

Sunset Public Hearing Questions for
BOARD OF LAND SURVEY EXAMINERS
Created by Section 62-18-103, *Tennessee Code Annotated*
(Sunset Termination June 2016)

1. Provide a brief introduction to the Board of Land Survey Examiners, including information about its purpose, statutory duties, staff and administrative attachment.

In 1967, the members of the Tennessee Engineering Board determined that the surveyors of Tennessee needed their own regulations. The land surveyor's law, Public Chapter 207, Senate Bill No. 420, was passed on May 1, 1969, and became law when signed by Governor Buford Ellington, on May 7, 1969. The Land Surveyors Board was created to safeguard the life, health and property of the public.

The mission of the Tennessee Board of Examiners for Land Surveyors (the "Board") is to serve the citizens of Tennessee by efficiently and effectively providing a fair, flexible, and positive regulatory environment for consumer service industries. The Board's goal is to assure that every licensee has met the minimum qualifications prior to being granted a license and may also take disciplinary action against those licensed or required to be licensed as a Land Surveyor, and has also set the minimum acceptable standards of practice for the profession, as required by statute.

The Board is attached to the Division of Regulatory Boards within the Tennessee Department of Commerce and Insurance and currently has a staff of 5 people, including an Executive Director.

2. Provide a list of board members and describe how membership complies with Section 62-18-103 and Section 62-18-104, *Tennessee Code Annotated*. Please indicate if there are any vacancies and explain what is being done to fill those vacancies.

A list of current Board members is attached (Attachment 1). The board is made up of four (4) total members. Of those, three (3) are professional members who must have at least ten (10) years' experience in the practice of land surveying and shall have been in responsible charge of work for at least five (5) years. Further, each of those members must be a citizen of the United States, have been a resident of Tennessee for at least five (5) years, and be at least thirty-five (35) years of age. In addition, there is one (1) public member on the board who is not engaged in the practice of land surveying. That member is required to be a resident of Tennessee and possess good moral character. All members are appointed by the governor, who is to strive to include at least one (1) person that is at least sixty (60) years of age and one (1) person that is a member of a racial minority.

3. Does the board's membership include public/citizen members? Female members? Members of racial minorities? Members who are 60 years of age or older?

The board includes two (2) members (Galyon Northcutt, Sue Braly) who are sixty (60) years of age or older, one (1) female member (Sue Braly), and one (1) public member (Sue Braly), but does not include a racial minority.

4. How many times did the board meet in fiscal years 2014 and 2015? How many members were present at each meeting?

In fiscal year 2013-2014, the board met five (5) times. The board met four (4) times in fiscal year 2014 – 2015. In both years, all four (4) members attended all or part of each meeting.

5. What per diem or travel reimbursement do board members receive? How much was paid to board members during fiscal years 2014 and 2015?

Board members receive a per diem of \$50 for days when they work four (4) or more hours performing duties relating directly to the Board (such as application or continuing education audit reviews) or for time or days spent attending Board meetings where a quorum is present (T.C.A. § 8-23-205). In addition, they receive travel reimbursement for the carrying out of Board-sanctioned activities pursuant to the state’s comprehensive travel regulations.

	FY 2013-2014	FY 2014-2015	Total
Per Diem	1,950.00	1,150.00	3,100.00
In-State Travel**	8,253.72	6,330.47	14,584.19
Out-of-State Travel**	4,171.35	2,324.50	6,495.85
FY Totals	14,375.07	9,804.97	24,180.04

6. What were the board’s revenues (by source) and expenditures (by object) for fiscal years 2014 and 2015? Does the board carry a fund balance and, if so, what is the total of that fund balance? If expenditures exceeded revenues, and the board does not carry a fund balance, what was the source of the revenue for the excess expenditures?

The Land Surveyors’ Board net revenue was \$341,069 and \$25,987 for Fiscal Years 2014 and 2015 respectively. Total expenditures were \$194,216 and 187,051 for Fiscal Years 2014 and 2015 respectively.

The Board does carry forward a fund balance and was \$120,101 as of June 30, 2015. As expected, due to the biennial licensing cycle, the Boards’ expenditures did exceed revenue in Fiscal Year 2015. The deficit was made paid for with the carry forward fund balance from the previous year.

