

Rules Committee Report

The Mn Hockey Rules Committee met on Thursday May 21, 2009.

The Committee reviewed a request to make the "USA Hockey Ethics Code For Coaches" mandatory. The committee did not fully understand the depth of the code, or whether it would be advisable to make it mandatory. This matter was referred to the USAH Coach-In-Chief, Mn Hockey Coach-In-Chief and state-wide ACE Coordinator for review.

The Committee again reviewed Youth Rules, Section III "Age Regulations", Para. D regarding the prohibition on waived players from playing up to the next age division. This continues to be linked to the present Residency Rule discussions, so no action was taken. It will be reconsidered once the Residency Rule matter is resolved.

The Committee reviewed a proposal from John Miller regarding proposed changes to the Residency Rule. This matter was referred to the Discernment Committee to be evaluated along with other concurrent Residency Rule initiatives.

The Committee discussed at length the proposed recreational league. It was our understanding (based on discussions at the Spring meeting) that we would be given a detailed write-up to evaluate, with the objective to determine if any rule changes are needed to support what they're trying to do. Unfortunately, we did not receive this – what we got was a series of points/questions. Our answers to the points raised are indicated below:

- Don't want waivers – just sign up Potential problem – must be part of League Plan (*)
- Widen age limits – allow some flexibility No problem – use next standard age category.
- Can Rec. teams play in "C" tournaments? No.
- Can have tournaments at this level? Yes, but might be contrary to league philosophy.
- Through normal Associations or separate? We don't care.
- Central registration point? (like XL does now) Carol Carlson must be involved if choose this route.
- Definition of Rec. level in Handbook? Present definition is sufficient.
- End-of-year celebration? (like a tournament) No problem.
- Can girls play? Yes if Youth. Girls-only teams also OK.
- Can double-roster? No.

(*) The "League Plan" would be an addendum to the Affiliate Agreement. Needs Board approval.

Dave Swenson was in attendance to represent the recreational group. From what we could determine, there are some differences within the group as to how it will be run. e.g. through existing associations, though a central registration point, how to obtain ice (especially consistent ice, not on a Sunday). There were too many open issues for the Rules Committee to make any firm judgments other than those indicated above.

The Committee was asked to add verbiage to the Minnesota District Rules stating that the number of votes cast for any one individual during an election cannot exceed the actual membership total, and to add a requirement that the President of Mn Hockey automatically also becomes a USA Hockey Director. These matters were deferred to a future Rules Committee meeting.

The Committee was asked to add verbiage to the Fair Play rules specifically stating that district and house leagues are considered Mn Hockey leagues and must incorporate Fair Play in their league standings. It was the Committee's opinion that the current language "all leagues" sufficiently covers district and house leagues.

The Committee proposes the following modifications to the Bylaws, Youth Rules and Screening Policy:

Bylaws Changes

B1. Although it has been our practice to make changes to Governing Documents effective the following season, it is not stated anywhere in the Handbook.

ARTICLE 11 - AMENDING/ADOPTING GOVERNING DOCUMENTS

Governing Documents are defined as the Articles of Incorporation, By-Laws, Rules and Regulations, Affiliate Agreement and Sexual and Physical Screening Policy, and may be amended/adopted at any meeting of the Board of Directors. Anyone wishing to place an item on the agenda of the Board of Directors meeting must notify the Secretary/ Treasurer in writing, not later than thirty (30) days prior to the meeting. The specific wording of the proposed changes must be provided, in writing, to the Secretary/Treasurer not later than 21 days prior to the meeting. Items submitted without the specific, written proposal will not be accepted. The proposed changes to the Governing Documents must be distributed to the members of the Board of Directors at least ten (10) days prior to the meeting at which they are presented for adoption. Proposals to adopt or amend Governing Documents that have been submitted and distributed may be changed in either of the following circumstances:

1. The Rules Committee, or other Committee proposing the change, may amend the language with a 2/3 majority vote of the Committee members present.
2. Once the proposal is on the floor, the language may be amended by a 2/3 majority vote of the voting Board members in attendance.

Final adoption or amendment of Governing Documents requires at least a 2/3 majority vote of the voting members of the Board of Directors present at the meeting. Any additional items that are to receive consideration of the Board of Directors must receive unanimous approval of those present at the Board of Directors meeting in order to be placed on the agenda.

