

National Association of Division Order Analysts

VOLUNTARY
CERTIFICATION PROGRAM
POLICY AND PROCEDURES

National Association of Division Order Analysts

Revised Effective January 1, 1996

I. OBJECTIVE

The objective of the Voluntary Certification Program Policy, hereinafter referred to as the Policy, is to enhance and strengthen the professional status of the Division Order Analyst. The Policy shall provide a standard which the industry, the public, and other official groups will recognize as reliable evidence that one who has been designated a Certified Division Order Analyst (CDOA) possesses experience, knowledge, and professional competency in the duties generally associated with division order administration.

II. CERTIFICATION COMMITTEE

A. A standing Certification Committee (Committee) consisting of not more than eight (8) nor fewer than six (6) CDOAs, shall be charged with the administration of the Policy and the implementation of procedures for same. The Committee shall consist of between five (5) and seven (7) members appointed for a three (3) year term on a rotating basis, with the designated Board Representative of the National Association of Division Order Analysts (NADOA) serving as an additional member for a one (1) year term. As the members rotate off the Committee, the president of NADOA shall appoint the new Committee members, subject to approval by the NADOA Board of Directors. Committee members may serve two (2) consecutive terms if approved by the majority of the NADOA Board of Directors voting on said appointment. The NADOA President shall also designate the Committee Chairman or Co-Chairmen; said Chairman or Co-Chairmen shall be appointed from those members who have served on the Committee at least one (1) year prior to appointment. Either the Chairman, or at least one of the Co-Chairmen, may represent the Committee at NADOA Board meetings. If neither the Chairman nor one of the Co-Chairmen is able to attend a Board meeting, the Board Representative may represent the Committee at the NADOA Board meeting.

In the event a Committee member is unable to attend three (3) consecutive Committee meetings, the position shall be deemed to have been vacated and the individual shall no longer be a member of the Committee.

Upon the occurrence of a vacancy on the Committee by ineligibility, resignation, permanent absence or for whatever reason, as determined by the NADOA Board of Directors, the NADOA Board may appoint a CDOA in good standing to complete the unexpired term of the vacated office. The CDOA appointed to complete the unexpired term of a vacant office shall be deemed to have served a complete term, unless said unexpired term is less than one (1) year in length.

B. The Committee Chairman, or Co-Chairmen, may appoint a CDOA as a Sub-Committee Chairman for a geographic area, subject to approval by the Committee, to assist in the implementation of this Policy. A Sub-Committee Chairman shall be appointed for a one (1) year term, with consecutive terms allowed upon approval of the Committee.

C. The Committee will be responsible for carrying out the terms of this Policy, and shall conduct meetings as necessary to accomplish this task. Actions on applications for certification and/or recertification, and all other issues brought before the Committee, will be adopted by a majority vote, provided a quorum of more than 50 percent (50%) is present except as noted in the Hearing Procedures outlined in Article IV.

D. The Committee Chairman, or Co-Chairmen, shall present through the NADOA Board Finance Chairman a yearly Budget to the NADOA Board for approval. The Committee shall be authorized to expend funds allocated in the approved Budget to carry out the terms of this Policy.

III. QUALIFICATIONS

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The applicant for certification will possess professional qualifications and satisfy the following requirements:

A. Experience and Testing

The applicant will have achieved a minimum of five (5) years experience in the job discipline referred to as Division Order analysis. Two (2) years credit for holding a bachelor's degree will be allowed toward the requirement of five (5) years experience.

The applicant's technical competence will be tested by a written test conducted by an independent testing agency. Test questions will be compiled by the agency and the Committee from a pool of questions derived from text material and approved by the Committee.

The applicant must attain a passing score on the test covering the various aspects of land title analysis, government regulations and statutes including questions on the fundamental exercises normally performed in duties assigned to a person traditionally referred to as a Division Order Analyst.

The text material will be reviewed by the Committee and revised as often as necessary to assure the information is as current and accurate as possible. Test questions will be added, revised, or replaced, as applicable, by the Committee.