For revenue and expenditure details, refer to attachment 2 Budget Closing Land Surveyors 14 and 15.

7. Is the board subject to Sunshine law requirements (per Section 8-44-101 et seq., Tennessee Code Annotated) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does

the board have for informing the public of its meetings and making its minutes available to the public?

Yes. The Board schedules all board meetings for each year and places the schedule on the website no later than one (1) month before the first Board meeting of the year. Meeting agendas are sent to all stakeholders and posted on the Board website at least seven (7) business days before a regularly scheduled meeting. Minutes are recorded for each meeting and are placed on the Board website following approval by the Board; minutes are also available for inspection in the Board office. In addition, recordings of meetings are placed on the Board website.

8. How does the board ensure that its members are operating in an impartial manner and that there are no conflicts of interest? If the board operates under a formal conflict of interest policy, please attach a copy of that policy.

When Board members are appointed, they are given an orientation during which conflicts of interest and the need for impartiality are discussed. All Board members are required to sign an annual conflict of interest statement.

Additionally, complaints against members of the profession are presented to the board in an anonymous manner so the board members can avoid conflicts during the disciplinary hearing process.

(Attachment 3).

9. Does the board have the authority to promulgate rules? If such authority is not granted, does the board feel that authority is needed? If rules have been promulgated, please cite the reference.

The board has the authority to promulgate rules pursuant to Tenn. Code Ann. §§ 62-18-105(d), 62-18-106(c) – (d), 62-18-117, 62-18-119(d), 62-18-125(b), and 62-18-128(f). These rules are found at Tenn. Comp. R. & Regs. §§ 0820-01 – 0820-05.

10. Does the board have a website? If so, please provide the web address. What kind of public information is provided on the website?

Yes. The Board's web site is found at <https://www.tn.gov/commerce/section/land-surveyors>. The web site includes frequently asked questions, licensee and applicant resources, public meeting information, links to rule and laws, consumer resources, and contact information, and other resources.

11. What were the board's major accomplishments during fiscal years 2014 and 2015?

The board ensured compliance with statutory requirements, including reviewing the applications for all candidates for examination. In addition, they made revisions to Rule 0820-1.

12. What reports, if any, does the board prepare concerning its activities, operations and accomplishments? Who receives copies of these reports? Please attach copies of any such reports issued in fiscal years 2014 and 2015.

All programs prepare a year-end financial report. This includes the revenues and expenditures for the year and is presented to the board by the administration and director annually. Examples of the year-end financials are also attached as mentioned in answer number 6.

13. Section 62-18-108, Tennessee Code Annotated, requires the board to keep a record of all applicants for registration. How many applications for registration did the board receive during fiscal years 2014 and 2015? Of those, how many registrations were granted?

In fiscal year 2014 forty-seven (47) initial applications were received, of those twenty-seven (27) were approved (20 denied). In fiscal year 2015 there were forty-one (41) initial applications received, of those twenty-six (26) were approved (15 denied). The above noted denials were for several reasons; failure to meet education requirements; failure to complete the number of years of experience required, or failure to demonstrate compliance with Tennessee standards in completing a plat for experience credit were the most commonly noted.

14. How many registrations have been issued in fiscal years 2014 and 2015 under the provisions of Section 62-18-110, Tennessee Code Annotated which allows for reciprocity?

There were nine (9) applications approved in fiscal year 2014 which would apply under the provisions of section 62-18-110; nine (9) were denied. Of the twenty-six (26) approved in fiscal year 2015, eight were from reciprocal states. Two (2) of the denied were from reciprocal states in fiscal year 2015. The denied applications were generally denied for failing to comply with Tennessee's standards of practice when submitting the reports for demonstration credit.

15. Section 62-18-115, Tennessee Code Annotated, allows the board to inquire into the identity of any person claiming to be a land surveyor and to prosecute any person violating this chapter. Please provide information on investigations and / or prosecutions for fiscal years 2014 and 2015.

2013 – 2014: The Board received 2 complaints alleging unlicensed activity. During the period, one (1) person was disciplined for unlicensed activity.

2014 – 2015: The Board received 1 complaint alleging unlicensed activity. During the period, no persons were disciplined for unlicensed activity.

