



OSBEELS
Oregon State Board of Examiners for
Engineering and Land Surveying

**THE COMPLAINT
PROCESS**

- How to file a complaint?
- What constitutes a violation?
- Can the Board grant monetary damages?
- What can I expect from filing a complaint?



Thank you for your inquiry on how to file a complaint with the Oregon State Board of Examiners for Engineering and Land Surveying.

To assist you in filing your complaint, please read the following information.

The authority of the Board is limited to investigating and enforcing only those Oregon Laws and Administrative Rules that apply to persons engaged in Engineering and Land Surveying and whose conduct presents a possible danger to the public.

How do I file a complaint with the Board?

Complete, sign, and submit the Board's complaint form to the Board office. To obtain a form, you may call the Board or visit www.osbeels.org.

What information should I provide in completing the complaint form?

Complete all areas of the complaint form. In describing your complaint be sure to include:

- the work the respondent was hired to perform;
- the location of the project involved;
- the problem encountered;
- what you have done to try to resolve the problem.
- specific facts in date order
- As much data, as possible, such as plans, pictures, maps, etc.; and

- Any other information that you believe will assist your case.

The more specific the information and documentation, the better the Law Enforcement Committee is able to evaluate your complaint. Completely documented complaints may actually expedite the committee's decision making process by avoiding delays if additional information is required for clarification.

Who reviews complaints received by the Board?

When a complaint is sent to the Board, the Board's compliance staff makes an initial determination to see if the matter appears to fall within the Board's jurisdiction. If the answer is "yes", a file is opened. At that point, it's referred to the Law Enforcement Committee for review. The committee is composed of Board Members, which may include Engineers, Land Surveyors, or Public Members.

How often are the complaints reviewed?

The Law Enforcement Committee meets at least once between the regular Board Meetings to prepare recommendations.

When will I know the Law Enforcement Committee's recommendation regarding my complaint?

Staff will acknowledge receipt of your complaint usually within 10 to 15 business days. The Law Enforcement Committee makes recommendations, based on all pertinent facts and evidence in cases, for consideration by the full Board at a regularly scheduled meeting. Once the Board has passed on

the Committee's recommendations, you will be notified regarding the disposition of the case.

What constitutes a violation?

The Board's responsibility is to investigate complaints based upon substantiated facts relating to specific violations Oregon Revised Statutes and Administrative Rules. The Board has the authority to discipline its licensees and registrants for violations of the Professional Engineers Act, Professional Land Surveyors Act, and Oregon Administrative Rules, which may include:

- Negligence or incompetence
- Deceit or misrepresentation in their professional practice;
- Fraud or deceit in obtaining his or her certificate;
- Misconduct or malpractice;
- Unlicensed practice or aiding and abetting unlicensed practice; and
- Any other violation of the Board's laws and regulations.

What happens if the Board determines that a violation may have occurred?

An investigation is opened and a case number is assigned. If necessary, a subject matter expert is consulted to work with an investigator on the technical portions of the complaint. Following the investigation, the Law Enforcement Committee will review the findings and develop a recommendation for either disciplinary action or dismissal. If disciplinary action is recommended, the respondent is offered an opportunity for a

hearing and an effort to reach compliance is initiated.

How can Professional Land Surveyors disagree on property corners, boundary lines, etc.?

When performing a survey, Land Surveyors review various sources of information such as previous surveys, property descriptions, title company records, etc. It is entirely possible opinions may differ as to where corners, property lines, etc. should be set based on the evidence reviewed. This difference of opinion may not be evidence that either surveyor made an error.

Can the Board resolve property lines disputes or grant monetary damages?

No. A common misconception is that the Board can settle personal disputes as long as one of the parties involved is an Engineer or Land Surveyor. In reality, the Board generally does not have authority over private legal disputes, even when a dispute involves an Engineer or Land Surveyor. The courts generally handle such disputes. Examples of matters the Board usually does not handle are fee disputes and the determination of contractual rights and obligations of a party. In matters such as these, the Board recommends a person contact an attorney.

BOARD MISSION

The mission of the Board is to protect the public health, safety, and welfare in regards to engineering and land surveying activities by assuring:

- THAT only qualified applicants are permitted to take the examination for licensure.
- THAT only competent individuals are granted licensure to practice engineering or land surveying.
- THAT only licensed individuals are permitted to offer and/or provide engineering or land surveying services.
- THAT licensed individuals maintain a high standard of practice and compliance with applicable statutes, rules and regulations.

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