

## **8. Variance of Rules; Continuances**

The Chairperson has discretion to vary the procedures governing hearings but shall afford full and equal opportunity to the Investigator and subject actuary for the presentation of relevant evidence and witnesses. The Chairperson may recess and reconvene the hearing when appropriate, in which case the Chairperson will fix the date, place and time for the hearing to be continued and may reopen the hearing upon application of the Investigator or the subject actuary or upon the ABCD's own initiative, at any time before final action is taken.

## **VIII. Final Determination**

### **A. Deliberations**

As soon as practicable following the hearing, the ABCD will meet in person or by telephone to consider the evidence presented at the hearing and decide upon the action to be taken. Only evidence admitted at the hearing will be considered, except that the ABCD may obtain additional evidence from the subject actuary.

### **B. Decision**

By an affirmative vote of five or more members, the ABCD may:

1. Reopen the hearing and seek additional information before reaching a decision, in which case the ABCD may undertake to discover such additional information or request the Investigator(s) or ABCD staff to do so, and thereafter reconvene to review the record and determine the action to be taken.
2. Dismiss the matter if the complaint/information appears not to involve a material violation of the Code(s) of Professional Conduct. The complainant, if any, and the subject actuary shall be notified of the decision, and the case will be closed.
3. Counsel the subject actuary. At the discretion of the ABCD, such counseling may be conveyed to the subject actuary orally or in writing or

both and may be undertaken by the Chairperson, any member of the ABCD, or any other person appointed by the Chairperson. The complainant, if any, will be advised that the ABCD reviewed the complaint and elected to counsel the subject actuary. However, the substance of the counseling will be kept confidential among the ABCD, the subject actuary, and any person(s) appointed by the Chairperson to counsel the actuary.

4. Recommend discipline in the form of private reprimand (if permitted by the bylaws or rules of the participating organization), public reprimand, suspension, or expulsion. If the ABCD recommends discipline, the ABCD shall prepare a written report addressed to each participating organization of which the subject actuary is a member. The report shall identify the precepts of the applicable Code(s) of Professional Conduct which the ABCD believes to have been violated, state the nature of the violations, and make a recommendation as to the form of discipline (i.e., private reprimand, public reprimand, suspension, or expulsion). The report shall be accompanied by a transcript of the hearing and copies of all documents considered at the hearing. A copy of the report and accompanying material that the ABCD has not previously provided to the subject actuary shall be provided to the subject actuary. The ABCD may also counsel a subject actuary as an adjunct to its recommendation for discipline.

### **C. Other Requirements**

In the event an ABCD member is absent from a portion of a hearing, such member shall not be eligible to attend the balance of the hearing, engage in deliberations, or vote concerning the disposition of the matter.