16. Under the provisions of Section 62-18-116, Tennessee Code Annotated, the board may deny, suspend or revoke a certificate of registration. For fiscal years 2014 and 2015, how many certificates of registration were denied and what were the primary reasons for denial? How many certificates of registration were

suspended or revoked during the same period? What were the primary reasons for the revocation or suspension?

There were no licensees denied or revoked in fiscal years 2014/2015 under the provisions of 62-18-116. There was one (1) licensee suspended in fiscal year 2015 for failure to comply with Tennessee Code Annotated 56-1-312 (b)(2)(a) default on a state of federal education loan or service conditional scholarship guaranteed or administered by TSAC.

17. Has the board developed and implemented quantitative performance measures for ensuring it is meeting its goals? (Please answer either yes or no). If the board has developed and implemented quantitative performance measures, answer questions 18 through 25. If the board has not developed quantitative performance measures, proceed directly to question 25.

Yes, the board has developed and implemented quantitative performance measures with the assistance of the Division of Regulatory Boards.

18. What are your key performance measures for ensuring the board is meeting its goals? Describe so that someone unfamiliar with the program can understand what you are trying to measure and why it is important to the operation of your program.

The Board's key performance measures are:

- 1) Timely issuance of licenses*
- 2) Efficient resolution of complaints filed against industry members*
- 3) Financial self-sufficiency of the board*

These goals are important because the program is charged with protecting the interests of consumers while ensuring effective and timely processing of licensure and oversight of Tennessee professionals.

19. What aspect[s] of the program are you measuring?

The aspects being measured are timely licensure, efficient complaint processing, and financial self-sufficiency.

20. Who collects relevant data and how is this data collected (e.g., what types information systems and/or software programs are used) and how often is the data collected? List the specific resources (e.g., report, other document, database, customer survey) of the raw data used for the performance measure.

Licensure: *The data collected for the licensure metric is pulled monthly from our Licensing System, and reviewed by the Division's Accounting Manager. This data is used by the Accounting Manager to evaluate average licensure times and form a summary report within Excel.*

Complaints: *The data for the complaint information pulled weekly from our licensing system and is presented in a case and complaint report, which reports*

the current status of all complaints open. The Division's Accounting Manager then pulls raw data from our licensing system and utilizes Access and Excel monthly to calculate the complaint metric.

Self-Sufficiency: *The program works with the Fiscal Division and Accounting Manager to prepare an Annual Spending Plan. Then monthly the program reviews performance spreadsheets that include forecast and actual amounts, conducts monthly meetings with Assistant Commissioner's staff to review board performance, monitors expenses and revenue and schedules annual financial presentations to the board.*

21. How is the actual performance measure calculated? If a specific mathematical formula is used, provide it. If possible, provide the calculations and supporting documentation detailing your process for arriving at the actual performance measure.

Complaint performance measure – *The board is measured by evaluating whether complaints are resolved or referred to formal hearing within 180 days of their initial processing beginning with the date of receipt of the complaint.*

Licensing performance measure – *The average number of days required to issue a license is taken and compared annually against the previous year's average licensure timeframe.*

Self-Sufficiency – *The program is evaluated by whether the program can financially sustain its operations over (2) years.*

22. Is the reported performance measure result a real number or an estimate? If an estimate, explain why it is necessary to use an estimate. If an estimate, is the performance measure result recalculated, revised, and formally reported once the data for an actual calculation is available?

The reported performance measure is a real number.

23. Who reviews the performance measures and associated data/calculations? Describe any process to verify that the measure and calculations are appropriate and accurate.

The performance measures and associated data/calculations are reviewed by the Accounting Manager and the Board director. The 180 Day Case and Complaint metric is also reviewed by the program attorneys. The measure is compared to the prior month's measures to assess appropriateness and accuracy. The financial performance measures are reviewed by the Accounting Manager, the Board director, the Board, and the Assistant Commissioner for Regulatory Boards. Additionally, all licensure and complaint calculations are reported to the Office of Customer Focused Government monthly.

24. Are there written procedures related to collecting the data or calculating and reviewing/verifying the performance measure? Provide copies of any procedures.

Yes, see attached complaint SOP, which is used to describe the process used to measure the efficiency of the complaint process.

Yes, see attached self-sufficiency SOP.

25. Describe any concerns about the board's performance measures and any changes or improvements you think need to be made in the process.

