Ethical Considerations for the Division Order Analyst

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CODE OF ETHICS: PREAMBLE
Preamble

• “The Code of Ethics shall be the basis of conduct, principles, business practices and ideals for [NADOA].”
  – NADOA Bylaws Art. VI, Preamble ¶ 1[a]
Preamble

• “Ethical standards shall be emphasized by qualifications for membership and a Code of Ethics established to inspire and maintain a high standard of professional conduct on the part of the membership.”

   – NADOA Bylaws Art. VI, Preamble ¶ 1[b]
Preamble

• “It shall be understood that conduct of any member of [NADOA] inconsistent with the provisions set forth in the Code of Ethics shall be in nonconformance with accepted standards of professional conduct.”

  – NADOA Bylaws Art. VI, Preamble ¶ 1[c]
Preamble

• “Among a member’s personal qualities shall be courtesy, friendliness, knowledge of human nature, sound principles, understanding of values and business practices predicated on the basis practices of honesty and integrity.”

– NADOA Bylaws Art. VI, Preamble ¶ 2[a]
Preamble

• “The member’s range of contacts requires an understanding of human nature and behavior and the ability to apply himself patiently and conscientiously to the task at hand.”
  – NADOA Bylaws Art. VI, Preamble ¶ 2[b]
Preamble

• “The member’s interest in people is similar to his interest in work or activity and he shall avail himself of every opportunity to build confidence in the industry through his many contacts.”

– NADOA Bylaws Art. VI, Preamble ¶ 2[c]
CODE OF ETHICS: SECTION 1
Section 1

• “It shall be the duty of the member at all times to promote and, in a prudent and honest manner, represent [NADOA] to the public at large and to his fellow members with the purpose of establishing and maintaining goodwill within the energy industry, the public and [NADOA].”

— NADOA Bylaws Art. VI, § 1[a]
<table>
<thead>
<tr>
<th>Business/Industry Sector</th>
<th>Total Positive%</th>
<th>Total Negative%</th>
<th>Net positive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farming/Ag.</td>
<td>69</td>
<td>11</td>
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<tr>
<td>Restaurant industry</td>
<td>61</td>
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<td>The legal field</td>
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<tr>
<td>The federal government</td>
<td>30</td>
<td>50</td>
<td>-20</td>
</tr>
</tbody>
</table>

Source: Gallup Business and Industry Sector Ratings, July 30-Aug. 12, 2020
Section 1

• “The member shall conduct business relationships and communicate in a manner consistent with *professionalism, fairness* and *honesty*, so as to maintain the *respect* of the energy industry, the public and his peers.”

  – NADOA Bylaws Art. VI, § 1[b]
CODE OF ETHICS: SECTION 2
Section 2

• “A member shall maintain his relationships with all persons engaged in the energy industry at a high degree with consistent adherence to established practices of confidence and professionalism.”

  – NADOA Bylaws Art. VI, § 2[a]
Section 2

• “A member **shall not betray the trust** of his employer, his client or [NADOA] by converting or seeking for the purposes of **conversion** any **confidential** or **discretionary information** available to him for **personal gain** for himself or anyone.”

  – NADOA Bylaws Art. VI, § 2[b]
Section 2

• “A member shall exercise the utmost good faith and loyalty to his employer or client and shall not act adversely or engage in any function or duty in conflict with the interest of his employer or client.”

  – NADOA Bylaws Art. VI, § 2[c]
Section 2

• “A member shall represent to others his area of expertise and shall not represent himself to be skilled in a professional function or duty in which he is not professionally qualified, certified, or licensed to practice.”

– NADOA Bylaws Art. VI, § 2[d]
Section 2

• “A member shall not participate in the conduct of any activity which causes him to be convicted, adjudged or otherwise recorded as guilty by any court of competent jurisdiction of any felony, any offense involving fraud as an essential element, or any other serious crime.”

– NADOA Bylaws Art. VI, § 2[e]
ETHICS COMMITTEE
Ethics Committee

• “The Ethics Committee shall be responsible for upholding the ethical standards promulgated in the Code of Ethics of these Bylaws by making recommendations to the Board of Directors for appropriate action. The Committee shall also be responsible for decisions on disciplinary action based on unethical actions by a member of [NADOA] under the following procedures.”

