

NEW BRUNSWICK BUILDING OFFICIALS ASSOCIATION CONSTITUTION

OBJECTIVES:

1. The name of the Association is: THE NEW BRUNSWICK BUILDING OFFICIALS ASSOCIATION.
2. The objectives of the Association are:
 - Improve the standards of practice for building inspection.
 - Increase the knowledge, ability and competence of our members.
 - Influence authorities in the development and revision of applicable legislation.
 - Create an environment that enables members to meet, exchange thoughts, ideas and to learn from each other.
 - Continue to build a viable and visible organization.

SCOPE

3. The operations and activities of the Association are to be carried out within the PROVINCE OF NEW BRUNSWICK. The head office of the Association shall be in the City of Fredericton, New Brunswick.

**NEW BRUNSWICK BUILDING OFFICIALS ASSOCIATION
BY-LAWS**

1. DEFINITIONS

In these By-Laws:

- (a) "Association" means The New Brunswick Building Officials Association.
- (b) "Building Official" means a person whose name is entered in the register established and maintained under these by-laws.
- (c) "Certification" means the process by which Members of the Association become certified in the approved designation established by the Education Committee.
- (d) "Code of Ethics" means the standards set out and approved by the Association.
- (e) "Executive" means the officers of the Association elected at the Annual General Meeting.
- (f) "Registrar" means the Registrar of the New Brunswick Building Officials Association

2. MEMBERSHIP

The membership of the Association shall consist of the following:

- (a) REGULAR MEMBER: Person who is engaged and/or affiliated with the inspection field administering the National Building Code, the National Fire Code or other related legislated standards.

- (b) CORPORATE MEMBER: Corporate Members shall be any firm, business or company allied to, or associated with, the building industry and dedicated to the protection and enhancement of public safety excluding Municipal, Federal, Provincial Governments and their Departments, Agencies, Commissions etc. Corporate members shall enjoy all the rights and privileges of Regular Members, but shall not have the right to vote or to hold Executive office.
- (c) HONOURARY MEMBER: Honourary memberships shall be restricted to individuals who have rendered outstanding service to the furtherance of the purposes and objectives of the Association. Honourary membership shall be conferred upon the recommendation of the Executive and approved by majority vote of the members present at the Annual General Meeting. Any member may nominate an individual for this honour to the Executive. Honourary members shall enjoy all the rights and privileges of Regular Members, but shall not have the right to vote or to hold Executive office.
- (d) RETIRED MEMBER: A person who has retired and has been a Regular Member of the Association and is not actively practicing in the field of building inspection. Retired members shall enjoy all the rights and privileges of Regular Members, but shall not have the right to vote or to hold Executive office.

3. CERTIFICATION OF MEMBERS

- (a) The following classes of certification have been established by the Association
 - 1. Certified Building Code Official (CBCO)
 - 2. Building Code Qualified Official (BCQO)
- (b) To be eligible for certification, a member must apply to the Education Committee of the NBBOA in the required form and have completed the

applicable certificate requirements.

- (c) The administration of the Association certification program is the responsibility of the Certification Committee. The administration of the maintenance program is the responsibility of the Education Committee. The requirements for these programs are outlined in the Association's Policy Manual which may be amended from time to time.

- (d) All members of the Association who have attained a certification designation are required to maintain their certification by continuing their professional development throughout their career. All certified members are required to maintain certification effective January 1, 2001 or from their most recent date of certification and shall:
 - i. complete a Building code change course every Building code cycle;

 - ii. complete 30 learning credits of continuing education and/or professional development credits approved by the Association's Education Committee within a five (5) year period; and

 - iii. complete the Annual Record Form "Form D" and submit to the Education Committee by December 31st of each calendar year.

- (e) Certified members who fail to meet these requirements will be given nine (9) months to complete the required continuing education credits.

- (f) Any previously certified member wishing to be reinstated as a building official is required to reapply for certification. The application will be reviewed by the Education Committee and then submitted to the Certification Committee for final determination.