The current measures related to licensure and complaints will be impacted by the new licensure system that has been put into place this year. This system will create a more efficient process for handling licensure and complaints, but it will take time to make sure the measurements will accurately take into account the changes caused as a result of the implementation of the new licensure system processes.

26. Provide an explanation of any items related to the board that may require legislative attention, including your proposed legislative changes.

No legislative changes are needed at this time.

27. Should the board be continued? To what extent and in what ways would the absence of the board affect the public health, safety, or welfare of the citizens of the State of Tennessee?

Yes. This Board should be continued in order to ensure that only properly qualified individuals engage in the practice of land surveying. Accurate surveying is vital to ensure that buildings fit onto a piece of property, that property lines are accurate, and other important functions that arise from the accurate measurement and mapping provided by surveyors. Termination of the Board would negatively impact the public health, safety, and welfare, since the public would no longer have the assurance that these measurements were accurately performed by professionals with appropriate training. All 50 states have recognized that the regulation of land surveying is vital to protect the public's health, safety, and welfare.

28. Please list all board programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

The Board does not receive federal financial assistance.

If the board does receive federal assistance, please answer questions 29 through 36. If the board does not receive federal assistance, proceed directly to question 35.

29. Does the board prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

30. Does the board have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.
31. To which state or federal agency (if any) does the board report concerning Title VI? Please describe the information the board submits to the state or federal government and/or provide a copy of the most recent report submitted.
32. Describe the board's actions to ensure that association staff and clients/program participants understand the requirements of Title VI.
33. Describe the board's actions to ensure it is meeting Title VI requirements. Specifically, describe any board monitoring or tracking activities related to Title VI, and how frequently these activities occur.
34. Please describe the board's procedures for handling Title VI complaints. Has the board received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).
35. Please provide a breakdown of current board staff by title, ethnicity, and gender.

Title	Ethnicity	Gender
Executive Director	Caucasian	Female
Complaint Coordinator	Middle Eastern	Female
Administrative Assistant	Caucasian	Male
Administrative Assistant	Caucasian	Male
Administrative Assistant	Caucasian	Female

36. Please list all board contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.
 - National Council of Examiners for Engineering and Surveying
 - For services related to the grading of the written Principles of Surveying licensure examinations of the Tennessee Board of Examiners for Land Surveyors
 - 7/1/15-6/30/16
 - Maximum Liability - \$10,000
 - Gresham, Smith and Partners
 - For services related to expert review and witness regarding cases of land surveyor alleged violations
 - 1/15/2012-1/14/2017
 - Maximum Liability – \$208,000
 - John T. Darnall
 - For services related to expert review and witness regarding cases of land surveyor alleged violations

- 1/15/2012-1/14/2017
 - Maximum Liability - \$104,000
- David L. Matthews
 - For services related to expert review and witness regarding cases of land surveyor alleged violations
 - 1/15/2012-1/14/2017
 - Maximum Liability - \$85,000
- Peter Messier
 - For services related to development and administration of a Tennessee-specific licensure examination and administration of NCEES examination
 - 4/1/2012-3/30/2017
 - Maximum Liability - \$110,520

The Board only has the ethnicity of a contractor if it is self-reported as a Minority Owned Business. As none of the above-businesses reported that information, the Board does not have information regarding the ethnicity of those contractors/business owners.

Members

Function	Member	Term Expires
Board Member	Galyon Northcutt	9/30/2017
Board Member	Tim Lingerfelt	6/30/2015
Public Board Member	Sue Braly	6/30/2016
Board Member	Jay Caughman	6/30/2019



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 DEPARTMENT OF COMMERCE AND INSURANCE
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 615-741-3449 FAX 615-741-6470

CONFLICT OF INTEREST STATEMENT

For

Board and Commission Members

- 1) Each board or commission member shall avoid any action, whether or not specifically prohibited by statute or regulation, which might result in or create the appearance of:
 - i. Using public office for private gain;
 - ii. Giving preferential treatment to any person;
 - iii. Impeding government efficiency or economy;
 - iv. Losing complete independence or impartiality;
 - v. Making a government decision outside of official channels; or
 - vi. Affecting adversely the confidence of the public in the integrity of the government.