— NADOA Bylaws Art. XVII, ¶ 1
Ethics Committee

• “The Committee shall be appointed by the President and shall consist of not less than seven (7) members selected from the Board of Directors. The President may designate alternate members for a hearing, who may serve in place of absent Committee members for the purpose of conducting hearings as provided for herein.”

— NADOA Bylaws Art. XVII, ¶ 2
ETHICS COMMITTEE: INVESTIGATION
Investigation

• “Anyone may submit allegations of misconduct in violation of ARTICLE VI or any portion of the Bylaws to the President of [NADOA] at [NADOA’s] headquarters or address. Such allegations shall be submitted in writing and be accompanied by a complete written statement of evidence in support thereof.”

  – NADOA Bylaws Art. XVII, § 1[a] and [b]
Investigation

“The President shall refer such allegations of misconduct to the chairperson of the Ethics committee who shall appoint an investigating committee to examine the allegations. If in the judgment of said investigating committee there exists reasonable need for a hearing, it shall, within ninety (90) days, prepare and file a formal complaint against the accused member.”

— NADOA Bylaws Art. XVII, § 1[c] and [d]
Investigation

• “Such **complaint** shall set forth **in writing** the **misconduct** complained of and the **specific provisions** of the Code of Ethics, Bylaws or rules or regulations alleged to have been **violated** by such misconduct.”
  
  – NADOA Bylaws Art. XVII, § 1[e]
Investigation

• “In addition, the Committee, on its own motion, may appoint an investigating committee to examine indications or information of misconduct coming to the attention of such committee when, in its judgment, such investigation is in the best interest of [NADOA] and its members.”
  — NADOA Bylaws Art. XVII, § 1[f]
Investigation

• “The President shall be timely informed of the progress of any and all investigations and subsequent actions.”
  – NADOA Bylaws Art. XVII, § 1[g]
ETHICS COMMITTEE: NOTICE OF HEARING
Notice of Hearing

“As soon as practical after the receipt of formal charges, the Ethics committee shall fix the date and place for a hearing and shall give the accused member written notice mailed to him by registered mail at his last known post office address not less than thirty (30) days before said date, accompanied by a copy of the formal charges and a copy of ARTICLE VI of these Bylaws.”

— NADOA Bylaws Art. XVII, § 2
ETHICS COMMITTEE: HEARING
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 members of the Ethics committee shall constitute a quorum for the conduct of the hearing as provided for in this section.”

  – NADOA Bylaws Art. XVII, § 3[a] and [b]
Hearing

• “The committee shall *read the formal charges* into the record. The accused member has the right to present both a *written and oral statement* to the committee at the hearing. The investigating committee may make a *statement* to the Committee, present *written statements* and *other written evidence*."

  — NADOA Bylaws Art. XVII, § 3[c], [d], and [e]
Hearing

• “The accused member shall be allowed fifteen (15) minutes to reply to the evidence presented by the investigating committee. The accused member may waive personal appearance and request the committee to adjudge the matter on the basis of a written statement of defense accompanying such letter.”
  – NADOA Bylaws Art. XVII, § 1[f] and [g]
Hearing

• “This letter shall be submitted by registered mail addressed to the chairperson of the Committee at [NADOA’s] headquarters or address, postmarked not less than ten (10) days prior to the date of the hearing. Failure of the accused member to appear or submit a waiver letter and a written defense shall not prevent the Committee from rendering judgment on the basis of the evidence available to it on the hearing date.”

  – NADOA Bylaws Art. XVII, § 3[h] and [i]
Hearing

• “A transcript of the hearings shall be made a part of the record of the hearing. A permanent record of the evidence and hearing shall be maintained indefinitely and in strictest confidence.”

  – NADOA Bylaws Art. XVII, § 3[j] and [k]
ETHICS COMMITTEE: DECISION OF THE COMMITTEE
Committee Decision

• “After the conclusion of the hearing or study of the written defense submitted in lieu of a hearing, the Ethics Committee shall consider and vote to sustain or dismiss the charges.”
  – NADOA Bylaws Art. XVII, § 4[a]
Committee Decision

• “By a two-thirds (2/3) vote of those present, the Committee shall decide which of the following actions shall be taken: (a) dismissal of the complaint; (b) public or private censure; (c) suspension for a stated period of time; (d) allowed to resign; [or] (e) expulsion.”