4. **ANNUAL DUES**

The Annual Dues shall be as follows:

- (a) Regular Member - As set by the Executive and voted on at the Annual General Meeting;
- (b) Corporate Member - As set by the Executive and voted on at the Annual General Meeting;
- (c) Honourary Member - Pay no dues;
- (d) Retired Member - Pay no dues;
- (e) The annual dues are payable on the first day of January for the ensuing fiscal year;
- (f) The fiscal year of the Association shall commence on the first day of January and end on the 31st day of December of the same year;
- (g) Membership in the Association shall lapse when dues are six months in arrears;
- (h) An application for reinstatement of a regular membership that has lapsed for non-payment of dues may be considered by the Executive Committee, provided all arrears have first been paid to the Association;
- (i) Any member guilty of unethical practices may be expelled from the Association by a two-thirds vote of the officers of the Association;
- (j) An application for reinstatement by a person expelled from the Association shall be considered by the Executive Committee and such person may be reinstated by a two-thirds vote of the officers of the Association.

5. MEETINGS

- (a) Regular Meetings of the Executive shall be held as the Executive may determine, or at the call of the President. Seven (7) members shall

constitute a quorum at such meetings;

(b) Special Meetings of the Association may be called by the President or by decision of the Executive. Ten (10) Regular Members of the Association shall constitute a quorum at such meetings;

(c) The Annual General Meeting shall be held within one-hundred and twenty (120) days after the end of the Association fiscal year. Ten (10) Regular Members of the Association shall constitute a quorum of this meeting. The Annual General Meeting of the Association shall be called and notices thereof mailed to each member not less than thirty (30) days prior to such meeting;

i. The Order of Business at meetings shall be as follows:

Roll Call of Officers;
Approval of Minutes of Previous Meeting;
Business Arising from the Minutes;
Communications;
Reports;
Unfinished Business;
New Business;
Election of Officers;
Installation;
Adjournment;

(d) Robert's Rules of Order shall govern all matters not covered in this Constitution and these By-Laws;

Voting: All questions before a meeting shall be decided by simple majority unless otherwise provided for in these by-laws. All Regular Members present shall be entitled to vote.

6. **EXECUTIVE**

(a) The Executive shall consist of:

- (i) President
 - (ii) 1st Vice President
 - (iii) 2nd Vice President
 - (iv) Secretary
 - (v) Treasurer
 - (vi) Six (6) Zone Representatives
 - (vii) Immediate Past President
- (b) The Executive, except the Immediate Past President, shall be elected at the Annual General Meeting. The term of office shall be for 2 (two) years and any member in good standing is eligible to hold office.
 - (c) The President or the Executive may allow other groups or individuals to participate at Executive meetings. These groups or individuals do not have the right to vote at Executive meetings.
 - (d) Remuneration, at rates set by the Executive, may be paid to the Executive and/or other members of the Association for special or unusual circumstances.
 - (e) Expenses authorized by the Executive shall be paid for by the Association to both the Executive and/or other members of the Association.

7. OFFICERS

The Roles and Responsibilities of the Elected Officers of the NBBOA are:

- (a) **The President:**
 - (i) The President shall preside at Meetings of the Association and at Meetings of the Executive.
 - (ii) The President shall have general supervision of the affairs of the Association. He or she shall be an ex-officio member of all Committees.
- (b) **The 1st Vice-President:**
Should the President be unable or unwilling to fulfill the duties for any

reason, the 1st Vice-President shall assume all such Presidential duties.

(c) The 2nd Vice-President:

Shall be responsible for all zone activities and by-law resolutions. Shall assume the position of 1st Vice President if that position becomes vacant.

(d) The Treasurer:

- (i) The Treasurer shall have charge of all contracts, securities and finances belonging to the Association.
- (ii) The Treasurer shall receive all fees or dues payable to the Association and keep the funds of the Association deposited in a Chartered Bank.
- (iii) The Treasurer shall pay all accounts owing by the Association. All cheques issued by the Treasurer shall be signed by him or her and by another officer with delegated signing authority.
- (iv) The Treasurer shall report periodically to the Executive, or upon the Executive's request. The Treasurer shall report on the receipt and disbursement of the Association funds and shall prepare an Annual Report for the Annual General Meeting.

(e) The Secretary:

- (i) The Secretary shall be responsible for Association correspondence and shall report thereon to the Executive.
- (ii) The Secretary shall give due notice of all meetings of the Executive and of the Association.
- (iii) The Secretary shall keep the Minutes of all Executive, Annual General and Special Meetings of the Association.
- (iv) The Secretary shall assume such other duties as required by the Executive.