- 2) Use of information. No board or commission member shall, directly or indirectly:
 - i. Use, disclose, or allow the use of official information which was obtained through or in connection with his or her appointment to the respective board or commission and which has not been made available to the general public for the purpose of furthering the private interest or personal profit of any person, including the board or commission member; or
 - ii. Engage in a financial transaction as a result of, or primarily relying upon, information obtained through his or her board or commission appointment.

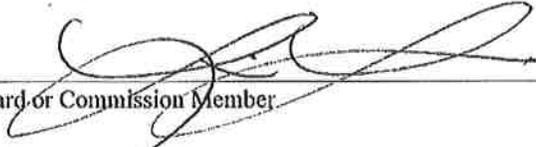
- 3) Use of government property. No board or commission member shall make use of the facilities, equipment, personnel, or supplies of the State or its agencies for private use or gain, except to the extent that the use is incidental or de minimis or is lawfully available to the general public.

- 4) The board or commission member will avoid all known conflicts of interest, and to the extent he or she becomes aware of a conflict of interest in connection with any matter brought before the board or commission on which he or she serves, he or she will disclose such conflict to the appropriate person and will further recuse himself or herself from participating in any consideration of the matter.

- 5) While serving on any board or commission, the board or commission member will not participate in considerations or actions involving individuals in his or her immediate family, individuals employed by him or her, or his or her organization, services provided by him or her, or his or her organization, or any other matter in which his or her participation may create an appearance of bias or impropriety.

- 6) While serving on any board or commission, the board or commission member shall not serve as an officer, or otherwise serve in a policy-making role, in any trade or professional association directly related to the trade or profession regulated by the board or commission on which he or she serves. Service on committees of trade or professional associations is permissible; provided, however, that while in such service, the board or commission member does not participate in considerations or actions concerning the board or commission of which he or she is a member.

- 7) Questions on interpretation of this statement. When a board or commission member is in doubt as to the proper interpretation of this conflict of interest statement, he or she is expected to seek the advice of the Commissioner of Commerce and Insurance or the Ethics Compliance Officer of the Department of Commerce and Insurance.


Board or Commission Member

01-06-2015
Date

Print Name: TIM LINGENFELT

Board or Commission Name: TN. STATE BOARD OF EXAMINERS FOR LAND SURVEYORS

Please list any conflicts of interest:



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Sue S. Braly

Board or Commission Member

1-15-2015

Date

Print Name: SUE S. BRALY

Board or Commission Name: BOARD OF EXAMINERS FOR LAND SURVEYORS

Please list any conflicts of interest:



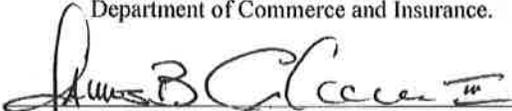
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Board or Commission Member

1-22-15
Date

Print Name: JAMES B. CAUGHMAN, III

Board or Commission Name: BOARD OF EXAMINERS FOR LAND SURVEYORS

Please list any conflicts of interest:

NONE



DM

Attachment 3

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
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Galyon W. Northcutt
Board or Commission Member

1-13-15
Date

Print Name: GALYON W. NORTHCUTT

Board or Commission Name: BOARD OF EXAMINERS FOR LAND SURVEYORS

Please list any conflicts of interest:

