

Investigations Process

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Engineers and Surveyors

Goals

- Protect the health, safety, and welfare of the public
- Objectively and without prejudice gather information and evidence
- Conduct fair and thorough investigations of complaints
- Present an unbiased report to the Board in order to determine if a violation of the registration act has occurred
- Stop violations of the registration act
- Take action against offending individuals and firms
- Deter future violations

Laws & Rules

- Ohio Revised Code 4733- Contains the laws that have been passed by the Ohio legislature.
- Ohio Administrative Code 4733- Rules that have been passed by various state agencies.
- *A Violation of the administrative rules is breaking the law.*

Investigations FY 2018

- 130 complaints investigated
- 64 formal investigations opened leading to disciplinary action
- 110 cases this far into 2019

Filing Complaints

- Complaint should be in writing
- Name and contact information for subject of complaint
- Detailed description of acts or omissions that violate RC 4733
- Physical evidence and contact information for witnesses
- Certified copies of court records
- Should be filed as soon as possible after the act or omission occurred

Anonymous Complaints

- Problems
 - Can't contact complainant
 - Can't contact or locate witnesses
 - Can't locate evidence

How Do We Receive Complaints?

- General Public
- Clients
- Competitors
- Building Departments
- City, County, Township, Village offices
- Other state agencies (ODNR, ODOT, Ohio EPA, Industrial Compliance)
- Disgruntled ex-employees
- Vindictive ex-spouses
- Other professionals

Cooperation with the Board

(4733-35-09)

- Must be forthright and candid in statements or written responses to the Board
- Records shall be available for inspection and copying by the Board- *in English*
- Each registrant shall cooperate with the Board in its investigation of complaints
- Cooperation includes responses within 30 days and appearing before the Board upon request

Proactive Enforcement Program

- Additional investigator hired
- Case prioritization procedures
- New registrant program
- Information distributed through website, newsletters, Facebook and press releases
- Conducting presentations throughout Ohio

Outreach

- Program for new registrants
- Presentations and meetings with colleges and universities offering engineering and surveying programs
- Presentations and meetings with companies and professional, technical and trade organizations
- Guidance and advisories issued as issues arise
- Information distributed through website, newsletters, Facebook, Twitter and press releases

Outreach

- Conduct presentations throughout the state or jurisdiction
- Board-sponsored continuing education opportunities
- Post disciplinary actions on website, press releases, newsletters and NCEES Enforcement Exchange
- Meet with government agencies and other regulators
- Public

PUBLIC OUTREACH

- License lookup
- Website, Facebook, Twitter, Newsletters
- Complaint procedures
- Enforcement contact information

Expected Outcomes

- Improved understanding of Board functions
- Improved understanding of the laws and rules and where to find them
- Improved awareness of the Code of Ethics
- Increased awareness of illegal activities
- Increased cooperation during investigations
- Proper reporting of violations

Expected Outcomes

- Reduction in the number of complaints and investigations
- Knowledge of COA requirements and proper registration of firms
- Reduction in late renewals and failures to renew
- Better response to continuing education audits
- Better documentation of continuing education records

Expected Outcomes

- Better understanding of acceptable courses
- ***Reduction in disciplinary actions***

Common Violations

- Plan stamping
- Illegal Practice
- Practicing without a license or COA
- Misrepresentation of facts
- Aiding and abetting illegal practice
- Illegal use of the terms *engineering* or *surveying* in firm name
- Illegal use of P.E. or P.S. or title engineer or surveyor

Common Violations

- Minimum Standards
- Practicing outside area of competence
- Exam irregularity (*cheating*)
- Felony or criminal convictions
- Disciplinary action in another jurisdiction
- Failure to cooperate during an investigation
- CPD non-compliance

Investigation Process

1. Complaint received & Enforcement staff review
 - Is it within Board's jurisdiction?
 - Is there a violation of ORC or OAC?
 - First time or repeat offender?
 - How serious?

Investigation Process

2. Investigation

- Letter sent to Respondent requesting information
- Violation Notice sent
- Investigators gather evidence, documents and conduct interviews, subpoena records
- Engage technical consultants to review and evaluate plans, plats, reports, etc.

Investigation Process

3. Report to Board

- Complete investigation presented to the Board for review
- Names redacted from report
- The Board may request additional information
- Board determines whether or not to close investigation, file charges and issue notice of opportunity for hearing, pursue criminal charges, pursue injunction

Investigation Process

4. Final Disposition

- Educational conference, warning
- Settlement agreement
- Adjudication hearing
- Appeals

Disposition of Cases

1. Educational conferences, warning letters, direction
2. Reprimand, fine, probation
3. Limit on license, suspension
4. Refuse to score exam, refuse opportunity to sit for an exam
5. Revocation, refuse to renew license
6. Injunction, criminal charges

Hearing Process

1. Investigation completed
2. Board reviews evidence and determines there is probable cause to charge Respondent with a violation
3. Respondent offered an opportunity hearing
4. Respondent requests hearing
5. Hearing date set
6. Hearing held before a Hearing Examiner

Hearing Process

7. At hearing the parties present their arguments and submit evidence, question witnesses, and testify
8. Hearing Examiner evaluates evidence and testimony and prepares a Report & Recommendation (R&R) for the Board
9. The Board reviews the evidence and the Hearing Examiner's R&R and either accepts, rejects or modifies the recommendation.

Hearing Process

10. Board issues a Final Order

11. Respondent has the opportunity to appeal the Board's Final Order to Common Pleas Court within 15 days

If Respondent fails to request a hearing?

Questions?

Contact Information:

State Board of Registration for Professional
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www.peps.ohio.gov