

**ANSI BOARD OF STANDARDS REVIEW (BSR)
SUMMARY DECISION**

In response to Mr. Sulner's appeal of the ANSI BSR's approval of ASB 155 *Standard for Minimum Training Requirements for Forensic Document Examiners* as an American National Standard (ANS), the BSR finds for the Appellant and upholds the appeal. ASB 155, sponsored by the American Academy of Forensic Sciences (AAFS), is not approved as an American National Standard (ANS) and may not be published as an ANS.

Complainant: Mr. Andrew Sulner

Represented by:

1. Andrew Sulner, MSFS, JD, D-BFDE, Forensic Document Examinations, LLC

Respondent: American Academy of Forensic Sciences (AAFS)

Represented by:

1. Teresa Ambrosius, Secretariat, AAFS – Standards Board
 2. Kevin P. Kulbacki, CEO, Forensic Document Examiner, KDX Forensic Consulting
 3. Khody R. Detwiler, Forensic Document Examiner, Lesnevich & Detwiler - Forensic Document Laboratory (Virtual)
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Hearing Date: August 6, 2026

Hearing Location: ANSI, New York

ANSI Board of Standards Review (BSR Panel)

Paula Watkins, API, Chair
Hugo Aguilar, IAPMO
Mitchell Gold, ULSE
Jennifer Hess, ICC
Colleen Rodrigues, ASME
Lorna Scheel, PMI

Appellant – Observers (Virtual)

Emily J. Will, D-BFDE, Forensic Document Examiner
Vickie Willard, D-BFDE, Forensic Document Examiner
Robin Williams, D-BFDE, AFDE President, Forensic Document Examiner

Respondent – Observers (Virtual)

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Dan Anderson, Toxicologist, NMS Labs
Carl McClary, Forensic Document Examiner, Retired

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Patricia Griffin, ANSI Sr. Vice President & General Counsel

ANSI BOARD OF STANDARDS REVIEW (BSR) DECISION

1.0 Introduction

Mr. Sulner (Appellant) filed this appeal with the ANSI Board of Standards Review (BSR) of the approval of ASB 155 *Standard for Minimum Training Requirements for Forensic Document Examiners* (ASB 155) as an American National Standard (ANS) on May 29, 2026. In connection with this appeal, Mr. Sulner requested the stay of approval of ASB 155 as an ANS pending conclusion of ANSI's appeal process; after considering that request and AAFS's response to it, the ANSI BSR Panel (Panel) granted the stay. Following the receipt of AAFS's response to Mr. Sulner's appeal, the Panel held an in-person hearing on August 6, 2026. Based on the full written record and oral testimony, the BSR finds for the Appellant for the reasons set forth below.

2. Background

The appeal alleges that the American Academy of Forensic Sciences (AAFS), the ANSI-Accredited Standards Developer (ASD) that sponsors ASB 155, failed to comply with the *ANSI Essential Requirements*¹ with respect to Appellant's written claim of dominance, outreach to achieve balance on the ASB 155 consensus body and the interest categories associated with the development of the ASB 155 standard². Appellant argues that these procedural flaws in the consensus process and in the make-up of the consensus body should preclude the approval of ASB 155 as an American National Standard.

At the heart of the appeal is Appellant's claim that the make-up of the ASB 155 consensus body was defective. In his opinion, the consensus body did not comprise a balanced committee of stakeholders that should have, but did not, recognize "two competing stakeholder interest groups affected by the ASB training standard." He further asserts that the implementation of the standards development process "enabled the consensus body developing the standard to be dominated by one of those identifiable interest groups." Those two stakeholder interest groups are identified as Forensic Document Examiners (FDEs) who either: (1) received their principal training of 4,000 hours within a 2-year period while employed full-time ("Majority Group"); or (2) received the equivalent training of 4,000 hours in the private sector, but on a part-time basis within a 4-year period ("Minority Group"). See Outline of Appellant's Oral Argument at page 3.