 NONE

REGULATORY BOARDS

EXPENDITURES

For Fiscal Years 2012-2015

	FY 11-12	FY12-13	FY13-14	FY14-15
EXPENDITURES BY OBJECT	LND SRV	LND SRV	LND SRV	LND SRV
Regular Salaries and Wages (70100)	\$ 41,140	\$ 37,188	\$ 42,803	\$ 42,004
Longevity (70102)	2,540	2,500	2,600	2,700
Overtime (70104)	-	-	-	-
Employee Benefits (702)	19,123	15,760	16,966	17,440
Payroll Expenditures	62,803	55,448	62,370	62,144
Travel (703)	8,079	10,699	13,943	13,139
Printing, Duplicating & Film Proc. (704)	-	-	-	-
Utilities and Fuel (705)	-	-	-	-
Communications & Shipping (706)	1,886	321	2,036	508
Maint., Repairs and Svcs by Others (707)	-	-	-	-
Third Party Prof. & Admin. Svcs (708)	33,657	37,110	42,898	40,486
Supplies and Office Furniture (709)	151	165	594	8
Rentals and Insurance (710)	-	-	-	-
Motor Vehicle Operation (711)	-	-	-	-
Awards and Indemnities (712)	-	-	-	-
Grants and Subsidies (713)	-	-	-	-
Unclassified Expenses (714)	-	-	-	-
Inventory (715)	-	-	-	-
Equipment (716)	-	-	-	-
Land (717)	-	-	-	-
Buildings (718)	-	-	-	-
Lost Discounts (719)	-	-	-	-
Highway Construction (720)	-	-	-	-
Training of State Employees (721)	600	2,250	3,050	2,390
Computer Related Items (722)	-	343	92	-
State Prof. Svcs. (725)	16,426	14,115	12,014	11,325
Total Other Expenditures	60,799	65,004	74,626	67,856
GRAND TOTAL	123,602	120,453	136,996	130,001
Cost Backs:				
Administration	40,470	29,806	33,301	57,050
Investigation	8,062	7,816	13,189	-
Legal	-	20,298	10,730	-
Total Cost Backs	48,531	57,921	57,220	57,050
TOTAL EXPENDITURES	172,133	178,373	194,216	187,051
Licensing Revenue	373,073	30,190	351,639	25,437
Case and Complaint Revenue		8,779	1,020	1,000
Less: State Regulatory Fee	5,700	380	11,590	450
Net Revenue	367,373	38,589	341,069	25,987
FISCAL YEAR BALANCE	195,240	(139,784)	146,853	(161,063)
PRIOR FISCAL YEAR RESERVE	85,681	280,921	141,137	281,164
RESERVE BALANCE	280,921	141,137	287,990	120,101
CORE Expense	-	-	6,826	-
RESERVE BALANCE AFTER CORE EXPENSE	280,921	141,137	281,164	120,101

**DEPARTMENT OF COMMERCE AND INSURANCE
DIVISION OF REGULATORY BOARDS
COMPLAINT HANDLING STANDARD OPERATING PROCEDURE**

Form of complaint

Complaints shall be in writing and should fully explain the allegation.

Who can initiate a complaint?

A complaint may be initiated by any member of the general public. Complaints may also be initiated by referrals from the Division's staff, the Division or Department's legal staff or Board or Commission members. All internal complaints should be opened as staff complaints. Anonymous complaints should be discouraged. All anonymous complaints shall be reviewed on a case-by-case basis by the Program Director in consultation with the Program Attorney¹ to determine what, if any, action they merit.

Request for complaint form

Staff should first direct the requestor to the complaint form on the website. If the requestor does not have internet access, then staff shall forward a complaint form to requestor either by mail or email within one (1) day² of request. Instructions shall be included explaining the Program's complaint process, the Program's legal authority, and a statement that Regulatory Board Division programs cannot require restitution or specific performance.

Upon receipt of complaint

Within one (1) day of receipt of complaint, Program Director or designee shall conduct an initial review of complaint to determine (1) whether complaint is a high priority matter (e.g., the alleged conduct poses an imminent danger to the public health, safety and welfare) and (2) whether complaint has been filed with the correct program.

- 1) If Program Director or designee determines that complaint is a high priority matter, they should immediately notify the Program Attorney³. After consulting with the Program Attorney, the Program Director or designee shall immediately notify the Deputy General Counsel and Assistant Commissioner that the complaint is deemed to be a high priority matter. Program Attorney should report the progress of all high priority matters in the weekly report to the Deputy General Counsel and Program Director should report the progress of all high priority matters in the monthly report to the Assistant Commissioner.
- 2) If Program Director or designee finds the complaint is not filed with correct program, they should contact the Program Attorney. After consultation with Program Attorney, the incorrectly filed complaint should be forwarded to the correct Division

¹ "Program Attorney" refers to the Attorney assigned to the Program.

² All references to "day" or "days" are references to working days

³ If the Program's Board Attorney is not available, the Program Director should consult with the Program's Litigation Attorney, the Chief Counsel or the Deputy General Counsel.

program or other state regulatory program(s) with an interest in the complaint within three (3) days of receipt of complaint.

