

OREGON STATE BOARD OF EXAMINERS FOR ENGINEERING AND LAND SURVEYING WHAT CONSTITUTES A “COMPLAINT”?

In order for OSBEELS to take action against an individual, the Board must be able to state the allegations and cite violations of the regulations within its statutory authority. If the allegations are supported by sound evidence, and can be proved, action can take place. When a complaint is received, staff will review the material and attempt to determine the following:

- 1 – Citation of authority: Is it within the Board’s authority?
- 2 – Findings of fact: Is the allegation supported by evidence?
- 3 – Conclusions of law: What regulations were violated?
- 4 – Penalty considered: Does the infraction warrant disciplinary action?

How does OSBEELS process a complaint?

The Board will start an investigation based on any written information or complaint that might identify a violation. Anonymous complaints will be reviewed. However, the lack of a contact person for further information may hinder the investigation. The more detailed the complaint, the quicker OSBEELS can initiate action. A sufficient complaint includes the following:

What happened?

Describe the event or action that initiated this allegation.

Include when it happened, where it happened, and if known, why it happened.

Who was involved?

Identify the actors and describe the part each played in the event.

Indicate who was working for whom.

What do you see as the violation?

Incompetence? (Didn’t know what should be done.)

Negligence? (Knew what should be done, but didn’t do it.)

Failure to follow the [Rules of Professional Conduct](#)?

Is there evidence to support the allegation?

Provide copies of all documents in question. (plans, maps, spec’s, reports, etc.)

Provide copies of any correspondence related to the problem.

Provide information on where more evidence or parties with information may be found.

Once sufficient documentation is compiled and investigated, a decision is made by the Board to proceed with disciplinary action. The respondent is notified, given an opportunity to respond to the findings, and can request a hearing or an informal conference. The purpose of the conference is to discuss the issues with members of the Board and staff in a situation less formal than a hearing. In most instances, the Board and the respondent can reach an understanding and settle the matter without a formal hearing. If the informal conference does not result in an agreement, a formal hearing is scheduled before an Administrative Law Judge (ALJ) usually with attorney representation on both sides.