



## **OSBEELS Response to Subcommittee Request for Additional Information**

Thank you again for inviting the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS) to speak and share information regarding our Board's processes and activities. During the question period, Committee members requested additional information and data pertaining to the Board's Law Enforcement Committee and Regulations Department. At your request we have prepared the below data and information. This entire process has provided us a great opportunity to review our current and historical processes and continue to work towards improving our agency's performance in all areas.

### **Request #1: Share 2018 information & provide Mean and Median data**

#### ***Response:***

#### **Mean Length of Cases Closed in a Calendar Year**

*(Mean # of days between when a case was opened and when a resolution was reached)*

2012-2013: 512 days

2014-2015: 525 days

2016-2017: 382 days

2018: 476 days (*see additional data breakdown for 2018 below*)

The 3 largest # of days for cases that were closed in 2018 were: 1,510, 1,370, and 1,307 days

The 3 smallest # of days for cases that were closed in 2018 were: 43, 43, and 64 days

If we remove these outliers for cases closed in 2018, the mean is adjusted to: 458 days

**For cases that reached a resolution in 2018, here are the years when such cases were originally opened:**

2014: 4

2015: 8

2016: 14

2017: 44

2018: 20

For cases that **were opened in 2018 and also resolved in 2018** the mean # of days between when a case was opened and resolved was: 177 days.

**Median # of days between when a case was opened and when a resolution was reached:**

2017: 359 days

2018: 328 days

For cases that **were opened in 2018 and also resolved in 2018** the median # of days between when a case was opened and resolved was: 162 days

### *Synopsis*

The Board's Regulations Department continued to improve its processes and progress on outstanding open cases in 2018. As the department continues to work on resolving outstanding cases from prior years and actively reviewing new cases, OSBEELS hopes to keep open cases from year-to-year at a minimum and the average # of days for open cases around 180 days or less. This length of time is what we saw for cases opened and resolved in 2018 at 177 days. In the spring of 2018 with three investigators on staff, the Regulations Department assigned one investigator to work on older cases to bring them to a resolution, while the other two investigators worked on complaints as they come into the office. That way the department was actively trying to resolve older cases while ensuring newer cases don't slip through the cracks. If the Regulations Department is able to remain fully-staffed, the department anticipates resolving the backlog of cases by the first half of 2020.

### **Request #2: Breakdown of the # of Board-generated investigations and Complaint-driven investigations in recent years**

#### **Response:**

# of Complaints Received in **2017**: 52  
# of Cases Opened in **2017**: 51  
# of open cases that were Board-generated: 3  
# of open cases that were complainant-driven: 48

# of Complaints Received in **2018**: 43  
# of Cases Opened in **2018**: 28  
# of open cases that were Board-generated: 12  
# of open cases that were complainant-driven: 16

### *Synopsis*

The year-to-year breakdown of Board-generated vs Complaint-driven investigations shows how varied the complaint submission process is. The Board does not proactively review state registrants or individuals in these industries--all investigations are the result of complaints submitted to the Board, self-reports from registrants, or other Board business processes (professional development audits, failure to renew licensure but continued to practice, etc.). The Board and Regulations Department ensures each complaint or potential instance of violation is carefully reviewed before moving through the investigation process.

### **Request #3: How 2018 Law Enforcement Data compares to previous bienniums**

#### **Response:**

##### **# of Complaints Received**

2012-2013: 117  
2014-2015: 157  
2016: 36  
2017: 52  
2018: 43

##### **# of Cases Resolved in a Specific Year that Resulted in Disciplinary Action(s)**

2012-2013: 80  
2014-2015: 125  
2016: 31  
2017: 9  
2018: 15

**Investigations that did not result in disciplinary action(s) most commonly resulted in:**

1. Letters of Concern being issued;
2. Individuals falling within the Industrial Exemption;
3. The complaint/case falling outside of the Board's jurisdiction; or
4. Allegations unfounded or Compliance met.

**# of Open Cases**

February 2016: 58

February 2017: 65

February 2018: 81

April 2019: 56

***Synopsis***

The numbers within this section shed a light on the improved efficiency in recent years within the Regulations Department, but also require some additional explanations. The reason for the high # of complaints and cases in the 2012-2015 timeframe were the result of Board-generated cases related to continuing professional development (CPD) audits performed by staff on State registrants' renewal applications. Due to the high volume of Law Enforcement cases that were the result of registrants failing to comply with, or respond to, CPD audits the Board revisited its audit program and implemented an extended grace period and increased the # of times staff may contact a registrant before referring the audit to the Regulations Department for investigation. During the 2012-2015 timeframe, Board audits would routinely generate approximately 25-30 new LEC cases each audit period (every 6 months). Following the changes to the program, and continued educational efforts by the Board to registrants, semi-annual CPD audits resulted in 6 Law Enforcement cases in 2017 & 2018, where previously that number may have been over 50 cases each year. The decrease in cases has resulted in the Law Enforcement Committee and the Regulation Department's workload being reduced significantly and allowing them more time and resources to investigate other cases.

Additionally, the CPD audit program has continued to be an effective means for ensuring state registrants maintain their competency as techniques and technologies steadily advance and change.

**Request #4: What is OSBEELS desired outcome and goals for working with a Law Enforcement Consultant**

***Response:***

Below are OSBEELS's three primary goals for considering to contract with a Law Enforcement Consultant:

1. To perform a review, and modify as needed, the Board's current Law Enforcement processes and Investigation Procedural Manual to ensure they support agency and department objectives.
2. Through working with a Law Enforcement Consultant, the OSBEELS expects Regulation Department staff to have clearly defined investigative duties and improved case management strategies.
3. By refining the Regulation Department's processes our expectation is that these improvements will lead to more efficient case investigations while maintaining the department's quality and breadth of investigative work.