



Setting the Standards for
Home Energy Efficiency

Proposed Standards Revision

Date: 06/10/13

Amendment #2013-XX

Proponent: Quality Assurance Committee

Organization: RESNET

Justification:

The RESNET Quality Assurance Committee has completed substantial changes to the RESNET Standards which have been vetted by all RESNET Rating Providers and QA Designees and have completed a 30 day public comment period. The QA Committee is presently reviewing and responding to the public comments.

RESNET Staff has requested that the changes to Sections 912 and 913, dealing with “Probation, Suspension and Revocation of Accreditation” for Providers as well as “Appeals Procedures,” be made effective more immediately rather than wait for the January 1, 2014 effective date for the balance of the changes being finalized by the QA Committee. The QA Committee is requesting, on behalf of RESNET Staff, that the Board of Directors approve the following amended text with an effective date of July 1, 2013. Note that the text presented below reflects the final form that has been through both the RESNET Rating Provider and QA Designee review as well as the public comment period.

9112 PROBATION, SUSPENSION, AND REVOCATION OF ACCREDITATION

9112.1 Notification. RESNET shall provide written notification to Providers of any decisions under this section. All notices shall be sent by certified mail, or other method which provides evidence of delivery. All notices shall clarify the procedures being followed, as stipulated in this Standard, and include, where applicable, a statement of the Provider's rights to appeal under Section [912-913](#) of this Chapter.

9112.2 Probation. If RESNET determines at any time that a Provider has failed to adhere to the accreditation requirements set forth in these Standards, RESNET shall notify the Provider of the specified deficiencies and shall require that specific corrective action, set forth in the notification, be taken within a specified time after the date set forth in such notification. A notice of probation may be appealed under Section [912-913](#) of this Chapter.

912.2.1 Types of probation:

912.2.1.1 Administrative Probation. ~~Errors resulting from a misunderstanding of the RESNET Standards and procedures~~ Results from ~~infractions~~ violations found through a Provider's QA process, RESNET quality assurance monitoring or through the RESNET complaint resolution process. RESNET shall notify the Provider of the specified deficiencies and shall require that specific corrective action, set forth in the notification, be taken not later than twenty (20) business days after the date set forth in such notification. Probations resulting from these violations shall remain confidential. These violations may include but not limited to:

912.2.1.1.1 Failure to submit to RESNET any material information required to be submitted by the Provider, in accordance with obtaining or maintaining accreditation;

912.2.1.1.2 Failure to make changes/updates to a Provider's Policies and Procedures;

912.2.1.1.3 Failure to report a change in any QA Designee to RESNET;

912.2.1.1.4 Failure to adhere to requirements for quality assurance of Raters that causes a minor deficiency in the QA of one or more Raters;

912.2.1.1.5 Failure to adhere to requirements for Rater certification and re-certification;

912.2.1.1.6 Failure to enforce corrective action requirements for Raters having non-conforming QA results;

912.2.1.1.7 Failure to adhere to one or more provisions of the RESNET Standards.

~~**912.2.1.1.8 RESNET shall post providers who have been placed on administrative probation. The provider's administrative probation listing shall be removed when the provider successfully complies with the terms of the probation.**~~

912.2.1.2 Disciplinary Compliance Probation. More serious issues infractions compliance violations found through a Provider's QA process, RESNET quality assurance monitoring or through the RESNET complaint resolution process. RESNET shall, at its discretion, make a final determination regarding the necessity of posting a probation resulting from these violations on the RESNET web site. These violations may include but are not limited to:

912.2.1.2.1 Failure to correct the terms of an administrative probation during the time period defined in the issuance of probation;

912.2.1.2.2 Failure to replace a Primary QA Designee within the time frame required by these Standards;

~~912.2.1.2.3 Acting in such a manner so as to impair the objectivity or integrity of the Provider which ultimately leads to harm to another party relating to their roles and responsibilities as a RESNET Provider;~~

912.2.1.2.3 Investigated and validated ethics or compliance complaints against a Provider;

912.2.1.2.4 Failure to follow complaint resolution process regarding actions of a the Provider or their Raters;

912.2.1.2.5 Failure to follow a Provider's Rater Disciplinary procedures.

~~912.2.1.3 RESNET shall post providers who have been placed on disciplinary compliance probation. The provider's disciplinary compliance probation listing shall be removed when the provider successfully complies with the terms of the probation.~~