(f) Past President:

The Past President will chair the Nomination Committee for the election of a new Executive at the Annual General meeting.

(g) Zone Representatives:

- (a) The six (6) Zone Representatives shall be elected to represent the following Regional Areas of the Province:
 - (i) Zone 1: Westmorland, Albert and Kent Counties (Moncton, Sackville, Bouctouche)
 - (ii) Zone 2: Charlotte, Saint John and part of Kings Counties (Saint John, Hampton, St. Stephen, St. Andrews)
 - (iii) Zone 3: York and Carleton Counties (Fredericton, Woodstock)
 - (iv) Zone 4: Northumberland and Gloucester Counties (Miramichi City, Bathurst)
 - (v) Zone 5: Kings, Queens and Sunbury Counties (Oromocto, Sussex, Minto, Chipman)
 - (vi) Zone 6: Victoria, Madawaska and Restigouche Counties (Edmundston, Grand Falls, Dalhousie, Campbellton)

- (b) The Zone Representatives shall be responsible for calling and conducting meetings of the members of the Zone for the purpose of carrying out the objectives of the Association.

- (c) Zone meetings shall have no authority to commit the Association at large.

(See Map on next page)



Vacancies

Should a vacancy occur through resignation or removal from the Executive, the remaining Executive members will solicit nominations from the membership and then appoint a replacement to serve the remainder of the term left by the departing Executive member.

8. COMMITTEES

(a) The Executive shall be the governing body of the Association. In general, the

Executive shall enforce the Constitution and the By-Laws of the Association, the Policy Manual as adopted by the Executive and Bill 27 “An Act Respecting Building Officials and the New Brunswick Building Officials Association” and amendments thereto.

- (b) The Executive shall appoint:
 - (i) an Education Committee;
 - (ii) a Publicity Committee;
 - (iii) a Complaints/Discipline Committee; and
 - (iv) a Membership Committee
 - (v) a Web Site Committee
 - (vi) a Certification Committee
 - (vii) any such other Committees as may be necessary

The Executive, in accordance with the by-laws, and after consultation with the committees shall appoint a Chairperson for each of the Committees.

- (c) The Education Committee shall develop and maintain a professional studies program as per the By-Laws of the NBBOA. The Education Committee shall set guidelines and develop policies for training and development programs leading to certification.
- (d) The Publicity Committee shall be responsible for the marketing and promotion of the Association. In this respect, the Publicity Committee shall make every effort to bring the work of the Association to the attention of the building industry, the government and the general public.
- (e) The Complaints/Discipline Committee shall be responsible for administering and upholding the Association’s Code of Ethics, and shall act in accordance with the mandate of the Members Bill.
- (f) The Membership Committee shall admit members based on the criteria set out in Section 2 - Membership of this Constitution and By-Law. The Membership Committee may make recommendation prescribing the qualifications of all membership categories and to promote and encourage membership in the Association.
- (g) The Web Site Committee shall be responsible for updating and maintaining the web site of the NBBOA. They shall also make recommendations to the Executive with respect to a service provider and policy respecting web site content.

- (h) The Certification Committee shall make recommendations to the Executive on who should be within the provincial certification program and at what stage.
- (i) Each Committee shall file and present a written report on its activities at each Annual General Meeting.

9. APPEAL

Any applicant who is denied membership by the Membership Committee may appeal to the Executive within thirty (30) days of the denial;

10. AUDIT

Before the presentation of the Treasurer's Annual Report, the Association's books shall be audited by an auditor appointed by the Executive. The Auditor shall file a report which shall be affixed to the Treasurer's Annual Report.

11. SEAL

The Seal of the Association shall not be affixed to any instrument, except by authority of a resolution, whether previous notice thereto has been given or not, and in the presence of such officers of the Association as may be prescribed for and by any such resolution. If the resolution is silent as to which officers may witness the affixing of the seal, then the seal may be affixed in the presence of:

- (a) two members of the Executive and the Secretary, or
- (b) the President of the Association and the Secretary, or
- (c) the President of the Association and the Treasurer.

Such Officers shall sign every instrument to which the seal of the Association is so affixed in their presence.

Witnesses shall evidence their presence by subscribing their signature to the sealed instrument.