Appellant further maintains that the ASB 155 standard abandoned a long-standing flexible framework without adequate justification, and attributes that change to the very imbalance and dominance he alleges in the consensus body. For the past 20 years, two source documents that served as the basis for ASB 155 - an ASTM standard and an "FBI-funded Scientific Working Group for Forensic Document Examination (SWGDOC)" document - permitted flexibility. Both provided that FDE training "shall be the equivalent of a minimum of 24 months full-time training under the supervision of a principal trainer, not to exceed a period of four years," a standard that allowed for either 2-year

¹ See *ANSI Essential Requirements: Due process requirements for American National Standards* (www.ansi.org/essentialrequirements).

² At the hearing both parties agreed that they would not address the potential antitrust issues raised by Appellant.

full-time training or 4-year part-time training. Appellant asserts that ASB 155 changed this provision to eliminate the part-time option. He blames this change on an imbalanced consensus body dominated by those who do not support the long-standing flexibility embodied in the prior documents and on AAFS's misunderstanding of ANSI's procedural requirement that the interest categories appropriate to the development of consensus in any given standards activity are a function of the nature of the standard being developed. In his view, the two competing stakeholder groups have substantially different perspectives and motivations such that they should have been taken into account when AAFS considered whether the consensus body was appropriately balanced.

At the hearing, AAFS asserted that the current ASB 155 is indeed flexible and does allow both training models, but the Appellant disagrees noting that the standard limits the duration of a program except for the standard's allowance for "exigent circumstances" to extend a training program's length. When asked about this term and its effect, AAFS representatives responded that in their view ASB 155 provides greater not less flexibility.

In sum, Appellant argues that the revisions to the long-standing framework that are embodied in the new ASB 155 are the result of a fatally flawed implementation characterized by a lack of balance on the consensus body, insufficient outreach to FDEs who support part-time training models and are certified based on them and dominance on the part of a single stakeholder category motivated by the economic interests of those holding certain certifications or supporting one model of FDE training (full-time) over another (part-time).

For its part, AAFS disagrees with Appellant's claim that the consensus body was not balanced or that the interest categories applicable to the consensus body were inappropriate, repeatedly stating that "ANSI approved" the interest categories and that the professional designations or credentials held by consensus body members were not relevant in the context of ASB 155. AAFS notes that two appeals decisions issued at the developer-level agreed. AAFS further explains that the "two competing stakeholder interest groups" are "unique to the Appellant's opinion...they do not represent the interests of practicing forensic professionals in the way that the ANSI approved ASB interest categories do." See AAFS-Academy Standards Board (ASB) response to Sulner appeal dated June 23, 2026 at page 1.

AAFS also recounted its broad outreach efforts through its own channels, those of its members, through the Organization of Scientific Area Committees for Forensic Sciences (OSAC) and *ANSI Standards Action*. They note that their standards work is well known among the relevant community of stakeholders. And with respect to the process by which the consensus body was formed, AAFS explains that the "ASB Board reviews all qualifications an applicant may choose to provide, but this review is to determine if they have a material interest and knowledge of the topic covered by the CB and if they qualify under their self-chosen interest category." AAFS confirmed that "there were no questions on the application regarding training, professional associations membership and positions. Therefore, they maintain, ASB Board does not have the ability to take this information into consideration in selecting new members." See AAFS-ASB response to Sulner appeal dated June 23, 2026 at page 3.

With respect to Appellant's written claim of dominance, AAFS confirmed at the hearing that it could point to no investigation, analysis, or documented response of any kind addressing the claim. AAFS representatives suggested that the Board of Directors may have considered the claim at some point, but offered no evidence, no minutes, correspondence or other record, to substantiate that suggestion, and AAFS did not dispute that the written record before the Panel contains nothing reflecting any such consideration. Neither party contests that the record is silent on this point.

3. Claims and Analysis³

The ANSI BSR Panel addresses three primary procedural issues underpinning the appeal. Each is discussed below.

3.1 AAFS failed to act on a written claim of dominance

Appellant provides evidence of an early written claim of dominance dated January 27, 2024 which he characterizes as a “procedural complaint” filed with AAFS by himself and six additional public commenters. See Exhibit A to Sulner Appeal to the ANSI BSR dated May 29, 2026. At the hearing, AAFS representatives acknowledged the existence of Appellant’s written claim of dominance and that the record contains no evidence that it was addressed as a formal complaint.