9112.3 Suspension ~~/Revocation.~~

912.3.1 At the discretion of RESNET, Any Provider accredited by RESNET may have their accreditation suspended ~~or revoked~~ in any of the following circumstances but are not limited to:

912.3.1.1 A Provider has had more than one (1) Disciplinary Probation ~~-violation~~ infraction within a twelve month period;

912.3.1.2 Failure to correct the terms of a Disciplinary Probation during the time period defined in the notice of probation;

~~9112.3.1.3 Submission of false information to RESNET, ~~or failure to submit to RESNET any material information required to be submitted by the Provider,~~ in accordance with obtaining or maintaining accreditation;~~

~~911.3.4 Knowingly or negligently issuing ratings or reports required to be or purported to be completed in accordance with the RESNET Standards which are not;~~

~~911.3.51.4~~ Misrepresentation of any accreditation or certification status in marketing materials, or services offered or actually provided, for which the Provider organization does not possess the appropriate RESNET accreditation, or affiliated individuals do not possess the appropriate RESNET certification by the Provider in advertising or promotional materials of its accreditation status in general or with respect to any service provided by the Provider;

~~911.3.6~~ Pursuant to any of the express provisions of sections 910.3.5, non renewal;

~~911.3.7~~ Provider goes out of business;

~~911.3.8~~ Provider does not re-apply at the end of accreditation period;

~~911.3.9~~ Investigated and validated ethics or consumer complaints;

~~911.3.10~~ Upon expiration of a Provider's right to appeal a suspension of accreditation pursuant to Section 912 of this Chapter.

~~911.3.11~~ Willful misconduct;

~~911.3.12~~ Failure to disclose a self-serving interest to clients via the RESNET Home Energy Rating Standard Disclosure form.

912.3.1.5 Knowingly registering fraudulent ratings to the RESNET Registry by Rating Providers;

912.3.1.6 Willful misconduct;

912.3.1.7 A Provider shall at a minimum be placed on suspension if they have any Disciplinary Probation violations within twelve months of reinstatement from a suspension.

912.3.2 RESNET shall notify the Provider that their accreditation has been suspended and, unless the Provider chooses to appeal, the Provider shall be removed from the RESNET Provider Directory.

912.3.3 RESNET shall post ~~p~~Providers whose accreditation has been suspended. The ~~p~~Provider's suspension listing shall be removed when the ~~p~~Provider successfully complies with the terms of the suspension.

912.3.4 RESNET shall electronically inform accredited QA ~~p~~Providers, Rating Software Providers, Rater Trainers and Home Energy Raters of a QA Provider's accreditation ~~suspensionsuspension.~~

912.3.35 Prior to reinstatement, the Provider shall:

~~912.3.1.35.1~~ Successfully resolve the issue(s) that resulted in the Provider being

suspended;

912.3.1.35.2 Inform RESNET in writing as follows:

912.3.1.35.2.1 That 912.3.1.3.1 has been completed;

912.3.1.35.2.2 Stating the steps taken to resolve the issue(s);

912.3.1.35.2.3 Stating the steps that will be taken to prevent the issue(s) from occurring again in the future; and

912.3.1.35.2.4 Requesting that RESNET reinstate the Provider's listing on the Directory.

912.4 Revocation.

912.4.1 At the discretion of RESNET, any Provider accredited by RESNET may have their accreditation revoked in any of but not limited to the following circumstances:

912.4.1.1 A Provider has had more than two (2) Disciplinary Probation violations within a twelve month period;

912.4.1.2 In the event that deficiencies stipulated in a notice of suspension have not been remedied within the period set forth in such notice;

912.4.1.3 Pursuant to any of the express provisions of sections 911.3.5, non renewal;

912.4.1.4 Provider goes out of business;

912.4.1.5 Upon expiration of a Provider's right to appeal a suspension of accreditation pursuant to Section 912 of this Chapter;

912.4.1.6 Fraud.

912.4.72 RESNET shall notify the Provider that their accreditation has been ~~suspended~~revoked and, unless the Provider chooses to appeal, the Provider shall be removed from the RESNET Provider Directory.

912.4.83 RESNET shall post ~~p~~Providers whose accreditation has been ~~suspended~~Revoked. The ~~P~~provider's ~~suspension~~revocation listing shall be removed when the ~~P~~provider successfully complies with the terms of the ~~suspension~~revocation.

912.4.94 RESNET shall electronically inform accredited QA ~~P~~providers, Rating Software Providers, Rater Trainers and Home Energy Raters of a QA Provider's accreditation ~~suspension~~revocation.

