

ADMINISTRATIVE BULLETIN

NO. AB-040 :

DATE : March 23, 2002 (Updated 01/01/14 for code references)

SUBJECT : General Administrative Procedures

TITLE : **Referral of Design Professionals and Contractors to Regulatory Agencies**

PURPOSE : The purpose of this bulletin is to establish guidelines and procedures for referring design professionals and contractors to the State License Boards review for possible disciplinary action when the Department of Building Inspection believes there are serious violations of State regulations.

REFERENCES : California Business and Professions Code, Division 3. Professions and Vocations
California Business and Professions Code, Section 325-326, Consumer Complaints
California Code of Regulations, Title 16, Professional and Vocational Regulations

DISCUSSION : These guidelines shall be used in instances where a licensed design professional or contractor appears to be in substantial noncompliance with the regulations governing their activities. Such substantial noncompliance may include activities which appear to be, but not be limited to, unlicensed practice, gross incompetence, negligence, violation of local codes and regulations, or the provision of false or misleading information.

The Department of Building Inspection shall review concerns based on information available and make recommendations as are believed to be consistent with public safety and welfare. The Department shall not hold hearings, take testimony, engage in debate with the regulated or licensed persons, or otherwise assume the role of another regulatory agency.

PROCEDURE:

When it comes to the attention of the Department of Building Inspection through an employee or a complaint from the public that there may be substantial noncompliance with regulatory requirements the following actions should be taken.

1. A public complainant shall be given information regarding filing a complaint directly with a licensing or regulatory agency. If the Department believes that a complaint received from the public may be of interest to the Department of Building Inspection to review for further action, in addition to providing information to the complainant regarding the direct filing of a complaint, a staff person shall make note of the complaint and proceed as detailed below.
2. Any staff person of the Department of Building Inspection who believes that there may be an issue of substantial noncompliance shall immediately bring the matter to the attention of their supervisor who shall immediately notify the appropriate Manager.
3. A brief written summary of the concern shall be prepared by the staff person, their supervisor or the Manager.
4. The staff person and their supervisor, shall review the matter with the appropriate Manager, in consultation with the City Attorney, to determine if there are reasonable grounds for further review of the matter.

5. If a further review is determined to be appropriate by the Manager, a staff person assigned by that Manager shall review the matter and prepare a report containing the following information:

- a. A description of the concern which has led the Department to consider referral for review by the regulatory agency.
- b. All report, notes and other documentation from inspectors or other persons with immediate knowledge of the issues related to the potential complaint.
- c. All permit application forms and other permit documents related to the potential complaint.
- d. Letters, plans, calculations and all other documents which might aid in the review of the matter.
- e. Other relevant information such as license and insurance information, complaints by other City agencies or outside parties, other DBI actions, etc.
- f. Department and other City records which may reveal other instances of possible noncompliance.

6. The Manager, following consultation with the City Attorney, shall review the completed report and make a determination to:

- a. undertake further research and reporting
- b. dismiss the matter
- c. recommend to the Director to proceed with a referral to a regulatory agency
- d. take other action as they deem appropriate

7. If the Manager's determination is to recommend a referral to a regulatory agency, a complaint shall be prepared by a person assigned by the Manager, based on the rules and regulations of the regulatory agency. The complaint shall be accompanied by a cover letter prepared for the signature of the Director.

8. The complete file, including a cover letter prepared for the Director's signature, a written recommendation for referral by the Manager, the formal complaint referral in a form required by the regulatory agency, and the Department's report and related documentation shall be forwarded to the Director for review.

9. The Director may request additional information, may dismiss the matter, or may sign the complaint and refer the matter to the Building Inspection Commission's Litigation Committee for review and approval prior to referring the complaint to the appropriate regulatory agency.

Signed by:

Frank Y. Chiu, April 26, 2002
Director
Department of Building Inspection

Approved by the Building Inspection Commission on April 17, 2002