
**Rules of
Department of Economic
Development**

**Division 30—Missouri Board for Architects,
Professional Engineers and Land Surveyors**

Chapter 12—Complaints

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT**

**Division 30—Missouri Board for
Architects, Professional Engineers
and Land Surveyors
Chapter 12—Complaints**

**4 CSR 30-12.010 Public Complaint
Handling and Disposition Procedure**

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints by the board, pursuant to the mandate of section 4.16(6) of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo (1986).

(1) The Missouri Board for Architects, Professional Engineers and Land Surveyors shall receive and process each complaint made against any licensee, permit holder, registrant of the board or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of chapter 327, RSMo. Any member of the public or the profession or any federal, state or local official, may make and file a complaint with the board. Complaints shall be received from sources without the state of Missouri and processed in the same manner as those originating within Missouri. No member of the Board for Architects, Professional Engineers and Land Surveyors shall file a complaint with this board while s/he holds that office, unless that member excuses him/herself from further board deliberations or activity concerning the matters alleged within that complaint. The secretary-treasurer or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints should be mailed or delivered to the following address: Shirley Nixon, secretary-treasurer, Missouri Board for Architects, Professional Engineers and Land Surveyors, 3523 North Ten Mile Drive, Room 218, P.O. Box 184, Jefferson City, MO 65102. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaint may be made based upon personal knowledge or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Complaints may be made on forms provided by the board and available upon request. Oral or telephone communications will not be considered or processed as

complaints, but the person making such communications will be provided with a complaint form and requested to complete it and return it to the board. Any member of the administrative staff of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communications received by the board, unless those communications are believed by the staff member to be false.

(4) Each complaint received under this rule shall be logged in a book maintained by the board for that purpose. Complaints shall be logged in consecutive order as received. The log book shall contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the board of informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This log book shall be a closed record of the board, but shall be available for inspection at the board's offices only by state senators, representatives or by qualified officials within the executive branch of Missouri government having supervisory, auditing, reporting or budgetary responsibilities or control over the board. Only upon receipt of a written request from a state senator, representative or qualified official, which specifically assures that the request is directly related to their duties as a state senator, representative or official of the executive branch of Missouri government, shall they be permitted to inspect the logbook.

(5) Each complaint shall be acknowledged in writing and investigated by the board. When the investigation is completed, the board shall write the complainant informing him/her of that fact and stating that the matter is being referred to the board for consideration at its next regularly scheduled meeting. Later, the complainant shall be informed in writing as to whether the complaint is dismissed by the board or is being referred to legal counsel for filing with the Administrative Hearing Commission. The complainant shall be notified of the ultimate disposition of the complaint, excluding judicial appeals and shall be provided with copies of the decisions, if any, of the Administrative Hearing Commission and the board at that time. Provided, that the provisions of this subsection shall not apply to complaints filed by staff members of the board, based on information and belief, acting

in reliance on third-party information received by the board.

(6) Both the complaint and any information obtained as a result of the investigation of the complaint shall be considered a closed record of the board and shall not be available for inspection by the public. During the investigative state, the board and its executive staff shall keep the complaint and the fact of its existence confidential to the extent practicable. However, a copy of the complaint and any attachments shall be provided to any licensee who is the subject of that complaint or his/her legal counsel, upon written request to the board, only after the board has filed a complaint against that licensee with the Administrative Hearing Commission based upon the facts alleged in the complaint made to the board.

(7) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee, permit holder or registrant of the board with any actionable conduct or violation, whether or not such a complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board and whether or not any public complaint has been filed with the board.

(8) The board interprets this rule, as required by law, to exist for the benefit of those members of the public who submit complaints to the board and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing boards. This rule is not deemed to protect or inure to the benefit of those licensees, permit holders, registrants or other persons against whom the board has instituted or may institute administrative or judicial proceedings concerning possible violations or the provisions of chapter 327, RSMo.

*Auth: section 327.041, RSMo (1986).
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