9112.54 Probation/Suspension/Revocation Due Process.

RESNET shall comply with the following due process procedures in considering any probation, suspension or revocation actions against an accredited Provider.

9112.54.1 RESNET may, at its discretion, initiate a probation, suspension or revocation action against an accredited Provider by providing the Provider written notice of the action. Such notice shall inform the subject Provider of the entire basis and justification for the action.

9112.54.2 Providers have the right to appeal a probation, suspension or revocation action in accordance with Section 912 of this Chapter.

9112.54.3 ~~Notifications.~~ Upon the expiration of the notice to appeal period, ~~or~~ failure to submit appeal documentation, as stipulated in Section 912.2.1.1, or the conclusion of the appeals process in which a Provider's appeals are unsuccessful, ~~Providers and their Raters are not allowed to perform ratings, must inform their clients and Raters of their suspended status in writing with a copy of this correspondence sent to RESNET.~~ RESNET will remove the Provider's name from any directory listing on the RESNET website ~~and~~; post their probation, ~~suspended~~ or ~~revoked~~ status on the RESNET website with other Providers and Raters who are under probation, suspension ~~or~~ revocation.

912.5.4 For any QA Providers who have their accreditation revoked or suspended in accordance with Section 912.3 or 912.4,

912.5.4.1 RESNET will inform the Provider's known clients, Raters, rating software suppliers and any known affected EEP's of the Provider's suspended/revoked status. To the extent practicable, the Provider's shall assist RESNET with notifications.

913 APPEALS PROCEDURES

913.1 Appeals shall be made first to the RESNET Ethics and Appeals Committee, then to the RESNET Board of Directors.

913.2 Within five (5) business days after receipt of an appealable action by RESNET, the Appellant shall notify the RESNET Executive Director of their intent to appeal. The Appellant shall then have ~~twentyten~~ (210) business days after the date of notice to submit appeal documentation to the RESNET Executive Director.

913.3 Appeals shall include all relevant information and documentation and be sent in writing by electronic mail to the RESNET Executive Director.

913.4 During the appeals process, all parties to the appeal may petition the body hearing the appeal (i.e. the RESNET Ethics and Appeals Committee or RESNET Board of Directors) for a stay of action until the expiration of the appeals process. A decision on the petition shall be rendered by the hearing body not later than five (5) business days after receipt of the petition.

913.5 At the time of noticing its appeal to the RESNET Ethics and Appeals Committee, the Appellant may request a telephonic hearing, which gives the Appellant the opportunity to provide oral arguments in favor of their appeal. In such an event, RESNET shall, not later than ten (10) business days after the filing of the notice of appeal, notify all parties to the appeal of the date of the hearing, which shall be held as expeditiously as possible, but not later than ~~thirty~~twenty (320) business days after the receipt of the notice of appeal.

913.6 Within ~~thirty~~ten (310) business days of receiving the appeal, or the date of a hearing, the Ethics and Appeals Committee or Board of Directors shall render a decision on the appeal. In the event that additional information is requested, a one-time extension of ten (10) business days may be applied in order to allow the appellant sufficient time to respond.

913.7 All parties to the appeal shall be informed by electronic mail of the decision.

913.8 All appeals documentation received by RESNET shall be handled in strict confidence by RESNET staff, the Ethics and Appeals Committee and the Board of Directors.

91213 ~~APPEALS PROCEDURES FOR NON-APPROVAL OR RENEWAL OF APPLICATIONS, PROBATION, SUSPENSION, OR REVOCATION~~

~~91213.1 **Notification.** RESNET shall provide written notification to the Appellant of any decisions under this section. All notices shall be sent by certified mail, or other method which provides evidence of delivery. All notices shall clarify the procedures being followed, as stipulated in this sStandard, and include, where applicable, a statement of the Provider's rights to remedy.~~

~~91213.2 **Levels of Appeal.** Appeals of non-approval or renewal of an application, probation, suspension or revocation shall be made first to the RESNET Ethics and Appeals Committee, then to the RESNET Quality Assurance Committee, and finally to the RESNET Board of Directors.~~

~~91213.2.1 **Appeals Procedures** to the RESNET QA Committee's Ethics and Appeals Committee.~~