The test will be offered a minimum of twice during a calendar year at locations to be selected and announced by the Committee. The Committee may elect to cancel or postpone an announced test in the event there are insufficient applicants to cover the projected expenses of test administration. Alternate testing is available to any approved applicant upon written request to the Committee.

B. Professional Integrity

A CDOA must meet the ethical standards of the profession as stated in the Code of Ethics as set forth in the Bylaws of the National Association of Division Order Analysts. It will be understood that the conduct of any person applying for CDOA status under this Policy will have been consistent with accepted standards of professional conduct.

C. Application for Certification

1. The applicant must submit an application and non-refundable application fee, accompanied by three (3) sponsor forms completed by three (3) CDOAs who confirm that the applicant's technical competency and depth of experience in Division Order analysis satisfies the applicable requirements based on personal knowledge. Those persons applying for certification have six (6) months from the date the application is received by the Committee to complete the application process or the application is considered void and the application fee is forfeited. In the event the applicant is unable to attain three (3) CDOAs as sponsors, the applicant must make a written request for this requirement to be waived by the Committee. The applicant may be required to furnish additional written information to the Committee before approval to waive all or part of the requirement for three (3) CDOA sponsors is given.

2. After receipt of the completed application, the applicant's name will be published in the NADOA Newsletter or other official publication of NADOA. Any objections to the certification of the applicant must be in writing and signed by a NADOA member or non-member who qualifies his knowledge and objection of the applicant. All such letters will be considered confidential and must be received by the Committee at the official address of NADOA

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within thirty (30) days following the last day of the month in which the Newsletter or other official publication of NADOA was published.

3. If a question arises concerning the applicant's ethical, technical or professional competence, the Committee may request that the applicant appear before the Committee at its next scheduled meeting, at which time such objections may be discussed in private with the applicant. The request must be sent by Certified Mail.

4. The applicant whose qualifications are deemed insufficient by the Committee will be notified by Certified Mail. Within thirty (30) days of receipt of the notice, said applicant shall have the right to request a hearing before the Committee to appeal the decision.

5. Upon completion of the steps outlined in Section III.C.1. through Section III.C.4., the applicant will receive written notice of the final approval, or denial, of his application by the Committee. The applicant will be notified by Certified Mail should the Committee deny the application. The applicant may appeal to the NADOA Board within forty-five (45) days of receipt of the notice. The decision of the NADOA Board of Directors is final.

D. Examination Process

1. Application, sponsor forms, and application fee must be received thirty (30) days prior to the exam for action on the application by the Committee. At such time as the applicant is tentatively approved for testing by the Committee, the applicant will be eligible to sit for the certification examination. In the event the publication/objection period has not elapsed (as provided in Section III.C.2. of this Policy), the applicant may sit for the examination, however, the Committee's final approval of the application will supersede successful completion of the examination.

2. Upon approval by the Committee, the applicant shall have twelve (12) months from the test approval notification date to sit for the certification examination. Should the above time limit (12) months lapse, the applicant must reapply for certification. Any exception must be requested in writing prior to the expiration of the time period and be approved by the Committee.

3. Upon receipt of tests results from the testing agency, each applicant will receive a written pass/fail notice from the Committee. Said notice will indicate those sections in which the applicant did not receive a passing score. Exact numerical scores will not be given, nor will an applicant be allowed to see his examination once the test has been taken.

4. The passing score for each section of the Certification Examination is seventy-five percent (75%). An applicant who passes two (2) of the three (3) sections will be required to retest and pass only the failed section. An applicant who passes fewer than two (2) of the three (3) sections will be required to retest and pass all three (3) sections. Those applicants who fail all or part of the examination will have twelve (12) months from the date of the written notification of such failure in which to retake and pass an examination of the applicable part(s). Failure to pass all sections of the examination in those twelve (12) months will require the applicant to reapply for certification.

5. An applicant who successfully completes the testing and application process, and executes the Oath of Certification, shall be notified by Certified Mail from the Committee and requested to pay the appropriate fee for certification. The applicant will have six (6) months from the date of receipt of the notice in which to pay the fee, or the application will be considered void and all fees forfeited.

