

The Nevada State Board of Professional Engineers and Land Surveyors



Filing a Complaint and The Enforcement Process

The Nevada State Board of Professional Engineers and Land Surveyors is established under the provisions of Nevada Revised Statutes (NRS) Chapter 625. The Mission of the Board of Professional Engineers and Land Surveyors is to safeguard the life, health, property, and welfare of the public by regulating the practice of professional engineering and land surveying. The Board is responsible for the administration, regulation and enforcement of the professions of engineering and land surveying in the State of Nevada.

The Board reviews applications, administers examinations, licenses qualified applicants and regulates the professional practice of licensees throughout the State. In addition, it investigates complaints relating to the practice of professionals.

This brochure explains the various steps involved in the complaint resolution process.

Filing the Complaint

Anyone can file a complaint (consumers, building officials and other design professionals). Complaints may allege unethical conduct, incompetence, misconduct, unlicensed practice or other actions. All complaints that fall within the Board's jurisdiction, regardless of the source or allegation, will be investigated.

The Board provides a consumer complaint form that must be submitted along with firsthand and verifiable information to start an investigation. It is important to include as much detail as possible and any documentary evidence (copies of agreements, plans, calculations, etc.).

The Board accepts anonymous complaints. In these cases it is very important that any and all evidence of suspected violations be included in the complaint since it will not be possible to follow-up with the complainant.

If the person about whom you have complained harasses you, notify the Board immediately.

Investigation and Review

After the Board receives your complaint, an investigator will be assigned to thoroughly review the complaint in order to determine if it falls within our jurisdiction. Once this review process is completed, you will be formally notified that the Board is beginning its investigative process. If your complaint concerns something outside of our jurisdiction, we will let you know if another state or local agency might be able to help you.

The Board investigator's role is to obtain, verify and/or uncover facts relating to a complaint. The investigator may obtain copies of design documents, building permits, photographs, relevant printed or electronic material, or any other physical evidence related to the complaint. As part of the investigator's efforts to gather information, he/she may request written responses, or may wish to speak to you and others involved in the complaint on the telephone or in a face-to-face meeting. If the investigator is unable to establish sufficient evidence to substantiate a violation of the law, your complaint will be closed and you will be notified.

You may want to contact other agencies such as the Better Business Bureau or Small Claims, Justice or District Court for further assistance.

Parties may also consider participating in direct mediation. Complainants should refer to their contract, as mediation and/or arbitration are often provisions included to resolve disputes.

Board Authority

NRS 625.460 grants the Board the authority to place any licensee "on probation, reprimand him, fine him not more than \$15,000, suspend or revoke his license, impose the costs of investigation and prosecution upon him, or take any combination of these disciplinary actions...".

NRS 625.520 grants the Board the authority to administer fines and civil penalties against non-licensees who violate NRS 625.

Advisory/Peer Review Committee

NAC 625.646 grants the Board the authority to establish an advisory committee composed of professionals to assist the Board in the evaluation and disposition of a complaint regarding the action or inaction of the licensee.

The advisory committee process was established in 1994 and since that time, volunteers have been trained by participating in advisory committee meetings.

All evidence in the case is presented at the advisory committee meeting. This is an informal process so legal counsel does not need to represent the

respondent. Witnesses or third party reviewers present their testimony and reports. The advisory committee reviews and discusses all the evidence, recommends whether or not discipline is appropriate, and what the nature of the discipline should be. The chairperson of the committee prepares a report for the Board. A stipulated agreement with the advisory committee's recommendation is then presented to the respondent for their acceptance or denial. If the respondent accepts the stipulated agreement, it is presented to the Board, along with any applicable reports and other materials, for its approval. If the respondent does not accept the proposed stipulated agreement, the matter is scheduled for a formal disciplinary hearing.

Disposition

If it is determined that disciplinary action is appropriate, the investigator may attempt to negotiate a Settlement/Stipulated Agreement. A Stipulated Agreement is a legal document that includes findings of fact, conclusions of law and sanctions acceptable to the Board.

If a Stipulated Agreement cannot be reached, a formal disciplinary hearing may be held. Hearings are conducted according to provisions of NRS 625.430 and NAC 625.635 through NAC 625.648.

The Board's attorney presents the case for the State and counsel may represent the complainant. Board members hear the case, all testimony is recorded, evidence is admitted and both sides may call witnesses. When all evidence and testimony have been presented, the Board deliberates and reaches a decision. The Board then publishes its findings and a final, written Order is prepared for distribution. Appeals of the Board's Order may be initiated through the Nevada State District Court.

All questions regarding complaints and the investigative process should be directed to the Compliance Officer at the address below.

**STATE OF NEVADA
BOARD OF PROFESSIONAL
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