

## **Verified-Accredited Wholesale Distributors<sup>®</sup> (VAWD<sup>®</sup>) Appeals Procedure**

- a) In the event that NABP shall deny initial VAWD accreditation to a Wholesale Distributor or shall remove such accreditation from a VAWD Wholesale Distributor, the Wholesale Distributor, may appeal the decision of NABP.
- b) In the case of removal, the VAWD accredited Wholesale Distributor shall not retain its VAWD accreditation, and shall be deemed unaccredited while the matter is under appeal.
- c) Provided all fees and expenses invoiced by NABP have been paid, the Wholesale Distributor may file a written Notice of Appeal, with the Executor Director/Secretary of NABP within twenty-one (21) days of the date of the notice of denial or removal. Such Notice of Appeal shall set forth the specific facts supporting the grounds on which the appeal is based.
- d) A \$2,000 payment must be submitted with the Notice of Appeal to be applied to the costs incurred by convening the VAWD Appellate Commission, which will hear the appeal.
- e) NABP shall immediately convene the VAWD Appellate Commission, consisting of the President, President-Elect, and Treasurer of NABP.
- f) The appealing party may request an audit of its compliance with VAWD Program Criteria. If the appealing party requests an audit an additional fee equivalent to the then existing inspection fee shall be submitted and will be applied to the costs of performing the audit. The audit shall be conducted at the appealing party's expense. A written report of the audit findings will be provided to (i) the appealing party, (ii) NABP and (iii) to members of the Appellate Commission. The time requirements hereinafter set forth shall be deemed to commence after the requested audit has been concluded.
- g) Unless otherwise agreed by the parties, the Appellate Commission shall set a date, time, and place for a hearing on the appeal not more than sixty (60) days from the date of the receipt of the notice of appeal, or the date after the audit is concluded under paragraph (f) above, whichever may be applicable.
- h) The NABP and the appealing party shall have the right to representation by counsel throughout the appeal procedure.
- i) All reasonable expenses incurred by the Appellate Commission including, but not limited to travel expenses (ie, transportation, accommodations, and meals) shall be paid by the appealing party.

- j) Failure of the appealing party to pay the Appellate Commission's reasonable expenses, in full, within seven (7) days of the date of the bill or invoice, shall result in termination of the appeals procedure.
- k) In the event that any person designated as a member of the Appellate Commission shall be disqualified or shall refuse or be unable to serve for any reason at any time, an alternate member from NABP's Executive Committee shall be selected by the remaining members of the Appellate Commission. The member's service and affiliation with NABP, NABP's Executive Committee, and the Appellate Commission shall not be grounds for disqualification based upon claims of conflict-of-interest, bias, or the like.
- l) Unless otherwise agreed to by the parties, not less than ten (10) days before the hearing, the appealing party and NABP shall present written statements of their respective positions to the Appellate Commission.
- m) Each party may present evidence at the hearing.
- n) Unless otherwise agreed to by the parties, closing arguments shall be submitted to the Appellate Commission in writing at such addresses as the Appellate Commission shall indicate with copies to NABP and the appealing party within fourteen (14) days of the conclusion of the hearing.
- o) Within an additional thirty (30) days thereafter, the Appellate Commission shall render a decision:
  - i.) to affirm the decision of NABP; or
  - ii.) to reverse the decision of NABP and grant or restore VAWD accreditation.
- p) A written report of the Appellate Commission's findings and decision shall be submitted to the Executive Director/Secretary of NABP and the appealing party. The decision of the Appellate Commission to deny or grant accreditation is final.

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