6. Upon the successful completion of all sections of the certification examination and upon the payment of appropriate fees, a permanent certification number will be assigned and a Certificate presented to the newly Certified Division Order Analyst.

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7. The effective date of certification will be July 1 for those applicants who have successfully completed the certification process during the first six (6) months of the year; for those applicants successfully completing the certification process during the last six (6) months of the year, the effective date will be January 1 of the following year. Recertification credits will begin accumulating upon receipt by the Committee of the certification fee.

IV. RECERTIFICATION

Certified Division Order Analysts will continue to maintain their CDOA status for five (5) years from the effective date of certification, unless revoked, by satisfying the following requirements:

A. Recertification Criteria

1. To maintain certification, a CDOA must continue active involvement in Division Order analysis and/or maintain the educational criteria (as provided in Section IV.B. of this Policy) required of a CDOA. At all times, a CDOA must meet the ethical standards of the profession as referenced in Section H1.B. of this Policy.

2. Application for recertification must be made every five (5) years. Such application must establish that the applicant continues to meet the criteria to maintain CDOA status including the minimum requirement for one-hundred (100) credits during the five (5) years. Credits for work in Division Order analysis, administration or related duties after initial certification will be cumulative up to a maximum of fifty (50) credits based on ten (10) credits per calendar year. Partial year employment will be credited one credit per full month of employment, not to exceed ten (10) credits per year. Additional credits must be earned by attending seminars, workshops, field trips and other related activities as outlined in Section IV.B. below. The provision in Section IV.D. exempts the retired CDOA from the requirement of acquiring any additional recertification credits.

3. A letter requesting confirmation of the CDOA's work in Division Order analysis, administration, or related duties will be sent to each CDOA on the anniversary of his certification effective date. Each CDOA must complete the letter and return it to the Committee within ninety (90) days of the anniversary date.

4. Recertification credits will be maintained by each CDOA. NADOA will maintain a backup database of program attendance from information received, and will notify each CDOA of his recorded credits for that year on the anniversary of his effective date of certification. Written notice of any disputed credits must be received by the Committee within ninety (90) days of the CDOA's anniversary date. Submission of the previous year's credits will not be considered after ninety (90) days from the CDOA's anniversary date.

5. In the event a CDOA is unable to accumulate the one-hundred (100) recertification credits during the five (5) year period, the CDOA may satisfy the requirement by successfully passing the certification examination. Under extenuating circumstances, the CDOA may submit a written request for ninety (90) day grace period, providing necessary and reasonable evidence of good cause for such extension of time. The Committee has the authority to grant or deny the requested grace period. Thereafter, compliance with the policy for certification, including passing the examination, will be required.

B. Continuing Education

Each CDOA will be responsible for determining and reporting the number of recertification credits appropriate for a seminar/event attended by the CDOA, subject to audit by the Certification Committee. Each CDOA must complete an NADOA affidavit of attendance and attach a program schedule, including the date, seminar content, and

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speakers, for each program for which the CDOA wishes to receive credit. The affidavit will be completed by the CDOA and forwarded to the Committee within sixty (60) days of attendance.

The guiding principle in determining accreditation is that the event clearly assists in the professional development of a Division Order Analyst. Recertification credits may be earned in areas related, but not limited to, Division Orders, business, accounting, geology, ethics, law, and computing. To ensure that the Certified Division Order Analyst maintains a high level of knowledge in the duties associated with Division Order administration, each CDOA must earn twenty-five (25) recertification credits during the five (5) year recertification period through participation in courses relating to technical areas of land, title, and contract analysis as they pertain to Division Order applications.