- 3) Within three (3) days of receipt of complaint, the Complaint Coordinator shall:
 - a. Enter complaint into the Regulatory Boards Case/Complaint System (RBCCS). The RBCCS will automatically assign a complaint number to the complaint.
 - b. Send a copy of the complaint, via certified mail, to the Respondent, unless otherwise advised by the Program Attorney. Complaint Coordinator shall enclose a letter instructing that Respondent shall have fourteen (14) days from date of receipt of the complaint in which to respond.
 - c. Send notification of receipt of complaint to Complainant via regular mail.

No response to complaint

If no response is received from the Respondent, Complaint Coordinator shall forward complaint to Division's legal department within thirty (30) days of receipt of complaint.

Upon receipt of response to complaint

Within three (3) days of receipt of response to complaint, the Complaint Coordinator shall:

- 1) Update the RBCCS.
- 2) Forward copy of complaint and response to Program Director and Division Legal Department.
- 3) Forward copy of response to the Complainant unless otherwise directed by Program Attorney.

Upon referral to Legal Staff

Legal Division Secretary or Program Paralegal shall open new matter transmittals in RBCCS as cases and transmit them to the Program Attorney within three (3) working days after receiving complaint from Program Staff.

Investigation requests

Investigative requests shall be completed and investigation reports shall be sent to the Program Attorney within forty-five (45) days of referral to Investigations. If additional time is needed for completion of investigative requests, the investigator shall make the request for additional time by email to the Director of Investigations with a copy to the Attorney requesting the investigation. The request for additional time must be made within forty (40) days of when the matter was referred to Investigations.

Presentation to Regulatory Authority

After review of the complaint, as well as any response, investigation report or other relevant information, the Program Attorney will present an anonymous summary of the complaint in a written legal report to the Program's regulatory authority along with a recommendation as to probable cause. In cases where informal settlement is authorized (e.g., consent order),

Respondent shall be given thirty (30) days from receipt of the offer of settlement to respond. If Respondent fails to respond to offer within the thirty (30) day period, Legal Staff shall prepare the case for the next appropriate action (e.g., filing of formal charges).

Final action and closure of case

1) Procedure for case in which Respondent is to comply over time

Cases closed with a signed order (consent order, agreed order, initial order or final order) that includes a period of time for payment of a civil penalty and/or costs and/or any non-monetary conditions to be completed over a period of time will be monitored by Division Program Staff and Program Attorney. Program Attorney will deliver a copy of the executed order to the Program Director and initially enter the order on the appropriate tracking chart within three (3) days of receipt of the executed order. Program Attorney and Program Director will review Respondent's compliance with such orders at each monthly meeting. Any evidence of compliance received by the Program Attorney shall be delivered to Program Staff within one (1) day of receipt. Program Staff shall update the tracking chart within three (3) days of receipt of each item evidencing Respondent's compliance with order. Once Respondent complies with the terms of the order or is determined by Program Director and Program Attorney to have failed to comply with the order, any final action provided in the order shall be taken and the case shall be closed as set forth below.

2) Procedure for closing case

After final action is taken in a case, the Program Attorney shall complete the Legal Status Tracking Memorandum, which shall include the date of closure⁴ and a description of the final action (e.g., dismissed, letter of warning, consent order paid, formal hearing/revocation, etc.). The Memorandum and the file shall be delivered to the Legal Division Secretary or the Program Paralegal. The Legal Division Secretary or Program Paralegal shall update RBCCS within three (3) days of receipt. Within three (3) days of closure of the case in RBCCS, Legal Staff shall send a copy of the Memorandum and executed order or letter of warning to Program Staff.

Closure of complaint

Program Staff shall close the complaint in RBCCS and send a written notification to the Complainant regarding closure within three (3) days of receipt of closure Memorandum from Legal Staff.

Cases Referred for Collection

Any order authorized or issued by a board, commission, Commissioner or administrative law judge that assesses a civil penalty and/or costs that is not timely satisfied, is subject to being sent

⁴ Closure date is to be determined as follows: Dismissed/Closed with no action: date of board vote; Letter of Warning: date letter is sent; Consent Order/ Agreed Order (no monitoring): date executed order is received; Consent Order/ Agreed Order (with monitoring): date final payment or action is completed; Formal Hearing: date Initial/Final Order is filed with Secretary of State.

