



## **Contested Alleged Violation or Proposed Penalty or Sanction Conference**

Pursuant to § 5.4 of the CMEP, whenever a registered entity submits a response to a Notice of Alleged Violation and Proposed Penalty or Sanction contesting an Alleged Violation or a proposed penalty or sanction, a conference must be scheduled within 10 days. The purpose of the conference is to allow the registered entity to state its position and provide supporting information and documents. This conference is for purposes of a technical exchange of information between a registered entity and a peer group to allow both MRO and the registered entity to make an informed decision on next steps of the process.

This document was prepared to ensure consistency in following the CMEP process whenever a registered entity contests an alleged violation or proposed penalty or sanction. These due process steps are followed when a registered entity contests an alleged violation, a proposed penalty or sanction or both.

### **Preparing for the Conference**

1. When a registered entity disputes an Alleged Violation or proposed penalty or sanction, it must submit a written response explaining its position.
2. MRO Enforcement staff must schedule a conference with the MRO CC:
  - a) A meeting is scheduled within 10 days of receipt of the written response contesting the Alleged Violation or proposed penalty or sanction.
  - b) Staff coordinates meeting date, location and notifies all participants.
  - c) Staff posts appropriate information on the secure-restricted EFT server.
3. MRO CC Chair and MRO Enforcement staff check for possible conflict of interest of CC members.
4. MRO CC members review the information.
5. MRO CC Chair meets with MRO Enforcement staff to plan the conference.
6. MRO CC Chair facilitates a call with MRO CC to prepare for the meeting and discuss expectations of MRO CC members attending the conference.
7. MRO CC Chair facilitates the meeting

### **Conduct of and Participation in the Conference**

1. MRO CC Chair delivers some opening remarks to include:
  - a) Introductions; and
  - b) Ground rules:
    - i) Listen to understand.



- ii) Ask clarifying questions.
    - iii) Not a debate.
    - iv) Other.
  - c) Purpose of the meeting:
    - i) Due process step.
    - ii) Goal is to have a technical discussion on the Alleged Violation or the proposed penalty or sanction to allow both MRO and the registered entity to make an informed decision on next steps of the process.
    - iii) The record will contain attendees and the date of meeting.
2. Review what has happened so far.
  - a) A review of the facts, presented by MRO staff.
  - b) Review and get an understanding of MRO's position on the violation.
  - c) Review and get an understanding of the registered entity's position on the violation.
3. Identify the main issues and what is being contested.
  - a) Identify supporting arguments.
  - b) Identify dissenting arguments.
4. Have discussion and Q&A on all of the issues
5. Share opinions on the facts and circumstances of the alleged violation and/or proposed penalty or sanction. MRO CC may choose to meet individually with the parties to ask questions, seek clarification, and share opinions.
6. Review next steps in the process:
  - a) Accept violation and proposed penalty.
  - b) Settlement option.
  - c) Request a hearing. Pursuant to CMEP §5.4, hearing requests must be made within forty (40) days of the registered entity's response contesting the Alleged Violation or proposed penalty or sanction. The registered entity and MRO may agree in writing to extend this forty (40) day period.

**NOTE: This conference is for purposes of a technical exchange of information between a registered entity and a peer group. There are no follow up tasks and no results are recorded or communicated.**

Revised and Approved by MRO CC: 10/27/2016