1. Eight (8) credits will be awarded for each full day of attendance at the NADOA Annual Institute. A full day shall consist of at least six (6) hours of scheduled time. In the event the Institute does not cover a full day, credits will be awarded consistent with Section IV.B.2.
2. Industry related and other relevant college courses will be awarded three (3) recertification credits per semester credit hour. Written proof of completion, with a grade of B or better, and accompanying NADOA affidavit of attendance, must be submitted to the Committee within sixty (60) days of course completion.
3. Attendance at other education program shall receive one (1) credit for each one (1) hour of actual classroom attendance. The Certification Committee and the Board of Directors have also approved the recognition of one (1) recertification credit for each two (2) consecutive monthly luncheon programs, or other regularly scheduled educational opportunities, with speakers whose program lasts thirty (30) minutes or longer. To claim the credit, a CDOA must present a completed Affidavit of Attendance with program outlines of the speakers' presentations to the Certification Committee within sixty (60) days of the latter presentation to obtain credit.
4. A CDOA will receive one (1) credit for each one (1) hour of presentation or instruction of a paper or article they have written, limited to four (4) credits for presenting the same material within a twelve (12) month period.
5. A CDOA will receive certification credits only once in a twelve (12) month period for attendance at identical educational programs.
6. The Certification Committee Chairman, Co-Chairmen, or their designee(s) may assist in the pre-determination of recertification credits, upon request. Pre-determination will be based on the criteria listed in Section IV.B. Written confirmation of the pre-determined recertification credits will be provided within thirty (30) days of receipt of the request.
7. Total credit hours claimed for an educational program are subject to audit, within six (6) months of submittal, by the Committee. In the event a discrepancy occurs between the hours claimed by a CDOA and those awarded based on an audit by the Committee, the CDOA will be notified, in writing, within thirty (30) days of the audit, of the credits awarded. The CDOA may respond within sixty (60) days, providing additional documentation. The Committee will consider the response at the next scheduled meeting of the Committee. Following review, the Committee will notify the CDOA, in writing, within thirty (30) days, of its final decision.

C. Application for Recertification

1. The CDOA must apply for recertification and pay the applicable fee no later than thirty (30) days following the fifth anniversary of the effective certification date and every five (5) years thereafter, except as provided for in Section IV.D., as long as recertification is desired or allowed.

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2. Upon receipt of the recertification application and fee, the CDOA's name will be published in the NADOA Newsletter or other official publication of NADOA. Any objection to the recertification of the CDOA must be in writing and signed by a NADOA member or non-member who qualifies his knowledge and objection. All such letter will be considered confidential and must be received by the Committee at the official address of NADOA within thirty (30) days following the last day of the month in which the Newsletter or other official publication of NADOA was published.

3. If a question arises concerning the CDOA's ethics or technical or professional competence, the Committee may request that the CDOA appear before the Committee at its next scheduled meeting, at which time such objections may be discussed in private with the CDOA. The request must be sent by Certified Mail.

a. Formal Complaint

If in the Committee's mind the charges and allegations warrant proceeding in a more formal manner, an Investigating Sub-Committee consisting of at least three (3) Committee members will be appointed. If justified by a preliminary investigation by the Investigating Sub-Committee, a formal complaint will be prepared by the Committee and forwarded by Certified Mail to the CDOA in question within ninety (90) days of the last date available for an objection letter for the CDOA in question to be received by the Committee. Such complaint shall set forth in writing the specifics of the objection, as well as any possible conflicts involving the Code of Ethics, Bylaws, or other rules or regulations alleged to have been violated.

The Committee shall allow a reasonable time period for the CDOA to respond to the objections. The President shall be timely informed of the progress of any and all investigations and subsequent actions.

b. Notice of Hearing

At the end of the specified response period, the Committee will decide whether or not to fix a date and place for a hearing. If a decision is made to conduct a hearing, the Committee shall give the CDOA notice in writing mailed to him by Certified Mail at his last known postal address not less than thirty (30) days before the hearing date, accompanied by a copy of the formal charges. If no response is received within the allotted time period, the Committee will have the option of rendering judgment regarding the CDOA's recertification based upon the evidence available to it at that point in time.