12. AMENDMENTS TO THE ASSOCIATION'S BY-LAWS

- (a) The Association may make additional By-Laws and may repeal or amend any of its By-Laws by a resolution passed in the manner prescribed within the By-Laws.
- (b) Notice of intention to make, repeal or amend any By-Law shall be given to all members of the Association. Proposed changes to the By-Laws shall be provided in writing to the membership not less than thirty (30) days prior to the meeting at which the changes will be considered.
- (c) Such additions to and changes in the By-Laws shall be filed with the Registrar.

13. INSPECTION

The Books and Accounts of the Association shall be kept by the Treasurer and will be produced upon an order of the Executive.

14. CODE OF ETHICS

- (a) All members of the Association shall be subject to the Code of Ethics.
- (b) All members, voting or otherwise, of the Association, agree to abide by the Association's Code of Ethics. The Code of Ethics contains the following parts:
 - PART A: STANDARDS
 - PART B: COMMITTEE
 - PART C: DISCIPLINE
 - PART D: APPEALS

PART A: STANDARDS OF ETHICS

I. STANDARDS

The Standards for Ethics, Professional Conduct, Professional Practice and Professional Advertising Practice are embodied in the following Code of Ethics.

Fundamental Principles

- 1. The inspection of buildings is an important learned profession. The members of the

profession recognize that their work has a direct and vital impact on the quality of life for all people. Accordingly, the services provided by the Building Official require honesty, impartiality, fairness and equity, and must be dedicated to the protection and enhancement of the public's safety, health and welfare.

2. A Building Official will recognize that the Code of Ethics of the Association is founded upon integrity, ability and loyalty to service in the advancement of essential elements of public health, life and fire safety, structural sufficiency and accessibility in the examination of all buildings.

Relations with Public

All Members:

3. Will uphold his or her duty to the public as paramount;
4. Will endeavour to enhance the public's interest and appreciation in his/her profession;
5. Will undertake only such work and express such opinions or interpretations of the laws and standards affecting public health, life and fire safety, structural sufficiency and accessibility that he is competent to perform by virtue of his or her training and experience.
6. Will express interpretations and or opinions regarding public health, life and fire safety, and structural sufficiency and accessibility matters only on the basis of adequate knowledge and competence;
7. Will perform all assignments in accordance with all laws and regulations of the Province of New Brunswick, including all applicable municipal by-laws;
8. Will prepare a report on all assignments, such report will include: the purpose of the assignment, a description of the property, the date and time of the assignment, any special considerations and any special documentation or information supplied by others involved in this assignment.

Relations with Employers and Clients

All Members:

9. Shall act for his or her employer or client as a faithful agent or trustee and shall act with fairness and justice between his or her employer or client.

10. Shall not accept compensation, financial or otherwise, from more than one interested party to the same service or for service pertaining to the same work without the consent of all interested parties;
11. Shall not disclose confidential information without the consent of his or her employer or client;
12. Shall not undertake any assignments which may create a conflict of interest with his or her employer or client without the full knowledge of his or her employer or client;
13. Shall present clearly to his/her employer or clients the consequences to be expected if his or her professional judgment regarding public health, life and fire safety and structural sufficiency matters is overruled by other authorities in matters pertaining to work for which he is responsible;
14. Shall refrain from unprofessional conduct or from actions which he considers to be contrary to the public good even if he is expected or directed by his or her employer or client to act in such a manner; and
15. Shall not expect or direct an employee or subordinate to act in a manner that his or her employee or subordinate considers to be unprofessional or contrary to the public good;

Relations with Profession

All Members:

1. Shall continue their professional development throughout their careers and shall provide opportunities for the professional development of others under their supervision.
2. Shall collaborate in increasing the effectiveness of his or her profession by commuting information and experience with other building officials and other professions involved with public health and safety;
3. Shall endeavour at all times to improve the competence, status and dignity of his or her profession;
4. Shall not advertise in any brochure, business card, letterhead, yellow pages, radio and television ads or any print or electronic medium holding out that they are members of this association unless they are a member in good standing;
5. Shall not advertise his or her work or merit in a self laudatory manner and he or she shall avoid all conduct or practice likely to discredit or do injury to the dignity and

honour of his or her profession;

