

VI. Review of Investigative Report

A. Record for Review

The ABCD staff will forward copies of the following documents to the members of the ABCD:

1. The complaint or other information which served to initiate the investigation;
2. Any additional relevant information or documentation received by the ABCD;
3. The Investigative Report; and
4. The subject actuary's response, if any, to the Investigative Report.

B. Consideration of the Matter

The members of the ABCD shall review the materials submitted to them by the ABCD staff and shall meet in person or telephonically to discuss the materials and reach a determination as to whether to dismiss the matter, counsel the actuary, obtain additional information, or schedule a formal hearing to inquire further into the matter.

With a quorum present, a majority of the ABCD members participating, may decide on one of the following actions:

1. Seek additional information before making a decision on the matter (in which case the ABCD may make such inquiry or request the Investigator(s) or ABCD staff to do so) and thereafter provide appropriate notice to the subject actuary, reconvene to review the record, and decide upon the action to be taken.

2. Dismiss the matter if it appears not to involve a material violation of the Code(s) of Professional Conduct. The complainant, if any, and the subject actuary will be notified of the decision. The case will be closed.
3. Counsel the subject actuary if counseling is determined to be appropriate. At the discretion of the Chairperson, such counseling may be conveyed to the subject actuary orally or in writing or both and may be by the Chairperson, any member of the ABCD, or other person(s) appointed by the Chairperson to counsel the actuary. The complainant, if any, shall be advised that the ABCD reviewed the complaint and elected to counsel the subject actuary. The substance of the counseling shall be kept confidential among the ABCD, the subject actuary, and any person(s) appointed by the Chairperson to counsel the actuary.
4. Call for a fact finding hearing before the ABCD, if the conduct of the subject actuary appears to present a possible material violation of the Code(s) of Professional Conduct that may warrant discipline.

In reaching the decision to either dismiss the matter, counsel the actuary or schedule a fact finding hearing, the Chairperson and the ABCD may consult confidentially with any member of the actuarial profession or other person who may have information or experience relevant to the matter under consideration; however, no information from these consultations may be used by the ABCD unless the information is made part of the record and the subject actuary is given an opportunity to respond.

VII. Fact Finding Hearing

A. Notice of Hearing

If the ABCD calls for a fact finding hearing, the ABCD shall provide the subject actuary written notice. The notice shall set forth the conduct which has raised questions regarding possible violation(s) of the applicable Code(s) of Professional Conduct; the date, time, and place of the hearing; and a copy of all the case-specific information reviewed by the ABCD. If the ABCD intends to have an Investigator participate in the hearing telephonically, the notice shall so inform the subject actuary. If the notice states that the ABCD intends to have an Investigator