~~91213.2.1.1 In the event that an Application or Renewal Application has been denied, or if a Provider has been placed on probation, the Provider shall Within five (5) business days after the date of notice of a non-approval or renewal of an application, probation, suspension or revocation, or of an unsuccessful appeal, Providers shall Notify RESNET Executive Director of their intent to appeal. have the right, for a period of twenty (20) business days after the date of notice, to appeal to the RESNET Ethics and Appeals Committee. If a Provider's accreditation has been suspended or revoked, the Provider shall notify RESNET with five (5) business days after the date of notice of their intent to appeal. The appellant Provider shall then have twenty (20) business days after the date of notice, to submit their appeal documentation, to the RESNET Executive Director in accordance with 91213.2.1.2-3 and 91213.2.1.34, to the RESNET Ethics and Appeals Committee.~~

~~913.2.1.2~~ During the appeals process, the provider may petition the RESNET Ethics and Appeals Committee that the suspension or revocation be stayed until the expiration of the appeals process. This petition shall be based upon RESNET following its due process procedures. ~~any terms established by RESNET for non-renewal, probation, suspensionsuspension or revocation shall be stayed until the expiration of the appeals process.~~

~~91213.2.1.23~~ Appeals shall be in writing and sent by certified mail, or other a method electronic mail which provides evidence of delivery, to RESNET, attention Chairman of the RESNET QA ~~Executive Director~~Committee.

~~91213.2.1.34~~ Appeals shall contain all pertinent and substantive information and arguments that are in contradiction to the proposed non-approval or renewal of an application, probation, suspension, or revocation, including identification of all disputed materials and facts.

~~91213.2.1.4~~ For appeals to the RESNET Ethics and Appeals Committee and Quality Assurance Committee, The appellant Provider may, at the time of noticing its appeal, request a telephonic hearing by the RESNET Ethics and Appeals Committee by the RESNET QA Committee's Ethics and Appeals Committee which gives the appellant the opportunity to provide oral arguments in favor of their appeal. In such an event, the Committee RESNET shall, not later than ten (10) business days after the filing of the notice of appeal, notify the appellant Provider of the date of the hearing, which shall be held as expeditiously as possible, but not later than thirty (30) business days after the receipt of the notice of appeal.

~~912.2.2~~ Appeals to the RESNET Quality Assurance and Ethics Committee.

~~912.2.2.1~~ In the event that a Provider's appeal of its non-approval or renewal of an application, probation, suspension, or revocation is rejected by the Ethics and Appeals Committee, the Provider shall have the right, for a period of twenty (20) business days after the date of the notification of the denial of the appeal, to appeal to the RESNET QA Committee.

~~912.2.2.2~~ Appeals shall be in writing and sent by certified mail, or other a method which provides evidence of delivery, to RESNET, attention Chairman of the RESNET QA Committee Executive Director.

~~912.2.2.3~~ The appellant Provider may, at the time of noticing its appeal, request a telephonic hearing by the QA Committee which gives the appellant the opportunity to provide oral arguments in favor of their appeal. In such an event, the Committee shall, not later than ten (10) business days after the filing of the notice of appeal, notify the appellant Provider of the date of the hearing, which shall be held as expeditiously as possible, but not later than thirty (30) business days after the receipt of the notice of appeal.

~~912.2.3~~ Appeals to the RESNET Board of Directors

~~912.2.3.1~~ In the event that a Provider's appeal of its non-approval or renewal of an application, probation, suspension, or revocation is rejected by the QA RESNET Ethics and Appeals Committee Committee, the Provider shall have the right, for a period of twenty

~~(20) business days after the date of the notification of the denial of the appeal, to appeal to the RESNET Board of Directors.~~

~~**912.2.3.2** Appeals shall be in writing and sent by certified mail, or other a method which provides evidence of delivery, to RESNET, attention President of the RESNET Board of Directors Executive Director.~~

~~**912.2.13.63** For appeals to the RESNET Board of Directors, Tthe appellant Provider may, at the time of noticing its appeal, request a telephonic hearing by the RESNET Board which gives the appellant the opportunity to provide oral arguments in favor of their appeal. Within thirty (30) business days, the Board shall render a decision as to whether it chooses to hear the appeal and whether or not there shall be a telephonic hearing for oral arguments. If the Board chooses to hear the appeal, the Board RESNET shall, not later than ten (10) business days after the decision to hear the appeal, notify the appellant Provider of the date of the hearing and whether or not the hearing will include oral arguments. The hearing shall be held as expeditiously as possible, but not later than forty (40) business days after notification that the appeal will be heard.~~