6. Shall not attempt to supplant another Building Official in an engagement after definite commitment has been made toward the others employment;
7. Shall not exert undue influence or offer, solicit or accept compensation for the purposes of affecting negotiations for an agreement;
8. Shall not compete with another member of the association for work by under bidding, through reducing his/her normal fees after having been informed of the fees named by the other;
9. Shall not use the advantage of a salaried position to compete unfairly with another member of the association; and
10. Shall advise the discipline committee of any practice by another member of his or her profession, which he believes to be contrary to the code of ethics;

Relations with Association

All Members:

1. Shall co-operate with the New Brunswick Building Officials Association and its officers in all matters, including, but not limited, to the investigation, censure, discipline, or dismissal of members, voting or otherwise, who, by their conduct, prejudice their professional status or the reputation of the New Brunswick Building Officials Association; and
2. Shall conduct his or her activities in a manner that will reflect credit upon himself, the profession and the New Brunswick Building Officials Association.

PART B: COMPLAINTS/DISCIPLINE COMMITTEE

I. STRUCTURE AND MANDATE

1. The Complaints/Discipline Committee shall consist of at least three (3) members of the Association, of whom one shall be a member of the Executive, and two other Regular Members.
2. The Complaints/Discipline Committee shall consider all matters relating to the conduct of, and inspection reports prepared by members of the Association, except where the municipality or other governmental authority has jurisdiction.

3. The Complaints/Discipline Committee shall consider those matters brought before it, either through written applications by members, or from other sources, and shall recommend a suitable course of action, except where the municipality or other governmental authority *has* jurisdiction.
4. There shall be an actual signed complaint before the Complaints/Discipline Committee can take action respecting any Ethics/Inspection Review matter. The Committee may investigate any matter within its jurisdiction on its own initiative.

II. RESPONSIBILITIES - COMPLAINTS/DISCIPLINE COMMITTEE

1. The responsibilities and procedure of the Complaints/Discipline Committee shall be any or all of the following, as applicable:
 - (a) To receive and review signed complaints from any source and initiate action on any matter it deems necessary.
 - (b) Where an investigation is deemed necessary, the accused shall be advised by registered mail before the investigation is begun.
 - (c) To request copies of inspection reports that are being questioned or complained against.
 - (d) Where deemed necessary, to request copies of inspection reports which may have been done on the same property by other inspectors.
 - (e) To request, if available and deemed necessary, written proceedings of any hearings, arbitrations or court reportings.
 - (f) To study the material and decide if further investigation is warranted.
 - (g) Where necessary, to appoint a local investigating sub-committee to consider the materials that has been submitted in connection with the complaint.
 - (h) To receive the report from the investigating sub-committee.
 - (i) To consider and study all reports and materials and take appropriate action.
 - (j) To hold as confidential the contents of all-reports and documents received by the Complaints/Discipline Committee and the sub-committee.

2.
 - (a) Where conflict exists, members of the Complaints/Discipline Committee and/or its sub-committee shall abstain from any direct or indirect involvement or interest in any case being dealt with by the Committee or its sub-committee.
 - (b) If further investigation is warranted, the investigated member shall be contacted by the Complaints/Discipline Committee, in accordance with Part C: Discipline.
 - (c) The failure of any member to comply with the written request from the Complaints/Discipline Committee in connection with a complaint shall result in disciplinary action being taken by the Committee based on the information available to the Committee.
 - (d) Reports of appointed investigating sub-committees must be made only to the Complaints/Discipline Committee.
3. If it comes to the attention of any Committee or Committee member that the subject matter under consideration, investigation or review, is subject to litigation, all action hereunder shall be postponed until such time as all litigation has been completed.

PART C: DISCIPLINE

If the determination of the Complaints/Discipline Committee is that the Code of Ethics has been contravened by a member of the Association, that member shall be subject to the following applicable disciplinary action(s):

1. **Admonishment** - This is written warning calling the attention of the member to the violation. Admonishment is not entered into the member's record. It is not published or made known to the membership or the general public. An admonishment is given by the Complaints/Discipline Committee if the nature of the infraction so warrants; however, a written report to the Executive is required.

Additional disciplinary action of an educational nature may be required, where, in the opinion of the Complaints/Discipline Committee, the type of violation indicates this to be necessary or desirable.

