the participants on the call and give a brief explanation of the purpose of the Hearing and how it will be conducted. The Hearing Officer will present the allegations against the Respondent. The Hearing Officer will then allow the Respondent (or the Respondent’s representative) to respond to the allegations. Upon completion of the Respondent’s testimony, the Hearing Officer may question the Respondent, after which the Respondent will be dismissed from the conference call.

6. Decision. The Hearing Officer will review the evidence from the Hearing and decide (a) whether the Respondent violated a standard of professional conduct; and (b) whether to (i) take no action; (ii) issue a letter of warning or reprimand to the Respondent; (iii) suspend or revoke the Respondent's privilege to use the LUTCF designation; or (iv) take other disciplinary action that may be appropriate. The Hearing Officer must provide a written decision to the Respondent within a reasonable period of time after the Hearing and notify the NAIFA Chief Executive Officer of the disposition of the matter.

7. Appeals. The Respondent may appeal the Hearing Officer's written decision to NAIFA's Vice President of Professional Development and Education (the "Appeals Officer"). The Respondent must submit a written appeal ("Appeal") to the Appeals Officer within thirty (30) days after the date of the Hearing Officer's written decision. The Appeal will only address procedural or factual errors that may have occurred at the Hearing; the Appeal will not address factual information that was not raised at the Hearing.

8. Appeal Procedure. The Appeals Officer, or designee, will set a date for a conference call to review the Appeal (the "Appeal Hearing"). The Appeal Hearing date must be scheduled for a reasonable time, after notice, which time is determined solely by NAIFA. The Appeals Officer must send a notice of the Appeal Hearing to the Respondent, by email, certified mail (return receipt requested), or facsimile, to the Respondent's last known address, which informs the Respondent of the (a) Appeal Hearing date and time; and (b) Respondent's opportunity to be heard at the Appeal Hearing. At the time of the Appeal Hearing, the Appeals Officer will identify the participants on the call and give a brief explanation of the purpose of the Appeal Hearing and how it will be conducted. The Respondent will be asked to present testimony regarding the Appeal. Upon completion of the Respondent's testimony, the Appeals Officer may ask the Respondent questions. The Appeals Officer may allow the Hearing Officer to respond to the Respondent's testimony. Upon the completion of testimony, the Respondent and the Hearing Officer will be dismissed from the conference call. The Appeals Officer shall review the evidence and determine whether the Hearing Officer's decision will be upheld, revised, or reversed. The Appeals Officer must provide a written decision to the Respondent within a reasonable period of time after the Appeal Hearing and notify the NAIFA Chief Executive Officer of the disposition of the matter. The Appeals Officer's decision will be final.

9. Public Notice. Materials relating to complaints against LUTCF Designees, and investigations and decisions regarding such complaints, are not public records. Notwithstanding the foregoing, NAIFA may determine, in its sole and absolute discretion, to communicate to the public, a regulatory body, a company, and others, that a complaint was submitted against an LUTCF Designee and the disposition of that complaint.

Attachment A

Complaint of Alleged Violation of Standards of Professional Conduct by LUTCF Designee

A copy of this complaint form and any attachments may be provided to the individual against whom the complaint is filed. The complaint must be in writing and mailed to the address provided on this form to the attention of the General Counsel. NAIFA does not accept anonymous or verbal complaints. By submitting a complaint, the complainant consents to the disclosure of their identity and of the fact and substance of their complaint. NAIFA does not guarantee anonymity to complainants.

COMPLAINANT (Individual filing the complaint)

Name: _____

Address: _____

Telephone: _____

Email : _____

RESPONDENT (Individual against whom this complaint is directed)

Name: _____

Address: _____

Telephone: _____

Email : _____

COMPLAINT DOCUMENTATION: Summarize in a written attachment the facts on which this complaint is based and enclose copies of all materials and other evidence that corroborate and support the allegations.

REPORTS TO OTHER ENTITIES: If you have filed a complaint about this same matter to a company, regulatory body, or other entity, add an attachment showing to whom it was submitted, the approximate date(s), and whether or how the matter was resolved.

COMPLAINANT'S SIGNATURE: I affirm that the statements and information within this complaint are correct and truthful to the best of my knowledge.

Signature of Complainant

Date

Send this form and accompanying materials to: General Counsel, NAIFA, 2901 Telestar Court,
Falls Church, VA 22042