[B1] | **Unless specifically stated otherwise, changes to Governing Documents approved during a season become effective September 1 of the upcoming season.**

B2. This change would make the Bylaw provision consistent with the USAH and Mn Hockey Affiliate agreements and the requirements of the Amateur Sports Act of 1978. The original proposal requested the term "sex" be changed to "gender," but the Rules Committee felt it should remain as-is to be consistent with the afore-mentioned documents.

ARTICLE 13 - ANTI-DISCRIMINATION POLICY

[B2] | It is the policy of the MH to provide an **equal** opportunity to all amateur athletes, coaches and officials to participate in competition without discrimination on the basis of race, color, religion, sex, handicap or national origin. The MH will take all the necessary steps to comply with this policy.

Youth Rules and Regulations Changes

R1. The intent of this proposal is to "amend the language to accurately define treatment given to teams of like competitive playing levels without regard to gender. Also, this language will bring the Youth Playing Rules & Regulations into conformity with the intent of Minnesota Hockey Bylaw Article 13 and USA Hockey Bylaw Article 2.B.(2), the requirements of the United States Olympic Committee constitution and the Federal State Olympic and Amateur Sports Agreement of 1978, as currently amended."

R2. This change would prevent teams comprised 80% or more of players from a single affiliate from registering with another affiliate. The original proposal required associations to combine all of their players in an entire age division in order to qualify for approval.

Youth Rules and Regulations

[R1] For the purposes contemplated in these rules and regulations, Youth Midget and Youth 16 & Under divisions follow ~~the~~ all provisions specified for the Youth Jr Gold Division. Girls 19 & Under and Girls 16 & Under divisions follow ~~the~~ all provisions specified for the Youth Jr Gold division, Girls 14 & Under follow ~~the~~ all provisions specified for the Youth Bantam division, Girls 12 & Under division follow ~~the~~ all provisions specified for the Youth Peewee division, Girls 10 & Under division follow ~~the~~ all provisions specified for the Youth Squirt division and Girls 8 & Under division follow ~~the~~ all provisions specified for the Youth Mite division.

It is also contemplated that playing level classifications (A, B, C, House) are considered to be equal competitive levels for both Youth and Girls teams playing at the same competitive level (A, B, C, House) and that these like competitive playing levels receive equal treatment. This equal treatment includes (but is not limited to) scheduling number of ice hours and time of day for both practice and games, equipment usage (such as goalie equipment provided by the association), number of tournaments in which teams are allowed to participate, use of jerseys and any other rules or restrictions an association and/or district places on teams playing at the same level of competition.

MH strongly recommends that playing rules as written by an association and/or district league rules should reflect the written reason for any different treatment between Youth and Girls teams of similar competitive playing levels. These rules should be based on fact (not opinion) and reflect the reasons why teams are treated differently. This includes any voluntary waiver of equitable treatment by the affected team or teams.

I. TEAM REGISTRATION

- [R2]
- A. The USA Hockey and MH Team Registration fees and dates shall be set on an annual basis by USA Hockey and the MH Board of Directors. These fees and dates are published on the inside front cover of the MH Handbook.
 - B. Team Rosters Affiliates must complete a USA Hockey Roster Form for each team and submit along with proof of date of birth, proof of legal residency for non-US citizens and other required documentation (refer to paragraph entitled Credentials hereinafter) to the USA Hockey Registrar or designee for approval.
 - C. **Teams must be registered through the affiliate where 80% or more of its players reside. Exception: In cases where two or more affiliates enter into an agreement to combine their players in an age division for the purpose of forming teams in one or more competitive classifications, the 80% criteria shall not apply if such agreement has been pre-approved by the cognizant District Director(s) and the USA Hockey Minnesota District Registrar.**

R3. The Discernment Committee requests that the "Residency Rule" be changed to be a "Membership Rule" with modifications as indicated below. The revised rule basically says:

- 1) Affiliate Membership will be based on school attendance, not residence
- 2) Mites can choose to register based on residence and continue to participate as "members" beyond Mites.
- 3) Must be attending school in area for one year before eligible for "A" teams
- 4) For 2009-2010, one-time choice to stay with association of residence if attending school elsewhere.
- 5) For future seasons, one-time choice to stay with association of residence if start attending school elsewhere.

IV. RESIDENCY (current rule)

A. RESIDENCY POLICY

MH is a community-based amateur hockey program. Players are to participate on teams from their local affiliate based on the residence of their parent(s) or legal guardian(s) and the established MH affiliate boundaries.