Division of Regulatory Boards Self-Sufficiency SOP

Objective:

The following provides a brief overview of the plan that the Division of Regulatory Boards has developed in order to have a documented and formalized process to ensure that the financial position of each board is properly reviewed. Additionally, management will devote ongoing resources to education and training of appropriate program staff (Executive Directors and Administrative Managers) with regards to budget forecasting, allocation formulas, data integrity, best practices, etc.

Education:

The Accounting Manager will prepare and conduct formalized training sessions related to the budget process and the monthly financial reports for the Division. This will include documents and training on commonly used reports, and any other financial topics, State and Fiscal policies as needed.

The budget process session will be held annually, prior to the preparation of the budget documents for F&A.

Monthly:

The Accounting Manager will hold monthly meetings with each director to review and discuss their board(s) financial position. The Accounting Manager should strive to conduct these meetings within 10 working days following the release of the monthly reports from the Department's Fiscal Service Office. This discussion will allow the Accounting Manager to focus on each individual board to ensure that all aspects of each board's financial position is reviewed and evaluated. The meeting and any notes or corrections that arise from the meeting will be recorded and kept by the Accounting Manager with the current fiscal year information.

Following the individual discussions with the board directors the Accounting Manager will meet with the Assistant Commissioner of Regulatory Boards. During this meeting the Division's overall position and any specific concerns will be discussed. Documented meeting outcomes will include

- Trend Analysis, including over/under performance by board
- Notes related to remedial steps/action items to address performance failures
- Updating of the spreadsheet used to track action item statuses
- Minutes or notes related to the meeting

Quarterly:

The Assistant Commissioner and the Accounting Manager will meet with the Deputy Commissioner and review the boards' financial positions. The meeting will be held at the conclusion of each quarter. Documented outcomes of the meeting shall include:

- Trend Analysis
- A quarterly view of the boards individual performance
- Forecast reports by board
- Identify and discuss extraneous threats to boards self-sufficiency
- Advise the Deputy Commissioner of current remedial steps/action items

The Accounting Manager will meet with the Department's Fiscal Service staff to discuss any upcoming financial reporting deadlines. The will include the annual budget, spending plans, reserve letters, and any other report required by F&A. The meeting will be held at the conclusion of the quarter.

Annually:

The Accounting Manager will prepare a financial statement for each board within 30 working days of the F&A reserve letter deadline.

The Assistant Commissioner will appear before each board and discuss the board's financial position. This meeting will ensure that board members are apprised of any financial concerns or challenges that the board may be facing. During this meeting each year the Assistant Commissioners will present the board with its financial statements from the prior fiscal year. This meeting will be held as part of the board's established monthly, bimonthly or quarterly meeting.

During the annual budget process the Accounting Manager will coordinate the preparation of the following:

- Annual Revenue Projections – Each board director is responsible for their board(s) projection.
- Annual Spending Plan – The Accounting Manager and the Assistant Commissioner will prepare with input from the directors.

Auctioneer Commission

Respondent: Exit Realty Partners Auction Division, Manchester, TN
Violations: The Auction's advertisement does not contain the bankruptcy court case number assigned by the court.
Action: \$500 civil penalty.

Respondent: Rob Erskine, Memphis, TN
Violation: Unlicensed conduct
Action: \$1000 civil penalty.

Respondent: Ricky D. Hinson, and Hinson Auction & Real Estate Inc., Jackson, TN
Violation: Respondent has violated 62-19-112(b) (12) "Any conduct of any auctioneer that demonstrates improper, fraudulent, incompetent or dishonest dealings"
Action: \$4000 civil penalty.

Collection Service Board

None

Geology Registration Program

None

Home Inspector Licensing Program

None

Board of Examiners for Land Surveyors

Respondent: Merlyn J. Jenkins, Pottsville, PA
Violation: Unlicensed conduct.
Action: \$3000 civil penalty.

Private Probation Services Council

None

Race Track Licensing Program

None

Real Estate Appraisers

None

Scrap Metals Registration Program

Respondent: Brown's Recycling, Granville, TN
Violations: Paid for copper on the same day the copper was sold.
Action: \$250 civil penalty.

Respondent: Keasler, Inc., Cleveland, TN
Violation: Respondent was not licensed under the Scrap Metal Business Location Registration Program.
Action: \$500 civil penalty.