2. **Reprimand** - This is a serious written warning calling the attention of the member to the violation. A reprimand is entered into the member's record for a period of two years after official notification of the reprimand has been given. It is not published or made known to the membership or the general public. A reprimand is given by the Complaints/Discipline Committee however, a written report to The Executive is

required.

Additional disciplinary action of an educational nature may be required, where in the opinion of the Complaints/Discipline Committee, the type of violation indicates this to be necessary or desirable.

3. **Censure** - This is a formal written expression of criticism and disapproval of the violation and is given by the Executive. A censure is entered into the member's permanent record.

The censure shall be published and made known to the membership or the general public or both.

Additional disciplinary action of an educational nature, recommended by the Complaints/Discipline Committee and approved by the Executive, may be required where the type of violation indicates this to be necessary or desirable.

4. **Suspension** - This is a temporary revocation of the rights and privileges of membership in the Association, and is given by the Executive. It commences three days following the dispatch by double registered mail of the order of suspension and ends upon expiry of the period of time stipulated therein. A suspension shall not exceed two years, and during the suspension period, the member may not hold out as an affiliate of the Association in any manner nor be permitted to write any examination conducted through the Association.

Immediately upon receipt of notice of suspension, a suspended member shall transmit their membership certificate, Certification certificates, membership card and any other evidence of membership to the Association to be held for the period of such suspension.

At expiration of the period of suspension, and subject to any additional education requirements having been fulfilled, the suspended member shall automatically be restored to previous membership status and the evidence of the membership shall be returned to him or her.

Although a suspended member is not entitled to the rights and privileges of membership and may not refer to any other affiliation with the Association, the member remains a member for all other purposes, including payment of dues, and any failure to conform to the Association's Constitution and By-Laws or Code of Ethics shall be grounds for further disciplinary action.

A suspension shall be published and made known to the membership and the general public.

5. **Expulsion** - This is a complete termination of membership or any affiliation with the

Association, and is given by the Executive. It becomes effective 72 hours following dispatch of notice of the expulsion, by double registered mail, to the member.

Immediately upon receipt of such notice, the member so expelled must return to the Association the membership card, Certification certificates and any other evidence of membership in the Association. All reference to membership in or affiliation with the Association must immediately cease.

Expulsion shall be published and made known to the membership and the general public.

6. **Failure to Comply** - The failure of any member to comply with a written disciplinary order of the Executive, unless notice of appeal is given in accordance with the provisions made for same, may, in the discretion of the Executive, result in expulsion.

Admonishment and Reprimand are given by the Complaints/Discipline Committee. Censure, Suspension and Expulsion are given only by the Executive.

PART D: APPEALS

1. **Admonishment** - In the case of admonishment, appeal must be in person or in writing and must be presented at the next meeting of the Complaints/Discipline Committee immediately following receipt of the notice of appeal. There is no appeal beyond this committee.
2. **Reprimand** - In the case of reprimand, appeal must be in person or in writing and must be presented at the next meeting of the Complaints/Discipline Committee immediately following receipt of the notice of appeal. There is no appeal beyond this committee.
3. **Censure, Suspension, Expulsion** - If any of these actions are recommended by the Complaints/Discipline Committee, the accused shall have the right to appeal to this Committee. The appeal may be in writing or in person, and it must be presented at the next Committee meeting, occurring between 30 and 60 days following receipt of written notice of the recommendation to discipline.

If, following the appeal, the decision of the Complaints/Discipline Committee is sustained, an appropriate recommendation will be made to the Executive. If the Executive imposes censure, suspension or expulsion, the accused shall have the right to appeal to the Executive. The appeal may be in writing or in person and it must be presented at the next Executive meeting, occurring between 30 and 60 days following confirmation of the Complaints/Discipline Committee

recommendation.

4. **Suspension** - All of the preceding procedures apply, except the accused may appeal only to the Executive.
5. **Notice of appeal** – All notices of appeal, and the grounds on which the appeal is being made, must be filed by double registered mail to the New Brunswick Building Officials within thirty (30) days of the receipt of the notice. The identity of the accused shall be known only by the members of the committees engaged in the process of investigation, appeal, and administrative procedure.

In all cases where an appeal is permitted, the accused shall have the right to attend or appeal in writing at his/her own expense.

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Amended April 30th, 2008