The ANSI BSR finds that the *ANSI Essential Requirements* states the following:

1.2 Lack of dominance

The standards development process shall not be dominated by any single interest category, individual or organization. Dominance means a position or exercise of dominant authority, leadership, or influence by reason of superior leverage, strength, or representation to the exclusion of fair and equitable consideration of other viewpoints.

2.2 Lack of dominance

Unless it is claimed in writing (including electronic communications) by a directly and materially interested party that a single interest category, individual or organization dominated the standards development process, no test for dominance is required.

Since a written claim of dominance was filed during the standards development process, AAFS had an obligation to investigate it and document relevant findings. As set forth above, AAFS could point to no investigation, analysis or documentation addressing that claim, and the suggestion that the Board of Directors may have considered it was unsupported by any evidence in the record. The BSR does not credit that unsupported suggestion and finds that the record before the Panel is lacking in any documented analysis of AAFS’s consideration of Appellant’s claim of dominance. Moreover, the BSR reminds AAFS that balance and dominance are distinct considerations – a point that was not sufficiently acknowledged in the record. A numerically balanced consensus body can still provide a forum in which dominance is exercised.

Accordingly, the ANSI BSR finds for the Appellant on the issue of dominance. Regardless of whether a claim of dominance has merit – and the ANSI BSR makes no assessment of that here - it is a serious procedural allegation that requires timely attention and a documented record before a standard can be approved as an ANS.

3.2 AAFS’s outreach mechanisms were sufficient

Appellant claims that AAFS did not conduct outreach sufficient to reach the range of stakeholders who would have an interest in serving on the ASB 155 consensus body and this flaw contributes to the lack of balance and dominance allegations documented in his appeal. Specifically, Appellant asserts that AAFS never directly contacted AFDE, NADE, or the BFDE, organizations he identifies as representing the Minority Group, despite AAFS’s awareness of these organizations and their relevance to the FDE community.

³ This decision summarizes the key oral and written arguments presented to the BSR Panel. While this decision may not reference every argument or point made in connection with the appeal, the BSR Panel had full access to and considered the complete record.

AAFS recounted its broad outreach efforts during the hearing, noting the history of its general outreach efforts within and external to AAFS membership, including to various forensic associations, through the NIST-administered Organization of Scientific Area Committees for Forensic Sciences' (OSAC) newsletters, word-of-mouth, email, encouraging AAFS members to engage colleagues and stakeholders they know and through *ANSI Standards Action*. AAFS further explained that consistent with the intent of the federal CAN-SPAM Act, it does not add individuals or organizations to its newsletter distribution absent a request to do so, but that any organization, including AFDE, NADE, or the BFDE, could have requested inclusion at any time.

The BSR finds for AAFS on this point. Section 1.3 requires that outreach be undertaken to achieve balance. It is a process obligation, not a guarantee that balance will in fact result. The requirement does not obligate an ASD to identify and directly solicit every organization that might have an interest in a given standard. General, sustained, and publicly accessible outreach mechanisms of the kind AAFS employed here are sufficient where, as here, the record does not establish that any specific organization sought and was denied access to information about the consensus body's formation. Whether the resulting consensus body was in fact balanced, or whether it was dominated by a particular interest, are separate questions addressed elsewhere in this decision. Accordingly, the mechanisms used to provide public notice about ASB 155 appear to be sufficient and appropriate.

3.3 Consensus body interest categories require review

Appellant refers to section 2.3 Balance of the *ANSI Essential Requirements* which states “[t]he interest categories appropriate to the development of consensus in any given standards activity are a function of the nature of the standards being developed.” He argues that the interest categories used by AAFS in this instance do not meet this requirement because the considerations such as whether a consensus body member was certified by one body versus another and whether they embrace the full-time only training model versus the part-time training model are relevant considerations given that the standard is entitled *Minimum Training Requirements for Forensic Document Examiners*.