B. RESIDENCY RULE

1. Youth Hockey players must play within the affiliate boundaries as defined by MH. If a player desires to play on a team outside of the player's affiliate boundary, the player must obtain written permission (waiver) from the president of governing body of both the releasing and receiving organization and receive the approval of the cognizant district director(s). A player that participates without a necessary waiver is considered an ineligible player. Refer to the Section entitled Eligibility Provisions. A waiver must be obtained before a player can participate outside their affiliate boundary. A player that registers or participates with their affiliate cannot participate with any other affiliate without a waiver. The Minnesota Department of Education Open Enrollment program does not in any way affect interpretation of this rule.
2. A player may appeal in writing to the cognizant District Director who, after investigation, will issue a ruling. The decision of the District Director is final. Also see Section entitled Eligibility Provisions.
3. Players having dual citizenship, one being the United States, must also conform to the residency rule.

[R3]

IV. MEMBERSHIP (proposed rule)

A. MEMBERSHIP POLICY

MH is a community-based amateur hockey program. Players are to participate on teams from their local affiliate based on where they attend school and the established MH affiliate boundaries as defined in the Affiliate Agreements. Some exceptions are made for Mites and players previously participating based on residence.

B. MEMBERSHIP RULE

1. Youth Hockey players must play within the affiliate boundaries as defined by MH. If a player desires to play on a team outside of the player's affiliate boundary, the player must obtain written permission (waiver) from the president of governing body of both the releasing and receiving organization and receive the approval of the responsible district director(s). A player that participates without a necessary waiver is considered an ineligible player. Refer to the Section entitled Eligibility Provisions. A waiver must be obtained before a player can participate outside their affiliate boundary. A player that registers or participates with their affiliate cannot participate with any other affiliate without a waiver.
2. Starting with the 2009-2010 season, Affiliate Membership is redefined as players attending school in the Affiliate's geographic area, rather than those who are residing in the Affiliate's geographic area.
 - a. Mite-aged players may choose to register in either their Affiliate of School Attendance or their Affiliate of Residence.

- i) If they choose their Affiliate based on Residence, they may continue to participate indefinitely in that Affiliate unless the player moves outside the geographical boundary of the Affiliate at which time school attendance will determine Affiliate Membership.
 - ii) If they choose their Affiliate based on School Attendance, they may continue to participate indefinitely in that Affiliate unless the player ceases to attend school in the geographical boundary of the Affiliate at which time school attendance will determine Affiliate Membership.
 - b. Changing Schools; A player who newly enrolls in a school outside of the geographic boundaries of their current Affiliate without a corresponding change of residence shall elect one of the following:
 - i) Retain full eligibility to compete at any classification in their Affiliate prior to the new school enrollment for one (1) year beginning with the first day of attendance in the new school, after which time the player shall become fully eligible in their Affiliate of School Attendance; or
 - ii) be eligible at the "B" classification or lower in their new Affiliate of School Attendance for one (1) year beginning with the first day of attendance in the new school.
 - c. For the 2009-2010 Season, players that participated in their Affiliate of Residence for the 2008-2009 Season but attended school elsewhere will be given a one-time choice to continue participation in their Affiliate of Residence. This alternate membership determination will continue through that player's Youth or Girls' Hockey career unless the player moves outside of their Affiliate of Residence geographical boundary, at which time school attendance will be used to determine Affiliate membership.
 - d. After the 2009-2010 Season, players both attending school and residing in their Affiliate's geographical boundary for the previous or current season and will be attending school outside their Affiliate's geographical boundary for the upcoming season will be given a one-time choice to continue to participate indefinitely in their Affiliate of Residence. This alternate membership determination will continue through that player's Youth or Girls' Hockey career unless the player moves outside of their present Affiliate's geographical boundary, at which time school attendance will be used to define Affiliate membership.
 - e. Affiliates have the responsibility to determine how teams will be formed among their affiliate members. "A" teams must be open to all association members, with the exception of players changing schools as addressed above.
- 3. A player who is denied a waiver by his/her affiliate may appeal in writing to the **responsible** District Director who, after investigation, will issue a ruling. The decision of the District Director is final. Also see Section entitled Eligibility Provisions.
- 4. Players having dual citizenship, one being the United States, must also conform to the **Membership** rule.

R4. This proposed change would expand the Eligibility Provisions to include tryouts.

V. ELIGIBILITY PROVISIONS

- [R4] A. Any team found to have an ineligible player that participates in any MH sanctioned ~~competition~~ **on-ice activity** will be suspended from MH District, Region and State Tournament play for the current season. This suspension may be reviewed by the cognizant District Director to determine if the severity of the suspension is appropriate and a less severe penalty may be imposed if the facts so dictate.