c. Hearing

The hearing is to be informal and conducted in an orderly and dignified manner. On a date fixed for the hearing, the attendance of at least two thirds (2/3) of the Committee shall constitute a quorum for the conduct of the hearing as provided for in this section. The person(s) who have formally objected to the CDOA's recertification shall be invited to participate and to present all documentation and evidence. The CDOA shall have the right to cross-examine those objecting if they are present as witnesses and to have an attorney present, if desired. The Committee will also be entitled to legal representation. The Committee shall appoint either an Investigation Sub-Committee member or its legal representative to read the formal charge into the record, as well as present evidence and witnesses as it sees necessary. The CDOA shall then have the right to present both an oral and a written statement to the Committee, as well as cross-examine those objecting, if they are present. In lieu of a personal appearance, the CDOA may request the Committee to adjudge the matter on the basis of a written statement of defense submitted in a letter. This letter shall be submitted by Certified Mail addressed to the Chairperson(s) of the Committee at the Association's headquarters or address, postmarked at least ten (10) days prior to the date of the hearing. Failure of the CDOA to appear or submit a waiver letter and a written defense shall not prevent the Committee from rendering judgment on the basis of evidence available to it on the hearing date. A transcript of the hearings shall be made a part of the

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record of the hearing. A permanent record of the evidence and hearing shall be maintained indefinitely and in strictest confidence.

d. Decision of the Committee

After the conclusion of the hearing or study of the written defense submitted in lieu of a hearing. The Committee shall consider and vote to deny or renew the CDOA's certification. The recertification shall be renewed unless the Committee votes by a two-thirds (2/3) majority vote of those present to deny certification.

4. Upon completion of the steps outlined in Section IV.C.1. through Section IV.C.3., the CDOA will receive written notice from the Committee of the final approval, or denial, of the application for recertification. The CDOA will be notified by Certified Mail should the Committee deny the application. The CDOA may appeal to the NADOA Board within forty-five (45) days of receipt of said notice. The decision of the NADOA Board of Directors is final.

5. Following approval of the application for recertification, pertinent material to update the CDOA's certificate will be mailed to the CDOA.

6. Under extenuating circumstances and pursuant to written correspondence from the CDOA, the Committee has authority to grant a ninety (90) day grace period if certification should lapse. The CDOA will be allowed this grace period to seek reinstatement by furnishing the necessary evidence satisfying the recertification requirements or by applying for permission to sit for a certification examination. Thereafter, compliance with the procedure for initial certification, including passing the examination, will be required.

D. Retired CDOAs

A retired CDOA may request "Retired" certification status 1) at age 55 or older, or 2) after 25 years of active employment in the oil and gas industry. If approved by the Committee, the "Retired" designation will be noted on the CDOA's records and no further fees or recertification requirements will be made. This status will be revoked by the Committee if the individual resumes active division Order analysis in which case the individual must reapply for certification.

V. REVOCATION OF CERTIFICATION

Certification may be revoked at any time for unethical behavior, and the Committee may invite the CDOA to appear at a hearing consistent with Sections IV.C.3.b. through IV.C.4. to consider the charges. The CDOA may appeal the Committee's decision to the NADOA Board of Directors within forty-five (45) days after written notice of the decision is received by Certified Mail. The decision of the NADOA Board of Directors is final.

VI. FEES

All applicable fees for certification and recertification will be established by the NADOA Board of Directors. The non-refundable fee to apply for certification is \$35.00 for NADOA members and \$50.00 for non-members. The non-refundable Certification fee is \$100.00 for NADOA members and \$150.00 for non-members. The fee for recertification is \$50.00 for NADOA members and \$100.00 for non-members. In the event a CDOA is denied recertification, the recertification fee, less a \$25.00 processing fee, will be refunded.

VII. MUTUAL AGREEMENT

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The applicant for certification does, by such application, agree to hold NADOA, its officers, Board of Directors, and individual members harmless and without fault should the decision of the Committee and/or NADOA Board of Directors result in the denial or revocation of certification or recertification.

VIII. AMENDMENTS AND REVISIONS TO THE POLICY

The Policy may be amended and/or revised by a two-thirds (2/3) affirmative vote of the NADOA Board of Directors.

APPROVED

NATIONAL ASSOCIATION OF DIVISION ORDER ANALYSTS