

XII. Selection of Mediators and Investigators

An individual selected to serve as a mediator or Investigator shall have substantial familiarity with the subject matter at issue and with applicable Code(s) of Professional Conduct. The ABCD shall ask each prospective Investigator and mediator if he or she is aware of any circumstances that might raise questions regarding his/her impartiality, such as past or present relationships with the complainant or subject actuary. An individual shall not be selected if the appointment would create a conflict of interest or an appearance of impropriety. In seeking to appoint an individual to serve as a mediator or Investigator, the Chairperson may ask the advice of any member of the actuarial profession or other person, subject to the confidentiality provisions in Section X of these Rules of Procedure.

XIII. Requests for Waiver

A request by the subject actuary for waiver of any of the procedural requirements set forth in these Rules of Procedure may be decided by the Chairperson of the ABCD. Such requests shall be submitted in writing to the Chairperson at the ABCD's Washington, DC office. A request for waiver should contain, at a minimum, the following:

1. An identification of the specific requirement(s) that the subject actuary wishes to be waived;
2. A concise explanation of why the subject actuary seeks the waiver; and
3. Any supporting documentation that will assist the Chairperson in determining whether the waiver request should be granted.

ABCD counsel will be available to assist the Chairperson in the determination of whether to grant the waiver request and to ensure that due process and other legal requirements are satisfied. The Chairperson's decision to grant or refuse a waiver will be deemed final, subject to a timely objection (see Section XIV, below), and will be reported in writing to the subject actuary.