R5. Changes language from "District Director shall... permit a (Mite) team to play outside of the district" to "District Director may... permit a (Mite) team to play outside of the district."

VII. LEVELS OF PLAY

- [R5] G. MH does not permit Mite Tournaments nor does MH permit Mite teams to participate in out-of-state tournaments. MH strongly encourages the skill level development of all players and especially at the entry level. This level player will play within their district only, except the District Director ~~shall~~ **may**, for convenience or to maintain continuity, permit a team to play outside the district. The District Director's decision is final.

R6. The Tournaments Committee proposes to eliminate special extended team rest requirements for State Tournaments.

VIII. PLAYING RULES

- [R6] J. **Team Rest** - Teams shall not participate in more than two (2) on-ice activities per day, nor shall they participate in more than one tournament at a time (no overlapping days). On-ice activities include games, exhibition games and/or practices. There shall be a minimum of three (3) hours between on-ice activities on the same day and ten (10) hours between on-ice activities on consecutive days, ~~except for Regional and State Tournaments where there shall be a minimum of four (4) hours between on-ice activities on the same day and twelve (12) hours between on-ice activities on consecutive days.~~ The time is from the end of one on-ice activity to the beginning of the next.

R7. The Youth Rules state that Mn Hockey Rules (not District rules) are to be used for District Tournaments. However, in recent years there have been circumstances where certain unique district rules or penalties have carried over into the District Tournaments, which was not our intent. The added verbiage will make this clear.

R8. The Tournaments Committee proposes to eliminate regional tournaments, make the State Tournament a 12-team event, decrease the time allowance for state tournament games from two hours to one hour 45 minutes, and eliminate the requirement for a banquet. Additional references to Regional Tournaments elsewhere in the Handbook (including Bylaws and Youth Rules) would be removed as a housekeeping action. The Rules Committee thought it inadvisable to put the format for the State Tournament in the Youth Rules – leaves no flexibility for adapting to a twelve team field. Instead it is suggested that the format be determined annually by the Tournaments Committee, with any changes from the previous year's format approved by the Board of Directors in time for inclusion in the Handbook for the upcoming season.

X. DISTRICT, ~~REGION~~ AND STATE TOURNAMENTS

- [R7] A. DISTRICT TOURNAMENTS – The conducting of district tournaments shall be the responsibility of the district directors and shall be held in compliance with MH Rules & Regulations. Each district shall bear its own expense. **Special district league rules and penalties shall not apply to or carry over into district tournaments.** District representatives
- [R8] to the ~~region~~ **state** tournaments must be selected ~~by the Sunday~~ **ten days** prior to the start of the ~~region~~ **state** tournaments.
- B. INTENTION TO ENTER DISTRICT TOURNAMENT - Teams or leagues wishing to participate in state tournament play-down shall notify their district director no later than December 31 of the playing season. Each District Director may require any team within his/her district, that desires to enter State Tournament play-offs, to participate in that district's league play to determine that team's eligibility for such play-offs according to the rules of that district or league. (Note: Under the provisions of this rule, a District Director may require the district's league to accept a team(s) for participation in that league).
- C. DISTRICT "C" TOURNAMENTS
1. It shall be the responsibility of each district director to supervise arrangements for the C-level district tournament.
2. A city recreational league representative is eligible to enter district tournaments provided that all teams in the league are properly registered with USA Hockey.
- [R8] D. ~~REGION AND~~ STATE TOURNAMENT FEES
- The MH Board of Directors shall set the tournament entry and spectator fees on an annual basis and these fees will be published on the inside front cover of the MH Handbook. Any fee in excess of the adopted amount must be approved by the cognizant section vice president and the Tournament Committee no later than the preceding fall meeting. Once fees are established for a given year, there will be no financial reimbursements by Minnesota Hockey, except for State Tournament subsidies.
- E. STATE TOURNAMENT SUBSIDY
- MH will provide a \$1500 subsidy to State Tournament hosts. This payment will be made only after the host completes and submits the MH State Tournament Financial Report to MH within 30 days of the completion of the State Tournament. Hosts not completing and submitting the form within the established timeframe will not receive the subsidy.
- [R8] F. STATE TOURNAMENT FORMAT - MH State youth tournaments shall consist of ~~eight~~ **twelve** teams **with each District sending their District Tournament Champion.** The format shall ~~consist of a championship single elimination with a consolation division~~ **be determined annually by the Tournaments Committee, with any changes from the previous year's format approved by the Board of Directors in time for inclusion in the Handbook for the upcoming season.** There shall be games to determine third place, consolation champion and

state champion. There will not be a game to determine seventh place. The tournaments shall start on Friday and conclude on Sunday, with ~~each team playing one game on Friday and one game on Saturday. On Sundays, no Sunday games shall be scheduled to begin before 10 9 am or start after 5 PM.~~