— NADOA Bylaws Art. XVII, § 4[b]
Committee Decision

• “The committee chairperson shall so notify the accused member in an appropriate manner and the Board of Directors shall be so notified.”
  – NADOA Bylaws Art. XVII, § 4[c]
ETHICS COMMITTEE: APPEAL PROCEDURE
Appeal Procedure

• “The accused member shall have the right to file a request for appeal with the Board of Directors within forty-five (45) days of the date a decision is rendered by the Ethics committee. After receipt of the request for appeal, the Board of Directors shall fix the date and place for hearing and shall give the appellant written notice by registered mail at the appellant’s last known post office address not less than thirty (30) days before said date.”
  – NADOA Bylaws Art. XVII, § 5[a] and [b]
Appeal Procedure

• “On the date fixed for the hearing, the attendance of at least two-thirds (2/3) of the members of the Board of Directors shall constitute a quorum for the conduct of the hearing. Proceedings of the hearing shall be at the direction of the Board of Directors.”

— NADOA Bylaws Art. XVII, § 5[c] and [d]
Appeal Procedure

• “The decision of two-thirds (2/3) of those present shall render a judgment to sustain the decision of the Committee or render a different judgment. The decision of the Board of Directors shall be final.”

  – NADOA Bylaws Art. XVII, § 5[e] and [f]
ETHICS COMMITTEE: PERIOD OF SUSPENSION
Suspension

• “The period of suspension shall begin upon the date established in the decision to suspend and shall run for the time specified. At the termination of the suspension period, the individual shall be reinstated under the following conditions, (1) the applicant shall submit a signed affidavit which states that during the period of suspension, the individual has fully complied with the Code of Ethics, (2) make payment of current dues, which shall be prorated for the balance of the year, and (3) shall pay a one time reinstatement fee to be set by the Board of Directors.”

— NADOA Bylaws Art. XVII, § 6
ETHICS COMMITTEE: RESIGNATION
Resignation

• “Acceptance by the Board of Directors of the resignation of the accused member from [NADOA] at any stage in the foregoing prescribed procedure shall automatically terminate the proceedings.”

  – NADOA Bylaws Art. XVII, § 7
ETHICS COMMITTEE: EXPULSION
Explusion

• “A member who is expelled from [NADOA] under the proceedings shall thenceforth be ineligible for reinstatement to membership except as stated in Section 9.”
  – NADOA Bylaws Art. XVII, § 8
ETHICS COMMITTEE: REINSTATEMENT TO MEMBERSHIP
Reinstatement

• “A member who has resigned under Section 7 or was expelled under Section 8 shall be eligible to apply for reinstatement to membership three (3) years following the date of resignation or expulsion. Reinstatement shall require approval by the majority of the Board of Directors after review and recommendation by the Membership Committee and Ethics Committee.”
  – NADOA Bylaws Art. XVII, § 9
ETHICS COMMITTEE: CONFIDENTIALITY
Confidentiality

• “All information, proceedings, hearing transcripts, statements, and any other information coming to the attention of the investigating committee, the Ethics Committee or the Board of Directors must remain confidential and may not be discussed with any person or entity not involved in the proceedings until a decision is reached by the Ethics Committee and any appeal is decided by the Board of Directors.”

– NADOA Bylaws Art. XVII, § 10[a]
Confidentiality

• “If the proceedings and any appeal results in a final decision that the complaint be dismissed or that the member be privately censured, then only those involved in the proceedings will be notified of the decision and other information regarding the proceedings must remain confidential.”

— NADOA Bylaws Art. XVII, § 10[b]
Confidentiality

• “If the proceedings and any appeal result in a final decision that the member be publicly censured, suspended for a stated period of time, allowed to resign, or expelled, the notice of such decision and the proceedings may be given as deemed as appropriate by the Board of Directors.”

– NADOA Bylaws Art. XVII, § 10[c]
QUESTIONS?
THANKS!

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