AAFS responds that “ANSI approved” the interest categories in their ANSI-accredited procedures and that this approval, together with the 2022 revision to the *ANSI Essential Requirements* removing “Trade Association” and “Professional Society” as examples of interest categories establishes that AAFS is not required or permitted to consider other interest categories.

The BSR clarifies for the parties’ benefit two points bearing on this dispute. First, ExSC approval of AAFS’s procedures, including the interest categories, reflects only that the minimum requirements for defining interest categories were met, *i.e.*, the interest categories are discretely defined, cover directly and materially interested parties and differentiate each category from the other categories. The ExSC relies on the ASD itself to determine the interest categories appropriate to a given standard’s subject matter; ExSC approval of a developer’s general procedures is not a standard-by-standard determination that those categories are *appropriate to the development of consensus in any given standards activity* and *are a function of the nature of the standards being developed*.

Second, AAFS’s understanding of the motivation for the 2022 revisions to footnote 3 in the *ANSI Essential Requirements* is inaccurate. The ExSC removed reference to “Trade Association” and “Professional Society” from the optional and inexhaustive list of potential interest categories as they see those categories as more aligned with membership types than interest classifications. If relevant to the nature of the standard, affiliations of consensus body applicants/members could indeed be considered when assessing balance.

The BSR does not decide, on this record, whether the interest categories applied to ASB 155 in fact satisfied Section 2.3. The record does not establish what analysis, if any, AAFS undertook regarding

the relevancy of a consensus body member's training background or certification status and whether that has any bearing on consensus body balance or the nature of a *minimum training requirements standard*. The Panel declines to resolve that question in the first instance without such a record before it. Going forward, this is an issue that the AAFS should address separately from its investigation of Appellant's written claim of dominance under Section 3.1 in any future submission concerning ASB 155.

4. Decision

The BSR Panel upholds the appeal on the grounds set forth in Section 3.1. The Panel finds that under Section 4.2.1 of the *ANSI Essential Requirements*, approval of an American National Standard must be based on evidence that the requirements of the *ANSI Essential Requirements* have been met. AAFS's evidentiary submission in support of ASB 155's approval did not establish that Appellant's written claim of dominance was ever investigated or considered, as required by Sections 1.0, 1.2, and 2.2. Because that evidentiary showing was not made, the requirements for approval under Section 4.2.1 were not satisfied. The BSR, exercising its authority to review the prior approval of ASB 155 on appeal, therefore reverses that approval. ASB 155 is not approved as an ANS and may not be published as an ANS. The appeal is denied as to outreach, for the reasons set forth in Section 3.2. As to interest categories, the Panel makes no finding one way or the other on this record, for the reasons set forth in Section 3.3, and the Panel's decision does not rest on that issue.

AAFS may submit new evidence of procedural compliance in support of the approval of ASB 155 as an ANS if and when the procedural flaws detailed in this decision are remedied. Should AAFS wish to submit a new BSR-9 in the future, the accompanying evidence must include a documented investigation of Appellant's written claim of dominance, addressing the analysis undertaken and the findings reached. In connection with any new submission, AAFS is further encouraged to document its assessment of whether the interest categories applied to ASB 155 are appropriate to the nature of that standard, including whether training background and certification status bear on that assessment, and, if AAFS concludes they do not, the basis for that conclusion.

As to the remedy requested, Appellant asks the ANSI BSR to remand the issues raised for further consideration by the AAFS and the relevant consensus body "with the specific understanding that nothing less than reinstatement of the longstanding equivalent 4-year part-time training option into ASB Standard 155 will satisfy the appellant and prevent future judicial intervention." As the requested remedy would require the BSR to direct the technical content of a standard, it is beyond the BSR's authority which is limited to whether the evidence presented by an ASD in support of the approval of a standard as an ANS meets ANSI's procedural requirements such that it can be approved as an ANS. *See* Sulner Appeal to the ANSI BSR dated May 29, 2026 at pages 21-22.

5. Conclusion

The Panel finds that the prior approval of ASB 155 is reversed. This is not a judgment on the technical merits of the standard but based on AAFS's failure to demonstrate and document compliance with core procedural requirements, including a documented investigation of Appellant's written claim of dominance.