- G. All players on each team in region and state tournament play shall have similarly colored jerseys with numbers conspicuously displayed and each player and team must wear matching socks, if available. Two sets of jerseys with contrasting colors should be available.
- H. Host associations are only required to give out a maximum of four (4) passes to team officials (coaches), and at their discretion may give an extra pass to the team manager.

[R8] ~~I. BANQUET~~

- ~~1. State Tournament hosts are required to hold a breakfast or banquet for participating teams on the morning of, or the evening before the first game. This is usually offered at no cost to players and coaches, with a moderate cost to parents. If a breakfast is offered, it must start no earlier than 8:00 AM, and end at least three hours before the first scheduled game. A speaker is traditionally provided, as well as an opportunity for each head coach to express their thoughts. This is also an opportune time to perform the team check-in process.~~
- ~~2. All teams must participate in all meals and activities during the State Tournament. Teams that fail to participate at the banquet shall be responsible for their participants' banquet costs incurred and subject to sanctions, to be determined by the cognizant District Director and the MH Tournament Committee. Future sanctions may also be applied to the offending association.~~

I. PLAYING TIME

- 1. In regional and state tournament play, games for Junior Gold and younger will consist of three 15 minute periods of actual playing time. Start times shall be scheduled at ~~two (2) hour~~ one hour and 45 minutes intervals (minimum). In district tournament play, games for Junior Gold and younger will consist of three 12 to 15 minute periods of actual playing time as determined by the cognizant district director.
- 2. During district, region and state tournaments, running time shall be used whenever a goal differential of six (6) occurs in the third (3rd) period. If the goal differential becomes less than six (6), stop time shall again begin.
- 3. Where running time is used in district, region or state tournament play, the clock shall not be stopped for any reason except for injuries or rink problems and only at the discretion of the referee. Penalties shall begin at the face-off immediately following the assessment of the penalty. Penalties shall not be posted on the scoreboard unless they can be entered without stopping the clock.

R9. The Tournaments Committee proposes to eliminate regional tournaments and use the two-man officiating system for all state tournament games except Junior Gold A & B.

R10. Change the requirement that all officials for Mn Hockey games be MHOA-registered to allow officials to be registered with their respective state affiliate. (MHOA request)

XII. ON-ICE OFFICIALS

- [R9]
- A. The three-official system (one referee; two linesmen) or the two-official system will be used.
 - 1. The three-official system is mandatory for all Jr. Gold A&B, ~~16&Under Youth, Bantam A, Girls 14&Under A and Women's 19 & Under District, Playoffs, Regional and State Tournament games.~~
 - 2. ~~The three-official system is mandatory for all Bantam B, Peewee A and Girls 12&Under A State Tournament games. The three-official system is recommended for Bantam B, Peewee A and Girls 12&Under A District, Playoffs and Region Tournament games.~~
 - 3. The two-official system will be used for all Women's 19 & Under, **Bantam A&B**, Girls 14&Under **A&B**, Peewee **A&B**, Girls 12&Under **A&B** and Sr. Women District, Playoffs, ~~Regional and State Tournament games.~~
 - 4. If a scheduled official for the three-official system fails to appear or is injured during the game and no replacement official is available, the game may continue using the two-official system.
 - 5. A minimum of two referees is required for all District, ~~Region~~ and State Tournament games.
 - [R10] B. All on-ice officials must be registered with USA Hockey and MHOA **their respective affiliate** to officiate MH sanctioned games.
 - C. All referees must be registered with USA Hockey at Level 3 or Level 4 to officiate District, Regional and State tournament games. Level 2 referees may be used at the "B" level with the approval of the cognizant MH District Director and the MH Referee Section Director.
 - D. All on-ice officials are required to wear the official USA Hockey crest on their sweaters and carry their USA Hockey registration card.
 - E. All Level 3 or 4 referees must complete registration by Dec. 31.

Screening Policy Changes

S1. *The sexual and physical abuse policy is mandated by USAH. Notwithstanding the title of the policy, we have discretion to disqualify participants for activity unrelated to sexual or physical abuse. This proposed change requested by the Screening Committee would more clearly identify that the policy encompasses criminal behavior beyond sexual and physical abuse.*

[S1] **SEXUAL ~~AND ABUSE~~, PHYSICAL ABUSE AND CRIMINAL BACKGROUND SCREENING POLICY**

Section 1: Intent

The intent of these rules is to reduce the risk of a MH participant becoming the victim of sexual or physical abuse.

Section 2: Uniformity of Standard

All personnel of MH and of its affiliates are subject to this screening standard.

Section 3: Applicability of Standard

- A. The personnel of all MH associated organizations shall be screened pursuant to these screening rules.
- B. For purposes of these screening rules, MH associated organizations shall...

S2 & S3. *The Screening Committee requested the following changes:*

Section 4. Standard for Participation of MH and its associated organizations.

- A. A person **shall be** disqualified and prohibited from participating in screened activities, if the member has been convicted of any "Background check crime" or any "Child Abuse crime" as defined in Minn. Stat. § 299C.61, and/or any of the following crimes as they may be defined in any jurisdiction:

Murder in the first, second or third degree	Mistreatment of residents or patients
Manslaughter in the first or second degree	Criminal abuse of a vulnerable adult
Assault in the first, second, third, or fourth degree	Kidnapping
Arson in the first or second degree	Abduction
Controlled substance crime in the first, second, or third degree	Solicitation of children to engage in sexual conduct
Great bodily harm caused by distribution of drugs	Malicious punishment of a child
Crime committed for the benefit of a gang	Neglect or endangerment of a child
Criminal sexual conduct in the first, second, third, fourth or fifth degree	

- B. A person **may be** disqualified and prohibited from participating in screened activities if:
 - 1. The member has been convicted (including crimes the record of which has been expunged and pleas of "no contest") of any crime of violence against minors, or any crime which indicates the person may pose a **harm or** risk to the safety and well-being of players, **parents, others and organization** under his/her direction, ~~or~~ **stewardship or relationship to**, including but not limited to all felonies not described in A. above, domestic assault, indecent exposure, and multiple convictions for operating motor vehicles or watercraft while under the influence of alcohol or controlled substances; or
 - 2. It is determined that he/she has been adjudged liable for civil penalties or damages involving sexual or physical abuse of children, is subject to any court order involving sexual abuse or physical abuse of a minor, including, but not limited to, domestic order for protection, has had his/her parental rights terminated for reasons involving sexual or physical abuse of children; or
 - 3. MH or any of its affiliates comes into possession of verified information that he/she has a

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history with another organization (as a volunteer, employee or otherwise) of complaints of physical or sexual abuse of minors, resigned, been terminated or been asked to resign from a position, whether paid or unpaid, due to complaint(s) of sexual or physical abuse of minors.

Disqualification under this section 4.B. shall be at the discretion of the Screening Committee after due consideration of relevant information.

C. Notwithstanding the provisions of Sections 4.A. and 4.B. above:

1. In the event that a person has been convicted of any "Background check crime" or any "Child Abuse Crime" as defined in Minn. Stat. § 299C.61 or any of the crimes enumerated in Section 4.A., and this conviction was entered more than ten (10) years before the beginning of the current hockey season (on or after September 1), the committee may utilize it's discretion whether to disqualify that person under the Policy; and
2. In the event that a person has been disqualified under Section 4.A. above, that person may apply, in writing, to the Committee for reinstatement when either of the following is true:
 - a. more than ten years have elapsed since the conduct on which the disqualification was based occurred; or
 - b. in the event that the disqualifying conduct occurred ten years or more before the disqualification, more than ten years have elapsed since the disqualification was made by the Committee.
3. In the event that a person has been disqualified under Section 4.B. above, that person may apply, in writing, to the Committee for reinstatement ~~when either of the following is true:~~
 - ~~a. if more than ten years have elapsed since the conduct on which the disqualification was based occurred; or~~
 - ~~b. The disqualifying conduct occurred three years or more before the disqualification, and more than three years have elapsed since the disqualification was made by the Committee.~~
4. In the case of subparagraph 2. or 3. above, the Committee shall review the applicant's criminal record and overall conduct in the relevant period and may exercise it's discretion to either reinstate or again disqualify the applicant.
5. Nothing in this Section 4.C. shall prevent the Committee from disqualifying an applicant under either Section 4.A. or 4.B. in the exercise of it's discretion after reviewing the record of conduct of the applicant.
6. Any decision by the Committee pursuant to this Section 4.C. shall be appealable by the applicant as provided in Section 7. below.

[S3]

[End of Rules Committee Report]